



Professor Sir Alan Dashwood QC

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Professor Sir Alan Dashwood QC

'A very nice man with a deep knowledge of international law.'

- Legal 500 2020

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Sir Alan Dashwood QC has a range of experience that qualifies him perhaps uniquely as a specialist practitioner in the law of the European Union. His 40-year career in EU law spans most forms of legal practice – as an advocate, scholar, teacher, author, editor and a senior EU civil servant. His familiarity with the European Court of Justice goes back to the time when he was Legal Secretary to Advocate General J-P Warner (1978 to 1980). He has appeared regularly before the European Courts over a period of more than 20 years, litigating in French as well as in English, initially as agent for the Council in its disputes with other EU institutions and with Member States, and since his return from Brussels to the Chair of European Law at Cambridge, as a barrister. He is able to advise on the interpretation of EU legislation from the perspective of one who has been directly involved in the law-making process of the Union.

European Law and Competition

Alan specialises in the Law of the European Union and those areas of UK Law that EU Law influences, more particularly:

- product liability and other aspects of EU regulation, including unfair commercial practices and the Services Directive; he has experience of advising and of litigation on behalf of clients in the tobacco and pharmaceutical industries, among others;
- public procurement, acting both for tenderers and for contracting authorities;
- employment law, including age and sex discrimination and the Working Time Directive;
- competition law, including State aid;
- the interface between EU law and intellectual property law, including in the WTO context.
- the interface between EU law and the law relating to foreign direct investment;
- all aspects of the law of EU external action, including: anti-dumping; trade policy; the protection of the environment; development cooperation; foreign and security policy;
- EU anti-terrorism measures;
- the European Arrest Warrant and other EU measures in the area of freedom, security and justice;
- the Brussels I Regulation and the New Lugano Agreement
- the law of the European Economic Area.

During the past two years, Alan has advised private clients, Government Departments and Regional and Local

Authorities on the following matters, among others: the Eurozone crisis; the interface between intellectual property rights and the EU rules on the free movement of goods; public procurement, including in the specialised field of defence procurement; State aid; European aspects of telecoms law; the interaction between EU law and bilateral investment treaties; Directive 2006/114 on misleading advertising; the freezing of the assets of persons suspected of involvement in international terrorism; the interpretation of the Treaty of Lisbon.

He is currently involved in proceedings relating to parallel imports into the UK that infringe a registered trade mark.

Representative Cases

- *Opinion I/09 of 8 March 2010*
On the compatibility with EU law of the draft Agreement creating a Unified Patent Litigation System.
- *Case C-431/05, Merck Genericos [2007] ECR I-7001*
On the application of the TRIPS Agreement within the EU.
- *Case C-411/06, Commission v Parliament and Council [2009] ECR I-7585*
On EU legislation governing shipments of waste.
- *Case C-178/03, Commission v Council [2006] ECR I-107*
On EU legislation concerning the export and import of dangerous chemicals.
- *Opinion I/08 [2009] ECR I-11129*
On the amendment of the GATS Schedules of the EU and its Member States.
- *Case C-13/07, Commission v Council (withdrawn, following the entry into force of the Lisbon Treaty; see the Opinion of Advocate General Kokott of 26 March 2009)*
On the accession of Vietnam to the WTO.
- *Cases C-402 and 415/05P, Kadi [2008] ECR I-6321*
On the relationship between EU Law and international law, in the context of a Resolution of the UN Security Council calling for the assets of named individuals to be frozen.
- *Case C-303/05, I Advokaten voor de Wereld [2007] ECR I-3633*
On the validity of the EU legislation.
- *Opinion I/03 [2006] ECR I-1145*
On competence to conclude the new version of the Lugano Agreement extending to the EFTA countries the principles of the Brussels I Regulation on jurisdiction and the enforcement of judgments in Civil and Commercial Cases.

Employment Law & Product Liability

Other cases of note:

Employment Law:

- Case C-427/06, Bartsch [2008] ECR I-7245, on the compatibility with Directive 2000/78 of an age-gap clause in an occupational pension scheme.
- Case C- 411 /05, Palacios de la Villa [2007] ECR I-8531 on the compatibility with the same Directive of compulsory retirement clauses in collective agreements.
- Joined Cases C-397 to 403/01, Pfeiffer, on the 48-hour weekly limit under the Working Time Directive.

Product Liability:

- Alan was instructed in both the SABRIL litigation and the SEROXAT litigation.

What the directories say

"Recognised as a long-standing presence at the Bar with vast knowledge of the functioning of EU law. He has been a key contributor to cases that pit the continued effectiveness of international arbitration against EU rules on state aid. He also assists with judicial review proceedings relating to the interpretation of EU law, and advises on jurisdiction issues arising in environmental damages claims.

Chambers & Partners 2020

"He is very collaborative, contactable and responsive. He took the time and trouble to walk me through the finer points."

Chambers UK 2018

"A very eminent lawyer. Unrivalled experience in the field."

Legal 500 2017

"He is really extraordinary - not only is he immensely knowledgeable, but he also oozes authority and makes his clients feel really secure."

Chambers & Partners 2009

Appointments

- Appointed KCMG in the Queen's Birthday Honours List (2013)
- Queen's Counsel (2010)
- Appointed CBE (2004)
- Bencher of the Inner Temple
- Professor of European Law and Fellow of Sidney Sussex College, Cambridge (1995-2008)
- Formerly, Director in the Legal Service of the Council of the European Union (1987-1994)

Publications

- Wyatt & Dashwood's European Union Law (co-authored), 6th ed. (Hart Publishing, 2011).
- The General Law of EC External Relations (ed. with C. Hillion, and three chapters) (Sweet & Maxwell, 2000).
- The Future of the Judicial System of the European Union (ed. with A. Johnston and main contributor) (Hart, 2001).
- The Law and Practice of EU External Relations – Salient Features of a Changing Landscape (ed. with M. Maresceau and contributor) (CUP, 2008).
- Articles and contributions to books:
- “Decision-making at the Summit”, 3 CYELS (2000), pp. 79-105.
- “The Constitution of the European Union after Nice: Law-making Procedures”, (2001) 26 ELRev, pp.215-238.
- Opinion 2/00, Cartagena Protocol on Biosafety, 39 CMLRev. (2002), pp. 353-36.
- “Issues of Decision-Making in the European Union after Nice” in Arnall and Wincott (eds), Accountability and Legitimacy in the European Union (OUP 2003), pp. 13-40.
- “The relationship between the Member States and the EU/EC”, 41 CMLRev. (2004), pp. 355-381.
- “From Van Duyn to Mangold via Marshall: Reducing Direct Effect to Absurdity?” 9 CYELS (2006-2007), pp. 81-109.
- “The Law and Practice of CFSP Joint Actions”, in Cremona and De Witte (eds), EU Foreign Relations Law: Constitutional Fundamentals, (Hart, 2009), pp. 53-77).
- “Article 47 and the Relationship between First and Second Pillar Competences” in Dashwood and Maresceau, (eds.), Law and Practice of EU External Relations (CUP 2008), pp. 70-103.
- “The Institutional Framework and the Institutional Balance”, in Dougan and Currie (eds.), 50 Years of the European Treaties: Looking Back and Thinking Forward (Hart, 2009), pp. 1-17.
- “Mixed Agreements in the Era of the Lisbon Treaty” in Hillion and Koutrakos (eds.). Mixed Agreements Re-visited: the EU and its Member States in the World. (Hart, 2010).

Education

- Jurisprudence, Oriel College, Oxford (1963-1966)
- Classics, Rhodes University, South Africa (1959-1962)

Awards & Recognitions

