

Partner, Brussels

Antitrust/Competition



T: 32.2.639.0321
niels.baeten@skadden.com

Education

Postgraduate Diploma in EU Competition Law, King's College London, 2012

LL.M., European University Institute, 2011

Master in Law, Catholic University of Leuven, 2010

Bachelor in Law, Catholic University of Leuven, 2008

Bar Admissions

Brussels

Languages

Dutch

English

French

Niels Baeten's practice covers all aspects of EU, international and Belgian competition law, including merger control, state aid and foreign subsidies, digital regulation, abuse of dominance, cartels and antitrust compliance issues.

Mr. Baeten has been named as a Future Leader in Competition Law by *Who's Who Legal* since 2020, in which clients describe him as "extraordinarily quick with deep knowledge and understanding of complicated business dynamics" and "one of the most articulate attorneys in the competition space." He also has been recognized as a key lawyer by *The Legal 500 EMEA*.

Mr. Baeten has more than a decade of experience helping global corporations navigate complex multijurisdictional merger control matters, including complex remedy structures. His practice covers a wide range of industries, including aerospace, technology, e-commerce, media and telecommunications, financial services, pharmaceuticals, energy, automotive and manufacturing. Mr. Baeten's experience includes advising on the following transactions:

- Juniper Networks, Inc. on its US\$14 billion acquisition by Hewlett Packard Enterprise
- Elon Musk on his US\$44 billion acquisition of X Corp. (formerly Twitter, Inc.)
- Air Canada on its US\$523 million proposed (but later abandoned) acquisition of Transat A.T. Inc.
- Red Hat, Inc. on its US\$34 billion acquisition by IBM
- Rockwell Collins, Inc. on its US\$30 billion acquisition by United Technologies
- Trimble Inc. on its US\$1.98 billion acquisition of Transporeon and US\$2 billion joint venture with AGCO Corporation
- Aspen Technology, Inc. in relation to its US\$6 billion transaction with Emerson Electric Company
- HeidelbergCement in relation to its acquisition of a 45% stake in Command Alkon
- Purolite on its US\$3.7 billion acquisition by Ecolab
- Castle Harlan on the US\$550 million sale of Tensar to Commercial Metals Company
- S&P Global on the US\$975 million sale of its Engineering Solutions business to KKR
- Oaktree Capital Management in relation to the recapitalization of Neovia Logistics alongside Ares Management and Vector Capital
- The Baupost Group on its US\$910 million acquisition of the Western Union Company's Business Solutions business alongside Goldfinch Partners

Mr. Baeten also has extensive experience in EU state aid and foreign subsidies matters, particularly for clients in the financial, energy and airline industries, as well as in taxation matters. His recent experience includes representing:

- Victaulic Europe before the EU General Court in its appeal against the European Commission's (EC's) negative state aid decision in connection with the Belgian "excess profit" ruling corporate tax regime
- Kingfisher plc in its appeal against the EC's decision regarding the Group Financing Exemption in the U.K.'s Controlled Foreign Company rules
- various clients on pending notifications before the EC pursuant to the EU Foreign Subsidies Regulation

Mr. Baeten also regularly advises on structuring industry collaborations in compliance with antitrust rules. Most notably, he has counseled Renault Group on the transformation of the Renault-Nissan-Mitsubishi Alliance, which was announced in February 2023.

Additionally, Mr. Baeten has developed significant experience advising global clients on the implications of the recently implemented EU Digital Markets Act (DMA) and similar legislation. In this capacity, he has counseled a global technology company on DMA matters, such as handling gatekeeper notifications and compliance discussions with the EC and related litigation before the EU courts.

Selected Publications

“The EU’s Foreign Subsidies Regulation: Implications for M&A,” *Financier Worldwide*, November 2023

“Mandatory Notification Obligations Under the EU’s Foreign Subsidies Regulation Kick In: Are You Ready?” *Skadden Publication*, October 2023

“EU Foreign Subsidies Regulation Goes Live: Key Implications for M&A Transactions,” *Skadden Publication*, July 2023

“EU Court of Justice Faults European Commission for Expansive Interpretation of State Aid in Tax Rulings,” *Skadden Publication*, November 2022

“EU To Step Up Enforcement Against Foreign State-Backed Companies,” *The M&A Lawyer*, July/August 2022 and *Skadden Publication*, July 2022

“EU Announces More Expansive Approach to Semiconductor Subsidies,” *Skadden Publication*, December 2021

“EU Proposes New M&A and Procurement Control Legislation To Combat Foreign Subsidies,” *Skadden Publication*, May 2021

“Skadden Discusses New EU Merger Regulation,” *The CLS Blue Sky Blog*, April 2021

“New EU Guidance Creates Legal Uncertainty for Merger Control and a *De Facto* ‘Killer Acquisition’ Review Power,” *Skadden Publication*, April 2021