Objective

By the end of 2016, Member States should be ready to put into effect the long-awaited and hotly debated Directive on Antitrust Damages. The Directive aims to strike a better balance between public and private enforcement of antitrust rules in the EU. It also strives to boost the protection of individuals’ rights and act as a deterrent from infringing antitrust rules.

Against this background, this conference aims to look into the complex issues of implementation and the challenges to be faced by national judges, as well as legal counsel for defendants and claimants in antitrust damages litigation.

Key topics

- Directive 2014/104/EU and the way forward
- Challenging issues of compensation and quantification
- The study on the passing-on of overcharges
- Procedural challenges
- The role of the CJEU and national competition authorities

Who should attend?

Lawyers in private practice, in-house counsel, members of the judiciary and economists actually or potentially dealing with antitrust damages cases and litigation.

Speakers

Eric Barbier de La Serre, Partner, Jones Day, Paris
Eddy De Smijter, Head of Unit “European Competition Network and Private Enforcement”, DG Competition, European Commission, Brussels
Benoît Durand, Partner, RBB Economics, Brussels / Paris
Ian Forrester, Judge, General Court of the EU, Luxembourg
Marc Ivaldi, Professor, Toulouse School of Economics (TSE), Toulouse and NERA Economic Consulting, Paris
Wolfgang Kirchhoff, Judge, Member of the First Civil Chamber, German Federal Court of Justice, Karlsruhe
Assimakis Komninos, Partner, White & Case, Brussels
Gerald Mäsch, Professor, Institute for International Business Law, University of Münster
Ben Rayment, Barrister, Monckton Chambers, London
Jacqueline Riffault-Silk, Conseiller doyen, Commercial, Financial and Economic Chamber, French Court of Cassation, Paris
Sabine Thibault-Liger, Counsel, Linlaters, Paris
Diana Ungureanu, Judge, Court of Appeal, Pitesti; Full-time trainer at National Institute of Magistracy of Romania (NIM), Bucharest

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Monday, 24 October 2016

09:15 Arrival and registration of participants
10:00 Welcome words
Jacqueline Riffault-Silk
Dr Wolfgang Heusel, Director, ERA
Chair: Wolfgang Heusel
10:30 Introduction: The objectives of Directive 2014/104/EU and future steps
Eddy de Smijter
11:15 Discussion
11:30 Coffee break

I. HARM, COMPENSATION AND QUANTIFICATION: ISSUES ARISING FROM THE DAMAGES PACKAGE
Chair: Eric Barbier de La Serre
11:45 The morphology and mapping of antitrust damage actions:
- Direct and indirect purchasers
- SMEs
- Classes: opt in v opt out model in collective redress
- Stand-alone and follow-on actions
Assimakis Komninos
12:15 Discussion
12:30 Liability, causality and the principles of effectiveness and equivalence
Sabine Thibault-Liger
13:00 Discussion
13:15 Lunch
14:15 The amount of compensation
- Full compensation v overcompensation
- Loss of profit
- Calculation of interest
Marc Ivaldi
Diana Ungureanu
15:00 Quantification in practice: challenges and aids for the national judge
Marc Ivaldi
15:30 The study on the passing-on of overcharges arising from competition law infringements: an economic perspective
Benoît Durand
16:00 Discussion
16:30 Coffee break

II. THE ROLE OF COMPETITION AUTHORITIES AND THE CJEU IN PRIVATE ENFORCEMENT
Chair: Wolfgang Kirchhoff
16:45 Relationship between public and private enforcement:
- The effect of NCAs' findings
- NCAs as amicus curiae?
Wolfgang Kirchhoff
17:15 The role of the Court of Justice of the EU in interpreting Directive 2014/104/EU
Ian Forrester
17:45 Discussion
18:15 End of the first day

Tuesday, 25 October 2016

III. PROCEDURAL ISSUES AND CHALLENGES
Chair: Jacqueline Riffault-Silk
09:30 Limitation periods: when does the time start running?
Ben Rayment
10:00 Discussion
10:15 Evidence
- Standard of proof
- Economic experts and evidence
- Assessment of decisions from other Member States
Eric Barbier de La Serre
10:45 Discussion
11:15 Coffee break
11:45 Round table: Forum-shopping considerations and impact
Gerald Mäsch
Ben Rayment
Jacqueline Riffault-Silk
12:30 Discussion
13:00 End of conference

Programme may be subject to amendment.
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