

Marion Baumann

Counsel

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OVERVIEW

Marion Baumann is counsel at K&L Gates and a member of the antitrust law and public procurement practice groups. She advises on European and German antitrust law, public procurement law as well as on regulatory aspects, state-aid law, including the Foreign Subsidies Regulation and foreign trade law, in particular in relation to foreign direct investment assessment.

Marion provides comprehensive advice on antitrust law, in particular in antitrust related questions including merger control in relation to multi-jurisdictional transactions, on the structuring of distribution systems, the drafting of research and development and technology transfer agreements and on antitrust compliance.

In addition, she assists bidders and contracting authorities in all (pre-)stages of complex procurement procedures and infrastructure projects and represents clients before public procurement review bodies.

Marion also advises and assists clients in state-aid law, inter alia in monitoring of available subsidies, in particular in relation to site selection processes, in application procedures as well as in complaints to the EU Commission.

PROFESSIONAL BACKGROUND

Marion joined the firm in November 2008. After passing her First State Exam in 2006 at the Ludwig Maximilian University of Munich, she also passed her Second State Exam 2008 in Munich. In 2018, she obtained her accreditation as a “Specialist Lawyer for Public Procurement Law” (*Fachanwältin für Vergaberecht*).

ACHIEVEMENTS

- Recognised by *The Legal 500 EMEA* as a Recommended Lawyer in Germany
  - Advice to the Transport Sector, 2024-2025
  - Public Procurement, 2024

SPEAKING ENGAGEMENTS

- Speaker in the public procurement law module of the master program “Real Estate” JurGrad at university of Münster (since March 2019)
- Speaker in the online basis training public procurement law of ForumVergabe (August 2023)
- Speaker in the training program of DeutscheAnwaltAkademie for specialist lawyers for public procurement law (December 2018)
- Speaker in the training program of DeutscheAnwaltAkademie regarding “Reasons for exclusion, exclusion from calls to tender and self-cleaning” (November 2017)
- Took part as speaker in the further education course “Qualification as a funds manager for companies” (*Qualifizierung zum Fördermittel-Manager für Unternehmen*) by Emcra (2012-2014) – Public tendering: opportunities and pitfalls from the bidder's point of view
- In-house workshops on procurement law for companies on a regular basis
- In-house workshops on antitrust law for companies on a regular basis

EDUCATION

- Second Legal State Exam, Higher Regional Court of Munich, 2008
- First Legal State Exam, Ludwig Maximilian University of Munich, 2006
- Specialist Lawyer for Public Procurement Law, Berlin Bar Association, 2018

LANGUAGES

- English
- German

THOUGHT LEADERSHIP *POWERED BY HUB*

- 22 November 2023, Black Friday, Cyber Monday, Flash Sale…? Make Sure You Know the Rules
- 7 November 2023, 11th Amendment to the German Competition Act (GWB): New Powers of Intervention for the Bundeskartellamt Creating New Challenges for Companies
- 7 July 2023, Somewhat More Clarity on the Reach of the New Foreign Subsidies Regulation
- 12 April 2023, The European Commission's New Foreign Subsidies Regime - How to Best Prepare and What to Expect
- 8 November 2021, Positive Effects of Compliance Programs Under the New Guidelines for Fines by the FCO

- 25 August 2021, Narrow Best-Price Clauses Between Platforms and Hotels: German Federal Court of Justice Overturns Court Decision That Ruled These Permissible Under Antitrust Rules
- 28 January 2021, The Enforcement of Abuse of Economic Dependence in the EU
- 9 September 2020, Germany's Highest Antitrust Court Published the Detailed Written Statement of Reasons of its Facebook-Decision -- With Consequences for the Entire Industry
- 18 June 2019, German Court Decision: Narrow Best-Price Clauses Between Platforms and Hotels are Permissible Under Antitrust Rules
- 10 April 2017, New Merger Control Thresholds in Germany

OTHER PUBLICATIONS

- "Acquiring an AI Company," *Thomson Reuters Practical Law*, January 2024 (co-author)
- "Ascertainment of the legal requirements for self-cleaning under public procurement law," Comment on the ECJ's decision of 24 October 2018 (Case No. C-124/17), *NZBau* 2019, p. 565 et seq., together with Helene Gerhardt (German article)
- "Admissibility and Contestability of a Tendering Exclusion," *NZBau* 2016, p. 678 et seq., together with Dr. Annette-Mutschler-Siebert (German article)
- "juris practice commentary for public procurement law," Heiermann/Summa/Zeiss (editors), 6. edition 2022 (co-author)
- „BeckOK Vergaberecht," online commentary on procurement law, *Beck-online* 2022 (co-author)

NEWS & EVENTS

- 3 September 2026, K&L Gates Advises AUMOVIO on Sale of Washer and Cleaning Business Group to CERTINA Group
- 28 April 2026, K&L Gates Advises Rock Rail and John Laing on Procurement and Lease Financing of 61 Battery Trains for Northern Westphalia Network
- 21 April 2026, K&L Gates Advises AUMOVIO on Sale of Mechelen Manufacturing Site to Dumarey Group
- 2 April 2026, K&L Gates Advises InfraLeuna GmbH on the Acquisition of DOMO Caproleuna GmbH
- 16 December 2025, K&L Gates Advises Therme Horizon on Acquisition of Wund-Thermen
- 8 October 2025, K&L Gates Advises Rock Rail Holdings Limited on Regional Passenger Rail Project Netz Nördliches Westfalen
- 26 June 2025, K&L Gates Advises Therme Group on Billion Euro Joint Venture With CVC to Establish Therme Horizon

- 24 June 2025, K&L Gates Advises Continental on the Sale of Italian Drum Brake Plant to Mutares
- 14 May 2025, K&L Gates Advises MSA Safety Incorporated on €175 Million Acquisition of M&C TechGroup Germany
- 11 April 2025, K&L Gates Advises Avenue Capital on the Acquisition of Hubergroup
- 29 August 2024, K&L Gates Advises APK AG on Investor Agreement With LyondellBasell
- 10 October 2023, K&L Gates Advises Mahr Holding on Sale of Shares in Mahr EDV GmbH to Private Equity Investor
- 2 August 2023, K&L Gates Advises Gorka Holding on Sale of Majority of Shares in DiaSys Diagnostics Systems GmbH
- 20 March 2023, K&L Gates Advises ARRI Group on Acquisition of Professional Lighting Provider Claypaky
- 20 November 2018, K&L Gates is Advising ZEAL Network on Lotto24 Exchange Offer
- 26 July 2016, K&L Gates Advises Luye Pharma Group Ltd. on European Market Entry

AREAS OF FOCUS

- Antitrust and Competition
- European Regulatory
- Government Contracts and Procurement Policy
- International Trade, Investment Controls, and National Security

INDUSTRIES

- Energy

EMERGING ISSUES

- Data Centers and Energy Intensive Infrastructure

REPRESENTATIVE EXPERIENCE

- Advising client on competition law aspects of agreement with one train manufacturer on cooperation with other train manufacturers.