



Main Areas of Practice

Competition law
EU law
Public law
Sports law

Rhodri is a specialist in competition law and European Community law. Rhodri received the 2008 EU/Competition law Silk of the Year Award from Chambers and Partners. He is also a recognised leader in public law and in sports law. Rhodri was a founder member of Matrix, took silk in 2002 and was Chair of the Matrix Management Committee from 2004 to 2006.

Competition Law

Rhodri is a leading specialist in competition law. He appears frequently before the Competition Appeal Tribunal and in the UK and EC courts both for and against the regulators. He advises regularly on all aspects of competition law.

Rhodri has acted for numerous private companies and for the major UK and EC regulators in a series of competition law investigations: recent examples include two cartel investigations of the UK dairy sector, the ongoing supermarket investigation, the OFT investigation into "cover pricing" in the construction sector, and the pre-insulated pipes, copper fittings and methacrylates cartel decisions of the EC Commission.

Rhodri acted for Albion Water in the CAT and Court of Appeal in its long-running appeals in respect of competition in the UK water industry. He acted for the OFT in the Genzyme and Attheraces appeals before the CAT and for the EC Commission in the Pre-insulated pipes cartel appeal to the ECJ. Rhodri represented Which? in the first "follow on" consumer damages action in respect of the Replica Kit cartel.

He is currently involved in appeals to the CFI in two major cartel investigations under Article 81, Methacrylates and Fittings; and for HSBC as intervenor in the pending MasterCard proceedings in the CFI and before the OFT. He is also acting for BT in a pending appeal to the Court of Appeal concerning the provision of legal directory information.

Rhodri has been a contributor to the 4th-6th editions of Bellamy and Child, European Community Law of Competition, and has recently updated the chapter on Article 82 with John O'Flaherty. He is also a contributor to Montgomery and Ormerod, Fraud, in respect of the cartel offence.

European Community Law

Rhodri is also a leading expert in EC law. He practised for two years in Brussels and is thus familiar with the different perspective and practice style of the EC institutions. He has a specific expertise in pharmaceutical regulation and sports and media law. He has advised and acted for a wide range of commercial and public bodies, including the Bank of England, the BBC, DEFRA, the ORR and the EC Commission as well as for private individuals asserting their EC law rights against the UK and EC authorities.

He is currently acting in a number of major dumping actions before the CFI on behalf of Chinese and Indian importers and also in a series of State aid cases concerning the Shetland Islands. He is also acting in the Court of Appeal in respect of the compatibility of the award procedures for Academy schools with the EU requirements for public procurement. He is also acting for the Isle of Man Steam Packet company in a challenge to its exclusive rights to provide ferry services between the Isle of Man and England.

Administrative law

Developing out of his EC law practice, Rhodri has appeared in a series of important EC-related cases both for and against the Government, including the successful challenge to Customs and Excise by Hoverspeed and for the Office of Rail Regulation in rebutting a challenge to the UK rail network access pricing regime brought by GNER.

Competition Law

Water regulation - Chapter II prohibition - margin squeeze - excessive pricing - dominant position

[Albion Water v Water Services Regulation Authority \(Shotton Paper\)](#) [2005] CAT 40, [2006] CAT 23, 35, [2007] CAT 1, 8 (CAT); [2008] EWCA Civ 536 (CA), [2008] CAT 31, [2009] CAT 12.

[Albion Water v Water Services Regulation Authority \(Bath House\)](#) [2006] CAT 7

Sports regulation - shirt design - alleged infringement of Articles 81 and 82

[Adidas-Solomon AG v Draper](#) [2006] UKCLR 823

Cartel - Commission fining guidelines - legitimate expectations - leniency.

[Joined cases C-189/02 P, C-202/02 P, C-205/02 P to C-208/02 P and C-213/02 P](#)

[ABB and others v Commission \(Pre-Insulated Pipes cartel\)](#), [2005] ECR I-[5425] (ECJ)

Significant lessening of competition - reversal of provisional findings

[New Cheshire Salt Works 8 November 2005 \(CC\)](#)

Collective selling - necessity of joint sale for launch of new product

[Attheraces v Office of Fair Trading](#) [2005] CAT 29 (CAT)

Abuse of dominant position - bundling and margin squeeze - appropriate remedy

[Genzyme v Office of Fair Trading](#) [2004] CAT 4; [2005] CAT 32 (CAT)

Restrictive trade practices - rights to televising of Premier League football - not against public interest

[In re Televising Premier League Football Matches](#) [1999] UKCLR 258 (Restrictive Practices Court)

Resale price maintenance for books - Article 81(3) - relevance of UK specialist tribunal's findings

[Case C-360/92 P The Publishers Association v Commission of the European Communities](#) [1995] ECR I-23 (ECJ)

Abuse of dominant position - Tied sales - Unfair terms - Predatory prices - Case T-83/91 Tetra Pak International

[SA v Commission of the European Communities](#) [1994] ECR II-755; [1997] 4 C.M.L.R. 726 (CFI)

State aid - Action for annulment - Time-limits - Persons individually concerned - Private market economy investor principle -

Opening of the procedure provided for in Article 93(2) of the Treaty Case

[T-11/95 BP Chemicals Limited v Commission of the European Communities](#) [1998] ECR II-3235; [1998] 3 C.M.L.R. 693 (CFI)

Abuse of dominant position - licensing authority for GB potato growers - lack of effect on inter-State trade

[Potato Marketing Board v Hampden-Smith](#) [1997] EuLr 435 (CA)

UK Judicial Review and Public Law Cases

Compatibility of procedures for slaughter of chickens with EC Directive

[RSPCA v. Secretary of State for Environment, Food and Rural Affairs](#) [2008] EWHC 2321 (Admin)

Access pricing to the UK rail network - discrimination - State aid

[R \(GNER\) v Office of Rail Regulation](#), [2006] EWHC 1942 (Admin)

Vires and rationality of secondary legislation for the protection of dolphins - EU and domestic law

[R \(Greenpeace\) v SSEFRA](#), [2005] All ER (D) 365 (Oct) (CA)

Failure to take account a relevant consideration - ban on herbal remedy - EU and domestic law

[R \(NAHS\) v SS for health](#), [2005] EWCA Civ 154, [2005] All ER (D) 324 (Feb) (CA)

Misfeasance in public office - claim of displaced Chagos Islanders struck out as unarguable and time barred

[The Chagos Islanders Group Litigation](#) [2003] EWHC 2222 (QB) (9 October 2003) (QB)

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CAP - recovery of undue payments - limitation regime applicable to such claims
[Defra v Maltco 3 and others](#) [2003] 2 CMLR 164 (Ch)

Excise duty - powers of HM Customs to confiscate goods and vehicles - interpretation of Directive 92/12 - incompatibility of implementing legislation and administrative practices with EC and ECHR law
[Hoverspeed v Commissioners of Customs and Excise](#) [2003] QB 1041 (DCt)

Asylum seekers - hauliers liability - incompatibility with EC and ECHR law
[Roth v Secretary of State for the Home Department](#) [2002] EuLR 74 (QB)

Electoral register - sale to direct marketing companies - incompatibility with EC and ECHR law
[R \(Robertson\) v Pullen](#) [2002] 2 WLR 889 (Admin. Ct.)

Article 6 (1) - independence of appellate body appointed by statutory respondent
[R \(Husain\) v Asylum Support Adjudicator](#) 5 October 2001 [2001] EWHC Admin 582 (Admin. Ct.)

Death in custody - duty of investigation under Articles 2 and 3
[R \(Wright and Bennett\) v Secretary of State for Home Department](#) 20 June 2001 [2001] EWHC Admin 520 (Admin Ct.)

Football banning orders - compatibility with EC and ECHR law - free movement of persons
[Gough and Smith v Chief Constable of Derby](#) [2001] 3 WLR 1392 (DCt); [2002] 3 WLR 289 (CA).

"Listed events" - powers and duties of UK authorities to ensure access for viewers in other Member States
[R v Independent Television Commission, ex parte TV Denmark](#) [2001] 1 WLR 435 (HL)

Collapse of BCCI - misfeasance in public office - no arguable action for damages for breach of Community law
[Three Rivers District Council v Governor and Company of the Bank of England \(No.3\)](#) [2000] 2 WLR 1220 (HL); [2000] 2 W.L.R. 15 (CA); [1996] 3 All ER 558 (Commercial Ct)

UK carriers liability legislation - compatibility with freedom to provide services and free movement of persons
[R v Secretary of State for Home Department, ex parte Hoverspeed](#) [1999] EuLR 595 (DCt)

Restrictions on policing of exports of livestock to France - scope of discretion under EU and domestic law
[R v Chief Constable of Sussex, ex parte International Trader's Ferry Ltd](#) [1999] 2 A.C. 418 (HL), [1998] Q.B. 477 (CA), [1996] Q.B. 197 (DCt)

Ratification of Maastricht Treaty
[R v Secretary of State for Foreign and Commonwealth Affairs, ex parte Rees-Mogg](#) [1994] Q.B. 552 (DCt)

Court of Justice of the European Communities

Anti-dumping duties – compliance with time limits for expiry review
[Case T-45/06 Reliance Industries v. Council and Commission](#), judgment of 24 September 2008

Free movement of goods - compatibility of Directive restricting sales of food supplements
[Joined Cases C-154/04 and 155/04 R \(NAHS and HFMA\) v SS for Health](#) [2005] ECR I-6451

Cartel - Commission fining guidelines - legitimate expectations - leniency.
[Joined cases C-189/02 P, C-202/02 P, C-205/02 P to C-208/02 P and C-213/02 P](#)
[ABB and others v Commission \(Pre-Insulated Pipes cartel\)](#) [2005] ECR I-5425 (ECJ)

Damages for late implementation of Community directive - principles of State liability
[Joined Cases C-178/94 etc Dillenkofer et al v Germany](#) [1996] QB 259, [1996] ECR I-4845 (ECJ)

Conditions for State liability for damage under EC law
[Joined cases C-46/93 and C-48/93 Brasserie du Pecheur S.A. v Federal Republic of Germany; Regina v Secretary of State for Transport, Ex parte Factortame Ltd. \(No. 4\)](#) [1996] Q.B. 404, [1996] ECR I-1029 (ECJ)

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Common commercial policy - Export of dual-use goods Case

[C-70/94 Fritz Werner Industrie-Ausrüstungen GmbH v Federal Republic of Germany](#) [1995] ECR I-3189 (ECJ)

Foreign and security policy - Common commercial policy - Blocking of funds - Sanctions against the Republics of Serbia and Montenegro

[Case C-124/95 Reg. v HM Treasury, Ex parte Centro-Com S.r.l](#) [1997] Q.B. 683; [1997] ECR I- 81 (ECJ)

UN Sanctions against the Federal Republic of Yugoslavia - Conduct in international waters - Confiscation of a vessel and its cargo

[Case C-177/95 Ebony Maritime SA and Loten Navigation Co. Ltd v Prefetto della Provincia di Brindisi and others](#) [1997] ECR I-1111; [1997] 2 C.M.L.R. 24 (ECJ)

TV broadcasting - Directive 89/552 - Failure to fulfil obligations - Telecommunications - Jurisdiction over broadcasters

[Case C-222/94 Commission of the European Communities v United Kingdom](#) [1996] ECR I-4025; [1996] 3 CMLR 793 (ECJ)

TV broadcasting - Directive 89/552 - Lack of jurisdiction of Member States to restrict cross-border TV broadcasts on basis of alleged failure by other Member States to exercise controls required by Community directive

[Case C-14/96 Denuit](#) [1997] ECR I-2785, [1997] 3 CMLR 943 (ECJ)

Television broadcasting - Directive 89/552 - Article 2(2) permitting receiving States to ban retransmission of broadcasts which might "seriously impair physical, mental or moral development of minors" contrary to first sentence of Article 22

[Case E-8/97 TV 1000 Sverige AB v Norwegian Government](#) [1998] 3 C.M.L.R. 318 (EFTA Court)

National rules limiting recovery - compatibility with Community law

[Joined Cases C-10/97 to C-22/ IN.CO.GE.'90](#) [1998] ECR I-6307 (ECJ)

Freedom of movement of persons - Driving licences - Obligation to exchange them - Penalties

[Case C-193/94 Criminal proceedings against Sofia Skanavi and Konstantin Chryssanthakopoulos](#) [1996] ECR I-929; [1996] 2 CMLR 372 (ECJ)

Directories' Recommendations

Legal 500 2009 recommends Rhodri as a leading silk in Competition/EU law (ranked 1st), appreciated for his "clarity of thinking and ability to structure and present complex arguments". Rhodri is also identified as a leading silk in Admin and Public law, described as "immensely able".

Chambers & Partners 2008 recommend Rhodri Thompson QC as a leading silk in Competition/EU Law (ranked 1st) "meticulous practitioner". Legal 500 2008 recommend Rhodri Thompson QC as a leading silk in Administrative and Public law, Civil Liberties and Human Rights law and EU and Competition law "stunning advocate" and for having "good tactical sense".

Rhodri received the EU/Competition Silk of the Year 2008 from Chambers and Partners.

Publications

The Single Market for Pharmaceuticals (Butterworths, 1994)

Contributor to Bellamy & Child, Common Market Law of Competition, 4th-5th edition (on common horizontal agreements), 6th edition, 2008 (Article 82) (Sweet & Maxwell)

Contributor to Weinberg and Blank on Mergers and Takeovers (EC Merger Control section), looseleaf

"Dishonest agreements" [2003] Comp LR 94 (with Ken Macdonald QC)

"Goodbye to the dominance test? Substantive appraisal under the new EC merger regime" [2004] Comp LJ

"Community law and the limits of deference" [2005] EHRLR 24