



GRAEME THOMAS

Senior Associate

London

E: graeme.thomas@bclplaw.com

T: [+44 \(0\) 20 3400 4918](tel:+44(0)2034004918)

BIOGRAPHY

Graeme is a senior associate in BCLP's Antitrust & Competition practice, based in London.

He advises on all aspects of UK and EU competition law, including anti-competitive agreements, merger control and competition litigation.

Before joining BCLP, Graeme worked for two years at the UK Competition and Markets Authority and its predecessor the Competition Commission.

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Showing anti-competitiveness the red card

The European Union's Court of Justice ("ECJ") went into the 2023 winter break in style, publishing a hat-trick of judgments (hereafter referred to as SuperLeague, ISU, and Royal Antwerp) regarding the application of competition law to the governance of sport. These judgments are an El Clasico of sorts for sports and competition law aficionados, with far reaching implications for rule-makers (such as FIFA, UEFA, the ISU, national sports associations and other sports governing bodies), players, clubs, fans, and other sectors more generally. This article details the factual background of the judgments, before assessing in turn, key implications in terms of sports governance and competition law. The judgments (ISU and SuperLeague in particular) strongly affirm the application of competition law to the governance of sports, and may subsequently result in many sports governing bodies revisiting the content and ap...

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May 09, 2023

The CMA's Draft Sustainability Guidance - the latest agency to step into the international green competition policy debate

The UK's Competition and Markets Authority ("CMA") has published its long-awaited draft guidance on sustainability agreements between competitors (the "Draft Guidance"). In doing so, it acknowledges that collaborations seeking to tackle climate change may warrant special treatment. As with much of the guidance published by a number of other competition authorities, the CMA's focus is on collaboration agreements between competitors in relation to environmental sustainability measures. In this article, we look at not only the CMA's new Draft Guidance, but also at the other key policy developments in this area from the European Commission, Netherlands, Austria, Greece and Japan. We also look briefly at what is happening in Germany and the United States.

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Apr 20, 2023

Mastercard overcharge counterfactual declined – Tribunal rules in Merricks class action

The Competition Appeal Tribunal has handed down a judgment determining several preliminary issues in the £17 billion collective action brought against Mastercard in relation to anti-competitive multilateral interchange fees, following on from the European Commission's infringement Decision. In this Insight, we discuss the Tribunal's rejection of Mastercard's argument that it could rely on a counterfactual scenario premised on the interchange fees having been set at a lower, lawful level, thereby limiting the claimants' recoverable losses. We consider in particular the Tribunal's ruling that this argument was precluded by the binding effect of the decision, or alternatively, by the argument constituting an abuse of process given that Mastercard did not advance it before the Commission.

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Learning from the latest Trucks cartel judgment: a conversation between BCLP and Erso Capital