

Competition Team of the Year

WINNER

RPC

Stephen Smith

Successfully challenging the Competition Commission for MyFerryLink

In a landmark victory that dealt with some fundamental issues of competition law, RPC led MyFerryLink, which operates ferries on the cross-Channel Dover-Calais route, to a crucial Competition Appeal Tribunal (CAT) case.

The competition investigation stemmed from Eurotunnel's purchase of three ferries from the insolvent SeaFrance for €65m in the summer of 2012. In October 2012, the French competition authorities cleared the acquisition of the ships, but the transaction was referred to the Competition Commission by the Office of Fair Trading in the UK.

In June 2013, the Competition Commission (CC) ruled that it was planning to prohibit MyFerryLink from operating ferry services to and from the port of Dover, but Smith's team was instrumental in convincing the CAT to thwart those plans as it was not clear that the CC had jurisdiction to review the transaction in the first place. The ruling late last year was not only crucial to the client's business, but also saved more than 600 jobs in the process. Appeals of merger decisions to the CAT are assessed to the judicial review standard so it is extremely rare that CC merger decisions are quashed in this way.



The RPC team with David Burgess of *The Legal 500*

HIGHLY COMMENDED

BAKER & MCKENZIE

Fiona Carlin

The arguments put forward by Baker & McKenzie on behalf of its client FedEx were instrumental in encouraging the European Commission to subject the proposed £4.3bn merger between UPS and TNT to an intensive Phase II investigation. This intervention by Carlin and her team ultimately dismantled the deal between FedEx's main rivals.

CLIFFORD CHANCE

Greg Olsen

The Booker Group turned to Clifford Chance to transform its fortunes when its £140m acquisition of wholesaler Makro was referred to the Competition Commission, raising a number of local and national competition concerns and putting integration of the two companies on hold. Olsen's team managed this with aplomb, achieving outright clearance at both national and local level.

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KING & WOOD MALLESONS SJ BERWIN

Simon Holmes

Holmes advised Cemex on the UK Competition Commission investigation into the aggregates, cement and readymix concrete markets for more than two years. Significantly, the firm was able to convince the CC that its client's assets were not an appropriate target for divestiture, avoiding significant repercussions for the business.

NORTON ROSE FULBRIGHT

Ian Giles

For the competition team to get Delta's acquisition of a 49% stake in Virgin Atlantic and its transatlantic joint venture approved unconditionally at Phase I level – without resorting to giving up slots on prized routes on the most lucrative airline route in the world – is a remarkable achievement.

SHEPHERD AND WEDDERBURN

Guy Harvey

Harvey led the team acting for Albion Water in first follow-on damages action in the Competition Appeals Tribunal, a true David-versus-Goliath victory after Welsh Water was found to have abused its dominant position. The CAT awarded Albion £2.5m in damages – any result other than victory would have spelled insolvency for Albion.



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