

Andrew Maxwell

Partner & Head of Competition



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Andrew leads the Competition team at Freeths LLP. He has extensive expertise on EU and UK competition/antitrust law and all related practice areas.

Andrew regularly advises on complex investigations into mergers (including on merger arbitrage), markets, cartels (including on Dawn Raids and leniency applications) and abuse of dominance. He has represented clients in antitrust proceedings before the European Commission, the UK competition regulators and the courts. In addition to wide-ranging experience advising on behavioural and transactional antitrust and regulatory issues (and on competition litigation), Andrew has also acted for a large number of private and public sector clients on complex issues of EU regulation, including on state aid, procurement (and procurement litigation), free movement and trade.

Andrew has a wealth of experience advising and training clients across the Beauty and Personal Care sector on behavioural competition law issues and compliance, as well as successfully helping clients whose businesses have come to the attention of the competition authorities.

Prior to joining Freeths, Andrew worked for Competition and Antitrust teams at a number of top 50 UK law firms, namely SJ Berwin, Wragge & Co and Lawrence Graham (now Gowling WLG), Stephenson Harwood, Travers Smith and RPC. He has also undertaken secondments in-house as Legal Counsel at a major FTSE 100 financial services client and as Legal Director at the UK competition regulator, the CMA (Competition and Markets Authority), where Andrew led the Legal teams advising three CMA Panels.

Having worked for EU Competition teams in Brussels (twice) and Madrid, and having lived in a number of countries, including Belgium, Germany, Hungary, Italy and Spain, Andrew speaks six languages and has a

network of international law firm contacts he draws on for multi-jurisdictional investigations and analyses. He has a Masters' Degree in European, Comparative and International law from the European University Institute, Florence, Italy and is widely published on a range of competition and antitrust issues.

Andrew also regularly presents at seminars and delivers client training, including on competition compliance and Dawn Raids, to Boards of Directors, Senior Management and In-House Legal teams.

Legal Services

Competition Law

Andrew regularly advises on complex issues of EU and UK competition law, including on large scale antitrust litigation. He has considerable experience of advising both dominant and non-dominant clients on antitrust risk in relation to their conduct, agreements, arrangements and practices.

Selected Cases

- Representing a client on a CMA cartel investigation in the construction sector and two clients on separate CMA cartel investigations in the music industry.
- Currently retained by several clients to provide rapid first line support in the event of a Dawn Raid, drawing on dedicated on-call Dawn Raid Response Teams from our 11 offices across the country.
- Advising a myriad of major companies on competition compliance, including on cartel investigations, and in relation to joint ventures and commercial arrangements with competitors, customers, licensees and suppliers.
- Advising a vertically integrated, global business on a leniency application, and on the application of EU and UK competition law to its dealings with competitors and retailers.
- Advising a food sector client on an abuse of dominance claim under EU/UK competition law and a procurement challenge, involving complex cross-border competition and procurement issues.
- Advising a number of clients on bringing competition damages claims against the major truck manufacturers following the European Commission's EU truck cartel infringement decision.

Merger Control

Andrew acts on all aspects of worldwide merger control. This includes multi-jurisdictional filing analyses, worldwide merger filings, EU and UK merger inquiries and merger arbitration.

Selected Cases

- Successfully securing UK, EU and worldwide merger clearances in M&A (Mergers & Acquisitions) transactions across a wide variety of sectors, analysing multi-jurisdictional merger control filing requirements and advising on complex Phase 2 merger inquiries.

- Representing a third party throughout the CMA's investigations into the proposed Sainsbury's/Asda merger.
- Advising a third party on the CMA's merger investigations into Hasbro Inc/Entertainment One Ltd (Peppa Pig) and Amazon/Deliveroo.
- Providing UK merger arbitrage advice to a recognised hedge fund on a CMA merger inquiry involving a large grocery retailer.

Regulatory & Trade Remedies Law

Andrew advises on all aspects of regulatory, trade and EU law. This includes advising on regulated sectors (including financial services, water and other utilities), trade defence (including anti-dumping and anti-subsidy measures), the EU single market and customs union, free movement and Brexit.

Selected Cases

- Acting on CMA price appeal in regulated sector.
- Advising US client on launching its technology platform in the UK, including advising on UK and EU regulatory requirements.

Subsidy Control

Andrew advises both private and public sector clients on the EU state aid rules. This includes advising on state aid block exemptions, frameworks and guidelines, in addition to notifications and complaints. Andrew's work covers Regional Growth Fund applications.

Selected Cases

- Advising a renowned global hotel brand on state aid issues ensuing from a proposed development requiring contribution by a public authority.
- Advising a UK Government Department on the application of the state aid rules to UK Government support to the nuclear industry.
- Advising a City Council and a Local Authority on the state aid implications respectively of an escrow account arrangement on a land redevelopment scheme and of an energy investment.
- Producing a state aid legal opinion on the regional aid provisions of the General Block Exemption Regulation and the Regional Aid Guidelines for a private sector client's successful grant application.

Competition Law, Cartels and Investigations

Andrew acts for clients throughout both antitrust and market investigations conducted by competition regulators in the EU and the UK. This includes advising on Dawn Raids, leniency applications and cartel

investigations, as well as on market studies and market investigations.

Selected Cases

- Representing a client on a CMA cartel investigation in the construction sector and two clients on separate CMA cartel investigations in the music industry.
- Advising a myriad of major companies on competition compliance, including on cartel investigations, and in relation to joint ventures and commercial arrangements with competitors, customers, licensees and suppliers.
- Advising a vertically integrated, global business on a leniency application, and on the application of EU and UK competition law to its dealings with competitors and retailers.
- Representing clients throughout CMA investigations, including Royal and Sun Alliance Insurance plc in the Private Motor Insurance market investigation and market study and a large funeral services provider in its engagement with the CMA's market study and market investigation into funerals.

Procurement Law & Litigation

Andrew has advised a large number of private and public sector clients on complex issues involving public procurement. This includes representing clients in procurement litigation before the courts.

Selected Cases

- Acting for Carillion/Amey joint venture on procurement challenges by three Interserve consortia to £4 billion Government tenders, including successfully navigating three High Court hearings.
- Advising a food sector client on a procurement challenge and an abuse of dominance claim under EU/UK competition law, involving complex cross-border procurement and competition issues.

Sectors

Automotive

Selected Cases

- Acting for the leading European automotive logistics provider on the merger control aspects of its acquisition of a competitor, including successful engagement with the CMA.
- Advising several automotive sector clients on the application of the Motor Vehicles Block Exemption and the Vertical Agreements Block Exemption Regulations and on the new UK verticals regime.