Manufacturing success
Our global industrials sector team
Welcome

Your global industrial team

Eversheds Sutherland at a glance

Legal areas we cover

Convergence model

Subsectors

Aerospace, Defense and Security

Automotive

Chemicals

Manufacturing and Industrial Engineering
Welcome

In today’s uncertain world, industrial sector companies are utilizing the span of their operations to cope with changing macroeconomic conditions. They are adapting to new market challenges, by adjusting their portfolio of businesses and by adopting new technologies that improve their products and make them more valued by their customers.

Eversheds Sutherland represents one quarter of all diversified industrial companies in the Fortune 500 and over 50% of the sector in the FTSE 350. We also work with 58 of the Fortune 100. We can offer you full service industrial capability across Europe, the Middle East, Africa, Asia, the US and Latin America, and can utilize our global reach to support you. We have particular sector experience in cross-border transactions (mergers and acquisitions), strategic litigation, compliance, health and safety, supply chain and antitrust issues.

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Our experience

What we do for our clients

Our global Industrials Sector team offers valuable sector insight, with advice based on professional knowledge, experience and research findings. Many of our clients have a global structure and much of our work is multi-jurisdictional. We advise clients involved in a wide range of areas including manufacturing, industrial engineering, aerospace, defense and security, chemicals, nuclear, automotive and technology.

Our legal advisers have years of experience of working with diversified industrial clients. Our breadth of experience, coupled with our geographical spread and multi-jurisdictional capability, means we are well-placed to support you through new challenges. As a dedicated sector group, we are well equipped to supply innovative, up-to-date and relevant legal advice.

We can support your business wherever in the world you or your products may be.

The IS landscape

Our own independent research of the issues affecting GCs from industrial multinationals has shown several key issues affecting our clients:

- regulatory global compliance
- post-M&A integration
- maximizing the success of joint ventures
- technological advancement
- protecting and monetizing intellectual property

This in-depth research allows us to see the market from the your perspective, proactively raise issues ahead of time and create tools and products which can help train and prepare you for the challenges ahead. For example, in M&A, while confidence is returning to the industrials sector, few GCs anticipate taking big risks with their acquisitions.

Innovation in our sector

Our cross-border experience allows us to provide innovative solutions to the sector-specific issues faced by large multinational corporations. For example, we have advised Chemtura, DuPont, SPX, Parker Hannifin, Brady and Teleflex on numerous cross-border transactions over multiple jurisdictions.

We have a dedicated team, with professional sector knowledge across our global network. This allows us to create pioneering cross-border relationships with our clients.

![Acritas Sharper Insight](image-url)

Our industrial and manufacturing group has been recognized by Acritas as having a top 10 brand globally.
Eversheds Sutherland at a glance

One of the largest full-service law practices in the world

70+ offices across

30+ countries in Africa, Asia, Europe, the Middle East and the United States
Eversheds Sutherland around the world

- Eversheds Sutherland North America
- Eversheds Sutherland Europe
- Eversheds Sutherland Middle East
- Eversheds Sutherland Asia Pacific Alliance: over 40 countries across Asia
- Eversheds Sutherland Latin America Alliance: 17 countries across the region
- Eversheds Sutherland African Law Institute (EALI): more than 30 countries across Africa
Our Aerospace, Defense and Security team advises major international and domestic clients from both the public and private sectors, including leading suppliers of defense systems, products and components and global integrated security companies as well as defense and IT service providers.

The sector continues to feel the impact of global economic headwinds, rebalancing from West to East and the end of the procurement spike caused by the conflicts in Iraq and Afghanistan. In the United States, budget sequestration has constrained defense spending and European defense budgets also seek to achieve “more for less.” We work with clients on a wide range of matters and issues, including mergers, acquisitions, joint ventures, international governance, subsidiary management and other collaborative arrangements (e.g., teaming, joint marketing agreements), outsourcing and procurement projects, litigation and disputes down the supply chain, procurement challenges and reviews, and export control laws and regulations.

We have particular experience in advising clients on and structuring the various approaches for participating in cross-border defense markets. Specifically, in the M&A arena, we often act with respect to cross-border acquisitions of defense and security firms.

We also appear on behalf of clients regularly before Ministries of Defense and other regulatory bodies on these and other matters, and in some cases have assisted Ministries on a range of issues.

We have a team of dedicated lawyers in the range of issues that directly and materially affect the aerospace, defense and security sector, including: anti-bribery and corruption legislation; antitrust and competition issues, which often arise in the consolidated defense and aerospace marketplace; domestic content legislation such as the Buy America Act and Berry Amendments, intellectual property and data rights, priority allocation systems in the US, UK, and elsewhere, and relevant treaties and other international agreements.
Our recent experience includes:

- advising a worldwide aerospace provider on compliance with EU export control legislation and in respect of the export of specific military and “dual-use” items
- handling challenging competition and antitrust issues on major defense acquisitions in a highly consolidated defense market area
- advising the board of directors of a foreign-owned, classified US business on a regular basis
- working with a major private equity firm on due diligence and negotiation of agreements with respect to the acquisition of major aerospace and defense components firms
- leading and project managing a global disposals program for a multinational integrated security company
- managing the corporate secretarial requirements of an international avionics system company including the set up of new entities to support the application of government tenders

We understand the intricacies of this sector and deliver clear, straightforward advice – wherever you are based.

Our Aerospace, Defense & Security lawyer James Lindop is highly recommended:

“James has helped us on numerous occasions in recent years in navigating some of our Group’s most critical and complex export controls and sanctions compliance matters across multiple jurisdictions. He cuts through complexity and consistently provides prompt and solution-focused advice framed in a practical way our businesses can easily understand and act upon. He is our go-to external adviser for export controls and sanctions advice to our EMEA operations.”

BBA Aviation PLC
Aerospace, Defense and Security case study

Acting for a major US Aerospace client

We acted for a major US aerospace client with whom we have a long-standing relationship, on a strategically important acquisition of a state-of-the-art data centre based outside London. The property fit out requirements were very site-specific and this complex transaction involved interaction with the client’s in-house legal team based in the United States and its property advisors based in London. We provided a fixed price fee and clear, concise advice, ensuring that key issues were raised at as early a stage as possible. The benefit to the client was our ability to deliver as promised and ensured the data center was up and running on time and within the client’s financial year.

Advising a global industrial client on export control and trade sanctions

We advised a confidential global business in the Industrials Sector – but with a particular focus on aerospace and defense – on all aspects of export control and trade sanctions which affect its business. We worked closely with them to implement their existing export compliance policy and to assist in classifying some of its most technical equipment and technology. With our international capability and our links into senior officials within the UK Export Control Organization, we were able to effectively assist our client to remain compliant with minimal adverse impact on its business. The benefit to the client was the depth of experience within the team, which enabled us to assist the business to navigate some potentially very problematic situations without any adverse consequences.
Automotive
The automotive industry is constantly changing, adapting to new trends and embracing new technologies. The digitization of manufacturing processes and facilities and the development of connected/driverless cars presents significant issues, such as the use and exploitation of data, liability issues, cross-border regulation and cybersecurity. Through technology, vehicle manufacturers and their suppliers are using new and innovative ways to do business with industry partners and customers, while having to comply with an ever-increasing burden of legislation and regulation.

With decades of experience advising the industry, our Automotive team has a deep understanding of the issues that you face every day. We support global OEMs and remarketers of motor vehicles, leading automotive marketplace websites and software providers, wholesale and retail lenders, and Tier 1 and Tier 2 suppliers with a full range of services. We have particular experience in anti-trust, commercial and product liability litigation, corporate transactions, commercial terms, IP and data protection, regulatory, finance and tax.
Our recent experience includes:

– advising on the supply of a telematics system (which captures the car’s health, driver’s journeys, etc), working on the technology supply agreements, support arrangements and privacy and consumer aspects

– advising a global vehicle manufacturer on an antitrust investigation by the European Commission involving five of its competitors, into an alleged cartel around the timing and price increase levels for the introduction of new emission technologies

– defending one of the world’s largest auto finance companies in a series of nationwide class actions brought under the Equal Credit Opportunity Act, challenging discretionary credit pricing by originating dealers as part of an industry-wide challenge

– recovering all intellectual property, a lucrative customer contract and non-compete terms for an automotive client in a trade secrets dispute

– structuring, drafting and negotiating marketing contracts, restrictive covenant agreements, software licensing and Software as a Service (SaaS) agreements, and supply chain, procurement and logistics contracts

Our Automotive team is highly recommended by Honda:

“This was an extremely challenging project from the outset which [Eversheds Sutherland] handled extremely well. The commitment particularly from the core team was exemplary – in fact the whole team was praiseworthy. Some of the pop-up box workarounds that the team came up with were particularly creative.”

David Brock, Honda Legal, Honda
Automotive case study

Eversheds Sutherland cartel settlement outranks competition to take award

In July 2016, the EU Commission extracted €2.93 billion in a settlement with Volvo/Renault, Daimler, Iveco and DAF. Lawyers, including those from Eversheds Sutherland, secured a settlement after the competition authority had issued a statement of objections, ending the perception that Directorate-General for Competition (DG Comp) would not settle cases at such a late stage in the proceedings. Scania was not part of the settlement and continues to face an investigation.

Eversheds Sutherland’s work on the ‘DG Comp’ trucks cartel settlement was recognized by Global Competition Review award. The award for behavioral matter of the year (Europe) was for the creative, strategic and innovative work carried out in a non-merger matter before an enforcer in Europe. A combined team from Eversheds Sutherland, Cleary Gottlieb and boutique law firm Contrast, represented AB Volvo in the European Commission’s investigation into the truck sector, one of the largest cartel investigations conducted to date. The annual award ceremony was held in March 2017 in Washington DC and recognizes the leading cases and firms from the previous year.

Global Competition Review is the world’s leading competition law and policy journal and has teams of journalists in London and Washington. It also publishes rankings of law firms and competition regulators across the globe.

Ros Kellaway, Head of Competition, EU and Trade at Eversheds Sutherland says:

“The European Commission’s investigation into the truck sector was notable due to its size and it is an honour to be awarded for navigating this complex and significant case from the outset. The investigation involved six companies which at times had inherently conflicting interests. This award recognizes both the quality of the practice and the EU wide scope of our team.”

Eversheds Sutherland advised Autoliv on autonomous driving joint venture Zenuity with Volvo Cars

We advised Autoliv, the worldwide leader in automotive safety systems, in the formation of the joint venture “Zenuity” with Volvo Cars for the development of software for autonomous driving and advanced driver assistance systems. It marks the first time a premium car maker has joined forces with a tier one supplier to develop leading advanced driver assist systems and autonomous driving technologies.

Zenuity will develop advanced driver-assist systems (ADAS) and autonomous driving (AD) technologies. Autoliv has made a total investment of around 115 million Euros into the joint venture, the large majority of which is an initial cash contribution, but it also includes intellectual property, know-how and personnel. At the same time, Volvo Cars has contributed intellectual property, know-how and personnel into the joint venture.

Zenuity started its operations in April 2017 with its headquarters in Gothenburg, Sweden, and with additional operations in Munich, Germany, and Detroit, USA. Zenuity’s initial workforce of close to 300 people is from Volvo Cars and Autoliv, as well as some new hires. The joint venture’s workforce is expected to grow to more than 600 employees in the medium term.

Dr Alexander Niethammer, Partner at Eversheds Sutherland in Munich says:

“The advice to Autoliv in regards of the Zenuity joint venture represents Eversheds Sutherland’s excellence in the automotive sector. We are therefore pleased to have supported this forward-looking technology cooperation and be part of a pioneering project in the digitization of the automotive sector.”
Chemicals
The chemicals sector is facing challenging times. Disruption is being brought about by rapid growth in emerging markets and new players entering to service those markets; while those in established markets seek to leverage the benefits of automation through the adoption of Industry 4.0.

Whether you are a new entrant or an established organization, our dedicated Chemicals team can help you realize your ambitions. Backed by an international network of sector-specific lawyers, we offer a full range of services and advise on highly technical areas such as REACH, biocides CLP (Classification, Labelling and Packaging), the Industrial Emissions Directive and global intellectual property acquisitions, portfolio management and accompanying litigation.
Our recent experience includes:

- acting as lead counsel on Chemtura’s sale of agrochemicals division (Chemtura AgroSolutions) to US group Platform Specialty Products Corporation for $1bn. This involved the sale of business units in 36 jurisdictions and a contract/asset portfolio covering over 120 countries
- advising a major chemical client on an extensive REACH and biocides compliance audit
- acting for two of the largest global chemical companies in patent procurement and freedom-to-operate issues surrounding their developing technologies
- acting for a global manufacturing company with respect to patent challenges in post-grant review proceedings before the US Patent & Trademark Office
- supporting an international chemicals production corporation with their subsidiary governance management in over 100 companies across 30 countries

Our Chemicals team is highly recommended by DuPont:

“We were very impressed with the support that [Eversheds Sutherland] provided for our pension plan closure project in the UK. Simon and the rest of the team were crucial in helping us make it a success, using both a pragmatic approach and clarity in their advice.”

DuPont
Manufacturing success
Our global Industrials Sector team

Manufacturing and industrial engineering
Our manufacturing and industrial engineering experience spans local medium-sized enterprises to global leaders in engineering and technology. Regardless of size, from cloud technologies, the Internet of Things (IoT) and the use of Big Data, to the development of artificial intelligence and virtual reality, we understand that digitization is having a profound impact on industrial engineering companies. Along with exciting opportunities, digitization presents challenges such as the use and exploitation of data, liability issues and cybersecurity.

We understand that regulation and compliance is also firmly on your agenda, with more frequent and larger fines being handed down by regulators. The resultant reputational harm to businesses is now such that it features on all corporations’ risk registers. Supply chain transparency is at the fore, an example being the Modern Slavery Act requirements.

Our breadth of manufacturing and industrial engineering experience, coupled with our geographical spread and multi-jurisdictional capability, means we can support you through the opportunities and challenges of an evolving marketplace, and supply innovative, up-to-date and relevant legal advice.
Manufacturing and industrial engineering case study

Helping Pentair with release of its valve production division

We advised US group Pentair on the sale of its valve division in Ham (Somme), France to the French industrial group, Altifort. The transaction was completed within the complexities of the Loi Florange, a 2014 French law which requires companies with more than 1000 employees to find a purchaser and avoid redundancies when closing down any assets.

Pentair is a global water, fluid, thermal management and equipment protection partner with a 2015 revenue of US $6.4bn. Altifort is a French industrial group operating in construction, water and soil treatment, security and industrials.

Helping Romax Technology

We advised Romax Technology, a pioneer in predictive maintenance solutions, on a multi-jurisdictional joint venture with BP subsidiary Castrol.

Castrol – one of the world’s leading lubricant brands – took a controlling interest in Romax Technology’s Insight business. The deal combined Castrol’s expertise in wind turbine lubrication with Romax Insight’s predictive maintenance, analytics and software business. Romax Insight is headquartered in Nottingham, UK.

Mark Wells, Chairman, Romax Technology Limited, said:

“This is an exciting next step for Romax Technology and we’re pleased to have reached such a successful conclusion. Despite the multi-jurisdictional and complex nature of this deal, [Eversheds Sutherland] worked tirelessly to ensure a seamless completion.”
Legal areas we cover
Data protection – we advise on data protection compliance issues around the world. As with compliance and anti-bribery work, we have developed bespoke training materials to assist our industrial clients in the areas of data protection, freedom of information and privacy.

Disputes – our team of lawyers work across all major jurisdictions. Litigation is not the only way to resolve disputes and, where appropriate, we use alternative methods of dispute resolution – including arbitration and mediation – to achieve the most practical and commercial solution possible. We have considerable experience in international commercial arbitration in key jurisdictions around the world.

Commercial – our Commercial Contracting group delivers effective contractual arrangements, ensuring that contracts deliver the value and benefits you need. Through our contract process review programme, we can help you put in place systems that address not only the major high profile relationships but also your industrial business as usual relationships.

Competition – we are recognized as one of Europe’s leading Competition/Antitrust practices. Our wide geographic coverage allows us to give immediate on-site assistance for both national and international dawn raids across the EU. It was our team which defended the raid on Akzo Nobel premises in Manchester and which led to the seminal case on legal privilege.

Corporate – we have a team of lawyers in locations across the world advising on mergers and acquisitions, initial public offerings, takeovers, private equity, venture capital, debt and equity issues, corporate reorganizations, corporate governance and company secretarial issues.

Corporate tax – we possess wide experience in providing strategic tax advice on the structuring of company transactions and also negotiating any tax indemnity and/or tax warranties. Our legal skills enable us to ensure that your tax strategy is implemented and documented correctly from the initial advice through to final documentation.
Fraud and financial crime – we have significant experience of the UK Bribery Act 2010 and the US Foreign Corrupt Practices Act 1977. We conduct internal bribery investigations and investigations by enforcement agencies for global companies, often involving more than one regulator, across borders.

Health and safety – our team has acted in some of the most prominent and complex industrial cases in recent memory, including the Buncefield explosion and fire. We also train over 2,000 health and safety professionals and senior managers on their health and safety responsibilities each year to help establish a culture of good safety practices.

IP – we provide strategic counselling, facilitating an effective approach to IP generation, management and exploitation, licensing, R&D and other collaborative arrangements, sponsorship and franchising, IP litigation, trademark and patent prosecution.

Labor – we have one of the largest and most respected Human Resources teams, recognized by the Chambers & Partners legal directory as a team "synonymous with quality and value for money". We have lawyers experienced in even the most unusual aspects of employment law.

Product liability – we offer product recall training, including mock recall exercises, product liability awareness and crisis management training and preparation of crisis plans. We have created a bespoke EMEA-wide product liability guide involving practical advice for dealing with product incidents, templates, checklists as well as a summary of relevant legislation and authorities.

Stock incentives – as the world becomes a smaller place, multinationals are increasingly finding it necessary to ensure that their employees around the world are properly incentivised and rewarded, no matter which jurisdiction they are based in. Also, employees are becoming more mobile and will often operate out of a number of jurisdictions. Our specialists have vast experience of assisting multinational corporations in implementing their stock reward programmes throughout the world.
Your global industrial team

Industrials Sector key contacts:

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Matthias is Head of Eversheds Sutherland’s Industrials Sector group, responsible for facilitating the sharing of know-how and best practice among our lawyers across the industrial, chemical, automotive, aerospace, defense and security sectors.

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Bob is the Co-Head of the Industrials Sector group in the US, focusing on M&A, joint ventures and private investment transactions, both domestically and internationally. He works with multinational companies in a number of industries, including manufacturing, industrial engineering and technology.
Manufacturing success
Our global Industrials Sector team

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Robin is Chair of the Industrials Sector (international) group and leads the cross-border M&A team. He is experienced in M&A in the industrial sector, having acted as client partner and corporate lead for many industrial companies.

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Will is the Co-Head of the Industrials Sector group in the US. He guides clients through high-stakes international arbitration and litigation, serving as lead counsel before all major arbitral institutions and US courts. Will has successfully handled matters spanning more than 40 countries around the world, representing multinational companies in aviation/aerospace and defense, security, manufacturing, automotive, construction, energy, government, chemicals and plastics, telecom, transportation, and infrastructure.
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Dr. Christian Mense is Co-Head of the Aerospace, Defense and Security sector (international) group and a partner in the M&A and corporate law department in the Munich office of Eversheds Sutherland.

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Alistair is Co-Head of the Aerospace, Defense and Security sector (international) group and has broad experience in advising public and private companies on acquisitions, fundraisings, disposals, restructurings and general corporate governance.

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Jeff is Head of the Aerospace, Defense and Security sector group in the US. He has acted for a wide range of US and foreign companies as well as boards of directors in aerospace, defense, space, information technology and other high-tech industries on structuring mergers, acquisitions, joint ventures and other collaborative arrangements.
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Adam is Co-Head of the international Automotive sector group, specializing in dispute resolution and risk management advice. Adam has acted for a range of companies within the sector including Volvo, Mercedes AMG High Performance Power Trains and Smithers Rapra.

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Bill is Co-Head of the Automotive sector group in the US and, in this role, coordinates Eversheds Sutherland’s approach to clients in the automotive sector. He represents clients in complex corporate transactions.
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Phillip is Co-Head of the Chemicals sector (international) group and has acted for a range of global chemical companies including LyondellBasell, INEOS, DONG Energy and Chemtura.

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David is Head of the Chemicals sector group in the US and advises clients on a broad range of corporate governance matters and complex business transactions, including M&A, strategic investments, capital formation, divestitures, debt and equity restructurings, and securities offerings. He counsels companies operating in the manufacturing, technology and distribution sectors.
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Stacey is head of the Manufacturing and Industrial Engineering sector group in the US. A seasoned corporate transactional attorney, she counsels multinational corporations, financial sponsors, portfolio companies, and public and private entities in a variety of complex domestic and global business transactions.

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Antony is a Partner in our corporate group and focuses on cross-border work for global manufacturing and industrial engineering corporates.

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Louise is a Partner in our employment and labor group, specializing in UK employment and immigration laws with particular experience in the Industrials sector. She regularly advises on the employment aspects of commercial transactions and provides strategic advice in connection with reorganizations and TUPE transfers.