

Marc Kuijper

Netherlands Managing Partner



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Overview

Marc Kuijper is the Managing Partner of Dentons in Amsterdam and Head of the EU Competition practice in the Netherlands. In addition, Marc is Co-head of the Antitrust Litigation team.

Marc regularly represents companies before the Netherlands and EU competition authorities, and before national courts and the European Court of Justice. He has advised and assisted numerous large companies in national and international cartel investigations, abuse of dominance investigations, merger filings, state aid matters and compliance audits. Marc's work includes acting for a leniency applicant in a European Commission cartel investigation, acting for a company on the appeal from a national competition authority decision, acting for a company in a complex state aid procedure before the Dutch court. He also handles compliance work in relation to trade associations, joint purchasing organizations, joint ventures, e-commerce and vertically integrated companies.

Marc is known for his expertise and extensive track record in cartel damage cases. Current representations include acting as defence counsel to Japan Airlines in relation to antitrust damages claims that have been brought against several air cargo carriers in the Netherlands, as well as acting for several large multinational purchasers of Cathode Ray Tubes (CRT's) against former participants of the CRT cartel. Marc gives lectures on EU competition law at the Utrecht University and the Radboud University Nijmegen, and regularly publishes on EU and national competition law.

Experience

- **Leading global logistics company:** Advising on the recovery of cartel damage claims.
- **A large joint purchasing association:** Providing compliance advice and board-level counseling on competition matters.
- **Large international airline:** Providing strategic advice and assistance in its defense against cartel damage claims.
- **Leading manufacturer of white goods and electronics:** Assisting and advising in the recovery of cartel damage claims of more than €500 million.
- **Leading international chemical company:** Working on a complex compliance assessment in relation to the

company's roles as producer, wholesaler, trader and retailer of chemicals.

- **Spaansen Holding:** Representing the company in complex state aid proceedings before the Dutch court of appeals in relation to the recovery of alleged state aid by a Dutch municipality that claims to have overpaid for land purchases.
- **Leading international logistics company:** Advising and assisting in complex antitrust proceedings before the Netherlands Competition Authority and the Dutch courts resulting in the full annulment of the fine
- **Klaas Puul:** Advising and assisting on an immunity leniency application at the European Commission.

Recognition

- *Legal 500 2021: EU and Competition:* "Marc Kuijper leads the practice in a modern and pleasurable way. He keeps calm in difficult cases, manoeuvring the client to a legal safe haven. He is very knowledgeable and a pleasure to work with."
- *Chambers 2021:* Marc is acclaimed by clients for his attentiveness, one calling him "quick in response," and praising his "thorough knowledge of competition law."
- *Legal 500 2020: EU and Competition:* "Marc Kuijper is a very talented and insightful lawyer who provides a rare combination of outstanding litigation skills, great strategic thinking and a calm and thoughtful approach to conflict resolution."
- *Chambers 2020:* Clients appreciate that Marc is "good with the commercial perspective."
- *Legal 500 2019: Dispute Resolution:* Marc Kuijper is "strong on legal principles".
- *Chambers 2019:* Marc Kuijper is "a good litigator in cartel damages claims."
- *Chambers 2018:* Clients say: "Marc Kuijper gives good advice on how to follow the path in the legal procedure, communicates well and is complete in his answer."
- *Chambers 2017:* "Marc Kuijper handles EU and Dutch competition, as well as public procurement law. Clients say: "Marc is a very talented and insightful lawyer who provides clients with a rare combination of outstanding litigation skills, great strategic thinking and a calm, thoughtful approach to conflict resolution."
- *Litigation & International Arbitration 2016-2017: Commercial Litigation: Netherlands Best Law Firms:* Marc Kuijper is recommended
- Recommended by *Global Competition Review 2016 and 2015:* "He acts for both claimants and defendants in many major follow-on cases, including air cargo, elevators and cathode ray tubes. Perhaps the most intriguing recent case was Kuijper's work for ferry company EVT, which argued the government unfairly excluded it after it awarded a contract to run services to islands off the north coast to the incumbent, Doeksen. After a referral to the European Court of Justice and a letter from the competition authority telling the ministry it was abusing its dominance, the government paid EVT €9 million in April last year to settle the dispute."
- *Chambers Europe 2016:* "Marc Kuijper specialises in European law and is particularly active in enforcement and antitrust issues. Clients say he is "always willing to assist us in the most extensive way. He is hardworking, intelligent and has great knowledge." Projects of late have involved claims for damages, compliance audits and compensation claims."
- *Chambers 2015:* "Sources describe Marc Kuijper as "a very clever guy" who focuses on competition and European law."

Insights

- Co-author, "Ontwikkelingen in mededingingsregulering e-commerce, het eindverslag van de Europese

Commissie in vogelvlucht", *EU & Competition Update*, July 2017 (Dentons Boekel)

- Since 2011 Marc co-authors the quarterly contribution on competition law in *Ars Aequi*, the largest legal journal of the Netherlands
- Co-author, "De richtlijn betreffende schadevorderingen wegens inbreuken op het mededingingsrecht - gevolgen voor de praktijk", *Tijdschrift Mededingingsrecht in de Praktijk*, May 2015
- Co-author, "Tennet/ABB – een richtinggevende uitspraak in Nederlandse follow-on procedures", *Tijdschrift Mededingingsrecht in de Praktijk*, August 2013
- Co-author, "De onbegrensde mogelijkheden van benadeelden", *Geschriften vanwege de Vereniging Corporate Litigation 2012-2013*, May 2013
- Co-author, "Update on the Effectiveness of National Fora for the Practice of Antitrust Litigation", *Journal of European Competition Law and Practice*, December 2012
- "Pfleiderer AG / Bundeskartellamt", *Markt & Mededinging*, November 2011
- Co-author, "Bans on internet sales. Little room for manoeuvre in selective distribution agreements", November 2011
- Co-author, "The Effectiveness of National Fora for the Practice of Antitrust Litigation", *Journal of European Competition Law & Practice*, September 2011
- Co-author, "Private Antitrust Litigation in the Netherlands – 2012", *Law Business Research Ltd.*, September 2011
- "Private Antitrust Litigation 2011", *Global Competition Review*, October 2010
- Co-author, "Gun-jumping en de verkoper: Wie zijn de betrokken partijen?", *Actualiteiten Mededingingsrecht*, March 2010
- "Het beoogd toekomstig mededingingsrechtelijk kader voor de motorvoertuigensector", *Nederlands Tijdschrift voor Europees Recht*, December 2009

Activities and Affiliations

Marc Kuijper has registered the following principal and secondary legal practice areas in the Dutch Bar's register of legal practice areas:

- Economic planning law
- Competition law

Based on this registration, he is required to obtain ten training credits per calendar year in each registered principal legal practice area in accordance with the standards set by the Dutch Bar.

Presentations

- Moderator, Dentons' EU Competition and Sustainability Webinar Series "From environmental best practices to standardization: how industry associations and coalitions can take the lead to meet the sustainability challenge?", October 29, 2020

Memberships

- Member of the Netherlands Association for Competition Law
- Member of the Netherlands Association for European Law (NVER)

- Member of the Netherlands Association of Public Procurement Law (NVvA)
- Member of the Dutch Bar Association
- Lecturer at Utrecht University and Radboud University Nijmegen on Enforcement of Competition law
- Member of the board of advisors of the Dr. J.A. Kuijper fund, which is a part of the Amsterdam University Foundation and has as the objective the financial support of Phd candidates in the field of International and European law

Prior and Present Employment

- Netherlands Managing Partner, Dentons, 2021 - present
- Partner, Dentons (formerly Boekel), 2015 - present
- Associate, Boekel, 2007-2015

Areas of focus

Practices

- Competition and Antitrust
- Litigation and Dispute Resolution

Industry sectors

- Manufacturing
- Government
- Technology
- Financial Institutions

Education

- Leiden University, 2007, LL.M., International and European Law
- Delft University of Technology, 2002, Mechanical Engineering
- Wittenberg University, 1999, Liberal Arts and Sciences
- European School Brussels (Belgium), 1998, European Baccalaureate

Admissions and qualifications

- Dutch Bar Association, 2008

Languages

- Dutch
- English

- French