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## **BIOGRAPHY**

Ben has significant experience in complex competition litigation, including collective actions in the Competition Appeal Tribunal. Ben has advised clients on a wide range of disputes and investigations in various forums in the UK and abroad, including the High Court, the Competition Appeal Tribunal, the Court of Appeal and the Supreme Court. In 2024, Ben was shortlisted for the Modern Law Awards "Rising Star of the Year" award. He is the youngest lawyer ever to be listed as a "Key Lawyer" for competition litigation in Legal 500, where he is also recognised as Key Lawyer for Competition/EU Law. Ben regularly provides seminars and training on all aspects of competition litigation and collective actions.

THE GROWTH OF CLASS ACTIONS: WHAT'S NEXT?

We explore the rapidly changing legal landscape

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### **PACCAR: a new direction for the funding of class actions?**

The Supreme Court's decision in R (on the application of PACCAR Inc and others) (Appellants) v Competition Appeal Tribunal and others (Respondents) [2023] UKSC 28 has caused a stir in the legal industry, leaving a number of question marks over the future direction of litigation funding. In this insight, we consider how the Supreme Court's ruling might specifically impact class actions in both the Competition Appeal Tribunal (CAT) and the High Court.

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### **Formalism on the Chopping Block – the ECJ's judgment in Super Bock**

The ECJ's recent preliminary ruling in C-211/22 - Super Bock Bebidas ("Super Bock") is significant for businesses and competition authorities. It is well-established that categorisation of conduct as a 'by object' infringement of Article 101(1) TFEU must be considered by reference to whether, on a case-by-case basis, the agreement presents a sufficient degree of harm to competition. Super Bock is the first occasion on which the ECJ has applied this principle to vertical agreements fixing minimum resale prices (aka resale price maintenance, or "RPM"). In applying established principles to the vertical RPM setting, the ECJ's analysis in Super Bock is unsurprising. However, it does formally reverse the Court's earlier judgment in C-243/83 - SA Binon, and in doing so continues the ECJ's retreat from assessing 'by object' infringements as according to their form, rather than their substance, under Article 101 TFEU. In this article we ...

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