

Patrick Smith

Partner, Johannesburg & London



Patrick Smith has applied economics, econometrics and industrial expertise to investigations in competition policy (including mergers, agreements, market inquiries and abuse of dominance), litigation (including testing for causation, damages estimation, and class actions) and arbitration, over the past 20 years.

He has acted on matters before the European Commission (often coordinating economic advice and analysis across multiple jurisdictions globally, e.g. *Dow/DuPont*, *Universal/EMI*, *Inco/Falconbridge*), authorities and courts in the UK (OFT, CC, CMA, and High Court, e.g. *Streetmap v Google*), Australia (ACCC, Supreme Court, Federal Court and ACT, e.g. *Taxi Apps v Uber*, *VW NOx class action damages*, *NSW Ports*, *Pacific National/Aurizon*, *Tabcorp/Tatts*), South Africa (High Court, later Supreme Court of Appeal, Constitutional Court; Competition Tribunal, later CAC, e.g. *GUG v NERSA*, *Bread Cartel class action damages*, *Pioneer/Pannar*), the US, Germany, Spain, and international and local arbitration and mediation forums (including the ICSID and the ICC, e.g. *First Quantum v DRC*).

Patrick's evidence is often cited:

"I propose to proceed largely adopting the above economic framework as expounded by Mr Smith. [...] I found him to be highly skilled and very thorough in his written and oral evidence."
(Federal Court)

"Mr Smith from RBB correctly sets out the essence of the enquiry."
(Competition Tribunal)

"a further report of Mr Smith [...] encapsulates the difficulty the respondents face"
(Supreme Court of Appeal)

"Clearly Mr Smith is highly skilled and very thorough in his written and oral evidence, specialising as he does in the economics of competition and regulation."
(Federal Court)

"Mr Smith submitted a quantitative analysis, [...] sufficiently explained his assumptions as arising from economic theory, [...] in our view accurately summarised why in this context the proposed behavioural conditions do not address the competition concerns."
(Competition Tribunal)

Patrick has written and presented on nearly all aspects of competition economics, including co-authoring books and book chapters, articles, and presentations before business, statutory and parliamentary bodies.

Prior to his qualifications in economics (MSc, MA First Class, Oxon), Patrick trained and worked as a chemical engineer (MSc, BSc Hons First Class, UCT), and often combines his knowledge of chemical processes with economic analysis in sectors such as mining and metals; pulp and paper; oil, gas and petrochemicals; and food and beverage processing. He also has extensive experience in fields such as: tech platforms; telecommunications; music and media; sports rights and gaming; port, rail, air and road transport and logistics; wholesale and retail services; and financial services.

Recent Case Experience

Heineken/Distell/NBL
Merger, Multi-jurisdictional

VW NOx Emissions
Class Action damages, Australia

City of Cape Town vs WBHO, Stefanutti
Stocks, Aveng
Follow on damages arbitration, South Africa

Online Intermediation Platforms
Market inquiry, South Africa

NSW Ports
Anticompetitive agreements, Australia (FCA)

GUG v NERSA
Price regulation, South Africa
(Constitutional Court)

Pacific National/Aurizon
Merger, Australia (FCA)

Dischem Masks
Excessive pricing allegations (pandemic regulations), South Africa (SACT)

Streemap v Google
Abuse of dominance claim, England and Wales
(High Court)

Bread
Class action follow on damages, South Africa
(Constitutional Court)

First Quantum v DRC
International arbitration, ICC, ICSID

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