

Mark Bosley

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PROFESSIONAL NARRATIVE

Mark Bosley is an economist and chartered accountant based in BRG's London office. He provides expert economic and financial advice, principally in contentious matters, and has extensive experience of preparing expert reports for submission to domestic courts, arbitral tribunals and other specialist judicial bodies.

Mr Bosley has broad expertise in assessing the value and profitability of businesses which he has applied in a wide range of matters, encompassing investor-state disputes, contractual disputes, employment disputes and competition proceedings—including investigations and follow-on actions—as well as economic regulation. In competition matters, his particular expertise relates to the assessment of economic profitability, cost allocation and efficiency, pass-on, the cost of capital and regulatory price-setting.

Mr Bosley has worked across a range of industries, including telecommunications, energy, financial services, healthcare and manufacturing.

EDUCATION

MA, Economics University of Cambridge, 2008

PREVIOUS POSITIONS

Graduate Programme – Senior Associate, PwC, 2009 – 2014
Senior Consultant – Director, FTI Consulting, 2014 - 2021

PROFESSIONAL AFFILIATIONS

Member, ICAEW

SELECTED PROFESSIONAL EXPERIENCE

Commercial Disputes & Valuations

Prepared an expert assessment of a brand valuation adduced in support of a claim that assets were sold at an undervalue in the course of an Administration, in the context of UK court litigation. Ongoing.

Assessed losses suffered by a reinsurance brokerage firm as a result of alleged breaches of legal duties by a senior employee who moved to a competitor, in the context of UK High Court litigation. Ongoing.

Assessed the value of an interest in a digital services business – including the value of share classes holding special rights – in the context of proceedings in the UK Family Court. Ongoing.

Assessed losses suffered as a result of an auditor's alleged negligence in failing to detect a fraud, in the context of potential UK proceedings. Ongoing.

Assessed terms for a compulsory licence on a 'reasonable royalty' basis in connection with an infringement of a pharmaceutical patent, in context of proceedings in European jurisdictions. Ongoing.

Assessed the fair market value of expropriated upstream and midstream energy assets, in the context of a claim brought in an UNCITRAL investment treaty arbitration. Ongoing.

Undertook a preliminary assessment of losses suffered by a robotics technology business as a result of alleged breach of its patents, in context of potential UK proceedings. Ongoing.

Assessed losses suffered by an emerging market telecommunications operator arising from taxes alleged to have been wrongfully imposed, in the context of an UNCITRAL investment treaty arbitration.

Advised on the fair market value of intellectual property owned by a UK producer of innovative polymer products, for the purposes of setting a transfer pricing policy.

Assessed claim and counterclaim brought by investors in an agricultural business arising from their respective breaches of an investment agreement, in proceedings under the Arbitration Act 1996.

Undertook preliminary assessment of the potential losses suffered by a start-up provider of an innovative digital service as a result of patent infringement, in the context of potential UK litigation.

Assessed losses suffered by the vendor of an interest in a gas field in Egypt arising from purchaser's breach of SPA, in context of a CRCICA arbitration.

Valued an interest in an oil field in Iraq, in the context of a claim for breach of agreement, in the context of an ICC arbitration.

Valued a developing market telecommunications business in context of a claim for losses brought by the investor in an UNCITRAL investment treaty arbitration.

Assessed losses suffered by another reinsurance brokerage firm as a result of alleged breaches of contract by former employees who joined a competing business, in the context of UK High Court litigation.

Assessed losses claimed by a UK-based real-estate investor arising from alleged conspiracy by their professional advisors, in the context of UK High Court proceedings.

Assessed losses suffered by an automotive parts business as result of an alleged wrongful early termination of a supply contract, in an arbitration before the German Institution of Arbitration.

Assessed losses suffered by an asset manager as a result of alleged breach of contract by former employees who established a competing business, in proceedings under the Arbitration Act 1996.

Valued a start-up technology business in the homeland security analytics sector, for the purposes of a negotiated settlement relating to a breach of an SPA.

Assessed a claim for losses of an aircraft leasing business arising from a failure to honour an alleged commitment of financial support, in the context of an ICC arbitration.

Critically reviewed a professional advisor's report on the value of property pledged as loan collateral, in the context of an investor's claim for losses arising from an SFO investigation in UK High Court proceedings.

Assessed claim and counterclaim brought by purchaser and vendor of a 'white label' electronics manufacturer arising from an alleged breach of the SPA, in the context of an ICC arbitration.

Valued of a start-up emerging market telecommunications operator, in the context of a claim for losses arising from alleged breach of agreement.

Assessed losses suffered by a staffing services business, and interest thereon, arising from incorrect historical application of VAT rules, in the context of mediation with HMRC.

Competition and economic regulation experience

Advised a consortium of investors on future allowed return and financeability issues in connection with a potential bid for a regulated UK power network operator.

Advised a potential funder on likely quantum in a collective action that may be brought against cartelists in the UK.

Advised Royal Mail on its appeal of Ofcom's finding that its access pricing foreclosed the market to a potential entrant.

Advised a pharmaceutical business in the context of a CMA investigation into alleged excessive pricing, focussing on the appropriate competitive benchmark price.

Advised an Irish telecommunications network operator on responding to a ComReg consultation on the regulatory framework for broadcasting infrastructure and the proposed allowed return.

Advised a trade association on incentive mechanism design for waste electronic equipment recycling.

Advised a bidder on regulatory finance issues in connection with its potential acquisition of another regulated UK power network operator.

Advised the Commission for Energy Regulation on allowed return for the periodic price control for Gas Networks Ireland.

Advised British Telecom in the context of its appeal of Ofcom's decision to remove the wholesale "must offer" obligation on Sky television.

Advised a major European energy generation and supply company throughout the UK Competition and Markets Authority's market investigation.

Advised a major private healthcare provider in South Africa in the context of a South African Competition Commission investigation.

Secondment to the UK Office of Fair Trading as an Economic Advisor on a market study into the supply of ICT to the UK public sector.

Advised Ofwat on allowed return and financeability in connection with the price control for 2015 to 2020.

Advised PwC throughout the UK Competition Commission's audit market investigation, including the assessment of profitability and price impact of switching auditors.

Advised a major UK private medical insurer in the course of a UK Competition Commission market investigation.

Advised the BBC on options for simplifying its compliance with State Aid and competition law.

Other

Audits of FTSE 100 financial institutions, including assessing models for valuing illiquid assets.

Audits of securitisation SPVs, including assessing the fair value of assets where markets were thin or inactive as a result of the Eurozone crisis.