

*"A regular feature on a vast variety of competition and EU matters and has barristers who are some of the best in the business for this type of work"*

Chambers & Partners 2012

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# European Union Law

Cherie Booth QC  
Christopher Brown  
Michelle Butler  
Kate Cook  
Edward Craven  
Claire Darwin  
Piet Eeckhout  
Ben Emmerson QC  
Nicholas Gibson  
Sam Grodzinski QC  
Raza Husain QC  
Thomas Kibling  
Thomas Linden QC  
Sara Mansoori  
Jonathan Marks  
Eleni Mitrophanous  
Karon Monaghan QC  
Helen Mountfield QC  
John O'Flaherty  
Aidan O'Neill QC  
Elizabeth Prochaska  
Philippe Sands QC  
Maurice Sheridan  
Jessica Simor  
Mark Summers  
Rhodri Thompson QC  
Takis Tridimas  
David Wolfe

Matrix has specialist expertise in EU law across a large range of practice areas, in particular, competition law, environment, transport, energy, telecoms, employment, consumer protection, trade law, tax and excise, extradition and crime, immigration and free movement. Members regularly appear in the European Court in Luxembourg for individuals, companies and the UK government.

Matrix is also privileged to have academic members' whose specialist subject is EU law and who have a valuable depth of knowledge that can be tapped into by members and clients. Takis Tridimas is the Sir John Lubbock Professor of Banking Law, Centre for Commercial Law Studies, Queen Mary College, University of London and Professor of European Law, College of Europe, Bruges. Piet Eeckhout is Professor of European Law at King's College London and directs the Centre of European Law.

Members have also written or contributed to key texts and speak regularly at conferences on EU law subjects. Aidan O'Neill QC and Christopher Brown this year launched *EUtopia law* ([www.eutopialaw.com](http://www.eutopialaw.com)), the definitive blog for informed debate and analysis of developments in EU Law.

## Notable cases

Matrix barristers have acted in a series of high profile EU Law cases in recent years:

- Aidan O'Neill QC and Christopher Brown are acting for the *British Egg Industry Council* in their EU law judicial review of the Government's refusal to ban eggs from battery hens from the UK market.
- Rhodri Thompson QC and Nicholas Gibson represent *BT* in Ofcom's investigation into an alleged breach of Chapter II of the Competition Act 1998 and Article 102 TFEU arising from a complaint of margin squeezing in the pricing of wholesale calls.
- Nicholas Gibson has been instructed for the *Competition Commission* in three appeals under the Communications Act 2003, which implemented the EU Common Regulatory Framework for telecommunications, appearing before the Competition Appeal Tribunal and advising the Commission in the drafting of its determinations of the questions referred to it by the Tribunal.
- *Fish Legal v Information Commissioner* (2012) David Wolfe acts for Fish Legal in its challenge to the Information Commissioner's decision that privatised water companies (and water and sewerage companies) are not 'public authorities' for the purposes of Directive 2003/4/EC (which gives effect to part of the Aarhus Convention on Access to Environmental Justice and which is implemented in England and Wales by the Environmental Information Regulations). The Upper Tribunal has decided to refer questions to the CJEU.
- Rhodri Thompson QC and Nicholas Gibson represented the claimant supplier of cleaning products to the NHS in its claim in the Chancery Division for breach of procurement regulations in *Scot Young Research Limited v NHS Business Services Authority* (2011).
- *Cornwall Waster Forum v Secretary of State for Communities and Local Government* [2011] EWHC 2761 (Admin) David Wolfe acted for environmental campaigners in quashing the grant of planning permission for a waste incinerator adjacent to a Special Area of Conservation in the light of the failure lawfully to comply with the requirements of the EU Habitats Directive when considering the impact of the incinerator on the SAC.
- Sam Grodzinski QC and Nicholas Gibson have acted for the defendant in *King Automotive Systems Ltd v Fonderie de Bretagne and another* (2011) advising a French company in the context of a challenge to the jurisdiction of the English Court under the "Brussels" Regulation 44/2001/EC and related issues under the Insolvency Regulation 1346/2000/EC.
- *Peter Strawson Ltd v Secretary of State for Environment Food and Rural Affairs* [2010] EWHC 3286 (Admin) David Wolfe acted for Peter Strawson, a farmer, quashing the RPA's refusal to make payments to him under the EU Single Payment Scheme where he had made an obvious error in his application form, albeit one not obvious on the face of the application itself.
- *Singapore Airlines v Commission*: Christopher Brown for the EU Commission in defence of its Air Cargo cartel decision.
- Eleni Mitrophanous appeared in *Megantic Services Ltd v HMR* (2011) Upper Tribunal, a key decision in relation to Mutual Legal Assistance in the EU and the question of the need for consent.
- *Arash Shipping Enterprises Co Ltd v Groupama Transport & Anor* [2011] EWCA Civ 620 EU sanctions regime against Iran prevented the renewal of a shipping insurance contract. Rhodri Thompson QC and Elizabeth Prochaska represented the Interested Party.
- Rhodri Thompson QC, Sam Grodzinski QC and Nicholas Gibson were involved in *R (CGTSN and GKL) v. Civil Aviation Authority and BAA* [2010] EWHC 1348 (Admin) concerning the compatibility of UK rules on the detention of aircraft with the EU Treaties and the ECHR.

## Notable Cases

- Jessica Simor appeared in *HJ (Iran) v Secretary of State for the Home Department* [2010] UKSC 31 concerning EU asylum rights.
- James Laddie and Claire Darwin appeared in *J v DLA Piper LLP* [2010] ICR 1052, which concerned among other things whether the exclusion of perceived discrimination in the Disability Discrimination Act 1995 was compatible with the Equal Treatment Framework Directive.
- Sam Grodzinski QC and Eleni Mitrophanous appeared in *Secret Hotels2 Ltd (formerly Med Hotels Ltd) v HMRC* [2010] UKFTT 120 (currently on appeal to the Upper Tribunal) on how the internet travel industry is required to account for VAT pursuant to the EU Sixth VAT directive. Members of the team, in particular Sam Grodzinski QC, Jessica Simor, Eleni Mitrophanous and John O'Flaherty, regularly act in EU cases involving indirect taxation law.
- *Edwards & Pallikaropoulos v Environment Agency & Ors* [2010] UKSC 57 (2011) 1 WLR 79 David Wolfe acted for Lilian Pallikaropoulos in the Supreme Court's consideration of what is meant by 'prohibitive expense' in the EIA Directive and Aarhus Convention and in deciding whether to re-open its own decision on the point. Now referred to the CJEU.
- Rhodri Thompson QC and John O'Flaherty acted for BT in *The Number v OFCOM (BT intervening)* [2009] EWCA Civ 1360, a dispute before the CAT, the Court of Appeal and the ECJ concerning the pricing of data used to compile UK telephone directories; the case raised a number of issues as to the proper construction of the EU telecoms regime and related issues of regulatory and competition law. A reference for a preliminary ruling is currently pending before the ECJ.
- Maurice Sheridan and Jessica Simor appeared in *Barratt Homes Ltd v Dwr Cymru Cyfyngedig (Welsh Water)* [2009] UKSC 9, a case involving the interplay of planning and environmental controls in the context of discharges under the Urban Wastewater Treatment Directive.
- *Ardley Against Incineration v Secretary of State for Communities & Local Government & Viridor* [2011] EWHC 2230 (Admin) David Wolfe acted for a residents challenging the grant of planning permission for an energy for waste facility (aka a waste incinerator) alleging breaches of the pollution minimisation obligations imposed by Directive 2006/12 art.4 and of the protections for air quality imposed by the Ambient Air Quality Directive.
- Helen Mountfield QC successfully represented the Appellant in *Pedro v Secretary of State for Work & Pensions* [2009] EWCA Civ 1358, [2010] 2 CMLR 20, an important decision on the ambit of the Citizens' Directive to derived rights of dependents. The case establishes that dependents of former workers can acquire derived rights even if the dependency arose in the receiving state.
- Maurice Sheridan appeared in *Uniplex (UK) Ltd v NHS Business Services Authority* in the ECJ, a case that has fundamentally altered the process for determining when time starts to run, and the time for bringing challenges seeking declarations and/or damages in public procurement cases. It may also have altered the same points for all judicial reviews involving vindication of EU-based rights.
- Maurice Sheridan appeared for 6 water and sewerage undertakers in conjoined 3,600 appeals involving consideration of various EU water protection directives, affecting the degree of control over the companies' assets and operations.

## Publications

*EU Law for UK Lawyers* (2011, Hart Publishing) Aidan O'Neill QC

*Yearbook of European Law* (2009, Oxford University Press) Takis Tridimas and Piet Eeckhout

*Bellamy & Child: The European Community Law of Competition* (2009, Oxford University Press) Christopher Brown, John O'Flaherty and Rhodri Thompson QC (contributors)

*The Law of Criminal Cartels* (2009, Oxford University Press) John O'Flaherty and Jessica Simor (contributors)

*The General Principles of EC Law* (2007, Oxford University Press) Takis Tridimas

## What Others Say

Matrix is recommended as a leading set in EU Law by Legal 500 2011 and Chambers & Partners 2012; “*individuals of undoubted skill and experience*” (Legal 500). Philippe Sands QC, Maurice Sheridan, Rhodri Thompson QC and Jessica Simor are consistently identified by the principal legal directories as leading specialists in EU Law.

Rhodri Thompson QC is recommended as a leading silk in EU Law; “*he is an extremely attractive advocate as he assimilates huge amounts of information easily, and presents responses in a superbly coherent way*” (Chambers & Partners 2011), an “*effective operator with a string of notable performances behind him*” (Chambers & Partners 2012); “*bright, personable, incisive, client friendly*” (Legal 500 2011). Rhodri Thompson QC was the EU/Competition Law Silk of the Year awarded by Chambers and Partners for 2008.

Jessica Simor is recommended as leading junior in EU Law; “*deserving of recognition due to her deft handling of tricky cases*” (Chambers & Partners 2011), “*sees things very clearly*” (Chambers & Partners 2012). Other recommended juniors include the “*incredibly hardworking*” Eleni Mitrophanous and the “*clear, concise, natural advocate*” Christopher Brown (Legal 500 2011).

Aidan O'Neill QC is “*probably the leading counsel when it comes to questions of EU and competition Law*” (Legal 500, 2009).

Further information on Matrix EU law practice, and the experience of individual members of the team can be obtained from group co-ordinator Rhodri Thompson QC:

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For more information on who we are and what we do please visit:

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