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Professor Suzanne Rab

Year of Call: 2013 (Solicitor 1999)

“A first-class barrister with an encyclopaedic knowledge of her subject.” (The Legal 500)

“She has a first-rate intellect and is a tenacious advocate. She has very sound judgement, combined with a commercial approach.” (The Legal 500)

“She has the expertise and commercial nous to be able to get under the legal issues and identify the client's underlying commercial or regulatory concerns, and address them through her advice.” (Chambers & Partners)

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Practice Overview

Suzanne obtained higher rights of audience whilst in private practice as a solicitor for 15 years prior to joining the bar in 2013. She has held positions at magic circle and leading international antitrust practices and as an antitrust partner with a leading US firm in London. She has also held the role of director at PricewaterhouseCoopers working within its strategy, economics and forensics teams.

Suzanne has wide experience of competition law, EU law and regulatory matters combining cartel regulation, commercial practices, IP exploitation, merger control, public procurement and State aid/subsidy control.

Suzanne's practice has a particular focus on the interface between competition law and economic regulation. She advises governments, regulators and businesses across the regulated sectors including in the communications, energy, financial services, healthcare/ pharmaceuticals, TMT and water sectors.

Suzanne has significant experience of advising on the development, implementation and application of new competition laws and regulatory regimes in line with international best practices, including in emerging markets. She is a member of the UK Regulators Network (UKRN) Expert Advisory Panel and a panel member of the UK Office for the Internal Market.

Prior to joining the bar, she has held positions at magic circle and leading international antitrust practices. Most recently she was an antitrust partner with a leading US practice. She has also held the role of director at PricewaterhouseCoopers working within its strategy, economics and forensics teams.

Suzanne speaks French and has worked in a bilingual office while practising as a solicitor.

Suzanne Rab was recognised by The Lawyer as one of the "Hot 100" lawyers for 2022, most notably for her work for public bodies including in relation to net zero, competition law and subsidy control.

Areas of Expertise

Competition Law and State Subsidies

Cartels

Advising on major cartel investigations, appeals and follow-on actions, including advising:

- Individual claimants and an industry association in a follow-on action arising from the European Commission's trucks cartel infringement decision.
- Air Canada on the European Commission's investigation under Article 101 TFEU in relation to air freight and appeal to the General Court.
- Dunlop Oil & Marine in relation to antitrust and criminal investigations into cartel activity in marine hoses in the UK, EU, US, Brazil, Japan and Korea.

Merger Control

Advising on multi-jurisdictional merger control investigations, notably advising:

- ICI on its acquisition by Akzo Nobel and the related onsale of its adhesives and electronic materials business to Henkel;
- Hewlett-Packard on numerous international merger control filings and strategy, including on its acquisition of

EDS and Mercury Interactive;
- BHP on the international merger control implications of its dual-listed merger with Billiton.

Energy and natural resources

Depth of experience advising on antitrust matters in the energy and natural resources sector. She also advises on competition matters in specific energy product, infrastructure and services markets, including oil and fuel products. This includes representations advising:

- Noble Energy on the EU competition law, merger control and regulatory aspects of its investment in the natural gas and LNG sector in Cyprus including advising on State aid, public procurement and implementation of the Third Gas Directive;
- the European Commission and conducting market analysis to inform the identification of criteria to evaluate projects of regional European interest - those projects which would benefit from special funding as being deemed of regional/ common European interest;
- Gazprom on the EU regulatory and antitrust aspects of its participation in the South Stream pipeline including in relation to the unbundling and third party access requirements of the Third Energy Directive;
- an Italian gas supplier, on EU competition law claims in an arbitration involving a State-owned energy company;
- Shell on the merger control aspects of the disposal of its elastomers and resins business, including coordination of merger control filings worldwide;
- Total on third party access issues in relation to its LNG investments in the UK;
- Total on the European Commission's sector inquiry in the energy sector;
- the Commission for Electricity Regulation in Ireland on the EU law and regulatory aspects of a scheme to allocate scarce capacity in the Irish natural gas network;
- RBS Capital Partners on its investment in a UK public gas transporter, requiring regulatory strategy advice on proposals for the securitisation of licensee assets;
- Norilsk Nickel on the EU competition law implications of its long-term contracts.

Other regulated industries

Depth and breadth of experience of UK and EU sector regulation in the regulated sectors, notably advising:

- the Legal Services Board and the Law Society on the barriers to the effective operation of the markets in which legal firms operate and the ways in which regulators or representative bodies could improve market functioning;
- Wyeth on the European Commission's inquiry into the pharmaceutical sector, including attendance at the dawn raid which initiated the inquiry;
- Aguas de Barcelona on the merger control, competition law and regulatory aspects of its investments in the UK water sector, including handling relationships with the sector regulator Ofwat and negotiating licence modifications.

International

Expertise and reputation advising governments, regulators and businesses in emerging competition law regimes (both outbound in relation to EU law comparative expert opinions and inbound in relation to the application of EU and UK law to international practices). Examples include:

- advising on competition law issues arising under the Indian Competition Act 2002 in the context of an arbitration in the gas sector;

- advising on the practical implementation of the Malaysian Competition Act, modelled on EU/ UK competition law;
- advising Anadarko on the competition law implications of its energy investments in Mozambique involving both EU and the newly enacted Mozambique competition law of April 2013;
- advising various multi-national organisations on the implications of new competition laws in the Middle East (including Saudi Arabia and the UAE).

State aid/subsidy control

Acting for granting/ awarding authorities, including:

- DETR in relation to National Air Traffic Services;
- The Bar Standards Board in relation to its arrangements for insurance of self-employed barristers and entities including the requirement to maintain insurance with Bar Mutual;
- Commission for Electricity Regulation in Ireland in relation to a scheme for the allocation of scarce capacity in the Irish natural gas sector at a time of national emergency;
- French government in the context of proposed regulation of the grocery sector which would create market share limits on expansion in the grocery sector;
- FCA on support to an innovation project involving regulated and other participants.

Acting for beneficiaries of potential State support including:

- Noble Energy in relation to its investments in the Cyprus energy sector (a representation straddling state aid, competition law, public procurement, investment treaty and trade law advice);
- Numerous representations for SMEs in relation to applications for grant funding requiring assessment of the application of the GBER, De minimis Regulation etc;
- Social Enterprises in relation to the use of FEED in tariffs to fund social housing;
- Investors on the application of State aid in relation to real estate development and purchase of land from public authorities.

Acting for complainants/ third parties including:

- Liberty Global in relation to its investment in steel assets of Tata Steel (UK);
- Representing a transport sector trade association against Transport for London on a complaint about the award of an accreditation mark to a competitor.

Other engagements involving subsidy control elements include:

- Advising emerging authorities on potential state aid/similar rules including, a former CIS competition authority inrelation to new laws against state subsidies.
- Advising on economics and state aid (e.g. economics input on the analysis of market transactions for the purposes of assessment of the Market Economy Investor Principle while acting as a director at PwC).
- Advising on the interface between State aid and other areas of EU public law including Article 4(3) TEU and Article106 TFEU (e.g. National Lottery Commission in relation to extending the licence of Camelot to allow it to

provide commercial services)
- Advising on the interface between State aid and public procurement law, including the circumstances in which compliance with public procurement rules ensures satisfaction with State aid rules.
- Representations in the national courts, including advising on interim injunctions in the context of national proceedings pending challenges to European Commission decisions.

Public procurement:

Acting for bidders and buyers in public procurement disputes and also providing strategic advice on the conduct of tenders, in relation to the following (and their predecessor regulations): Directive 2014/24/EU on public procurement as implemented in the UK by the Public Contracts Regulations 2015 (SI 2015/102); Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors as implemented in the UK by the Utilities Contracts Regulations 2016 (SI 2016/274); Directive 2014/23/EU on the award of concession contracts as implemented in the UK by the Concession Contracts Regulations 2016 (SI 2016/273).

Representative examples of recent experience include:

- Advising the Home Office on the public procurement of emergency communications services and infrastructure.
- Advising Riverside Truck Rental in its challenge of a public contract award by Lancashire County Council under the Public Contracts Regulations 2015 and judicial review.
- Advising Noble Energy on the public procurement and EU law issues arising in relation to its investment in the Cyprus gas sector including managing an application to the European Commission to seek an exemption from the provisions of Article 30 of the Utilities Directive.
- Advising the Payment Systems Regulator on the interface between public procurement and payments service regulation in the context of procurement of central infrastructure, including the role of EU Principles.
- Advising the Bar Standards Board on the application of public procurement rules to certain regulatory measures in relation to the provision of professional indemnity insurance for the self-employed bar.
- Advising a Train Operating Company on the conduct of and potential challenges to its tender arrangements.
- Advising on public procurement in the healthcare sector including in relation to Clinical Commissioning Groups, NHS England, NHS providers and the Department of Health.
- Advising a consortium of care homes on public procurement and related public law challenges to their funding arrangements with Clinical Commissioning Groups.
- Advising an investor on the application of public procurement to its purchase of land from a local authority.
- Advising charities and social enterprises on the application of public procurement to their partnership with local authorities.
- Advising on and representing bidders and buyers in challenges and proceedings where a public authority has failed to comply with procurement rules including: (a) interim measures; (b) set aside and amendment orders if a contract has been awarded in violation of the rules; (c) damages for aggrieved contractors prejudiced by non-compliance with the procurement rules; and (d) investigation or intervention by the European Commission in response to a complaint.

EU Law

Suzanne has wide experience of EU law matters including competition law, public procurement, State aid, EU free movement rules and food regulation. Suzanne's practice has a particular focus on the interface between EU law and

economic regulation. She advises governments, regulators and businesses across the regulated sectors in relation to EU law matters and national law implementation.

Suzanne has significant experience of advising on the development, implementation and application of new regulatory regimes, including in emerging markets which have modelled their laws on EU law.

Representative experience includes:

- advising a major US based pharmaceutical company on a challenge under EU law to a decision of the National Institute of Clinical Excellence;
- advising an India-based food company on the EU and UK food labelling requirements for its UK business;
- advising a non-EU broadcaster on potential claims against a UK broadcaster involving the interaction between EU law free movement rules, competition law and copyright

International Trade

Advising on international trade and particularly on the interplay between trade remedies and remedies under EU competition law/State aid in cases involving supply chains operating in the UK and the EU. Representative experience includes:

- advising States and third parties on trade rules and agreements, including handling trade disputes in multiple fora (e.g. before the WTO/European Commission);
- advising a major US aerospace company on the potential legal and policy issues and WTO/State aid remedies available to challenge financial support from an EU State in relation to the acquisition of a competitor;
- advising a UK manufacturer on the remedies available to them under EU anti-dumping law and EU and national competition law in relation to below-cost pricing of exports from China into the EU;
- advising Indian businesses on the implications for their supply chains of EU-India trade negotiations for a comprehensive Free Trade Agreement between the EU and India;
- advising UK manufacturers on the impact of Brexit on their supply chains ranging from customs compliance to the strategic implications for their export markets.

Sports, Entertainment & Media

Broadcasting

- Advising News Corporation on the UK and EU competition law and public interest aspects of its proposed acquisition of the shares in British Sky Broadcasting Group that it does not already own.
- Advising on the competition, compliance, and audit issues relating to compliance with the Fair Trading Condition under the BBC's Charter.

Online

- Advising Hulu on the EU and UK competition law, regulatory and merger control issues relating to a potential JV in Video-on-Demand.
- Advising NBC Universal on the EU merger control issues relating to its investment in Hulu.
- Advising on the UK competition law, judicial review and economics issues relating to the formation and regulatory review by the Competition Commission of a UK JV in Video-On-Demand (Project Kangaroo).

Media and entertainment

- Advising AEG on its participation in the UK merger control aspects of the merger between Live Nation and Ticketmaster, before the UK Office of Fair Trading and the Competition Commission.
- Advising the American Society of Composers, Authors and Publishers on implementation of the European Commission's CISAC decision.
- Advising a French channel on the EU competition law issues relating to exclusive licensing of its movie rights.
- Advising start-up film companies on the competition law implications of the UK Competition Commission's investigation into pay TV movie rights.

Print

- Advising a UK investor on the UK competition law and public interest aspects of its proposed investment in a major UK newspaper quality title.
- Advising The Evening Standard on the competition law implications of its distribution arrangements.
- Conducting a legal and economics analysis of competition and consolidation in the UK regional newspaper sector with PwC Economics.

Sport

- Advising the English Cricket Board on an abuse of dominance complaint.
- Advising various beverage suppliers on the competition law issues related to their sponsorship and distribution of products at sporting events.

Telecommunications

Representative experience includes:

- Representing the Home Office throughout the market investigation and as intervener in an appeal by Motorola against the CMA's decision which was unanimously rejected by the Competition Appeal Tribunal (Case 1593/6/12/23 *Airwave Solutions Limited & Others v Competition and Markets Authority* [2023] CAT 76);
- Advising on the European Commission's competition investigation into differential pricing of iTunes in the EU Member States;
- Advising BT on a number of strategic regulatory issues regarding its UK business;
- Advising a major satellite operator on the EU merger control aspects of a strategic acquisition;
- Advising a satellite operator on a challenge to an Ofcom decision before the Competition Appeal Tribunal;
- Advising CASBAA, an association of media organisations, on its submissions to the Telecoms Regulatory Authority of India in relation to proposed reforms to regulation of ownership of communications and media enterprises.

Financial Services

Advising on competition law and regulatory matters in the financial services sector, both in relation to mergers, behavioural matters and market investigations, including advising:

- The Payment Systems Regulator on its approach to the regulation of payment systems and services provided over payment systems including dispute resolution;

- The Federation of Independent Practitioner Organisations on its challenge to the Competition and Markets Authority's Private Healthcare Market Investigation (on matters of private healthcare insurance), before the Court of Appeal;
- General Electric on the first ever market investigation in the UK (into store cards and insurance);
- HBOS on the UK Competition Commission investigation into PPI.

Intellectual Property

Broad experience advising at the intersection between competition law and intellectual property. Representative experience includes:

- advising on the European Commission's Reuters Instruments Codes investigation under Article 102 TFEU relating to abuse of dominance;
- advising Hewlett-Packard on the European Commission's investigation into printers and cartridges pricing and related intellectual property issues;
- making representations to the European Commission on the Technology Transfer Block Exemption and Guidelines.

Data Protection

Information and Data Protection Law:

Suzanne Rab has wide experience of EU and UK information rights and data protection law, advising public and private organisations. Examples of representative engagements include:

- Advising and supporting the Financial Conduct Authority (FCA) and the Payment Systems Regulator (PSR) on the legal and regulatory issues arising from its implementation of the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED). This includes providing advice and assistance in the following areas: data audit, data protection impact assessments, drafting of policies, procedures, privacy notices and guidance, advice to Data Protection Officer, development of data sharing protocols, contracts with third party processors, employee contracts and development and delivery of training to staff;
- Supporting a range of financial services regulatory bodies in their representations to DCMS on the Data Protection Bill and Data Protection Regulations including liaising with Parliamentary Counsel and drafting amendments to the Bill;
- Participation in and advising a cross-regulatory working group on implementation of the LED in the UK, through Part 3 of the Data Protection Act 2018;
- Advising the Homes and Communities Agency on its GDPR remediation strategy and policies;
- Advising various law enforcement agencies including the Derbyshire Constabulary on its remediation strategy and policies in the implementation of the LED;
- Advising the Federation of Independent Practitioner Organisations and consultant practices on GDPR risk remediation including conducting a data audit and drafting policies, procedures and privacy notices;
- Advising on GDPR issues and remediation for personal representatives and trustees;
- Advising a variety of small and medium-sized business on GDPR compliance risk remediation in a range of sectors (including professional services, digital, financial services, media, and telecommunications);
- Developing an e-learning and education programme for a law firm to support risk remediation in GDPR compliance;
- Advising the FCA on a range of data and disclosure law issues including under the Data Protection Act 1998

and the bespoke confidentiality regime pursuant to section 348 of the Financial Services and Markets Act 2000;
- Advising public and private organisations on the application of the Freedom of Information Act 2000. This includes supporting the FCA on FOIA requests through legal advice and drafting of communications to requesters;
- Advising and supporting the FCA on investigations by the Information Commissioner's Office and the Complaints Commissioner in cases involving protection of personal data;
- Advising and supporting the FCA on consultations and engagement with WP29 including most recently in relation to draft guidance on transfers of personal data outside the EEA pursuant to Articles 45-49 GDPR.
- Advising multinational businesses on their compliance with existing and proposed data protection, privacy and related cyber-security laws worldwide across multiple sectors including communications, energy, financial services, healthcare, hospitality and transportation.

Arbitration

Suzanne acts as counsel, arbitrator and expert in international arbitrations in complex commercial disputes, particularly those with a regulatory or competition law dimension. Many of these disputes relate to network, energy and extractive industries.

Examples of representative experience include acting in:

- A dispute between a telecommunications operator and a new entrant over access to fibre in the Channel Islands;
- A pricing dispute in a long-term gas distribution agreement raising issues of EU, Italian and Algerian law;
- A dispute over profit entitlement in a production sharing contract in the Indian gas sector;
- A dispute over a non-compete provision in a long-term distribution agreement covering multiple EU Member States;
- A dispute between shareholders over compliance with directors' duties and the distribution of assets and equity earn-outs relating to a business in the media sector;
- A dispute over regulatory commitments entered into on the sale of a business in the natural resources sector in the Russian Federation.

Suzanne has also represented investors in cases involving alleged breaches of a state's obligations under an investment treaty. This includes cases involving revocation of concessions, changes to recoverable tariffs or taxation, changes to or refusal to grant permits and licences, and circumstances where a host state interferes with investment planning through the enactment or application of new laws or differential application of domestic laws.

Banking and Financial Services

Wide experience advising on UK and EU regulation and competition law in the banking and wider financial services sector.

Suzanne's work in the banking sector has involved representations in relation to sector regulation, mergers, behavioural matters, market investigations and State aid. More recently this experience includes advising the newly established UK Payment Systems Regulator (PSR), a subsidiary of the UK Financial Conduct Authority, on its approach to regulation of the UK payments sector. The new regime is ground-breaking in terms of the issues it raises as it represents the first time that the payments sector has been subject to dedicated regulation independent of the central bank.

Suzanne has advised on the main market and sector investigations into the banking sector at the UK and EU level, including advising General Electric on the first ever market investigation in the UK (into store cards and insurance) and Halifax Bank of Scotland on the UK Competition Commission investigation into Payment Protection Insurance. In the area of abuse of dominance she has advised Dow Jones on the European Commission's investigation into Reuters Instruments Codes (RICs) under Article 102 TFEU which focused on exclusionary practices in relation to the distribution platform for financial information.

Civil Fraud

Particular expertise advising in complex cases involving civil fraud which overlap with cartel practices and related areas of regulation including financial crime, market manipulation and anti-corruption.

Prior to her call to the Bar Suzanne worked as a director in the strategy (economics and forensics) practice of PricewaterhouseCoopers, where she was involved in cases involving asset tracing and damages assessment. Her high level of financial literacy is particularly valued by clients seeking counsel who can handle financial experts with ease.

Her representative experience includes advising on major cartel investigations, appeals and follow-on damages actions, including advising:

- Air Canada on the European Commission's investigation under Article 101 TFEU in relation to air freight and appeal to the General Court;
- Dunlop Oil & Marine in relation to antitrust and criminal investigations into cartel activity in marine hoses in the UK, EU, US, Brazil, Japan and Korea.

Insurance and Reinsurance

Wide experience and expertise advising on regulatory matters and disputes involving insurance and reinsurance companies.

Suzanne has particular experience advising on EU and UK regulatory and competition issues in the insurance sector including advising:

- a major US-based company on the European Commission's sector inquiry into business insurance;
- the Federation of Independent Practitioner Organisations on its challenge to the Competition and Market Authority's report in its Private Healthcare Market Investigation (Competition Appeal Tribunal and Court of Appeal) on matters relating to the provision of private healthcare insurance;
- General Electric on the first ever market investigation in the UK (into store cards and related insurance);
- Halifax Bank of Scotland on the UK Competition Commission investigation into Payment Protection Insurance.

Administrative and Public Law

Experience and reputation advising on and representing clients as counsel in a range of administrative and public law matters, acting for public law defendants as well as private parties.

Specific areas of expertise in administrative and public law include:

Constitutional Law, Data Protection and Freedom of Information, EU Public Law, Human Rights, Judicial Review, Media and Broadcasting, Medical and Pharmaceutical Regulation, Public Inquiries, Public International Law, Public Procurement and State Aid, Regulatory and Disciplinary Law and Transport Law.

Examples of representative engagements include:

- advising a state on the public law and constitutional law implications of the UK's vote to leave the European Union;
- advising News Corporation on legal challenges to decisions of the Secretary of State to intervene in its proposed acquisition of the interests in British Sky Broadcasting that it does not already own;
- advising data controllers and processors on their duties under UK and EU data protection law;
- advising on compliance with the duties of public authorities under Article 4(3) of the Treaty on European Union and Article 106 of the Treaty on the Functioning of the European Union including in challenges to decisions of the National Lottery Commission, NICE and the European Union Intellectual Property Office;
- advising on human rights issues in relation to Article 6 of the European Convention on Human Rights in the context of judicial review of administrative action and court proceedings in the UK and other Member States;
- appearing as counsel in judicial review of decisions of the UK competition authorities, including decisions of the Competition and Markets Authority;
- advising the Payment Systems Regulator on the public law and human rights aspects of its dispute resolution and settlement procedures and its Policies and Procedures Guide, public consultations and policy statements on dispute resolution and investigatory procedures;
- advising a potential investor on the State aid implications of a proposed investment in certain assets of Tata Steel in the UK;
- advising a train operating company on the conduct of and potential challenges to its procurement of information technology services;
- conducting an internal inquiry for a sports governing body into allegations of maladministration;
- acting as adjudicator and Panel Chair in sports disciplinary proceedings for a UK sports regulatory body.

Private International Law

Expert in cross-border disputes, particularly raising issues of jurisdiction, choice of law, anti-suit injunctions, exclusive jurisdiction clauses, and recognition and enforcement of foreign judgments, both under EU legislation and at common law.

Regulatory and Disciplinary

Economic regulation

Suzanne advises on economic and financial regulation in all the regulated sectors, including sector-specific licensing, and price control matters in the following sectors: communications, energy (electricity and gas), financial services, healthcare and pharmaceuticals, transportation (including rail and road, shipping), and water.

Financial services conduct regulation

Suzanne has wide experience of advising on supervision, investigations and enforcement under the Financial Services and Markets Act 2000.

Her representative experience includes advising:

- the Financial Conduct Authority on investigations, enforcement and judicial challenges in cases before the RTC, RDC, Upper Tribunal, High Court and Court of Appeal;
- investors in proceedings before the Financial Ombudsman;
- on complaints under the 2012 Complaints Scheme including cases at stage 1 and before the Complaints Commissioner.

Legal professional services regulation

Suzanne advises on professional services regulation with particular expertise in the regulation of solicitors and barristers. Representative experience includes advising:

- the Legal Services Board and the Law Society on the barriers to the effective operation of the markets in which legal firms operate and the ways in which regulators or representative bodies could improve market functioning;
- the Legal Services Board on the cumulative impacts of changes to regulation following the Legal Services Act 2007 reforms.

In 2016 Suzanne presented to a delegation of the IBA and the Kazakhstan Bar Association on international regulation of lawyers.

Suzanne is author of Practical Law Company's UK Guide to legal services regulation.

Disciplinary

Representative engagements include:

- advising on the competition law and restraint of trade issues arising from potential sanctions imposed following breach of the SRA Code of Conduct;
- conducting an internal inquiry for a sports governing body into allegations of maladministration;
- acting as adjudicator and Panel Chair in sports disciplinary proceedings for a UK sports regulatory body.

Education Law

Suzanne handles the range of education law cases advising students, academic staff, schools and governing bodies, universities, colleges, examining bodies and local authorities.

She has expertise in complementary areas of law including public law/judicial review, data protection, equality law, professional discipline, human rights and EU/State aid.

Her work includes representations in complaints against school and examination procedures and results. She also advises on contractual disputes raising negligence and damages claims.

Product Liability

Suzanne's practice extends across the spectrum of product liability, particularly claims with a cross-border element.

She is an expert in EU law and her representations increasingly involve claims which interplay with EU product liability and safety regulation. Her work spans a range of sensitive industries including chemicals, construction, energy, food

and drink, healthcare/medical devices/pharmaceuticals, transportation and communications.

Human Rights

Wide experience of EU and international human rights law. Suzanne has particular experience on human rights issues in regulatory investigations and enforcement by public authorities.

Representative experience includes:

- advising on human rights issues in relation to Article 6 of the European Convention on Human Rights in the context of judicial review of administrative action and court proceedings in the UK and other Member States;
- appearing as counsel in judicial review of decisions of the UK competition authorities, including decisions of the Competition and Markets Authority;
- advising the Payment Systems Regulator on the public law and human rights aspects of its dispute resolution and settlement procedures and its Policies and Procedures Guide, public consultations and policy statements on dispute resolution and investigatory procedures.

International and Offshore

Suzanne Rab maintains an active practice advising on new and emerging regulation internationally.

Countries of Work Experience:

Primarily United Kingdom and European Union.

International (non-UK): Other Europe (Austria, Belgium, Cyprus, Finland, France, Germany, Hungary, Ireland, Italy, Poland, Portugal, Slovenia, Spain, Switzerland, Turkey); CIS (Kazakhstan, Russian Federation, Ukraine); North America (Canada and USA); South America (Brazil, Mexico); Asia (China, Hong Kong, India, Indonesia, Japan, Malaysia, Singapore, South Korea); Africa (Algeria, Angola, Mozambique, South Africa, Tanzania); Middle East (Saudi Arabia, UAE, Kuwait)

Selected representative experience:

- Conducting regulatory policy, law and market analysis for the European Commission to inform the identification of criteria to evaluate projects of common regional European interest in the electricity sector in the South European corridor including in EU accession countries (e.g. Hungary and Slovenia).
- Advising the Commission for Electricity Regulation in Ireland on the EU law, policy and regulatory aspects of an unprecedented scheme to allocate scarce capacity in the Irish natural gas network.
- Advising a public-private consortium led by Noble Energy on the EU competition law and regulatory policy and interaction with upstream gas licensing, merger control and regulatory aspects of its investment in the natural gas and LNG sector in Cyprus.
- Providing comparative advice to the Competition Commission of India (CCI) in relation to implementation and embedding of the Competition Act 2002.
- Supporting submissions to the Telecoms Regulatory Authority of India (TRAI) with regulatory policy impact assessment.
- Providing regulatory, legal, policy and strategy input to the development of Mexico’s competition law in particular on the adoption of criminal sanctions and enhanced dawn raids inspection powers. .
- Design and delivery of training workshops to regulatory lawyers and policy-makers in Hong Kong including the Hong Kong Competition Commission and the Hong Kong Monetary Authority.

- Commissioned by the GSM Organisation to conduct a range of regulatory policy reports to inform its competition and regulatory policy work in the EU and international telecommunications sector including on telecoms licensing, net neutrality, horizontal consumer protection, artificial intelligence, the Internet of Things (IoT) and product liability.
- Designed, led and delivered a series of intensive regulatory training and capacity building programmes for the Saudi Digital Regulatory Academy, led by the Communications, Space and Technology Commission.
- Advising NEOM on Saudi Arabia's new project, NEOM city. Suzanne is providing drafting, legal support and capacity building for the development and implementation of the Competition Law and Competition Regulations.

Art & Cultural Property

Suzanne Rab has expertise across a range of legal and regulatory issues arising in the acquisition, transfer and commercial exploitation of art, heritage and cultural products.

Representative experience includes matters relating to:

- International, EU and national competition laws including the European Commission's cartel investigation into the world's leading auction houses;
- the application of State aid rules to cultural and heritage infrastructure including under the General Block Exemption Regulation and individual notification;
- EU regulation of the transfer of cultural works including artists' resale rights under Directive 2001/84/EC and export licences under Regulation 3911/92 on the export of cultural products;
- practice and procedure governing UNESCO world heritage sites;
- distribution rights in relation to merchandising of cultural products.

Group Litigation

Suzanne Rab operates at the cutting edge of collective litigation, specialising in cases with a regulatory, data protection and competition law dimension.

In the financial services sector, for example, she represents the proposed class representative in a collective lawsuit against Mastercard and Visa on behalf of merchants accepting payments using UK corporate cards, and credit and debit cards from overseas visitors. The case, which has been filed in the Competition Appeal Tribunal, seeks compensation for businesses which were charged Multilateral Interchange Fees by their banks on Mastercard and Visa transactions. She has also advised on follow-on litigation arising from the European Commission's Trucks cartel investigation.

Mediation

Please visit Suzanne's Mediator online CV here.

Commercial Litigation

Direct Access

Suzanne accepts instructions directly from members of the public under the Public Access scheme in all areas of her practice. In appropriate cases, for example, she may be able to and does act for private individuals, business owners, professional services consultancies and other organisations who are not represented by a qualified legal professional.

Recommendations

Competition Law *(Best Lawyers 2024)*
The Lawyer Hot 100 *(2022)*
Competition *(Who's Who Legal 2018-2023)*
Mediation *(Who's Who Legal 2023)*
Competition *(The Legal 500 2016-2024)*
Financial Services Regulation *(The Legal 500 2020-2024)*
Energy *(Who's Who Legal: UK Bar 2018-2024)*
Data *(Who's Who Legal: UK Bar 2019)*
Competition *(Chambers & Partners 2016-2024)*
Competition Law *(Chambers Global 2021-2024)*
Telecommunications Media & Technology *(Who's Who Legal: UK Bar 2016-2017)*

Quotes

"Suzanne Rab has a varied client list that includes UK regulators, industry associations and solicitors in private practice. She handles follow-on and stand-alone damages claims and advises on appeals against CMA investigations. Rab has notable experience advising sector regulators on the exercise of their competition law powers." (Chambers and Partners, 2024)

"Suzanne is extremely bright, very hard-working, and spans an enormous range of issues." (Chambers and Partners, 2024)

"She has an impressive breadth of knowledge and engagement." (Chambers and Partners, 2024)

"Suzanne is a real team player, works very hard and is highly commercial." (Legal 500, 2024)

"Technically excellent across a broad range of areas. Articulate and persuasive advocate. Always willing to go the extra mile to meet client needs." (Legal 500, 2023)

"Suzanne is technically excellent across a broad range of areas." (Legal 500, 2023)

Suzanne Rab from Serle Court is highly valued in the market for her *"uniquely broad perspective"* in the energy field, which *"enables her to offer original solutions or options"*. (Who's Who Legal, 2023)

"Is praised emphaticically by peers for her leading advice to businesses, regulators and governments on the gamut of energy disputes." (Whos Who Legal 2022)

"She is a force of nature: enormously energetic, proactive and gets into the detail." (Chambers & Partners, 2022)

"She has the expertise and commercial nous to be able to get under the legal issues and identify the client's

underlying commercial or regulatory concerns, and address them through her advice." (Chambers & Partners, 2022)

"She has a first-rate intellect and is a tenacious advocate. She has very sound judgement, combined with a commercial approach." (The Legal 500, 2022)

Suzanne Rab of Serle Court comes highly recommended for her *"excellent lateral and strategic thinking"* in complex mediations. (Who's Who Legal, 2022)

Suzanne Rab from Serle Court is praised emphatically by peers for her leading advice to businesses, regulators and governments on the gamut of energy disputes. (Who's Who Legal, 2022)

"*She will throw herself in with phenomenal energy and experience and packages that up in a client-friendly manner*." (Chambers & Partners, 2021)

"*Intellectually strong and tenacious, she really gets into the detail. Really hard working and dedicated, deep experience of the sector.*" (The Legal 500, 2021)

"*Intellectually robust, tenacious, and gets into the detail.*" (The Legal 500, 2021)

The *"excellent"* Suzanne Rab from Serle Court is identified as a leading junior with *"outstanding intellect"* and extensive experience resolving complex energy disputes. (Who's Who Legal, 2021)

Serle Court's Suzanne Rab is recognised for "her depth of knowledge and strategic thinking" as well as her *"tenacity, commerciality, technical expertise and excellent client-handling skills".* (Who's Who Legal, 2021)

"Her written work is excellent; she is diligent and her advice is detailed but understandable for the client." (Chambers & Partners, 2020)

"A natural problem solver – her financial services and broader regulatory knowledge is extremely strong." (The Legal 500, 2020)

"*A first-class barrister with an encyclopaedic knowledge of her subject.*" (The Legal 500, 2020)

Suzanne Rab of Serle Court is *"extremely diligent and forensic in her work"*, praised for her *"understanding of the intricacies of cases and the law to a deep level".* (Who's Who Legal, 2020)

"*A natural problem solver – her financial services and broader regulatory knowledge is extremely strong.*" (The Legal 500, 2020)

"*She is very hard-working and diligent, and has a deep knowledge of competition law*." (Chambers Global, 2019)

"*Very good junior and user friendly.*" (The Legal 500, 2019: Competition)

"*An extremely able barrister and a master of her subject.*" (The Legal 500 2017: Competition*)*

"Exemplary", "combines an exceptionally broad range of skills with an in-depth knowledge of the telecoms industry" (Who's Who Legal UK Bar 2017: Telecoms*)*

"*Superb knowledge of the law*", "*creative approach to problem solving" and "hard-working nature*" (Who's Who Legal UK Bar 2017 : Competition*)*

"*Frankly a joy to work with*", "*combine a first-class mind with a rigorous focus*" and "*her work ethic and efficiency is exemplary*" (Who's Who Legal UK Bar 2016 : Competition*)*

"*A certain inclusion*", "*responsive, hardworking and practical*" (Who's Who Legal UK Bar 2016 : Telecommunications)

"*Splits her time between London and Leeds, practising UK, EU and international competition law. Solicitors praise her for her superior client service, ascribing her success in this regard to the fact that she was a former solicitor at both Slaughter and May and Freshfields. She also has significant knowledge of Indian competition law and is a published author on the subject.*" (Chambers & Partners, 2016)

"*Recommended for her experience acting for governments, regulators and businesses on EU regulation.*" (*The Legal 500 2015)*

Publications

Books

Co-author of UK chapter in *Handbook of consumer protection and consumer behaviour in energy markets* (2024, Taylor and Francis)
Co-editor of *Building Bridges in European and Human Rights Law* (2024, Hart/Bloomsbury)
Contributor to *Legal Education and Legal Profession During and Beyond COVID-19. Studying Law During the COVID-19 Pandemic*
Author of chapters on Competition Law and Telecommunications in *Artificial Intelligence Law and Regulation* (2022, Edward Elgar Publishing)
Contributor to Cross-border Licensing of Copyright (forthcoming in 2018, Edward Elgar Publishing)
Co-author of Atkins Court Forms in Civil Proceedings, Competition Law (Volume 10), 2016 (new edition) Co-author of Hong Kong Competition Law (2016, Hart/Bloomsbury)
Co-author of Media Ownership and Control: Law, Economics and Policy in an Indian and International Context (2014, Hart Studies in Competition Law)
Author of Indian Competition Law, an International Perspective (first published by Wolters Kluwer, May 2012; supplement on cartel regulation published in January 2013)

Articles
"Collective Competition Law Actions: Challenges for case and costs management" - September 2023
"What can happen when a Conditional Fee Agreement goes wrong?" - March 2023
"Legal Systems in the UK (England and Wales)": Overview - December 2022
"Regulation of the Legal Profession in the UK (England and Wales)": Overview - December 2022
"Financial Services and Markets Bill: from retained EU law, to revocation and restatement" - November 2022
Comments in Accountancy Daily on Mazars resigning as the auditor for British Steel - October 2022
"Artificial Intelligence and IPR" - April 2022
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"Regulation of the legal profession in the UK (England and Wales): Overview" - March 2021
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"Regulation of the legal profession in the UK (England and Wales): Overview" - 13 January 2020
"Artificial Intelligence, Algorithms, and Antitrust" - Competition Law Journal - December 2019
"Legal systems in the UK (England and Wales): Overview" - Practical Law - 12 December 2019
"In Broadcom Test, EU Tries to Resurrect 'Interim Measures'" - Law360 - 28 June 2019
"FCA investigations on the rise - what are the implications?" - Financial Director - 28 May 2019
"Gas and LNG: Territorial Restrictions, Destination Clauses and Profit Share Mechanisms" - Practical Law - 15 May 2019
"Regulation of the legal profession in the UK (England and Wales): Overview" - Practical Law Global Guide - 2018
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"Legal Systems in the UK (England and Wales) Overview - Practial Law Global Guide 2016/17 - December 2016
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"Legal services under the competition spotlight" - CDR - 18 February 2016
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"Liability of state and public bodies as 'undertakings' under EU and UK competition law" - LexisPSL Competition - February 2015
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"EU competition: searching for answers" - The Law Society Gazette - November 2014
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Comments

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"Royal Mail and BT awarded £20m in truck cartel ruling" The Times, February 2023
"The Coronavirus Bill: Everything you need to know" City A.M. 25th March 2020
"Coronavirus Poised To Test UK Courts' Digital Skills" Law360, 23rd March 2020
"Thought leadership: Sainsbury's/Asda merger talks" Reuters Europe, 3rd May 2018

Professional Achievements

Winner of Burton Award for Legal Achievement 2012 (Library of Congress, Washington D.C.)

Regular contributor to Lexis PSL Practice Notes on a range of competition law and regulatory topics. Author of Lexis PSL EU court monthly update.

Books

Co-author of UK chapter in *Handbook of consumer protection and consumer behaviour in energy markets* (2024, Taylor and Francis)
Co-editor of *Building Bridges in European and Human Rights Law* (2024, Hart/Bloomsbury)
Contributor to *Legal Education and Legal Profession During and Beyond COVID-19. Studying Law During the*

COVID-19 Pandemic
Author of chapters on Competition Law and Telecommunications in *Artificial Intelligence Law and Regulation* (2022, Edward Elgar Publishing)
Contributor to Cross-border Licensing of Copyright (forthcoming in 2018, Edward Elgar Publishing)
Co-author of Atkins Court Forms in Civil Proceedings, Competition Law (Volume 10), 2016 (new edition) Co-author of Hong Kong Competition Law (2016, Hart/Bloomsbury)
Co-author of Media Ownership and Control: Law, Economics and Policy in an Indian and International Context (2014, Hart Studies in Competition Law)
Author of Indian Competition Law, an International Perspective (first published by Wolters Kluwer, May 2012; supplement on cartel regulation published in January 2013)

In the Press

Interviews

Suzanne Rab interviewed on EU Advocate General Opinion in Apple State aid Tax Challenge - 9 November 2023

"Professor Suzanne Rab interviewed on the upcoming European decision on Microsoft's planned takeover of Activision" - 15 May 2023

"The Hot 100 career quiz": The Lawyer - 7 June 2022

"Facebook Privacy Concerns": BBC Business Briefing - 9 July 2019

"Sainsbury's and Asda Merge": BBC Worlds News - 20 February 2019

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"'Right to be forgotten' could threaten global free speech, say NGOs": BBC News - 11 September 2018

"Google faced with multibillion-euro penalty for abuse of dominant position in mobile operating systems": BBC World News - 18 July 2018

"GKN Shareholders vote on Melrose bid": BBC News and Radio London - 29 March 2018

Comments

Professor Suzanne Rab discusses European Commission approving Microsoft's acquisition of Activision, Law360, Law.com, Global Competition Review *and* The Guardian - May, 2023

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"Gazprom Firmly in EC's Antitrust Sights as Pressure Mounts From Skyrocketing Energy Prices, War in Ukraine" - The Capitol Forum, 11 April 2022

"Daiwa Ruling Reinforces Banks' Duty To Guard Against Fraud", Law360, 4 November 2019

"EU's 1st Fine In 16 Years Shows Predatory Pricing Challenges", Law360, 25 July 2019

"In Latest EU Fine, Signs of Google's Next Sanction" - The Law360 - 22 March 2019

"Sky share price jumps as investors welcome Comcast's winning takeover bid" - The Independent - 24 September

2018

Education & Qualifications

MA Jurisprudence (First Class), Oriel College, Oxford University

BCL, Competition Law, Conflict of Laws, Evidence, and Intellectual Property Law, Oriel College, Oxford University

Legal Practice Course, College of Law

Admitted as a solicitor in England and Wales: 1999 (training contract 1997-1999)

Call to the Bar: 2013

Admitted as a solicitor in Ireland: 2018

Appointments

Panel member. Office for the Internal Market

Non-executive board member of the Legal Aid Agency

Non-executive board member to the Press Recognition Panel

Expert Panel member of the UK Regulators Network

Law Lecturer, Oxford University.

Professor of Commercial Law and Practice Chair, Brunel University.

Visiting Professor, Imperial College Business School.

Senior Research Associate of Oxford Regulatory Policy Institute (RPI)

Consulting Editorial Board member for LexisNexis Competition.

Member of editorial board of Competition Law Insight.

Memberships

The Honourable Society of Lincoln's Inn
Member of the Bar Standards Board Advisory Pool of Experts (Competition Law and Data Protection)