

Mini Plenary 6: Private enforcement developments and challenges

4 October 2016

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1. Leniency: a poker game reflected



- **disclosure:**
leniency applications = confidential
- **liability:**
immunity recipient are not jointly
and severally liable

1. Leniency: a poker game reflected



**Hesitation potential leniency applicants
to blow the whistle:**

- 1.Damages may succeed on the basis of pre-existing information.**
- 2.The Directive presumes that the antitrust infringement causes harm.**
- 3.The Directive provides for 5 years for victims to bring claims.**
- 4.The Directive does not exempt leniency applicants from liability for damages.**

2. Forum shopping :



- ❑ **which court is competent?**
- ❑ **which law is applicable?**
- ❑ **shopping for damages in the EU:**
 - **UK, Netherlands, Germany**
 - **Italian torpedo**

3. Judicial review :



- ❑ **stand-alone / follow-on claims**
- ❑ **appeals - staying of proceedings?**
Netherlands, UK

thank you

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