

# COMPETITION LITIGATION 2012

Comparison of national litigation procedures and their practical implications on other jurisdictions

Tuesday 3rd July 2012, Radisson Blu Royal, Brussels, Belgium

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## Key focus includes:

- ◀ Comparison of national litigation procedures and their impact on other jurisdictions
- ◀ Review of recent case law including the *Pfleiderer* and *CDC* judgements
- ◀ Collecting evidence
- ◀ Access to files
- ◀ Costs and funding
- ◀ Disclosure
- ◀ Private actions
- ◀ Quantifications of damages
- ◀ Forum shopping
- ◀ Binding effects

...and more besides!

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## Expertly chaired by:

**Daniel Beard QC**, Barrister, **Monckton Chambers**, UK

## Distinguished line-up of speakers includes:

**Christian Vollrath**, Policy Analyst, **DG Competition, European Commission**, Belgium

**Onno Brouwer**, Partner, **Freshfields Bruckhaus Deringer LLP**, Belgium & The Netherlands

**Robert O'Donoghue**, Barrister, **Brick Court Chambers**, UK

**Thomas Funke**, Partner, **Osborne Clarke**, Germany

**Bruno Augustin**, Executive Director, Fraud Investigation & Dispute Services, **Ernst & Young LLP**, UK

**Dr Till Schreiber**, Legal Counsel, **CDC Cartel Damage Claims Services SPRL**, Belgium

**Peter Camesasca**, Partner, **Covington & Burling LLP**, Belgium

**Sanjay Bhandari**, Partner, Forensic Technology and Discovery Services, **Ernst & Young LLP**, UK

**Richard Pike**, Partner, **Baker & McKenzie LLP**, UK

**Dr Ingo Brinker**, Partner, **Gleiss Lutz**, Germany

**Elizabeth Morony**, Partner, **Clifford Chance LLP**, UK

"Very useful and topical presentations."

(C Pouncey, Herbert Smith)



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# COMPETITION L

Tuesday 3rd July 2012, Radisson

**Recent cases such as the *Pfleiderer* decision** at Bonn's court, highlight just how much of an impact national courts can have on competition litigation procedures and to the maintenance of effective competition in the EU.

*IBC Legal Conferences* is therefore proud to announce its insightful forum **Competition Litigation**.

Join us in Brussels to gain in-depth advice and knowledge provided by leading competition and litigation experts who will **compare recent developments in key jurisdictions** and who'll address:

- Evidence collection
- Access to files
- Costs
- Private actions
- Forum shopping

Key representatives from the European Commission, EU lawyers in private practice as well as lawyers in public bodies will debate the key legal practical challenges to help you develop the perfect strategy for your business needs.

During this intensive one-day conference you will have an excellent opportunity to get up to date with current legal challenges in an increasingly complex environment.

Join us and embrace detailed analysis from the experts to successfully use EU law as a litigation tool and to prepare yourself for future challenges in your everyday work.

Don't miss out on this cutting-edge update and the excellent opportunity to network with peers and to make vital new business contacts!

## Attend this insightful one-day conference to:

1. Examine the **billion Euro cases** and explore how to **improve your litigation strategies and tools**
2. Develop plans to combat common problem areas
3. Embrace practical **guidance for potential claimants and defendants**
4. Assess the significant **role of economic evidence**
5. **Discuss how antitrust litigation will develop** in national courts across Europe and its practical impact
6. Absorb **best practice strategies** for your business

## This conference is tailored to the needs of:

- EU lawyers in private practice
- Competition litigators
- Competition lawyers, both in-house and in private practice
- Company executives
- In-house counsel
- Consulting economists
- Enforcement agencies
- National competition authorities
- Judges

## Upcoming events for your diary:

### Competition Law Challenges in the Motor Vehicle Sector

Brussels, Belgium, 28 June 2012  
[www.ibclegal.com/motorsector](http://www.ibclegal.com/motorsector)

### IT Law Summer School

Cambridge, 30 July - 3 August 2012  
[www.ibclegal.com/itlawschool](http://www.ibclegal.com/itlawschool)

### EU Competition Law Summer School

Cambridge, UK, 6 - 10 August 2012  
[www.ibclegal.com/eucompschool](http://www.ibclegal.com/eucompschool)

### IP & Competition Law

Brussels, Belgium, September 2012  
Email: [professionalcustserv@informa.com](mailto:professionalcustserv@informa.com)

### Advanced EU Competition Law Brussels

Brussels, Belgium, 27 & 28 November 2012  
Email: [professionalcustserv@informa.com](mailto:professionalcustserv@informa.com)

*"Very useful and topical presentations."*

(C Pouncey, Herbert Smith)

## Lead sponsor:



Ernst & Young's competition team uses its investigative and forensic analysis skills to provide assistance throughout the time line of a competition matter: - Reviewing and testing compliance procedures;

- Reviewing and testing compliance procedures;

- Using eDiscovery solutions to examine electronic records in response to information requests or for leniency applications;
- Performing financial and economic analysis to help determine liability issues;
- Challenging/determining the quantification of fines and damages; and
- Providing monitoring and divestiture trustee services.

We have considerable experience in all these areas, dealing with a number of different regulators and jurisdictions throughout the EU. We combine our expertise in this area with wider sector expertise as required.

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# LITIGATION 2012

in Blu Royal, Brussels, Belgium

08:30 Registration and coffee

09:15 **Chairman's welcome**



**Daniel Beard QC**  
Barrister  
**Monckton Chambers, UK**

*Joint presentation*

09:20 **An update on key jurisdictional issues: How does it differ in various jurisdictions?**

- Comparing key jurisdictional issues in the UK, Germany, the Netherlands and France: What are the rules and how does it work in action?
  - UK: The gathering pace of follow-on actions
  - The Netherlands: Recent developments / case-law in the Netherlands
  - Germany: Implications of the Supreme Court's *ORWI* judgement on standing, passing on, causation and calculation of damages
  - France: Review of key developments
- What are the implications for claimants and defendants?
- Realities and trends
- Differences in substantive national laws or claims based on Article 101



**Onno Brouwer**  
Partner  
**Freshfields Bruckhaus Deringer LLP,**  
Belgium & The Netherlands



**Robert O'Donoghue**  
Barrister  
**Brick Court Chambers, UK**



**Dr Ingo Brinker**  
Partner  
**Gleiss Lutz, Germany**

10:35 Morning coffee

11:05 **Collecting evidence – a comparison**

- Disclosure
- Confidentiality
- Protection of business secrets and legal privilege
- Disclosure of leniency documents



**Elizabeth Morony**  
Partner  
**Clifford Chance LLP, UK**

11:50 **Access to files – the Commission's point of view**

- A key aspect of the coordination between public and private enforcement is the access to file and the appropriate protection to be given to leniency documents in this regard
- Following on the *Pfleiderer* judgment of the Court of Justice, a proper balance is needed between the right of compensation and the protection of leniency programs



**Christian Vollrath**  
Policy Analyst, DG Competition  
**European Commission, Belgium**

12:25 **Access to files in the wake of the *Pfleiderer* and *CDC* judgements**

- The Transparency Regulation applied to antitrust investigation files
- The application of *Pfleiderer* in Germany and other member states
- Policy initiatives on the EU and national levels



**Thomas Funke**  
Partner  
**Osborne Clarke, Germany**

13:10 Lunch

14:15 **Costs and funding for competition litigation**

- UK reforms
- Access to information
- The UK as a "magnet jurisdiction"



**Richard Pike**  
Partner  
**Baker & McKenzie LLP, UK**

15:05 **Private actions – perspective from the courts**

- Passing-on defence
- Claims by in-direct purchasers
- Binding effects of the Commission's and national competition authorities' decisions

*Subject to final confirmation - please check the website for final details*

15:40 **Quantification of damages: What is the right way of calculating damages?**

- The European Commission's guidelines
- How does it work in different jurisdictions? - Choice of methodologies
- Interest



**Bruno Augustin**  
Executive Director, Fraud Investigation & Dispute Services  
**Ernst & Young LLP, UK**

16:10 Afternoon tea

16:40 **Private actions – a defence lawyer's perspective**

- Update on recent case law and its practical implications
- Forum shopping
- Germany, UK, Netherlands - what to look out for
- Positioning the defense
- The role of the anchor defendant
- The preliminaries - worth fighting for?
- Disclosure / discovery and the EC file (or of the things you want the EC to have but not the claimants)
- No treble damages but joint & several liability: Quo vadis
- Of experts, judges, damages and pass on - how to maximise the impact of economic evidence



**Peter Camesasca**  
Partner  
**Covington & Burling LLP, Belgium**

17:15 **Private actions – a view from the claimant's side**

- Main obstacles for claimants
- Data collection and securing of evidence
- Quantification of damage claims and the importance of the Commission's Notice in practice
- Mechanisms of collective redress
- Public settlements and private follow-on damage actions



**Dr Till Schreiber**  
Legal Counsel  
**CDC Cartel Damage Claims Services SPRL, Belgium**

17:50 **Final panel discussion and Q&A: Where do we go from here?**

- Which jurisdiction offers the best deal?
- Contingency fee – a fair calculation?
- Anti-trust litigation in the US and its impact on Europe

Key speakers of the day will be joined by:



**Sanjay Bhandari**  
Partner, Forensic Technology and Discovery Services  
**Ernst & Young LLP, UK**

18:25 **Chairman's closing remarks**

18:30 Close of conference

Due to unforeseen circumstances, the programme may change and IBC Legal reserves the right to alter the venue and/or speakers

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# Competition Litigation 2012

Tuesday 3rd July 2012, Radisson Blu Royal, Brussels, Belgium

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Tuesday 3rd July 2012

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