

Expertise

Head of the competition law practice group of Lenz & Staehelin in Geneva, Dr. Benoît Merkt has extensive experience in all areas of Swiss and European competition law. He regularly advises and represents clients in contentious and non-contentious matters in relation to horizontal and vertical agreements and abuses of a dominant position as well as, in general, on compliance with Swiss competition law as well as in the field of regulated markets and public procurement. Benoît Merkt has acted on high profile cases, notably in the retail, motor-car, media, high-tech, banking, chemical, energy and luxury goods industries. He has also a large experience in Swiss merger control procedures and the coordination of multi-jurisdictional filings.

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. Benoît Merkt serves on the Board of directors of several Swiss foundations of international scope and is member of the Legal Advisory Council of Swiss Foundations, the association of Swiss grant making foundations.

Considered "top-class and outstanding" (Who's Who Legal 2016), Benoît Merkt is praised for his "ability to handle very complex problems" and "his great tactical and strategic sense" (Chambers Europe 2016).

Practice Areas

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

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

Geneva Bar Association, Swiss Bar Association (SAV), International Bar Association (IBA), Union Internationale des avocats (UIA), Studienvereinigung Kartellrecht Schweiz

Other Activities

- Former Chair of the UIA Competition Commission.
- Member of the Legal Council of SwissFoundations.
- Lecturer in the LLM Tax of the University of Geneva in the module on taxation and philanthropy (since 2015).
- Member of the Board of directors of several public utility foundations of international scope.
- Lecturer in public economic law (2003-2004) and in European and Swiss competition law (2005-2011) at the University of Geneva.
- Lecturer in international competition law at the World Trade Institute of the University of Bern (2005-2010).

Publications (Selection)

- Merkt, B., Charitable Organisations in Switzerland : overview, in: Global Practical Law, London, 2016
- Meinhardt, M., Merkt, B., Waser, A., Merger Control 2017 - Switzerland, in: Getting the Deal Through, September 2016, 386-390
- Meinhardt, M., Merkt, B., Waser, A., Cartel Regulation 2016 - Switzerland, in: Getting the Deal Through, Law Business Research, December 2015, 227-233
- Waser, A., Merkt, B., Public Procurement 2016 Switzerland, in: The International Comparative Legal Guide to Public Procurement 2016, 230-236
- 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., Brunshwig, 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., Brunshwig, 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)