

## Peter Sellar (non-practising)

Year of Call: 2014

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### Professional Career to date

Devilmasters: Morag Ross, Gavin Walker and Frances Connor

July 2014: Admitted to the Faculty of Advocates

2013 - 2014: Devil at the Faculty of Advocates

2011 - 2013: Head of Competition and Regulatory, Insurance, Lloyds Banking Group, Edinburgh

2008 - 2011: Counsel with Field Fisher Waterhouse, Brussels

2004 - 2008: Counsel with McKenna Long & Aldridge, Brussels

2001 - 2004: Counsel with Crowell & Moring, Brussels and Washington DC

1999 - 2001: Solicitor with Theodore Goddard, Brussels

1996 - 1997: Trainee with Sutherland & Co., Inverness and Soulier & Associés, Lyon

### Education & Professional Qualifications

LLB (Hons) with German Law, Aberdeen University and Regensburg University (1995)

Diploma in Legal Practice, Edinburgh University (1996)

LLM in European Community Law, College of Europe, Bruges (1999) (mention très bien)

### Areas of Expertise

- Commercial Contracts
- EU
- Competition and Public Procurement
- Public Law, Judicial Review and Human Rights

### Professional Experience

**Peter Sellar is currently a non-practising member of Axiom.**

Peter called to the Bar in 2014. His primary focus is on EU legal remedies, both before EU courts in Luxembourg/Helsinki and at the national level through, inter alia, Francovich damages actions. That focus has shifted to pre-and post-Brexit consultancy, advising on developments in domestic and international law as the negotiations play out. In addition to his work at the Bar, Peter is currently an adviser to a political group in Westminster on Brexit-related matters.

Since calling, Peter has principally worked on public procurement and state aid issues in Scottish courts and general EU regulatory matters in EU courts.

Prior to calling, Peter worked in-house for over two years as Head of Competition and Regulatory law for the Insurance Division of the Lloyds Banking Group. During that time, he led a comprehensive competition law compliance programme and managed a variety of OFT and other regulatory investigations.

From 1999-2012, Peter worked for various Brussels-based firms, advising clients on, amongst other things:

- trade law including anti-dumping proceedings and customs classification disputes
- competition law including merger filings on both sides of the Atlantic, information exchanges/cartels and review of commercial contracts
- free movement of goods issues including advice on chemicals law (REACH Regulation), biocides and pesticides law, waste and electrical and electronic equipment law (WEEE, RoHS Directives), fuel directive, toys regulations, amongst others
- data protection law including multi-national compliance programmes
- litigation before EU courts, preliminary reference procedures from national courts and the WTO Dispute Settlement process

Between 1996 and 1998, he trained in a civil and criminal legal aid firm in Inverness.

Peter has a Masters in European Community Law (*Mention Très Bien*) from the College of Europe, Bruges.

### **Recent Cases**

#### **Selected Scottish Cases**

R (Miller) v Secretary of State for Exiting the European Union [2017] UKSC 5 - Junior counsel for intervener in support of Ms Miller.

Kenman Holdings Ltd. v. Comhairle Nan Eilean Siar and Others [2017] CSIH 10 - Acting as junior counsel, successful reclaiming motion to Inner House on viability of Francovich damages claim.

Case T-689/13 Bilbaina de Alquitranes S.A. and others v European Commission - Successful annulment of Commission decision in complex, environmental law case involving classification of a chemical. Currently subject to Commission appeal before the CJEU.

Case A005-2015 Thor GmbH v European Chemicals Agency - Successful annulment of a decision of the European Chemicals Agency to enforce sharing of scientific data between competing companies.

#### **EU: Preliminary References to the European Court of Justice**

Etimine C-15/10 - Challenge to validity of a change in classification of the chemical borates

Afton C-343/09 - Challenge to the validity of the ban of the use of MMT in fuel

#### **EU: Selected Direct Actions before Europeans Courts:**

Specialty Chemicals Coordination Center sa/nv A-0001-2009 - First ever review before the Appeal Board of the European Chemicals Agency involving the successful overturn of a decision to reject a chemicals dossier

PPG and SNF v European Chemicals Agency T-268/10 - Review of the change in classification of the chemical acrylamide

Rütgers Germany, Cindu Chemicals, Bilbaína de Alquitranes and others v European Chemicals Agency T-93, 95, 96/10 - Review of the classification of coal tar chemicals

Xeda International and Pace International v Commission T-71/10 - Review of the ban of DPA use in pesticides

United Phosphorus v Commission T-95/09 (R) - Successful grant of interim relief suspending the ban of napropamide use as a pesticide

Cheminova and Others v Commission C-60/08 / T-326/07 - Review of ban of malathion use as a pesticide

Cheminova and Others v Commission C-60/08P (R) - Appeal against refusal to grant interim relief measures

#### **EU: Selected Others**

Arrêt du Conseil d'Etat (Belgium) of 6 January 2009 Case 189308 - Exemption in Belgian Law for use of the flame retardant DecaBDE in electrical and electronic equipment

European Communities WTO DS219 - Anti-dumping duties on malleable cast iron tube or pipe fittings from Brazil (December 2000)

#### **World Trade Organisation**

Turkey WTO DS208 - Anti-dumping duties on malleable cast iron tube or pipe fittings from Brazil (October 2000).

#### **Advocates Courts & Tribunals**

As an advocate: General Court of the European Union, European Chemicals Agency Appeal Tribunal, Court of Session, Sheriff Court

As a solicitor: European Court of Justice, General Court of the European Union, European Chemicals Agency Appeal Tribunal, Conseil d'Etat (Belgium), WTO Dispute Settlement Panel, UK VAT Tribunal, Sheriff and District Courts in Scotland

#### **Advocates Appointments & Memberships**

Director of Faculty of Advocates Eurodevilling Programme  
Chairman of the Advocates Group on European Union Law

#### **Publications**

"Classification decision on CTPHT is a lesson in discretion" Chemical Watch November 2015

"Luxembourg: A Chance to open the floodgates of judicial review" Scottish Legal News Annual Report 2015

"Will Wales and England go for WEexit?"; Scotsman 25 August 2016