



expertise and experience

Competition - 2010

Competition law services

Specialist, practical advice

Overview

Morgan Cole's competition law team comprises specialist competition lawyers Toby Tyler and Edmund Forey.

We aim to provide focused and practical advice, enabling businesses to pursue commercial and strategic objectives in full compliance with competition law.

The consequences of failing to comply cannot be ignored, and include:

- investigation by the OFT or European Commission
- fines of up to 10% of annual turnover
- claims for damages for losses suffered by third parties
- void and unenforceable contracts
- criminal prosecution of individuals
- disqualification of directors
- brand damage and a drain on management time and resource

We provide our clients with pre-emptive compliance programmes designed to assist them in understanding the law in the context of their business, and understanding what behaviour can lead to the consequences listed above. We also advise on all aspects of agreements and conduct, so that competition law issues can be managed in practice as they arise.

Finally, we advise on the competition law aspects of mergers, acquisitions and joint ventures: we can obtain merger clearances for corporate transactions, and where appropriate can use competition law to oppose transactions between third parties.

The range of competition law advice provided to clients includes advice relating to EU and UK mergers, Articles 81 and 82 of the EC Treaty, the UK Competition Act 1998, the UK Enterprise Act 2002, public procurement law and State Aid.

Specific advice

We regularly advise on diverse areas of competition law. Recent highlights include:

- advising manufacturers of white goods, musical instruments, tools and cosmetics on distribution strategies and sales channels;
- advising a trade association on competition law implications of certain proposed courses of action;
- developing and delivering a competition law compliance training programme for clients in the retail and energy industries;
- advising a manufacturer of construction materials on competition law compliance ;
- Making third party representations in respect of mergers to the European Commission, OFT and Competition Commission.

Training in compliance

In addition to the types of project work listed above, the team provides compliance training for client companies. Achieving competition law compliance requires investment in time and training.

The Office of Fair Trading has said that it expects companies to follow a four-point plan:

1. Management commitment to compliance;
2. Policies and procedures which facilitate compliance;
3. Training of relevant personnel;
4. On-going evaluation and monitoring of the success of the compliance programme.

Morgan Cole will perform a competition law compliance audit for clients. This serves not only to indicate any danger areas, but also to highlight any areas where compliance training is required.

Dawn raids

We can provide rapid support in the event of a 'dawn raid' in the vicinity of our offices in Cardiff, Oxford, Bristol, Reading and Swansea. Each office has its own 'dawn raids' team, comprising senior lawyers who have either experienced dawn raids or received dawn raids training.

Team information

In addition to providing competition law advice of all kinds to clients, Toby has published articles on competition law matters in national, provincial and trade publications, and regularly gives external seminars on competition law matters. Internally, the team has published various guides for clients, including 'A Guide to Competition Law for Executives', 'A Competition Law Compliance Handbook' and 'An Introduction to EU Law'.

Alongside our competition team we also have a specialist team of lawyers experienced in all aspects of commercial transactions, including the following areas

- commercial contracts and joint ventures;
- information technology (IT);
- intellectual property (IP);
- partnerships;
- Projects and PPP.

Offices

We have six offices in two main regions, southern England and South Wales, serving clients across the whole of the UK. Our lawyers work cross-office which means that clients have access to a specialist team, wherever they are located.

Further information

For details of the team and other specialist areas please visit: www.morgan-cole.com. To discuss your current or future competition requirements, please contact one of our team using the contact details above.

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Professional advice should always be sought where you require assistance in specific areas of the law. No responsibility can be accepted for any action based on these articles.

Our people



Toby Tyler

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Toby qualified as a solicitor in 2001. He joined Morgan Cole in 2004, having trained and worked in the London and Brussels offices of Clifford Chance from 1999 to 2004. He specialises in competition law, and advises in particular on:

- mergers, acquisitions and joint ventures
- investigations and dawn raids by competition authorities
- commercial agreements and the application of 'block exemptions'
- competition law compliance and training



Edmund Forey

Solicitor

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Edmund Forey joined the Morgan Cole competition team in September 2009 as a newly qualified solicitor. During his training with the firm Edmund worked as part of the competition team, and assisted with advice on mergers and distribution agreements, in preparing submissions to the OFT, and in reviewing commercial contracts for competition compliance. He has also worked on large-scale public sector contracts and on general commercial agreements. Before joining Morgan Cole Edmund worked in publishing and in the music industry.