

## Allan Cerim

YEAR OF CALL: 2018

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### Practice Overview

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Allan joined chambers following the successful completion of his pupillage, and is developing a broad practice in line with chambers' core areas of practice. Allan is instructed in a number of high-profile and high-value cases. Recent and current instructions include:

- **Public international law/investment arbitration:** (i) *Republic of Panama v Jochem Bernard Buse* - acting for Mr Buse in an arbitration commenced under the Netherlands-Panama BIT (with Leading Counsel outside Chambers); (ii) advising a foreign government on various matters concerning investor-state arbitration (unled); and (iii) acting for a listed lient in the Commercial Court in a damages claim brought under the Blocking Regulation arising out of US sanctions (led by Fergus Randolph QC); and (iv) acting for Iranian nationals against a large bank in respect of US sanctions (led by Maya Lester QC)
- **Commercial:** *Cheng v Zheng* - a multi-million civil fraud trial in the British Virgin Islands concerning the alleged fraudulent transfer of shares in Chinese, Cayman, and BVI companies (Led by Vernon Flynn QC); Advising a major insurer on potential business interruption liability (in excess of \$100m) following the Supreme Court's judgment in the FCA Test Case (led by Simon Salzedo QC); acting in a four week shareholders' dispute trial raising complex issues of economic analysis and fact (Assisting Leading Counsel)
- **Civil liberties and human rights:** (i) Acting for a large group of Iranian individuals and companies who are bringing claims under the Equality Act 2010 and Blocking Regulation against Metro Bank (led by Maya Lester QC and Emma Mockford); (ii) Advising an NGO on the law around revenge porn, prosecuting crimes against vulnerable groups committed abroad, and public international law (led by Paul Bowen QC)

- **Competition:** (i) *Merricks v Mastercard* – acting for Sir Walter Merricks in a landmark collective action representing a class of 46 million people and suing for damages of £14 billion (led by Marie Demetriou QC, Paul Harris QC, and Victoria Wakefield QC); (ii) *Justin le Patourel v BT* – acting for BT resisting a collective action brought in the Competition Appeal Tribunal (led by Sarah Ford QC and Sarah Love); (iii) Acting for Nippon Yusen Kabushiki Kaisha in the follow-on damages claims arising from the European Commission’s decision in the Maritime Carriers cartel case (led by Marie Demetriou QC and Daniel Piccinin); (iv) *Phones4U v Telefonica & ors* – acting for Orange in the litigation brought by the administrators of Phones4U regarding an alleged collective withdrawal from Phones4U by mobile network operators (led by Marie Demetriou QC and David Scannell QC); and (v) advising a potential claimant in an action against Microsoft (unled).
- **Regulatory:** (i) acting unled in a judicial review of the Advertising Standards Authority by a major retailer; (ii) acting for TFL in an appeal of its decision to revoke Ola’s license to operate in London (led by Marie Demetriou QC and Tim Johnston); and (iii) advising Vodafone on the application of the Open Internet Regulation to data tariffs

Allan has been instructed in a number of both public and private law matters spanning a number of sectors, including telecoms, transport, banking and finance, insurance and reinsurance, commodities, energy, aviation, and financial markets. Allan’s practice in both public and private law is highly international, with his cases often raising issues of foreign, EU and public international law. Allan’s practice spans across multiple jurisdictions, including the MENA region, Hong Kong, the Cayman Islands, the British Virgin Islands, the EU, Latin America, and Africa. He has appeared in a number of domestic and international fora, both arbitral tribunals, as well as domestic and foreign courts.

Allan graduated with a First Class degree in Law from the University of Cambridge, where he finished 7th in a year of 210 and won the prizes in Constitutional, EU, and EU Environmental (scoring the highest mark in the Faculty’s history). He was later awarded the Frank Knox Fellowship to study for an LLM at Harvard Law School, where he won the Dean’s Scholar Prize in a number of subjects, including for his paper “Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust”. Prior to pupillage, Allan worked for a number of legal NGOs and other agencies on a range of issues, including the prevention of torture, refugee protection, forced marriage, modern slavery, the laws of criminal evidence in the Middle East, the rights of disabled people under international law, employment rights, and environmental protection.

## Commercial

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Allan accepts instructions in all of chambers' areas of commercial practice. Allan's general commercial practice is highly varied, with particular experience in company law (including shareholders' disputes and claims against directors), insolvency, insurance, and intellectual property. He has experience in a number of sectors, including telecoms, transport, banking and finance, insurance and reinsurance, commodities, energy, aviation, and financial markets.

Allan's experience includes:

- *Cheng v Zheng* - a multi-million dollar civil fraud trial in the British Virgin Islands concerning the alleged fraudulent transfer of shares in Chinese, Cayman, and BVI companies. The case is fact-heavy, and raises complex points of law on reflective loss and private international law (led by Vernon Flynn QC)
- Advising a major insurer on potential business interruption liability (in excess of \$100m) following the Supreme Court's judgment in the FCA Test Case (led by Simon Salzedo QC)
- Advising a creditor company in relation to an application made to the Financial Conduct Authority by its debtor company for an Electronic Money Institution Licence.
- *The Secretary of State for Health v Servier Laboratories Ltd* - a Supreme Court case concerning (i) the economic torts, in particular the unlawful means tort, and (ii) the interaction between competition/IP regimes and compensatory relief under the common law (assisting Marie Demetriou QC and Daniel Piccinin)
- *Loreley 30 v Credit Suisse* - a \$510 claim in the Commercial Court brought by purchaser of CDO investors against Credit Suisse claiming that the purchased was induced by fraud. The claim raises complex issues of law and facts on the law of misrepresentation (assisting Tim Lord QC and Fred Hobson)
- *Galapagos Bidco S.A. v Signal Credit Opportunities Fund* [2021] EWHC 68 (Ch) - The case concerned a \$100m claim for an alleged fraudulent conveyance
- Playboy litigation - a claim in the tort of deceit brought by a London casino against an Italian bank in the tort of deceit (assisting Simon Salzedo QC and Fred Hobson). The deceit trial was brought following the Supreme Court's ruling in *Playboy Club London Limited v Banca Nazionale del Lavoro SPA* [2018] UKSC 43
- *Samsung v LCD* - a jurisdiction challenge by Taiwanese and Korean defendants in a claim under the Contribution Act brought by Samsung. The claim arises out of the parties' breach of EU competition law

## Competition

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Allan has a busy competition practice, and is instructed in some of the biggest competition damages cases of the day. This includes collective proceedings (both follow-on and standalone), as well as claims in the High Court. He also has a busy advisory practice in which he advises on substantive competition law/state aid issues, including on potential standalone claims; one such potential claims being against

Microsoft.

Allan's experience includes:

- *Merricks v Mastercard* – acting for Walter Merricks in a landmark collective action representing a class of 46 million people and suing for damages of £14 billion (led by Marie Demetriou QC, Paul Harris QC, and Victoria Wakefield QC)
- *Justin le Patourel v BT* – acting for BT resisting a collective action brought in the Competition Appeal Tribunal (led by Sarah Ford QC and Sarah Love)
- *RoRo* – Acting for Nippon Yusen Kabushiki Kaisha in the follow-on damages claims arising from the European Commission's decision in the Maritime Carriers cartel case (led by Marie Demetriou QC and Daniel Piccinin)
- *Phones4U v Telefonica & ors* – acting for Orange in the litigation brought by the administrators of Phones4U regarding an alleged collective withdrawal from Phones4U by mobile network operators (led by Marie Demetriou QC, David Scannell QC, and David Heaton)
- Advising a potential claimant in an action against Microsoft (unled)
- Advising a telecoms company on its representations to BEREC in response to its call for input in BEREC's updated guidelines on zero-rating.
- Sports and competition law – Allan assisted on a number of matters concerning the application of EU and UK competition law to the sporting industry
- Follow-on damages (RoRo): Collective action – Advising on the prospects of success in a collective action in the Competition Appeal Tribunal brought by consumers and other purchasers (assisting Marie Demetriou QC and Daniel Piccinin)
- *Epic Games v Apple* – a claim brought by Epic against Apple for breaches of EU and UK competition law (assisting Marie Demetriou QC and Daniel Piccinin)
- *Samsung v LG* – a jurisdiction challenge in the LCD damages claim (supervised by Daniel Piccinin)
- *PPI* – Advising on potential collective proceedings in relation to payment protection insurance (assisting Aidan Robertson QC)
- Advising an association on competition law and free movement issues regarding the Business's policy on free academic research journals (assisting Aidan Robertson QC)

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Allan is developing his public international law and investment arbitration practice.

His experience includes:

- *Republic of Panama v Jochem Bernard Buse* – acting for Mr Buse in an arbitration commenced under the Netherlands-Panama BIT (with Leading Counsel outside Chambers)
- Advising a foreign government on various matters concerning investor-state arbitration (unled)
- Acting for a listed client in respect of EU and US sanctions on Iran (with Fergus Randolph QC)

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Allan's public law practice builds on his experience working with NGOs and other agencies on a range of human rights issues before coming to the Bar. Allan has experience relating to a number of regulatory bodies, including the Financial Conduct Authority, Ofcom, and the Advertising Standards Authority. Allan has advised a number of individuals and governments on human rights, discrimination, EU, and public international law issues. Allan is also at home with judicial reviews, including financial regulation and COVID-related judicial reviews.

Allan's experience includes:

- Acting unled in a judicial review of the Advertising Standards Authority by a major retailer
- Acting for TFL in an appeal of its decision to revoke Ola's licence to operate in London (led by Marie Demetriou QC and Tim Johnston)
- *R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department* - a judicial review relating to the EU Settlement Scheme (assisting Paul Bowen QC and Emma Mockford, acting for the Claimants)
- *R (Donegan & Ors) v Financial Services Compensation Scheme (London Capital Finance)* - acting for investors challenging the FSCS's decision to decline compensation to thousands of investors who lost >£200m (assisting James McClelland QC, Tim Johnston and Charlotte Thomas)
- *R. (on the application of National Farmers Union) v Secretary of State for the Environment, Food and Rural Affairs* [2020] EWHC 1192 (Admin) - a judicial review challenging the Secretary of State's decision to refuse members of the farmer's union a licence to cull badgers in order to prevent the spread of a disease that has an adverse impact on animal and public health (assisting Maya Lester QC and Malcolm Birdling)
- *Live Nation v The Royal Parks* [2020] EWHC 1425 (TCC): a collapsed two week High Court trial concerning the tender exercise to award the Hyde Park Music Festival (assisting Tim Johnston, acting for AEG Presents Ltd)
- FREENOW: a judicial review brought by an association challenging TFL's decision to grant FREENOW a licence to operate in London (assisting Marie Demetriou QC and Tim Johnston)
- *UNHCR* - A reference to the CJEU on the protection of Palestinian refugees under EU asylum law. The case concerns the implementation of the Geneva Convention under the EU Qualification Directive (assisting Marie Demetriou QC and Tim Johnston)
- *Arumugam and others (in the matter of the Liberation Tigers of Tamil Eelam) v Secretary of State for the Home Department* - an application to the Proscribed Organisations Appeal Commission (POAC) to de-proscribe an organisation proscribed by the Secretary of State under the Terrorism Act 2000. It was argued, inter alia, that the refusal to de-proscribe was in breach of Articles 10 (free expression) and 11 (freedom of association)

- *Privacy International v Secretary of State for Foreign and Commonwealth Affairs* - a case in the Investigatory Powers Tribunal concerning the legality of the government's policy authorising the commission of crimes by undercover agents. The challenge was brought both on public law grounds and under the European Convention on Human Rights (assisting Victoria Wakefield QC)
- *Doctors Association UK v Secretary of State for Health* - a judicial review seeking a public inquiry into the procurement and distribution of PPE during the Covid-19 pandemic on the basis of Article 2 ECHR (assisting Paul Bowen QC, Tim Johnston and Emma Mockford)
- Various pieces of advice on the Equality Act 2010
- State aid - Allan's work includes: *Epic Games v Apple* - a claim brought by Epic against Apple for breaches of EU and UK competition law (assisting Marie Demetriou QC and Daniel Piccinin); *Medical Defence Union* - a judicial review relating to, inter alia, to the law on State aid and Article 1, Protocol 1 ECHR (assisting Aidan Robertson QC)
- Information rights - Advising on the application of the Freedom of Information Act 2000 and the common law right to information (assisting Victoria Wakefield QC)
- Privacy - A group action against Facebook for various alleged data protection breaches
- Data - Allan's work includes: the transfer of data to non-EU countries in light of the Supreme Court's decision in *Elgizouli v Secretary of State for the Home Department* [2020] UKSC 10 (assisting Victoria Wakefield QC); the data protection obligations of the European Council under the GDPR and the EU Charter of Fundamental Rights in the context of a potential threat to the data subject's life (assisting Maya Lester QC), and; advising a dismissed employee on the prospects of bringing a data protection claim against a former university (assisting Matthew Kennedy); and *Lloyd v Google* - a data protection claim in the Supreme Court relating to mass data breaches (assisting Victoria Wakefield QC)
- ECHR - Allan has assisted Member of Chambers' in advising on the application of the ECHR, including Article 1 Protocol 1 (protection of property), Article 8 (privacy and home life), Article 10 (free expression), and Article 11 (freedom of association)
- Advising on access and disability issues arising in the transport context (assisting Victoria Wakefield QC)

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Allan has particular experience in EU cases relating to sanctions (including the Blocking Regulation), telecoms, medical licenses, and EU competition law. Allan has also presented on Retained EU Law at various conferences.

Allan's experience on EU law cases and matters includes:

- *MetroBank* - acting for a number of Iranian nationals in a discrimination claim arising in the context of US and EU sanctions
- *Listed company v a major insurer* - a High Court claim against a major insurer for, *inter alia*, breach of the EU Blocking Regulation (led by Fergus Randolph QC)
- Advising a client on the application of the EU Blocking Regulation

- Advising a telecoms company on its representations to BEREC in response to its call for input in BEREC's updated guidelines on zero-rating (led by Robert O'Donoghue QC)
- *R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department*: acting for the claimants in a judicial review relating to the EU Settlement Scheme (assisting Paul Bowen QC and Emma Mockford).
- *UNHCR* – A reference to the CJEU on the protection of Palestinian refugees under EU asylum law. The case concerns the implementation of the Geneva Convention under the EU Qualification Directive (assisting Marie Demetriou QC and Tim Johnston)
- Pharmaceuticals: *Bayer Plc v NHS Darlington Clinical Commissioning Group* [2020] EWCA Civ 449 – a Court of Appeal case on whether the NHS doctors could prescribe certain eye medication that had not obtained a licence from the relevant EU and domestic medicines regulator for ocular use (assisting Victoria Wakefield QC)

## EDUCATION & QUALIFICATIONS

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Harvard Law School, LLM, Frank Knox Fellow – Dean's Scholar Prize in multiple subjects, including for his paper "*Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust*"

BPTC (Outstanding)

University of Cambridge, Law (First Class), 7<sup>th</sup> in year, with prizes in Constitutional, EU and EU Environmental Law (scoring the highest mark in the Faculty's history in the latter)

## PRIZES AND SCHOLARSHIPS

*University of Cambridge*

- ECS Wade prize for best performance in Constitutional Law
- Clifford Chance prize for best performance in European Union law
- Best overall performance in EU Environmental Law (achieving the highest mark in the Faculty's history)
- Thatcher Prize, Fitzwilliam College

*Harvard Law School*

- Dean's Scholar Prize in multiple subjects, including for his paper "*Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust*"

*The Honourable Society of the Inner Temple*

- Peter Taylor Scholarship, the Inn's top scholarship

*Bar European Group*

- Peter Duffy Scholar

## **LANGUAGES**

Arabic - fluent

German - basic