

## Sarah Lee QC

YEAR OF CALL: 1990 YEAR OF SILK: 2016

*"She has a fantastic legal brain, and is an excellent advocate as well."*

Chambers & Partners 2016

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## Practice Overview

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Sarah Lee QC practises in the fields of EU Law, Public Law and Competition/Regulatory Law.

Her practice includes both advocacy and advisory work and she is experienced in conducting cases and appearing in a variety of courts and tribunals including the High Court, the Court of Appeal, the Competition Appeal Tribunal, the Competition Commission, the Court of First Instances and the European Court of Justice. She has been on the Government's Treasury A Panel since 2007 and was a B Panel member prior to that. Her clients include public and private companies and government bodies.

Sarah Lee is currently instructed by BT in relation to challenges to Ofcom's regulatory decisions which are continuing before the Competition Appeal Tribunal and the Competition Commission. She has also recently been involved in judicial review proceedings on diverse topics such as oil stocking regulations, pharmaceutical products marketing authorisations, air passenger duty, in proceedings before the Court of First Instance relating to Article 81 EC and in number of EU cases before the European Court of Justice.

## EU law

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Sarah Lee has extensive experience in cases with an EU element, both before domestic and European Courts. Subject matters include pharmaceutical regulation, measures taken against terrorist organisations, freedom of movement/services and internal market, structural funds and aspects of procedural law.

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to that. Her clients include public and private companies and government bodies.

## Important Cases

- C-455/06 *Danske Slagtiere* (limitation)
- C-158/07 *Forster* (study grant, free movement)
- C-491/07 *Turansky* (pending, criminal prosecution, ne bis in idem)
- C-438/05 *Viking* (internal market)
- C-372/04 *Watts* (healthcare, freedom to provide services)
- C-466/04 *Herrera* (healthcare, freedom to provide services)
- C-46/03 *MST II* (structural funds, decommitment of grant)
- C-175/06 *Tedesco* (judicial assistance)
- C-143/06 *Ludwigs-Apotheke* (free movement)
- C-414/06 *Lidl and Stahlwerks Ergste* (taxation)
- T-246/08, T-332/08, T-390/08 *Bank Melli* (pending, interim relief, freezing of funds)
- T-256/07 *OMPI III* (measures to combat terrorism)
- T-229/02 *PKK* (measures to combat terrorism) *Mabanaft v Secretary of State for Trade and Industry* (Oil stocking, EC Directive)
- *Federation of Tour Operators v HM Treasury* (taxation, freedom to provide services, Article 1 Protocol 1)
- *Watts v Secretary of State for Health* (healthcare, freedom to provide services)
- *Merck Sharpe Dohme* (pharmaceutical regulation)
- *R -v- Secretary of State for Health, ex parte Generics (UK) Ltd* (pharmaceuticals, interim relief)
- *Junttan Oy v Bristol Magistrates Court* (health and safety, EC Directive)

## Competition

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Sarah Lee is currently instructed by BT in relation to challenges to Ofcom's regulatory decisions which are continuing before the Competition Appeal Tribunal and the Competition Commission. She has also acted in and advised on a number of competition law cases, including challenges to Commission decisions before the CFI, damages actions for breaches of competition law brought in the High Court, and challenges in the Competition Appeal Tribunal to Competition Act 1998 decisions by Ofcom.

## Important Cases

- *World Wildlife Fund for Nature v World Wrestling Federation Entertainment* (breach of settlement agreement, restitution)
- *Texaco v Heerema, McDermott* (cartel case, damages claim)
- *Secretary of State for Health v Norton Healthcare* (cartel case) *BT v Ofcom* and *H3G v Ofcom* (mobile call termination appeals, significant market power)
- *Betws v DSK* (state aid damages claim)

- *Westleigh Motors (motor vehicle distribution)*
- *Arkin v Borchard Lines (liner conferences, Articles 81 and 82)*
- *BT v Ofcom and H3G v Ofcom (mobile call termination appeals, significant market power)*
- *BT v Ofcom (carrier pre-selection and wholesale line rental appeals)*
- *Freeserve/Wanadoo v Ofcom (broadband pricing, Article 82)*
- *T-66/01 ICI Soda Ash II (pending, Article 82)*
- ICC arbitrations - involved in a number of confidential commercial arbitrations raising competition law and telecommunications law issues.
- *OFT schools investigation*

## Public Law

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Sarah Lee has particular experience in relation to judicial reviews with an EU element. She has recently appeared in R (ota) *Mabanaft v BERR*, which involved a challenge in the High Court to BERR's oil stocking regulations, and in the High Court and Court of Appeal in R (ota) *Federation of Tour Operators v HM Treasury*, which involved a challenge to an increase to air passenger duty introduced in the 2007 budget.

Her practice also includes advising on and appearing in challenges to pharmaceutical products licensing decisions, as in R v Secretary of State for Health *ex parte Generics UK Ltd*, and judicial reviews involving points of EU law, as in R (ota) *Yvonne Watts v Secretary of State for Health*.

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### Important cases

- *Mabanaft v Secretary of State for Trade and Industry (Oil stocking, EC Directive)*
- *Federation of Tour Operators v HM Treasury (taxation, freedom to provide services, Article 1 Protocol 1)*
- *Watts v Secretary of State for Health (healthcare, freedom to provide services)*
- *Merck Sharpe Dohme (pharmaceutical regulation)*
- *R -v- Secretary of State for Health, ex parte Generics (UK) Ltd (pharmaceuticals, interim relief)*
- *Junttan Oy v Bristol Magistrates Court (health and safety, EC Directive)*
- *BT v Ofcom and H3G v Ofcom (mobile call termination appeals, significant market power)*
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## Qualifications

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## Degree

First Class Honours in Jurisprudence Finals, BCL, Oxford

## Languages

French and German

## Directory Quotes

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- Sarah Lee QC is well recognised for her excellent work representing telecoms clients in high-value competition disputes. (Who's Who Legal - UK Bar: Telecoms 2020)
- Sarah Lee QC is a telecoms specialist whose first-rate practice focuses on the intersection of EU, competition and public law as well as telecoms-related regulatory matters. (Who's Who Legal - UK Bar: Telecoms 2019)
- The "brilliant" Sarah Lee QC receives high praise as one of the foremost junior silks in the telecoms space. She is regularly instructed for her expert advice and her advocacy in court, with recent clients including such high-profile names as BT. (Who's Who Legal - UK Bar: Telecoms 2018)
- "Genuinely very likeable and has excellent judgement. She's very popular with clients and incredibly busy." (Chambers & Partners 2018)
- "Clients love her commercial approach." (Legal 500 2017)
- "Highly recommended." (Legal 500 2017)
- "An excellent strategist." (Legal 500 2017)
- "The "excellent" Sarah Lee QC regularly acts for BT in its disputes with the regulator before the CMA and the CAT." (Who's Who Legal - UK Bar: Telecoms 2017)
- "She's very passionate, very involved in cases and understands the commercial aspects incredibly well. She grasps our objectives and is able to come up with the key arguments." "Phenomenally hard-working and phenomenally bright." (Chambers & Partners 2017)
- "User-friendly, pleasant to deal with and someone who understands the commercial imperative behind a case." (Chambers & Partners, 2017)
- "Excellent; she understands the commercial imperatives behind a case." (Legal 500, 2016)
- "Recommended for regulatory litigation." (Legal 500, 2016)
- "Very knowledgeable, very calm and a good team player. She is also hard-working and articulate." (Chambers & Partners, 2016)
- "She has a fantastic legal brain, and is an excellent advocate as well." (Chambers & Partners, 2016)
- "She's a team player, who is down-to-earth, easy-going and hard-working." (Chambers & Partners, 2016)
- "Wonderfully talented - she has an incredibly good legal mind and picks up on the nuances of a case much faster than other people. She has an aura about her that is incredibly impressive and she is just a delight to work with." (Chambers & Partners, 2016)
- "Incredibly hard-working and conscientious." (Chambers & Partners, 2015)

- "A phenomenal advocate - she has a fine legal brain and is good on her feet." (Chambers & Partners, 2015)
- "She provides high-quality advice, which is practical, tactical and strategic." (Legal 500, 2015)

## Publications

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Chapter on Commercial Agents in *Practitioners' Handbook of EC Law* (Trenton Publishing, 1998)

Chapter on Article 86 EC for *Vaughan and Robertson's Encyclopedia of EU Law* (Loose leaf, Richmond Law and Tax, published c. 2006)