

Aaron Khan

YEAR OF CALL: 2016

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Practice Overview

Aaron joined Chambers in September 2017 following successful completion of his pupillage. He has a broad practice encompassing all areas of Chambers' specialisms, including EU/competition law, public law and commercial law. He is frequently instructed in, and enjoys working on matters involving more than one field.

Recent significant instructions include:

- *Speciality Produce Limited and Others v DEFRA* – a substantial *Francovich* damages claim, listed for a trial of causation and quantum issues in early 2019 (led by Aidan Robertson QC and Sarah Abram).
- Advising Ofwat (unled) on its high-profile investigation into Thames Water's leakage performance. The investigation concluded that Thames Water breached s.37 Water Industry Act 1998 and a condition of its instrument of appointment, and it agreed to return £65 million to customers as part of a total package of payments and penalties worth £120 million (news coverage [here](#) and press release [here](#)).
- Acting (unled) for a major trade association in an ongoing complaint to the Competition and Markets Authority.
- Advising (unled) a central government department on issues relating to Brexit.

Aaron has significant advocacy experience, having appeared unled in the First Tier Tribunal, the County Court and contested hearings in the High Court. He also undertakes pro bono work within his areas of expertise. In particular, he has experience in cases concerning the immigration status of EEA nationals, and the interaction between EU law and welfare benefits law.

Prior to joining Chambers, Aaron held various academic roles at the University of Bristol, Cardiff University and New College of the Humanities, where he taught EU law and competition law. During this time, he also published in journals such as the *European Law Review* and presented his research at conferences in Luxembourg and Madrid.

Aaron graduated from the University of Bristol in 2010 with first class honours, winning the Frank Pitt Prize for achieving the highest final year marks. He also has an LLM in European Union Law from the College of Europe (Bruges), where he was awarded the *lauréat* award of the Department of Law for achieving the highest overall

mark.

EU/Competition

Aaron has extensive experience in the fields of EU and competition law. His strong background in EU law means he is well-placed to advise on the uncertain issues raised by Brexit. He has experience of advising (unled) a central government department in this area, and has acted pro-bono for clients in cases involving issues of EEA immigration law and the intersection between EU law and welfare benefits law.

In the field of competition law, Aaron acts for and advises a range of diverse clients across the whole spectrum of competition law issues, including both follow-on and stand-alone damages actions, as well as regulatory investigations before the CMA and the European Commission.

Recent significant instructions include:

- *Speciality Produce Limited and Others v DEFRA* – Aaron acts for the Claimants (led by Aidan Robertson QC and Sarah Abram) in this substantial *Francovich* damages claim, which has been listed for a trial of causation and quantum issues in early 2019.
- Acting (unled) for a major trade association in an ongoing complaint before the Competition and Markets Authority.
- Advising (unled) a group of franchisees on a potential stand-alone damages claim.
- *Red & White Services Limited v Phil Anslow Limited* – Aaron acted for the Defendant in this case (with Jennifer MacLeod), which involved a Defence and Counterclaim to a trespass action alleging infringements of the Chapter I and Chapter II prohibition.

During pupillage, Aaron worked on a wide range of EU and competition law matters including:

- *GlaxoSmithKline & Others v Competition and Markets Authority* – an appeal against the CMA’s first ever so-called “pay for delay” decision in respect of settlements of patent litigation (assisting James Flynn QC, David Scannell and Charlotte Thomas).
- *Iiyama Benelux BV & Others v Schott AG & others* – an appeal against a decision striking out a cartel damages claim on the grounds that the claim fell outside of the territorial scope of EU competition law (assisting Marie Demetriou QC).
- *Micula & Others v Romania* [2017] EWHC 31 and [2017] EWHC 1430 – proceedings in the Commercial Court seeking enforcement of an ICSID arbitral award said by the European Commission to entail State aid (assisting Marie Demetriou QC and Hugo Leith).
- Follow-on damages claims relating to the power cables, LCD and CRT cartels (assisting Marie Demetriou QC and David Scannell)
- A cartel damages claim in respect of power cables (assisting Marie Demetriou QC).
- Advising the liquidator of an electronics company on a cartel damages claim (assisting David Scannell).
- An ongoing investigation by the CMA into a major sports equipment manufacturer (assisting Marie Demetriou QC).
- *WR Grace v European Chemicals Agency* – an appeal before the ECHA Board of Appeal against the European Chemicals Agency’s Decision to require extensive further testing of a substance under the REACH Regulation (assisting David Scannell and Andrew McIntyre).

Prior to joining Chambers, Aaron held various academic roles at the University of Bristol, Cardiff University and New College of the Humanities where he taught and published in the areas of EU and competition law. His work has been published in internationally-renowned journals such as the *European Law Review*, *World Competition Law & Economics Review* and *European Business Law Review*. He has also presented his research on aspects of competition law at conferences in Luxembourg and Madrid. Aaron continues to teach and publish in the fields of EU and competition law – he is a member of the Editorial Board of *World Competition Law and Economics Review*, and writes the competition law section of Furmston’s *The Law of Contract* (6th Ed., 2018).

Public Law

Aaron has a range of experience in public law, encompassing diverse areas such as utilities regulation and economic sanctions. He has a particular interest in the intersection between public law and EU law. Recent significant instructions include:

- Advising Ofwat (unled) on its high-profile investigation into Thames Water's leakage performance. The investigation concluded that Thames Water breached s.37 Water Industry Act 1998 and a condition of its appointment, and it agreed to return £65 million to customers as part of a total package of payments and penalties worth £120 million (news coverage [here](#) and press release [here](#)).
- Providing ongoing advice (unled) to a central government department on issues relating to Brexit.

Aaron worked on various public law matters during pupillage, a number of which involved claims based on EU law and/or the ECHR. Significant cases include:

- *British American Tobacco & Others v Secretary of State for Health* [2016] EWCA Civ 1182 – a judicial review of the UK's plain packaging regulations (assisting Nigel Fleming QC and David Scannell as a pupil).
- *Teva BV v MHRA & Biogen* – a judicial review of the MHRA's refusal to grant Teva's application for a marketing authorisation in respect of a drug indicated for the treatment of multiple sclerosis (assisting Marie Demetriou QC and Emily MacKenzie as a pupil).
- *Gureckis v Secretary of State for Home Department* – a challenge to the UK government's policy on the rights of residence of EEA nationals alleged to be "rough sleeping" for incompatibility with EU law (assisting Marie Demetriou QC as a pupil).
- *A and B & Others v Criminal Injuries Compensation Scheme & Lord Chancellor* – judicial review proceedings concerning certain provisions of the Criminal Injuries Compensation Scheme which prevent individuals with unspent criminal convictions from accessing compensation (assisting Martin Chamberlain QC as a pupil).

Commercial

Aaron has experience acting for a range of clients in a number of contractual and tortious disputes, and has particular expertise in advising on the impact of competition law on contractual disputes. He has appeared unled in both the County Court and the High Court. Recent significant instructions include:

- Advising an aircraft engineering and maintenance company on enforcing a substantial debt in respect of works undertaken on an aircraft owned and operated by an overseas airline (led by Alec Haydon).
- Acting (unled) for a major utilities supplier in a number of lengthy contested winding-up petitions.

Aaron also has experience in international commercial arbitration, and currently acts as Tribunal Secretary in a substantial UNCITRAL arbitration.

During pupillage, Aaron assisted on a number of commercial law matters, including the following cases:

- *Rosserlane Consultants Limited & Another v Credit Suisse International* [2017] EWCA Civ 91 – a c.\$80 million claim for professional negligence alleging that a bank owed a duty of care to the borrower in exercising its right to force the sale of an oilfield in Azerbaijan belonging to the borrower to realise funds to repay a loan (assisting Helen Davies QC and Alec Haydon).

- *Axle Holdings Pte Limited & Others v Dewarson Limited & Others* – a c.€10 million claim relating to the sale of a business, involving allegations of breach of fiduciary duty. This case involved concurrent proceedings before the Chancery Division and the Commercial Court, including an application under Part 86 CPR (assisting Alec Haydon).

Aaron also assisted in a number of interlocutory applications during pupillage including resisting an application for pre-action disclosure (involving issues of whether such an application could be served out of the jurisdiction), applying for relief from sanctions and fortification of a cross-undertaking in damages.

Publications

Publications:

Co-author (with Michael Furmston) of Chapter 8: Illegality and Public Policy, in Furmston's *The Law of Contract* (6th Ed., 2018)

'Director disqualification as a sanction for cartel conduct', in *The Fight Against Cartels in Europe* (Larcier-Bruylant, 2016).

'Corporate Mobility, Market Access and the Internal Market' (2015) 40(3) *European Law Review* 371.

'Rethinking sanctions for breaching EU Competition Law: is director disqualification the answer?' (2013) 35(1) *World Competition* 77.

'Corporate mobility under Article 49 TFEU: a question of means, not ends' (2011) 22(6) *European Business Law Review* 847.

Conference papers:

'Sanctioning hard core cartel infringements in EU Competition Law: towards a more compliance-driven approach' at: *The fight against hard core cartels: Trends, Challenges and Best International Practices*, CEU University, Madrid, 27-28 November 2014.

'Alternatives to criminalisation' at: *Per Se Cartel Offences – Legitimacy and Utility of Criminal Sanctions*, University of Luxembourg – Faculty of Law, Economics and Finance, 23-24 March 2012.

Education & Qualifications

Professional Experience:

2017-Present: Tenant, Brick Court Chambers

2016-2017: Pupillage, Brick Court Chambers

2016: Called to the Bar of England and Wales

2015-2016: Visiting Lecturer in EU law, New College of the Humanities

2015-present: Member of the Editorial Board, *World Competition Law & Economics Review*

2013-2015: Lecturer in Law, Cardiff University

2011-2013: Teaching Associate in Law, University of Bristol

Education:

2015-2016: Bar Professional Training Course, University of Law (Outstanding, 1st in Year)

2010-2011: LLM, College of Europe (Bruges) (Distinction, 1st in Year)

2006-2010: LLB, University of Bristol (First Class, Frank Pitt Prize for achieving the highest final year marks)

Scholarships and prizes

Pupillage:

Bar European Group Phoenicia Scholar (2017)

Major Scholarship, The Honourable Society of the Inner Temple (2016)

University of Law:

5 St Andrew's Hill Prize for BPTC Student of the Year (achieved the highest overall mark on the BPTC)

4 Stone Buildings Prize for Civil Litigation, Evidence and Remedies

4 King's Bench Walk Prize for Advocacy (achieved the highest overall mark across all three advocacy assessments)

University of Law Prize for Opinion Writing

University of Law Prize for International Commercial Litigation

College of Europe (Bruges):

Lauréat award of the Department of Law for achieving the highest overall mark on the LLM programme

2011 Global Competition Law Centre Prize for Competition Law & Policy

University of Bristol

Frank Pitt Prize (for achieving the highest final year marks)