

CMS Adonnino Ascoli & Cavasola Scamoni CMS Albiñana & Suárez de Lezo
CMS Bureau Francis Lefebvre CMS Cameron McKenna LLP CMS DeBacker CMS Derks Star Busmann
CMS von Erlach Henrici CMS Hasche Sigle CMS Reich-Rohrwig Hainz

A photograph of two men in dark business suits standing on a balcony or walkway, engaged in conversation. The background shows a modern building with a complex, geometric metal structure. The image is framed by a green diagonal bar on the right side.

EU Dispute Litigation – A Team of Experts

How we can help you

>> European Law is one of the most important sources of law

Economic activity is shaped, directly or through implementing measures, by the decisions of European legislators. This is regardless of whether the activity concerns an employment relationship, an environmental matter, contact with clients and/or consumers, relations with national public authorities (e.g. providers of authorisations or financial support, tax breaks or authorities working with partners to implement public sector projects), collaborations with other economic entities, contact with EC institutions, etc.

Similarly, public authorities must address European law, especially when they operate in a 'market' or when the European Commission claims a Member State has not fulfilled its implementation obligations.

It is essential for companies to anticipate, be aware of European legislation and, when necessary, to defend their interests before the relevant decision-maker.

Our **CMS team**, which includes Melchior Wathelet, **former judge of the European Court of Justice (ECJ)**, can help you to defend your interests before national and EC Court Litigation concerning European legislation that can be brought before a **national judge** or directly before the **EC Courts** in Luxembourg when a Community act is directly at stake (e.g. in certain competition cases). Even in cases before national judges, questions on the interpretation or the validity of a crucial European rule may be raised before the ECJ.

We can **represent** you before the judge and request **interim measures** when advisable.

Finally, our team can provide you and/or your company with expert assistance in relation to the **execution of ECJ decisions** (e.g. on national refund procedures in state aid) or interpretation of an ECJ decision and its application to your specific situation.

>> This type of litigation is complex and requires specific expertise

The CMS team has **specialist expertise** in EU litigation and an **excellent reputation** before the EC Courts. The team includes professors and a former judge of the EC Courts.

The team members are regularly called to represent parties before the EC Courts.

The team has **in-depth knowledge and practice** of both the rules applicable to this specific field of litigation and of the judges themselves.

Our long-standing commitment to deepening our knowledge of the sector enables us to complement commercial and practical legal advice with insight and understanding. Our experience will significantly reduce any learning curve, making our assistance cost effective.

Our track record before the EC Courts together with our insight from long-standing relationships with the European authorities mean that we understand a client's issues and concerns.

One of our real **strengths** lies in combining our **knowledge of EC litigation** with the **particular skills of specialist lawyers** working in sectors such as finance, corporate, taxation, antitrust and environmental law.

>> We have a comprehensive and proven track record

This includes the following:

Reference for **preliminary ruling – interpretation**:

- ▮ validity of state aid (acting for public authorities and for beneficiaries);
- ▮ interpretation of directives on copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;
- ▮ equal pay e.g. in relation to occupational pensions;
- ▮ interpretation of directives concerning proprietary medicinal products;
- ▮ questioning the validity of legislative procedures;
- ▮ interpretation of the directive on 'waste' (is a polluted soil a waste?);
- ▮ interpretation of the directive on the manufacture, presentation and sale of tobacco;
- ▮ interpretation of the directive on the approximation of the laws of the Member States relating to foodstuffs;
- ▮ interpretation of the freedom of movement for workers and competition rules applicable to undertakings vis-à-vis professional footballers.

Direct action (annulment and/or claim for compensation) in relation to:

- ▮ decisions of the Commission regarding antitrust and abuse of dominant position;
- ▮ decisions of the Council in antidumping;
- ▮ decisions of EC institutions in relation to tenders or financial assistance;
- ▮ decisions of EC institutions in relation to public access to documents;
- ▮ regulations governing political parties at European level and the rules regarding their funding;
- ▮ decisions of EC institutions in relation to EC staff regulations.

In addition, we have handled various cases representing Member States for alleged failure to fulfil EC obligations; representing public or private entities bringing actions before the ECJ for damages; and representing individuals against EC institutions for failure to act.

Last but not least, we have in-depth experience before the European Court of Human Rights in Strasbourg.

Please contact one of the CMS EU Litigation Team members if you are interested in the CMS EU Dispute Litigation Team's activities or if you would like further information.

>> A dedicated EU Litigation Team

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The members of CMS are in association with The Levant Lawyers with offices in Beirut, Abu Dhabi, Dubai and Kuwait.

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