

Private Enforcement of Competition Law 2020

4th March 2020

Le Châtelain Hôtel, Brussels, Belgium

08:30 Registration & Refreshments

09:00 Chair's Welcome and introduction

Elizabeth Morony, partner and head of Global Antitrust Litigation Group, **Clifford Chance**

09:10 *Keynote Address: A View from the Commission*

- Consultation on private enforcement of EU competition law regarding the handing of disclosure information

Konstantina Strouvali, Deputy Head of Unit, DG Competition, **European Commission**

09:55 *Panel Session: Review of National Developments across Key Jurisdictions*

- Review of key features and case law of private enforcement regime including statute of limitation, standards of proof, procedural features, presumption of harm and access to documents in key jurisdictions including:
 - Germany
 - Netherlands
 - United Kingdom
 - Spain
 - Poland
 - Belgium

Participants

Mark Sansom, Partner, **Freshfields Bruckhaus Deringer LLP** (United Kingdom)

Helmut Brokelmann, Partner, **Martinez Lage Allendesalazar and Brokelmann** (Spain)

Rick Cornelissen, Partner, **Houthoff** (Netherlands)

Jens Steger, Counsel – Antitrust & Competition, **Simmons & Simmons** (Germany)

Dorothy Hansberry-Biegunska, Partner, **Hansberry Tomkiel** (Poland)

Morning coffee break will be taken at a convenient time during this session.

12:15 *Panel Session: Approaches to Disclosure and Calculation of Damages*

- New forms of disclosure introduced under The Damages Directive
- How the Courts are handling disclosure and factual evidence necessary to support expert economist evidence
- Different approaches to calculation of damages by the Courts across European Courts
- Lessons from *BritNed v Abb*: post-Court of Appeal and follow on implications
- The relationship between statistical significance, confidence intervals and the civil standard of proof

Participants

Moderator: **Edward Coulson**, Partner, **BCLP Law**
Arantzazu Golderos, Policy Officer DG COMP, **European Commission**
Fergus Randolph QC, Barrister, **Brick Court Chambers (UK)**
Peter Davis, Senior Vice President, **Cornerstone Research**

13:05 Networking Lunch

14:05 *Panel Session: EU antitrust enforcement on Big Tech*

- European Commission's new approaches to investigating technology companies
- Reviewing claims against technology companies

Participants

Davina Garrod, Partner, **Akin Gump Strauss Hauer & Feld**
Grant Saggars, Director, **NERA Economic Consulting**
Konstantina Bania, Senior Legal Counsel – Competition Law and Digital Regulation, **EBU**

14:50 *Panel Session: Winning Strategies for Claimants and Defendants*

- The business of running a claim: grouping of claims/book building
- Pros & cons of claims enforcement options: commercial deals & settlements, individual/collective action, claims assignment
- Deciding where to bring a claim, against one or multiple defendants
- Review of different funding models: rules and practice across different jurisdictions
- Practical strategies and choices for defendants

Participants

Moderator: **Paul Stuart**, Barrister, **Cleary Gottlieb Steen & Hamilton**
Dirk Middelschulte, VP Global General Counsel Competition, **Unilever**
Martin Seegers, Partner, **Cartel Damage Claims**
Robert Bäuerle, Senior Legal Counsel, **Deutsche Bahn**
Dr Thomas Funke, Partner, **Osborne Clarke**

15:40 Networking: Afternoon refreshments

16:05 *Panel Session: Opportunities for Damages Actions Beyond Cartels*

- Review of current developments including: *Trucks* and *Mastercard*
- How to strategically claim follow-on damages
- How to evaluate damages
- Opportunities in vertical restraints

Participants

Moderator: **Kate Vernon**, Partner and Co-Head of Competition Litigation Practice, **Quinn Emanuel Urquhart & Sullivan**
Bill Batchelor, Partner, **Skadden**
Pinar Bagci, Principal, **The Brattle Group**
Sari Rasinkangas, Senior Associate, **Roschier**

16:50 Private Enforcement in the Financial Services

Belinda Hollway, Partner, **Scott and Scott**

17:20 Chair's closing speech

17:30 Drinks reception