

PRESENTATION

With the decentralization of competition law enforcement and the development of private damages actions in the European Union as well as with the increasingly international character of antitrust proceedings, there is a growing need for clear and workable rules to coordinate cross-border actions of both a judicial and administrative nature. These include not only rules on jurisdiction, the applicable law and recognition of judgments, but also on sharing of evidence, protection of business secrets and interplay between administrative and judicial procedures. Those issues, which have been overlooked for so long, have been reflected upon by a group of international experts from across Europe and the United States who will identify current pitfalls and formulate concrete proposals for improving coordination of cross-border antitrust litigations.

La décentralisation de l'application du droit communautaire de la concurrence et le développement des actions en dommages et intérêts dans l'Union européenne, ainsi que l'internationalisation croissante des litiges et enquêtes en matière antitrust, nécessitent des règles claires afin de coordonner efficacement les actions transfrontalières, qu'elles soient de nature judiciaire ou administrative. En effet, ces situations posent d'innombrables questions quant à la détermination de l'autorité compétente et du droit applicable, la reconnaissance et l'exécution des jugements et décisions, mais également l'accès aux preuves, la protection des secrets d'affaires et les relations entre action judiciaire et procédure administrative. Ces problématiques, trop souvent ignorées, ont fait l'objet d'un projet de recherche regroupant des experts européens et américains qui présenteront leurs conclusions et formuleront des propositions concrètes afin d'améliorer la coordination des litiges transfrontaliers en matière de concurrence.

INTERNATIONAL ANTITRUST LITIGATION

PROGRAM

8h30-9h00 Welcome and registration
9h00-9h10 Introduction: goals of the research project
Prof. Stéphanie FRANCO (Chair of European Law, UCL)

PRIVATE ENFORCEMENT IN THE EU CHOICE OF COURT AND CHOICE OF LAW

Jurisdiction in cross-border litigations – Brussels I

Chair: Dr Karen VANDEKERCKHOVE
(European Commission, Civil Justice Unit)

9h10-9h25 How to apply art. 5.1 and 5.3: a coherent approach
Prof. Blanca VILÁ COSTA (Universitat Autònoma de Barcelona)

9h25-9h55 Choice of court and multiple defendants:
art. 23 and 6(1)
Michael WILDERSPIN (Legal Service of the European Commission)

9h55-10h10 Collective redress
Dimitrios Panagiotis TZAKAS (Research Fellow,
Chair of European Law, UCL)

10h10-10h40 Discussion
10h40-11h10 Coffee break

The applicable law – Rome I and Rome II

Chair: Prof. Jürgen BASEDOW
(Director of the Max Planck Institute, Hamburg)

11h10-11h30 Rome I and Antitrust Litigation
Prof. Stéphanie FRANCO (Chair of European Law, UCL)
Prof. Marc FALLON (President, Institut de la recherche
interdisciplinaire en sciences juridiques JUR-I, UCL)

11h30-12h00 Rome II and Antitrust Litigation
Prof. Stéphanie FRANCO (Chair of European Law, UCL)
Prof. Wolfgang WURMNEST (University of Hanover)

12h00-12h20 Relevance of the distinction between contractual
and non-contractual issues
Prof. Sylvaine POILLON PERUZZETTO (Université de Toulouse
1 Capitole)
Dominika LAWNICKA (Research Fellow, Université de Toulouse
1 Capitole)

12h20-12h40 International arbitration
Dr Assimakis KOMNINOS (Hellenic Competition Commission
and University College London)

12h40-13h15 Discussion
13h15-14h30 Lunch

CONFLICT OF LAWS AND COORDINATION

PUBLIC ENFORCEMENT IN THE EU COORDINATION BETWEEN AUTHORITIES

Coordination issues within the ECN

Chair: Sir Christopher BELLAMY QC
(Senior Consultant Linklaters LLP, London)

14h30-14h45 The ECN and Co-ordination of Public Enforcement
of EU Law

Prof. Barry RODGER (Strathclyde University Law School)

14h45-15h00 Cross-border antitrust investigations

Damien GERARD (Research Fellow, Chair of European Law, UCL)

Coordination issues within the ECN and the civil courts

15h00-15h20 Access to evidence and information

Prof. Laurence IDOT (Université Panthéon-Assas – Paris II)

15h20-15h30 Access to information and opinions

Robert MOLDÉN (Swedish Competition Authority)

15h30-16h10 Discussion

16h10-16h30 Coffee break

ANTITRUST LITIGATION IN THE ERA OF GLOBALISATION COORDINATING PRIVATE ENFORCEMENT ACTIONS IN THE EU AND THE US

Chair: Prof. Horatia MUIR WATT
(Sciences Po Paris)

16h30-16h50 A US Perspective

Prof. Hannah BUXBAUM (Indiana University Maurer School
of Law)

Prof. Ralf MICHAELS (Duke Law School, Princeton University)

16h50-17h10 US Discovery in a global economy

Prof. Maurice STUCKE (University of Tennessee College of
Law)

17h10-17h30 Recognition of foreign private enforcement
decisions in the EU and the US

Prof. Catherine KESSEDJIAN (Université Panthéon-Assas –
Paris II)

17h30-17h50 Discussion

17h50-18h10 Conclusions

Prof. Jürgen BASEDOW (Director of the Max Planck Institute,
Hamburg)

18h10-19h00 Cocktail