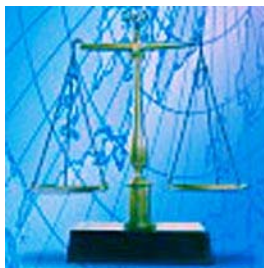


UK & EC Competition Law



The Competition Group includes over 20 specialist lawyers, backed up by an in-house Economist and a Professional Support Lawyer. Key areas of expertise are: behavioural competition issues (such as cartels, bid rigging, predatory pricing and other abuses of dominance), restrictive agreements (such as those including exclusivity, non-compete obligations, tie-ins or those between competitors), strategic competition advice and competition compliance programmes and training, OFT and EC investigations (including dawn raids), sector inquiries and market investigations, competition litigation in the CAT, High Court and CFI/ECJ, merger control, public and utilities procurement and state aids. Clients include household names in the public and private sectors.

How we can help you

Our aim is to understand your business and your objectives and the markets in which you operate. We would then work with you to enhance or defend your competitive position. For example:

- we have a track record in getting a merger or acquisition through the merger control process;
- we can help you take the competitive advantage by either:
 - improving the terms on which you produce, buy and/or sell goods and services and use intermediaries in the UK and across borders, or
 - challenging the actions of competitors which breach competition laws;
- we can satisfy or challenge competition authorities whose approval may be needed or who are investigating your business activities or your employees;
- we can develop structures and programmes, including face-to-face and on-line training, which can lessen the risk of regulatory intervention;
- we have experienced advisors in the right place at the right time (e.g., to deal with dawn raids).

Awards



The Group won the 2006 Lawyer Awards for Competition Team of the Year. The Judges singled out Addleshaw Goddard for its role in ensuring the Competition Commission cleared unconditionally the British Salt-New Cheshire Salt Works merger in 2005. Addleshaw Goddard broke new ground by becoming the first team to persuade the Competition Commission to reverse a provisional decision against a merger due to competition issues.

In November 2007, the Group won the WorldLeaders International IP Award for excellence in litigation for its use of competition law in securing an injunction against decisions of the Grand Slam Committee and the ITF which would have banned the use of the iconic adidas 3-Stripes by sponsored players at Wimbledon and other major tournaments.



Cartels & Investigations



The discovery and prosecution of cartels is one of the highest priorities of UK and EC competition authorities. We have extensive experience of advising on domestic and cross-border cartels, from the intricacies of the various leniency programmes, the conduct of UK and EC investigations and appeals to the CAT and CFI. With competition specialists in each of our London, Leeds and Manchester offices, we are ideally placed to handle dawn raids throughout the UK.

We also handle investigations into abuses of dominance and anti-competitive agreements, on behalf of both defendants and complainants. These cases often raise complex legal, factual and economics issues which we are well placed to assess with our in-house economics capability. When assessing whether administrative action (via a competition authority) or judicial action (via the courts) is the most appropriate forum, we have within the competition team two solicitor advocates experienced in CAT, CFI and High Court actions.

Some of our team's recent experience includes:

- **Private school fees:** following the start of the OFT investigation, all allegations against our client were dropped
- **UK Cable Protection Committee:** an alleged collective boycott of Cityhook's submarine telecommunications cable landing technology and alleged collective fee setting on cable landing rates. The OFT closed its inquiry, despite having originally concluded that there was a "prima facie" case
- **Replica football kit:** we acted for allsports in the OFT's investigation into allegations of price fixing of replica football kit, including attending the original dawn raid, making oral representations, and acting on the CAT appeal
- **Foam rubber:** we successfully acted for British Vita in the foam rubber investigation where the OFT closed the file without commencing formal proceedings
- **Check pads:** we successfully advised BemroseBooth Limited on the OFT investigation into the Check Pad cartel; its fine was reduced, through leniency, from £1.9 million to nil
- **Copper fittings:** we acted for IBP in the EC price fixing investigation into copper fittings including attending the dawn raid, responding to the Statement of Objections, attending the oral hearing and pleading the appeal and application for interim measures in the CFI
- **British Horseracing Board:** advising on all issues affecting the organisation of Horseracing in Great Britain, including on the collective sale of picture rights
- **Distribution of pharmaceutical medicines:** advising on complaints against Pfizer's DTP distribution model and on the subsequent OFT market study



Market Studies & Investigations



Market studies and investigations are intended to enable the UK competition authorities to intervene in areas that cannot be reached by the mainstream competition laws on restrictive agreements and abuse of dominance. The Office of Fair Trading has made significant use of these powers in recent years and has referred a number of markets to the Competition Commission (CC) for a detailed (2 year) investigation.

The European Commission also enjoys similar powers: it may examine the functioning of particular sectors where it appears that competition may be restricted within the EU. Since 2004, the Commission has conducted wide-ranging inquiries into the financial services, energy and pharmaceutical sectors and has recommended enforcement action under Articles 81 and 82 of the EC Treaty.

Our team has extensive experience in advising clients on market studies and investigations, as indicated below. These cases are often burdensome and can lead to a wide range of potential outcomes. It is essential to be aware of the risks and opportunities which these inquiries present and to formulate a clear strategy for engaging with the authorities from the outset.

Some of our team's recent experience includes:

- **OFT market study on pharmaceuticals distribution:** advising on complaints against Pfizer's DTP distribution model and on the subsequent OFT market study
- **Competition Commission investigation into Northern Ireland personal current account (PCA) market:** advising one of the main parties throughout the OFT and CC investigations. This included responding to multiple questionnaires and working papers, preparing for hearings and engaging with the CC during the remedies stage
- **Competition Commission investigation into payment protection insurance (PPI) market:** advising one of the main parties to the CC's inquiry
- **Competition Commission investigation into home credit market:** advising a party to the investigation, including responses to questionnaires
- **EU retail banking sector inquiry:** advising a party to the investigation, including responses to questionnaires



Competition Litigation



The European Commission and the UK Office of Fair Trading have indicated in no uncertain terms that one of their foremost objectives is to increase the level of private actions, with both authorities currently in the process of reviewing how this can be done. Furthermore, with the press in recent months being full of stories about cartels, massive fines and class actions e.g. fines for price fixing in long-haul passenger fuel surcharges, representative action by Which? in the football replica shirt case, the whole area of competition law litigation is increasingly becoming a key factor for companies to take into account either in terms of initiating claims or in defending claims.

With one of the largest competition teams in the UK, we have expertise across the full range of competition issues. We have particular experience and an enviable track record in relation to all aspects of behavioural competition law and competition litigation.

Some of our team's recent experience includes:

- Overturning an infringement decision of the Office of Fair Trading on collective selling of racing pictures, on behalf of the **British Horseracing Board** (BHB)
- Acting for **adidas**, we broke legal ground in securing an injunction on competition law grounds overturning decisions by the Grand Slam Committee and the International Tennis Federation which would have banned the use of the iconic adidas 3-Stripes by sponsored players at Wimbledon and other major tournaments
- Acting for **Allsports** in the Office of Fair Trading's investigation into allegations of price fixing of replica football kit, including attending the original dawn raid, making oral representations, as well as responding to three statements of objections and acting on the appeal
- Acting for **Jet2.com** in its application for judicial review challenging the European Regulation which requires it to pay compensation to passengers if flights are delayed or cancelled, even if it is not the airlines fault
- Acting as Solicitor Advocate on behalf of **BemroseBooth Limited** before the Competition Appeal Tribunal over the Check Pads cartel case
- Acting for **Lloyds pharmacy** and **AAH Pharmaceuticals** on their complaints to the Office of Fair Trading against the single channel "Direct To Pharmacy" distribution model announced by Pfizer in 2006. This is the leading competition case currently being handled by the OFT over the UK supply chain for prescription medicines.



Merger Control



Many jurisdictions now have merger control rules requiring the parties to a corporate transaction (merger, acquisition, joint venture) to seek and obtain the approval of a competition authority before completion. Failure to do so can lead to fines or the unenforceability of key transaction documents; obtaining approval needs to be factored into the deal timetable and can often involve large scale disclosures to the competition authorities and complex economic analysis.

We have wide ranging merger control experience in acting for clients before the European Commission, the OFT and the Competition Commission in many different sectors. We manage multi-jurisdictional filings, through our best friends network or the client's relationship firms, and provide both legal and economic input with our in-house economic capability.

Some of our team's recent experience includes:

- **British Salt / New Cheshire Salt Works:** a phase 2 clearance and a landmark merger case in which the Competition Commission, for the first time, reversed a provisional finding that the merger would lead to a substantial lessening of competition, and unconditionally cleared the merger. We won The Lawyer 2006 Competition/Regulatory Team of the Year Award as a result of our work on this transaction
- **Flybe / BA Connect:** phase 1 clearances in the UK (subject to undertakings in lieu), Germany and Jersey for BA's disposal of its regional airline business to Flybe
- **CompuGroup / iSoft:** phase 1 OFT clearance for CompuGroup's bid for iSoft Plc
- **Tiscali S.p.A / Pipex:** phase 1 OFT clearance for Tiscali's acquisition of the Pipex Broadband and Voice division from Pipex Communications Plc
- **3i plc / Enterprise plc and 3i / Accord plc:** phase 1 EC clearances
- **Glatfelter / Crompton:** advising the administrators of JR Crompton in the disposal of parts of the business to Glatfelter of the US. The disposal triggered UK and German merger control and was then subject to (a rare) referral to the European Commission under Article 22 of the EC Merger Regulation.
- **Kemira Growhow/Terra:** an innovative Phase 2 clearance in the UK, with complex divestment remedies. A member of our team advised Kemira Growhow throughout the CC's inquiry. A previous attempt to merge these businesses in 1991 was blocked by the UK competition authorities
- **Lloyds Pharmacy / IPCC:** a phase 1 OFT clearance (with divestment undertakings in lieu)
- **Altana / Wolstenholme:** phase 1 clearances in the UK and Germany
- **Oracle/Peoplesoft:** a member of our team advised Peoplesoft during the European Commission's Phase 2 investigation into Oracle's hostile takeover bid for PeopleSoft Inc.



ADDLESHAW GODDARD



State aid

Reform of the existing State Aid regime has been a foremost objective for the European Commission in recent times, with the European Commission stated aim being to ensure "*less and better targeted aid*" within the EU.

Our state aid specialists are part of the firm's Competition group which is one of the largest groups of EU and competition law specialists at any UK law firm and has dealt with some of the highest profile cases of recent years. Because of this, and because of the experience which we have from working for the European Commission, the UK Government (including DTI and OFTEL) and on secondment to a range of public sector bodies and private sector companies, we believe that we can offer an unparalleled service in this complex area, especially as we have a clear insight as to how competition, trade or other regulatory policy and enforcement decisions are made in practice.

Some of our team's recent experience includes:

- advice to airlines on the impact of the Commission's Ryanair decision on their operational decisions
- advice to a private sector airport owner on grants for airport and business park development
- advice to a local authority on a community sports stadium development which will be used by local professional sports clubs (soccer and rugby) and will include other sporting and educational facilities on site
- advice to RDAs on the various partnership support for re-generation approvals for bespoke and speculative developments and for direct developments and their use in re-generation projects
- notification to the European Commission of the Agency sponsored National Microsystems Packaging Centre
- the £120 million inward investment by Bertlesman (of Arvato) for a gravure printing plant at the Estuary Business Park.



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