

Pietro Merlino

PARTNER

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○ Antitrust, EU ○ Life Sciences & Healthcare

Pietro Merlino is a partner in the Antitrust, EU department at Legance and focuses on EU and Italian competition law. He assists clients in connection with the application of EU and Italian competition rules across a wide range of sectors (from life sciences to energy, tech and digital economy, banking, insurance, transportations, consumer goods). Pietro advises and represents international and Italian clients in all areas of competition law, including abuse of dominance, cartel and restrictive practices investigations, merger control, civil antitrust litigation (follow-on or stand-alone damages actions), licensing and distribution, as well as on consumer protection and on general EU law issues.
Pietro appears frequently before the EU courts in Luxembourg and the Italian civil and administrative courts, as well as before the Directorate General for Competition of the European Commission and the Italian Competition Authority.
Over the years, Pietro has developed a strong, specific expertise in the application of competition rules in the pharmaceutical, energy and transport sectors as well as on the interplay between antitrust law and intellectual property rights (IPRs).
Pietro Merlino is distinguished as a leading professional in Band 2 EU and Competition Law by Chambers and Partners, where impressed sources state: "*Pietro Merlino inspires confidence in the client in respect of the quality of his work and the opinions provided*", "*Pietro Merlino is thorough and an excellent strategist, and he always puts the client first and foremost*", "*Pietro Merlino is good at taking leadership of the matter. He is accessible, persistent and tenacious*", "*He is innovative, creative and technically very strong*", "*He has deep knowledge and expertise of Italian antitrust laws. The combination of that and his pragmatic and business-friendly approach makes him one of the top experts in Italy in this area*" (2026), "*Pietro Merlino is an excellent lawyer, highly qualified in all areas of competition law*", "*Pietro Merlino has a great ability to quickly get into topics and market dynamics and ensure a high level of sophistication in the analysis of complex matters*", "*He has great curiosity, which is an amazing advantage in most things, even things that are not necessarily within your area of expertise*", "*Pietro Merlino has a marked customer-centric approach*", "*He is an immense antitrust*

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expert" (2025), "*He is very smart - he learns and understands the whole picture in a holistic manner and in a very short time*", "*Pietro Merlino is very attentive to customer needs, with a great ability to find solutions and to solve complex issues*" (2024), "*He provides a high level in delivering to and matching client expectations*" (2023), *"Pietro makes the hardest things easy, and this is very important for the client*" (2022). He is also ranked in EU and Competition Law by The Legal 500 as follows: *"Pietro Merlino has an outstanding knowledge of antitrust matters and of the pharmaceutical sector, and this is extremely important*" (2026), "*Pietro Merlino has outstanding experience in antitrust compliance matters which allows him to immediately enter into the dynamics that characterize the markets he has to analyze*" (2025) – as well as in healthcare and life sciences – where he is mentioned as follows: "*Pietro Merlino knows the pharma industry very well and has real passion for it*" (2025), "*Pietro Merlino has excellent interpersonal skills, as well as undisputed leadership skills that make him appreciated in all contexts, even by his counterparts*", "*He is a skilled, motivated and tough, yet fair, counterpart*" (2023), "*Pietro is a lawyer, who in addition to being highly competent, is very brilliant and imaginative. Thanks to this, he is able to identify winning solutions that are not within everyone's reach*" (2022). Pietro is also recognized by Global Competition Review (GCR 100) where he is referred to as "*renowned for his work in the life sciences sector*" (2023). In addition, Pietro is mentioned as Most Highly Regarded by Who's Who Legal (in both the global and national rankings).

Pietro Merlino has authored numerous publications on competition law. He lectures at several Italian universities and he is a regular speaker at conferences and seminars in Italy and abroad.

Pietro is a member of the Executive Committee of *Associazione Antitrust Italiana* (Italian Antitrust Association), which brings together more than 60 law firms and economic consulting firms active in the fields of antitrust and consumer protection, as well as a member of the association *Concorrenze.*

Professional Experience

PARTNER | FROM 2023
Legance – Avvocati Associati, Rome, Italy
PARTNER AND HEAD OF THE ITALIAN ANTITRUST PRACTICE | 2018 – 2023
Orrick, Herrington & Sutcliffe LLP Rome, Italy
COUNSEL | 1999 – 2018
Cleary Gottlieb Steen & Hamilton LLP, Rome, Italy and Brussels, Belgium
ASSOCIATE | 1996 – 1997
Studio Legale Tizzano, Brussels, Belgium

Education

2016
Admitted to practice before the Supreme Court and other Highest Jurisdictions
2004
Ph.D. in EU competition law, Università degli Studi di Napoli "Federico II", Naples, Italy
2000
Admitted to the Bar. Member of the Naples Bar, Italy

1999
LL.M. (*Fulbright Scholar, Merit Award for outstanding performance in EU Antitrust*), University of Michigan Law School, Ann Arbor, Michigan, U.S.A.
1998
LL.M. in Advanced European Legal Studies (*Mention*: *Très Bien*), College of Europe, Bruges, Belgium
1996
Law Degree, *summa cum laude*, Università degli Studi di Napoli "Federico II", Naples, Italy

Publications

- *"Antitrust and economic sustainability of the National Healthcare System"* in *"La sostenibilità della Salute - Nuovi equilibri tra dati, welfare e SSN*", Fondazione Roche – Edra, 2023;
- *"Abuse of Dominant Position and Intellectual Property Rights",* in *"Trattato di diritto antitrust"*, Giuffrè, 2021;
- *"Antitrust and Data Protection Law: A Relationship in Search of Clear Boundaries"*, in *"Antitrust between EU and National Law, XIII Conference",* Larcier, 2019;
- *"Antitrust Assessment of Co-marketing Agreements: a Diverging Approach between EU and Italy?"* (co-author), in *"Competition and Patent Law in the Pharmaceutical Sector. An International Perspective"*, Kluwer Law International, 2016.
- *"Edison: a Glimpse of Hope for Parent Companies Seeking to Rebut the Parental Liability Presumption?",* Journal of European Competition Law & Practice, Vol.5, Issue 7, 2014;
- *"Strategic Underinvestment as an Abuse of Dominance under EU Competition Rules"* (co-author), World Competition, Issue 4, 2013;
- *"The Duty to Invest in the Development of Infrastructures: Some Considerations on Two Parallel Stories"* (co-author), Mercato Concorrenza Regole, Issue 2, 2012.

Conferences and seminars

- "*Main Developments in European and Italian Competition Law*", in the session "*Below-thresholds concentrations*", VII National Conference of the Italian Antitrust Association, Florence, Italy, June 9, 2023;
- *"The Rise of Antitrust Enforcement in Labor Markets: a Transatlantic Discussion"*, Lear Competition Festival, Rome, Italy, September 23, 2022;
- *"Life Sciences regulation and competition rules: an interplay that needs some fixing?",* Lear Competition Festival, Rome, Italy, June 11, 2021;
- *"Conversation with Antonio Tizzano on 'the State of the (European) Union'"*, Seminar of Concorrenze, Rome, Italy, May 21, 2020;
- *"Main Developments in European and Italian Competition Law",* in the session *"Horizontal restraints: by object, by effect and standard*

of proof", V National Conference of the Italian Antitrust Association, Florence, Italy, May 2019;
- "*Roche/Novartis – implications and perspectives*", Seminar of Concorrenze, Rome, Italy, November 7, 2019;
- "*Antitrust Between EU Law and National Law*", in the session "*Business and Market*", XIII Treviso Antitrust Conference, Treviso, Italy, May 2018;
- "*Competition law, IP and Regulation in the Pharmaceutical Sector*", Università degli Studi Roma Tre, Rome, Italy, November 2017;
- *"Main Developments in European and Italian Competition Law"*, in the session *"Not Only Europe: The Challenges of Antitrust Enforcement in the New Millenium"*, IV National Conference of the Italian Antitrust Association, Capri, Italy, May 2017;
- *"The Italian Roche/Novartis Case",* 25th Annual EU Pharmaceutical Law Forum 2016, Informa, Brussels, Belgium, May 2016;
- *"Co-operative Agreements: (i) Licensing and Off-label Use in light of the Italian Roche/Novartis Case; and (ii) Co-marketing and Co-promotion",* Competition Law in the Pharma Sector 2014, IBC Legal, Brussels, Belgium, November 2014;
- *"Piercing the Corporate Veil in Antitrust Cases: the Notion of Parental Liability under Competition Rules in Europe",* Piercing the Corporate Veil: A practical approach, AIJA – Association Internationale des Jeunes Avocats, Rome, Italy, October 2013;
- "*The Duty to Invest in the Development of Infrastructures: Some Considerations on Two Parallel Stories*", Seventh Annual Conference of the Italian Society for Law and Economics, Torino, Italy, December 2011;
- *"Best Practices for Preventing Antitrust Infringements and Unfair Commercial Practices"*, Rome Bar Association and Eni S.p.A., Rome, Italy, April 2011.

Lectures

- From 2016: "*Abuse of Dominant Position and IPRs*", European Competition Law Course at Università degli Studi Roma Tre, Rome, Italy;
- From 2020: "*Relationships between antitrust and intellectual property in the pharmaceutical sector*", Master of II° level in *Business Law* at LUISS School of Law in collaboration with Associazione Italiana Giuristi d'impresa, Rome, Italy;
- 2020: *"Relationships between antitrust and intellectual property in the pharmaceutical sector",* High qualification course *"Il Sistema sanitario e le imprese farmaceutiche"* at Link Campus University in collaboration with Farmindustria;
- 2019/2020: "*Antitrust, Big Data and personal data protection*", Master of II° level in *Business Law* at LUISS School of Law in collaboration with Associazione Italiana Giuristi d'impresa, Rome, Italy;

- 2017/2018: "*Abuse of Dominant Position and IPRs*", Florence Competition Forum at European University Institute of Fiesole, Florence, Italy;
- 2009/2010: "*Antitrust and Intellectual Property*", Master in European Union Law at Università degli studi di Napoli "Federico II", Naples, Italy;
- 2008/2010: "*Antitrust and Intellectual Property*", Master in International Business Law at Università degli Studi di Roma "La Sapienza", Rome, Italy;
- 2008/2009: "*Abuse of Dominant Position"*, Post-Graduate Course in Economic Law and Competition in the European Union – Law & Business in Europe at Istituto Universitario di Studi Europei di Torino, Turin, Italy;
- 2007: "*Antitrust and Intellectual Property*", Transatlantic Intellectual Property Summer Academy at Università Commerciale Luigi Bocconi, Milan, Italy.