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BIOGRAPHY

Nicholas is experienced in advising clients on all aspects of UK and EU competition law, including cartels, mergers, abuse of dominance, distribution and commercial arrangements.

Nicholas' practice also covers sector regulation where he has advised a number of significant private infrastructure and utilities businesses, with a strong focus on telecommunications, water and aviation regulation.

Nicholas spent six months on secondment to Openreach and holds a post-graduate diploma in EU Competition Law from Kings College, London.

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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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Foreign Direct Investment: key recent and future developments in Europe and the US

At a time of significant geopolitical challenges, many jurisdictions are looking at their investment screening regimes to ensure that they can adequately safeguard national security and public order. Within this context, there

have been – or will likely soon be – significant changes to FDI regimes across the world. In this article, BCLP lawyers from Brussels, Hamburg, London, Paris and Washington DC explore current or forthcoming amendments to the FDI regimes in France, Germany, the United Kingdom, the United States and the European Union.

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Feb 15, 2024

CMA hits accelerator on enforcement of UK labour markets

Whilst not traditionally a focus of the Competition and Markets Authority (“CMA”), the UK’s labour markets now form one of the CMA’s strategic priorities, as outlined in its 2023 to 2024 Annual Plan. The Annual Plan highlights that with the cost-of-living crisis and at a time where finances are under particular pressure, the CMA wants to clamp down on cartel behaviour and unilateral effects impacting household income and labour markets, and therefore is actively pursuing collusive behaviour that affects finances/household incomes. The CMA’s focus on labour markets comes at a time that the UK Government has also signalled its intention to limit post-termination non-compete clauses to a period of three months.[1] Since coming squarely into the CMA’s focus, the CMA has: (i) published specific guidance for employers on the types of anti-competitive agreements and behaviours they should avoid in l...

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FDI Regulation in the US, UK, France & Germany

The regulation of foreign direct investment (“FDI”) has become an increasingly important feature of the regulatory landscape for investors. Globally, there is a trend towards greater FDI restrictions although the degree and nature of regulation varies significantly across jurisdictions. In the below we highlight key aspects of FDI regulation in the United States (“US”), United Kingdom (“UK”), France and Germany. Contents Types of deals reviewed in the US, UK, France and Germany Notification process in the US, UK, France and Germany Sanctions for non-compliance in the US, UK, France and Germany Recent trends and developments in the US, UK, France and Germany Other points for investors to consider in the US, UK, France and Germany

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All Change: UK Government publishes significant reform proposals to drive changes in competition and consumer law policy

On 20 April 2022, the Department of Business, Energy and Industrial Strategy (BEIS) published its reforms to competition and consumer policy in the UK (see here for the reforms in full). The proposals follow BEIS’ July 2021 consultation, and introduce a number of significant changes to the UK’s competition law rules, in what the UK Competition and Markets Authority (CMA) considers “perhaps the most important review of competition and consumer policy in a decade”. These reforms are designed to bolster the UK’s post Brexit competition regime, with the Government seeking to enhance its oversight of the CMA’s work and strategy and to ensure that the UK’s

competition agencies have the right tools and flexibility to investigate and enforce competition laws in an ever-changing landscape. The BEIS reforms comes at a time of significant change in the UK 's competition law landscape, as the UK begins to diverge from...

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Nov 25, 2021

Increased certainty concerning the UK's National Security & Investment Act transaction screening regime

November has seen a number of developments in preparation for full implementation on 4 January 2022 of the UK's new investment screening regime, the National Security & Investment Act. The Government has updated and formalised its guidance on how the regime will operate, and published finalised definitions of the 17 "sensitive areas" subject to mandatory filings. A notable and welcome development is a winding-back of the Government's statement as to the situations in which it expects to exercise the power to call-in transactions: the more expansive focus on harm to the UK's reputation and prosperity contained in earlier drafts replaced by a more detailed focus on direct risks to the UK's military advantage, governmental and defence assets, and the security of critical infrastructure. However, the discretion for Government to define and determine whether a transaction raises national security risk remain...