



FACULTY OF LAW

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STAFF SEMINAR SERIES 2009/2010

PRIVATE ACTIONS FOR DAMAGES ARISING FROM BREACHES OF EUROPEAN COMPETITION LAW

By **Professor Luigi Prosperetti**
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DATE & TIME : 26 AUGUST 2009, WEDNESDAY, 2.00PM
VENUE: LEE SHERIDAN CONFERENCE ROOM, EU TONG SEN BUILDING

ABOUT THE SPEAKER

Luigi Prosperetti holds the Chair of Economic Policy at the *Faculty of Law, Università degli Studi, Milano*, where he also teaches a course on Economic Analysis and the Law.

He studied Economics at Università Bocconi (*summa cum laude* and *dignità di stampa*, 1976) and the London School of Economics (M.Sc. 1978; Ph.D. 1982). He has held various public offices: Advisor to the Italian Ministry of Industry in 1988-1996, member of the Price Commission in 1991-1993, member of the Prime Minister's Council of Economic Advisers during the first Prodi Government, Adviser for regulatory strategies at Autorità per l'Energia in 2006-2007.

Luigi Prosperetti has published extensively in Italian and foreign academic journals, mostly on competition and regulatory issues, and is currently working on a chapter of the volume *Europe of the Competition Law International Encyclopedia*, to be published by Kluwer Law International in 2010.

ABSTRACT

The European Commission has embarked in the last five years in an effort to promote the development of private actions for damages in member Countries, which it deems to be too infrequent: after a Green Paper in 2005, which reviewed the major policy options, the Commission has published a White Paper in 2008, proposing several measures. New legislation is expected in the Fall.

The seminar will briefly outline the Commission's position, and review the major recommendations it set out in the White Paper, with special reference to: the evidentiary value to be assigned in follow-on actions to decisions by National Competition Authorities; the complex structure proposed for class actions, which should combine opt-in and 'representative', opt-out actions; the handling of 'passing-on' (i.e. the theory that the victim of a cartel might have transferred the overcharge it paid to its own customers), as a shield and a sword..

The Commission's proposals will also be evaluated in the light of a number of recent decisions concerning damages arising from cartels and exclusionary behaviour by dominant firms in England, Germany, France, Spain and Italy. It will be shown how the Courts do not seem to find particular problems dealing with these cases: the speed and effectiveness with which they are handled reflect the peculiarities of national legal systems, and are not especially affected by the specificities of antitrust damages: the necessity of a Community legal initiative in this area will thus be questioned.

REGISTRATION

If you wish to attend this seminar, please email to clemail@nus.edu.sg. There is no registration fee for this seminar but seats are limited. *Registration commences at 1.45pm*. For enquiries, please contact Ms Khai at Tel: 6516 3102. Directions to the law school may be found at <http://law.nus.edu.sg/faculty/Location.htm>.