



Legance poaches from Orrick in Italy

Francesca McClimont
17 November 2023



Pietro Merlino

The head of Orrick Herrington & Sutcliffe's competition practice has defected to Legance in Rome.

Pietro Merlino, 51, started as a partner at Legance yesterday, having also brought a pair of associates with him.

He joined Orrick as head of its competition group in 2018, after 19 years at Cleary Gottlieb Steen & Hamilton.

Merlino said Legance has been the "success story" of the Italian legal market in the past two decades – and he was swayed by its plans to further strengthen its competition practice.

"Joining the firm to help further grow the antitrust practice felt like a very natural choice for me at this point of my career," he said.

These are "very exciting times" to be a competition lawyer as there has "hardly ever been such a demand for sophisticated antitrust advice both at the EU and national levels", Merlino added.

He said he is grateful for his "rewarding" stint at Orrick, during which time he and his team improved the reputation of its Italian antitrust practice.

While there, Merlino advised Roche in its appeal against a €90.5 million fine levied by Italy's Competition Authority in 2014 for colluding with Novartis to spread misleading information about an eye disease drug.

Italy's top court, the Council of State, dismissed the pharmaceutical companies' appeals in January 2018, but later referred several questions to the European Court of Justice in 2021, asking if it misapplied an earlier preliminary ruling by the EU's top court.

Last year, the ECJ confirmed that member states do not have to allow litigants to challenge judicial decisions that apparently ignore preliminary rulings by the EU's top court.

Merlino was also part of the team that advised Enel X in its joint venture with Volkswagen to develop ultra-fast electric vehicle charging stations, which won unconditional approval in December 2021 a month after the Italian enforcer opened an in-depth probe.

In another notable matter, Merlino assisted pharmaceutical company Kedrion in an investigation by the Italian watchdog into its joint bidding arrangement with Grifols for the collection of donated blood and the manufacture and supply of plasma-based drugs for Italy's national healthcare system.

The agency closed its probe in 2019, finding the agreement did not infringe competition law even though each pharmaceutical company could have bid for the contract individually.

Vito Auricchio, head of Legance's competition practice in Italy, said Merlino is an "excellent match" for the current team, thanks to his his experience in antitrust matters and "unique know-how" in the pharmaceuticals sector.

Orrick was contacted for comment.

Legance now has two competition partners and a pair of senior counsel.

Francesca McClimont

Author | News reporter, Global Competition Review

Francesca.McClimont@globalcompetitionreview.com

Copyright © Law Business Research Company Number: 03281866 VAT: GB 160 7529 10