



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

Seminar on European Competition Law for National Judges

The Role of National Judges in Antitrust Litigation in the Light of the EU Damages Directive

24 – 25 FEBRUARY 2017, BUDAPEST (HUNGARY)

SEMINAR OBJECTIVES

Directive 2014/104/EU on antitrust damages actions set the 27th December 2016 as the deadline for Member States to implement it in their legal systems. National judges will therefore have to take into consideration the new rules derived from this text.

This seminar will examine the impact of the Directive on the tasks national judges have to undertake in antitrust litigation. Pursuant to this objective, participants will be provided with the necessary tools and information to better understand the Directive's provisions as to ensure a coherent and consistent application of EU law in this field by national courts.

It will cover the main features of the Damage Directive, such as the disclosure of evidence, the passing on defence, the quantification of harm and limitation periods. Moreover, to assist national judges in the implementation of these rules and concepts, co-operation mechanisms and preliminary reference proceedings are made available and will be addressed during the seminar. Finally, we will examine matters of competence from jurisdictional issues to effects of national decisions in other Member States.

Key national cases and relevant EU case law will be presented and discussed by experts in the field. In addition, participants will actively be involved through hypothetical exercises and will be engaged in Q/A sessions with the experts.

SPEAKERS

- **UNIV.-PROF. DR. GEORG KODEK**, Judge, Supreme Court of Justice of Austria, Vienna
- **MR. IESTYN WILLIAMS**, Partner, RBB Economics, London
- **DR. MARTIN SEEGER**, Partner, CDC Cartel Damage Claims, Brussels
- **MS. SABINE ZIGELSKI**, Senior Competition Expert, OECD, Paris
- **MR. TAMÁS SZÁMADÓ**, Head of the Litigation Section, GVH, Budapest
- **MR. VIVIEN TERRIEN**, *Référéndaire*, General Court of the European Union, Luxembourg

AGENDA

Continental Hotel, Budapest, Hungary

Friday, 24 February 2017

09.00-9.15 **WELCOME AND OPENING REMARKS** (Vivien Terrien, CJEU)

09.15-09.45 *Group photo and Introduction*

09.45-11.15 **MAIN FEATURES OF THE DAMAGES DIRECTIVE**

- EU CASE LAW ON THE PRINCIPLES OF EQUIVALENCE AND EFFECTIVENESS
Vivien Terrien (General Court of the EU, Luxembourg)
- PUBLIC AND PRIVATE ANTITRUST ENFORCEMENT IN COMPETITION
Sabine Zigelski (OECD, Paris)
- NEGOTIATION AND IMPLEMENTATION OF THE DIRECTIVE
Tamás Számadó (GVH, Budapest)
- OBSTACLES ON THE WAY TO VICTIMS' COMPENSATION
Martin Seegers (CDC Cartel Damage Claims, Brussels)
- IMPORTANCE OF ECONOMISTS IN PRIVATE COMPETITION LITIGATION
Iestyn Williams (RBB Economics, London)
- THE NEW ROLE OF NATIONAL JUDGE IN ACTIONS FOR DAMAGES
Georg Kodek (Supreme Court of Justice of Austria, Vienna)

11.15-11.30 Q&A session

11.30-11.45 *Coffee break*

11.45-12.30 **COOPERATION MECHANISMS**

- COOPERATION WITH THE EU JUDGE: THE PRELIMINARY RULING PROCEDURE
Vivien Terrien (General Court of the EU, Luxembourg)
- COOPERATION BETWEEN THE NATIONAL JUDGE AND THE NCA
Tamás Számadó (GVH, Budapest)
- COOPERATION WITH THE COMMISSION AND THE OTHER NATIONAL COURTS
Georg Kodek (Supreme Court of Justice of Austria, Vienna)

12.30-12.45 Q&A session

12.45-13.00 Speakers' comments

13.00-14.30 *Lunch*

14.30-15.15	Hypothetical Case Exercise #1
15.15-16.00	<p>DISCLOSURE OF EVIDENCE</p> <ul style="list-style-type: none"> • EU CASE LAW ON DISCLOSURE OF EVIDENCE – STATE OF PLAY <i>Vivien Terrien (General Court of the EU, Luxembourg)</i> • ACCESS TO THE NCA'S FILES <i>Tamás Számadó (GVH, Budapest)</i> • DIRECTIVE'S CLARIFICATION OF THE JUDICIAL BALANCING TEST <i>Georg Kodek (Supreme Court of Justice of Austria, Vienna)</i>
16.00-16.15	Q&A session
16.15-16.30	<i>Coffee break</i>
16.30-17.15	Hypothetical Case Exercise #2
17.15-18.15	<p>QUANTIFICATION OF HARM</p> <ul style="list-style-type: none"> • QUANTIFICATION OF HARM – THE LEGAL SIDE <i>Martin Seegers (CDC Cartel Damage Claims, Brussels)</i> • QUANTIFICATION OF HARM – THE ECONOMIC SIDE <i>Iestyn Williams (RBB Economics, London)</i> • JUDGES' DIFFICULTIES AND HOW TO SOLVE THEM <i>Georg Kodek (Supreme Court of Justice of Austria, Vienna)</i>
18.15-18.30	Q&A session
19:00 -	<i>Welcome dinner - meeting at the hotel reception</i>

Saturday, 25 February 2017

09.30-09.45	<p>BRIDGE SESSION : QUANTIFICATION OF HARM – BALANCE AND STRATEGY <i>Sabine Zigelski (OECD, Paris)</i></p>
09.45-10.30	Hypothetical Case Exercise #3
10.30-11.30	<p>PASSING-ON OF OVERCHARGES</p> <ul style="list-style-type: none"> • THE GUIDELINES FOR JUDGES <i>Iestyn Williams (RBB Economics, London)</i> • EVIDENTIAL BURDEN <i>Martin Seegers (CDC Cartel Damage Claims, Brussels)</i> • JUDICIAL ASSESSMENTS' DIFFICULTIES AND BEST METHODS <i>Georg Kodek (Supreme Court of Justice of Austria, Vienna)</i>
11.30-11.45	Q&A session
11.45-12.00	<i>Coffee break</i>

12.00-12.45	<p>JURISDICTIONAL ISSUES</p> <ul style="list-style-type: none"> • EU CASE LAW ON JURISDICTIONAL ISSUES APPLIED TO ACTIONS FOR DAMAGES <i>Vivien Terrien (General Court of the EU, Luxembourg)</i> • VICTIMS' LITIGATION STRATEGY AND JUDGES' COMPETENCES <i>Martin Seegers (CDC Cartel Damage Claims, Brussels)</i> • JUDGES' BEST APPROACHES <i>Georg Kodek (Supreme Court of Justice of Austria, Vienna)</i>
12.45-13.00	Q&A session
13.00-14.30	<i>Lunch</i>
14.30-15.30	<p>EFFECT OF NATIONAL DECISIONS, CONSENSUAL SETTLEMENTS, LIMITATION PERIODS AND JOINT AND SEVERAL LIABILITY</p> <ul style="list-style-type: none"> • JOINT AND SEVERAL LIABILITY AND CONSENSUAL SETTLEMENTS <i>Martin Seegers (CDC Cartel Damage Claims, Brussels)</i> • EFFECTS OF NATIONAL DECISIONS <i>Tamás Számadó (GVH, Budapest)</i> • LIMITATION PERIODS <i>Vivien Terrien (General Court of the EU, Luxembourg)</i>
15.30-15.45	Q&A session
15.45-16.00	Speakers' comments
16.00-16.30	WRAP-UP SESSION AND CLOSING REMARKS
16.30	<i>End of the seminar</i>