

James Kavanagh

Partner

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Languages: English



Expertise

- Antitrust
- Antitrust Damages
- State Aid

Sectors

- Financial Services

Profile

James has over 11 years of professional experience in competition economics, with a focus on state aid and litigation. He has worked on economic and finance issues in cases in all major European jurisdictions. He has advised companies such as Australia and New Zealand Bank, Deutsche Bahn, EDF, Royal Bank of Scotland and Ryanair, as well as authorities such as DG Competition. James is co-author of Economics for Competition Lawyers, a leading textbook, and teaches on the postgraduate course Economics for Competition Law at King's College London.

James has been appointed as expert in UK litigation and arbitration proceedings, and has experience of cross-examination in court. He has also participated in mediations, particularly in cases involving follow-on damages. He has an exceptional breadth of experience in state aid, and is recognised as a leading specialist in this area. For several years James has been listed in the International Who's Who of Competition Lawyers & Economists and in the Guide to the World's Leading Competition and Antitrust Lawyers & Economists.

Selected professional experience

- Damages litigation arising from a European Commission decision on taxation and state aid (2012–)
- Advising RWE and Drax in the European Commission investigations into energy CFD contracts (2014–15)
- Expert for an international IT company in prospective A102 litigation on exclusive contracts (2014–15)
- Expert reports in cases before the London Court of International Arbitration (LCIA) regarding aviation (2014)

- Acting for EDF and the UK government in the European Commission investigation into UK support for new nuclear (2014)
- Advising the Polish state on restructuring state assets (2014)
- Expert for the UK government in state aid litigation arising from the award of contracts in financial services (2014)
- Quantifying damages suffered by a Russian commodity company under the rules of the LCIA (2013–14)
- Market economy investor principle (MEIP) expert report for EDF in the context of the state aid investigation into a tax measure in favour of EDF (2013–14)
- MEIP analysis for airlines and airports in more than 20 European Commission investigations of funding to airports across Europe (2011–14)
- Damages quantification and expert reports for several follow-on cartel damages cases at the UK Competition Appeal Tribunal, including Deutsche Bahn AG & Others v Morgan Crucible Company PLC & Others (2010–14)
- Strategic advice to a major UK infrastructure provider on state aid compliance across a broad range of business activities, including telecoms (2013–14)
- Expert support to Australia and New Zealand Bank (ANZ) in class action litigation on overdraft charges (2012–13)
- Advising on state aid issues in Germany relating to public service compensation (2013)
- Advising Ryanair in relation to the European proceedings regarding the attempted takeover of Aer Lingus (2012–)
- Advising Ryanair in the UK proceedings regarding the holding of a minority stake in Aer Lingus (2011–)
- State aid approval for the Risk Equalisation Scheme in Irish healthcare (2011–)
- Adviser to two audit firms regarding OFT and Competition Commission investigations in the UK audit market (2011–13)
- Analysing a case of potential state aid in the Netherlands (MEIP and Reg 1370 tests) (2011–13)
- State aid approval for the UK Green Investment Bank (2011–12)
- Adviser to Dixons Retail plc on the investigation into extended warranties (2011)
- Advising banks on restructuring aid approval at the European Commission (2010)
- Study for the European Commission on state aid: ‘Should aid be granted to firms in difficulty?’ (2009–10)
- Study for the European Commission on damages: ‘Quantifying antitrust damages: Towards non-binding guidance for courts’ (2009–10)
- Adviser to a major UK bank for the test case litigation on overdraft charges (2007–09)
- UK High Court and Court of Appeal litigation on media rights agreements (2007–09)
- VAT Tribunal litigation on the competition effects of removing local authority services from the scope of VAT (2005–09)
- Advice to Ryanair on the ‘Charleroi’ state aid case, during the European Commission’s investigation and then at the General Court in Luxembourg (2004–08)

Selected publications

- Niels, G., Jenkins, H. and Kavanagh, J. (2016), *Economics for Competition Lawyers*, 2nd edition, Oxford University Press.

- Kavanagh, J. (2013), 'Financing Services of General Economic Interest: The European Commission's Economic Tests', in E. Szyszczak (ed.), *Financing Services of General Economic Interest: Reform and Modernization*, Springer.
- Kavanagh, J., Niels, G. and Pilsbury, S. (2011), 'The market economy investor: an economic role model for assessing State aid', chapter 5, in E. Szyszczak (ed.), *Research Handbook on European State Aid Law*, Edward Elgar.
- Adler, E. and Kavanagh, J. (2010), 'The General Court's interpretation of the MEIP in the banking sector', *European State Aid Law Quarterly*, 4, pp. 949–54.
- Adler, E., Kavanagh, J. and Ugryumov, A. (2009), 'State aid to banks in the financial crisis: the past and the future', *Journal of European Competition Law & Practice*, 1:1, pp. 66–71.

Qualifications

- MSc Economics, University College London
- BA Philosophy, Politics and Economics, University of Oxford