

## Margaret Gray QC

YEAR OF CALL: ENGLAND AND WALES: 1998; IRELAND: 2005; N.  
IRELAND: 2009 YEAR OF SILK: 2019

*"An absolute superstar."*

Legal 500 2017, Competition

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## Practice Overview

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Margaret Gray QC specialises in EU, Competition and Public law. She has appeared in 60 cases before the Luxembourg courts, unled on more than 50 occasions. She frequently represents the Governments of the UK and Ireland, and appeared as counsel for the European Commission in a number of multi-million pound fine cartel appeals.

She has built-up a unique expertise in EU regulation of utilities and services between the UK and Ireland, due to her practices at the Bars of Ireland and Northern Ireland, in particular in energy and telecommunications matters. She has acted for each of the UK devolved administrations in EU state aid and procurement matters.

Margaret was shortlisted for EU and Competition Junior of the Year at the Legal 500 UK Awards 2018.

## EU law

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Margaret's practice takes in the full range of EU law. She has acted in cases concerning citizenship, competition, consumer protection, employment, energy, equality, environment, intellectual property, free movement of services/broadcasting, private international law/Brussels Regulation, sanctions, insurance, shipping, structural funds (Social Funds and EAGGF), state aid, free movement of capital, taxation, public procurement, state liability, pharmaceuticals, technical standards and telecommunications. She has acted for domestic and international commercial clients, local authorities, county councils, an MEP, state and EU agencies, the Scottish Ministers, the Welsh Assembly, a number of government departments, the European Commission, Ireland, and the United Kingdom.

Margaret has particular experience in public procurement, and has acted in a multi-party challenge to the award of a public contract for health services before the High Court in Northern Ireland.

She also has experience of a wide range of environmental litigation arising in the course of planning application proceedings, including the Birds and Habitats Directives, the EIA Directive and SEA Directive, and the Renewables Directive, both before the national courts and the ECJ.

## Competition

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Margaret is experienced in all areas of competition law, in particular complex cartels, horizontal co-operation

agreements and price regulation, acting both for private clients and regulators. She had the unique experience of acting for the European Commission in the national court of a member state, in unprecedented proceedings brought against it in the High Court (Chancery Division) seeking to restrict the exercise of anti-trust enforcement powers under Regulation 1/2003.

Margaret has particular experience working on cases raising cross-over competition, intellectual property and free movement issues, regarding copyright, patents, trade marks, and other related rights such as marketing authorisations, as well as on FRAND licensing issues and standard-setting organisations.

## Public Law

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Margaret has a broad public law practice, largely focusing on EU and ECHR matters. She has acted for applicants and respondents in a large number of public law proceedings in the courts of England and Wales, Northern Ireland and Ireland, principally in the fields of energy, environmental law, free movement, regulation of professional qualifications, pharmaceuticals, procurement and telecommunications. She has particular experience of dealing with cases concerning EU and devolution issues.

## Cases

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### Margaret Gray's Cases before the Court of Justice or General Court of the EU

- Case C-191/16 *Pisciotti*
- Case C-678/15 *Khoranassi*
- Case C-465/15 *Huttenwerke*
- Case C-430/16 P *Bank Mellat (cross-appeal)*
- Case C-430/16 P *Bank Mellat v Council* (sanctions)
- Case C-176/16 *Hoffmann la-Roche* (Pharmaceuticals – marketing authorisations – competition)
- Case C-294/16 PPU *JZ* (European Arrest Warrant)
- Case C-45/15 P *Safa Nicu* (Iranian sanctions)
- Case T-27/16 *UK v Commission* (agricultural subsidy annulment action)
- Case T-501/15 *NL v Commission* (agricultural subsidy annulment action)
- Case C-528/15 *Al Chodor* (free movement of persons – Dublin III Regulation)
- Case C-608/15 P *Panasonic v Commission* (cathode ray tube cartel)
- Case T-437/14 *UK v Commission* (agricultural subsidy annulment action)
- Case C-191/15 *Amazon Sarl* (Consumer and Consumer Injunctions Directives; Data Protection Directive; Rome I and II Regulations)
- Case C-135/15 *Hellenic Republic v Nikiforidis* (Rome I Regulation – Article 9(3) employment contracts)
- Case C-489/14 A *In the marriage of A and B* (Brussels II Regulation – Article 19)
- Case C-599/14 P *Liberation Tigers of Tamil Eelam v Council* (terrorist sanctions)
- Case T-450/14 *Sumitomo Electric Industries v Commission* (power cables cartel)
- Case T-448/14 *Hitachi Metals v Commission* (power cables cartel)
- Case T-540/08 REC *Sasol*
- Case T-428/13 *Iranian Oil Company (UK) Limited v Council* (Iran sanctions – hydrocarbon licensing)
- Case C-268/13 *Petru* (social security – preauthorisation of medical treatment in another Member State)
- Case C-346/13 E (Brussels II Regulation – Articles 8, 12 and 15 – prorogation of jurisdiction)
- Case T-03/12 R *Communicaid Group Limited v Commission* (public contracts – interim relief)
- Case T-03/12 *Communicaid Group Limited v Commission* (public contracts)
- Case C-438/12 *Weber* (Brussels Regulation – *lis pendens* and related proceedings)
- Case C-243/12 P *FLSPlast v Commission* (competition cartel appeal)
- Case C-238/12 P *FLSmidth v Commission* (competition cartel appeal)
- Case C-653/11 *HMRC v Newey* (VAT)
- Case C-92/12 PPU *Health Service Executive v SC and AC* (Brussels II Regulation)

- Case T-208/11 *Liberation Tigers of Tamil Eelam v Council* (terrorist sanctions)
- Case C-455/11 P *Solvay v Commission* (competition cartel appeal)
- Case C-374/11 *Commission v Ireland* (fines and penalty payments)
- Case C-358/11 *Sweetman and others* (environment; habitats)
- Case C-201/11 P *UEFA v Commission* (broadcasting)
- Case C-205/11 P *FIFA v Commission* (broadcasting)
- Case C-204/11 P *FIFA v Commission* (broadcasting)
- Case C-619/10 *Trade Agency Limited* (Brussels Regulation)
- Case C-106/09 P *Commission v Gibraltar and UK* (state aid and corporate taxation)
- Case C-107/09 P *Spain v Gibraltar and UK* (state aid and corporate taxation)
- Case C-337/08 *X Holding* (corporate taxation)
- Case C-567/07 *Servatius* (state aid)
- Case C-336/07 *Kabel Deutschland Vertrieb and Service* (free movement of services and broadcasting)
- Case C-217/08 *Rita Mariano* (equality)
- Case C-394/07 *Gambazzi* (Brussels Convention)
- Case C-52/07 *Kanal 5 and TV 4* (copyright and Article 102)
- Case T-406/10 *Emesa and Galycas v Commission* (pre-stressing steel cartel)
- Case T-399/10 *ArcelorMittal v Commission* (pre-stressing steel cartel)
- Case T-540/08 *Sasol v Commission* (paraffin wax cartel)
- Case T-541/08 *Esso and others v Commission* (paraffin wax cartel)
- Case T-186/06 *Solvay v Commission* (hydrogen peroxide cartel)
- Case T-191/06 *FMC Foret SA v Commission* (hydrogen peroxide cartel)
- Case T-197/06 *FMC Corporation v Commission* (hydrogen peroxide cartel)
- Case T-199/06 *Akzo Nobel and others v Commission* (hydrogen peroxide cartel)
- Case T-53/06 *FLSmidth v Commission* (industrial bags cartel)
- Case T-59/06 *Low & Bonar and others v Commission* (industrial bags cartel)
- Case T-64/06 *FLS Plast v Commission* (industrial bags cartel)
- Case T-65/06 *UPM-K and others v Commission* (industrial bags cartel)
- Case T-256/07 *OMPI v Council* (sanctions)
- Case C-453/99 *Courage v Crehan* (remedies and Article 101)

### **Margaret Gray's Cases before National Courts**

- *Minister for Finance v Aer Lingus Limited* (pending)
- *R (ex p Weightman) v Rural Payments Agency* (settled)
- *Irish Bank Resolution Corporation v Browne* (pending)
- *Shannon LNG v Commission for Energy Regulation and others* (on appeal to Supreme Court of Ireland)
- *Central Craigavon Ltd v The Department of the Environment for Northern Ireland* UKSC 2013
- *Deegan v Minister for the Environment and others*
- *Crazy Style Ltd v An Garda Síochána*
- *Phone Paid Services and others v Minister for Communications, Energy and Natural Resources, Ireland, AG and others* (information society services; compliance with EU Directives)
- *O'Hara v Belfast International Airport Authority and others*
- *JR 65* (regulation of blood donation in NI; EU and ECHR rights)
- *Casey v GMC* (statutory appeal from fitness to practice panel)
- *Care Plus and others v Western Trust* (public procurement in health service in NI)
- *Bloomsbury v DEFRA* (levies on imports of fish products into the UK)
- *Sweetman v An Bord Pleanála* (environment; habitats)
- *Viridian and others v Commission for Energy Regulation* (price regulation; construction of licence)
- *Conex Banninger v European Commission* (restriction by national courts of Commission anti-trust enforcement powers)
- *R (ex p Law Society of Ireland) v Solicitors' Regulatory Authority* (free movement and recognition of qualifications)

- *Tristor Limited v Minister for the Environment and others*
- *R (ex p JTI) v Secretary of State for Health* (tobacco display ban)
- *Norbrook Laboratories Ltd v Veterinary Medicines Directorate* (marketing authorization for veterinary medicines)
- *R (ex p CGTSN Ltd) v Civil Aviation Authority and others* (fleet liens, Article 1 of Protocol 1, and Articles 102 and 106)
- *Black and Clements v Accountants and Actuaries Disciplinary Board* (disciplinary powers and Article 6 ECHR)
- *VIP Communications v OFCOM and others* (mobile telecoms and state liability)
- *Qualcomm Incorporated v Nokia Corporation* (mobile telecoms patent infringement, FRAND terms licensing, standard-setting and Article 101)
- *Sweetman v An Bord Pleanála* (EU Commission infringement proceedings and discovery of documents)
- *O'Leary v An Bord Pleanála* (EU Commission infringement proceedings and obligation to stay national court proceedings)
- *R (exp Association of Pharmaceutical Importers)* (pharmaceuticals, free movement and competition)
- *In re Medicaments and Related Classes of Goods* (remedies and Human Rights Act)
- *In re Medicaments and Related Classes of Goods* (judicial bias)
- *In re Medicaments and Related Classes of Goods* (pharmaceuticals and resale price maintenance)
- *Esso v Parks* (commercial agents and Article 101)
- *In the matter of an application by CNN to the Shipman Inquiry* (broadcasting and Article 10 ECHR)
- *Locabail and others* (judicial bias)
- *R (ex p A and others) v Lord Saville* (Bloody Sunday Inquiry and anonymity of witnesses)

#### Before the Competition Appeal Tribunal

- *London Metal Exchange v OFT* (Competition Appeal Tribunal)

#### Administrative proceedings

- OFT investigation into replica kit

#### Before the European Court of Human Rights

- *McGonnell v UK* (Bailiff of Guernsey, Article 6 ECHR and right to independent and impartial tribunal)

## Qualifications

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#### Career

- 1998 Called to the Bar of England and Wales (Gray's Inn)
- 1999 to date Tenant, Brick Court Chambers
- 2002 - 2005 Référendaire at the ECJ to Judges Fidelma Macken and Aindrias Ó'Caomh
- 2017 Appointed to the Competition Commission of Hong Kong's Panel of External Senior Counsel

#### Education

- 1996-1997 College of Europe, Bruges, LL.M. in European Law
- 1995-1996 Oxford University (Hertford College), BC.L. (First class)
- 1992-1995 Oxford University (Hertford College), B.A. Jurisprudence
- 1985-1992 Ballyclare High School, Co. Antrim

#### List of Seminars & Lectures

Margaret Gray has lectured widely on practice and procedure in EU law including competition law and state aid

law. She has also provided dedicated seminars to government lawyers, as well as to the private sector.

Lectures include the following:

**“EU Procedural law and Litigation”**, University of Milan, 5-6 May 2011

**“EU law rights and remedies in Irish Courts”** University College Dublin, October 2011

**“Enforcement of EU environmental law: recent case-law of the ECJ”** UCC Law and the Environment Conference, April 2011

**“EU law remedies in Irish Courts”**, ICEL Conference, 28 January 2011

**“Luxembourg v Strasbourg: the future of fundamental rights”** (Chaired conference session at the European Circuit’s Annual Conference, Paris, November 2010

**“Enforcement of EU environmental law: recent case-law of the ECJ”** UCC Law and the Environment Conference, November 2010

**“Practising EU law”** ISEL lecture, Law Society of Ireland, November 2010

**“How the Lisbon Treaty will affect EU litigation for Government lawyers”** Office of the Chief State Solicitor, Dublin, September 2010

**“Remedies in EU law revisited”** (Organiser and session commentator at UKAEL conference at King’s College London, June 2010)

**“EU Procedural law and Litigation”**, University of Milan, 29-30 April 2010

**“An update on EC law of competition, state aid and public procurement: focus on Ireland”** Office of the Attorney General, Dublin, June 2008

**“Liability of parent companies for subsidiaries’ anti-trust infringements”** Brick Court Chambers Litigation Conference, London, March 2010

**“Criminalisation of cartels”** Competition Law Forum, Dublin, October 2009

**“Enforcement of EU environmental law: recent case-law of the ECJ”** UCC Law and the Environment Conference, 23 April 2009 and on 22 April 2010

**“Top 10 ECJ judgments of the past year”** to be presented at McCann FitzGerald solicitors, Dublin, 11 June 2009

**“Copyright collecting societies and competition law (Article 82 EC): the *Kanal 5* judgment”** Mayer Brown International LLP, London, 23 March 2009

**“The *Akzo Nobel* judgment of the CFI”** Office of the Attorney General, Dublin, June 2008

**“State liability for breaches of EU law: basic principles and recent developments”** McCann FitzGerald solicitors, Dublin, May 2008

**“Legal professional privilege, in-house lawyers and the *Akzo Nobel* judgment of the CFI”** Competition Press Conference, Dublin, April 2008

**“Parent companies and competition law infringements: the developing law on liability”** Freshfields, London, March 2008

**“A practical approach to the private enforcement of competition law”**, Barlow Lyde Gilbert, London, 28 June

2007

“**Corporate liability for infringements of competition law**”, Reed Smith Richards Butler, London, 13 June 2007

“**Litigating competition law**”, basic introductory talks, practical talks and lectures addressing recent case-law in various law firms in Bristol, May 2007

“**Competition law and Article 234 EC references**”, Brick Court Chambers Conference on Private enforcement of competition law, London, November 2006

“**An introduction to litigating EC law**”, an in-house talk focusing on recent **pharmaceutical cases** at the ECJ, Arnold & Porter, London, June 2006

“**Lessons from Luxembourg: recent developments in practice and procedure at the ECJ**” Brick Court Chambers, London, 4<sup>th</sup> April 2006

“**Article 234 EC references**”, ERA, Trier, June 2005

“**Sex discrimination law at the ECJ**”, ERA, Trier, January 2005

“**Information and consultation of workers: recent developments at the ECJ**” (works councils and transfers of undertakings), ERA in Copenhagen, November 2004

“**An overview of the EC law of trade marks**”, ECJ, Luxembourg, October 2004

“**Practice and Procedure before the ECJ**”, ERA, Trier, September 2004

“**Employment law at the ECJ**”, ERA, Trier, September 2004

“**EC law and general principles – a guide for judges and practitioners**”, TAIEX-EC Commission seminars, Bucharest, May 2004

“**Recent developments in ECJ discrimination case-law**”, ERA in Oslo, Norwegian Labour Lawyers Group, May 2004

“**Litigation at the ECJ: direct actions and procedural tips for practitioners**”, ERA, Trier, September 2002 and 2003

“**Using EC Law in practice – interpreting legislation**”, Bar European Group Continuing Practitioner Seminars, Inns of Court School of Law, London, February 2002

“**Litigating competition law post *Courage v Crehan***”, British Institute of International and Comparative Law, London, February 2002

“**Challenging a tribunal on grounds of bias**”, Blundell Lecture, London, June 2001

“**Judicial review and the Northern Ireland Act 1998**”, Institute of Professional Legal Studies, Belfast, April 2001

“**Litigating the Human Rights Act 1998**”, Practitioner Seminars at Allen & Overy, London, September 2000

“**An Introduction to the Human Rights Act 1998**”, Practitioners’ Group at Roiter Zucker, 4 July 2000

“**Contentious Competition Law: The Competition Act 1998**”, Brick Court Chambers Practitioner Seminar, London, 16th May 2000 and 24th May 2000

“**Enforcing Competition law in Member States: The UK Reaction to the Commission’s White Paper**”, EC

Section of the UIA Annual Conference, The Hague, 12th May 2000

### **“Human Rights in Northern Ireland: Incorporating the European**

**Convention on Human Rights through the Northern Ireland Act 1998”**, Institute of Professional Legal Studies, Belfast, 4th April 2000

**“E.U. Law and the Human Rights Act 1998”**, Bar European Group Continuing Practitioner Seminars, Inns of Court School of Law, London, 11th April 2000 and 30th March 2001

**“The Northern Ireland Act 1998 and the European Convention on Human Rights”**, Institute of Professional Legal Studies, Belfast, 11th March 1999

## **Publications**

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Publications include:

- *EU Competition Law: Procedure and Remedies* (Richmond, 2006)
- *Free Movement Rules and Sport* (in *Sport: Law and Practice* (Butterworths, 2008))
- *Litigating in Luxembourg: the role of the advocate* (in *Change and Continuity in EU Law* (Oxford, 2008))

## **Directory Quotes**

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- "She is very thorough and comes up with imaginative ideas." (Chambers & Partners UK & Global 2019, Competition Law)
- "Provides very helpful guidance and is always accurate in her advice." (Chambers & Partners 2019, Public Procurement)
- "She has excellent drafting skills and is practical and commercial." (Legal 500 2018-19, Administrative & Public Law)
- "A compelling advocate, with a calm and highly credible style." (Legal 500 2018-19, Competition, Public Procurement)
- "Hugely intelligent and can be relied upon to come up with the winning points that others will miss." (Legal 500 2018-19, EU Law)
- "She knows the law inside-out and makes it accessible to clients by explaining the position very well." (Chambers & Partners 2018, Public Procurement)
- "Makes herself available at short notice and delivers very quick turnaround times." (Legal 500 2017, Administrative & Public Law)
- "An absolute superstar." (Legal 500 2017, Competition)
- "She comes up with decisive arguments that elude others." (Legal 500 2017, EU Law)
- "Renowned for her multi-jurisdictional expertise." (Legal 500 2017, Public Procurement)
- "She is a very senior junior. You could compare her to a silk in terms of her ability and depth of experience." (Chambers & Partners 2017, Public Procurement)
- "Very bright and willing to work as a team." (Legal 500 2016, Administrative & Public Law)
- "Thorough, professional and determined to win." (Legal 500 2016, EU & Competition)
- "She is good academically and has strong international experience." (Legal 500 2016, Public Procurement)
- "She is very responsive and delivers succinct advice." (Chambers & Partners 2016, Public Procurement)
- "She has an instinctive grasp of her practice area combined with a user-friendly, personable style." (Legal 500 2015, Administrative & Public Law)
- "A popular choice for EU cases before the national courts of the UK and Ireland." (Legal 500 2015, EU & Competition)
- "Particularly strong on healthcare issues." (Legal 500 2015, Public Procurement)
- "Very good, succinct advice delivered within a short timeframe." (Chambers & Partners 2015, Public Procurement)

- "Very user friendly and collaborative." (The Legal 500 2014, Administrative & Public Law)
- "Really gets to grip with the details of complex cases." (The Legal 500 2014, Public Procurement)
- "Margaret Gray of Brick Court Chambers, who is noted for her expertise in the energy and environmental sectors, and has appeared in more than 30 cases before the Luxembourg courts." (The Legal 500 2013, Public Procurement)
- Recommended as a leading junior in Administrative & Public Law in the Legal 500 2011 – 2013, in EU and Competition Law the Legal 500 2012 – 2013, and Public Procurement, in The Legal 500 2013.
- 'Dedicated, committed and hardworking' (The Legal 500 2011, EU and Competition Law)

## Languages

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French (fluent)