



## Philip Torbøl

### Partner

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## OVERVIEW

Philip Torbøl is a founding partner of the firm's Brussels office and is a member of the antitrust, competition, and trade regulation group. Within his practice, he focuses on EU competition law, international trade laws, and internal market.

Philip's representation of clients spans over many industry sectors, with particularly strong expertise in the areas of transport, logistics, travel, digital and technological industries, online distribution, and consumer electronics. He advises clients in all aspects of competition law, including the conduct of dominant companies, distribution practices, cartel investigations, merger control, and state aid.

Beyond his traditional competition law practice, Philip supports clients in their efforts to gain fair access to the EU market and to design efficient distribution strategies within the framework of EU law. In doing that, Philip advises clients in international trade law instruments (WTO, customs and tariffs, trade defence instruments, trade sanctions, free trade agreements, and other bilateral agreements), as well as other EU legal instruments, such as internal market rules and consumer protection regulations.

A former EU official, Philip is known for his effective approach to defend his clients' interests, not hesitating to combine various EU law instruments, as well as lobbying, to achieve his objectives. Clients appreciate his practical focus on the commercial impact of any process and action.

Philip is a regular contributor to the debate in specialised publications on EU, Competition Law and Trade policy. He has written numerous articles and spoken on many occasions on competition issues to both general and specialized business audiences. He was shortlisted for the *Global Competition Review's* 40 under 40 list.

## PROFESSIONAL BACKGROUND

Philip began his career in the European Parliament in Brussels and was also an executive committee member of the European Commission's Youth Forum.

Prior to joining the firm, he practiced as a partner with another international law firm in Brussels.

## PROFESSIONAL / CIVIC ACTIVITIES

- Board Member of the Danish Business Leaders Association (DANEX)
- Deputy Chairman of the Danish Conservative Party in Brussels

## EDUCATION

- LL.M., University of Copenhagen, 1999
- LL.B., University of Copenhagen, 1994

## ADMISSIONS

- Bar of Brussels
- Bar of Denmark

## LANGUAGES

- Danish
- English
- French
- Norwegian
- Swedish

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 9 September 2020, Brussels Rail Transport Brief: July-August 2020 (*Alerts/Updates*)
- 9 September 2020, Germany's Highest Antitrust Court Published the Detailed Written Statement of Reasons of its Facebook-Decision -- With Consequences for the Entire Industry (*Alerts/Updates*)
- 8 September 2020, E-Concessions and Competition Law (*Alerts/Updates*)
- 29 July 2020, European Commission Consults on a Carbon Border Mechanism (*Alerts/Updates*)
- 20 July 2020, Brussels Air Transport Brief: June 2020 (*Alerts/Updates*)
- 8 July 2020, Brussels Regulatory Brief: June-July 2020 (*Alerts/Updates*)
- 7 July 2020, Enforcement of Customer-Competitor Infringements and Price Monitoring Tools Intensifies (*Alerts/Updates*)
- 7 July 2020, Brussels Rail Transport Brief: June 2020 (*Alerts/Updates*)

- 18 June 2020, Brussels Air Transport Brief: May 2020 (*Alerts/Updates*)
- 15 June 2020, COVID-19: European Borders Are Set to Reopen One Step at a Time for International Travelers (*Alerts/Updates*)
- 12 June 2020, Brussels Rail Transport Brief: May 2020 (*Alerts/Updates*)
- 2 June 2020, Brussels Regulatory Brief: May 2020 (*Alerts/Updates*)
- 12 May 2020, Brussels Air Transport Brief: April 2020 (*Alerts/Updates*)
- 6 May 2020, COVID-19: The Commission Provides Guidance to Member States on the Protection of EU's Critical Assets and Technologies from Acquisitions and Investments by Non-EU Companies in the Context of the COVID-19 Outbreak (*Alerts/Updates*)
- 6 May 2020, COVID-19: Commission Waives Customs Duties and VAT on the Import of Vital Medical Supplies from Third Countries (*Alerts/Updates*)
- 1 May 2020, Brussels Regulatory Brief: April 2020 (*Alerts/Updates*)
- 28 April 2020, Brussels Rail Transport Brief: April 2020 (*Alerts/Updates*)
- 20 April 2020, COVID-19: Commission Publishes Road Map to Coordinate Lifting of COVID-19 Measures in the European Union (*Alerts/Updates*)
- 20 April 2020, COVID-19: Beware Illegal Use of Price Monitoring Tools (*Alerts/Updates*)
- 7 April 2020, Brussels Air Transport Brief: March 2020 (*Alerts/Updates*)
- 31 March 2020, COVID-19: Adopted Measures by EU Member States (*Alerts/Updates*)
- 31 March 2020, Brussels Regulatory Brief: March 2020 (*Alerts/Updates*)
- 30 March 2020, COVID-19: Closure of All Non-Essential Manufacturing Plants in Spain (*Alerts/Updates*)
- 23 March 2020, Brussels Rail Transport Brief: March 2020 (*Alerts/Updates*)
- 20 March 2020, COVID-19: The European Commission Sets Out State Aid Strategy – Opportunities and Challenges for EU Businesses (*Alerts/Updates*)
- 20 March 2020, COVID-19: Taking Extraordinary Measures at Times of Crisis- COVID-19 and the Boundaries of Cooperation Under European Competition Law (*Alerts/Updates*)
- 18 March 2020, European Commission Proposes New Framework to Mainstream Circularity (*Alerts/Updates*)
- 11 March 2020, European Commission Proposes European Climate Law and to Make 2021 the European Year of Rail (*Alerts/Updates*)
- 5 March 2020, Brussels Air Transport Brief: February 2020 (*Alerts/Updates*)
- 3 March 2020, Brussels Regulatory Brief: February 2020 (*Alerts/Updates*)

- 21 February 2020, European Commission Presents Digital Strategy (*Alerts/Updates*)
- 6 February 2020, Brussels Air Transport Brief: January 2020 (*Alerts/Updates*)
- 5 February 2020, European Commission Adopts a Roadmap for its Initiatives in 2020 (*Alerts/Updates*)
- 30 January 2020, Heightened Enforcement Against Brands' Control of Resale Pricing by Competition Authorities Worldwide (*Alerts/Updates*)
- 20 January 2020, Brussels Regulatory Brief: January 2020 (*Alerts/Updates*)
- 13 December 2019, The European Commission Sets Ambitious Reforms with the 'European Green Deal' (*Alerts/Updates*)
- 27 November 2019, Brussels Regulatory Brief: November 2019 (*Alerts/Updates*)
- 13 November 2019, P2B Regulation: Commission Consults Industry on Ranking Guidelines (*Alerts/Updates*)
- 8 November 2019, Swedish Sector Inquiry into Digital Platforms (*Alerts/Updates*)
- 31 October 2019, Brussels Regulatory Brief: October 2019 (*Alerts/Updates*)
- 23 October 2019, Global Distribution Strategies in a Digital Era: Price Erosion Strategies, Platform Regulations, Algorithms, Use of Data (*Research Surveys*)
- 30 September 2019, Brussels Regulatory Brief: September 2019 (*Alerts/Updates*)
- 19 September 2019, The VBER Consultation - Stakeholders Call For an Update to Reflect the Realities of the E-Commerce Market (*Alerts/Updates*)
- 22 July 2019, Brussels Regulatory Brief: July 2019 (*Alerts/Updates*)
- 26 June 2019, Brussels Regulatory Brief: June 2019 (*Alerts/Updates*)
- 21 June 2019, Brussels Air Transport Brief: June 2019 (*Alerts/Updates*)
- 7 June 2019, The Pitfalls of Price Monitoring in the EU (*Alerts/Updates*)
- 17 May 2019, Brussels Regulatory Brief: May 2019 (*Alerts/Updates*)
- 10 May 2019, Brussels Air Transport Brief: May 2019 (*Alerts/Updates*)
- 5 April 2019, Brussels Regulatory Brief: April 2019 (*Alerts/Updates*)
- 4 April 2019, Brussels Air Transport Brief: April 2019 (*Alerts/Updates*)
- 25 March 2019, New EU Foreign Direct Investment Screening Legislation Coming to Life (*Alerts/Updates*)
- 14 March 2019, Brussels Regulatory Brief: March 2019 (*Alerts/Updates*)
- 13 March 2019, Brussels Air Transport Brief: March 2019 (*Alerts/Updates*)
- 8 February 2019, Brussels Regulatory Brief 2018 - A Year in Review (*Research Surveys*)

- 30 January 2019, Brussels Air Transport Brief: January 2019 (*Alerts/Updates*)
- 28 January 2019, Brussels Regulatory Brief: January 2019 (*Alerts/Updates*)
- 20 December 2018, Brussels Regulatory Brief: December (*Alerts/Updates*)
- 30 November 2018, Brussels Regulatory Brief: November (*Alerts/Updates*)
- 19 November 2018, Brussels Air Transport Brief: November 2018 (*Alerts/Updates*)
- 6 November 2018, Brussels Regulatory Brief: October (*Alerts/Updates*)
- 27 September 2018, Brussels Regulatory Brief: September (*Alerts/Updates*)
- 31 August 2018, Brussels Regulatory Brief: August (*Alerts/Updates*)
- 3 July 2018, Brussels Regulatory Brief: July 2018 (*Alerts/Updates*)
- 4 June 2018, Brussels Regulatory Brief: June 2018 (*Alerts/Updates*)
- 17 May 2018, United States Ceases Participation in Iran Nuclear Deal and Will Implement Pre-Deal Sanctions Regime – Practical Considerations (*Alerts/Updates*)
- Spring 2018, EU and UK Sanctions and Export Controls Update (*Alerts/Updates*)
- April 2018, Brussels Regulatory Brief: April 2018 (*Alerts/Updates*)
- 7 March 2018, Brussels Regulatory Brief: March 2018 (*Alerts/Updates*)
- 25 January 2018, Brussels Regulatory Brief: January (*Alerts/Updates*)
- December 2017, Brussels Regulatory Brief: December (*Alerts/Updates*)
- October 2017, Brussels Regulatory Brief: October (*Alerts/Updates*)
- 30 August 2017, Brussels Regulatory Brief: August (*Alerts/Updates*)
- 6 July 2017, Brussels Regulatory Brief: July (*Alerts/Updates*)
- 14 June 2017, The EU Singapore Free Trade Agreements Cannot Enter Into Force, EU Court Rules (*Alerts/Updates*)
- 9 June 2017, Brussels Regulatory Brief: June (*Alerts/Updates*)
- 2 May 2017, Brussels Regulatory Brief: May (*Alerts/Updates*)
- 20 April 2017, EU and UK Sanctions Update: April 2017 (*Alerts/Updates*)
- 6 April 2017, More Transparency, Better Access, Strong Support to FinTech: a New EU Plan for Retail Finance (*Alerts/Updates*)
- April 2017, Brussels Regulatory Brief: April (*Alerts/Updates*)
- March 2017, Brussels Regulatory Brief: March (*Alerts/Updates*)

- 2 February 2017, Brussels Regulatory Brief: February (*Alerts/Updates*)
- December 2016, Brussels Regulatory Brief: December (*Alerts/Updates*)
- November 2016, Brussels Regulatory Brief: November (*Alerts/Updates*)
- 21 November 2016, EU and UK Sanctions Update: November 2016 (*Alerts/Updates*)
- October 2016, Brussels Regulatory Brief: October (*Alerts/Updates*)
- August 2016, Brussels Regulatory Brief: July (*Alerts/Updates*)
- 22 July 2016, EU and UK Sanctions Update: July 2016 (*Alerts/Updates*)
- July 2016, Global Boardroom Risk Solutions Newsletter (*Research Surveys*)
- 4 July 2016, CJEU Sends a Reminder to Parent Companies as regards the Imposition of Liability for their Subsidiaries' Involvement in a Cartel (*Alerts/Updates*)
- 13 May 2016, "Brexit Bites": The Impact on Trade with and from the UK (*Alerts/Updates*)
- 12 May 2016, European Union and United Kingdom Sanctions Update: May 2016 (*Alerts/Updates*)
- April 2016, Brussels Regulatory Brief: April (*Alerts/Updates*)
- 17 March 2016, European Union and United Kingdom Sanctions Update: March 2016 (*Alerts/Updates*)
- 14 March 2016, CJEU Reaffirms Independence of EU and Member States Leniency Programs (*Alerts/Updates*)
- February 2016, Brussels Regulatory Brief: February 2016 (*Alerts/Updates*)
- 29 January 2016, Iran Sanctions Relief and Further EU Regulatory Developments in 2016 (*Alerts/Updates*)
- November 2015, Brussels Regulatory Brief: November (*Alerts/Updates*)
- October 2015, Brussels Regulatory Brief: September/October (*Alerts/Updates*)
- 29 October 2015, CJEU Sends Clear Warning to "Cartel Facilitators" (*Alerts/Updates*)
- August 2015, Brussels Regulatory Brief: July (*Alerts/Updates*)
- 17 July 2015, EU Focus: Iranian Nuclear Accord Reached, but Specific Implementation of Meaningful EU Sanctions Relief Will Not be Immediate (*Alerts/Updates*)
- 14 July 2015, The Court of Justice of the European Union Confirms the Commission's Long Arm in Fighting International Cartels (*Alerts/Updates*)
- July 2015, Brussels Regulatory Brief: June (*Alerts/Updates*)
- 22 June 2015, European Commission Launches Action Plan to Review EU Corporate Tax Framework and Close Tax Loopholes (*Alerts/Updates*)

- 26 May 2015, European Commission Launches Reform of EU Policy-Making Process (*Alerts/Updates*)

## OTHER PUBLICATIONS

- “First Ever State Aid Sector Investigation: Electricity Producers Targeted by the European Commission,” *Journal of European Competition Law & Practice*, June 2015

## AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation
- European Regulatory
- Financial Services Policy
- International Trade: CFIUS, Sanctions, and Export Controls
- Public Policy and Law

## REPRESENTATIVE EXPERIENCE

- Advised a tobacco company in a Commission investigation into alleged collusion.
- Defended an oil company in a cartel investigation by DG Comp into an alleged collusion in the European oil sector.
- Advised bathroom fixture and fitting producer in relation to a DG Comp investigation into an alleged European-wide cartel in that sector.
- Advised CD-ROM and DVD producers in relation to an investigation by DG Comp related to their patent pool.
- Prepared a complaint (subsequently settled) against a large technology and entertainment company for bundling its music store products to its playing devices.
- Advised travel distribution companies and associations in relation to the Lufthansa / Air Berlin merger control case in the airline sector.
- Assisted travel distribution clients with a filing of complaints against a large airline group for having introduced discriminatory practices against independent distributors and travel agencies.
- Successfully defended the standings rights for a trade association, as a non-competitor, before the European Court in the maritime sector.
- Assisted air travel distribution clients in connection with the European Commission’s sector inquiry into the airline distribution sector and follow on DG Comp investigations into specific practices of airline ticket distributors.

- Developed strategies for EU and US clients to tackle unfair commercial practices by Chinese state owned or controlled enterprises on the European market -, including unfair subsidies, predatory pricing and lack of reciprocity (access to the market).
- Filed a TBR complaint with the European Commission (DG TRADE) against China's regulatory framework on CRS (computer reservation systems) for being in breach of China's WTO obligations. Advising on China's subsequent regulation regarding partial opening of the market, reviewing those regulations, advising and assisting on alternative ways to gain access to the market and representing the client in negotiations with Chinese authorities in Beijing.
- Advising and representing a travel technology company in a large number of bilateral aviation agreements between the EU and various third countries, including but not limited to US, Canada, China, Russia, Brazil and more recently ASEAN, Qatar and Turkey. Proposing and discussing agreement texts with the European Commission. Assessing impact on the market.
- Advised a designer and manufacturer of specialized security systems and components as a third party intervener before the European Commission, Federal Trade Commission, CADE (Brazil) in connection with its main competitor USD 710 million acquisition of another large competitor. Subsequently advised the client in the acquisition of the divested business, including filings before relevant Competition Authorities.
- Advised clients in connection with post-merger remedy implementation issues before the European Commission and the Federal Trade Commission.
- Advised several trade associations in the metals sector on competition law compliance and distribution, including appropriate exchange with competition authorities.
- Assistance and advice relating to the suspension of EU import duties on two substances produced by a US metals company.
- Assistance in the procedures relating to the access to EU and European national governments' funding for US companies.
- Prepared a complaint under EU competition law for an Albanian telecom operator against abuse of dominance and possible collusion by its competitor and represented the client before EU and Albanian competition authorities
- Advised operators in the maritime port sector on competition matters related to interaction between competitors and appropriate communication with DG Comp on the same.
- Advised a large association of freight forwarders in its negotiations with an association of airlines on a new cooperation program and on its implementation.
- Assisting and represented a European manufacturer of chemicals substances in an anti-dumping investigation in India. The representation resulted in the Indian authorities dropping the case against the client.
- Assist and advise a US transport operator on the traffic rights granted under the EU Air Transport Agreements, in relation to shipment and transport of goods.



- Advised and represented a US publisher against a Danish tax law that would limit its access to the market, including filing complaints to the European Union and designing a lobbying strategy in Brussels, Copenhagen and Washington.
- Assistance and advice relating to access to tender procedures in a number of EU Member States for a US bidder.
- Developed strategies for EU and US clients to tackle unfair commercial practices by Chinese state owned or controlled enterprises on the European market, including unfair subsidies, predatory pricing and lack of reciprocity (access to the market).