

Partner, Brussels

Antitrust/Competition



T: 32.2.639.0336
ingrid.vandenberghe@skadden.com

Education

LL.M., The University of
Chicago Law School, 1999

J.D., Catholic University
of Leuven, 1998

Bar Admissions

Brussels
New York

Languages

Dutch
English
French

Ingrid Vandenberghe is the partner in charge of Skadden's Brussels office. Her practice focuses on EU and international merger control and competition law enforcement.

Ms. Vandenberghe has been consistently named as a leading practitioner in *Who's Who Legal* guides in both competition and life sciences, as well as repeatedly in *Chambers Global*, *Chambers Europe* and *The Legal 500 EMEA*. In 2022, she was named Lawyer of the Year by *Global Competition Review* and, in 2021, was named to *GCR's* Women in Antitrust list and recognized for her representation of Aspen Pharmacare in relation to the European Commission's (EC) Article 102 investigation of the company's pricing practices, which was named European Behavioural Matter of the Year by the publication. In addition, she was named a 2021 Competition MVP by *Law360*, a 2021 Litigation Star for Belgium - Competition/Antitrust by *Benchmark Litigation Europe* and Competition Lawyer of the Year at *Benchmark Litigation Europe's* 2020 Awards, which also recognized her work advising Aspen as an Impact Case of the Year. She currently serves as nongovernmental adviser to the intergovernmental International Competition Network.

Ms. Vandenberghe has significant experience in Article 101 and 102 issues in relation to cartel arrangements, as well as vertical and competitive agreements and alleged abuse of dominance. Relevant representations include:

- Aspen Pharmacare Holdings in relation to EC allegations of excessive pricing. The EC accepted proposed commitments that ended the investigation without an infringement finding on the part of Aspen;
- Kuoni and Thomas Cook in relation to the EC's investigation of geo-blocking clauses that provided for different hotel accommodation conditions depending on the location or residence of the traveler. The EC ultimately suspended its investigation in relation to both Thomas Cook and Kuoni without penalty, with the investigation resulting in an infringement finding only against Melia;
- GE in relation to allegations of anticompetitive practices in the maintenance and repair of commercial aircraft engines by CFM International, a GE joint venture with Safran Aircraft Engines following a complaint to the European Commission by the International Air Transport Association (IATA). Following a successful resolution of IATA's concerns through a settlement agreement, IATA withdrew its complaint and the European Commission closed its inquiry;
- Xperi and Auro in relation to a complaint with the EC regarding Dolby's post-processing policy. After discussions with the commission, Dolby withdrew all limitations that it placed on the use of third-party post-processing technologies;
- ABB in its successful appeal before the European Court of Justice against the EC's power cable cartel decision that had been confirmed by the General Court;
- GUK, a Mylan entity, in relation to the EC's investigation of the company's patent settlement agreements with Lundbeck, and in the subsequent appeals of the EC decision before the General Court and the Court of Justice of the EU. Ms. Vandenberghe also is assisting in the defence relating to claims for compensation based on the EC's decision; and
- UniCredit, in relation to the EC investigation of an alleged cartel violation in relation to European government bonds.

Ingrid Vandendorre

Continued

Ms. Vandendorre also has a significant merger control practice, extending to the EC and the U.K. Competition and Markets authority. Examples of Ms. Vandendorre's recent merger control work include advising:

- Amazon.com, Inc. with the antitrust aspects of its US\$1.7 billion acquisition of iRobot Corporation;
- Activision Blizzard Inc. in its pending \$75 billion acquisition by Microsoft Corporation. This is the largest-ever technology deal and the largest-ever gaming industry deal;
- PayPal Holdings, Inc. on the antitrust aspects of its acquisition of Israeli-based Curv, a startup and leading provider of digital asset security technology, one of the world's first cryptocurrency business acquisitions;
- Electronic Arts Inc. in its US\$1.4 billion acquisition of Playdemic Ltd. from Warner Bros. Games and AT&T Inc.;
- Electronic Arts Inc. on the antitrust aspects of its US\$1.2 billion recommended cash offer for Codemasters Group Holdings plc.;
- PayPal Holdings, Inc. in its US\$4 billion acquisition of Honey Science Corporation;
- Visa Inc. in its proposed but terminated \$5.3 billion acquisition of Plaid Inc.;
- Black Diamond Capital Management, L.L.C., along with InvestIndustrial, in their US\$425 million acquisition of the phenolic specialty resin, hexamine and European forest products resins businesses of Hexion Inc.;
- ABB Ltd with the antitrust aspects of its US\$7.8 billion sale of a 80.1% stake in its Power Grids division to Hitachi, Ltd.;
- Stryker Corporation in its US\$5.4 billion acquisition of Wright Medical Group N.V.; and
- NXP Semiconductors N.V. in its proposed but terminated \$47 billion acquisition by Qualcomm Incorporated.

Selected Publications

"Pricing Algorithms: Thoughts on a Framework for Competition Law Analysis," *European Competition Law Review*, January 2022

"U.K. Antitrust Shakeup Would Increase Merger Scrutiny, Broaden Investigative Powers and Create New Oversight of Big Tech," *The M&A Lawyer*, September 2021

"Skadden Discusses New EU Merger Regulation," *The CLS Blue Sky Blog*, April 15, 2021

"E-Commerce Competition Enforcement Guide (Algorithmic Pricing: Candidate for the New Competition Tool?)" *Global Competition Review*, 2020

"Access to the Commission File and Confidentiality of Information Under European Competition Law in the Context of Antitrust

Damages Claims," *Journal of European Competition Law & Practice*, 2020

"The U.K. Court Of Appeal Overturns The CAT & Imposes Agency Discretion On Excessive Price Benchmark," *CompLaw Blog*, March 25, 2020

"Antitrust Enforcement Centers on Technology Industry," *Law360*, January 30, 2020

"European Union" chapter, *The International Comparative Legal Guide to Cartels & Leniency*, 2020

"Fintech and Access to Data," *Concurrences*, November 2019

"MFN Clauses and Antitrust Enforcement: on a Slow Path to Convergence," *CPI Antitrust Chronicle*, September 2019

"UK Class Actions: Back Under the Spotlight," *PLC Magazine*, June 2019

"The Proposed Whistleblowers Directive," *ICLG Guide to: Cartels & Leniency*, 2019

"Access to the European Commission's File or Decision

for Purposes of Damages Claims, and Confidentiality of Information under European Competition Law," *Journal of European Competition Law & Practice*, December 7, 2018

"Italy Has Set the Wrong Tone on Excessive Drug Pricing," *POLITICO*, October 19, 2018

"The Aspen Italy Decision: A "Quick Look" Assessment Leaves Open Questions," *Global Competition Review*, October 15, 2018

"The Role Of Contemporaneous Documents In EC Competition Law," *Financier Worldwide*, July 2018

"Individuals as Whistleblowers," *International Comparative Legal Guide to: Cartels & Leniency 2018*, 2018

"The Importance of the New - Competition Innovation in Life Sciences," *Competition Law Insight*, February 14, 2017

"Compliance Programmes and Antitrust Fines," *The International Comparative Legal Guide to: Cartels & Leniency 2017*, 2017

Recent Speaking Engagements

"Multi-jurisdictional Mergers: Global Challenges and How to Overcome Them," Informa Connect Advanced International Competition Law Conference, May 27, 2021

"Excessive Pricing in the Pharmaceutical Industry," EU Pharma Law 2021, May 18, 2021

"The DSA & DMA: A Radical Change in the EU," *Concurrences*

5th Innovation Economics Conference for Antitrust Lawyers, April 27, 2021

Competition Policy and Gender webinar, *Concurrences*, March 8, 2021

"Vertical Restraints & Digital Compliance," Informa Connect UK Competition Law Conference 2021, February 23, 2021