

Training
of National
Judges in EU
Competition Law

www.judicialcompetitiontraining.eu



Training
of National
Judges in EU
Competition Law



8th-10th June 2023

**Quantifying damages and
Passing-on**

**University of Valencia
Law School**

Manager: Prof. Dr. Juan Ignacio Ruiz Peris.

Deputy: Mrs. Justice Purificación Martorell and Mr.
Paul Hitchings.

Secretary: Dr. Carmen Rodilla Martí & Dr. Carlos
Gómez Asensio

DEFCOMCOURT 6
Facultad de Derecho
Avda. Tarongers s/n 46022 Valencia
Grade Hall



Funded by the Training
of National Judges Programme
of the European Union
HT. 6147/SI2.857815

Sponsored by

Qualcomm

VNIVERSITAT [Logo] FACULTAT de Dret
DE VALÈNCIA

Departament de Dret Mercantil
"Manuel Broseta Pont"

PROGRAMME

THURSDAY 8TH JUNE 2023

16:00 - 16:30 Registration

16:30 Wellcome address

Judicial Authorities
Prof. Dr. Javier Palao (Dean of the Law Faculty)
Prof. Dr. Juan Ignacio Ruiz Peris (Manager of the DEFCOMCOURT 6 Project)

17:00 • **Opening Speech: Economics of calculating cartel damages.**
Mr. Felipe Florez Duncan, Partner, Oxera, London

18:00 Coffee break

18:30 **Panel 1 "Expert evidence on the quantification of harm: a procedural view".**
Moderated by Mr. Justice Eduardo Pastor JM 3 Valencia.

- **Expert role: party and judicial experts.**
Speaker: Mrs. Julia Dietrich, Director, Frontier Economics, Cologne
- **Presentation of expert evidence, exchanges between experts, amendment or extension of expert evidence during process.**
Speaker: Dr. Tim Reher, Partner, CMS, Hamburg
- **Judge's role, "hot-tubbing", expert teach-ins, hearing duration and presentation tools.**
Speaker: Mr. Paul Hitchings, Managing Partner, Hitchings & Co., Madrid

20:00 Cocktail.

FRIDAY 9TH JUNE 2023

09:30 **Panel 2 "Passing-on (the legal view)"**
Moderated by Mr. Paul Hitchings, Managing Partner, Hitchings & Co., Madrid

- **Legal matters: standing of indirect purchasers (or buyers), legal causation (remoteness), full compensation and unfair enrichment, policy considerations.**
Speaker: Mr. Justice Gustavo Martín Martín JM1 Alicante.
- **Heads of harm: passing-on of overcharges and loss of sales (volume effects).**
Speaker: Mrs. Justice María Teresa Vázquez Pizarro, Chair Court of Appeals Salamanca.
- **Evidentiary issues.**
Speaker: Pending confirmation.

11:00 Coffee break.

11:30

Panel 3 "The economics of passing-on".
Moderated by Mr. Enrique Cañizares, Partner RBB Economics, Madrid
• **Methods of quantification (direct estimates, pass-on rate approach, calculation of volume effects, holistic approaches).**
Speaker: Dr. Benoît Durand, Partner, RBB Economics, Brussels.

• **Economic theory and its role.**
Speaker: Dr. Rosa Ferrer, Associate Professor - Universitat Pompeu Fabra / Affiliated Professor - Barcelona School of Economics

• **Factual and expert evidence of passing-on.**
Speaker: Dr. Joan-Ramon Borrell, Professor, Universitat de Barcelona School of Economics

14:00 Lunch.

16:00 • **Panel 4: "Judicial evaluation of the evidence".**
Moderated by Mrs. Justice Purificación Martorell Section 9 Court of Appeals of Valencia

- **Burden of proof and presumption of harm.**
Speaker: Mr. Justice Eduardo Pastor JM 3 Valencia.
- **Standard of proof for claimants and defendants.**
Speaker: Mr. Justice Dr. Salvador Vilata Menadas JM 1 Valencia
- **Exercise of Directive Court's estimation damages faculty.**
Speaker: Mrs. Justice Purificación Martorell Section 9 Court of Appeals of Valencia.

18:00 Coffe break.

18:30 **Econometrics Workshop.**
Guided by Mr. Joseph Bell, Partner, Oxera, Oxford and Mr. Fernando Louge, Manager, Frontier Economics, Brussels.

21:00 Dinner.

SATURDAY 10TH JUNE 2023

10:00 **Mock Trial: Expert evidence report judicial contest.**
Judge: Mrs. Justice Purificación Martorell Section 9 Court of Appeals of Valencia. Experts: Mrs. Simone Kohnz, Director, E.CA Economics, Berlin; Ass. Prof. Dr. Albert Banal-Estaño (UPF)

12:00 Coffe break

12:30 **Closing speech: Economics and Law in competition damages actions.**
Prof. Dr. Juan Ignacio Ruiz Peris (UV)

13:30 **Closing ceremony**

14:00 Spanish wine