



Benoît Merkt

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EXPERTISE

Dr. Benoît Merkt is our managing partner and a leading expert in competition law. Based at the firm's Geneva office, he specialises in all areas of competition law, notably in banking and finance, energy, high-tech, infrastructures (electricity), consumer goods, chemicals, luxury goods, motor-car distribution, public broadcasting and retail.

Renowned for his first-rate practice, Benoît has been responsible for a large number of merger notifications to the Swiss Competition Commission and coordinated multi-jurisdictional merger filings. Benoît has been representing clients for over 20 years in high profile competition law investigations of the Swiss Competition Commission in the field of horizontal (cartel) and vertical (distribution) agreements. He also regularly advises and represents clients in abuse of dominance cases and in merger control procedures. Benoît has successfully represented clients in several appeal procedures before the Swiss Administrative Tribunal and the Swiss Supreme Court. His first rate practice encompasses also public procurement matters and procedures.

Also head of the firm's Foundations and Philanthropy practice group, Benoît is a recognised expert in the legal structuring of charitable foundations in Switzerland and has been one of the country's leading advisers in this area for the last 20 years. In this time, he is proud to have incorporated some of the most significant foundations for global philanthropists.

Alongside his work at Lenz & Staehelin, Benoît serves on the board and act as chairman of several major Swiss charitable foundations. He is the author of a recent reference book on Swiss foundation law, published by Stämpfli in 2021.

PROFESSIONAL EXPERIENCE AND EDUCATION

2006	Partner at Lenz & Staehelin
1999	Joined Lenz & Staehelin
1998	Secretariat of the Swiss Competition Commission
2001	University of Neuchâtel (Dr. iur., University Award, Professor Walther Hug Award)
1997	University of Bern, European and International Trade Law Institute

1996 University of Oxford (Master in European and Comparative Law) (Berrow Foundation Scholar)
 1994 Admission to Bar
 1992 University of Neuchâtel (lic. iur.)

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

LANGUAGES French, English, German

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.

SELECTED PUBLICATIONS

- Waser A., Merkt B., The Government Procurement Review 2024 - Switzerland, in: Lexology In-Depth, 12th edition, May 2024
- Waser A., Merkt B., The Government Procurement Review 2023 - Switzerland, in: The Law Reviews, 11th edition, June 2023
- Meinhardt M., Merkt B., Waser A., Merger Control 2024 - Switzerland, in: Getting the Deal Through, May 2023
- Meinhardt M., Waser A., Merkt B., Weber U., The Dominance and Monopolies Review 2022 - Switzerland, in: The Law Reviews, 10th edition, June 2022, 387-405
- Meinhardt M., Waser A., Merkt B., Süslü S., Cartels 2022 - Switzerland, in: The Legal 500 Country Comparative Guides, April 2022
- Merkt B., Meinhardt M., Competition Inspections in 21 Jurisdictions - A Practitioner's Guide - Switzerland, in: Jalabert-Doury (ed.), Concurrences, Antitrust Publications & Events, 267-282
- Meinhardt M., Merkt B., Waser A., Cartels 2021 - Switzerland: Trends & Developments, in: Chambers Global Practice Guides, July 2021, 2-8
- Merkt B., Droit des fondations d'utilité publique, Précis de droit Stämpfli PdS, 1st edition, Bern 2021
- Merkt B., Charitable organisations in Switzerland: overview, in: Charity Global Guide Practical Law, March 2020
- Antreasyan S., Merkt B., Simon J., The Intellectual Property and Antitrust Review 2019 - Switzerland, in: The Law Reviews, 4th edition, September 2019, 186-194
- Merkt B., Peter ., 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
- Bovet ., Ducrey ., Merkt B., Droit de la concurrence - Competition Law, Editions Weblaw, 2017
- Merkt B., Chappuis ., 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 ., 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 ., Commentaire des art. 32-38 LCart (Examen des concentrations d'entreprises), in: Martenet/Bovet/Tercier, 2nd edition, Basel, 2013
- Merkt B., Brunschwig ., Switzerland, in: European Lawyer Reference Series: Charity Law, London, 2012
- Merkt B., Charitable Foundations - Charity begins at home, in: Private Client Practitioner - Switzerland, May 2009, 16-18
- Merkt B., 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., 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)

OTHER ACTIVITIES

- Member of the Legal Council of SwissFoundations.
- Member of the Board of directors of several public utility foundations of international scope.

REFERENCES

Mr Merkt has impressive technical expertise combined with practical application and understanding of the commercial context

Who's Who Legal, 2022

He consistently delivers clear and practical advice

Who's Who Legal, 2022

He is friendly, efficient and hugely reliable in very complex matters

Chambers, 2022

He is fully responsive, meets deadlines, is diplomatic and has a practical approach

Chambers, 2021

Benoît Merkt has a big network and takes a global approach to issues, not only legal.

Legal 500, 2021

The “well-respected” Benoît Merkt is considered “the most famous competition lawyer in Geneva.

Who's Who Legal, 2021

One of the big names and leading figures in the French-speaking market.

Who's Who Legal, 2021

Very well connected, knowledgeable and dedicated

Chambers, 2020

Top-notch! Excellent combination of thoughtful analysis and practical approach

IFLR1000, 2020

A highly recognized professional, very well known for cartels, abuses of dominant position and complex merger cases

Legal 500, 2020

An accomplished name whose practice encompasses all areas of competition law.

Who's Who Legal, 2020