

## 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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## PRIVATE ANTITRUST LITIGATION: A NEW ERA IN THE EU

CHALLENGES IN THE IMPLEMENTATION OF THE ANTITRUST DAMAGES PACKAGE

**Paris, 24-25 October 2016**  
Cour de Cassation  
5 quai de l'Horloge, 75001

**Organiser:**  
ERA (Eirini Volikou) in cooperation with the French Cour de cassation

**Languages:**  
English and French  
(simultaneous interpretation)

**Event number:** 216D127



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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 Komninou*

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

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Programme may be subject to amendment.  
 For programme updates: [www.era.int](http://www.era.int)

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