

**ADAM ALDRED | MANCHESTER,
LEEDS & BIRMINGHAM**

Year of call: 1987, 2014

Qualifications: Trinity Hall, Cambridge:
LL.M. (1989)

Clerked by: Gary Young Harry Young

AREAS OF EXPERTISE:
Arbitration Australian Foreign Law
EU & Competition Law/Antitrust
Mediation Sport



Profile

For over two decades, Adam has specialised in EU & competition law, including cartels, dominance, mergers, market investigations, antitrust litigation, public procurement, subsidy control/State aid, trading agreements and compliance. He is well known to case officers at the Competition and Markets Authority (CMA), having dealt with numerous mergers, dawn raids, investigations and leniency applications in many market sectors.

He has litigated many cases before the Competition Appeal Tribunal and other UK and EU courts, has acted in arbitrations, and settled other cases by way of mediation. Adam has also acted on a number of significant merger cases, for example, the clearance of the merger of British Salt and New Cheshire Salt Works, for which his team won The Lawyer's Competition and Regulatory Team of the Year award.

Year of Call: 1987 (NSW, Australia), 2014 (England & Wales)

Areas of Expertise

Arbitration

Adam specialises in EU & competition law (see link below). He is a member of the Chartered Institute of Arbitrators and fellow of the Asian Institute of Alternative Dispute Resolution.

and Adam became an accredited mediator in 1999 and, subsequently, became a director of ADR Group, one of the two principal providers of mediation services in the UK.

Adam's experience in both mediation and arbitrations has focused primarily on EU and competition law, his principal area of expertise, although he enjoys purely commercial cases as well.

Adam regularly supports the Willem C. Vis International Commercial Arbitration Moot Competition as a trainer and panelist.

Significant Cases

1. Acting for a US manufacturer in an ICC Arbitration in New York defending a claim by a UK distributor alleging breach of EU competition law
2. Acting for claimants and dependants in respect of a number of arbitrations before the Grocery Code Adjudicator in respect of alleged breaches of the Groceries Supply Code of Practice (GSCOP)
3. Acting for an EU distributor in an ICC Arbitration against a Japanese manufacturer
4. Acting for three arbitrators whose award was being challenged before the High Court

Australian Foreign Law

Adam is registered by the New South Wales Bar Association to practice as a foreign lawyer in Australia.

Adam specialises in EU & competition law/antitrust and has been top ranked by Chambers & Partners in the UK for many years.

Adam is able to advise Australian solicitors and their clients on competition law issues affecting them which have a UK/European dimension. He advises on merger control, regulatory investigations, dominance, global litigation and dispute resolution, international trading arrangements and compliance.

Adam's advice can be sought on an ad hoc basis or he can be incorporated into a team for longer-term projects, as needs be. Adam holds professional indemnity insurance in the UK that covers the practice of foreign law in Australia.

Adam maintains a residence in Sydney. When in Sydney, Adam can be contacted on +61 2 8091 1211. Otherwise, please contact one of his clerks, Gary Young GYoung@kingschambers.com or Harry Young HYoung@kingschambers.com.

EU & Competition Law/Antitrust

For over 25 years, Adam has specialised in all aspects of EU and UK competition law, including antitrust investigations, appeals, antitrust litigation, mergers, restrictive trade practices and cartels, strategic business advice, Groceries Supply Code of Practice (GSCOP), joint ventures and other forms of collaboration, dominance, public procurement, Subsidy control, State aid and competition risk management.

Adam has been Top Ranked by Chambers UK for Competition Law (The Regions (Bar)) for many years.

Significant Cases Investigations & Advisory

1. Obtaining leniency markers for various clients based in the North of England in respect of matters which were not pursued by regulators on administrative grounds
2. Acting for a recipient of a Statement of Objections issued by the Competition and Markets Authority
3. Acting for directors and individuals of companies under investigation by the Competition and Markets Authority
4. Acting for an international pharmaceutical company on an EC dawn raid in Yorkshire
5. Acting for a trade association defending allegations of participation in anti-competitive conduct
6. Acting for a company based in the North West in respect of the OFT investigation in the UK automotive industry - from dawn raid to settlement
7. Acting for the Danish parent company of the Yorkshire-based immunity applicant in respect of the OFT's Dairy cartel decision - Adam successfully applied for that immunity
8. Acting for a FTSE 100 insurer: various investigations into the UK's private health industry, and also UK private motor insurance
9. Acting for a FTSE 100 insurer: the OFT's commitments decision in respect of information sharing through Experian's What If product
10. Acting for a Midlands-based copper fittings manufacturer in respect of an EC investigation, including leniency and an appeal before the General Court in Luxembourg

Competition Litigation

1. Advising on a number of potential applications for collective proceedings orders (CPOs) in the Competition Appeal Tribunal
2. Acting for a number of UK retailers in proceedings ongoing before the Competition Appeal Tribunal brought against MasterCard and Visa in respect of alleged breaches of EU and UK competition law (Cases 1481, 1515, 1486, 1505 & 1478/5/7/22)
3. EU Truck Cartel - acting for *UK Trucks Claim Limited* in its application for a Collective Proceedings Order (Class Action) in the Competition Appeal Tribunal (Case 1282/7/7/18) seeking damages of £14 billion on behalf of UK purchasers of trucks against participants of an anticompetitive cartel discovered by the European Commission
4. *Labinvesta v Dako & Agillent* - acting for the claimant, a small UK business, alleging abuse of dominance by defendants in a refusal to supply case before the Competition Appeal Tribunal (Cases 1263 & 1273/5/7/16)
5. *Breasley & Ors v Vita* - follow-on damages action in the Competition Appeal Tribunal (Case 1250/5/7/16) on behalf of 6 claimants seeking over £mult-million in damages. The case promptly settled
6. *Waheeb & Latif v Tesco* - a claim in the Competition Appeal Tribunal (Case 1247/5/7/16) on behalf of the claimant developers who alleged Tesco's reliance on a restrictive covenant infringed competition Tesco agreed not to rely on the restrictive covenant and the case promptly settled
7. *Agents' Mutual v Gascoigne Halman* - acting for the defendant real estate agency defending injunctive proceedings brought by the owner of the OnTheMarket property
8. Acting for a potential defendant in a follow-on damages claim and negotiating a settlement before court proceedings were issued
9. Acting for a Part 20 defendant in the Copper Fittings follow-on damages action before the High Court in respect of an EC decision
10. Advising a foreign company in respect of prospective stand-alone damages claims arising out of the EC investigation regarding the small-screen LCD cartel
11. Advising a number of direct and indirect purchasers in respect of prospective follow-on damages claims arising out of the EC's Car Glass cartel decision and, separately, the EC's Foam cartel decision
12. *Imperial Tobacco v OFT* - appeal before the Competition Appeal Tribunal (Case 1160/1/1/10) in respect of the OFT's tobacco cartel-type decision - acting for Sainsbury's as intervener (Sainsbury's were the immunity applicant and Adam obtained that immunity)
13. *Quarmby Construction v OFT* - appeal on behalf of a Yorkshire-based construction company before the Competition Appeal Tribunal (Case

1120/1/1/90) in respect of the OFT's construction cartel decision and before the Court of Appeal

14. 2 Travel v Cardiff Bus - landmark follow-on damages action in the Competition Appeal Tribunal (Case 1178/5/7/11) in which exemplary damages were awarded for the first time in a competition case
15. Eden Brown v OFT - appeal before the Competition Appeal Tribunal (Case 1140/1/1/90) in respect of the OFT's construction recruitment forum cartel decision
16. Replica Football Kit - acting for Allsports in its appeal before the Competition Appeal Tribunal (Case 1021/1/1/03)
17. Acting for an intervener before the ECJ in respect of an EC decision

Dominance

1. Acting for defendants regarding allegations of abuse of dominance in the High Court, competition list (BL - 2020 Liv 00000 and other threatened proceedings.
2. Acting for a US manufacturer defending allegations of dominance by a disgruntled UK distributor (Forum: ICC Arbitration)
3. Labinvesta v Dako & Agillent - acting for the claimant, a small UK business, alleging abuse of dominance by defendants in a refusal to supply case in the Competition Appeal Tribunal (Cases 1263 & 1273/5/7/16)
4. Advising the owners of an airport in respect of High Court proceedings being brought by a bus company against the operator of that airport for alleged abuse of dominance
5. Bringing court proceedings against Cardiff Bus which had been found to have abused its dominant position in the Bus sector: 2 Travel v Cardiff Bus (Case 1178/5/7/11)
6. Advising clients in respect of regulatory investigations into alleged abuses of dominance
7. Acting for companies defending abuse of dominance claims; one settled at mediation others ongoing
8. Acting for a company excluded from UK markets as a result of alleged abuses of dominance

Merger Control

Various mergers (phases I and II) before the OFT (as was), the CMA and the European Commission, including:

1. Health cash plans
2. Dental plans
3. Motor vehicle dealerships
4. Concrete roof tiles
5. Salt
6. Building societies
7. Grocery convenience stores
8. Pharmaceuticals
9. Textiles and carpet yarns
10. Health sector
11. Rental property market

GSCOP, Distribution Strategies & Compliance

1. Conducting arbitrations for claimants and defendants before the Groceries Code Adjudicator and advising on GSCOP
2. Advising various companies on their trading terms and UK and EU distribution strategies
3. Delivering dawn raid and compliance training and manuals

Public Procurement, Subsidy Control & Land Agreement

Over the last decade, Adam has increasingly been called upon to advise local authorities and private companies on public procurement, subsidy control and restrictions affecting land, including:

1. Advising various local authorities on infrastructure and development schemes
2. Advising a tenderer in respect of a public procurement exercise run by a local authority which led to the revocation of the contract which had been awarded to a competitor, and a re-run of the tender
3. Advising a company when a council sought to enter the market and compete with it on commercial terms, thereby invoking the subsidy control/ State aid rules
4. Acting for a property developer whose £multi-million development would have been thwarted by a 100+ year restricted-use restrictive covenant which was successfully removed on the basis it was anti-competitive
5. Advising property owners and their advisors on funding, permitted use and restrictions in retail parks having regard to competition law and the subsidy control/State aid rules
6. Waheeb & Latif v Tesco (Case 1247/5/7/16) - a claim in the Competition Appeal Tribunal on behalf of developers challenging Tesco's reliance on a restrictive covenant affecting the claimants' land

Mediation

Adam specialises in EU & competition law/antitrust (see link above). He became an accredited mediator in 1999. He is a member of the Chartered Institute of Arbitrators and a fellow of the Asian Institute of Alternative Dispute Resolution.

Adam's experience in mediations has focused primarily on competition law/antitrust, his principal area of expertise, although he enjoys purely commercial cases as well.

Significant Cases

Adam has acted as mediator and as advocate for parties in scores of mediations from County Court claims through to multi-million abuse of dominance cases and £multi-million follow-on damages claims in the Competition Appeal Tribunal.

Sport

Adam specialises in EU & competition law/antitrust (see link above). For over 25 years, Adam has advised sporting associations, leagues and clubs with regard to the competition and commercial issues relating to their activities.

Recommended in Legal 500 for Sports law: "competition law specialist Adam Aldred focuses on the interface between competition law and sport, and advises on issues such as the collective selling of football rights to broadcasters and shirt sponsorship deals".

Significant cases

1. Advising a sport governing body on competition law compliance issues
2. Adam advised an English Premier League Club in respect of an investigation by the Competition and Markets Authority into online ticket sales
3. Adam has advised on issues relating to the bundling of tickets and travel for fans attending away matches
4. Adam acted for Allsports in respect of the OFT's cartel investigation relating to the sale of England and Manchester United football kits and the subsequent appeal to the Competition Appeal Tribunal (Case 1021/1/1/03), the first ever hearing of its type
5. Adam advised on the competition issues relating to the sale of broadcasting rights by the English Football League
6. Adam has advised football clubs in the Scottish Premier League with regard to the sale of broadcasting rights and related matters

Memberships

Member of the Chartered Institute of Arbitrators (MCI Arb)

Fellow of the Asian Institute of Alternative Dispute Resolution (FAIADR)

The General Council of the Bar of England and Wales

British Institute of International and Comparative Law

Bar Association of New South Wales

Publications

"Private Enforcement of Competition Law – The Role of Mediation" 1 Competition L.J. 256 (2002)

"Cartels: Enforcement, Appeals and Damages Actions" 2014, 2nd Ed – UK Chapter

"Is your International Sporting Federation skating on Thin Ice too?" - Global Sports Law and Taxation Reports GSLTR June 2018 Issue

"Competition Breach – Disqualify the Directors: Yes or No?" Global Competition Litigation Review [2022] 15 G.C.L.R. Issue 3

Qualifications

Law Extension Committee, University of Sydney 1983 to 1987

Admitted to practice in the Supreme Court of New South Wales 1987

Trinity Hall, University of Cambridge - 1988 to 1989 (Master of Laws)

Norton Rose 1989 to 1993 (EU & competition law)

Hammonds (Partner) 1994 to 2001 (EU & competition law & commercial litigation)

Accredited Mediator 1999 (ADR Group)

Solicitor Advocate (Higher Courts (Civil Advocacy)) 2000

Addleshaw Goddard LLP (Partner) 2001 to 2014 (EU & competition & antitrust litigation)

Called to the Bar (Gray's Inn) 2014

Kings Chambers 2014 to date

Direct Access Qualified 2015

Irish Roll 2016

Australian Registration Certificate 2017

Recommendations

Chambers UK 2023

"He spots angles that other people don't see. If you have an issue that needs kicking around, he's very good to brainstorm with."

"He is commercial, client-friendly, tactical and perceptive."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2022

"Adam is very often my first port of call with queries which stump me; he is always inventive in addressing problems and it is no surprise that he has a very busy practice."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2021

"Adam provides definitive, concise and timely advice, and he seems to be able to anticipate the approach the CMA is likely to take."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2020

"He is proactive, strategic, and able to provide tangible and practical advice."

"He's very easy to get on with and has a very nice manner. He's also knowledgeable and thorough."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2019

"He has been very co-operative at putting in time to explain things to the clients and is a very good tactical litigator."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2018

"He is a great person to work alongside - full of ideas and full of energy."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2017

"He is a highly regarded individual, particularly for cases involving cartels."

Competition Law (The Regions (Bar)) - Top ranked

Chambers UK 2016

"He combines the pragmatism of a solicitor with a robust fighting spirit."

Competition Law (The Regions (Bar)) - Top ranked

Legal 500 2015

EU & Competition - Adam Aldred is highly recommended

Sport - competition law specialist Adam Aldred focuses on the interface between competition law and sport, and advises on issues such as the collective selling of football rights to broadcasters and shirt sponsorship deals

Chambers UK 2014

"Very innovative" and "an able litigator". As such he is often sought to advise on abuse of dominance cases and follow-on damages claims. (Band 1 - leading individual)

Chambers UK 2013

"A seasoned litigator" who "has a great deal of experience to offer in this field". (Band 1 - leading individual)

2012

Awarded "Stand-out" - Most Innovative law firms in Dispute Resolution - FT Innovative Lawyers: third out of 26 finalists

@adamdsaldred

@adamantitrust

