

# Competition Team of the Year

## WINNER

# HERBERT SMITH FREEHILLS

Stephen Wisking

*Major Competition Appeal Tribunal victory for BSkyB*

A regular contender in this award category, Herbert Smith Freehills takes the plaudits for its work on one of the largest-ever appeals to come before the Competition Appeal Tribunal (CAT). The firm successfully argued against Ofcom's March 2010 decision to force Sky to offer Sky Sports 1 and 2 channels to rivals at prices and terms set by Ofcom itself.

The firm's appeal on behalf of Sky was further complicated by Virgin Media and BT's own appeal to the CAT in which they claimed that Ofcom's intervention had not gone far enough. The appeals were heard during May to July 2011 and involved 35,000 pages of submissions and evidence, and testimony from 41 witnesses, including 14 experts. Despite the huge complexities and challenges that the firm faced, the CAT ruled in August 2012 that Ofcom's intervention was unfounded and that ultimately Sky would no longer be subject to the regulator's 2010 decision. This had profoundly positive implications for Sky's business and financial revenues and restored the broadcaster's freedom to price and negotiate with its counterparties on a purely commercial basis.

## HIGHLY COMMENDED

### BURGES SALMON

Laura Claydon

After an eight-year regulatory battle, Burges Salmon successfully defended Cardiff Bus in a case involving a follow-on damages claim of over £55m. The claim, brought by former directors of the now liquidated 2 Travel, resulted in them recovering damages of under £100,000 and zero costs, all the more important given that Cardiff Bus' profits are just £500,000 and its very existence was in jeopardy.

### CLIFFORD CHANCE

Jenine Hulsmann

Clifford Chance advised Everything Everywhere (EE) on becoming the UK's first provider of 4G mobile services. This gave the mobile operator a vital head start on its competitors, as CC convinced the Office of Fair Trading they had a greater opportunity to improve their 3G networks than EE.

**'Herbert Smith Freehills takes the plaudits for its work on one of the largest-ever appeals to come before the CAT.'**



(L-R) Joanne Jary, Stephen Wisking and Andrew North of Herbert Smith Freehills with The In-House Lawyer's John Hancock

### FRESHFIELDS BRUCKHAUS DERINGER

Rod Carlton; Mark Sansom

Any '3 to 2' merger is likely to be referred for Phase II investigation by competition authorities, so the OFT's unconditional approval of Digital Property Group and Zoopla was a huge achievement. Praise has been heaped on legal advisers Freshfields and economic consultants Frontier Economics, which advised both parties to the merger.

### SJ BERWIN

Stephen Kon

In a case that Competition Commissioner Joaquin Almunia described as 'one of the most difficult discussions in my life as commissioner for competition', SJ Berwin successfully secured EU and world-wide regulatory approvals for Universal Music Group's £1.2bn acquisition of EMI's global record business.

### SLAUGHTER AND MAY

John Boyce; Bertrand Louveaux

This leading competition team achieved two major successes on behalf of key client International Airlines Group (IAG) in 2012. First it convinced the OFT to reduce British Airways' fine for price-fixing fuel surcharges from £121m to £58.5m. Secondly, it gained Phase I European Commission merger clearance for BA's takeover of the loss-making BMI.

# **Congratulations to Herbert Smith Freehills Competition Team of the Year 2013**

The In-House Lawyer is a monthly magazine and website, which is recognised as the market-leading monthly journal for the UK and US in-house legal market, with a total monthly readership of over 45,000 readers.

Established in 1992, The In-House Lawyer is relied upon and trusted by heads of legal departments, CEOs and managing directors for providing authoritative and independent editorial content aimed specifically at senior lawyers.

For more information please visit [www.inhouselawyer.co.uk](http://www.inhouselawyer.co.uk).