



DR. SERGIO BACHES OPI
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MEMBER OF THE LEGAL SERVICE OF THE EUROPEAN COMMISSION

- Competition Team -

Brussels (Belgium): February 2017 (to date).

Along with their tasks in litigation, in particular before the European Court of Justice in Luxembourg, members of the Legal Service provide independent legal advice to the European Commission and its members; providing legal opinions, as required by the Commission's internal rules, on drafts of legislation, decisions and any document having legal implications.

PAST PROFESSIONAL EXPERIENCE

BROSETA ABOGADOS

Madrid: November 2014- January 2017.

Partner – Head of the Competition and EU Department: Advising clients on the application of Spanish and EU competition law. Experience with leniency and cartel proceedings and abuse of dominance cases. Antitrust merger control filings before the Spanish competition authorities and the European Commission. Development and implementation of antitrust compliance programs. Representing clients in antitrust damage actions before Spanish courts. State aid.

BACHES GALÍNDEZ ABOGADOS

Zaragoza: November 2010 – November 2014.

Co-Founder / Partner: Advising clients on the application of EU and Spanish antitrust regulations; regularly representing Spanish companies before Spanish antitrust authorities in infringement and merger control proceedings. Advising on Spanish corporate & bankruptcy law, administrative law, contract law (including litigation in civil courts), sports law and criminal law.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP.

Brussels: February 2008 - June 2009.

Senior Associate: Advising clients on the application of Spanish and EU competition law. Experience with leniency proceedings. Antitrust merger control filings before the EU Commission and the Spanish competition authorities. Multijurisdictional antitrust merger control filings.

ROCA JUNYENT

Barcelona: May 2006 - January 2008.

Senior Associate: Head of the Competition and EU law Department.

URÍA MENÉNDEZ

Brussels: September 1995 - June 1996.

Barcelona: July 1996 - January 1998* (from January 1997 to April 1997 in Madrid).

Brussels: January 1998 - July 1999.

Barcelona: September 2000 - May 2006.

Senior Associate: Competition and EU law Department.

* Practicing mostly Spanish corporate law (M&As).

ACADEMIC BACKGROUND

UNIVERSIDAD POMPEU FABRA, Barcelona (December 2010)

Ph.D. in Law. Thesis: *A Critical Analysis of the Evolution of the Application of Article 101 of the TFEU to Vertical Restraints - Distribution Agreements.* [EU Block Exemption Regulation on Vertical Agreements] (supervised by Dr. José Massaguer).

EADA BUSINESS SCHOOL, Barcelona (November 2009 - June 2010)

Master in HH.RR. Management (*Máster en Dirección Estratégica de Recursos Humanos*).

FORDHAM UNIVERSITY SCHOOL OF LAW, New York (August 1999 - June 2000)

LL.M. in International Business & Trade (antitrust focus).

Thesis: *The Approach of the Commission and the US Antitrust Agencies towards Exclusive Clauses in Licensing Agreements* (supervised by Dr. Valentine Korah).

- Awarded a Fulbright grant.

CATHOLIC UNIVERSITY OF LEUVEN - KUL (September 1994 - June 1995)

LL.M. in European Union Law.

Thesis: *US/EU Merger Control: How Should the US Experience Influence the Enforcement of the Council Regulation 4064/89 on the Control of concentrations between Undertakings?* (supervised by Dr. Jacques Steenbergen).

- Awarded a grant from the Regional Catalan Government (Spain).

UNIVERSIDAD DE BARCELONA, Barcelona (September 1988 - June 1994)

Law Degree (*Licenciado en Derecho*).

CATHOLIC UNIVERSITY OF LEUVEN - KUL (September 1992 - June 1993)

Diploma in Advanced Studies in EC Law.

- Awarded an Erasmus grant.

PUBLICATIONS See Annex I below.

LEGAL TEACHING See Annex II below.

LANGUAGES

Working languages: English, Spanish, French.

Other languages: German (basic competence: B1), Catalan.

OTHER

- Born in Barcelona (Spain), 4 December 1970.
- Bar admissions: Spain (Barcelona, 1996-2017), Brussels (2008-09), Madrid (2017-to date).
- Member of the Board of the Spanish Association of Competition Law (2005 to date) / Secretary of the Association (March 2015- February 2017).
- Seminar: *Introduction to US Legal Methods* (four weeks), US Law Institute (Washington, August 2005).
- Courses on *general accounting and financial statements analysis*, *Centro de Estudios Financieros* - Center for Financial Studies - CEF (Barcelona 2006).
- Seminar: *Advanced Corporate Transactions* (one week), US Law Institute (Washington, August 2007).
- Certificate specialist in alternative dispute resolution (4th Promotion), Wolters Kluwer / General Council of Spanish Lawyers (114 h.), Madrid, January 2014 - July 2014.

ANNEX I.- PUBLICATIONS

A.- MAIN PUBLICATIONS ON COMPETITION AND EU LAW

Kluwer International, Competition Law in Western Europe and the USA - Spain Commentary: Law 15/2007, of 3rd July, for the Defense of Competition, Supp. 399, 2017, pp. 1-101.

Tratado de Derecho de la Competencia (Segunda edición) (book with other authors), Sergio Baches Opi (with L. Berenguer and N. Arenas). Chapter 4: *El sistema institucional de la Ley 15/2007*, José María Beneyto y Jerónimo Maíllo, (Eds.). Bosch - Wolters kluwer, Madrid, 2017.

Anuario de la Competencia (ICO) 2016, Lluís Cases (Dir.): Sergio Baches Opi (with L. Berenguer), “Actividad administrativa, libre competencia y unidad de mercado”, 2017, pp. 53-79.

Políticas de la Unión Europea en el Siglo XXI (book with other authors), Sergio Baches Opi, Chapter 6: *La política y el derecho de defensa de la competencia de la Unión Europea (I). Visión general*. Chapter 7: *La política y el derecho de defensa de la competencia de la Unión Europea (II). Acuerdos restrictivos de la competencia, abuso de posición de dominio y control de concentraciones*, Marta Ortega Gómez (Ed.), Bosch, Barcelona, December 2016.

Anuario de la Competencia (ICO) 2015, Lluís Cases (Dir.): Sergio Baches Opi (with Luis Berenguer), “El cálculo de las sanciones en materia de defensa de la competencia según la jurisprudencia del Tribunal Supremo y su aplicación por la Comisión Nacional de los Mercados y la Competencia”, 2016, pp. 73-110.

Revista APD (Asociación para el Progreso de la Dirección): “Transposición de la Directiva de daños por infracciones al Derecho de la competencia”, Sergio Baches Opi, December 2015. pp. 45-47.

Distribución y Derecho de la Competencia. El Reglamento de la Unión Europea sobre Restricciones Verticales [EU Block Exemption on Vertical Restraints] (book), Ed. Marcial Pons, 2014, 383 pp.

Gaceta Jurídica de la Unión Europea y de la Competencia, "Las restricciones a la libre fijación de precios en el mercado de los servicios jurídicos. Estado de la cuestión", Julio/Agosto 2013, No. 34, Nueva Época, pp. 26-45.

La Ley 15/2007, de Defensa de la Competencia, Balance de su aplicación. Book gathering the contributions submitted in the Second Seminar organized by the Spanish Association of Competition Law, *La jurisprudencia del Tribunal Supremo en materia de Derecho de Defensa de la Competencia desde la entrada en vigor de la Ley 15/2007*, Ed. La Ley, 2010 (Sergio Baches, author and coordinator).

La Ley 15/2007, de Defensa de la Competencia. Book gathering the contributions resulting from the First Seminar organized by the Spanish Association of Competition Law, *Las competencias de las Comunidades Autónomas en la nueva Ley de Defensa de la Competencia*, Ed. La Ley, 2008, pp. 45-81.

Derecho de la Competencia Europeo y Español, Vol. III, *La aplicación del Derecho español de la competencia a las centrales de compra: análisis de algunas cuestiones prácticas*, Luis Ortiz Coord., Ed. Dykinson, 2008, pp. 357-391.

Revista Jurídica de Catalunya, *El control de los oligopolios en la Unión Europea: criterios para la determinación de una posición de dominio colectiva (Comentario a la sentencia del TPI de 13 de julio de 2006, asunto T-464/04, Impala c. Comisión de las Comunidades Europeas)*, no. 1, 2008, pp. 282-286.

Diario La Ley, *La nueva Ley española de Defensa de la Competencia: Ley 15/2007, de 3 de julio*, No. 116, 2007, pp. 37-50.

Revista de Derecho Mercantil, *La aplicación del derecho “antitrust” al ejercicio unilateral de los derechos de propiedad intelectual e industrial: el estado de la cuestión en la Unión Europea y en los EE.UU.*, June 2006, pp. 641-679.

Revista de Derecho Mercantil, *El nuevo Reglamento comunitario de exención por categorías para los acuerdos de transferencia de tecnología*, March 2005, pp. 217-256.

Actualidad Jurídica, *El nuevo sistema comunitario de control de concentraciones*, April, No. 8, 2004, pp. 37-50.

Columbia Journal of European Law, *A Shaky Pillar of Global Stability. The Evolution of the European Union’s Common Foreign and Security Policy* (with Ryan Floyd), Issue 9.2, Spring 2003, pp. 299-332.

The European Lawyer, *The Spanish transition*, issue 24, 2003, pp. 10-13.

Nota d'Economia (Conselleria d'Economia de la Generalitat de Catalunya), *Les normes de defensa de la competència a la Unió Europea i als Estats Units d'Amèrica: introducció a l'estudi comparat*, 2002, No. 74, December 2002, pp. 147-167 (*Antitrust regulations in the European Union and the United States of America: comparative study*).

Fordham Intellectual Property Law Journal, *The Application of the Essential Facilities Doctrine to Intellectual Property Licensing in the U.S. and the E.U.: Are IPRs Still Sacrosanct?*, Vol. XI, No. 2, Winter 2001, pp. 409-507.

Boston College International & Comparative Law Review, *The Approach of the EC Commission and the U.S. Antitrust Agencies Towards Exclusive Clauses in Licensing Agreements*, Vol. XXIV, No. 1, Winter 2001, pp. 85-143.

Diario La Ley, *La cesión de datos de carácter personal: análisis de la legislación vigente y su aplicación a algunos supuestos prácticos*, May 2001, No. 5306, pp. 2-7 (*Transfer of personal data: analysis of the applicable regulations and its application to some specific cases*).

Revista General del Derecho, *La Aplicación del Artículo 81 del Tratado CE por las Autoridades Nacionales: Comentario a la Resolución del Tribunal de Defensa de la Competencia en el Asunto "Panasonic" (Exp.408/97)*, January-February 2000, Year LVII, No. 676-677, pp. 743-758 (*The application of Article 81 by National Authorities: commentary on the Decision of the Tribunal for the Defense of Competition in the Panasonic case*).

Revista General del Derecho, *Distribución Selectiva de Relojes y Piezas de Recambio (Comentario a la resolución del Tribunal de Defensa de la Competencia de 13 de mayo de 1998, expediente 379/1996)*, March 1999, Year LV, No. 654, pp. 2483-2498 (*Selective distribution of Watches and Spare Parts: commentary to the decision of the Tribunal for the Defense Competition of May 1998, case 379/1996*).

Revista General del Derecho, *La Internacionalización del Derecho de Defensa de la Competencia en el Seno de la Organización Mundial del Comercio: El Final de una Utopía*, March 1999, Year LV, No. 654, pp. 2321-2350 (*The Internationalization of Competition Law in the World Trade Organization: the End of an Utopia*).

Florida State University, Journal of Transnational Law & Policy, *Merger Control in the United States and European Union: How Should the United States' Experience Influence the Enforcement of the Council Merger Regulation?*, 1997, Vol. 6, No. 2, pp. 223-287.

B.- MAIN PUBLICATIONS IN OTHER DOMAINS

Relation du procès criminel, intenté à Genève en 1553 contre Michel Servet : rédigée d'après les documents originaux, Albert Rilliet. Édition et introduction de Sergio Baches Opi, Instituto de Estudios Sijenenses "Miguel Servet" Ed., 2017.

Introducción al libro *El Real Monasterio de Sijena y su Señorío Feudal*, Carmen Carrera Costa, Instituto de Estudios Sijenenses "Miguel Servet" Ed., 2015.

Miguel Servet, Soplo Efímero de Libertad (book, play on the life and works of Michael Servetus), Huesca, Sariñena Editorial, 2014.

Miguel Servet, Médico y Teólogo (book with J.M. Urkia Etxabe), San Sebastián, Fundación del Colegio Oficial de Médicos de Guipúzcoa, Real Sociedad Bascongada de los Amigos del País e Instituto de Estudios Sijenenses "Miguel Servet", Eds., 2012.

"Estudio sobre la vida y la obra de Sebastián Castellio", en el libro *Contra el libelo de Calvino* (autor: Sebastián Castellio, 1553), primera traducción al español a cargo del Prof. Joaquín Fernández Cacho y la Dra. Ana Gómez Rabal, Instituto de Estudios Sijenenses "Miguel Servet" Ed., Colección Servetiana, Vol I, 2009, pp. 1-27.

"Estudio introductorio sobre el dogma trinitario", en el libro *Sobre la verdadera solución de Miguel Servet al Misterio de la Trinidad*, Daniel Moreno, Instituto de Estudios Sijenenses "Miguel Servet" Ed., 2008, pp. 7-16.

Introducción al libro *Estudios sobre Miguel Servet II*, Instituto de Educación Secundaria Miguel Servet, Zaragoza, Gobierno de Aragón Ed., 2007, pp. i-xi.

“El Dr. Solsona y los orígenes del servetismo español contemporáneo”, *Doctori Solsona amicorum liber*, Ateneo de Zaragoza Ed., 2007, pp. 301-304.

“Miguel Servet, apuntes sobre su obra, vida y legado” en el libro *Miguel Servet, Luz entre tinieblas*, (Congreso Internacional sobre Miguel Servet - Zaragoza/Villanueva de Sijena), S. Baches Opi (Coord.), 2006, pp. 261-278.

“Miguel Servet y la circulación de la sangre”, *Historia de Iberia Vieja* (Revista de Historia de España), Madrid, nº 5, 2005, pp. 76-79.

“Miguel Servet, Luz entre las tinieblas”, *La Comarca de Los Monegros*, DGA Ed., 2005, pp. 217-227.

“El Monasterio de Santa María de Sijena”, *La Comarca de Los Monegros*, DGA Ed., 2005, pp. 184-195.

“Miguel Servet: Anotaciones históricas sobre un proceso ignominioso”, *Revista Serrablo*, diciembre 2000.

ANNEX II.- **LEGAL TEACHING**

Universidad Pompeu Fabra, Barcelona, Associate Professor, Spanish Corporate Law, 2010- 2014.

Universidad Pompeu Fabra, Barcelona, Master (Preparation for the Bar exam), 2012-to date.

Centro de Estudios Internacionales (Universidad de Barcelona), Master en Derecho de la Unión Europea, 2013-2015.

Instituto Superior de Derecho y Economía (ISDE-Madrid), Master in International Law, visiting profesor, *Comparative EU/US merger control laws & multi-jurisdictional filings*, 2008-2014.

Universidad Complutense de Madrid, *Curso de Derecho de la Competencia Comunitario y Español*, Luis Ortiz Coord., 2007 to 2008.

Universidad Autónoma de Barcelona (UAB) School of Law: visiting professor on *Spanish and EU merger control law*, 2006 to 2008.

University of Barcelona (UB), School of Law: lecturer on *the application of Competition Law to the Internet* (3 hours), 2001 to 2005.

Universidad Pompeu Fabra, School of Law (Barcelona): lecturer on *Spanish and European merger control regulations* (4 hours), 2000 to 2005.

Ramón Llull School of Law (Barcelona): *European Competition Law & Policy* (30 hours), 2001/2002.
Assistant professor.