

Training
of National
Judges in EU
Competition Law

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25th – 27th November 2021

Antitrust Damage Claims
University of Valencia
Law School

Manager: Prof. Dr. Juan Ignacio Ruiz Peris
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& Dr. Carlos Gómez Asensio

DEFCOMCOURT 5
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VNIVERSITAT
DE VALÈNCIA  **Facultat de Dret**
Departament de Dret Mercantil
"Manuel Broseta Pont"

PROGRAMME

THURSDAY 25TH NOVEMBER 2021

16:00 - 16:30 Accreditation.

16:30 Opening Ceremony

Mrs. Justice Pilar de la Oliva (Chairwoman of the Valencian Community Supreme Court)
Prof. Dr. Javier Palao (Dean of the Law Faculty)
Prof. Dr. Juan Ignacio Ruiz Peris (Manager of the DEFCOMCOURT 5 Project)

17:00 Opening speech

- Compensation damages actions in Europe today

Speaker: Prof. Dr. Juan Ignacio Ruiz Peris (UVEG)

17:30 Coffee break.

18:00 Panel 1 "Selected questions"

- Standing to be sued in damage claims
- Multiple proceedings and joinder of proceedings
- National causation doctrines and the European effectiveness principle

Speaker: Mr. Justice Dr. Salvador Vilata (Commercial Law Judge n° 1 Valencia)
Speaker: Ass. Prof. Dr. Jaime Marti Miravalls (UVEG)

20:45 Cocktail.

FRIDAY 26TH NOVEMBER 2021

09:30 Panel 2 "Comparative situation I"

- Compensation of damages in Germany
- Compensation of damages in The Netherlands
- Compensation of damages in the United Kingdom

Speaker: Mr. Justice Dr. Gerhard Klumpe (Presiding Judge at District Court of Dortmund) and Justice Dr. Christina von Merveldt (District Court n°1 Munich)
Speaker: Mr. Justice R.A. Dudok van Heel (Senior Judge District Court of Amsterdam)
Speaker: Mr. Justice Marcus Smith (QC Chairman of the Competition Appeal Tribunal).

11:30 Coffee break.

12:30 Panel 3 "Comparative situation II"

- Compensation of damages in France
- Compensation of damages in Italy

Speaker: Mrs. Justice Nathalie Dostert (President of Chamber for Competition Law Commercial Court of Paris, EDF Paris)
Speaker: Mrs. Justice Marina Tavassi (Former Chairman of the Court of Appeal of Milan)

- Compensation of damages in Spain

Speaker: Mr. Justice Eduardo Pastor (Commercial law judge n° 3 Valencia).

14:00 Lunch.

16:00 Panel 4 "Global an international Matters".

- A compared vision of the other State Members
- Competition damages actions in Asia
- Coordination of national proceedings in different MMSS in the EU context

Speaker: Mrs. Justice Dr. Diana Unguereanu (Court of Appeal Pitești)
Speaker: Prof. Dr. Mark Williams (Executive Director of the Asian Competition Forum).
Speaker: Dra. Julia Suderow (Suderow Fernandez Abogadas)

21:00 Official Dinner.

SATURDAY 27TH NOVEMBER 2021

10:00 "Mock Trial".

Case Conduit vs. Telefónica which came before the Madrid courts in 2005-2006. The case relates to a damage claim for abuse of dominance in the Spanish directory enquiry market at the moment of its liberalization in 2003. Telefónica was the incumbent monopoly and Conduit a new entrant.

Participants: Justice Purificación Martorell (Valencia Court of Appeal), Justice Enrique Sanjuan (Málaga Court of Appeal), Mr. Paul Hitchings (lawyer, Hitchings & Co, Madrid, who represented Conduit in the case in question), Mr. Tim Reher (lawyer, CMS, Hamburg), Mrs. Simone Kohnz (E.CA Economics, Berlin), Mr. Georges Siotis (Carlos III University, Madrid, and expert for Conduit in the case in question). Prior to the session the organization will provide the participants with the materials to understand the case in Spanish and English.

Structure of the session

1. Explanation of the case:
2. Experts confrontation divided into 3 blocks:
 - * Applicable economic theory.
 - * Method ("reasonable hypothesis") and data employed in the model.
 - * Model specification, calculations and results.
3. Conclusion by Justice Enrique Sanjuan.

11:30 Coffee break.

13:15 Closing speech

- Procedural view of the expert report on quantification of damages

Speaker: Mrs. Justice Purificación Martorell (Court of Appeal Valencia)

14:00 Spanish wine