

# Competition Team of the Year

## WINNER

# ASHURST

Euan Burrows; Nigel Parr

*Stubbing out the OFT's fines*

No stranger to picking up awards in this category, Parr's superb competition team wins the plaudits for one of the biggest reverses in the UK to date. At the end of last year it secured a landmark victory for Imperial Tobacco in successfully overturning ten separate infringement findings and a £112.3m fine imposed by the Office of Fair Trading.

Success in the case vindicated Ashurst's advice that Imperial reject the OFT's attempts to settle the case for a reduced fine and instead mount the largest-ever appeal against the regulator. Pursuing the appeal required Imperial to challenge the OFT's finding that hundreds of contacts between the tobacco manufacturer and retailers amounted to a horizontal price-fixing arrangement. It also faced the unprecedented obstacle of persuading the Competition Appeals Tribunal to disregard settlements reached by the OFT with its main competitor Gallaher and five tobacco retailers in which they had admitted to the infringements and agreed to co-operate with the OFT in exchange for a reduction in fines.

## HIGHLY COMMENDED

**CLEARY GOTTLIEB STEEN & HAMILTON**

Maurits Dolmans

One of the world's strongest competition practices was needed to advise the one world's largest technology multinationals in on a critical issue. Cleary advised IBM throughout the course of the European Commission's investigation into alleged abuse of dominance by IBM, ultimately persuading the Commission to close its investigation. The team devised a strategy early on to distinguish the case from the Microsoft one from a legal and policy point of view, highlighting the intense competition faced by IBM in the market for server computers.

**FRESHFIELDS BRUCKHAUS DERINGER**

Jenny Connolly; Jon Lawrence

Freshfields' rated team advised the Hays Group in its successful appeal to the Competition Appeal Tribunal of a £30.3m fine imposed by the OFT in the Construction Recruitment Forum cartel. The

**'Ashurst secured a landmark victory for Imperial Tobacco in successfully overturning ten separate infringement findings.'**



(L-R) Ashurst's Nigel Parr, Euan Burrows and Steven Vaz, with Robert McLeod, founder and editor in chief of MLex

firm managed to secure one of the largest single reductions of a fine imposed by the OFT.

**LATHAM & WATKINS**

Marc Hansen

Latham & Watkins obtained an unprecedented reversal of EU Commission policy while representing ArcelorMittal in one of the longest-running cross-border cartel cases in Europe, the Prestressing Steel cartel investigation, resulting in a €230m reduction in fines.

**NORTON ROSE**

Michael Grenfell

The firm successfully represented PayPoint in stopping an attempt by Camelot to exploit its National Lottery monopoly rights to enter – and squeeze out competition in – the bill payments market. Following a positive verdict from the National Lottery Council, Paypoint's share value jumped by 18%.

**WRAGGE & CO**

Bernadine Adkins

Wraggess encouraged client Thomas Vale to appeal its fine following the OFT's cover pricing investigation in the construction industry, where the sum was reduced by 90%, from £2m to just £171,000. Adkins further enhanced her reputation and saved the client's purse by handling the advocacy.

Knowledge is Power

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Stephen Kinsella

Head of EU Competition Law, Sidley Austin

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