



Funded by the Training of National Judges Programme of the European Commission

Seminar Series on European Competition Law Fundamentals for National Judges

Seminar III: Quantification of Damages in Competition Cases

**9-10 May 2014
Budapest, Hungary**

Our third “Competition Law Fundamentals” seminar will focus on the quantification of damages in competition law litigation before national courts, building on the previously discussed topics of restrictive agreements and abuse of dominance. Once a violation has been found, how can victims recover damages? The seminar will cover economic foundations, case law and the recently adopted European legal framework, and practical aspects of damages cases before national courts.

The sessions on Friday will provide a general introduction to the topic and focus on damages in cartel cases; on Saturday we will focus more on action for damages in abuse of dominance cases. Topics include economic methods to quantify damages, what to expect from economic experts in trials, difficulties and complications such as incomplete data, practical approaches to assess the relevance and credibility of evidence on damages, foreclosure analysis and damages, and legal aspects such as relevant ECJ cases and the impact of the recent private damages Directive. The seminar will provide ample opportunity to discuss practical problems as well as actual and hypothetical cases.

Speakers

Benoît Durand, RBB Economics

Rainer Nitsche, Managing Director, E.CA Economics, Berlin

Andreas Reindl, Leuphana University, Lüneburg

Christopher Rother, Deutsche Bahn

Sabine Zigelski, OECD

Venue

The seminar is held in the Aquincum Hotel Budapest (Hungary, 1036 Budapest, Árpád fejedelem útja 94). The plenary sessions are held in the Hadrianus B meeting room.

Agenda

Friday, 9 May

09.00-09.15 Registration

09.15-10.45 Introduction:
Andreas Reindl: Introduction to the seminar
Sabine Zigelski: The economics of collusion & cartel stability
Rainer Nitsche: Methods for quantification of damages with case example

10.45-11.15 Coffee break

11.15-12.30 *Rainer Nitsche*
Case hypothetical on damages: Introduction and work in breakout groups

12.30-13.30 Lunch

13.30-14.30 *Rainer Nitsche*: Selected Issues in Damages Estimation
Overcharge
Umbrella effect
Lingering effect
Pass-on and volume loss
Interest payment

14.30-15.30 The Developing Legal Framework – Practical and Procedural Aspects
Christopher Rother
Andreas Reindl

15.30-16.00 Coffee break

16.00-17.15 Practical and Procedural Aspects cont'd
Access to evidence and access to leniency files
Pass-on rules and presumptions
Statute of limitations
When and how introduce empirical evidence
First damages model
Counterfactual
Quality of expert opinions

Rainer Nitsche
Andreas Reindl
Christopher Rother
Sabine Zigelski

18.20 Meeting at the reception, transfer to the welcome dinner

Agenda cont'd

Saturday, 10 May

09.00-10.30 *Benoit Durand*
Introduction: the economics of exclusionary conduct & legal aspects in dominance cases
The quantification of damages in abuse of dominance cases

10.30-11.00 Coffee break

11.00-12.00 *Benoît Durand*
Case Hypothetical on damages in abuse of dominance case

12.00-13.00 Practical examples of damages claims in abuse of dominance cases
Benoît Durand
Andreas Reindl

13.00-14.30 Lunch
