

# Eleni Mitrophanous

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**matrix**  
chambers

Registered name on the Bar Standards Board Register: Eleni Mitrophanous  
VAT Number: 766200638

Year of call: 1999



## Main Areas of Practice

Commercial law  
Competition law  
Education law  
Employment law

European law  
Human Rights  
Public law  
VAT & Duties

Eleni has particular expertise in European law, Competition law, VAT law, Public and Human Rights law, and Employment law. She regularly advises and appears for the Treasury-Solicitor. Eleni was appointed to the Attorney General's C panel for UK government work in 2003; to the Attorney General's B Panel in February 2007; and to the Attorney General's A Panel in March 2011. She is also a member of the preferred panel of counsel for the Equality and Human Rights Commission.

Before coming to the bar, Eleni undertook postgraduate work at Oxford University and the European University Institute in Florence. While pursuing her doctorate on legal interpretation, she also taught law at Oxford University. Eleni joined Matrix Chambers in April 2004.

Eleni was named 'Lawyer of the Week' in The Times, 15 March 2005, for her work on the Shabina Begum case, acting with Cherie Booth QC. Eleni Mitrophanous is described as '*very bright and really knows her stuff*' by the Legal 500 (2007/8) in Commercial Litigation, and '*incredibly hardworking*' in EU and Competition (Legal 500 2011).

## Practice profile

Eleni undertakes EU (including competition) law and Human Rights and Public law work both on behalf of private clients and as Treasury Counsel and frequently advises and represents the Commissioners of Customs and Excise as well as private clients before VAT and Duties Tribunals, High Court and Court of Appeal in all areas of VAT law.

## Notable Cases

*Bankruptcy Ltd v OFT* (2011) Consumer protection law/Article 6 ECHR

*Innocent v HMRC* [2011] UKFTT 607 (TC) (2011) Successfully acted for HMRC against the appellant's claim that its smoothies ought not to be subject to VAT.

*INTL Marketing Ltd v OFT* (2011) Consumer protection law

*MED Hotels v HMRC* [2011] UKUT 308 (TCC) (2011) On VAT treatment for certain travel agents.

*Megantic v HMRC* [2011] UKUT B2 (TCC) (2011) MTIC case involving European Convention on Mutual Assistance in Criminal Matters and exclusion of evidence by Crime (International Co-operation) Act 2003

*R (Stagecoach and Others) v Secretary of State for Transport* [2010] EWHC 223 (Admin) (2010) Public law, EU law and state aid in bus sector

*Allen Carr's Easyway v HMRC* [2009] UKFTT 181 (2009) On the question whether smoking cessation treatment is 'medical care' within Articles 131 and 132 of Council Directive 2006/112/EC

*Gabbitas Educational Consultants Ltd v HMRC* [2009] UKFTT 325 (2009) On place of supply of guardianship services

*Garsington Opera v HMRC* [2009] UKFTT 77 (2009) On question of direct attribution of production costs.

*HMRC v Livewire and Olympia Technologies Ltd* [2009] EWHC 15 (Ch) (2009) On question of knowledge and means of knowledge in MTIC cases.

*Institute of Information Security Professionals v HMRC* [2009] UKFTT 365 (2009) On whether the IISF were consultants within Article 132(1)(l) of the Principal Directive 2006/112/EECEU directive

*Internet Broadcasting Corporation Ltd (T/A NETTV, NETTV Hedge Funds LTD (formerly Marhedge TV Ltd) v MAR LLC (T/A MARHEDGE)* [2009] EWHC 844 (Ch) (2009) Repudiatory termination and exemption clauses

*Jean Kennedy v The Health and Safety Executive and Able UK Ltd* [2008] EWHC 2313 (Admin) (2009) Judicial review of an HSE decision on the importation of asbestos

*R(First Essex Ltd) v Secretary of State for Transport* [2009] EWHC 3024 (Admin) (2009) Public law, EU law and state aid in the bus sector

*Honeyfone v HMRC* [2008] BVC 2394, [2008] UKVAT V20667 (2008) MTIC law and discrimination contrary to EU law

*Revenue & Customs Commissioners v Premier Foods (Holdings) Ltd* [2007] EWHC 3134 (Ch) (2007) On the correct tax treatment of premier bars

*Sander and others v Commission of the European Communities CFI 12.07.2007 T-45/01* (2007) Case brought by ninety-three members of the Joint European Torus nuclear fusion project against discrimination by the European Commission, before the Court of First Instance and in the related claim of Eagle and others v Commission of the European Communities also before the CFI.

*Mayflower Theatre Trust v HMRC* [2006] EWCA Civ 116 (2006) On production costs and attribution in the partial exemption rules.

*R (Begum) v Headteacher and Governors of Denbigh High School* [2006] UKHL 15 (2006) Education and Human Rights law. Ms Begum challenged her school's refusal to permit her to attend school wearing an Islamic jilbab claiming that this was an unlawful exclusion and a breach of her rights under Article 9 and Article 2 Protocol 1 of the European Convention of Human Rights. Cherie Booth QC and Eleni Mitrophanous appeared for Ms Begum in the Court of Appeal and the House of Lords.

*(1) Dominic Bardsley and (2) Steven Bardsley v (1) The Office of Fair Trading and (2) The Secretary of State for Trade and Industry* (2004) Fitness to carry out estate agency work; the impact of the Rehabilitation of Offenders Act 1971 on this, and, in particular, the question whether delay in the proceedings was a breach of article 6 ECHR and if so, the appropriate remedy. Eleni Mitrophanous appeared for the Secretary of State in the High Court

*Hawkes v Cornwall County Council EAT* (2004) Correct interpretation of the period within which to appeal and the grounds for granting an extension of time to appeal.

*R (Bewry) v The Appeals Service for Social Security, Child Support and Vaccine Damage* (2004) Judicial review and appeal against (partial) refusal for permission to proceed to in a case relating to grounds for refusing an adjournment. Eleni appeared for the appellant in the High Court and Court of Appeal.

*Hoverspeed v Her Majesty's Commissioners for Revenue and Customs* [2002] EWHC 1630 (Admin) (2002) This was a claim for Francovich damages for breach of EC law by HMRC in relation to its anti-smuggling actions. Eleni represented Hoverspeed, led by Rabinder Singh QC.

## Education and Training

B.A. Law (1992) New Hall, Cambridge, Class I  
B.C.L. (1993) Corpus Christi College, Oxford  
L.L.M. in European and International Law, European University Institute, Florence (1993-1994)  
D.Phil in Law (1998) Corpus Christi College, Oxford  
Bar Vocational Course (1999) Inns of Court School of Law, London  
Pupillage at Brick Court Chambers (1999-2000)

## Scholarships

Honourable Society of the Inner Temple  
Major Scholarship 1998  
Duke of Edinburgh Entrance Scholarship 1998  
Ede and Ravenscroft Scholarship 1999  
Department of Education  
E.U.I. Scholarship awarded for L.L.M. at E.U.I.  
British Academy  
B.C.L. Studentship awarded for B.C.L. at Corpus Christi College, Oxford  
New Hall, Cambridge  
Scholarship awarded for achievement in B.A. law finals

## Publications

"*Soft Positivism*", Oxford Journal of Legal Studies (1997) - Article on the identification of law  
Various publications in The European Advocate; Member of the Editorial Team of The European Advocate

## Previous experience

Tenant, Hailsham Chambers 2000-04  
FRU - pro bono work in Employment and Social Security cases  
Tutor in Jurisprudence, Pembroke College, Oxford  
Tutor in Jurisprudence, St.Hilda's College, Oxford  
Tutor in Criminal law, Buckland University

## Languages

Greek (bilingual), some Italian and French