



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

## Advanced Seminar on European Competition Law for National Judges

# National Judges and Antitrust Damages Litigation

 **Budapest, Hungary**

 **23-24 February 2018**

### 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 therefore have to take into consideration the new rules derived from this text.

This seminar builds up on the one organised in February 2017, which examined the impact of the Directive on the tasks national judges have to undertake in antitrust litigation. It is, thus, addressed to persons who have had a previous training on private antitrust litigation.

The seminar will cover the main issues raised by the implementation of the EU Damage Directive that national judges will be confronted with when seized by actions for damages: matters of competence, disclosure of evidence, quantification of harm, passing-on of overcharges, joint and several liability, consensual settlements, effect of national decisions and limitation periods.

The training will be based on one hypothetical case exercise presenting all these issues in continuity as national judges should encounter them, from jurisdictional concerns to the adoption of the final decision.

Each of these issues will be tackled, first, in small groups (accompanied by one of the experts) who will be asked to reflect on a hypothetical case exercise. One or more experts will then give an in-depth presentation of the legal and/or economics aspects that should be kept in mind, illustrated by key EU and national cases. Finally, the methods to follow to deal with the issues raised in the exercise will be explained by the judicial expert on the second day.

In addition, participants will be engaged in Q&A sessions with the experts and will actively be involved through experience sharing moments to promote co-operation and networking among them.

### SPEAKERS

- **MR. IESTYN WILLIAMS**, Partner, RBB Economics, London
- **DR. MARTIN SEEGER**s, Partner, CDC Cartel Damage Claims, Brussels
- **UNIV.-PROF. DR. GEORG KODEK**, Judge, Supreme Court of Justice of Austria, Vienna
- **MR. PEDRO CARO DE SOUSA**, Competition Expert, OECD, Paris
- **MR. VIVIEN TERRIEN**, *Référendaire*, General Court of the European Union, Luxembourg

# Agenda

**Friday, 23 February 2018**

**09.00-09.15** WELCOME AND OPENING REMARKS BY VIVIEN TERRIEN (CJEU)

**09.15-09.45** GROUP PHOTO AND INTRODUCTION

## **THEME #1 JURISDICTIONAL ISSUES AND APPLICABLE LAW**

**09.45-10.45** HYPOTHETICAL CASE EXERCISE PART #1 – WORKING GROUPS

**10.45-10.55** INTERVENTION BY VIVIEN TERRIEN (General Court of the EU, Luxembourg)

**10.55-11.20** INTERVENTION BY DR. MARTIN SEEGER (CDC Cartel Damage Claims, Brussels)

**11.20-11.40** Q&A and Experience Sharing Session

11.40-12.00 Coffee Break

## **THEME #2 QUANTIFICATION OF HARM**

**12.00-13.00** HYPOTHETICAL CASE EXERCISE PART #2 – WORKING GROUPS

**13.00-14.30** Lunch

**14.30-14.55** INTERVENTION BY IESTYN WILLIAMS (RBB Economics, London)

**14.55-15.10** INTERVENTION BY DR. MARTIN SEEGER (CDC Cartel Damage Claims, Brussels)

**15.10-15.20** INTERVENTION BY PEDRO CARO DE SOUSA (OECD, Paris)

**15.20-15.35** Q&A and Experience Sharing Session

15.35-15.50 Coffee Break

## **THEME #3 PASSING-ON OF OVERCHARGES**

**15.50-16.50** HYPOTHETICAL CASE EXERCISE PART #3 – WORKING GROUPS

**16.50-17.15** INTERVENTION BY IESTYN WILLIAMS (RBB Economics, London)

**17.15-17.30** INTERVENTION BY DR. MARTIN SEEGER (CDC Cartel Damage Claims, Brussels)

**17.30-17.40** INTERVENTION BY PEDRO CARO DE SOUSA (OECD, Paris)

**17.40-18.00** Q&A and Experience Sharing Session

**18.30** Welcome dinner (meeting at the hotel reception)

## Saturday, 24 February 2018

<b>THEME #4</b>	<b>DISCLOSURE OF EVIDENCE</b>
<b>09.45-10.45</b>	<b>HYPOTHETICAL CASE EXERCISE PART #4 – WORKING GROUPS</b>
<b>10.45-10.55</b>	<b>INTERVENTION BY VIVIEN TERRIEN</b> (General Court of the EU, Luxembourg)
<b>10.55-11.25</b>	<b>INTERVENTION BY UNIV.-PROF. DR. GEORG KODEK</b> (Supreme Court, Vienna)
<b>11.25-11.35</b>	<b>INTERVENTION BY PEDRO CARO DE SOUSA</b> (OECD, Paris)
<b>11.35-11.50</b>	Q&A and Experience Sharing Session
11.50-12.05	Coffee Break
<b>THEME #5</b>	<b>JOINT AND SEVERAL LIABILITY, CONSENSUAL SETTLEMENTS, LIMITATION PERIODS &amp; EFFECT OF NATIONAL DECISIONS</b>
<b>12.05-13.00</b>	<b>HYPOTHETICAL CASE EXERCISE PART #5 – WORKING GROUPS</b>
<b>13.00-14.30</b>	LUNCH
<b>14.30-14.50</b>	<b>INTERVENTION BY DR. MARTIN SEEGER</b> (CDC Cartel Damage Claims, Brussels)
<b>14.50-15.00</b>	<b>INTERVENTION BY UNIV.-PROF. DR. GEORG KODEK</b> (Supreme Court, Vienna)
<b>15.00-15.20</b>	<b>INTERVENTION BY PEDRO CARO DE SOUSA</b> (OECD, Paris)
<b>15.20-16.00</b>	Q&A and Experience Sharing Session
<b>16.00-16.30</b>	<b>WRAP-UP SESSION AND CLOSING REMARKS</b>
16.30	End of the seminar