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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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Lassana Diarra foils FIFA's transfer rules

It is pretty rare for judgments of the European Court of Justice ("ECJ") regarding the freedom of movement for workers and competition rules to grab news headlines. However, the ECJ's ruling in C-650/22 ("Diarra") has certainly kick-started global debate on the restrictions inherent in football's transfer system, and whether they are compliant with wider legal requirements. The ECJ on 4 October 2024 clarified that certain of FIFA's transfer rules which (in effect) disincentivised unilateral termination of a player's contract (by club or player) without "just cause" are incompatible with Article 45 and 101 of the Treaty on the Functioning of the European Union ("TFEU"), that is, the rules on the freedom of movement for workers and the prohibition on anti-competitive no-poach agreements within the EU. Subject to the Belgian Court of Appeal ruling that these rules are capable of objective justification (which is unlikely in light of the...

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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 Classico 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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The Competition Appeal Tribunal's judgment in Royal Mail and BT's claim against DAF Trucks has provided welcome clarity on how the legal test for pass on should be applied. It provides helpful guidance on the factors that a defendant may rely on to establish a direct and proximate, causative link between an overcharge and downstream pricing. It also serves as a reminder of the importance that expert evidence takes due account of the observable facts of the case.

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May 09, 2023

The CMA's Draft Sustainability Guidance

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.