

# Cousins and Swatch head to the Courts

An announcement from Anthony Cousins, Managing Director

All those involved in the Independent Repair Trade are being seriously threatened by the parts embargo by Swatch. Cousins customers will know that we have been very active in fighting to restore supply. Cousins is currently vigorously engaged in court proceedings against the Swatch group which is trying to challenge Cousins' allegations of anti-competitive conduct.

The last 18 months have been an incredibly steep learning curve for me. I have had to learn far more about Competition Law than I ever imagined the owner of a small business would need to do. Engaging and working with major international Law Firms, and getting to grips with judicial processes in different jurisdictions has also added to the load.

Initially, Cousins attempted to have this matter examined in the European Courts by requesting permission to become an Intervener in the on-going case between CEAHR and the EU Commission. Unsurprisingly, the Commission objected to this idea, and despite an appeal to a higher court, our application was unsuccessful. At the same time as this process was taking place, I have been very active with the Industry Action Fund, including attending a meeting at the Department of Business, Innovation and Skills, which in turn led to a referral to the Competition and Markets Authority.

As our understanding of the Law and how to implement it grew, it became very clear that direct legal action was the necessary way to resolve this matter, and once we had exhausted all opportunities to be an Intervener with CEAHR, our London lawyers sent the required "Letter Before Action" to Swatch Group warning them that unless they restored supply, we would issue proceedings against them in the English Courts.

Swatch decided not to face us in an English Court, but instead launched their own action against Cousins in a Swiss Commercial Court, in an attempt to have that Court declare that they have not broken competition law. Cousins has engaged the services of a highly reputable Swiss Law Firm, and we are now preparing our response to the Court. We hope that the Independent Repair sector will take heart from our efforts, and give their support in gathering the industry and consumer information that will be needed.

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