



Competition Law Association

British Group of the
Ligue Internationale du Droit de la Concurrence
(International League for Competition Law)

www.competitionlawassociation.org.uk
www.ligue.org

5 February 2024

Dear Member

Evening Meeting: Thursday 22 February 2024 at 6:00 pm

The CLA will be holding an evening meeting on **Thursday 22 February** at Bristows LLP, 100 Victoria Embankment, London EC4A 0DH. Registration will open at 6:00pm and the talk will begin promptly at 6.15pm.

Robert O'Donoghue KC and **Hugo Leith** have kindly agreed to speak on the following:

CMA Pharma Investigations on Appeal - learnings from recent CAT judgments in Hydrocortisone and Liothyronine

The past year has seen the hearing of a number of appeals of CMA decisions in relation to the pricing of generic pharmaceutical products, with the CAT rendering judgments largely upholding the CMA's findings, resulting in the confirmation of £214m of fines so far.

The CLA is delighted that Hugo Leith and Robert O'Donoghue KC (both of Brick Court Chambers), who acted respectively for the CMA and a number of appellants in recent appeals of CMA infringement findings, have agreed to speak at this event. Hugo and Robert will guide us through the particular features of the cases, from the nature of the markets in question (which have concerned legacy pharmaceuticals) to the legal standard for excessive pricing abuses and whether the regulatory pricing framework affects that standard.

This event will address the key points of substance arising from the judgments, such as market definition (including the novel approach taken in Hydrocortisone); the burden and standard of proof in 'pay for delay' type agreements and the relevance of non-price regulation in pharma to the assessment of anticompetitive conduct. The speakers will also provide some insight on notable points of procedure, including the role of expert witnesses and other procedural innovations (ambulatory drafts, teach ins, hot tubs, etc).

CHAIR:	Euan Burrows	Ashurst LLP: Tel: 020 7859 2919; Email: euan.burrows@ashurst.com
VICE-CHAIR (IP):	Christopher Stothers	Freshfields Bruckhaus Deringer LLP: Tel: 020 7832 7034; Email: christopher.stothers@freshfields.com
VICE-CHAIR (COMPETITION)	Sophie Lawrance	Bristows LLP: Tel: 020 7400 8399; Email: sophie.lawrance@bristows.com
NATIONAL REPORTER GENERAL:	Nicholas Gibson	Matrix Chambers: Tel: 020 7404 3447; Email: nicholasgibson@matrixlaw.co.uk
TREASURER:	Jeremy Robinson	Harcus Parker Limited: Tel: 020 3995 3900; Email: JRobinson@harcusparker.co.uk
SECRETARY:	Sharon Horwitz	CMA: Tel: 020 3738 6820; Email: sharon.horwitz@cma.gov.uk
PUBLICITY SECRETARY:	Jason Logendra	The Walt Disney Company: Telephone: 020 8222 1135; Email: jason.logendra@disney.com
ADMINISTRATOR:	Suzanne Snook	Tel: 01245 672 083; Email: admin@competitionlawassociation.org.uk
OTHER COMMITTEE MEMBERS:	Kim Dietzel, Carissa Kendall-Windless, Bruce Kilpatrick, Celia Lloyd Davidson, Nathalie Lobel-Lastmann, Christopher Morcom KC, Giles Parsons, Collette Rawnsley, Ben Rayment, Tess Waldron	



Competition Law Association

British Group of the
Ligue Internationale du Droit de la Concurrence
(International League for Competition Law)

www.competitionlawassociation.org.uk
www.ligue.org

Robert O'Donoghue KC is a barrister at Brick Court Chambers. Robert acts across the full spectrum of competition law matters, including appeals against decisions of competition authorities, business-to-business private actions, follow-on damages actions, and claims for interim injunctions. His practice comprises domestic cases, cases before the EU Commission and EU Courts, and proceedings before competition authorities at a national level both within and outside the EU. Robert has acted in many of the leading cases involving pharmaceutical companies, representing appellants in *Hydrocortisone*, *Liothyronine*, *Paroxetine* and *Phenytoin*.

He is the co-author of leading textbook, *The Law and Economics of Article 102 TFEU* (now in its third edition).

Hugo Leith is also a barrister at Brick Court Chambers. Hugo is regularly instructed to advise and act on competition matters, contentious, regulatory and non-contentious. Hugo acted for the Competition and Markets Authority in the *Liothyronine* and *Phenytoin* cases relating to excessive pricing in the pharmaceutical sector.

To register for this event, please visit the '**New Events**' section of the CLA website.

The session will be followed by drinks and canapés. There is no additional charge for members. There will be a registration fee for non-members: £50 (full rate); £35 (full time academic/public sector employees); £10 (students, trainees, pupil barristers).

Online registration will close midday on Wednesday 21 February.

With kind regards

Sharon Horwitz
Secretary