

NICHOLAS GIBSON



MAIN AREAS OF PRACTICE:

Arbitration
Competition and Regulation
Commercial Law
Crime and Regulatory

EU Law

Fraud, Financial and Business
Crime
Human Rights
Public Law
Public and Private International
Law
Sports Law
Tax Law
Telecommunications

Solicitor: 2004
Called to the Bar: 2009

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EU Law

Recent and notable examples of his experience in EU Law include those set out below:

UK Trucks Claim Limited v Fiat Chrysler Automobiles N.V. and others (2020-2022) Representing the applicant and proposed class representative (with Rhodri Thompson QC) in its application to the Competition Appeal Tribunal for a collective proceedings order permitting it to bring follow-on collective proceedings under s.47B of the Competition Act 1998 arising out of the European Commission's decision regarding unlawful cartelised behaviour among producers of medium and heavy trucks in the EEA from 1997 to 2011.

Jersey Choice Ltd v Her Majesty's Treasury (2018-2022) Acting (with Aidan O'Neill QC) for a Jersey-based business in a *Francovich* damages claim in the Business and Property Courts for the UK's breach of EU law (both free movement principles and general principles of EU law) arising from the selective disapplication of low value consignment relief (LVCR) for importation of low value goods into the UK from the Channel Islands, and on appeal to the Court of Appeal and to the Supreme Court.

Banks Renewables Ltd v Secretary of State for Business, Energy and Industrial Strategy (2019-2020) Acting (with Aidan O'Neill QC) for Banks Renewables in its judicial review challenge on grounds including State aid and general principles of EU law against the Secretary of State's decision to exclude onshore wind from access to government subsidies.

R (Sky Blue Sports & Leisure Limited and others) v Coventry City Council (No.1 and No.2) (2014-2019) Acting (with Rhodri Thompson QC) for the owners of Coventry City Football Club in two related judicial review claims before the Administrative Court, Court of Appeal and in seeking permission to appeal to the Supreme Court, challenging two of Coventry City Council's decisions as unlawful State aids: first, to lend £14.4million to its insolvent subsidiary Arena Coventry Limited (the company which held the lease of and managed the Club's home ground); and, secondly, to grant Wasps, as ACL's new owners, an extension of ACL's lease by more than 200 years, which increased its value by c.£30m in return for c.£1m in consideration.

Recall Support Services Ltd v Secretary of State for Culture, Media and Sport (2013) Defending (with Philip Moser QC) the Secretary of State against a *Francovich* damages claim in the Chancery Division, in which the operators of GSM gateways (a device incorporating SIM cards issued by mobile network operators) alleged that a restriction on such devices under UK law constituted a serious breach of EU law, and advising on Article 102 (refusal to supply) issues arising in the context of causation.