



Benoît Merkt

Partner, Head of Competition
Dr. iur., Attorney at Law, LL.M.

Languages

French, English, German

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Expertise

Dr. Benoît Merkt is a leading expert in competition law and is renowned for his first-rate practice. He specializes in all areas of Swiss and European merger control work and competition law, notably in the banking and finance, energy, high-tech, infrastructures (electricity), consumer goods, chemical, luxury goods, motor-car distribution, public broadcasting and retail sectors. He has been responsible for a large number of merger notifications to the Swiss Competition Commission and co-ordinated multi-jurisdictional merger filings. Benoît Merkt advises in contentious and non-contentious matters and has acted in high profile cases on alleged abuses of dominant positions, vertical restraints, cartels and public procurement.

Benoît Merkt is also one of the leading Swiss law practitioners in the field of tax-exempt/non-profit organizations. He heads the firm's practice in this field. He has incorporated major foundations and associations of international scope and regularly advises clients with respect to the structuring and implementation of charitable projects in Switzerland and abroad.

Considered a "go-to name for a range of European and Swiss competition matters including merger control and abuse of dominance cases" (Who's Who Legal 2019), "the superb Benoît Merkt is noted by sources for his expertise in competition law and his particular skill in complex cross-border cases" (Who's Who Legal 2018). Clients laud his "excellent knowledge and relationship with clients, clarity and

precision," while also adding that he is "well connected with relevant authorities" (Chambers, 2018) and "particularly quick on the uptake of what is needed in any situation" (Chambers 2019).

Practice Areas

Competition, Tax-Exempt/Non-Profit Organizations, Regulated Markets, Public Procurement and Administrative Law, Internal Investigations

Education and Professional Experience

- 1992 University of Neuchâtel (lic. iur.)
- 1994 Admission to Bar
- 1996 University of Oxford (Master in European and Comparative Law) (Berrow Scholar)
- 1997 University of Bern, European and International Trade Law Institute
- 1998 Secretariat of the Swiss Competition Commission
- 1999 Joined Lenz & Staehelin
- 2001 University of Neuchâtel (Dr. iur., University Award, Professor Walther Hug Award)
- 2006 Partner at Lenz & Staehelin

Memberships

Swiss Association of Competition Law (ASAS), International League of Competition Law (LIDC), Swiss Bar Association, Competition Committee (SAV/FSA), International Bar Association (IBA), Union Internationale des Avocats (UIA), Former President of the Competition Commission of the UIA (from 2006 to 2008), Secretary of the Swiss section

(from 1997 to 2002), Studienvereinigung
Kartellrecht Schweiz.

Other Activities

Member of the Legal Council of Swiss Foundations.
Member of the Board of directors of several public
utility foundations of international scope.

Publications (Selection)

- > Meinhardt, M., Waser, A., Merkt, B., Joho, D., Cartels 2019 - Switzerland, in: The Legal 500 & The In-House Lawyer Country Comparative Guide, April 2019
- > Merkt, B., Peter, H., Utilité publique et activité économique - Possibilités et limites de l'exonération fiscale, in: Expert Focus, edition 2019/3, 2019, 209-214
- > Meinhardt, M., Merkt, B., Waser, A., The Cartels and Leniency Review 2019 - Switzerland, in: The Law Reviews, 7th edition, February 2019, 281-289
- > Waser, A., Merkt, B., Public Procurement 2019 - Switzerland, in: The International Comparative Legal Guide, January 2019, 229-235
- > Meinhardt, M., Merkt, B., Waser, A., Merger Control 2019 - Switzerland, in: Getting the Deal Through, September 2018, 405-409
- > Antreasyan, S., Merkt, B., Simon, J., The Intellectual Property and Antitrust Review 2018 - Switzerland, in: The Law Reviews, 3rd ed., August 2018, 188-197
- > Bovet, Ch., Ducrey, P., Merkt, B. (édit.), Droit de la concurrence - Competition Law, Editions Weblaw, 2017
- > Merkt, B., Chappuis, B., Profession d'avocat et loi sur le marché intérieur, in: Revue de l'avocat, 6/7/2017, 292-297
- > Meinhardt, M., Merkt, B., Waser, A., Cartel Regulation 2017 - Switzerland, in: Getting the Deal Through, November 2016, 265-272
- > Merkt, B., Charity Law in Switzerland : overview, in: Global Practical Law, London, 2016
- > Merkt, B., Responsabilité au sein des groupes de sociétés et destinataires des décisions en droit de la concurrence, in: Hochreutener/Stoffel/Amstutz (eds.), Droit de la concurrence: Les destinataires de décisions dans les groupes de sociétés, 6ème Journée fribourgeoise de droit de la concurrence, Bern 2015, 67-94
- > Merkt, B., Abus de position dominante: développements récents de la pratique, in: Hochreutener/Stoffel/Amstutz (eds.), Pratique du droit de la concurrence: Abus de position dominante, procédure, révision, 4ème colloque fribourgeois du droit des cartels, Zurich 2013, 57-76
- > Merkt, B., Commentaire des art. 58-59 LCart (Entraide internationale en droit de la concurrence), in: Martenet/Bovet/Tercier, 2nd edition, Basel, 2013
- > Merkt, B., Raedler, D., Commentaire des art. 42a LCart (Enquêtes lors de procédures engagées au titre de l'accord sur le transport aérien entre la Suisse et la CE), in: Martenet/Bovet/Tercier, 2nd edition, Basel, 2013
- > Merkt, B., Commentaire des art. 40 LCart (Obligation de renseigner) et 43 LCart (Participation de tiers à l'enquête), in: Martenet/Bovet/Tercier, 2nd edition, Basel, 2013
- > Merkt, B., Bovet, C., Commentaire des art. 32-38 LCart (Examen des concentrations d'entreprises), in: Martenet/Bovet/Tercier, 2nd edition, Basel, 2013
- > Merkt, B., Brunschwig, S., Switzerland, in: European Lawyer Reference Series: Charity Law, London, 2012
- > Houdrouge, R., Merkt, B., Digital evidence in searches in competition investigations: Best Practices for effective fundamental rights, in: Concurrences, no. 4/2009
- > Merkt, B., Charitable Foundations - Charity begins at home, in: Private Client Practitioner - Switzerland, May 2009, 16-18
- > Merkt, B., Brunschwig, S., Swiss Anti-Cartel Enforcement, in: Dabbah/Hawk (eds.), Anti-Cartel Enforcement Worldwide, Cambridge University Press, Volume III, 1132-1163
- > Merkt, B., Swiss Merger Control, Second supplement to first Edition, in: Merger Control Worldwide, General Editors: Maher Dabbah and Paul Lasok, Cambridge University Press, 2008, 137-140
- > Merkt, B., Fischer, P., Distribution sélective et ventes sur Internet, in: AJP/PJA, 3/2007, 317-328
- > Merkt, B., Ordre public et droit de la concurrence: "utopie" ou réalité?, in: Concurrences, n° 3 2006
- > Merkt, B., Swiss Merger Control, in: Merger Control Worldwide, General Editors: Maher Dabbah and Paul Lasok, Cambridge University Press, 2005, 1181-1211

- > Merkt, B., Harmonisation internationale et entraide administrative internationale en droit de la concurrence: droit du GATT/OMC, droit européen, accords bilatéraux et perspectives pour le droit suisse, Ph.D. Thesis, Studies in Global Economic Law, Vol. 3, Lang, Berne/Frankfurt/Oxford/New York, 2001 (Prof. Walther Hug Price, 2001)