

"Constantly breaking new ground"

Chambers & Partners 2010

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Competition Law

Christopher Brown
Professor Piet Eeckhout
Nicholas Gibson
Dr Gerard Hogan SC
Eleni Mitrophanous
Clare Montgomery QC
John O'Flaherty
Aidan O'Neill QC
Maurice Sheridan
Jessica Simor
Rabinder Singh QC
Rhodri Thompson QC
Professor Takis Tridimas

"One of the most progressive sets around" (Chambers & Partners 2010), handling "agenda-setting cases", Matrix is enjoying a growing reputation in the European law and competition field and has beaten a number of rivals to handle some of the more important and complex cases to come before the courts." (Chambers and Partners, 2009)

Matrix offers a unique combination of specialist competition 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 and appeal courts.

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

-Private enforcement of competition law is on the increase 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), 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 - 2009) and Chambers & Partners (band 2 - 2010).

Rhodri Thompson QC 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 "clarity of thinking and ability to structure and present complex arguments" (Legal 500 2009) and was Chambers and Partners' EU/Competition Silk of the Year in 2008. The set also has a "good understanding of client commercial needs" (Legal 500 2009).

Other members of Matrix with specific competition law expertise include: Jessica Simor (a recommended junior in the directories), Eleni Mitrophanous, John O'Flaherty (who is a qualified economist with experience as an economic consultant) and Christopher Brown; whereas criminal, commercial and public law specialists such as Clare Montgomery QC, Antony White QC, Rabinder Singh QC and Professor Takis Tridimas offer an exceptionally wide range of related expertise.

Notable Cases

Clare Montgomery QC acted for one of the 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.

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.

Lucite v Commission and Peglar v Commission: Rhodri Thompson QC is currently acting for appellants before the General Court in two cases raising complex issues relating to the Commission's fining policy.

Albion Water: 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.

The Number (UK) and Conduit Enterprises v OFCOM: Rhodri Thompson QC and John O'Flaherty represented BT as interveners in an appeal against OFCOM's decision resolving price disputes concerning the supply of certain directory information by BT to the appellants. The case is currently on appeal to the Court of Appeal.

Consumers' Association v JJB Sports: Rhodri Thompson QC acted for Which? in its landmark consumer claim under section 47B of the Competition Act 1998 against JJB Sports, arising out of the Replica Kits cartel.

Wilson v Lancing College: Christopher Brown advised Lancing College in relation to the section 47A claim brought against it in the CAT by Mr and Mrs Wilson arising out of the OFT's *Independent Schools* infringement decision. The case settled at an early stage.

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.

Adidas 3-Stripe: Rhodri Thompson QC acted for the ITF in relation to the injunction sought by Adidas to restrain the organizers of Grand Slam tennis tournaments from enforcing certain aspects of the player dress code they had agreed upon. The case raised issues under Article 81 EC.

Racecourse Association: Rhodri Thompson QC acted for the OFT on an appeal by the RCA against a decision finding that collective selling of certain media rights infringed the Chapter II prohibition contained in the Competition Act 1998.

Pre-Insulated Pipes: Cartel Rhodri Thompson QC successfully defended the European Commission in the ECJ appeal of two of the participants in this cartel, ABB and Logstor, against very substantial fines imposed for a cartel covering bid-rigging in the supply of heating pipes to local authorities in several member states.

In addition, members of Matrix are currently advising parties in relation to various ongoing OFT investigations, including *Scottish Milk*, *Dairy Retail Price Initiatives*, *Construction Industry Bid-rigging* and *Consumer Goods*.

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Matrix Contacts:

Switchboard

T: +44 (0)20 7404 3447

F: +44 (0)20 7404 3448

Lindsay Scott

Chief Executive

E: lindsayscott@matrixlaw.co.uk

T: +44 (0)20 7611 9346

Jason Housden

Practice Manager

E: jasonhousden@matrixlaw.co.uk

T: +44 (0)20 7611 9404