On behalf of: Applicant
A J Maton
First
Exhibit: AJM3
Date: 10 December 2019

Case Number: [ ]

IN THE COMPETITION APPEAL TRIBUNAL
BETWEEN:

PHILLIP EVANS — **Applicant / Proposed Class Representative**

and

(1) BARCLAYS BANK PLC
(2) BARCLAYS CAPITAL INC.
(3) BARCLAYS PLC
(4) BARCLAYS EXECUTION SERVICES LIMITED
(5) CITIBANK, N.A.
(6) CITIGROUP, INC.
(7) MUFG BANK, LTD
(8) MITSUBISHI UFJ FINANCIAL GROUP, INC.
(9) J.P. MORGAN EUROPE LIMITED
(10) J.P. MORGAN LIMITED
(11) JPMORGAN CHASE BANK, N.A.
(12) JPMORGAN CHASE & CO
(13) NATWEST MARKETS PLC
(14) THE ROYAL BANK OF SCOTLAND GROUP PLC
(15) UBS AG

Proposed Defendants

EXHIBIT "AJM3"
TO THE WITNESS STATEMENT OF ANTHONY JOHN MATON

This is the Exhibit marked "**AJM3"** referred to in the First Witness Statement of ANTHONY JOHN MATON dated this 10th day of December 2019.

HAUSFELD

FIRM PROFILE

Hausfeld & Co LLP

12 Gough Square

London, EC4A 3DW

United Kingdom

INTRODUCTION

1. Overview

Hausfeld & Co LLP is a leading disputes only specialist law firm with offices in London, Brussels, Paris, Berlin, Düsseldorf, Stockholm and throughout the US. The firm has pioneered competition damages actions since its inception in 2009 and has the largest dedicated competition damages actions team in Europe. Hausfeld has extensive experience in managing some of the most high profile and complex actions on behalf of consumers and businesses. It is one of the few claimant firms with experience in taking cartel damage claims to trial and has led on several successful group action claims.

2. Hausfeld London

Hausfeld London has been involved in several of the most significant follow-on and standalone claims for damages in England and Wales and has appeared on behalf of claimants before a range of courts and tribunals. It also offers a strong expertise in commercial and banking disputes.

Hausfeld London is led by Managing Partner Anthony Maton. Anthony has 25 years' experience of litigating claims in the United Kingdom and around the world. In his role at Hausfeld, Anthony has been at the centre of the development of competition damages litigation in Europe, as well as in establishing the firm as one of the premier litigation firms for actions against banks. Anthony has been consistently ranked by Chambers UK, the Legal 500 and Who's Who Legal as a leading individual in the field of competition litigation. He speaks regularly in the UK and abroad on subjects including commercial litigation, competition law, financial services and funding, and co-chairs two of the leading forums on competition litigation in Europe – the Global Competition Review and the European Forum on Competition Litigation by Cambridge Forums.

EXPERIENCE: COMPETITION DAMAGES CLAIMS

1. Air Cargo litigation

Hausfeld represented over 500 claimant businesses from across the world against British Airways and 23 Part 20 defendant airlines. This was one of the first private damages claims arising out of cartel conduct to be brought in the English Courts. Each of the claims were hybrid follow-on/standalone damages actions, which dealt with complex and novel points of law. In its early stages, the claim was the first competition claim to be pleaded as representative proceedings under CPR 19.6 and established the law on this subject which was followed for almost a decade.

2. Marine Hose cartel claims

Hausfeld acted for a group of over 40 businesses based in jurisdictions around the world pursuing claims against manufacturers of marine hoses, used for the transportation of crude oil from offshore facilities. The European Commission adopted a decision in 2009 finding that there was a cartel between six marine hose manufacturers which operated between 1986 and 2007. Subsequently, in 2009, Hausfeld negotiated the first ever global cartel damages settlement with a defendant (Parker ITR), allowing certain purchasers of marine hose to recover 16% of their purchase costs.

3. Paraffin Wax cartel claims

Hausfeld acted in High Court proceedings for a large group of companies based in jurisdictions across the EEA against six leading energy companies. The defendants, including Royal Dutch Shell, were members of a cartel in paraffin wax, which the European Commission in 2008 found represented 75% of the paraffin wax market. In the course of the proceedings, Hausfeld addressed jurisdictional and limitation period challenges before the claim settled on confidential terms.

4. Carbon Graphite cartel claims

In 2010, Hausfeld brought proceedings in the Competition Appeal Tribunal against six companies in the market for recharged electrical carbon and graphite products, found by the European Commission to have colluded between 1988 and 1999. Hausfeld, together with its Spanish alliance firm, Cuatrecasas Gonçalves Pereira, represented Deutsche Bahn and other leading European rail

organisations in the proceedings, which included an interlocutory challenge to the Supreme Court before settling on confidential terms.

5. Peugeot SA and ors v NSK Ltd and ors

Hausfeld acted for the claimants in follow on damages proceedings in the Competition Appeal Tribunal against five manufacturers of automotive bearings. The proceedings were the first major cartel damages claim in the Competition Appeal Tribunal to reach trial (before settling on confidential terms) and involved complex expert econometric evidence.

6. Deutsche Bahn AG and ors v Mastercard Inc and ors

Hausfeld pursued claims in the Competition Appeal Tribunal and the High Court against Mastercard on behalf of 1,300 businesses, comprising seven corporate groups operating in 18 European countries. The action involved follow-on and standalone claims for both direct and "umbrella" damages. A preliminary issue hearing considered, for the first time, applicable laws applying to multi-jurisdictional competition damages claims.

7. BMW AG v MOL (Europe Africa) Ltd. and ors

Hausfeld acted for BMW in High Court proceedings seeking damages following a Commission decision finding that various carriers had operated a cartel relating to sea transport of new cars, trucks and other large vehicles. The proceedings settled on confidential terms.

8. Suez Groupe SAS and Others v Fiat Chrysler Automobiles N.V. and Others

Hausfeld acts for several businesses in follow-on damages claims in the Competition Appeal Tribunal against members of the trucks cartel.

In addition to the English proceedings, Hausfeld and its associated offices act for 2,800 companies from across Europe pursuing trucks cartel claims in the Dutch courts and over 6,650 businesses pursuing such claims in Germany.

9. Justin Gutmann v First MTR South Western Trains and anor and Justin Gutmann v South Eastern Railway Limited

Hausfeld is instructed as co-counsel in the first standalone opt-out collective action to be issued in the Competition Appeal Tribunal. The proposed class representative seeks to act on behalf of millions of rail passengers against the operators of the South Western and South Eastern rail franchises. Mr Gutmann alleges that the proposed defendants abused their positions of dominance in the relevant markets by their refusal to make readily available or publicise so-called "boundary fares" for Transport for London Travelcard holders. The proceedings seek compensation of approximately £93 million.

10. Additional Claims

Hausfeld has also acted in several further competition claims arising out of decisions in, amongst others, Methionine, Industrial Bags, Feed Phosphates, Elevators, Steel, Copper Tubes and Copper Fittings. It has also represented clients in several confidential settlement dialogues which resolved without the need to issue proceedings.

EXPERIENCE: BANKING LITIGATION

1. Graiseley Properties v Barclays Bank

In 2014, Hausfeld was instructed in the high profile "test case" for claims alleging fraudulent misrepresentation in connection with allegations of LIBOR manipulation before the High Court.

2. Stuart Wall v The Royal Bank of Scotland

Hausfeld acted for Stuart Wall (the owner of Opal Property Group, a student accommodation provider) in a £670 million interest rate swap mis-selling claim against RBS. Mr Wall alleged that RBS mis-sold interest-rate hedging products, was involved in manipulation of LIBOR and artificially distressed the business.

3. Premier Motorauctions v PwC and Lloyds Bank

Hausfeld was instructed by the joint liquidators in relation to a £50 million claim for professional negligence, breach of tortious and fiduciary duties, misrepresentation, and causing loss by unlawful means and conspiracy to injure.

4. Ventra Investments Ltd v Bank of Scotland Plc

Hausfeld acted for the joint liquidators of the claimant property development company in a £70m claim against Bank of Scotland alleging negligent and fraudulent misrepresentations in respect of various interest rate swaps.

5. Leeds City Council & Ors v Barclays Bank Plc

Hausfeld acts for seven local authorities claiming rescission of so-called 'lender-option, borrower-option' loans agreed with Barclays Bank between 2006 and 2008. The action alleges that Barclays made fraudulent implied misrepresentations to the claimants in connection with manipulation of the LIBOR benchmark between 2005 and 2010.

AWARDS AND ACCOLADES

1. Competition litigation

- In the 2014-2020 editions of Chambers and Partners UK, Hausfeld was the only law firm ranked in Band 1 for "Competition Law: Private Enforcement: Claimant", with several lawyers at Hausfeld also individually ranked.
- The 2014-2020 editions of The Legal 500 name Hausfeld as a Tier 1 law firm for Competition Litigation.
- In 2019, Hausfeld was awarded the "Competition Plaintiffs Firm of the Year" Award at the Who's Who Legal Awards ceremony in London. This followed from being awarded as "Global Firm of the Year".
- In 2018, Hausfeld received the Financial Times award for "Innovation in Legal Expertise – Dispute Resolution" in relation to the firm's innovative thinking in approaching a Dutch

transport insurer, TVM, to fund a mass claim by truck owners against manufacturers following the announcement by the Commission of the truck price-fixing cartel.

- In 2013, Hausfeld received the Financial Times award for the most innovative law firm in dispute resolution, in relation to Hausfeld's work developing group litigation funding structures to allow corporate entities to bring proceedings with reduced financial risk.

2. Commercial and banking litigation

- In the 2020 edition of Chambers and Partners UK, Hausfeld London was listed in Band 3 of the "Banking Litigation: Mainly Claimant" category.

- In the 2020 edition of The Legal 500, Hausfeld London was ranked for Commercial Litigation and Banking Litigation: Investment and Retail as a Tier 5 firm.

- In the 2020 edition of The Legal 500, a number of Hausfeld's commercial disputes partners were recognised, including John McElroy who was identified as a "next generation partner".

- Furthermore, Lianne Craig, head of commercial and banking litigation at Hausfeld London, was selected as "Individual (London) of the Year" for Dispute Resolution in London by The Legal 500 UK Awards 2020.

CONTRIBUTION TO LEGAL DEBATE AND POLICY DEVELOPMENT

1. Hausfeld lawyers' recent conference and speaking engagements

- "An Evening's Discussion on Collective Redress" held by Women@Competition in London – Lucy Rigby on 11 November 2019.

- American Bar Association's 23rd National Institute on Class Actions in Nashville – Lianne Craig on 17-18 October 2019.

- "A practitioner's view" at the QMUL's Damages-Based Agreements Regulation Reform Project conference in London – Anthony Maton on 17 October 2019.

- International Association of Lawyers' 10th Annual Business Law Forum in Vienna – Andrew Bullion on 20 September 2019.
- Annual Competition Litigation Conference in London – Anna Morfey on 20 September 2019.
- Panel chair at KNect CompLaw Cartel Conference in Brussels – Laurent Geelhand on 17 September 2019.
- "Spotlight Sessions" event for Women@Competition in London – Lesley Hannah on 4 July 2019.
- Legal Week's Banking Litigation and Regulation forum in London – Lucy Pert on 13 June 2019.
- The Future of UK Competition Law summit in London – Lesley Hannah on 11 June 2019.
- The Cambridge Forum regarding European Collective Redress in Berlin – Anthony Maton on 20-21 May 2019.
- "Merricks v Mastercard" at the British Institute of International and Comparative Law conference in London – Anthony Maton on 16 May 2019.
- The Commercial Litigation Association of Ireland seminar in Ireland – Anthony Maton on 11 April 2019.
- The 3rd International Conference on Dispute Resolution of Consumer Mass Disputes, Collective Redress, Class Action and ADR at the University of Haifa – David Lawne and Ingrid Gubbay on 28 and 29 March 2019.
- The Legal Futures Civil Litigation Conference in London – Lucy Pert on 19 March 2019.
- Debate participant organised by British Irish Chambers with the UK Minister for Business and Industry, Richard Harrington MP, in London – Lucy Pert on 11 March 2019.
- The Cambridge Forum on Future Legal Trends and Developments in Surrey – Anthony Maton on 28-30 November 2018.

- The Advanced EU Competition Law Conference in Brussels – Laurent Geelhand and Anna Morfey on 20 November 2018.
- Thomson Reuters Annual Competition Law Conference in London – Wessen Jazrawi on 13 November 2018.
- Chair and panel at the Global Competition Review's 10th Annual Competition Litigation Conference in London – Anthony Maton and Laurent Geelhand on 4 October 2018.
- Rendez-vous de L'Autorite de la Concurrence Transaction in Paris – Laurent Geelhand on 2 October 2018.
- mLex Competition Litigation Conference in London – Scott Campbell on 14 September 2018.
- The European Company Lawyers Association 1st Annual Conference in Lisbon – Andrew Bullion on 18-19 May 2018.
- The Advanced EU Competition Law conference in London – Lesley Hannah on 15 May 2018.
- The Competition Law Challenges in the Aviation Sector conference in Brussels – Tom Bolster on 6 March 2018.
- The Private Enforcement of Competition Law conference in Brussels – Anthony Maton on 27 February 2018.
- The Commercial Dispute Resolution Winter Competition Litigation Symposium in London – Laurent Geelhand on 22 February 2018.
- The Competition Law Nordics conference in Stockholm – Andrew Bullion on 8 February 2018.
- Toulouse Capitole University Guest Lecture on EU Competition Law – Andrew Bullion on 12 January 2018.
- Co-chair of the European Forum on Competition Litigation in Pennyhill – Anthony Maton on 8-10 November 2017.

- Co-chair of the Global Competition Review's 9th Annual Competition Litigation Conference in London – Anthony Maton on 5 October 2017.

- The 13th Annual IBA Competition Mid-Year Conference in Seoul – Anthony Maton on 15 June 2017.

- The 65th Antitrust Law Spring Meeting in Washington – Anthony Maton on 28-31 March 2017.

- Global Competition Review Live: 2nd Annual Cartels" in Washington – Anthony Maton on 8 March 2017.

- The Competition Law Forum meeting on Competition Litigation and Collective Action in London – Anthony Maton on 1 March 2017.

- Competition Law in the Transport Sector in Amsterdam – Anthony Maton on 31 January 2017.

2. Recent articles and publications *(links embedded)*

- Luke Streatfeild, "Big Data: Breaking Boundaries in Compensation Claims in the UK", Hausfeld Competition Bulletin, 3 September 2019.

- Lucy Rigby and Samantha Derksen, "Towards Effective Collective Redress in Europe: New Dutch Mechanism to Open Courts to Opt-Out Damages Claims", Hausfeld Competition Bulletin, 3 September 2019.

- Anna Morfey and William Towell, "Antitrust Litigation 2019 Global Practice Guide", Chambers and Partners UK, 18 September 2019.

- Anna Morfey, Lucy Rigby and Agnieszka Zalewska, "The European Commission's 2018: A Year in Review", Hausfeld Competition Bulletin, 3 September 2019.

- Amandine Gueret, Dr. Lisa Hamelmann and Mikael Treijner, "New EC Guidelines Reshuffle the Passing-On Game - The European Angle", Hausfeld Competition Bulletin, 3 September 2019.

- Nicola Boyle, Luke Grimes and Julia von Eitzen Peretz, "Two-Sided Markets: Competition Law in Europe", American Bar Association, 23 August 2019.

- Nicola Boyle and Lucy Rigby, "The Power of Plastic", The Commercial Litigation Journal, 6 August 2019.

- William Towell, "Does Arbitration offer an Effective Forum when fighting for Competition Damages?", CPI Antitrust Chronicle, 10 July 2019.

- Anna Morfey, "The EC Announces Interim Measures in Broadcom Investigation for the First Time in 18 Years", Hausfeld Competition Bulletin, 10 July 2019.

- Lucy Pert and Adam Jacobs, "Brexit strategy", New Law Journal, 21 June 2019.

- Irving Scher, "Supreme Court Rules That Purchasers of Apps Can Bring an Antitrust Suit Against Apple For Overcharges", Hausfeld Competition Bulletin, 16 May 2019.

- Nicola Boyle and Lucy Rigby, "Certification Recast: Court of Appeal's Judgment in Merricks v Mastercard Provides Important Guidance for UK's Infant Collective Actions Regime", Hausfeld Competition Bulletin, 15 May 2019.

- Prof. Dr. Thomas Höppner, Philipp Westerhoff and Dr. Jan Markus Weber, "Taking a Bite at the Apple: Ensuring a Level-Playing-Field for Competition on App Stores", Hausfeld Competition Bulletin, 13 May 2019.

- Lesley Hannah, "Cementing the Liability of Infringers of EU Competition Law", Hausfeld Perspectives, 15 March 2019.

- Nicola Boyle and Lucy Rigby, "Broadening the Private Enforcement of Consumer Law: the EU's Proposed Directive on Representative Actions", Hausfeld Competition Bulletin, 26 April 2019.

- Anna Morfey, "CAT Certification for MasterCard: Take Two", Hausfeld Perspectives, 18 April 2019.

- Lesley Hannah, "Google Adsense: the EC's 3rd Infringement Decision against Google", Hausfeld Perspectives, 15 April 2019.

- Anna Morfey, Commentary in "Bird park cries foul to UK tribunal", Global Competition Review, 20 February 2019.

- Anna Morfey and Amandine Gueret, "BritNed v ABB: The UK High Court's Approach to Information Asymmetry in Cartel Follow-On Claims", Hausfeld Competition Bulletin, 19 February 2019.
- Lucy Rigby and Dr. Christopher Unseld, "EU Parliament Considers Draft Directive Supporting Representative Consumer Actions", Hausfeld Competition Bulletin, 19 February 2019.
- Lucy Pert, "The Future of Collective Actions", Commercial Dispute Resolution, 30 November 2018.
- Luke Grimes, "Interchange Fee Litigation in the English Courts; The Consequences of the Court of Appeal's Recent Judgement", Hausfeld Competition Bulletin, 21 November 2018.
- Scott Campbell and Luke Grimes, "Establishing Jurisdiction in England and Wales for Competition Follow-On Damages Claims", Hausfeld Competition Bulletin, 19 November 2018.
- Prof. Dr. Thomas Höppner and Philipp Westerhoff, "The EU's Competition Investigation into Amazon's Marketplace", Hausfeld Competition Bulletin, 9 November 2018.
- Ginevra Bicciolo, Hana Tawfik and Lianne Craig, "Unconscious bias: uncovering the root cause of gender disparity in the legal profession", International Bar Association, Women Lawyers' Interest Group, 29 October 2018.
- David Lawne, "The penalty for overzealous redactions", Hausfeld Perspectives, 12 October 2018.
- Scott Campbell and Luke Grimes, "A Jurisdictional Toolkit for Claimants: Establishing Jurisdiction in England and Wales for Competition Follow-On Damages Claims Post-Vattenfall and Post-iiyama", International Comparative Legal Guide, 12 September 2018.
- John McElroy, "If the FCA won't regulate bad behaviour by banks such as RBS, then who will?", City A.M., 4 September 2018.
- David Lawne and Duran Ross, "Disclosure Pilot Scheme: A significant step in the right direction", Hausfeld Perspectives, 22 August 2018.

- Anna Morfey and Amandine Gueret, "Resale Price Maintenance and Artificial Intelligence: A First Glimpse into Growing Challenges for EU Competition Law", Hausfeld Competition Bulletin, 16 August 2018.

- Lisa Hamelmann and Mikael Treijner, "Harmonizing the Decision-Making Practice Regarding Pass-On – A First Draft by the European Commission", Hausfeld Competition Bulletin, 15 August 2018.

- Lesley Hannah, "The Complexities of Bilateral Settlements in Multi-Party Funded Litigation", Corporate Disputes, 2 July 2018.

- Scott Campbell and Luke Grimes, "Extraterritoriality – the Court of Appeal takes an expansive view of article 101 TFEU's scope", European Competition Law Review, Volume 39, Issue 6, 12 June 2018.

- David Lawne and John McElroy, "In Search of Security - Is ATE still adequate as security for costs?", Litigation Funding Magazine, June 2018.

- Nicola Boyle, Wessen Jazrawi and Luke Grimes, "'The Battle for Waterloo' – Interchange claims to be determined under 18 national laws of the claimants rather than Belgian law", Hausfeld Competition Bulletin, 8 March 2018.

- Braden Beard, "Reading the Tea Leaves: Pleading Standing for Statutory Violation Claims Following the Supreme Court's Denial of Certiorari in Spokeo II", Hausfeld Competition Bulletin, 16 February 2018.

- David Lawne and Antonio Delussu, "Greater Than the Sum of its Parts: the Jurisdictional Reach of EU Competition Law After Intel", Hausfeld Competition Bulletin, 8 November 2017.

3. Recent media commentary and coverage *(links embedded)*

- Scott Campbell, Commentary in "Royal Mail's admittance to breaking Competition Law", Global Competition Review, 19 September 2019.

- Lucy Rigby, Commentary in "Antitrust risks for associations and consortia", Commercial Dispute Resolution, 4 September 2019.

- Wessen Jazrawi, Commentary in "Clifford Chance and Freshfields tapped for Mastercard/Nets deal", Global Competition Review, 12 August 2019.

- Wessen Jazrawi, Commentary in "The Issues to Watch In UK Mastercard Class Action Appeal", Law 360, 31 July 2019.

- Luke Streatfeild, Commentary in "MasterCard class appeal goes to UK Supreme Court", Global Competition Review, 31 July 2019.

- Anthony Maton, Commentary in "Litigation Funding and AML Obligations", Hausfeld Competition Bulletin, 24 July 2019.

- Michael Bywell, Commentary in "UK looks to new adjudication procedure for tech disputes", Hausfeld Commercial Litigation, 11 July 2019.

- Prof. Dr. Thomas Höppner, Podcast on "Competition Law and Online Platforms", Lexxion, 10 May 2019.

- Anna Morfey, Commentary in "UK collective actions appeal ruling offers clarity on certification - lawyers", PaRR, 17 April 2019.

- Anna Morfey, Commentary in "UK tribunal ordered to re-examine class certification in MasterCard claim", Global Competition Review, 16 April 2019.

- Lesley Hannah, Interview on European Commission's 3rd Google Decision, BBC Business, 15 April 2019.

- Laurent Geelhand and Anna Morfey, "The antitrust damages directive: four years on", Global Competition Review, 26 November 2018.

- Anthony Maton was interviewed on "Forex Manipulation", BBC World News, November 2014.

- Anthony Maton, Commentary in *"*Forex rigging scandal: RBS, UBS, HSBC, JP Morgan and Citi set for lawsuit storm after £2bn FCA fine*", City AM,* 12 November 2014.

- Anthony Maton, Commentary in "Barclays may face massive new penalty over currency rigging*"*, The Guardian, 11 November 2014.

- Hausfeld, *"*Libor: what did we learn from Barclays v Guardian Care Homes?*"*, The Telegraph, 12 April 2014.

- Hausfeld, *"*Barclays settles Libor 'test case' weeks ahead of trial*"*, The Telegraph, 7 April 2014.

- Hausfeld, *"*Top US law firm steps into Barclays Libor 'test case'*"*, The Telegraph, 4 February 2014.

- Lianne Craig, Commentary in "Euribor fines reveal vital pieces to scandal's puzzle", Financial Times, 4 December 2013.

4. Contribution to legal thought, education and policy development *(links embedded)*

- Anthony Maton delivered a recent keynote address drawing on Hausfeld's experience in anti-trust actions in the US and its parallel expertise in developing private enforcement in Europe, focusing in particular on the development of class action or collective redress mechanisms in anti-trust actions on both sides of the Atlantic.

- Lawyers from the Hausfeld UK and Germany offices responded to the EC Consultation on Confidentiality, providing comprehensive comment on the draft Communication offering a claimant bar perspective, by drawing upon our extensive experience of litigating competition damages claims in both countries (October 2019).

- Hausfeld was an early proponent of collective actions for competition claims and submitted a detailed response to the Government's consultation on the collective action regime, on 24 July 2012 (available here at page 23). Anthony Maton sat on the advisory committee assisting Mr Justice Roth on the appropriate CAT Rules for collective proceedings upon the introduction of the new regime.

- Hausfeld partners and associates have submitted consultation responses in respect of various developing areas of law and procedure including in relation to the adoption of damages-based agreements, the disclosure pilot programme and the Competition Appeal Tribunal's Rules and Guide.

- The firm publishes monthly 'Perspectives' articles on its website outlining the latest developments in competition and commercial litigation.

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Aidan Robertson QC

YEAR OF CALL: ENGLAND AND WALES: 1995; IRELAND: 2018 **YEAR OF SILK**: 2009

"Aidan is outstanding in every way. His advice is invariably precise and on point, and his advocacy skills are second to none."

Chambers & Partners 2017

Email: aidan.robertson@brickcourt.co.uk

Practice Overview

Aidan Robertson QC specialises in competition, EU and public law. He has appeared in numerous cases in the Competition Appeal Tribunal, High Court, Court of Appeal and Supreme Court in England and in the General Court and Court of Justice of the European Union, as well as appearing at oral hearings before competition and regulatory authorities. He has acted as counsel, expert witness and arbitrator in arbitrations. He also has an extensive advisory practice. He has a broad client base, acting for both private clients and public authorities.

His EU expertise extends to the fields of state aid, agriculture, regional develpment funding (ERDF), food, healthcare, public procurement, telecommunications, pharmaceuticals, direct and indirect taxation, free movement, financial services and international trade.

He has acted for both applicants and respondents in judicial review proceedings in EU, competition and regulatory matters.

Aidan Robertson QC has been identified as a leading Silk in EU and competition law since taking Silk in 2009, and before that had been identified as one of the leading juniors in those fields for the previous 10 years by both the Legal 500 and Chambers and Partners.

Aidan Robertson was called to the Bar of Ireland in 2018.

He is a Visiting Professor at the University of Oxford, where he has taught competition law since 1990.

Aidan was appointed to the Sport Resolutions' Panel of Arbitrators and Mediators in 2018 and was a member of the panel that decided the *Saracens v Premiership Rugby (Salary Cap breach)* case in 2019.

Competition

Aidan Robertson QC specialises in competition, EU and public law. He has appeared in numerous cases in the Competition Appeal Tribunal, High Court, Court of Appeal and Supreme Court in England and in the General Court and Court of Justice of the European Union, as well as appearing at oral hearings before competition and regulatory authorities. He has acted as counsel and as expert witness in arbitrations. He also has an extensive advisory practice. He has a broad client base, acting for both private clients and public authorities.

His practice includes all aspects of competition law, including antitrust, abuse of dominance, joint ventures and

mergers, market investigations and criminal investigations. He has acted and continues to act in a number of follow-on damages claims in both the CAT and High Court for both claimants and defendants arising out of EU cartel decisions in Vitamins, LCD Panels, Copper Tubes, Copper Fittings, Refrigeration Compressors, CRT Glass, TV and Computer Monitor Tubes, Air Cargo Fuel Surcharges, Polyurethane Foam, Automotive Glass, Power Cables, Trucks and Forex.

He has appeared in many leading competition cases including iiyama (extraterritorial application of EU competition law), MasterCard (interchange fees), FA Premier League v QC Leisure and Murphy v Media Protection Services (broadcast rights to Premier League football matches), BSkyB, Merger Action Group and IBA Health (merger challenges). He acted for over 20 construction companies in the largest ever UK cartel investigation and in 8 subsequent successful appeals to the CAT and Court of Appeal including the Tomlinson, Francis, GMI and Interclass cases.

His expertise extends to the fields of state aid, agriculture, regional development funding (ERDF), food, healthcare, public procurement, telecommunications, pharmaceuticals, direct and indirect taxation, free movement, financial services and international trade.

He acted in successful follow-on Francovich claims for damages for farmers' producer organisations against the UK and Scottish governments for breach of the Common Agricultural Policy, having acted in several successful appeals against withdrawal of agricultural subsidies, including SPL v DEFRA Nos 1 and 2 and Angus Growers v Scottish Ministers.

He has acted for both applicants and respondents in judicial review proceedings involving challenges based upon both EU and English law. He has particular expertise in judicial review in EU, competition and regulatory matters.

Aidan Robertson QC has been identified as a leading Silk in EU and competition law since taking Silk in 2009, and before that had been identified as one of the leading juniors in those fields for the previous 10 years by both the Legal 500 and Chambers and Partners.

He is co-editor (with the late David Vaughan CBE QC) of the multi-volume encyclopaedia "Law of the European Union" (OUP). He has contributed to a large number of books and journals as well as lecturing extensively. He has taught the postgraduate competition law course at Oxford University since 1990, where he is a Visiting Professor, having formerly been a full-time university lecturer and fellow of Wadham College.

Competition and State Aid Law

- *Tobii v CMA* [2019] CAT 23 (merger judicial review), final judgment pending.
- *Credit Suisse v HMRC* [2019] EWHC 1922 (Ch), Falk J (State aid and *Francovich* damages claim)
- C-164/19 P *Niche v Commission* and C-166/19 P *Unichem Laboratories v Commission* (Article 101, 'pay for delay' settlement agreements) ongoing
- T-356/15 *Austria v Commission, UK intervening (Hinkley Point C nuclear power station)*, ECLI:EU:T:2018:439, 12 July 2018, now on appeal to Court of Justice C-594/18 (State aid, Euratom Treaty)
- *Vattenfall v Prysmian and NKT* [2018] EWHC 1694 (Ch) (Article 101, damages claim)
- *iiyama v Schott* [2018] EWCA Civ 220; [2016] EWHC 1207 (Ch), [2017] UKCLR 16, (Article 101 damages claim, extra-territorial application of EU law)
- *ABF (Silentnight) v Recticel*, [2017] EWHC 3610 (Ch) (Article 101, follow-on damages claim)
- *Peninsula Securities v Dunnes Stores (Bangor)* [2017] NIQB 59 (common law doctrine of restraint of trade, restrictive covenant in land agreement)
- Joined Cases C-164/15 P & C-165/15 P *Commission v Aer Lingus & Ryanair*, ECLI:EU:C:2016:990, 21 December 2016 (State aid)
- *Zantra v BASF* [2016] EWHC 3578 (Ch), Barling J, (Article 101 and Chapter I prohibition, *Norwich Pharmacal* order)
- *Choice International v Post Office*, Norris J, 3 November 2016 (unrep) (Article 102 and Chapter II prohibition, refusal to supply, interim injunction)

- *AXA PPP v CMA, BMA intervening* [2015] CAT 5, [2015] CompAR 172 (market investigation, judicial review)
- C-382/12 P *MasterCard v Commission*, 11 September 2014, on appeal from T-111/08 *MasterCard v Commission,* 24 May 2012, acting for British Retail Consortium intervening in support of the European Commission (Article 101)
- *Carewatch Care Services v Focus Caring Services* [2014] EWHC 2313 (Ch) (Chapter I prohibition, franchising)
- *WH Newson v IMI* [2013] EWHC 3788 (Ch), [2014] UKCLR 306 (Article 101, follow-on damages claim)
- *John Lewis v OFT* [2013] CAT 7, [2013] CompAR 301 (market investigation, judicial review of remedy)
- *Interclass v OFT* [2012] EWCA Civ 1056 (Chapter I prohibition)
- *Nokia v AU Optronics & others* [2012] EWHC 731 (Ch), [2012] UKCLR 245 (Article 101 damages claim)
- Joined Cases C-403/08 & 429/08 *FA Premier League and Murphy*, judgment of 4 October 2011 (Article 101 and free movement of services)
- *GMI v OFT* [2011] CAT 12, [2011] CompAR 427 (Chapter I prohibition)
- *Francis, GAJ, Hobson & Porter & JH Hallam v OFT* [2011] CAT 9, [2011] CompAR 294 (Chapter I prohibition)
- *Interclass, Seddon & Tomlinson v OFT* [2011] CAT 7, [2011] CompAR 118 (Chapter I prohibition)
- *BSkyB v Competition Commission* [2010] EWCA Civ 2, on appeal from [2008] CAT 25 (merger judicial review)
- *BCL Old Co & ors v BASF; Grampian Country Food Group & ors v Sanofi-Aventis & ors* [2009] CAT 29, [2010] CompAR 1 (Article 101 damages claims)
- *Merger Action Group v Secretary of State for Business, Enterprise and Regulatory Reform, Lloyds TSB and HBOS* [2008] CAT 36 (merger judicial review)
- *BCL Old Co & ors v BASF* [2009] EWCA Civ 434, on appeal from [2008] CAT 24 (Article 101 damages claim)
- *Vodafone v Ofcom (Mobile Number Portability)* [2008] CAT 22 (Communications Act 2003 appeal)
- *Murphy v Media Protection Services* [2007] EWHC 3091 (Admin), [2008] EWHC 1666 (Admin) (Article 101 and free movement issues)
- *FA Premier League v QC Leisure* [2008] EWHC 1411 (Ch), [2008] UKCLR 329, and [2008] EWHC 44 (Ch), [2008] UKCLR 65, summary judgment (Article 101 and free movement issues)
- *British Nuclear Group Sellafield v E.ON* [2007] EWHC 2245 (Ch) (interim Article 102 issues only)
- *Dr Cymru v Corus* [2007] EWCA Civ 285 (Chapter II prohibition)
- *AAH & ors v Pfizer & UniChem,* [2007] EWHC 565 (Ch), [2007] UKCLR 1561, David Richards J (Articles 101 & 102, Chapter I & II prohibitions)
- *SanDisk v Philips & ors* [2007] EWHC 332 (Ch), [2007] UKCLR 1539, Pumfrey J (Articles 101 & 102, Chapter I & II prohibitions)
- *Makers v OFT* [2007] CAT 11, [2007] CompAR 699 (Chapter I prohibition)
- *CEMEX v DEFRA, DTI, Castle Cement, Buxton Lime Industries and Lafarge Cement* [2006] EWHC 3207 (Admin), Sullivan J (environmental regulation)
- *R (GNER) v Office of Rail Regulation, Hull Trains and Grand Central Railway* [2006] EWHC 1942 (Admin), Sullivan J (rail regulation)
- *MasterCard v OFT*, Competition Appeal Tribunal, 2005-2006, decision set aside and remitted to OFT (Article 101 and Chapter I prohibition)
- *Somerfield v Competition Commission* [2006] CAT 4, [2006] CompAR 390 (merger control, Enterprise Act 2002)
- *Albion Water v OFWAT and Dr Cymru* [2005] CAT 40, [2006] CompAR 269 (Chapter II prohibition)
- *Genzyme v OFT* [2005] CAT 32, [2006] CompAR 195 and [2004] CAT 4, [2004] CompAR 358 (Chapter II prohibition)
- *BCL Old Co & ors v Aventis and Roche* [2005] CAT 1 & 2, [2005] CompAR 470 & 485 (first claim for damages under section 47A Competition Act 1998)
- *The Wireless Group v RAJAR* [2004] EWHC 2925 (Ch), [2005] UKCLR 203, Lloyd J (Article 102/Chapter II prohibition)
- *Pernod v OFT* [2004] CAT 10, [2004] CompAR 707 (Chapter II prohibition)

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- C-308/01 *GIL Insurance v Customs & Excise*, [2004] ECR I-4777; reference from *Customs & Excise v GIL* [2001] EuLR 401, VAT Tribunal and see also [2000] STC 204, High Court (State aid/IPT)
- *IBA Health v OFT*, Court of Appeal, [2004] 4 All ER 1103, [2004] UKCLR 683 & Competition Appeal Tribunal, [2003] CAT 27 (first challenge to an OFT merger decision under section 120 Enterprise Act 2002)
- *Frazer v Nissan* [2004] EuLR 445, Sir Andrew Morritt V-C (Article 101/motor vehicles distribution block exemption)
- *Land Rover v UPF (in administrative receivership)* [2003] 2 BCLC 222, HHJ Norris QC, Birmingham Mercantile Court (Article 102/Chapter II prohibition)
- *HJ Banks & Co v Coal Authority & Secretary of State for Trade and Industry* [2002] EuLR 483, Court of Appeal, following reference to ECJ, Case C-390/98 *HJ Banks & Co v Coal Authority & Secretary of State for Trade and Industry* [2001] ECR I-6117; on appeal from High Court [1997] EuLR 610 (state aid - ECSC Treaty)
- *IIB & ABTA v Director General of Fair Trading and GISC* [2001] CAT 4; [2001] Comp AR 62 Competition Commission Appeal Tribunal (first full appeal hearing under the Competition Act 1998)
- *R v Competition Commission and Secretary of State for Trade and Industry ex p Interbrew*, [2001] UKCLR 954, 2002] LLR 109, Moses J (merger review)
- C-344/98 *Masterfoods* [2000] ECR I-11369 (Article 101)
- *Ordnance Survey v AA* [2001] EuLR 80, High Court (Article 102)
- *R v Customs & Excise ex p Lunn Poly* [1999] STC 350, Court of Appeal, [1998] STC 649, Divisional Court (State aid)
- *Courage v Crehan* [1999] EuLR 834, Court of Appeal (Article 101)
- *Passmore v Morland* [1999] 3 All ER 1005, Court of Appeal (Article 101)
- *Huggins v Capital Radio Restaurants*, 6 May 1999, High Court (Article 101)
- *Alphasense v City Technology Ltd*, 1999, High Court (Article 102)
- *ICI v Kalon*, 1999, High Court (Article 102)
- *R v OFTEL ex p Cellcom* [1999] ECC 314, [1999] COD 105, High Court (Telecommunications Act 1984)
- *Norbain v Dedicated Micros* [1998] EuLR 266, High Court (Article 102)
- *R v OFTEL ex p BT*, 20 December 1996, Divisional Court (Telecommunications Act 1984)

Aidan Robertson has brought and defended complaints before, and advised those under investigation by, the European Commission, the Competition and Markets Authority, the Financial Conduct Authority, Ofcom, the Office of Rail and Road Regulation, the Competition Commission and the Office of Fair Trading, including:

- Parcel delivery and pick-up services (Ofcom, alleged Chapter I prohibition breach) investigation opened November 2019
- Financial Conduct Authority investigation into alleged breach of Chapter I prohibition in financial services sector by Artemis, 2016-2019, closed with no finding of infringement
- *Cleanroom laundry services and products* (CMA, alleged Chapter I prohibition breach), December 2017
- *Interchange fees* (OFT, closed by CMA) 2004-2015
- *Private healthcare* (CMA, market investigation, acted for the BMA), April 2014
- *Retail practices for tobacco products in the UK* (OFT, Chapter I prohibition breach, acted for Somerfield), April 2010
- *Investigation into the grocery retail sector* (OFT, alleged Chapter I prohibition breach), case closed against client, November 2009
- *Construction Recruitment Forum* (OFT, Chapter I prohibition breach, acted for Fusion People), September 2009
- *Bid Rigging in the Construction Industry in England* (OFT, Chapter I prohibition breach, acted for 19 of the 112 construction firms in receipt of the OFT's statement of objections), September 2009
- *Thermo Electron/GV Instruments* (Competition Commission, May 2007, merger inquiry)
- *Scottish Processing Dairies* (OFT, alleged Chapter I prohibition breach, case closed) October 2008
- *Independent Schools information exchange* [2007] UKCLR 361 (OFT final decision, 20th November 2006, breach of Chapter I prohibition, acted for 10 of the 50 schools and the Independent Schools Council)
- *Store Card Credit Services* (Competition Commission, March 2006, market investigation)

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- *DS Smith/LINPAC Containers* (Competition Commission, October 2004) for DS Smith (merger inquiry)
- *Genzyme* (see *Genzyme v OFT* above)
- *General Insurance Standards Council Rules application for clearance/exemption under the Competition Act* [2001] UKCLR 331 & 838 (see *IIB & ABTA v Director General of Fair Trading and GISC* [2001] Comp AR 62 above)
- *Supermarket Prices* (Competition Commission, October 2000, Cm 4842), for Somerfield (complex monopoly reference)
- *New Motor Vehicles* (Competition Commission, April 2000, Cm 4660) for Vauxhall (complex monopoly reference)
- *BA/CityFlyer* (Competition Commission, Cm 4346, 1999) for Virgin Atlantic Airways (merger inquiry)
- *Anglo-American/Lonrho* (European Commission, OJ 1998 L149/21), for third party (merger inquiry)
- *British Digital Broadcasting Plc* (European Commission, OJ 1997 C 291/11), for complainant subsidiary of NTL (complaint of breach of Articles 101 & 102).

Extensive competition law advisory work on every aspect of the EU and UK competition rules, particularly in proceedings before the European Commission, Competition Commission and the Office of Fair Trading. Clients include public and private companies, trade associations, government departments, competition authorities and sectoral regulators.

EU law

Notable cases include:

- T-147/18, T-179/18, T-188/19, T-196/18 and T-208/18 *APG Intercon and others v European Central Bank, Council of Ministers and Commission* (claims for damages arising out of Cypriot banking crisis), ongoing
- T-245/17 *ViaSat v Commission* (mobile satellite services regulation), ongoing
- *Angus Growers v Scottish Ministers* [2012] EuLR 539, Scottish Land Court (appeal, recognition as a producer organisation under Regulation 2200/96 on the common organisation of the market in fruit and vegetables), follow-on *Francovich* damages claim settled after liability established [2016] CSOH 26
- T-350/09 *ICO Satellite v European Commission* (mobile satellite services regulation) ECLI:EU:T:2012:341
- T-212/06 *Bowland Dairy Products v European Commission* [2009] ECR II-4073 (food hygeine, claim for damages). See also T-212/06R *Bowland Dairy Products v European Commission*, Order of the Court of First Instance 12 September 2006 (successful application for interim relief)
- *R (Speciality Produce) v DEFRA* [2009] EWHC 1245 (Admin), [2010] EuLR 136, Ian Dove QC, sitting as a deputy High Court judge (judicial review, recognition as producer organisation under Regulation 2200/96 on the common organisation of the market in fruit and vegetables)
- *JB Leadbitter & Co v Devon County* Council, Sir Andrew Morritt, Chancellor, 4 March 2009 (public procurement - successful application for interim injunction)
- *FA Premier League v QC Leisure* [2008] EWHC 1411 (Ch), [2008] UKCLR 329, and [2008] EWHC 44 (Ch), [2008] UKCLR 65, summary judgment (Article 101 and free movement issues)
- *Murphy v Media Protection Services* [2007] EWHC 3091 (Admin), [2008] EWHC 1666 (Admin) (free movement of goods - appeal by case stated)
- *Lion Apparel v FireBuy* [2007] EWHC 2179 (Ch), [2008] EuLR 191, Morgan J (public procurement - application for interim injunction)
- *R (GNER) v Office of Rail Regulation, Hull Trains and Grand Central Railway* [2006] EWHC 1942 (Admin), Sullivan J, 27 July 2006
- *R (Fuji) v Department of Health*, Wilkie J, 25 May 2005 (public procurement)
- *DEFRA v Maltco 3*, [2004] EWCA Civ 82, Court of Appeal, on appeal from Davis J, [2003] EWHC 469 (QB), (Common Agricultural Policy, export refunds)
- *NWP v Department of Finance and Personnel*, Kerr J, 4 April 2003, NI High Court (public procurement)
- C-27/00 *R v Secretary of State ex p Omega Air Ltd*, [2002] ECR I-2569 (challenge to the EU's "Hushkits Regulation"), referred by High Court [2000] EuLR 254

- T-165/99 *Omega and 7Q7 v Council of the European Union* (damages claim for loss arising out Hushkits Regulation)
- C-380/98 *R v HM Treasury ex p University of Cambridge* [2000] ECR I-8035 and final judgment in High Court [2001] EWHC 978 (Admin) (public procurement)
- *Park Lane v DETR*, High Court, 2001 (free movement of goods damages claim)

Aidan Robertson has also drafted pleadings and/or appeared at oral hearings on behalf of the United Kingdom in a number of cases before the Court of Justice of the European Union, including:

- T-356/15 *Austria v Commission, UK intervening (Hinkley Point C nuclear power station)*, ECLI:EU:T:2018:439, 12 July 2018, now on appeal to Court of Justice C-594/18 (State aid, Euratom Treaty)
- C-275/15 *ITV Broadcasting v TV Catchup*, ECLI:EU:C:2017:144, 1 March 2017 (EU broadcasting regulation)
- C-175/06 *Tedesco*, case subsequently withdrawn (judicial co-operation in taking evidence)
- C-195/02 *Commission v Spain* [2004] ECR I-7857 (free movement of persons)
- C-8/01 *Taksatorringen* [2003] ECR I-13711 (VAT)
- C-437/00 *Pugliese* [2003] ECR I-3573 (Civil jurisdiction and enforcement of judgments)
- C-144/00 *Matthias Hoffmann* [2003] ECR I-2921 (VAT)
- C-411/00 *Felix Swoboda*, [2002] ECR I-10567 (public procurement)
- C-167/00 *Henkel*, [2002] ECR I-8111 (Civil jurisdiction and enforcement of judgments)
- C-246/99 *Commission v Denmark*, case removed from register by Order of 11th September 2002 (free movement of goods - the Danish can ban)
- C-174/00 *Kennemer* [2002] ECR I-3293, [2002] QB 1252 (VAT)
- C-380/99 *Bertelsmann* [2001] ECR I-5163 (VAT)
- C-191/99 *Kvaerner* [2001] ECR I-4447 (free movement of services)
- C-150/99 *Stockholm Lindpark v Sweden* [2001] ECR I-493 (VAT)
- C-344/98 *Masterfoods* [2000] ECR I-11369 (competition)
- C-3/99 *Cidrerie Ruwet S.A. v Cidre Stassen S.A. & H.P. Bulmer Ltd* [2000] ECR I-8749 (free movement of goods)

Advised on cases covering just about every aspect of EU law, for clients including public and private companies, government departments, sectoral regulators and even a political party during the 1997 General Election campaign.

Public Law

Aidan Robertson has acted for both applicants and respondents in judicial review proceedings involving challenges based upon both EU and English law. He has particular expertise in judicial review in EU, competition and regulatory matters.

- *AXA PPP v CMA, BMA intervening* [2015] CAT 5, [2015] CompAR 172 (market investigation, judicial review)
- *John Lewis v OFT* [2013] CAT 7 (market investigation, judicial review of remedy)
- *BSkyB v Competition Commission* [2010] EWCA Civ 2, on appeal from [2008] CAT 25 (merger review)
- *R (Speciality Produce) v DEFRA* [2009] EWHC 1245 (Admin) Ian Dove QC sitting as a deputy High Court judge (common agricultural policy)
- *Merger Action Group v Secretary of State for Business, Enterprise and Regulatory Reform, Lloyds TSB and HBOS* [2008] CAT 36 (merger judicial review)
- *CEMEX v DEFRA, DTI, Castle Cement, Buxton Lime Industries and Lafarge Cement* [2006] EWHC 3207 (Admin), Sullivan J (environmental regulation)
- *R (GNER) v Office of Rail Regulation, Hull Trains and Grand Central Railway* [2006] EWHC 1942 (Admin), Sullivan J (rail regulation)
- *Somerfield v Competition Commission* [2006] CAT 4, [2006] CompAR 390 (merger review)
- *R (Fuji) v Department of Health*, Wilkie J, 25 May 2005 (public procurement)

- *IBA Health v OFT*, Court of Appeal, [2004] 4 All ER 1103, [2004] UKCLR 683 & Competition Appeal Tribunal, [2003] CAT 27 (first ever challenge to an OFT merger decision under section 120 Enterprise Act 2002)
- C-27/00 *R v Secretary of State ex p Omega Air Ltd*, [2002] ECR I-2569 (challenge to the EU's "Hushkits Regulation"), referred by High Court [2000] EuLR 254
- C-380/98 *R v HM Treasury ex p University of Cambridge* [2000] ECR I-8035 and final judgment [2001] EWHC 978 (Admin) (public procurement)
- *R v Competition Commission and Secretary of State for Trade and Industry ex p Interbrew*, [2001] UKCLR 954, Moses J (mergers)
- *R v University of West of England ex p Maddock* [2001] The Independent, 12 February, Court of Appeal (education)
- *R v Customs & Excise ex p Lunn Poly* [1999] STC 350, Court of Appeal, [1998] STC 649, Divisional Court (state aid)
- *R v OFTEL ex p Cellcom* [1999] ECC 314, [1999] COD 105, High Court (telecommunications)
- *R v University of West of England ex p Sharples*, 14th July 2000, Burton J (education)
- *R v SS ETR ex p BIMTA*, 1999 (EU free movement of goods)
- *R v Customs & Excise ex p Littlewoods* [1998] The Times, 3 March, Court of Appeal (VAT)
- *R v OFTEL ex p BT*, 20th December 1996, Divisional Court (telecommunications)

Agriculture, fishing and food

- *Angus Growers v Scottish Ministers* [2012] EuLR 539, Scottish Land Court (appeal, recognition as a producer organisation under Regulation 2200/96 on the common organisation of the market in fruit and vegetables), follow-on *Francovich* damages claim settled after liability established [2016] CSOH 26
- *BCL Old Co & ors v BASF; Grampian Country Food Group & ors v Sanofi-Aventis & ors* [2009] CAT 29, [2010] CompAR 1 (Article 101 damages claims)
- T-212/06 *Bowland Dairy Products v European Commission* [2009] ECR II-4073 (food hygeine, claim for damages). See also T-212/06R *Bowland Dairy Products v European Commission*, Order of the Court of First Instance 12 September 2006 (successful application for interim relief)
- *R (Speciality Produce) v DEFRA* [2009] EWHC 1245 (Admin), [2010] EuLR 136, Ian Dove QC, sitting as a deputy High Court judge (judicial review, recognition as producer organisation under Regulation 2200/96 on the common organisation of the market in fruit and vegetables)
- *BCL Old Co & ors v BASF* [2009] EWCA Civ 434, on appeal from [2008] CAT 24 (Article 101 damages claim)
- *Somerfield v Competition Commission* [2006] CAT 4, [2006] CompAR 390 (merger review)
- *BCL Old Co & ors v Aventis and Roche* [2005] CAT 1 & 2, [2005] CompAR 470 & 485 (first claim for damages under section 47A Competition Act 1998)
- *DEFRA v Maltco 3*, [2004] EWCA Civ 82, Court of Appeal, on appeal from Davis J, [2003] EWHC 469 (QB), (Common Agricultural Policy, export refunds)
- *Pernod v OFT* [2004] CAT 10, [2004] CompAR 707 (Chapter II prohibition)
- *R v Competition Commission and Secretary of State for Trade and Industry ex p Interbrew*, [2001] UKCLR 954, Moses J (mergers)
- C-344/98 *Masterfoods* [2000] ECR I-11369 (Article 101)
- C-3/99 *Cidrerie Ruwet S.A. v Cidre Stassen S.A. & H.P. Bulmer Ltd* [2000] ECR I-8749 (free movement of goods)
- *Passmore v Morland* [1999] 3 All ER 1005, Court of Appeal (Article 101)
- *Scottish Processing Dairies* (OFT, alleged Chapter I prohibition breach, case closed) October 2008
- *Supermarket Prices* (Competition Commission, October 2000, Cm 4842), for Somerfield (complex monopoly reference)

Aviation

- Joined Cases C-164/15 P & C-165/15 P *Commission v Aer Lingus & Ryanair*, ECLI:EU:C:2016:990, 21 December 2016 (State aid)
- C-27/00 *R v Secretary of State ex p Omega Air Ltd*, [2002] ECR I-2569 (challenge to the EU's "Hushkits Regulation"), referred by High Court [2000] EuLR 254
- T-165/99 *Omega and 7Q7 v Council of the European Union* (damages claim for loss arising out Hushkits Regulation)
- *BA/CityFlyer* (Competition Commission, Cm 4346, 1999) for Virgin Atlantic Airways (merger inquiry)

Banking and finance

- *Credit Suisse v HMRC* [2019] EWHC 1922 (Ch), Falk J (State aid and *Francovich* damages claim)
- T-147/18, T-179/18, T-188/18, T-196/18 and T-208/18 *APG Intercon and others v European Central Bank, Council of Ministers and Commission* (claims for damages arising out of Cypriot banking crisis), ongoing
- *Choice International v Post Office*, Norris J, 3 November 2016 (unrep) (Article 102 and Chapter II prohibition, refusal to supply, interim injunction)
- C-382/12 P *MasterCard v Commission*, 11 September 2014, on appeal from T-111/08 *MasterCard v Commission*, 24 May 2012, acting for British Retail Consortium intervening in support of the European Commission (Article 101)
- *Merger Action Group v Secretary of State for Business, Enterprise and Regulatory Reform, Lloyds TSB and HBOS* [2008] CAT 36 (merger judicial review)
- *MasterCard v OFT*, Competition Appeal Tribunal, 2005-2006, decision set aside and remitted to OFT (Article 101 and Chapter I prohibition)
- *IIB & ABTA v Director General of Fair Trading and GISC* [2001] CAT 4; [2001] Comp AR 62 Competition Commission Appeal Tribunal (first full appeal hearing under the Competition Act 1998)
- Financial Conduct Authority investigation into alleged breach of Chapter I prohibition in financial services sector, opened 2016, ongoing
- *Store Card Credit Services* (Competition Commission, March 2006, market investigation)
- *General Insurance Standards Council Rules application for clearance/exemption under the Competition Act* [2001] UKCLR 331 & 838 (see *IIB & ABTA v Director General of Fair Trading and GISC* [2001] Comp AR 62 above)

Chemicals

- *Zantra v BASF* [2016] EWHC 3578 (Ch), Barling J, (Article 101 and Chapter I prohibition, *Norwich Pharmacal* order)

Education

- C-380/98 *R v HM Treasury ex p University of Cambridge* [2000] ECR I-8035 and final judgment in High Court [2001] EWHC 978 (Admin) (public procurement)
- *R v University of West of England ex p Sharples*, 14th July 2000, Burton J (education)
- *Independent Schools information exchange* [2007] UKCLR 361 (OFT final decision, 20th November 2006, breach of Chapter I prohibition, acted for 10 of the 50 schools and the Independent Schools Council)

Energy and natural resources

- T-356/15 *Austria v Commission, UK intervening (Hinkley Point C nuclear power station)*, ECLI:EU:T:2018:439, 12 July 2018, now on appeal to Court of Justice C-594/18 (State aid, Euratom Treaty)

- *British Nuclear Group Sellafield v E.ON* [2007] EWHC 2245 (Ch) (interim Article 102 issues only)
- *Dr Cymru v Corus* [2007] EWCA Civ 285 (Chapter II prohibition)
- *Albion Water v OFWAT and Dr Cymru* [2005] CAT 40, [2006] CompAR 269 (Chapter II prohibition)
- *HJ Banks & Co v Coal Authority & Secretary of State for Trade and Industry* [2002] EuLR 483, Court of Appeal, following reference to ECJ, Case C-390/98 *HJ Banks & Co v Coal Authority & Secretary of State for Trade and Industry* [2001] ECR I-6117; on appeal from High Court [1997] EuLR 610 (state aid - ECSC Treaty)
- *Anglo-American/Lonrho* (European Commission, OJ 1998 L149/21), for third party (merger inquiry)

Environment

- *CEMEX v DEFRA, DTI, Castle Cement, Buxton Lime Industries and Lafarge Cement* [2006] EWHC 3207 (Admin), Sullivan J (environmental regulation)
- *NWP v Department of Finance and Personnel*, Kerr J, 4th April 2003 (Northern Irish High Court)
- C-246/99 *Commission v Denmark*, case removed from register by Order of 11th September 2002 (free movement of goods - the Danish can ban)

Government and local authority

- *SPL v DEFRA*, claim for *Francovich* damages in ChD, liability conceded, ongoing on quantum, trial listed for February 2019
- *Angus Growers v Scottish Ministers* [2012] EuLR 539, Scottish Land Court (appeal, recognition as a producer organisation under Regulation 2200/96 on the common organisation of the market in fruit and vegetables), follow-on *Francovich* damages claim settled after liability established [2016] CSOH 26
- *R (Speciality Produce) v DEFRA* [2009] EWHC 1245 (Admin), [2010] EuLR 136, Ian Dove QC, sitting as a deputy High Court judge (judicial review, recognition as producer organisation under Regulation 2200/96 on the common organisation of the market in fruit and vegetables)
- *JB Leadbitter & Co v Devon County* Council, Sir Andrew Morritt, Chancellor, 4 March 2009 (public procurement - successful application for interim injunction)
- *Merger Action Group v Secretary of State for Business, Enterprise and Regulatory Reform, Lloyds TSB and HBOS* [2008] CAT 36 (merger judicial review)
- *CEMEX v DEFRA, DTI, Castle Cement, Buxton Lime Industries and Lafarge Cement* [2006] EWHC 3207 (Admin), Sullivan J (environmental regulation)
- *R (Fuji) v Department of Health*, Wilkie J, 25 May 2005 (public procurement)
- *R v Competition Commission and Secretary of State for Trade and Industry ex p Interbrew*, [2001] UKCLR 954, 2002] LLR 109, Moses J (merger review)
- *DEFRA v Maltco 3*, [2004] EWCA Civ 82, Court of Appeal, on appeal from Davis J, [2003] EWHC 469 (QB), (Common Agricultural Policy, export refunds)
- *NWP v Department of Finance and Personnel*, Kerr J, 4 April 2003, NI High Court (public procurement)
- C-27/00 *R v Secretary of State ex p Omega Air Ltd*, [2002] ECR I-2569 (challenge to the EU's "Hushkits Regulation"), referred by High Court [2000] EuLR 254
- *Park Lane v DETR*, High Court, 2001 (free movement of goods damages claim)
- C-380/98 *R v HM Treasury ex p University of Cambridge* [2000] ECR I-8035 and final judgment in High Court [2001] EWHC 978 (Admin) (public procurement)

Healthcare

- *AXA PPP v CMA, BMA intervening* [2015] CAT 5, [2015] CompAR 172 (market investigation, judicial review)
- *Carewatch Care Services v Focus Caring Services* [2014] EWHC 2313 (Ch) (Chapter I prohibition, franchising)

- *AAH & ors v Pfizer & UniChem*, [2007] EWHC 565 (Ch), [2007] UKCLR 1561, David Richards J (Articles 101 & 102, Chapter I & II prohibitions)
- *Genzyme v OFT* [2005] CAT 32, [2006] CompAR 195 and [2004] CAT 4, [2004] CompAR 358 (Chapter II prohibition)
- *R (Fuji) v Department of Health*, Wilkie J, 25 May 2005 (public procurement)
- *Private healthcare* (CMA, market investigation, acted for the BMA), April 2014

Industrial and manufacturing

- *iiyama v Schott* [2018] EWCA Civ 220; [2016] EWHC 1207 (Ch), [2017] UKCLR 16, (Article 101 damages claim, extra-territorial application of EU law)
- *ABF (Silentnight) v Recticel*, Rose J, 4 October 2017 (Article 101, follow-on damages claim)
- *WH Newson v IMI* [2013] EWHC 3788 (Ch), [2014] UKCLR 306 (Article 101, follow-on damages claim)
- *Interclass v OFT* [2012] EWCA Civ 1056 (Chapter I prohibition)
- *Nokia v AU Optronics & others* [2012] EWHC 731 (Ch), [2012] UKCLR 245 (Article 101 damages claim)
- *GMI v OFT* [2011] CAT 12, [2011] CompAR 427 (Chapter I prohibition)
- *Francis, GAJ, Hobson & Porter & JH Hallam v OFT* [2011] CAT 9, [2011] CompAR 294 (Chapter I prohibition)
- *Interclass, Seddon & Tomlinson v OFT* [2011] CAT 7, [2011] CompAR 118 (Chapter I prohibition)
- *Lion Apparel v FireBuy* [2007] EWHC 2179 (Ch), [2008] EuLR 191, Morgan J (public procurement - application for interim injunction)
- *SanDisk v Philips & ors* [2007] EWHC 332 (Ch), [2007] UKCLR 1539, Pumfrey J (Articles 101 & 102, Chapter I & II prohibitions)
- *Makers v OFT* [2007] CAT 11, [2007] CompAR 699 (Chapter I prohibition)
- *CEMEX v DEFRA, DTI, Castle Cement, Buxton Lime Industries and Lafarge Cement* [2006] EWHC 3207 (Admin), Sullivan J (environmental regulation)
- *Frazer v Nissan* [2004] EuLR 445, Sir Andrew Morritt V-C (Article 101/motor vehicles distribution block exemption)
- *Land Rover v UPF (in administrative receivership)* [2003] 2 BCLC 222, HHJ Norris QC, Birmingham Mercantile Court (Article 102/Chapter II prohibition)
- *Alphasense v City Technology Ltd*, 1999, High Court (Article 102)
- *ICI v Kalon*, 1999, High Court (Article 102)
- *R v SS ETR ex p BIMTA*, 1999 (EU free movement of goods)
- *Norbain v Dedicated Micros* [1998] EuLR 266, High Court (Article 102)
- *Cleanroom laundry services and products* (CMA, alleged Chapter I prohibition breach), December 2017
- *Construction Recruitment Forum* (OFT, Chapter I prohibition breach, acted for Fusion People), September 2009
- *Bid Rigging in the Construction Industry in England* (OFT, Chapter I prohibition breach, acted for 19 of the 112 construction firms in receipt of the OFT's statement of objections), September 2009
- *Thermo Electron/GV Instruments* (Competition Commission, May 2007, merger inquiry)
- *DS Smith/LINPAC Containers* (Competition Commission, October 2004) for DS Smith (merger inquiry)
- *New Motor Vehicles* (Competition Commission, April 2000, Cm 4660) for Vauxhall (complex monopoly reference)

Media and entertainment

- C-275/15 *ITV Broadcasting v TV Catchup*, ECLI:EU:C:2017:144, 1 March 2017 (EU broadcasting regulation)
- Joined Cases C-403/08 & 429/08 *FA Premier League and Murphy*, judgment of 4 October 2011 (Article 101 and free movement of services)
- *Murphy v Media Protection Services* [2007] EWHC 3091 (Admin), [2008] EWHC 1666 (Admin) (Article 101 and free movement issues)

- *FA Premier League v QC Leisure* [2008] EWHC 1411 (Ch), [2008] UKCLR 329, and [2008] EWHC 44 (Ch), [2008] UKCLR 65, summary judgment (Article 101 and free movement issues)
- *BSkyB v Competition Commission* [2010] EWCA Civ 2, on appeal from [2008] CAT 25 (merger judicial review)
- *The Wireless Group v RAJAR* [2004] EWHC 2925 (Ch), [2005] UKCLR 203, Lloyd J (Article 102/Chapter II prohibition)
- *British Digital Broadcasting Plc* (European Commission, OJ 1997 C 291/11), for complainant subsidiary of NTL (complaint of breach of Articles 101 & 102).

Mining

- *HJ Banks & Co v Coal Authority & Secretary of State for Trade and Industry* [2002] EuLR 483, Court of Appeal, following reference to ECJ, Case C-390/98 *HJ Banks & Co v Coal Authority & Secretary of State for Trade and Industry* [2001] ECR I-6117; on appeal from High Court [1997] EuLR 610 (state aid - ECSC Treaty)
- *Anglo-American/Lonrho* (European Commission, OJ 1998 L149/21), for third party (merger inquiry)

Pharmaceuticals

- *AAH & ors v Pfizer & UniChem*, [2007] EWHC 565 (Ch), [2007] UKCLR 1561, David Richards J (Articles 101 & 102, Chapter I & II prohibitions)
- *Genzyme v OFT* [2005] CAT 32, [2006] CompAR 195 and [2004] CAT 4, [2004] CompAR 358 (Chapter II prohibition)

Public procurement

Aidan frequently advises UK government departments and agencies as well as the private sector on all aspects of compliance and enforcement within the field of Public Procurement. He has litigated public procurement cases in both the national and European courts. His cases include:

- *JB Leadbitter & Co v Devon County Council*, Sir Andrew Morritt, Chancellor, 4th March 2009 (successful application for interim injunction)
- *Lion Apparel v FireBuy* [2007] EWHC 2179 (Ch), [2008] EuLR 191, Morgan J (application for interim injunction)
- *R (Fuji) v Department of Health*, Wilkie J, 25th May 2005 (English High Court)
- *NWP v Department of Finance and Personnel*, Kerr J, 4th April 2003 (Northern Irish High Court)
- C-411/00 *Felix Swoboda*, [2002] ECR I-10567 (European Court of Justice)
- C-380/98 *R v HM Treasury ex p University of Cambridge* [2000] ECR I-8035 (European Court of Justice) and final judgment in English High Court, 15th November 2001.

Major advisory work includes:

- Advising a major logistics operator on various questions arising out of its operation of procurement services for a central government department.
- Advising a leading protective clothing manufacturer on the validity of a challenge to a contract award under a mini competition.
- Advising a supplier of motor vehicle immobilisation, removal, storage and disposal services on the validity of a challenge to a contract award.
- Jointly advising a central government department and a logistics operator on various questions arising out of the operation of procurement services.
- Advising a government agency on the procurement of legal services.

- Advising a major trade association on various potential challenges to the procurement practices of a central government department.
- Advising a major utility on procurement implications of a restructuring of one of its core business activities.

Retail

- *John Lewis v OFT* [2013] CAT 7, [2013] CompAR 301 (market investigation, judicial review of remedy)
- *Somerfield v Competition Commission* [2006] CAT 4, [2006] CompAR 390 (merger control, Enterprise Act 2002)
- *Frazer v Nissan* [2004] EuLR 445, Sir Andrew Morritt V-C (Article 101/motor vehicles distribution block exemption)
- *Retail practices for tobacco products in the UK* (OFT, Chapter I prohibition breach, acted for Somerfield), April 2010
- *Investigation into the grocery retail sector* (OFT, alleged Chapter I prohibition breach), case closed against client, November 2009
- *Supermarket Prices* (Competition Commission, October 2000, Cm 4842), for Somerfield (complex monopoly reference)

Tax

Aidan Robertson has acted in a number of cases in the Court of Justice of the European Union, English Courts and the First-tier and Upper Tribunals. Cases include:

- *S&I Electronics v HM Revenue & Customs* [2015] UKUT 162 (TCC), [2013] UKFTT 296 (TC), on remittal from [2012] UKUT 87 (TCC), on appeal from [2009] UKFTT 108 (TC)
- *WHA v HMRC* [2013] UKSC 24, Supreme Court, upholding Court of Appeal [2007] STC 1695 (final judgment) and [2004] STC 1081 (interim judgment)
- *Moorbury v HM Revenue & Customs* [2010] UKUT 360 (TCC), on appeal from [2009] UKFTT 180 (TC)
- *St Andrews Healthcare v HM Revenue & Customs* [2007] UK VAT 20499
- C-308/01 *GIL Insurance v Customs & Excise*, 29th April 2004; reference from Customs & Excise v GIL [2001] EuLR 401, VAT Tribunal and see also [2000] STC 204, High Court (state aid/IPT)
- C-8/01 *Taksatorringen*, [2003] ECR I-13711
- C-144/00 *Matthias Hoffmann* [2003] ECR I-2921
- C-174/00 *Kennemer* [2002] ECR I-3293, [2002] QB 1252
- C-380/99 *Bertelsmann* [2001] ECR I-5163
- C-150/99 *Stockholm Lindpark v Sweden* [2001] ECR I-493
- *McNicholas Construction v Customs & Excise*, High Court, [2000] STC 553, and VAT Tribunal,12th January 1999
- *R v Customs & Excise ex p Littlewoods* [1998] The Times 3 March, Court of Appeal

Telecoms

Aidan has considerable experience in the competition and regulatory aspects of telecommunications. He has acted for both fixed and mobile networks, as well as for regulatory authorities in the UK and overseas. He has successfully defended Competition Act 1998 investigations brought by the regulator, including oral hearings. He has been involved in a number of cases including potential appeals to the Competition Appeal Tribunal, and has advised widely on regulatory matters. Cases include: *Vodafone v OFCOM* (Mobile Number Portability) [2008] CAT 22.

- T-245/17 *ViaSat v Commission* (mobile satellite services regulation), ongoing
- T-350/09 *ICO Satellite v European Commission* (mobile satellite services regulation) ECLI:EU:T:2012:341
- *Vodafone v Ofcom (Mobile Number Portability)* [2008] CAT 22 (Communications Act 2003 appeal)

- *R v OFTEL ex p Cellcom* [1999] ECC 314, [1999] COD 105, High Court (Telecommunications Act 1984)
- *Norbain v Dedicated Micros* [1998] EuLR 266, High Court (Article 102)
- *R v OFTEL ex p BT*, 20 December 1996, Divisional Court (Telecommunications Act 1984)

Transport and infrastructure

- T-356/15 *Austria v Commission, UK intervening (Hinkley Point C nuclear power station)*, judgment pending (State aid, Euratom Treaty)
- *R (GNER) v Office of Rail Regulation, Hull Trains and Grand Central Railway* [2006] EWHC 1942 (Admin), Sullivan J (rail regulation)

Publications

- Co-editor of Vaughan & Robertson's Law of the European Union (looseleaf, OUP)
- Contributor to Competition litigation: UK practice and procedure (OUP, second edition 2019)
- Co-author with Nicholas Green QC of second edition of Commercial Agreements and Competition Law (1997, pub Kluwer Law International)
- Co-editor with Nicholas Green QC of The Europeanisation of UK Competition Law (1999, pub Hart Publishing)
- Series Editor Edward Elgar Publishing 'Competition Law and Practice' series (with Elizabeth Morony, Clifford Chance)
- Member of the Editorial Board of the European Competition Law Review (ECLR)
- Member of the Editorial Board of the UK Competition Law Reports (UKCLR)
- Numerous articles, case notes and book reviews in professional and academic journals, including
- Is the Licensee Estoppel Rule Good Law? Was it ever? [1991] EIPR 373
- Compulsory copyright licensing under EC law? (1992) 108 LQR 39
- Recent Developments in EEC intellectual property legislation (1992) 12 YEL 175
- Enforcement of the UK Restrictive Trade Practices Act: judicial limitations and legislative proposals [1992] ECLR 82
- The South Yorkshire Transport case: a matter of no substance? [1992] ECLR 180
- Substantial: What's in a word? [1993] ECLR 217
- Effective Remedies in EEC Law Before the House of Lords (1993) 109 LQR 27
- But that was in another country (1994) 43 ICLQ 417 (with M Demetriou)
- An ice cream war: the law and economics of freezer exclusivity [1995] ECLR 7 (with M Williams)
- Corporate liability for contempt of court under the Resrictive Trade Practices Act 1976 [1995] ECLR 196
- US extra-territorial jurisdiction in antitrust matters: recent developments [1995] ECLR 461 (with M Demetriou)
- Does the United Kingdom or European Community Need an Unfair Competition Law? [1995] EIPR 568 (with A Horton)
- The existence and exercise of copyright: can it bear the abuse? (1995) 111 LQR 588
- Annual surveys of European intellectual property law (1995) 15 YEL 409, (1996) 16 YEL 559 and (1997) 17 YEL 423
- The Reform of United Kingdom Competition Law - Again? [1996] ECLR 210
- Technology transfer agreements: an overview of how Regulation 240/96 changes the law [1996] ECLR 157
- Recent developments in UK competition law [1997] JBL 358
- Restrictive Trade Practices: the Baines and Net Book Agreement cases (1997) 141 SJ 517
- University Challenge [2000] JR 251
- "They think it's all over... :": the implications of the Restrictive Practices Court's decision in the Premier League/BSkyB case [2000] ISLR 23
- Judicial review of competition law decisions [2001] JR 84
- Judicial review of competition law decisions: the Interbrew case [2002] JR 88
- Challenging state aid in the courts [2002] JR 91

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- Professional Rules under the Competition Act 1998 [2002] Comp Law 93
- Litigating under the Competition Act 1998: the early case law [2002] Comp Law 335
- Litigating under the Competition Act 1998: recent case law [2004] Comp Law 85
- State aid and reference policy after GIL Insurance [2004] ECLR 603
- The first claims for damages in the Competition Appeal Tribunal [2005] ECLR 365 (with F Randolph)
- R (Fuji Photofilm v Secretary of State for Health) case note (2005) 14 PPLR NA150
- Competition law in the courts [2006] Comp Law 5
- The application of European competition law to sports broadcasting (2006) 25 World Comp 423
- Judicial Review in the United Kingdom of Competition and State Aid Decisions Part I [2007] ECLR 553 and Part II [2007] ECLR 585 (with M Lester and S Love)
- Article 81 EC: the rule of reason revisited [2007] Comp Law 318
- Competition law in the UK courts - a review of the last three years [2009] Comp Law 79
- Consistent application of EU and domestic competition law: the UK experience, 2009/4 Zeitschrift für Wettbewerbsrecht 427 (Journal of Competition Law)
- UK competition litigation: from Cinderella to Goldilocks? [2010] Comp Law 275
- Developments in Commercial Regulation and Judicial Review 2010 [2011] JR 94
- Minimum Unit Pricing for Alchohol in the Court of Justice [2014] EJRR 459
- Pulling the Twigger: directors and employees back in the firing line for damages after Jetivia in the Supreme Court? [2015] ECLR 325
- Agriculture and competition law - some recent developments [2018] ECLR 293
- Skanska Industrial Solutions: what does the Court of Justice's landmark judgment mean for cartel damages litigation? [2019] ECLR 347

Qualifications

Called to the Bar of England and Wales: July 1995 Middle Temple

Silk: March 2009

Called to the Bar of Ireland: July 2018 King's Inns

Visiting Professor in Law, Oxford University 2015 - present

Visiting Lecturer in Law, Oxford University 2003 - 2015

Fellow and Tutor in Law, Wadham College, Oxford 1990-1999

University Lecturer, Oxford University 1990-1996

Solicitor of the Supreme Court of England and Wales 1988-1995

1988-90 Solicitor, Eversheds, Leeds

1986-88 Articled Clerk, Boodle Hatfield, London

1985-86 Law Society Final Examination, Newcastle upon Tyne Polytechnic

1984-85 LLM, Jesus College, Cambridge (1st class)

1981-84 BA Hons, Law, Jesus College, Cambridge (1st class all parts)

Directory Quotes

- "Has a wealth of knowledge in public and EU law to which he adds a commercial and pragmatic approach." "His legal opinions are really well set out and practical." (Chambers & Partners 2020)

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- "Handles claimant-side cartel damages claims as part of his wider competition and state aid practice. He earns praise from interviewees for his considerable technical knowledge and for his experience in high-profile cases. Interviewees further note his work acting for both claimants and defendants in abuse of dominance and restraint of trade cases." "Knowledgeable, calm and completely unflappable." "He impresses with his pragmatic approach and ability to make things easily understandable." (Chambers & Partners 2020)
- "Commercial, client-friendly and technically strong." (The Legal 500 2020)
- "Robertson is clever, calm and very good at explaining principles." (Chambers & Partners UK & Global 2019)
- "Robertson is straight-talking, down-to-earth and very client-friendly." (Chambers & Partners 2019)
- "Unparalleled knowledge of administrative, public and European law." (The Legal 500 2018-19)
- "A great ability to cut to the chase getting to the important issues quickly, and conveys the same in a comprehensible manner to clients." (The Legal 500 2018-19)
- "He has great strength in depth and pre-eminence in EU law; there is a feeling of being in the best hands." (The Legal 500 2018-19)
- The “highly knowledgeable” Aidan Robertson QC is an expert in EU competition matters including state aid and public procurement and is praised for his long-standing advisory practice and experience in the courtroom. (Who's Who Legal - UK Bar: Competition 2018)
- "He has impressed us with both his technical and strategic advice, as well as his clear manner with the tax and legal teams of the client." (Chambers & Partners 2018)
- "He is very straight-talking and pragmatic. We have always been pleased with his ability to cut through to the finer points." (Chambers & Partners 2018)
- “Superb in every way.” (The Legal 500 2017)
- “He combines vast knowledge, pragmatism and a no-nonsense manner with a commercial approach.” (The Legal 500 2017)
- “Fantastic, in-depth knowledge of the nexus between EU and UK law.” (The Legal 500 2017)
- "He is a fantastic team player, who is very responsive." (Chambers & Partners 2017)
- "Aidan is outstanding in every way. His advice is invariably precise and on point, and his advocacy skills are second to none." (Chambers & Partners 2017)
- "He provides excellent, understandable advice, and top-notch client care." (The Legal 500 2016)
- "Calm under pressure and solution-oriented." (The Legal 500 2016)
- "Very commercial and user-friendly, he's a joy to work with." "He is recommended for his depth of knowledge and approachability." (Chambers & Partners 2016)
- “Recognised for his role in many ground-breaking cases, he is well regarded for both his litigation and his advisory work. He is particularly strong on cartel claims, and recently acted for a number of firms in the huge OFT investigation into the construction industry.” (Chambers & Partners 2015)
- "He is ever willing to discuss a brain teaser with you, even if he is not actually working on an active case on your behalf. He's a very friendly person to work with." (Chambers & Partners 2015)
- "He gets on top of large volumes of material quickly and gives definite and pragmatic advice. His turnaround time is impressive." (Chambers & Partners 2015)
- "Extremely knowledgeable." (The Legal 500 2014)
- "offers a "detailed knowledge of both European and domestic competition law issues." This depth of expertise is by no means the only string to his bow - he also garners praise for his "highly responsive and caring service" and "ability to cut to the heart of an issue."" (Chambers & Partners 2013)
- "Another client favourite is Aidan Robertson QC, who impresses with "his understanding of the fabric of the law, especially when it comes to EU and regulatory issues." He "really gets to the root of a case and has great depth of legal knowledge to fall back on," clients report." (Chambers UK 2012)
- "Aidan Robertson QC 'cuts to the heart of any issue' and is a 'totally reliable pair of hands'" (Legal 500 2011)
- "The "quick-witted and effective" Aidan Robertson QC, like many at the set, is a veteran of all the major courts including the High Court, Competition Commission and Court of Appeal." (Chambers & Partners 2011)
- "praised for being "able to make complex issues and legal concepts readily understandable to clients." " (Chambers & Partners 2010)

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Victoria Wakefield QC

YEAR OF CALL: ENGLAND AND WALES: 2003; IRELAND: 2017 **YEAR OF SILK**: 2019

"A star of her generation"

Chambers & Partners 2020

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk

Practice Overview

Victoria Wakefield QC was called in 2003 and took silk in 2019. Her practice spans a wide range of cases in both commercial dispute resolution, EU/Competition and public law/human rights. She is an advocate who is as comfortable in the Supreme Court as in a fact-heavy trial and has been described by the legal directories as "a star of her generation". Victoria is instructed in some of the highest profile cases currently before the Courts including:

- *Merricks v Mastercard* – ground-breaking competition law collective proceedings, representing a class of some 46 million people, suing for damages of £14 billion.
- *El Gizouli v Home Secretary* - death penalty case concerning one of the "Beatles" terrorists, now in the Supreme Court.
- *Lloyd v Google* - representative action under CPR 19.6 in respect of a mass data breach by Google, on behalf of 5million iPhone users.
- *Privacy International & Ors v Foreign Secretary & Ors* - challenge to the participation of undercover agents in criminality, also known as the "Third Direction".
- *Unison v Lord Chancellor* – Supreme Court case holding that Employment Tribunal fees breached access to justice.
- *QPR v the English Football League* – challenge to the Financial Fair Play rules by QPR, facing a £42million fine.
- *Omers v Tesco* – the FSMA proceedings concerning Tesco's over-statement of profits.
- *Versloot* – Supreme Court case holding that a collateral lie did not lead to forfeiture of an insurance claim.

Victoria has been consistently ranked by the legal directories as outstanding. Current directories include comments that she is "*extremely bright, highly motivated and delightful to work with. Not only does she quickly master complex matters and present them very clearly, she is also a real pleasure to work with and makes the most difficult cases easier to manage"* (Chambers & Partners 2020). She is *"absolutely stunning when it comes to her strategic foresight of how cases can progress"* (Chambers & Partners 2020). *"Razor-sharp"* and *"incredibly down to earth"* (Chambers & Partners 2020), she is "*a first-rate barrister*" whose "*advocacy is excellent and analytical skills first-rate*" (Legal 500 2020).

EU/Competition

Victoria's regulatory/EU/competition law practice includes energy, pharmaceuticals, agriculture, tobacco, cosmetics, medical devices, commercial agents, procurement, human rights and general regulatory work. She

undertakes significant advisory work (in particular in relation to competition matters). She regularly appears in both the Court of Justice of the European Union and national courts (including the Competition Appeal Tribunal, the High Court, the Court of Appeal and the Supreme Court) as well as in arbitration.

Important cases include:

In the national courts

- *Merricks v Mastercard* [2019] EWCA Civ 674 – Victoria represents Walter Merricks in this collective action against Mastercard in respect of their unlawful Interchange Fee. Mr Merricks seeks to represent a class of some 46 million people, in a claim worth some £14 billion. In April 2019, Mr Merricks was victorious in the Court of Appeal, and his application for a Collective Proceedings Order has now been remitted to the Competition Appeal Tribunal.
- *Lloyd v Google* [2018] EWHC 2599 – Victoria is instructed by Richard Lloyd in this Data Protection Act representative action, in respect of a mass data breach by Google. In July 2019, the Court of Appeal will hear Mr Lloyd's appeal against the first instance judgment of Warby J on service out of the jurisdiction.
- *MGR & Ors v HMRC & BMW* [2019] EWCA Civ 485 – Victoria is instructed in this complex EU law restitution claim. In March 2019, following a five-day hearing, the Court of Appeal upheld the judgment of the Upper Tribunal in BMW's favour.
- *R (El Gizouli) v Home Secretary* [2019] EWHC 60 (Admin) – Victoria represents the Home Secretary in this high profile case concerning the death penalty. The Home Secretary's decision to share evidence with the USA without requiring a death penalty assurance was upheld by the Divisional Court. The Supreme Court will hear the appeal against that decision in July 2019. The grounds of appeal include breach of EU data protection law.
- *R (Utilita) v BEIS* (2019) – Victoria is instructed by the Claimants in this challenge in respect of Smartmeters, involving questions of EU energy and environmental law. It is listed to be heard in July 2019.
- *R (Tempus) v BEIS* (2019) – Victoria was instructed in this State Aid challenge to the UK's breach of the standstill requirement in the electricity capacity market.
- *Queens Park Rangers v the English Football League* (Arbitration Award October 2017; appeal settled in July 2018) – Victoria was junior counsel for QPR in this competition and public law challenge to the Championship 2012 Financial Fair Play Rules.
- *Confidential arbitration* (2017) – Victoria was instructed in an arbitration in relation to a regulated contract in the railway sector.
- *NICE appeals for Roche* – Victoria appeared as sole counsel for Roche before the appeal panel of the National Institute for Health and Care Excellence on three occasions (December 2016; September 2016; December 2017).
- *R (UNISON) v The Lord Chancellor* [2017] UKSC 51; [2017] 3 WLR 409 – Victoria addressed a seven-judge Supreme Court in access to justice challenge to the introduction of fees in employment tribunals. The challenge raised issues of EU law, Human Rights and the common law
- *R (Hemming, trading as Simply Pleasures) v Westminster* (first Supreme Court hearing: [2015] 2 WLR 1271; CJEU hearing: [2017] 3 WLR 317; second Supreme Court hearing: [2017] UKSC 50; [2017] 3 WLR 317)– Victoria was instructed in this case concerning the applicability of the Services Directive to licensing regimes (in particular, to the licensing of sex shops in Westminster). Initially instructed as junior counsel, when the case returned to the Supreme Court, she led the advocacy in respect of the questions of restitution as a matter of EU law and at common law.
- *R (Minchinhampton Committee of Commoners & Ors) v DEFRA* (settled 2017) – Victoria was instructed unled on behalf of a group of farmers. The case led to Defra reversing its previous policy in respect of farming on common land, with the potential to benefit farmers by many millions of pounds.
- *R (British American Tobacco) v Secretary of State for Health* [2016] EWHC 1169 – Victoria was instructed, led by David Anderson QC, in this high profile challenge to the introduction of plain packaging for cigarettes.

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- *R (Roche Registration Limited) v the MHRA* [2016] 4 WLR 46 - This high profile case concerned the first application of the pharmaceutical Penalties Regulation (which allows for a fine of 5% of turnover) anywhere in Europe. It related in particular to the legality of evidence collection by the MHRA. Victoria appeared for Roche in the High Court ([2015] 1 CMLR 6) and the Court of Appeal (on both occasions led by David Anderson QC).
- *R (Crossley Cooke) v SSH* (settled 2015) – Victoria was instructed unled in this judicial review relating to "force majeure".
- *Daiichi Sankyo v the Information Commissioner* (September 2014) – Victoria appeared unled in this challenge to the Information Commissioner's decision in respect of release of information on the Pharmaceutical Price Regulation Scheme.
- *Carewatch Care Services Limited v Focus Caring Services Limited* [2014] EWHC 2313 – Victoria was instructed for the Claimant in this 7-day trial relating to post-termination non-compete clauses and active/passive selling. She appeared unled, against a QC, on the competition law aspects of the claim (with co-counsel addressing the common law points).
- *Involvement Packaging v Jokey Plastik* (settled spring 2013) – Victoria was led by Fergus Randolph QC in this commercial agency claim, which also raised contract and competition law issues.
- *EWRG v Philips & Ors* (settled autumn 2012) - Victoria was instructed as one of the counsel team in this large piece of competition litigation in the High Court.
- *Applications for warrants* – Victoria has appeared as junior counsel in applications for warrants brought by the Office of Fair Trading.
- *Bookmakers Afternoon Greyhound Services v Amalgamated Racing Ltd and others* [2008] All ER (D) 73 (Aug) - Appeared led by Charles Hollander QC and Helen Davies QC in competition claim relating to media rights.
- *Lonsdale v Howard & Hallam* [2007] 4 All ER 1- Victoria was led by Fergus Randolph, intervening in the House of Lords in this commercial agents regulations case.
- *Barker v Department for Environment, Food and Rural Affairs* (Ch.Div, 2007) - Appeared unled on behalf of the claimant farmer seeking payment of money owed under a Council Regulation
- *Easyjet v Liverpool Airport* (settled 2007) - led by Mark Brealey QC and Danny Jowell on behalf of the Defendants in a competition law claim.
- *Adidas v International Tennis Federation & Ors* (settled 2006) - Led by Charles Hollander QC on behalf of the Defendants in a competition law claim.

In the Court of Justice of the European Union

- Case C-144/19 P *Lupin v Commission*- Victoria is instructed by one of the generic companies in this high profile appeal concerning the Commission's so- called "pay for delay" Servier decision.
- Case C-15/16 *Baumeister* ECLI:EU:C:2018:464 - Victoria appeared before the Grand Chamber as sole counsel for the United Kingdom in this case concerning the Markets in Financial Instruments Directive (MiFID).
- *R (Hemming, trading as Simply Pleasures) v Westminster* (first Supreme Court hearing: [2015] 2 WLR 1271; CJEU hearing: [2017] 3 WLR 317; second Supreme Court hearing: [2017] UKSC 50; [2017] 3 WLR 317)– Victoria was instructed in this case concerning the applicability of the Services Directive to licensing regimes (in particular, to the licensing of sex shops in Westminster), which was referred by the Supreme Court to the CJEU for a preliminary ruling.
- Case C-547/14 *R (Philip Morris International) v SSH* (Judgment 4 May 2016) – Victoria was instructed, led by David Anderson QC, in this challenge to the Second Tobacco Products Directive.
- Case T-437/14 *United Kingdom v Commission* – Victoria was instructed unled by the United Kingdom in this challenge to a Commission Decision disallowing sums from the Common Agricultural Payments to the UK.
- Case C-428/14 *DHL* – Victoria was instructed as junior counsel to file Written Observations in the CJEU on behalf of the UK in this case concerning national leniency regimes.
- Case C-209/13 *United Kingdom v Council* – Victoria is junior counsel for the United Kingdom in this application to annul the Council Decision which authorises Enhanced Cooperation in the area of Financial Transaction Tax.

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- Case C-248/12 P: *Northern Ireland Department of Agriculture and Rural Development v Commission*, Case T-503/12 *United Kingdom v Commission* and Case T-245/13 *United Kingdom v Commission* - Victoria appeared, led by Derrick Wyatt QC, in these General Court challenges to Commission decisions which disallowed significant sums of money from the Common Agricultural Payments due to the UK.
- Case C-373/12 *GIC Cash* – Victoria was instructed (unled) on behalf of the United Kingdom in this reference from a Slovakian court in respect of consumer contracts.
- Case 636/11 *Berger* - Victoria was instructed (unled) on behalf of the United Kingdom in this reference from a German Court in the field of food safety.
- Case C-416/11 P *United Kingdom v Commission* – Victoria was led by Derrick Wyatt QC in this appeal against a finding of inadmissibility, in the context of a claim relating to British Gibraltar territorial waters.
- Cases C-14/10 *Nickel Institute* and C-15/10 *Etimine* - Victoria was instructed (led by David Anderson QC and Jemima Stratford QC respectively) in these references from the High Court to the ECJ for preliminary ruling in respect of the regulation of chemicals.
- Case C-391/08 *Dow Agrosciences* - Victoria was led by David Vaughan QC in an appeal against a refusal to grant interim relief.

Public Law

The stand-out feature of Victoria's public law practice is the stellar quality of the work. As a junior, she was lead counsel in high profile cases in the Court of Appeal (*Muir*), the Divisional Court (*ICAEW*) and the Privy Council (*A v R*). She shared the advocacy with her leader in ground breaking cases in the Supreme Court (*Hemming* [2017] UKSC 50 and *Unison* [2017] UKSC 51)). Of course, this high-level practice is combined with advisory and first instance work across the full scope of administrative & public law.

Important cases include:

- *R (El Gizouli) v Home Secretary* [2019] EWHC 60 (Admin) – Victoria represents the Home Secretary in this high profile case concerning the death penalty. The Home Secretary's decision to share evidence with the USA without requiring a death penalty assurance was upheld by the Divisional Court. The Supreme Court will hear the appeal against that decision in July 2019. The grounds of appeal include breach of EU data protection law.
- *R (Utilita) v BEIS* (2019) – Victoria is instructed by the Claimants in this challenge in respect of Smartmeters, involving questions of EU energy and environmental law. It islisted to be heard in July 2019.
- *Privacy International & Ors v Foreign Secretary & Ors* (the "Third Direction", 2019) – Victoria is instructed for the Respondents in this case before the Investigatory Powers Tribunal. It concerns the lawfulness of the participation of undercover agents in criminality.
- *Dulgheriu & Orthova v London Borough of Ealing* (2019) – Victoria is instructed by Liberty, seeking to intervene in the Court of Appeal hearing of this human rights challenge to Public Space Protection orders in respect of abortion clinics.
- *R (ICAEW) v Lord Chancellor* [2019] EWHC 461 (Admin)- Victoria was lead counsel for the Lord Chancellor in this high profile challenge to the Lord Chancellor's decision not to allow the ICAEW to regulate legal services. The Divisional Court dismissed the challenge.
- *R (Muir) v Wandsworth Borough Council* [2019] 4 All ER 422 - Victoria appeared as sole counsel for Mr Muir in this Court of Appeal case raising important issues in respect of the privatisation of open spaces. She successfully defended the judgment of the court below, limiting such privatisation, which impacts on all London parks, commons and other open spaces.
- *A v R* [2018] UKPC 4 - Victoria appeared as sole counsel in this Privy Council case (before Hale, Mance, Wilson, Hodge, Black JJSC). It concerned complex and novel questions of the development of customary law (as opposed to common law), of the quality of law needed to satisfy the ECHR, and of the jurisdiction both of the Sark court and of the Privy Council, compounded by the fact that many of the materials were in medieval French.

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- *Queens Park Rangers v the English Football League* (Arbitration Award October 2017; appeal settled in July 2018) – Victoria was junior counsel for QPR in this competition and public law challenge to the Championship 2012 Financial Fair Play Rules.
- *R (UNISON) v The Lord Chancellor* [2017] UKSC 51; [2017] 3 WLR 409 – Victoria addressed a seven-judge Supreme Court in access to justice challenge to the introduction of fees in employment tribunals. The challenge raised issues of EU law, Human Rights and the common law.
- *National Cyber Security Centre* – Victoria has assisted the NCSC.
- *NICE appeals for Roche* – Victoria has appeared as sole counsel for Roche before the appeal panel of the National Institute for Health and Care Excellence on three occasions (December 2016; September 2016; December 2017).
- *R (Hemming, trading as Simply Pleasures) v Westminster* (first Supreme Court hearing: [2015] 2 WLR 1271; CJEU hearing: [2017] 3 WLR 317; second Supreme Court hearing: [2017] UKSC 50; [2017] 3 WLR 317)– Victoria was *instructed* in this case concerning the applicability of the Services Directive to licensing regimes (in particular, to the licensing of sex shops in Westminster). Initially instructed as junior counsel, when the case returned to the Supreme Court, she led the advocacy in respect of the questions of restitution as a matter of EU law and at common law.
- *(1) Versloot Dredging BV & (2) SO DC Merwestone BV v HDI & Ors* [2016] UKSC 45; [2017] AC 1 – Victoria addressed the Supreme Court in this case concerning *the* forfeiture of an insurance claim due to use of a fraudulent device, in particular whether this breaches A1P1 of the ECHR. The judgment (4:1, with Lord Mance dissenting) held that the law did not require a claim to be forfeit if a collateral lie had been told (contrary to the previously understood position).
- *R (Minchinhampton Committee of Commoners & Ors) v DEFRA* (settled 2017) – Victoria was instructed unled on behalf of a group of farmers. The case led to Defra reversing its previous policy in respect of farming on common land, with the potential to benefit farmers by many millions of pounds
- *R (British American Tobacco) v Secretary of State for Health* [2016] EWHC 1169 – Victoria was instructed, led by David Anderson QC, in this high profile challenge to the introduction of plain packaging for cigarettes.
- *R (Roche Registration Limited) v the MHRA* [2016] 4 WLR 46 - This high profile case concerned the first application of the pharmaceutical Penalties Regulation (which allows for a fine of 5% of turnover) anywhere in Europe. It related in particular to the legality of evidence collection by the MHRA. Victoria appeared for Roche in the High Court ([2015] 1 CMLR 6) and the Court of Appeal (on both occasions led by David Anderson QC).
- *R (Barda) v the Mayor of London* [2016] 4 WLR 20– Victoria was instructed unled on behalf of Occupy Democracy in this Human Rights Act challenge to the Mayor's restrictions of its right to protest in Parliament Square Gardens.
- *R (Wall) v MoJ* (settled March 2014) - Victoria appeared unled in this judicial review concerning prison mother and baby units.
- *Makanjuola v MoJ* (settled Jan 2014) - Victoria was instructed unled in this speedy review of detention case.
- *R (Hansen Palomares) v Lord Chancellor* (settled December 2013) – Victoria appeared unled in this judicial review concerning legal aid.
- *KM v Cambridgeshire County Council* [2012] UKSC 23 - Victoria was led by Richard Gordon QC in this Supreme Court hearing concerning community care law.
- *The Baha Mousa Public Inquiry* - Victoria was Junior Counsel for the MoD in an Inquiry into the death of an Iraqi in British custody.
- *R (Zagorski) v SS for Business, Innovation and Skills [2011] HRLR 6* - Victoria was led by Martin Chamberlain for the respondent in this case about the export of the anaesthesia used in lethal injections in the USA.
- *Knights v Ministry of Justice (*July 2010*)* - Victoria appeared unled in this direct HRA claim, brought by a prisoner, concerning the communication of his autobiography.
- *Aehmed v Legal Service Commission* 2009 EWCA 572 - Victoria was led by Martin Chamberlain on behalf of the LSC in an appeal against an award of election petition costs.
- *Woodpecker v HMRC* [2009] EWHC 3442 (Ch) - Appeared unled for HMRC
- *R (Smith) v (1) Secretary of State for Justice & (2) Parole Board* [2008] EWHC (Admin) - Appeared unled for the Parole Board

- *R (Government of Bermuda) v Office of Communications* [2008] All ER (D) 88 (Aug) - Junior Counsel for the Government of Bermuda (led by Richard Gordon QC) in judicial review against an Ofcom Decision relating to satellites.
- *Mkombozi v Attorney General* (High Court of Tanzania, 2008) - Victoria appeared unled in the High Court in Arusha, Tanzania, in a direct constitutional challenge against the rounding up of street children.
- *Lord Avebury v The Information Commissioner* (2007) - Victoria was instructed by Lord Avebury, successfully seeking the disclosure of the dates of meetings between Tony Blair and Rupert Murdoch or Richard Desmond.
- *R (Royal Institution of Chartered Surveyors) v The Secretary of State for Communities and Local Government* (2007) - Led by Nigel Pleming QC and Martin Chamberlain on behalf of the Claimant in a judicial review on the consultation of Home Information Packs.
- *R (Dost Mohammed) v Secretary of State for Defence* (Court of Appeal) [2007] All ER (D) 09 (May) - Junior counsel for the Secretary of State (led by Clive Lewis QC and Martin Chamberlain) defending a race discrimination challenge to the ex gratia Far Eastern Prisoner of War compensation scheme. Also appeared in the earlier hearing in the High Court.

Commercial

Victoria specialises in cross-over cases, with a commercial element alongside a competition, EU or public law element. For example, over the past year or so she has appeared as lead counsel for the SFO in the Tesco overstatement of profits civil claim (Omers Administration Corp & Ors v Tesco), against Google in the mass DPA representative action under CPR 19.6 (Lloyd v Google), and seeking restitution at common law and EU law in the Supreme Court (Hemming).

Important cases include:

- *Omers Administration Corp & Ors v Tesco* [2019] EWHC 109 – Victoria was lead counsel for the Serious Fraud Office in the Tesco overstatement of profits civil claim. This included numerous heavy multi-party hearings.
- *Lloyd v Google* [2018] EWHC 2599 – Victoria is instructed by Richard Lloyd in this Data Protection Act representative action, in respect of a mass data breach by Google. In July 2019, the Court of Appeal will hear Mr Lloyd's appeal against the first instance judgment of Warby J on service out of the jurisdiction.
- *Confidential arbitration* (2017) – Victoria was instructed in an arbitration in relation to a regulated contract in the railway sector.
- *R (Hemming, trading as Simply Pleasures) v Westminster* (first Supreme Court hearing: [2015] 2 WLR 1271; CJEU hearing: [2017] 3 WLR 317; second Supreme Court hearing: [2017] UKSC 50; [2017] 3 WLR 317)– Although initially an EU law case, when the case returned to the Supreme Court it related solely to restitution. Victoria led the advocacy in respect of the questions of restitution as a matter of EU law and at common law.
- *(1) Versloot Dredging BV & (2) SO DC* Merwestone *BV v HDI & Ors* [2016] UKSC 45; [2017] AC 1 – Victoria addressed the Supreme Court in this case concerning the forfeiture of an insurance claim due to use of a fraudulent device. The judgment (4:1, with Lord Mance dissenting) held that the law did not require a claim to be forfeit if a collateral lie had been told (contrary to the previously understood position).
- *Confidential arbitration (2016)*– Victoria acted (initially unled, and then with Tim Lord QC) in a significant joint venture dispute for a major brand, in LCIA arbitration.
- *SULCo v Ariadne [2015] EWHC 2595* - Victoria successfully acted unled in this High Court contractual dispute relating to an implied term.
- *RFU v Blink* (settled 2014) - This is a breach of contract claim involving media rights, in which Victoria was instructed unled.
- *Sarclad v APT & Ors* - Victoria was instructed (initially unled, and then led by Thomas Plewman QC) in this copyright/confidential information claim in the High Court.
- *Amber Solicitors v the Lord Chancellor* - Victoria acted (unled) for the defendant in this contractual dispute arising out of the Duty Solicitor Scheme.

- *MWM Boardroom Consulting v OVO* (settled November 2013) - Victoria was instructed (unled) in this contractual dispute in the High Court.
- *Castmasters v Sarclad* (settled November 2013) – Victoria was instructed (unled) for the Claimant in this contractual dispute concerning agency activities in China, with the trial set down for hearing in the High Court in early 2014.
- *Jones v Ricoh* [2012] EWHC 348 (Ch), in which Victoria was led by Charles Hollander QC on behalf of the defendants in a breach of NDA/ breach of confidence claim).
- *Rayden v Edwardo* (Commercial Court, settled 2009) - Victoria was led by Charles Hollander QC in this breach of share sale warranty claim.
- *Associated British Ports v Ferryways* (first instance [2008] 2 Lloyd's Rep 353) (CA [2009] 1 Lloyd's Rep. 595) - Victoria was led by Peter Irvin in a contractual dispute relating to guarantees/indemnities.
- *Arla Foods UK v Barnes and Others* [2009] 1 B.C.L.C. 699 - Led by Charles Hollander QC on behalf of the defendant farmers in a contractual claim under a milk supply agreement.
- *Royal Bank of Scotland v Winterthur* (2008) - Junior counsel for Winterthur (led by Mark Howard QC and Helen Davies QC) in a breach of share sale warranty claim.
- *The Accident Group Litigation* (settled 2007) - Junior counsel for Winterthur and NIG (led by Charles Hollander QC, Tim Lord and Colin West), the underwriters of The Accident Group personal injury legal expenses scheme, in a professional negligence and contractual dispute.

Qualifications & Further Information

Education

- Tapton Comprehensive School, Sheffield
- BA Hons Law, Trinity College Cambridge – First Class (2001).
- D.E.S. droit européen, Université Libre de Bruxelles – Grande Distinction (2002)
- BVC, Inns of Court School of Law - Very Competent (2003)
- Scholarships/Prizes:
    - Bedingfield Scholar, Gray's Inn, 2002-3
    - Wiener-Anspach Scholar, U.L.B., 2001-2
    - 3 Verulam Buildings Prize for top paper in Equity, June 2001
    - Lizette Bentwich Prize for tripos, June 2001
    - Senior Scholar, Trinity College Cambridge 2001

Further Information

- Prior to taking Silk, Victoria was a member of the Treasury A Panel
- Languages: French
- Member of the Administrative Law Bar Association and of the Bar European Group.

Directory Quotes

- "A star of her generation. She is extremely bright, highly motivated and delightful to work with." "Not only does she quickly master complex matters and present them very clearly, she is also a real pleasure to work with and makes the most difficult cases much easier to manage." "Always fantastically well prepared." (Administrative & Public Law, Chambers & Partners 2020)
- "Razor-sharp, incredibly down to earth and a really safe pair of hands." "She is absolutely stunning when it comes to her strategic foresight of how cases can progress." "It is fantastic to be able to pick up the phone and bounce ideas around with her. You are always guaranteed an insightful answer." (Competition Law, Chambers & Partners 2020)
- "Very clear and her advocacy style is well honed." "She has an engaging manner and holds the attention of her audience well." (European Law, Chambers & Partners 2020)
- "She gets on extremely well with her case teams." (Administrative & Public Law, Legal 500 2020)

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- "A first-rate barrister." (Civil Liberties & Human Rights, Legal 500 2020)
- "She has been involved in many high-profile follow-on damages claims." (Competition, Legal 500 2020)
- "Her advocacy is excellent and her analytical skills first-rate." (EU Law, Legal 500 2020)
- "Extremely bright, with a very real desire to wholly understand the issues in a case. Her preparation is exemplary." "She's very intelligent, with a very confident and attractive advocacy style." (Administrative & Public Law, Chambers & Partners 2019)
- "An outstanding drafter who communicates well and has a good bedside manner." (Competition Law, Chambers & Partners UK & Global 2019)
- "She offers very good strategic advice and knowledge of the law, and brings a wider perspective on cases." (European Law, Chambers & Partners 2019)
- "She is clever, polished, hardworking and user friendly." (Administrative & Public Law, Legal 500 2018-19)
- "Clever and strategic." (Civil Liberties and Human Rights, Legal 500 2018-19)
- "A highly knowledgeable and very able European lawyer." (EU Law, Legal 500 2018-19)
- "Not only does Victoria quickly master complex matters and present them very clearly, she is also a real pleasure to work with and makes the most difficult cases much easier to manage." "She is thorough, detail-driven and very commercial." (Administrative & Public Law, Chambers & Partners 2018)
- "She is hard-working and user-friendly." "She is committed and engaged and a pleasure to work with." (Competition Law, Chambers & Partners 2018)
- "She is a successful silk in the making - thorough, detail-driven and very commercial." (European Law, Chambers & Partners 2018)
- "Clever and strategic; a silk-in-waiting." (Administrative & Public Law, Legal 500 2017)
- "Exceptionally talented and pragmatic." (Civil Liberties and Human Rights, Legal 500 2017)
- "One of the fastest intellects at the Bar." (EU Law, Legal 500 2017)
- "She combines common sense, intellectual rigour and a real willingness to roll up her sleeves." (European Law, Chambers & Partners 2017)
- "She is punchy - a great team player who it's great to work with. She gives as good as she gets even when confronting a silk." (Competition Law, Chambers & Partners 2017)
- "Combines common sense, intellectual rigour and a real willingness to roll up her sleeves." "A really good written style. Clear, communicative and enthusiastic. Very approachable and easy to work with." (Administrative & Public Law, Chambers & Partners 2017)
- "Exceptionally talented." (Administrative & Public Law, Legal 500 2016)
- "Approachable and pragmatic; a pleasure to work with." (Civil Liberties and Human Rights, Legal 500 2016)
- "Thorough, hard-working and comes up with creative points. One of the most talented juniors around." (Administrative & Public Law, Chambers & Partners 2016)
- "Wonderfully talented - she has an incredibly good legal mind and picks up on the nuances of a case much faster than other people. She has an aura about her that is incredibly impressive and she is just a delight to work with." (Competition law, Chambers & Partners 2016 and Chambers Global 2016)
- "Very impressive; incredibly bright and personable." (European Law, Chambers & Partners 2016)
- "A very good advocate. She is very clever and has an extremely nice way with clients." (European Law, Chambers & Partners 2016)
- "Both extremely diligent and proactive." (Inquests & Public Inquiries, Chambers & Partners 2016)
- "An absolute pleasure to work with" (Civil Liberties and Human Rights, Legal 500 2015)
- "A brilliant lawyer; communicative, thorough and reliable." (Administrative & Public Law, Legal 500 2015)
- "She is a delight to work with. She is extremely thorough and diligent in the advice she prepares, is extremely proactive and her advice is very solid." "She's clever, but accessible and happy to roll her sleeves up." (Administrative & Public Law, Chambers & Partners 2015)
- “Receives significant praise from clients and peers alike.” (Competition Law, Chambers & Partners 2015)
- "She has inexhaustible supplies of energy and is very, very good." (Competition Law, Chambers & Partners 2015)
- "An excellent speaker." "She is able to pick up a case and familiarise herself with it very quickly." (European Law, Chambers & Partners 2015)
- "She is hugely bright and hugely hard-working." (Inquests & Public Inquiries, Chambers & Partners 2015)

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- "Takes complex facts and concepts and shapes them into effective strategy with remarkable speed and skill." (Administrative & Public Law, The Legal 500 2014)
- "Excellent." (Civil Liberties & Human Rights, The Legal 500 2014)
- "She is very personable and very hard-working, and can endear herself to clients and solicitors alike." "She is a very tenacious, efficient and clear advocate in court." (Chambers & Partners 2014, Administrative & Public law)
- Seen by peers as an up-and-coming name in the competition field. Her recent experience has demonstrated her strength in cases that include a commercial angle. She is also recommended for her public law expertise." (Chambers & Partners 2014, Competition law)
- "She is highly industrious and her legal research skills are near perfect." "She is effortlessly able." (Chambers & Partners 2014, Competition law)
- "Her practice encompasses public, EU and competition law. She is experienced in acting before a number of EU courts and has recently been instructed by the UK government. Sources praise her superb research skills." (Chambers & Partners 2014, European law)
- "Outstanding on EU general court practice and EU agricultural law." "Her judgement in court is striking." (Chambers & Partners 2014, European law)
- "Offers representation in public inquiries of the highest social and political importance. She is an expert in public law and human rights." (Chambers & Partners 2014, Inquests & Public Inquiries)
- "She is invariably correct and performs with utter brilliance." "A bit of a phenomenon. She is painfully clever, very hard-working and very easy to get along with." (Chambers & Partners 2014, Inquests & Public Inquiries)
- "stunningly good tactically" with a "natural sense for litigation" Victoria Wakefield is an up-and-coming member of the UK's competition bar" (Global Competition Review "UK barrister survey" 2013)
- "Victoria Wakefield "is starting to make a big name for herself" in the public law sphere. She represented the Ministry of Defence in the Baha Mousa Inquiry, and acted for the Secretary of State for Business, Innovation & Skills in a judicial review challenge to the legality of the export from the UK of chemicals which are used in lethal injection executions in the USA. One senior barrister "was completely wowed by her. I can't think of any area that I would fault her on."" (Chambers & Partners 2013, Administrative & Public Law)
- Ranked in the Legal 500 2012 in Administrative & Public Law and Human Rights & Civil Liberties
- "Victoria Wakefield ... impresses solicitors with her public law expertise." (Chambers & Partners 2012, Administrative & Public Law)
- "the 'tremendous' Victoria Wakefield is praised for her work on the Baha Mousa Public Inquiry." (Legal 500 2011, Civil Liberties and Human Rights)
- "wise beyond her years, has a brilliant manner, yet wears it modestly" (Legal 500 2009, Commercial litigation)

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Joanne Box

YEAR OF CALL: 2012

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Practice Overview

Jo has a broad practice that covers the full range of commercial litigation and arbitration undertaken in Chambers. Jo is instructed in cases before the Supreme Court, Court of Appeal and High Court, and in LCIA, ICC and UNCITRAL arbitrations. She has appeared as an advocate in a range of fora, including the Court of Appeal.

Jo is particularly experienced in group litigation and is instructed in Bates and Ors v Post Office Ltd, a GLO claim by approximately 500 sub-post masters against Post Office Ltd (one of The Lawyer's "Top 20 Cases" of 2018); on behalf of the defendant Ingenious Media in group litigation concerning the sale and promotion of its film finance investment scheme (also one of The Lawyer's "Top 20 Cases" of 2018); and in an application for a collective proceedings order in relation to a claim for follow-on damages.

Other recent cases include SICL v JP Morgan and Awal Bank, a high value claim relating to discharge of a swingline facility and ownership of trust assets following the collapse of the Saad Group; and the expedited Commercial Court trial and Court of Appeal hearings in Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA [2017] EWCA Civ 9, a dispute concerning allegedly fraudulent demands for $129 million under a letter of credit.

Commercial

- *Bates and Ors v Post Office Ltd*: acting for Post Office Ltd in group litigation involving claims by approximately 500 sub-post masters and sub-post mistresses for breach of contract (on the basis that their contracts were wrongly terminated) and harassment, and a counterclaim in fraud (with Helen Davies QC). One of The Lawyer's "Top 20 Cases" of 2018.
- *Rowe v Ingenious Media*: acting for the Ingenious Media defendants in relation to the Chancery Division group litigation arising out of the highly publicised film finance investment schemes (with Tim Lord QC and Simon Birt QC). One of The Lawyer's "Top 20 Cases" of 2018.
- *SICL v JP Morgan and Awal Bank*, a high value claim relating to discharge of a swingline facility and ownership of trust assets following the collapse of the Saad Group (with Tim Lord QC and Stephen Midwinter QC).
- *Gerald Metals v Timis*: a $90 million claim for alleged breaches of contract, fraud and conspiracy in relation to an iron ore mine in Sierra Leone and oil assets in Senegal (with Mark Howard QC).
- *Signia Wealth v Dauriac* [2018] EWHC 1040 (Ch): high-profile investment management company dispute regarding exit provisions and share value which settled after the grant of permission to appeal (with Thomas Plewman QC and Sarah Ford QC).

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- *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA* [2017] EWCA Civ 9: acting for Petrosaudi in an expedited Commercial Court trial and subsequent Court of Appeal hearings in relation to a dispute concerning demands for $129 million under a letter of credit (with Jonathan Gaisman QC and Michael Bools QC).
- *Associated British Ports v Tata Steel UK Ltd* [2017] EWHC 694 (Ch) – dispute concerning the validity of an arbitration agreement in a 25 year licence for use of the jetty at Port Talbot Tidal Harbour.
- A US$300+ million UNCITRAL arbitration against a major national oil company in a dispute under a drilling services contract (with Michael Bools QC).
- A US$50+ million ICC arbitration under a drilling services agreement (with Richard Lord QC).
- *Cattles Limited v PriceWaterhouseCoopers LLP* (Commercial Court): acting for the defendant in a £1.6 billion claim for auditor negligence (with Mark Hapgood QC and Thomas Plewman QC). One of The Lawyer's "Top 20 Cases" of 2015.
- *Bonhams v Lawson & Ors* (Commercial Court): dispute over the auction and ownership of a very rare £10 million racing Ferrari car, one of the world's most expensive classic cars (with Michael Bools QC).
- *Winkler v Shamoon & Ors* (Chancery Division): application for a freezing injunction (with Daniel Jowell QC).
- *Malhotra v Malhotra* [2014] EWHC 113 (Comm): an action on a cross-undertaking raising issues of reflective loss (with Roger Masefield QC).
- An LCIA arbitration concerning credit insurance (with Tom Adam QC).
- An LCIA arbitration relating to floating rate notes allegedly held as security (with Tim Lord QC).
- An ICC arbitration concerning liability under an IT contract, raising issues of capacity and restitution (with Hilary Heilbron QC and David Scannell).
- An ad hoc shipping arbitration under the AA 1996 concerning demurrage and alleged wrongful arrest of a vessel (with Richard Lord QC).
- *Lehman Brothers Holdings Inc v Kubber Investments* (Commercial Court), an action for an anti-suit injunction and relief pursuant to a loan facility (with Fionn Pilbrow).

Civil fraud

- *Bates and Ors v Post Office Ltd*: acting for Post Office Ltd in group litigation involving claims by approximately 500 sub-post masters and sub-post mistresses for breach of contract (on the basis that their contracts were wrongly terminated) and harassment, and a counterclaim in fraud (with Helen Davies QC). One of The Lawyer's "Top 20 Cases" of 2018.
- *Rowe v Ingenious Media*: acting for the Ingenious Media defendants in relation to the Chancery Division group litigation arising out of the highly publicised film finance investment schemes (with Tim Lord QC and Simon Birt QC). One of The Lawyer's "Top 20 Cases" of 2018.
- *Gerald Metals v Timis*: a $90 million claim for alleged breaches of contract, fraud and conspiracy in relation to an iron ore mine in Sierra Leone and oil assets in Senegal (with Mark Howard QC).
- *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA* [2017] EWCA Civ 9: acting for Petrosaudi in an expedited Commercial Court trial and subsequent Court of Appeal hearings in relation to a dispute concerning allegedly fraudulent demands for $129 million under a letter of credit (with Jonathan Gaisman QC and Michael Bools QC).
- *SAAD Investments Company Limited v JP Morgan International Bank Ltd and Awal Bank BSC*: acting for Awal Bank in a dispute relating to liabilities under a $75 million facility with JP Morgan, and ownership of trust assets worth approximately $200 million (with Tim Lord QC and Stephen Midwinter QC). This case arose from the collapse of the Saad Group following a major fraud.

Energy and natural resources

- *Gerald Metals v Timis*: a $90 million claim for alleged breaches of contract, fraud and conspiracy in relation to an iron ore mine in Sierra Leone and oil assets in Senegal (with Mark Howard QC).

- *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA* [2017] EWCA Civ 9: acting for Petrosaudi in an expedited Commercial Court trial and subsequent Court of Appeal hearings in relation to a dispute concerning demands for $129 million under a letter of credit (with Jonathan Gaisman QC and Michael Bools QC).
- *Associated British Ports v Tata Steel UK Ltd* [2017] EWHC 694 (Ch) – dispute concerning the validity of an arbitration agreement in a 25 year licence for use of the jetty at Port Talbot Tidal Harbour.
- An LCIA arbitration in relation to blockages in the Forties oil pipeline.
- A US$300+ million UNCITRAL arbitration against a major national oil company in a dispute under a drilling services contract (with Michael Bools QC).
- A US$50+ million ICC arbitration under a drilling services agreement (with Richard Lord QC).

Chancery: commercial

- *Rowe v Ingenious Media*: acting for the Ingenious Media defendants in relation to the Chancery Division group litigation arising out of the highly publicised film finance investment schemes (with Tim Lord QC and Simon Birt QC). One of The Lawyer's "Top 20 Cases" of 2018.
- *SICL v JP Morgan and Awal Bank*, a high value claim relating to discharge of a swingline facility and ownership of trust assets following the collapse of the Saad Group (with Tim Lord QC and Stephen Midwinter QC).
- *Signia Wealth v Dauriac* [2018] EWHC 1040 (Ch): high-profile investment management company dispute regarding exit provisions and share value which settled after the grant of permission to appeal (with Thomas Plewman QC and Sarah Ford QC).

Insurance and reinsurance

Jo has advised and acted in a range of insurance and reinsurance disputes, including most recently an ad hoc arbitration regarding ATE insurance (with Stephen Midwinter QC) and a $20 million LCIA arbitration concerning credit insurance (with Tom Adam QC).

Qualifications

Employment

- 2013 - present: Tenant, Brick Court Chamber
- 2012 - 2013: Pupil, Brick Court Chambers
- 2011 - 2012: Teaching Fellow in Law, University College London
- 2011 - 2012: Visiting Tutor in Contract Law, King's College London
- 2010: Summer Associate, Cravath, Swaine & Moore LLP, New York
- 2009 - 2010: Supervisor in Law, University of Cambridge

Professional Memberships

COMBAR

Education

- 2011 - 2012: BPTC, Kaplan Law School (Outstanding)
- 2010 - 2011: LLM, Harvard Law School
- 2009 - 2010: LLM, University of Cambridge (Starred First, 1st in year)
- 2006 - 2009: BA (Hons) Law, University of Cambridge (Double First)

Scholarships and Prizes

- Baron Dr Ver Heyden de Lancey Prize, Middle Temple
- Certificate of Honour, Middle Temple
- Marina Catovsky Advocacy Scholarship, Kaplan Law School
- Queen Mother Scholarship, Middle Temple
- Dean's Scholar, Harvard Law School
- BRD Clarke Prize for Best Performance in the LLM, University of Cambridge
- AHRC Studentship, University of Cambridge
- Rebecca Flower Squire Scholarship, University of Cambridge
- Rosemary Murray Scholarship, University of Cambridge
- Winner of the USA Universities Debating Championships 2011
- Finalist, Willem C Vis International Arbitration Moot 2011 (representing Harvard Law School)
- Honourable Mention, Foreign Direct Investment International Arbitration Moot 2011

Publications

Trade Mark Law and the Threat to Free Speech [2012] IPQ 289

L'Oreal v Bellure: Important Questions for Trade Mark Law 41 IIC 485 (2010)

Further Doubt in the Law of Mistake 6 CSLR 308 (2010)

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DX 302 London Chancery Lane

Aaron Khan

YEAR OF CALL: 2016

Email: aaron.khan@brickcourt.co.uk

Practice Overview

Aaron has a broad practice encompassing all areas of Chambers' specialisms, including EU/competition law, public law and commercial law. He is frequently instructed in, and enjoys working on matters involving more than one field.

Recent significant instructions include:

- *The Trucks Litigation* – acting for Iveco in a number of follow-on damages claims. Includes proceedings in the High Court and Competition Appeal Tribunal, including two applications for a Collective Proceedings Order (with Kelyn Bacon QC, Tony Singla and Matthew Kennedy).
- *Speciality Produce Limited and Others v DEFRA* – a substantial *Francovich* damages claim, which settled in early 2019 (with Aidan Robertson QC and Sarah Abram).
- Advising Ofwat (unled) on its high-profile investigation into Thames Water's leakage performance. The investigation concluded that Thames Water breached s.37 Water Industry Act 1998 and a condition of its instrument of appointment, and it agreed to return £65 million to customers as part of a total package of payments and penalties worth £120 million (news coverage here and press release here).
- Advising (unled) a central government department on issues relating to Brexit.

Aaron has significant advocacy experience, having appeared unled in the First Tier Tribunal, the County Court and contested hearings in the High Court. He also undertakes pro bono work within his areas of expertise. In particular, he has experience in cases concerning the immigration status of EEA nationals, and the interaction between EU law and welfare benefits law.

Prior to joining Chambers, Aaron held various academic roles at the University of Bristol, Cardiff University and New College of the Humanities, where he taught EU law and competition law. During this time, he also published in journals such as the *European Law Review* and presented his research at conferences in Luxembourg and Madrid.

Aaron graduated from the University of Bristol in 2010 with first class honours, winning the Frank Pitt Prize for achieving the highest final year marks. He also has an LLM in European Union Law from the College of Europe (Bruges), where he was awarded the *lauréat* award of the Department of Law for achieving the highest overall

mark.

EU/Competition

Aaron has extensive experience in the fields of EU and competition law. In the field of competition law, Aaron acts for and advises a range of diverse clients across the whole spectrum of competition law issues, including both follow-on and stand-alone damages actions, as well as regulatory investigations before the CMA and the European Commission. He also has experience of collective proceedings in this field, advising both claimants and defendants.

Aaron's strong background in EU law means he is well-placed to advise on the uncertain issues raised by Brexit. He has experience of advising (unled) a central government department in this area, and has acted pro-bono for clients in cases involving issues of EEA immigration law and the intersection between EU law and welfare benefits law.

Recent significant instructions include:

- *The Trucks Litigation* – Aaron acts for Iveco in a number of follow-on damages claims. This includes proceedings in the High Court and Competition Appeal Tribunal, along with two applications for a Collective Proceedings Order (with Kelyn Bacon QC, Tony Singla and Matthew Kennedy).
- Acting for a complainant in an ongoing competition law investigation before a sector regulator (with Aidan Robertson QC).
- Advising a major telecommunications company on a number of aspects of the new European Electronic Communications Code (with Robert O'Donoghue QC).
- *Speciality Produce Limited and Others v DEFRA* – Aaron acted for the Claimants (with Aidan Robertson QC and Sarah Abram) in this substantial *Francovich* damages claim, which settled in early 2019.
- Acting (unled) for a major trade association in a complaint before the Competition and Markets Authority.
- Advising (unled) a retail distributor on a number of issues relating to vertical restraints in the online sales context.
- Advising (unled) a group of franchisees on a potential stand-alone damages claim.
- *Red & White Services Limited v Phil Anslow Limited* – Aaron acted for the Defendant in this case (with Jennifer MacLeod), which involved a Defence and Counterclaim to a trespass action alleging infringements of the Chapter I and Chapter II prohibition.

During pupillage, Aaron worked on a wide range of EU and competition law matters including:

- *GlaxoSmithKline & Others v Competition and Markets Authority* – an appeal against the CMA's first ever so-called "pay for delay" decision in respect of settlements of patent litigation (assisting James Flynn QC, David Scannell and Charlotte Thomas).
- *Iiyama Benelux BV & Others v Schott AG & others* – an appeal against a decision striking out a cartel damages claim on the grounds that the claim fell outside of the territorial scope of EU competition law (assisting Marie Demetriou QC).
- *Micula & Others v Romania* [2017] EWHC 31 and [2017] EWHC 1430 – proceedings in the Commercial Court seeking enforcement of an ICSID arbitral award said by the European Commission to entail State aid (assisting Marie Demetriou QC and Hugo Leith).
- Follow-on damages claims relating to the power cables, LCD and CRT cartels (assisting Marie Demetriou QC and David Scannell)
- A cartel damages claim in respect of power cables (assisting Marie Demetriou QC).
- Advising the liquidator of an electronics company on a cartel damages claim (assisting David Scannell).
- An ongoing investigation by the CMA into a major sports equipment manufacturer (assisting Marie Demetriou QC).

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- *WR Grace v European Chemicals Agency* – an appeal before the ECHA Board of Appeal against the European Chemicals Agency's Decision to require extensive further testing of a substance under the REACH Regulation (assisting David Scannell and Andrew McIntyre).

Prior to joining Chambers, Aaron held various academic roles at the University of Bristol, Cardiff University and New College of the Humanities where he taught and published in the areas of EU and competition law. His work has been published in internationally-renowned journals such as the *European Law Review, World Competition Law & Economics Review* and *European Business Law Review*. He has also presented his research on aspects of competition law at conferences in Luxembourg and Madrid. Aaron continues to teach and publish in the fields of EU and competition law – he is a member of the Editorial Board of *World Competition Law and Economics Review* , and writes the competition law section of Furmston's *The Law of Contract* (6th Ed., 2018).

Public Law

Aaron has a range of experience in public law, encompassing diverse areas such as utilities regulation and economic sanctions. He has a particular interest in the intersection between public law and EU law. Recent significant instructions include:

- Advising Ofwat (unled) on its high-profile investigation into Thames Water's leakage performance. The investigation concluded that Thames Water breached s.37 Water Industry Act 1998 and a condition of its appointment, and it agreed to return £65 million to customers as part of a total package of payments and penalties worth £120 million (news coverage here and press release here).
- Providing ongoing advice (unled) to a central government department on issues relating to Brexit.

Aaron worked on various public law matters during pupillage, a number of which involved claims based on EU law and/or the ECHR. Significant cases include:

- *British American Tobacco & Others v Secretary of State for Health* [2016] EWCA Civ 1182 – a judicial review of the UK's plain packaging regulations (assisting Nigel Pleming QC and David Scannell as a pupil).
- *Teva BV v MHRA & Biogen* – a judicial review of the MHRA's refusal to grant Teva's application for a marketing authorisation in respect of a drug indicated for the treatment of multiple sclerosis (assisting Marie Demetriou QC and Emily MacKenzie as a pupil).
- *Gureckis v Secretary of State for Home Department* – a challenge to the UK government's policy on the rights of residence of EEA nationals alleged to be "rough sleeping" for incompatibility with EU law (assisting Marie Demetriou QC as a pupil).
- *A and B & Others v Criminal Injuries Compensation Scheme & Lord Chancellor* – judicial review proceedings concerning certain provisions of the Criminal Injuries Compensation Scheme which prevent individuals with unspent criminal convictions from accessing compensation (assisting Martin Chamberlain QC as a pupil).

Commercial

Aaron has experience acting for a range of clients in a number of contractual and tortious disputes, and has particular expertise in advising on the impact of competition law on contractual disputes. He has appeared unled in both the County Court and the High Court. Recent significant instructions include:

- Advising an aircraft engineering and maintenance company on enforcing a substantial debt in respect of works undertaken on an aircraft owned and operated by an overseas airline (led by Alec Haydon).
- Acting (unled) for a major utilities supplier in a number of lengthy contested winding-up petitions.

Aaron also has experience in international commercial arbitration, and currently acts as Tribunal Secretary in a substantial UNCITRAL arbitration.

During pupillage, Aaron assisted on a number of commercial law matters, including the following cases:

- *Rosserlane Consultants Limited & Another v Credit Suisse International* [2017] EWCA Civ 91 – a c.$80 million claim for professional negligence alleging that a bank owed a duty of care to the borrower in exercising its right to force the sale of an oilfield in Azerbaijan belonging to the borrower to realise funds to repay a loan (assisting Helen Davies QC and Alec Haydon).

- *Axle Holdings Pte Limited & Others v Dewarson Limited & Others* – a c.€10 million claim relating to the sale of a business, involving allegations of breach of fiduciary duty. This case involved concurrent proceedings before the Chancery Division and the Commercial Court, including an application under Part 86 CPR (assisting Alec Haydon).

Aaron also assisted in a number of interlocutory applications during pupillage including resisting an application for pre-action disclosure (involving issues of whether such an application could be served out of the jurisdiction), applying for relief from sanctions and fortification of a cross-undertaking in damages.

Publications

Publications:

Co-author (with Michael Furmston) of Chapter 8: Illegality and Public Policy, in Furmston's *The Law of Contract* (6th Ed., 2018)

'Director disqualification as a sanction for cartel conduct', in *The Fight Against Cartels in Europe* (*Larcier-Bruylant,* 2016).

'Corporate Mobility, Market Access and the Internal Market' (2015) 40(3) *European Law Review* 371.

'Rethinking sanctions for breaching EU Competition Law: is director disqualification the answer?' (2013) 35(1) *World Competition* 77.

'Corporate mobility under Article 49 TFEU: a question of means, not ends' (2011) 22(6) *European Business Law Review* 847.

Conference papers:

'Sanctioning hard core cartel infringements in EU Competition Law: towards a more compliance-driven approach' at: *The fight against hard core cartels: Trends, Challenges and Best International Practices,* CEU University, Madrid, 27-28 November 2014.

'Alternatives to criminalisation' at: *Per Se Cartel Offences – Legitimacy and Utility of Criminal Sanctions*, University of Luxembourg – Faculty of Law, Economics and Finance, 23-24 March 2012.

Education & Qualifications

Professional Experience:

2017-Present: Tenant, Brick Court Chambers

2016-2017: Pupillage, Brick Court Chambers

2016: Called to the Bar of England and Wales

2015-2016: Visiting Lecturer in EU law, New College of the Humanities

2015-present: Member of the Editorial Board, *World Competition Law & Economics Review*

2013-2015: Lecturer in Law, Cardiff University

2011-2013: Teaching Associate in Law, University of Bristol

Education:

2015-2016: Bar Professional Training Course, University of Law (Outstanding, 1st in Year)

2010-2011: LLM, College of Europe (Bruges) (Distinction, 1st in Year)

2006-2010: LLB, University of Bristol (First Class, Frank Pitt Prize for achieving the highest final year marks)

Scholarships and prizes

Pupillage:

Bar European Group Phoenicia Scholar (2017)

Major Scholarship, The Honourable Society of the Inner Temple (2016)

University of Law:

5 St Andrew's Hill Prize for BPTC Student of the Year (achieved the highest overall mark on the BPTC)

4 Stone Buildings Prize for Civil Litigation, Evidence and Remedies

4 King's Bench Walk Prize for Advocacy (achieved the highest overall mark across all three advocacy assessments)

University of Law Prize for Opinion Writing

University of Law Prize for International Commercial Litigation

College of Europe (Bruges):

Lauréat award of the Department of Law for achieving the highest overall mark on the LLM programme

2011 Global Competition Law Centre Prize for Competition Law & Policy

University of Bristol

Frank Pitt Prize (for achieving the highest final year marks)

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