

Daniel Beard QC

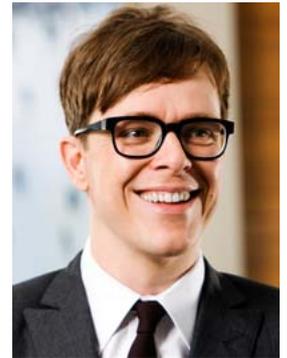
MA (Hons) Cambridge (First Class) Bachelor of Civil Law (BCL), Oxford

Call date: 1996 Silk: 2011

Telephone: 020 7405 7211

Fax: 020 7405 2084

Email: dbeard@monckton.com



Summary

Daniel Beard specialises in competition, EU, regulatory and public law. He is widely regarded as one of the Bar's leading specialists in these areas and noted as a "first rate" advocate.

He has appeared in courts from Haverfordwest to the Falklands. As well as his domestic work in the High Court, Court of Appeal and the Supreme Court, he regularly appears in the EU Court of Justice and General Court in Luxembourg.

Prior to taking silk (as one of the youngest and quickest from call in his round), Daniel was a member of the Attorney General's A Panel and won 'Junior of the Year', for EU and Competition law at the Chambers Bar Awards 2009. He is standing Counsel to the Office of Fair Trading.

Specialist Areas

COMPETITION LAW AND UTILITIES REGULATION

Daniel is recognised as an outstanding competition and regulatory lawyer and has appeared in and advised upon many of the leading cases over recent years. He appears regularly in the Courts and the Competition Appeal Tribunal both for private clients and regulators in damages actions, judicial review challenges and infringement appeals.

Damages

Damage actions in which he is or has been involved include those relating to the electrical carbon cartel (*Emerson v Morgan Crucible*); synthetic rubber (*Cooper Tire v Shell*); methionine (*Moy Park v Degussa*); gas insulated switchgear (*National Grid v ABB*); generic drugs (*NHS v Norton*); rail haulage (*ECSL v EWS*); and air cargo (*Emerald v BA*).

Mergers and market investigations

Daniel has a great deal of experience of merger and market investigation advisory and litigation work including cases such as *Interbrew v MMC (Interbrew/Bass)*; *IBA v OFT (Isoft/Torex)*; *Sky v Competition Commission (Sky/ITV)*; *Eventim v Competition Commission (LiveNation/Ticketmaster)*; *Ryanair v OFT (Ryanair/Aer Lingus)*; *Tesco v Competition Commission (groceries investigation)*; and *BAA v Competition Commission (airports inquiry)*.

CAT Appeals

He has acted in numerous CAT appeal cases including *GISC v OFT (insurance)*; *Apex v OFT (roofing)*; *Brannigan v OFT (newspapers)*; and *Kier and others v OFT (construction)*.

Utilities regulation

He has a broad knowledge of utilities regulation particularly in the energy and telecommunications and media fields. In relation to energy matters, for example, apart from advising regularly on regulatory issues he has acted in the only energy licence modification reference considered by the Competition Commission (the market abuse condition reference) and in the only licence modification appeal to go to hearing (*Eon v GEMA*) as well as dealing with various regulatory judicial review matters.

In relation to media and telecommunications he has been involved in telecommunications appeals before the CAT such as *BT v Ofcom (0880 and 0845 numbers)*; general media appeals such as *Sky v Ofcom (Pay TV appeal)*; and media and telecommunications judicial reviews such as *T-Mobile v Ofcom (spectrum auction)*.

Commercial and intellectual property litigation

In addition he has also been involved in a wide range of other commercial and intellectual property litigation involving competition and EU law issues including *Philips and others (MPEG) v Harvard* (IP and competition law issues); *Honda v David Silver* (IP and free movement); *London Stock Exchange v Plus Markets* (regulatory competition issues). He advises and acts in a variety of urgent injunctive relief cases.

EUROPEAN COMMUNITY LAW (UK AND EU COURTS)

Daniel has very wide experience of EU law quite apart from his competition law work. He deals with EU law issues in the domestic courts covering matters from interpretation of EU legislation to *Francovich* damages claims. He regularly appears in the EU courts in Luxembourg. The issues arising in his EU court cases have ranged from State aid to international treaties on child abduction and from air transport to the designation of Melton Mowbray pork pies. Cases include:

- C-236/09 *ABC Test Achats* (ECJ - unisex insurance premiums case)
- C-411/10 and 493/10 *NS* (ECJ - Impact of the EU Charter of Fundamental Rights and operation of the Dublin Regulation on asylum).
- C-71/10 *Sitfinder* (ECJ - environmental data access regulations in relation to mobile phone masts)
- C-497/10PPU *Mercredi* (ECJ - urgent procedure parents rights in relation to child taken overseas)
- C-169/06 *Northern Foods Plc -v- UK and The Melton Mowbray Pork Pie Association* (ECJ - protection of geographical indications and designations of origin for agricultural products and foodstuffs)
- C-402/07 & C-432/07 *Sturgeon & Others -v- Condor Flugdienst GmbH and Bock and Lepuschitz V Societe Air France Sa* (ECJ - acting for the UK Government in references to the ECJ on air passenger compensation)
- T-144/02 *Eagle -v- European Commission* (Court of First Instance - successful damages claim against the EC for unlawful discrimination)
- C-431/04 *Massachusetts Institute of Technology* (ECJ - pharmaceuticals intellectual property licensing)
- T-116/01 *P & O European Ferries (Vizcaya) SA -v- European Commission* (Court of First Instance - State Aid, actions for annulment, purchase of services by state at market price)

He has also been involved in a large number of EU cases concerning sanctions imposed against terrorists or those suspected of involvement with oppressive regimes or nuclear proliferation. Cases include:

- T-85/09 and C-595/10P *Kadi v Council and United Kingdom v Kadi* (General Court and ECJ - sanctions on suspected terrorist concerning fundamental rights and the interaction between EU law and international law, in particular in relation to UN Security Council Resolutions)
- T-181/08 *Pye Phyo Tay Za -v- Commission* (Court of First Instance - Challenge to EC sanctions regulations relating to Burma)
- T-145/09 *Bredenkamp v Commission* (General Court - challenge to sanctions relating to Zimbabwe)
- C-548/09 *Bank Melli* (ECJ - challenge to sanctions relating to Iranian nuclear proliferation programme)

PUBLIC & ADMINISTRATIVE LAW AND HUMAN RIGHTS

Daniel has advised and appeared for a broad range of clients in relation to public and administrative law and human rights matters. He has acted in relation to judicial review and public law challenges in relation to a range of regulatory matters including: telecommunications; energy; media plurality; mergers and competition procedure. He has also acted in a large number of general public law and human rights matters from library closures to war pensions.

Cases include:

- Guantanamo Bay Litigation - *Deghayes and others* and *Al Rawi v Security and Intelligence Services, Foreign Office, Home Office* (High Court; Court of Appeal; Supreme Court - damages claims by Guantanamo Bay detainees and use of closed material procedures in civil proceedings)
- *ZO (Somalia) -v- Secretary of State for the Home Department* (Supreme Court - EU and immigration law)
- *Viggers -v- Pensions Appeal Tribunal* (Administrative Court - war pensions)
- *Quark Fishing v Secretary of State for Foreign and Commonwealth Affairs* (House of Lords - territorial ambit of the Human Rights Act; public law damages)
- *Bullivant -v- Home Secretary* (Administrative Court - Control Order proceedings; quashing of Control Order)

Daniel has developed vetting security clearance and has worked on a range of security related matters. He has also acted as a Special Advocate in relation to SIAC and Control Order cases (including the quashing of a Control Order in the *Bullivant* case).

Additional Information

PUBLICATIONS, SPEAKING and MEDIA

Daniel has written numerous articles on competition and public law. He was a founder of the Competition Law Journal, Jordan Publishing. He speaks regularly on competition, EU and public law matters and has appeared on the BBC and Channel 4 News.

What the directories say

Under Telecommunications: "Daniel Beard QC is *"always one to consider instructing"* in the most taxing and complex competition cases within the sector. He is a *"very bright and articulate"* advocate who has proved his mettle in cases such as the recent intervention by Top Up TV in support of BT against Ofcom's position on pay TV provision. This matter raised the regulatory implications of the ongoing convergence of telecoms, internet and broadcasting technologies." **Chambers UK, 2013**

"Instructing solicitors and fellow barristers are all quick to confirm his strength in the competition sphere, and describe him as being *"very insightful and just excellent all round."* He has been involved in some of the key cases of the last year, and has particular experience in damages actions." **Chambers UK, 2013**

Daniel Beard QC is recommended as a leading silk in EU and Competition Law. **Legal 500, 2012**

"Recent silk Daniel Beard QC comes highly recommended for his competition law expertise and has been dubbed *"the star of his generation"* by a number of market commentators. Instructing solicitors applaud his *"outstanding feel for, and understanding of, competition litigation in the UK,"* noting that he *"perfectly comprehends the workings of the Competition Appeal Tribunal."* He was recently instructed by the defendant in *Emerson Electric v Morgan Crucible*, with regards to a follow-on claim against members of an alleged cartel which produced motor components." - **Chambers UK, 2012**

Under Telecommunications: "new silk and expert on competition law Daniel Beard QC is praised for being *"commercially focused, super-bright, cogent in his advice and decisive in his interventions."* He recently acted for Cable & Wireless in *BT and Everything Everywhere v Ofcom* in the CAT. This case looked at the pricing of calls to 0845 and 0800 numbers." - **Chambers UK, 2012**

Daniel Beard QC is a recommended leading silk in Public & Administrative law. **Legal 500, 2011**

EU & Competition Law recommend Daniel Beard QC as a leading silk. **Legal 500, 2011**

"Highly regarded in the regulatory sphere, Daniel Beard's stock continues to rise in private competition work. His *"first-rate advocacy"* has kept him consistently handling some of the most significant cases in the UK. He has represented Shell in the OFT's rubber cartel case, and recently acted for Enron in its damages claim against English Welsh & Scottish Railways (EWS). Maintaining his strong regulatory work, Beard also acted for the UK Competition Commission in its decision to reduce BSkyB's stake in rival ITV." - **Global Competition Review:**

Barrister Survey, 2011

"Standing counsel to the OFT, Daniel Beard is arguably the most prominent junior acting in this field. Sources were particularly complimentary about his "towering performances in court," stating that they are of a silk standard. He is "an exceptionally effective adviser without ever being pompous." Key work highlights for him include Cooper Tire & Rubber v Shell, and National Grid v ABB, Alstom, Aveva and Siemens".

Competition/European Law - **Chambers UK, 2011**

Under EU and competition the **Legal 500, 2010** states that "the very intelligent Daniel Beard frequently represents the OFT and Competition Commission, acting for the latter in the BSKyB/ITV case."

Within Administrative and public law (including local government) "Daniel Beard is also highly regarded." - **Legal 500, 2010**

Winner of the 2009 EU and Competition "**Junior of the Year**" - **Chambers Bar Awards**

Chambers UK, 2010 describes Daniel as "a superstar worth every penny, who punches well above his weight when facing QCs on the other side." As standing counsel to the OFT, he picks up some juicy cases against some stiff opponents. Examples include acting for the Competition Commission in proceedings relating to BSKyB's acquisition of a 17.5% stake in Virgin."

Daniel Beard is 'universally well-liked by clients'. At the junior Bar, under EU and Competition law, Daniel Beard is praised for giving 'commercially focused advice rather than reciting heavily qualified black letter law'. - **Legal 500, 2009**

The well-regarded Daniel Beard is "a forceful and accomplished advocate" who displays a "great creativity and intellectual curiosity." Known for his "expert handling of his clients and down-to-earth attitude", he appears before the Competition Commission, CAT, ECJ, OFT and Court of First Instance." - **Chambers UK, 2009**

Daniel is once again in the top tier of leading juniors for EU and Competition Law in **The Legal 500, 2008**: " This remains an area where juniors are perhaps much more influential than in other sectors ... the ' erudite' and 'practical' leading junior Daniel Beard [appeared] in Celesio v OFT. This was the OFT's first successfully defended judicial review of a merger decision. Daniel Beard remains standing counsel to the OFT. "

"... "Perceptive and effective," Daniel Beard is praised by peers and clients alike for his "commercial, personable and proactive approach" and "wide breadth of knowledge" in the competition sector." - **Chambers UK, 2008**

The Legal 500, 2007 says: "While many of the senior silks have a background in the European courts, the junior end of the Bar has thrived in recent years. Many believe that juniors are better equipped in the CAT and so prominent names such as Daniel Beard and [...] have become extremely popular amongst solicitors and clients. ... Monckton Chambers' rich bed of talented juniors continues to impress, none more so than the 'sharp' and 'best of the juniors' Daniel Beard, known to 'cut through the rubbish and get to the core principles'. He has a mighty track record in the CAT, and has demonstrated a keen analytical mind mixed with first-rate advocacy."

On EU / Competition; "Also fulfilling the role of standing counsel to the OFT, and "ferociously bright" with it, is his colleague Daniel Beard. He has honed his trial skills in cases such as UniChem v OFT and is developing into a "confident and polished advocate" who is increasingly in demand for his EU expertise."

On Telecommunications: "Daniel Beard received market commendation for his expertise in advising telecoms companies on the application of Articles 81, 82 and 86, as well as on merger control and various Competition Act and Restricted Trade Practices Act matters." - **Chambers UK, 2007**

"Daniel Beard commands enormous respect amongst the legal profession as a whole, particularly for CAT cases. His appointment as standing counsel to the OFT highlights his meteoric rise in prominence in the last five years. 'He's got what it takes on his feet and he's good analytically. He's excellent on presentation and goes down well with clients,' one solicitor remarked." - **The Legal 500, 2006**

"Beard is commonly referred to as "the best junior at the competition Bar". Praise comes from all sides: "Already a real star", "immensely able", "a very talented guy, very good on his feet with a real command of his subject. He is very popular in any forum - judges love him". He is standing counsel to the OFT." - **Legal Week, February 2006**

"Leading the juniors is Daniel Beard, who is rising to the top thanks to a steady stream of solicitor praise. Clients appreciate his "top-quality advocacy style, fluidity of oral submissions and first-class brains." His recent

appearances include acting for the OFT in the IBA case and in Apex v OFT, and he was recently appointed as Standing Counsel to the OFT." - **Chambers UK, 2006**

"...Fellow juniors at Monckton Chambers to win partners' respect include Daniel Beard, also an OFT standing counsel after a recent appointment, ..." - **Legal Week 2005**

"...Daniel Beard is young, but has a reputation far beyond his years, endorsed by the OFT's decision to appoint him as the second standing counsel for competition law." - **The Legal 500, 2005**

Competition / EU: "The set also greatly benefits from a splendid talent pool of juniors,... Daniel Beard follows the road of promising newcomers, according to solicitors. Of newsworthy note, he advised on state aid in proceedings regarding P&O European Ferries and the European Commission in the Court of First Instance and acted for one of the bidding parties in the Safeway case." - **Chambers UK, 2005**

" In Admin an Public Law: Clients also favour Kassie Smith and Daniel Beard 'because they're bright and they win cases'... For EU and Competition Law Daniel Beard is widely considered a 'safe first port of call', a top junior alongside Jon Turner, the OFT's standing counsel." - **The Legal 500, 2004**

"The intellectual firepower on offer at this set is a fitting tribute to its founder Walter Monckton KC. ... the set "furnishes the very best in commercial and public lawyers," many of whom have significant competition/EU practices. ...Daniel Beard, veteran of the SME Banking Inquiry, is talked about as a star of the future. ..." - **Chambers UK, 2004**