



Develop winning tactics and tools for bringing and defending competition claims

Competition Litigation



Thursday 25 October 2012

Central London

Attending this timely event will enable you to:

- Discuss the potential impact of the **BIS consultation on private competition law actions**
- Hear directly from a **Competition Appeal Tribunal Judge** in relation to the **evolution of the CAT**
- Explore the status of **exemplary damages** and gain an **unparalleled** insight into the landmark **2 Travel Group plc v Cardiff Bus case** from practitioners involved in the litigation
- Understand access to leniency evidence by claimants and the impact of the **Pfleiderer** and **National Grid** cases
- Engage in a case study on litigation funding with market leading practitioners
- Debate the **fora of choice** with multiple practitioners from the **UK, Germany and Italy**
- Explore UK jurisdictional issues in light of the Court of Appeal's keenly-awaited judgment in **Toshiba Carrier**

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Co-Chairs

Deirdre Trapp, Freshfields Bruckhaus Deringer

Mark Sansom, Freshfields Bruckhaus Deringer

Speakers

Lord Carlile CBE QC, Competition Appeal Tribunal

Nigel Parr, Ashurst

Nicholas Green QC, Brick Court Chambers

Stephen Wisking, Herbert Smith

Duncan Campbell, Confederation of British Industry

Richard Pike, Baker & McKenzie

Mario Siragusa, Cleary Gottlieb Steen & Hamilton LLP

Dr Christoph Stadler, Hengeler Mueller

Erik Pijnacker Hordijk, De Brauw Blackstone Westbroek

Luke Tolaini, Clifford Chance

Nicola Boyle, Hausfeld LLP

Chris Warner, Which?

Kim Dietzel, Herbert Smith

Dr Gunnar Niels, Oxera

Peter Scott, Norton Rose

Adam Aldred, Addleshaw Goddard

David Greene, Edwin Coe LLP

Bea Tormey, Freshfields Bruckhaus Deringer

Andrew Bullion, Hausfeld LLP

Paul Harris QC, Monckton Chambers

www.conferencesandtraining.com/competition-litigation

Competition Litigation

Why attend this conference?

The significant developments and recent landmark cases at EU and UK level could lead to radical changes in the practice of competition litigation in the UK and beyond. This year, for the first time in history, in **2 Travel Group plc v Cardiff Bus** the **Competition Appeal Tribunal** awarded damages in a follow-on competition law damages action, including exemplary damages. The real impact and ramifications of this decision are yet to be seen and are ripe for discussion.

Furthermore, the **BIS consultation** on private competition law actions has raised the prospect of an opt-out collective action regime for competition law actions, as well as fast-track competition law actions by SMEs before the UK Competition Appeal Tribunal. In addition, the landmark cases of **Pfleiderer** and **National Grid** still leave uncertainty as to which evidence claimants in competition litigation claims can access, and will inevitably lead to **further litigation**.

Co-Chaired by **Deirdre Trapp** and **Mark Sansom** of Freshfields Bruckhaus Deringer, **Butterworths' Competition Litigation** conference features industry-leading practitioners who will provide you with a comprehensive update on the latest developments, and guide you through the complexities of competition litigation.

Don't just take our word for it! Hear what delegates at our previous Competition law conference said:

"A tour de force of current developments in Competition Law."

Justin Hubble, Betfair Group Plc

"Very interesting high level view into current developments in Competition Law."

Stephen Bower, Consensus Business Group

"Excellent training update session for individuals with an interest and experience of Competition Law."

Iain MacDonald, Alstom

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Pre-Conference Networking

All our delegates will be able to take advantage of our pre-conference online networking. Our system, Leebug, allows you to connect with other delegates, discuss and debate the issues, set up meetings and submit questions for the panels.

Network with your peers

You will be in good company. Organisations that benefited from our previous competition law conferences include:

- Alcatel-Lucent Submarine Networks Ltd
- American Express
- Anglian Water Services
- Betfair Ltd
- BP plc
- British American Tobacco
- British Medical Association
- BT
- Cadbury
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- CHEP
- Coca Cola Enterprises
- Celtic F.C
- EDF Energy
- EMI Records Group UK & Ireland
- Eurotunnel
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- Legal & General Investment Management Ltd
- Lloyds TSB plc
- Ministry of Defence
- Music Choice
- National Air Traffic Services
- National Express Group plc
- Office of Rail Regulation
- OFWAT
- PricewaterhouseCoopers LLP
- Red Bull
- RoyalMail Group Ltd
- Shell International Ltd
- Virgin Media
- Visa Europe Ltd
- Vodafone
- Xchanging

08.40 Registration and coffee

09.15 Co-chair's opening remarks

[Deirdre Trapp, Partner, Freshfields Bruckhaus Deringer](#)
[Mark Sansom, Partner, Freshfields Bruckhaus Deringer](#)

09.30 Private actions in competition law

- Update on the proposed reform of UK private competition law actions
- The UK Government's position following the public consultation process
- The likely path to implementing the proposals

[Speaker TBC](#)

10.00 BIS proposals and collective actions – the future

- How, if at all, should a UK class action regime operate?
- The practical implications of an opt-out rather than opt-in system
- Who should be allowed to bring claims?
- Perspective from the US

[Duncan Campbell, Legal Adviser - Enterprise Group, Confederation of British Industry](#)

[Chris Warner, Senior In-house Counsel, Which?](#)

[Luke Tolaini, Partner, Clifford Chance](#)

[Andrew Bullion, US Partner, Hausfeld](#)

10.40 Access to evidence

- The commission's file – the current position: *Pfleiderer* and *National Grid*
- Disclosure and inspection of documents
- Implications of the EnBW and CDC Transparency Regulation cases
- BIS proposals to protect leniency documents from disclosure
- Recent ECN resolution to protect leniency materials

[Paul Harris QC, Monckton Chambers](#)

11.10 Morning coffee

11.30 Jurisdiction, multi-jurisdictional litigation and forum shopping

- High Court v CAT – remit and relative advantages
- UK jurisdiction through anchor defendants - the *Toshiba Carrier*, *Emerson* and *Deutsche Bahn* cases
- Choice of jurisdiction – UK v Germany v Netherlands v Others
- Defendant tactics to mitigate exposure

[Stephen Wisking, Partner, Herbert Smith](#)

[Richard Pike, Partner, Baker & McKenzie](#)

[Mario Siragusa, Partner, Cleary Gottlieb Steen & Hamilton LLP, Rome](#)

[Dr Christoph Stadler, Partner, Hengeler Mueller, Düsseldorf](#)

[Erik Pijnacker Hordijk, Partner, De Brauw Blackstone Westbroek, Amsterdam](#)

12.30

Follow on actions for damages – approach and strategy

- The implications of *2 Travel Group plc v Cardiff Bus* for future cases and the availability of exemplary damages
- Unravelling the complexities of limitation periods
- The limits on findings of infringement and findings of fact in follow-on claims
- Disclosure, witness statements and experts
- Contribution claims and dealing with other potential parties
- Formulating strategy as to outcome: damages; other relief; and settlement

[Kim Dietzel, Partner, Herbert Smith](#)

[Adam Aldred, Partner, Addleshaw Goddard](#)

[Bea Tormey, Partner, Freshfields Bruckhaus Deringer](#)

13.15

Lunch

14.15

Quantifying damages in competition claims

- Experience from recent abuse of dominance and cartel cases: what are the pros and cons of the various techniques for claimants and defendants?
- What can you do if there is a lack of good data in a case?
- The role of economics – the continued debate between law and economics

[Dr Gunnar Niels, Director, Oxera](#)

[Peter Scott, Partner, Norton Rose](#)

14.55

Litigation funding – insights into the differing approaches and commercial rationale

- How claimants identify cases – merits, rationale and the relevant considerations
- The role of after-the-event (ATE) insurance
- Third party funding
- Funding – financial models and advantages
- Global outlook for litigation funding

[Nicola Boyle, Partner, Hausfeld LLP](#)

[David Greene, Partner, Edwin Coe LLP](#)

15.40

Afternoon Tea

16.00

The evolving role of the CAT

[Keynote speaker: Lord Carlile of Berriew CBE, QC, Judge and Chair of the CAT](#)

[Nigel Parr, Partner, Ashurst](#)

[Nicholas Green QC, Brick Court Chambers](#)

16.50

Co-chairs' closing remarks

17.00

Conference close

Case study

Panel Session

Panel Session

Registration

Competition Litigation

Thursday 25 October 2012

Central London

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Forthcoming Events

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- Competition law for In-house Lawyers, 27th September
- Counsel to Counsel Forum, 1st and 2nd November 2012

For more information visit www.conferencesandtraining.com

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Administration

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• if you have not received your joining instructions five days before the event

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A certificate of attendance is available on request, following your attendance at this conference, as a record of your training and development.

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