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## Israel's competition bar

An active authority, strict antitrust rules and increasing interest from foreign companies have ensured plenty of work for Israel's competition bar. **Faez Samadi** looks at the firms taking the lead

**W**ITH a recent surge in government support, competition law in Israel has taken on much greater significance in the past six months. What began as a protest against the increased price of cottage cheese evolved into a national public outcry against prices for basic living essentials, such as food and fuel. Israel's Antitrust Authority is busier than ever investigating the country's various business sectors accused of overpricing goods and services.

Meanwhile, over the years, the demand for top-notch competition counsel in Israel has grown in tandem with the authority's reputation, particularly given the tough sanctions available to the enforcer. Every behavioural antitrust infringement is a criminal offence – executives can serve jail time for failing to notify a merger. An administrative system may soon come into force, but given the inevitable problems of switching from a criminal to an administrative regime, practitioners are unlikely to see a reduction in work anytime soon.

### Elite

**Fischer Behar Chen Well Orion & Co** boasts the largest competition team in Israel. Peers say the firm is renowned for its involvement in all areas of competition law, acting both for domestic and for international companies. The

firm's antitrust practice has a tripartite leadership, shared by managing partner Reuven Behar, *Who's Who* nominee Tal Eyal-Boger and partner Talya Solomon. Litigation specialist Tamar Turjeman-Kedem, who spent five years at the Antitrust Authority, completes the partnership.

The firm is representing Tnuva, Israel's largest dairy, in arguably Israel's highest-profile antitrust case this year – a class action lawsuit alleging abuse of dominance in the cottage cheese market. The matter has seen significant public interest, with protests against the price of cottage cheese. Fischer Behar is also advising Tnuva in a criminal investigation by Israel's Antitrust Authority over its failure to provide certain information in the dairy case. Other behavioural matters include representing a leading Israeli energy company in private antitrust proceedings over alleged restrictive agreements, and an Israeli bank in long-running litigation over alleged information exchange between banks on fees.

On the merger front, Fischer Behar is representing technology clients such as Applied Materials and Ness Technologies, and also Azrieli Group, one of Israel's largest real estate businesses.

Consistently regarded as one of Israel's leading antitrust practices, **Tadmor & Co** has an experienced team of partners that together cover all aspects of competition law. Managing partner and practice

co-leader David Tadmor, a *Who's Who* nominee, and co-head Shai Bakal are well-known in the competition community. Tadmor was director general of Israel's Antitrust Authority between 1997 and 2001, while Bakal worked at the authority for five years, first in its legal department and then as head of the mergers unit. They are joined in the partnership by litigation experts David Gideon and Ittai Paldor, both of whom have also worked at the Antitrust Authority.

The firm says behavioural work has increased in recent times, and that it is working on some significant matters. These include an investigation of alleged information exchange between Israeli banks, the gas insulated switchgear cartel proceedings, and an abuse of dominance probe in the networking services industry. Gideon and Paldor are also representing clients in criminal antitrust cases in the water and real estate sectors.

The merger practice also remains busy, with Tadmor & Co advising a host of international clients on multijurisdictional and domestic transactions. The firm secured an unconditional clearance in a five-to-four telecoms merger, and is also acting in deals in the pharmaceutical and technology sectors for Novartis and National Semiconductor respectively.

Well regarded among his peers, *Who's Who* nominee Niv Zecler leads a modestly sized but high quality team at **Weinstock Zecler & Co.** Zecler is supported by two partners, Ofer Argov and Eran Zach, and the firm welcomed a new associate earlier this year, bringing its total to three.

The firm offers a full-service competition practice, handling both transactional and behavioural matters. Recent matters include advising Sasatech and Dalia Industries, two of Israel's leading detergent producers, in gaining merger approval in April, and representing transport company Superbus in its appeal against a merger between rivals Eged and Konex.

Continuing on the behavioural side, all three partners are acting for the Association of Contractors and Builders in Israel in a criminal antitrust case brought the Antitrust Authority. The firm also represented Super-Pharm in the authority's investigation of credit card interchange fees. Weinstock Zecler is also regular counsel to several large Israeli companies, including telecoms incumbent Bezeq and fertiliser company Haifa Chemical.

#### Highly recommended

*Who's Who* entrant Eytan Epstein shares the antitrust leadership with partner Tamar Dolev-Green at **Epstein Chomsky Osnat & Co.** Criminal antitrust specialist Mazor Matzkevich joined the firm as a partner last year after four years at Israel's Antitrust Authority and another six at the US Federal Trade Commission. Dolev-Green says the antitrust practice accounts for around a quarter of the lawyers at the firm.

Merger work has kept the firm busy recently. As well as a plethora of domestic filings, Epstein Chomsky is also advising on some leading multi-jurisdictional mergers. Highlights include representing Synthes in its US\$21

billion merger with Johnson & Johnson. The firm has been standing counsel to MasterCard since 2006, and continues to represent the company in the Israeli credit card interchange fee investigation.

Epstein Chomsky is also acting for clients in criminal cartel proceedings in the bakery, meteorology services and gardening services sectors.

As former director of enforcement and compliance at Israel's Antitrust Authority, *Who's Who* nominee D Ziv Abramovich runs a small but effective practice at **Lapidot Melchior Abramovich & Co.** Abramovich left Epstein Chomsky in 2006 to found the antitrust practice as a name partner at Lapidot Melchior. As the only competition partner, Abramovich personally oversees a busy competition workload, which takes in both behavioural and transactional matters.

Abramovich says the merger control practice has "grown up significantly", with several matters on the books. The firm is advising both international and domestic clients, including Merck and Sanofi-Aventis in a proposed merger between their subsidiaries in the veterinary market. The behavioural side is also thriving, with the firm representing companies in a criminal investigation in the construction sector. Lapidot Melchior is advising a company in the banking fee investigation, and is also working on abuse of dominance cases in the beer and iron tubing sectors. The firm regularly provides companies with compliance advice.

Experienced practitioner Niva Barg Livnat is head of the antitrust practice at **Ron Gazit Rotenberg & Co.** Barg Livnat spent seven years as counsel to the Antitrust Authority, where she became head of the retail, food and agriculture division. She is supported by founding partner Ron Gazit and partner Amir Vang, who specialises in technology, media and telecoms.

The firm is heavily involved in domestic merger control matters, most notably acting for Israel's shopping centre company Melisron in a merger that was eventually approved with conditions, but is now on appeal at the Antitrust Tribunal. Another retail merger in the sunglasses market is also on Ron Gazit's books.

Barg Livnat says the firm also has several significant longstanding antitrust clients, including the Central Bottling Company, which bottles Coca-Cola in Israel, and the country's largest commercial broadcaster. Ron Gazit also handles criminal antitrust counselling, and is advising a client over a complaint regarding the Israeli credit card industry.

*Who's Who* nominee Hagai Doron and partner Asgad Stern jointly lead the antitrust practice at **S Horowitz & Co.** Stern also spends his time on commercial and civil litigation matters. The firm boasts one of the oldest antitrust groups in Israel, established in 1959. Doron and Stern are joined in the partnership by Pnina Sheffer and Asaf Rentsler, and the team is one of Israel's larger antitrust practices.

A full-service practice, S Horowitz remains busy in both behavioural and transactional cases. On the merger front, the firm's workload comprises both domestic and large multi-jurisdictional filings, in which S Horowitz is

Firm	Head of competition	Size	Clients
<b>Elite</b>			
Fischer Behar Chen Well Orion & Co	Tal Eyal-Boger, Reuven Behar, Talya Solomon	4p, 11a	Tnuva, Israel Discount Bank, Visa Cal, The First International Bank of Israel (FIBI), Association of Banks in Israel, Colmobil, Azrieli Group, Bezeq, Clalit Health Services, Berman's Bakery, HOT, Sonol, Dalkia, Amisragas, Clal Insurance, Migdal Insurance, ABB, Intel, Veolia, Monsanto, Johnson & Johnson, Applied Materials, Maillis Group, Manuli
Tadmor & Co	David Tadmor, Shai Bakal	4p, 6a	Apple, Novartis, Siemens, Colgate-Palmolive, FIBI, Exxon Mobil, MedNautilus, El Al, Hollandia, Ducart, Pfizer, Association for the Welfare of Israel's Soldiers (AWIS), National Semiconductor, Varian, KKR, Paz Oils, Dor Alon Oils, ESC, Ratio, The Israel Bar Association, The Hearing Aid Association, Markstone Investment Management (Israel), ICL
Weinstock-Zecler & Co	Niv Zecler	3p, 3a	Sasatech, Dalia Industries, Association of Contractors and Builders in Israel, Bezeq, Haifa Chemical, Superbus, Super-Pharm, Pelephone Communication, Alon Holdings Blue Square, Dor-Alon
Zvi Agmon Law Offices	Zvi Agmon		Did not participate
<b>Highly recommended</b>			
Epstein Chomsky Osnat & Co	Eytan Epstein, Tamar Dolev-Green	3p, 2a, 1c	MasterCard, Agrexco, Johnson & Johnson, Fulcrum, Merck, Chevron, Swissport Cargo Services, ISS Israel, DHL Israel, Inverness Medical, Oil Refineries, Nestlé, Laufer Aviation, ANG Group
Gross Kleinhendler Hodak Halevy & Co	Tamar Ben-David		Did not participate
Lapidot Melchior Abramovich & Co	D Ziv Abramovich	1p, 2a	Tempo Beverages, Hogla-Kimberly, Middle East Tubes Company, Cellcom Israel, S. Schestowitz, Plassim, Merck, Sanofi-Aventis, Hewlett-Packard, 3Com, Siemens, Disney, HaMashbir LaTzarchan, Gaon Agro Group, KSP Computers group, Pharma Israel, Bram Industries, the Israeli Bar and its entities
Ron Gazit Rotenberg & Co	Niva Barg Livnat	3p, 1a	Melisron, Erroca, Keshet Broadcasting, Central Bottling Company, Gama Management, Partner Communications Company, T.M.I.R – Manufacturers Recycling Corporation in Israel
S Horowitz & Co	Asgad Stern, Hagai Doron	4p, 5a	Teva, IATA, British Airways/Iberia [IAG], Delta Airways, Air-France/KLM, Tognum, Daimler, Alcatel-Lucent, GE, Procter & Gamble, Readymix Industries, Yedioth Aharonoth, Reshet-Noga, Orbond, General Motors, Volkswagen, MAN Group, DAF, Jaguar/Land-Rover, Toyota, Renault Trucks, BMW, Bank Leumi, Israel Electric Company, Paz Oil Company, Supergas, Anglo American, Hilton
<b>Recommended</b>			
Herzog Fox & Neeman	Sol Ehud		Did not participate
Meitar Liquornik Geva & Leshem Brandwein	Michal Halperin	2p, 5a	El Al, Egged, AstraZeneca, Eli Lilly, Broadcom, Tambour, G4S, Altice Group, Applied Materials, Pfizer, SunPower, Makhteshim Agan, Klil, Fishman Group, Harel Insurance, Rolls Royce, Fiat, GlaxoSmithKline
Yoram L Cohen Ashlagi Eshel	Gal Rozent	1p, 1a	Hewlett-Packard, Intel, Schindler Elevators, Israel Electric Corporation, Israel Postal Company, Partner Communications Company, Israel Tourist and Travel Agents Association
Key: p = partner, a = associate, c = counsel			

acting on the Israeli aspects. These include Volkswagen's merger with MAN Group and Teva's tie-up with Cephalon, among others. S Horowitz is advising on deals in the domestic broadcasting and media sectors.

Litigation cases also feature on the firm's books, most notably the representation of Bank Leumi in the Antitrust Authority's investigation of banks exchanging information about fees. The firm is also representing a company in a continuing dominance probe in the plasterboard market, and is acting for an energy company in excessive pricing proceedings.

### **Recommended**

A relative newcomer to the area, **Meitar Liquornik Geva & Leshem Brandwein** only established an antitrust practice in 2007. The practice has grown rapidly since then under the experienced leadership of founder and group head Michal Halperin. Nominated to *Who's Who*, Halperin was chief legal counsel at the Antitrust Authority between 2002 and 2006. Supporting her is criminal litigation partner Yuval Sasson, who worked as deputy to Israel's state attorney before joining Meitar.

Halperin says she and Sasson share the competition workload between them according to whether they are commercial or criminal matters, with some natural crossovers. The firm's merger control practice is thriving,

and the firm is advising one of Israel's leading transport companies in its acquisition by a domestic rival. Other deals span the motor vehicle, pharmaceutical, telecoms and technology sectors. On the behavioural side, Meitar is advising national carrier El Al in proceedings over domestic flight operations, and an appeal against a merger in the transport sector.

In July, competition specialist Gal Rozent left Herzog Fox & Neeman, where he was head of antitrust, to establish a new antitrust practice at **Yoram L Cohen Ashlagi Eshel**. After eight years at Herzog Fox & Neeman, Rozent said, he was keen to "join a more intimate law firm with huge potential". Rozent also spent six years at Israel's Antitrust Authority.

The firm is mostly engaged in behavioural matters at the moment. It is advising a client in the gas insulated switchgear cartel investigation, and representing other companies in continuing abuse of dominance probes. Yoram L Cohen also acted for Hewlett Packard in a class action filing submitted against the company for allegedly fixing the price of printer ink cartridges, which was dismissed.

Merger work includes advising Intel on its purchase of mobile navigation company Telmap. Rozent says the firm also gets work through good relationships with international law firms.