chambers@monckton.com
+44 20 7405 7211

Specialist Areas

COMPETITION/EU LAW

Christopher Vajda QC has represented a large variety of clients, ranging from large multinational corporations to individuals, in major competition and EU cases. He has acted in a large number of cases in the European Court of Justice, Court of First Instance (now the General Court) and in all UK courts, including the CAT. Clients that he has acted for in court proceedings include Apple, Ballast Nedam, the BBC, the Bookmakers' Afternoon Greyhound Services, the Coal Authority, the European Low Fares Airline Association, Ford, ICI, Ladbroke, Land Rover, the London Metal Exchange, MAN ERF, Nokia, Ofcom, the Racecourse Association, Scottish Power, Sea Containers, SFR, Siemens, Smith & Nephew, Sumitomo Corporation, Teva Pharmaceuticals, Welsh Water, and William Hill. He is currently acting in a number of large multinational private competition actions, including air cargo, copper tubes, the LCD and CRT cases, methionine, and paraffin wax. He has been a contributor to Bellamy & Child, European Community Law of Competition for over 20 years. He has also given expert evidence on EU law in US court proceedings.

In his EU practice, other than competition and state aid, he has advised and litigated on a wide variety of subjects including:

- agriculture
- anti-dumping and customs
- broadcasting and telecommunications
- common commercial policy
- compatibility of national time limits with EU law
- environment
- energy
- fishing
- free movement of persons and services
- freedom of establishment
- pharmaceuticals and cosmetics
- professional services
- social security
- taxation

Major cases

- Christopher successfully represented the claimants in *Nokia v Samsung & Others* [2012] EWHC 731 (Ch)
- *Oracle v Mtech* (Court of Appeal, 2010 - on appeal to the Supreme Court). A trademark infringement case which raises fundamental issues on the inter-relationship between the Trademark Directive and general EU law principles
- *William Hill, Ladbrokes v. AMRAC* (Art 81), Court of Appeal (2009)
- *National Grid v. Ofgem* (Art 82), CAT (2009), acting for Siemens and CML
- *Albion Water v. Ofwat* (2007-2009), (Art 82) CATand Court of Appeal
- *Bouygues v Commission* (acting for Société Française de Radiotéléphonie) in a state aid challenge to the grant of 3G licences in France by Bouygues Telecom (2005-2009, CFI and ECJ)
- *Wootton Trucks v MAN ERF* (2006) EWCA Civ 1042 (acted for MAN ERF in the Court of Appeal in defeating a challenge to termination of a dealer pursuant to motor vehicle block exemption)
- Acted for Genzyme in follow-on damages case brought in the CAT by Healthcare@Home
- Acted for various schools in relation to the OFT's investigation into exchange of price information which resulted in a settlement proposalin March 2006

- *RCA v OFT* - CAT: acted for the Racecourse Association in the first case where the CAT overturned an OFT infringement decision (collective selling of media rights)
- *Scandlines v EC Commission* - CFI: major case on excessive pricing under Article 82 EC (case settled after application to CFI lodged)
- *R (ELFAA) v DFT* - Judicial review: challenge on behalf of low fare airlines, including Ryanair, to EC Regulation giving passengers compensation for delayed boarding and cancelled flights
- *Sumitomo v EC Commission* - CFI and ECJ: an appeal against an alleged cartel infringement under Article 81 EC
- *Wilson v L'Ordre des Avocats du Barreau de Luxembourg* - Administrative Court of Appeal in Luxembourg and ECJ: important case on the freedom of establishment of lawyers in which Christopher obtained an Article 234 reference from the Luxembourg Court to the ECJ
- Brighton Pier - CFI: a challenge to a Commission decision clearing the grant of lottery funding to the Brighton West Pier as not involving aid (case settled)
- *Ford* - ECJ: selective distribution system
- *Factortame* - ECJ and UK courts: interim relief, damages, fishing
- *Ladbroke Racing v Commission* - CFI and ECJ: state aid
- *Fiskeby v Commission* -CFI: appeal against Commission decision on Art. 81 EC - Cartonboard
- *Claritas v Post Office* - High Court: interim injunction under the Competition Act
- *MTV v BMG Records and others* - High Court: collective licensing between record majors and MTV, Arts 81 and 82
- *George Michael v Sony* - Court of Appeal: settled, recording contract and Art. 81
- *U2 v PRS* - High Court: settled, performing royalties and Arts. 81 and 82
- *R. v Secretary of State for Trade and Industry ex p. Isle of Wight Council* - Admin Court: state aid
- *R. v Secretary of State for Health ex p. Imperial Tobacco* - HL: interim relief against implementation of EU Directive
- *Naraine v Hoverspeed* - Admin Court: border controls and EU law
- *Optident v Department of Health and DTI* - Court of Appeal and HL: classification of product as a cosmetic or medical device
- *QRS v Frandsen* - Court of Appeal : Brussels Convention
- *R. v MAFF ex parte British Agrochemicals Association* - Admin Court: marketing authorisation for plant protection products
- *ICI v Colmer* - HL and ECJ: rights of establishment and corporation tax
- *Safir* - ECJ: direct taxation and freedom to provide services

PUBLIC & ADMINISTRATIVE LAW

Christopher's expertise in competition and EU law interacts with administrative and public law, especially regulatory issues and judicial review. He regularly acts for Claimants as well as Respondents in the Administrative Court, before regulators and foreign jurisdictions.

Judicial review cases in the Administrative Court:

- *R(Government of Bermuda) v Ofcom*: judicial review concerning allocation of satellite spectrum (2008)
- *R (Abbey Mine) v Coal Authority*: fairness in competitive tendering
- *R (TNT) v HMRC*: VAT charges on postal services (2009)
- *R (ELFAA) v DFT*: challenge on behalf of low fare airlines, including Ryanair, to EC Regulation giving passengers compensation for delayed and cancelled flights (2009)
- Acting for Scottish Power on challenge to GB electricity transmission charges (2005)
- Barclay Chemical: first UK case on new EU authorisation regime for pesticides

- *Inquam*: challenge to telecom licence
- *Vodafone*: legitimate expectation in the field of tax
- *R. (RM) v DCMS*: acted for BBC in state aid challenge
- *R. (Dockeray) v DEFRA*: human rights
- *R. v Secretary of State for Health ex p. Imperial Tobacco* - Court of Appeal and HL: interim relief against implementation of an EU Directive
- *R v British Coal and President of Board of Trade ex parte Vardy*: acted on behalf of a trade union challenging decision to close coal mines

VAT & CUSTOMS AND DIRECT TAX

Christopher's impressive expertise and experience in VAT places him in the top rank of VAT silks.
He acts both for the Commissioners and the private sector and is a member of the Revenue Bar Association.

Reported VAT cases include:

- *TNT* - ECJ: VAT on postal supplies (2009)
- *Isle of Wight* - ECJ: VAT and fiscal neutrality (2008)
- *Rank* - High Court: VAT and fiscal neutrality (2009)
- *Debenhams* - VAT Tribunal to Court of Appeall: merchant charge acquirer scheme
- *Halifax and BUPA* - ECJ: tax avoidance cases and principle of abuse of right in EC law
- *Telewest* - High Court/ CA: single/multiple supplies
- *Tesco* - CA: treatment of vouchers (2003)
- *Kingfisher* - VAT Tribunal: tax avoidance and gift vouchers
- *Courts* - VAT Tribunal: tax avoidance and insurance on furniture
- *RAL* - ECJ: place of supply
- *National Westminster Bank* - High Court: repayment claim
- *Primback* - ECJ: interest free credit

Christopher has also acted in a number of direct tax and customs cases. For example he acted for ICI in the ECJ on a challenge to the UK provisions on group relief and has acted for Japanese exporters in anti-dumping cases.