

Litigating Private Competition Claims in the UK

4 March 2015 | 16:00 for 16:30 start | The Hotel, Boulevard de Waterloo 38, 1000 Brussels

The UK courts are seeing a continued growth in EU competition litigation. Both claimants and defendants need to understand the issues arising to inform both litigation strategy and the terms of regulatory engagement.

This seminar is intended to discuss a number of current issues in the UK and the interaction with developments at EU level.

Chair: Kassie Smith QC

Disclosure in damage actions: issues and lessons from the UK

- UK disclosure – too much of a good thing?
- Access to the Commission decision and file
 - Access to decisions before they are published
 - Leniency – is the Directive the end of the story?
 - Interaction between the English Courts and the Commission

Daniel Beard QC

Interim injunctions - when it's not (just) about the money:

- When is injunctive relief available from UK courts?
- What type of competition law breaches will be enjoined?
- How to defend claims for interim relief against dominant firms?
- The interplay with expedition
- Getting interim measures from the CMA

Ronit Kreisberger

Limitation – starting and stopping the clock (and again)

- The position pre and post the Directive
- When does time to start to run?
- Extending the limitation period: knowledge and concealment
- *Visa interchange*: interaction between Commission decisions and subsequent damages claims
- Suspension: how does it work for immunity applicants and in collective settlements?

Anneli Howard

Collective redress

- Prospects for the new regime – is more less?

Ben Rayment

Panel discussion

- How much change has the Directive already caused?
- Can the passing on defence be resisted?
- Other issues?

How to register: This seminar is free to attend. To reserve your place, please RSVP to Claire Alderman on calderman@monckton.com or 020 7405 7211. www.monckton.com

Speaker Biographies

KASSIE SMITH QC

Kassie Smith QC is a leading competition and regulatory lawyer. Directories describe her as *“Incredibly accessible, proactive and really down to earth.”* *“She has broad experience in telecoms and the broader competition field, and is destined to become one of the most sought-after QCs.”* *“She has an amazing knowledge of EU law and is an excellent member of the team”.* *“Very calm and measured when dealing with the judiciary ... She stands her ground and thinks hard about questions”.*



She has extensive experience litigating competition matters in the UK and EU courts. Her recent cases include leading the team for the UK Competition and Markets Authority (CMA) in the various appeals arising from its investigation into the private healthcare market; acting for the successful appellant in *Skyscanner v OFT* [2014] CAT 16; and appearing in the CJEU in *Del Monte v Commission*. She has acted in a large number of private damages actions in the UK, for both claimants and defendants. Current (and past) instructions include claims concerning Air Cargo, LCD Screens, Carbon Graphite, Copper Tubing, and Synthetic Rubber.

DANIEL BEARD QC

“The immensely popular Daniel Beard QC ‘provides sound strategic advice’ and is ‘good on his feet’, most notably in damages actions.” – Legal 500

Daniel is recognised as an outstanding competition and regulatory lawyer and has appeared in and advised upon many of the leading cases over recent years. The Global Competition Review recently featured Daniel as a leader at the UK Competition Bar, *‘Highly regarded in the regulatory sphere, Daniel Beard’s stock continues to rise in private competition work. His “first-rate advocacy” has kept him consistently handling some of the most significant cases in the UK’.*



Daniel is a leader in the field of wider European law matters. He has made frequent appearances in the EU courts in Luxembourg on leading cases ranging from terrorist sanctions to environmental information disclosure and from airline cancellations to motor insurance. He also deals with EU law issues in domestic proceedings covering matters from interpretation of EU legislation to Francovich damages claims.

As a result of his very extensive involvement in damages claims (both for defendants and claimants), Daniel has a great deal of experience with multi-national and domestic proceedings from pre-litigation preparation through to full trial including dealing with jurisdictional (conflicts of laws) issues. He has appeared in a multitude of claims for damages. Current instructions include claims concerning : Air Cargo, Foam, Interchange Fees and Phosphates.

RONIT KREISBERGER

"A fearless advocate." "incisive analytical skills and compendious legal knowledge" – Chambers UK

Ronit Kreisberger is a leading senior junior in competition law. She features in many of the "big ticket" competition cases of the day including Lundbeck pay for delay case and the Air Cargo litigation. She has acted for an impressive array of clients including Cathay Pacific, Pfizer, Merck, UK Health Authorities, Vodafone, Turf TV and the Royal Mail.



Ronit is ranked in Band 1 of leading competition juniors by Chambers UK 2015. The directories described her as: "impressive"; "a quietly destructive advocate who produces easy-to-follow submissions"; she has "an excellent reputation for High Court damages actions" and "can take charge when others despair and frequently spots the key point that will win a case." She is recognised as a leading competition expert in the International Who's Who of Competition Lawyers and Economists 2014 and has featured in the Lawyer's Hot 100.

ANNELI HOWARD

"She's very responsive and shows great attention to detail." "She's fantastic, knows the law inside and out and is intellectually very gifted." - Chambers UK

Anneli is a senior junior with extensive experience in EU and UK competition law. In 2009 she was listed as one of the Top 100 Women in Antitrust by Global Competition Review and is recognised as a leading competition expert in the International Who's Who of Competition Lawyers and Economists 2015.



Anneli is Standing Counsel to the Civil Aviation Authority, advising on competition, regulatory and EU matters in the aviation field and was nominated as "Junior of the Year" in EU/Competition in the 2014 Chambers Bar Awards.

A former Référéndaire to Judge David Edward at the Court of Justice, Anneli advises both commercial clients and regulators on a wide range of domestic and EU antitrust, competition and regulatory issues. She has considerable international experience, previously working in Hong Kong, Paris, Milan and Luxembourg, making the most of her linguistic abilities. Her remit covers abuse of dominant position, cartel investigations, leniency/ settlement, distribution and cooperation agreements and state aid as well as regulatory appeals and judicial review. Anneli also acts for private parties in injunction and damages claims, in the Competition Appeal Tribunal, Chancery Division and Commercial Court. She is currently acting for Visa Europe in 15 sets of interchange proceedings before the High Court in London as well as number of smaller claimants seeking stand-alone or follow-on damages and/or injunctive relief.

BEN RAYMENT

“A popular choice either unled or as junior counsel particularly in damages claims. He has been involved in an impressive number of the most complex and high-value cases in that area.” - Chambers UK

Ben has experience of a wide variety of heavy and complex standalone and follow-on competition litigation and advisory work, including large group claims, as well as guiding clients through the administrative stage of merger and market investigations. He is also regularly involved in challenging and defending the decisions of the competition authorities before the English and European Courts. He is a former Legal Secretary to the UK Competition Appeal Tribunal.



According to clients Ben *“brings clarity to very complex issues”*. He is *“noted for his strong advocacy skills”*, *“intricate knowledge of competition law institutions”* and the fact that he is *“user friendly”* and *“will work extremely hard to get the right result”*.