

## Dr Helen Jenkins

Managing Partner

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Languages: English



### Expertise

- Antitrust
- Antitrust Damages
- Collective and Class Actions
- Commercial Litigation and International Arbitration
- Data Science and Analytics
- Intellectual Property
- Market Investigations
- Mergers
- Public Policy and Impact Assessment
- Regulation
- Strategy

### Sectors

- Digital
- Energy
- Financial Services
- Pharmaceuticals and Life Sciences
- Postal and Logistics
- Retail and Consumer
- Telecoms, Media and Technology
- Transport

### Profile

Helen has more than 25 years of professional experience in applying economic principles to issues of strategic importance for businesses, predominantly in the context of litigation and competition investigations. She has broad sectoral experience, including in energy, financial services, retailing, communications, media and pharmaceuticals. Helen has worked with a range of clients on the economic issues that underlie the application of the relevant competition legislation in the UK, elsewhere in Europe, Australia and the Middle East. She is a respected expert, appearing before courts and competition authorities in the USA, UK, Republic of Ireland, South Africa and Hong Kong. Her recent clients include Mastercard International, Microsoft, National Grid, Royal Mail, Intercontinental Exchange, and the Commonwealth of Australia. Helen has been listed in *The International Who's Who of Competition Lawyers & Economists* since 2001, and in WWL Thought Leaders Global Elite – Competition Economists 2021, and is author of *Economics for Competition Lawyers* (Oxford University Press, second edition, 2016). She has also been a Trustee of the Swarovski Foundation, an independent charitable foundation that aims to support charitable projects across

the areas of fostering culture and creativity, promoting wellbeing and human rights, and conserving natural resources (2014–18).

## Selected expert experience

- Expert for the Commonwealth of Australia in the Federal Court of Australia with respect to injunctions relating to aripiprazole (2020–)
- Expert evidence in the England and Wales High Court for National Grid and Scottish Power in their claim for damages with respect to purchases of power cables (2018–20)
- Expert evidence for Standard Life Aberdeen in a confidential arbitration against Lloyds Banking Group with respect to a contractual dispute on the meaning of ‘material competitor’ (2018–19)
- Expert evidence for the Hong Kong Competition Commission in a construction sector case at the Hong Kong Competition Appeal Tribunal (2018–19)
- Expert evidence in the High Court for BritNed in its claim for damages with respect to its purchases of power cables (2018)
- Expert evidence for Pfizer in the Federal Court of Australia with respect to injunctions relating to venlafaxine (2017–18)
- Expert evidence for Merck in its appeal of the CMA paroxetine decision (2016–18)
- Expert evidence in a confidential arbitration, quantifying damages suffered by a Russian commodity company under the rules of the London Court of International Arbitration (2013–14)
- Expert evidence for National Grid with respect to its claim for damages arising from its purchases of GIS equipment (2010–14)
- Expert evidence in the High Court for AstraZeneca in defending against a damages claim by a generic entrant (2013)
- Expert evidence for Royal Mail in the High Court with respect to VAT exemption of access services (2013)
- Expert evidence in the Australian Federal Court for ANZ bank, in a class action relating to overdraft fees (2012–13)
- Expert testimony on behalf of Nokia Corporation in the US District Court San Francisco, ‘In Re TFT-LCD (Flat Panel) Antitrust Litigation’ (2010–12)
- Expert evidence for the Co-operative Group Limited with respect to its appeal to the CAT on the OFT’s investigation and subsequent decision on an alleged cartel in tobacco retailing. The OFT withdrew the case (2010–11)
- Expert testimony for EDS (defendants) in litigation in the High Court between EDS and BSkyB (2006–09)
- Expert testimony for Ryanair in its Charleroi state aid litigation (MEIP) at the (then) Court of First Instance (2008)

## Selected professional experience

- Adviser to Mastercard on competition and regulatory matters Europe and Australia (2015–)
- Leading Oxera’s economic advice to a major Hong Kong-based company on the implementation of the new Competition Ordinance (2015)

- Leading Oxera's economic advice to Scottish Power in the CMA energy market investigation (2014–16)
- Adviser to Virgin Media in its complaint to Ofcom with respect to FAPL's auction of EPL rights (2014–15)
- Adviser to ICE on competition issues (2012–)
- Advising a generic pharmaceutical company with respect to Article 101 investigations by the European Commission and the CMA (2012)
- Adviser to Royal Mail on competition issues (2004–)
- Adviser to the UK licensees of Mastercard regarding the OFT and European investigations of interchange arrangements under Article 101 and Chapter 1 (2000–15)

## Selected publications

- Niels, G., Jenkins, H. and Kavanagh, J. (2016), *Economics for Competition Lawyers*, second edition, Oxford University Press.
- Jenkins, H., Niels, G. and Noble, R. (2013), 'The South African Airways cases: blazing a trail for Europe to follow?', chapter 7, in K. Moodaliyar and S. Roberts, *The development of competition law and economics in South Africa*, HSRC Press.
- Pilsbury, S. and Jenkins, H. (2010), 'The Evolution of Effects-Based Analysis under the Competition Act 1998', *Competition Law Journal*, 9:2, pp. 216–27.
- Marshall, N., Jenkins, H. and Niels, G. (2008), 'The Price of Intellectual Property: What is FRAND?', in *Global Competition Review, The Handbook of Competition Economics: A Global Competition Review Special Report*.
- Jenkins, H. and Niels, G. (2005), 'Reform of Article 82: Where the Link between Dominance and Effects Breaks Down', *European Competition Law Review*, 26:11.

## Qualifications

- DPhil and MPhil Economics, University of Oxford, UK
- BEc (Hons) Science and Economics, Australian National University, Canberra, Australia