

*“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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# Competition Law

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Professor Piet Eeckhout  
Nicholas Gibson  
Sam Grodzinski QC  
Eleni Mitrophanous  
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Jessica Simor  
Rhodri Thompson QC  
Professor Takis Tridimas

“Matrix's excellent reputation in public law, criminal law and civil actions proved the perfect platform for its move into EU law. One of the first sets to fully appreciate the expanding nature of this work, it has taken full advantage of its headstart to build up a fine reputation in the field. It is now 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).

Matrix offers a unique combination of specialist competition and procurement law, public law, criminal law and employment law expertise. These interlocking areas of skill and experience are of particular relevance to the rapid developments at both the United Kingdom and European Union levels:

-The UK "cartel offence" renders individuals liable to imprisonment, disqualification as directors and heavy fines for participation in illegal cartels. The introduction of individual sanctions raises the strong risk of conflicts between the position of firms under investigation and that of implicated individuals.

-The merger regimes at both UK and EU level have seen increased levels of challenges to decisions in the Competition Appeal Tribunal, the General Court and appeal courts.

-Modernisation of EU competition law raises complex issues of public law, double jeopardy and EU law as the relationship between the two parallel but not identical regimes is worked out.

-Private enforcement of competition law is now commonplace and often gives rise to acute issues concerning the relationship with public enforcement, particularly in "follow-on" cases.

-The changes to UK competition law since 2000 (principally the Competition Act 1998 and the Enterprise Act 2002) have already led to a considerable increase in litigation and complex appeals before the CAT and public law challenges before the Administrative Court.

## Strengths of the team

With Competition law a "*mainstay*" (Chambers & Partners 2010) for its "*individuals of undoubted skill and experience*" (Chambers & Partners 2011), Matrix is recognised as having a "*growing reputation*" by leading competition solicitors (Chambers & Partners 2009) and is a set recommended in this area by the Legal 500 (ranked 3rd - 2011) and Chambers & Partners (band 3 - 2012).

Rhodri Thompson QC, "*the star competition lawyer, who has an enviable reputation for handling the thorniest of EU and competition issues*" (Chambers & Partners 2011), "*an effective operator with a string of notable performances behind him*" (Chambers & Partners 2012), is an established leader in the field, with experience of representing not only a wide range of private clients, particularly in the field of sports, media and consumer goods, but also the regulators such as the OFT, the European Commission and the Office of the Rail Regulator. He is appreciated for his "*excellent advice*", "*excellent judgement*", "*tower of strength on complex matters*" (Legal 500 2010), and "*bright, personable, incisive, client friendly approach*" (Legal 500 2011). He was Chambers and Partners' EU/Competition Silk of the Year in 2008.

Other members of Matrix with specific competition, state aid and procurement law expertise include: Professor Takis Tridimas, Jessica Simor, Eleni Mitrophanous, Christopher Brown (all recommended juniors in the directories), John O'Flaherty (a qualified economist with experience as an economic consultant), Nicholas Gibson and Rachel Logan; those with significant commercial and regulatory JR expertise include Helen Mountfield QC and Sam Grodzinski QC; and criminal, commercial and EU law specialists such as Clare Montgomery QC, Antony White QC, and Professor Piet Eeckhout offer an exceptionally wide range of related expertise.

## Notable Cases

**Co-operative Group v OFT:** Rhodri Thompson QC and Christopher Brown acted for the Co-operative Group in its successful appeal before the CAT against the OFT's Tobacco infringement decision; the appeal was one of The Lawyer's "top 20" cases for 2011.

**Sol and North Midland v OFT:** Rhodri Thompson QC represented two appellants in the appeals against the OFT's Decision Bid rigging in the construction industry in England.

**Airfreight:** Christopher Brown is representing the Commission before the General Court of the EU in defence of one of the appeals against its Airfreight cartel decision.

**MasterCard:** Rhodri Thompson QC is acting for HSBC in the pending appeal before the General Court against the European Commission's infringement decision in relation to the MasterCard "interchange fee" arrangements.

**Air passenger fuel surcharge prosecution:** Clare Montgomery QC and Ben Emmerson QC acted for defendants in the criminal trial of current and former British Airways executives suspected of having committed the cartel offence in relation to the air passenger fuel surcharge cartel.

**The Number (UK) and Conduit Enterprises v OFCOM:** Rhodri Thompson QC and John O'Flaherty represented BT in an appeal concerning the supply of certain directory information by BT. The case was recently the subject of a ruling in favour of BT by the ECJ.

**Stagecoach v Competition Commission:** Rhodri Thompson QC and Christopher Brown acted for Stagecoach in its successful application for review of the Competition Commission's Stagecoach/Preston Bus merger decision on the ground of Wednesbury unreasonableness.

**R (Stagecoach) v Secretary of State for Transport:** Jessica Simor acted for the Secretary of State in a challenge by Stagecoach and First Group regarding funding for concessionary bus fares, state aid and public service obligations.

**GKL v. BAA and CAA:** Rhodri Thompson QC and Nicholas Gibson represented the applicant, and Sam Grodzinski QC represented the first interested party, in a judicial review concerning the detention of aircraft to recover outstanding charges. The case raised issues under Article 102 TFEU, among other matters.

**Cable & Wireless v Ofcom:** Nicholas Gibson acted as legal adviser to the Group appointed by the Competition Commission to determine the reference from the Competition Appeal Tribunal in Cable & Wireless appeal against Ofcom's 2009 leased lines charge control statement.

**Local bus services market investigation:** Nicholas Gibson has advised the Competition Commission in its inquiry into the markets for local bus services in the Great Britain (excluding London).

**BT and others v Office of Communications (MCT appeals):** Nicholas Gibson represents the Competition Commission in joined appeals by BT and other parties against Ofcom's 2011 Wholesale Mobile Voice Call Termination Statement, advising the Commission in relation to its determination of the questions referred to it.

**TalkTalk v Office of Communications; BT v Office of Communications (WBA appeals):** Nicholas Gibson is representing the Commission in appeals by TalkTalk and by BT against Ofcom's 2011 Wholesale Broadband Access Statement.

**Complaint from Thus Plc and Gamma Telecom Limited against BT about alleged margin squeeze in wholesale call pricing:** Rhodri Thompson QC and Nicholas Gibson represent BT in Ofcom's investigation into an alleged margin squeezing abuse contrary to UK and EU competition law.

**Scot Young Research v the NHS Business Services Authority:** Rhodri Thompson QC and Nicholas Gibson represented a multinational company in its High Court challenge to the procurement of cleaning products for use in NHS hospitals.

**Arqiva and others v Everything Everywhere and others:** Nicholas Gibson acted for H3G in Arqiva's claim in the Technology and Construction Court arising from the acquisition by Everything Everywhere of the network of Orange in the UK.

**Albion Water v WSRA and Albion Water v Dwr Cymru:** Rhodri Thompson QC and John O'Flaherty acted for Albion Water in its successful challenge before the CAT (affirmed by the Court of Appeal) to a decision of OFWAT finding that Welsh Water had not abused a dominant position in relation to the provision of common carriage of non-potable water across its water supply network. This complex case concerned margin squeeze and unfair pricing abuses in the context of a regulated industry.

**GE/Honeywell v Commission:** Cherie Booth QC and Jessica Simor acted for General Electric in their challenge in the CFI to the decision of the European Commission to prevent their merger with Honeywell.

In addition, members of Matrix are currently advising parties in relation to various ongoing, or recently closed, OFT investigations, including Scottish Milk, Dairy Retail Price Initiatives and Consumer Goods, and other cases in the consumer credit and consumer protection fields. In terms of state aid, Professor Takis Tridimas has been advising banks on such issues relating to the Greek financial crisis; and both Nicholas Gibson and Rachel Logan have spent time on secondment at the OFT.

*"A strong set with friendly  
and efficient clerking"*

Legal 500 2011

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