

One-Day Conference, 7th May 2008
Thistle Marble Arch, London, W1

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24 international
experts discuss
the key issues

Antitrust Litigation - EC White Paper Analysis

Debating the future of antitrust
litigation in the UK and Europe

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- In-depth analysis and advice from the leading international antitrust litigation experts, both from private practice and in-house
- The definitive debate and discussion forum on the EC White Paper in one action-packed day
- A new format with six moderated interactive panel discussions focusing on the key outcomes of the White Paper
- The ideal networking forum for antitrust litigators, in-house counsel, and antitrust regulators

Featured speaker:

Eddy De Smijter
European Commission
DG Competition

Plus, competition and litigation lawyers from the UK, US and Europe's leading firms, in-house counsel and regulators:

Brick Court Chambers

OFT

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Cohen Milstein

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Interactive panel discussions focusing on the key outcomes of the White Paper

Conference, 7th May 2008

08.20 Registration & morning coffee

08.50 Chairperson's welcome

Nicholas Green

QC

Brick Court Chambers

09.00 Panel Discussion - Overview of the paper

- Overview of the White Paper
- High level summary of principal recommendations

Moderated by:

Elizabeth Moroney

Partner

Clifford Chance

Panellists:

Eddy De Smijter

European Commission, DG Competition

Ali Nikpay

Senior Director

OFT

Andres Galarza

Partner

Mayer Brown – Brussels

Carel Maske, Director

Competition Law EMEA

Microsoft Brussels

Vincent Smith

Competition Partner

Cohen Milstein

Gordon Schnell Esq.

Partner, Antitrust Litigation

Constantine Cannon

09.45 Panel Discussion - Collective redress/ Representative actions/Individual standing

Discussion to encompass both the White Paper proposals and the European and UK experience of collective/representative actions

- How will consumer claims be brought?
- Will the EU encourage/mandate collective redress?
- What is the current Member State experience of collective redress?

Moderated by:

Julian Connerty

Partner

Clyde and Co

Panellists:

Eddy De Smijter

European Commission, DG Competition

Andres Galarza

Partner

Mayer Brown – Brussels

Vincent Smith

Competition Partner

Cohen Milstein

Jochen Burrichter

Partner

Hengeler Mueller – Düsseldorf

Gordon Schnell Esq.

Partner, Antitrust Litigation

Constantine Cannon

10.30 Damages & passing-on defence

- How should damages be defined?

- Which method should be used for calculating the quantum of damages?
- Double and treble damages?
- Indirect purchasers and the passing-on defence

Jon Lawrence

Partner, Head of Competition Litigation Team

Freshfields Bruckhaus Deringer

11.15 Networking & coffee break

11.35 Panel Discussion - Access to evidence

- Follow-on actions and the binding nature of regulatory decisions
- Will UK-style discovery be available?
- What should be the burden of proof in private antitrust actions?
- Access to documents from the regulator and protection of business secrets/leniency applications
- Preservation of evidence

Moderated by:

Stephen Wisking

Partner, EU Competition

Herbert Smith LLP

Panellists:

Donald Klawiter

Partner, Antitrust and Competition Practice

Mayer Brown – Washington DC

Alan Owens

Partner, Litigation and Dispute Resolution

Irwin Mitchell

Paolo Palmigiano

Head of Competition and Regulatory Law

BT Group

Gordon Schnell Esq.

Partner, Antitrust Litigation

Constantine Cannon

12.30 Managing cross-border cases

- Which substantive law should be applicable to antitrust damages claims?
- Top tips on co-ordination across jurisdictions

Thomas de la Mare

Barrister

Blackstone Chambers

13.15 Networking lunch

14.00 Panel Discussion - Costs of proceedings – special rules for competition claims?

- Should special rules be introduced to reduce the cost risk for the claimant?
- If so, what kind of rules?

Moderated by:

David Green

Partner

Edwin Coe

Panellists:

Susan Dunn

Harbour Litigation Funding Limited

Sam Eastwood

Partner, Dispute Resolution

Norton Rose

Carel Maske

Director, Competition Law EMEA

Microsoft Brussels

Gordon Schnell Esq.

Partner, Antitrust Litigation

Constantine Cannon

Hear from the leading UK, Europe, and US antitrust and competition law partners, in house counsel and regulatory heads

14.45 **Limitation periods and causation**

- Should limitation periods be suspended? If so, from when onwards?
- Is clarification of the legal requirement of causation necessary to facilitate damages actions?

Michael Sanders

Partner

Linklaters

Jonas Koponen

Partner

Linklaters – Brussels

15.30 Networking & coffee break

16.00 **Panel Discussion - Interaction with leniency**

- Will private damages, especially exemplary damages claims endanger the effectiveness of the leniency programme?
- Non discoverability of leniency application
- Possibility to lessen the civil liability of a leniency application

Moderated by:

Tom McQuail

Partner

Howrey – Brussels

Panellists:

Eddy De Smijter

European Commission, DG Competition

Ali Nikpay

Senior Director

OFT

Andres Galarza

Partner

Mayer Brown – Brussels

Jasper de Gou

Coordinator Competition Law

Akzo Nobel – Netherlands

Thomas de la Mare

Barrister

Blackstone Chambers

Gordon Schnell Esq.

Partner, Antitrust Litigation

Constantine Cannon

16.45 **Panel Discussion - Buying peace globally – global co-ordination of investigations and crafting global settlements**

Discussion around experience in co-ordinating global investigations and managing global settlements in competition cases

Moderated by:

John Pheasant

Partner

Hogan and Hartson

Panellists:

Ali Nickay

Senior Director

OFT

Donald Klawiter

Partner, Antitrust and Competition Practice

Mayer Brown – Washington DC

Dr Andreas Weitbrecht

Managing Partner, Brussels Office

Latham and Watkins – Brussels

Shaun Goodman

Partner

Cleary Gottlieb Steen & Hamilton LLP

James S. Venit

Partner

Skadden, Arps, Slate, Meagher & Flom LLP – Brussels

17.30 Close of conference

“Businesses and consumers in Europe have a right to damages if they have lost out as a result of the anti-competitive behaviour of others. We are presenting options to help ensure that this right is a reality and not just a theory”

(Commissioner Neelie Kroes, EC, 2007)

This timely conference will provide unrivalled opportunities to gain insight into the key antitrust litigation issues in the UK and Europe. Hear:

- **The OFT, Mayer Brown, Microsoft Brussels, Clifford Chance** and **Cohen Milstein** provide a high-level summary of the principal recommendations
- Discussion by **Clyde & Co, Mayer Brown, Hengeler Mueller** and **Cohen Milstein** encompassing both the White Paper proposals and the European and UK experience of collective/representative actions
- **Freshfields** analyse damages and the passing on defence, while **Blackstone Chambers** examine the issues relating to managing cross border cases
- **Herbert Smith, Mayer Brown, Irwin Mitchell** and the **BT Group** discuss access to evidence
- **Edwin Coe, Harbour Litigation Funding, Norton Rose** and **Microsoft Brussels** look at costs of proceedings
- **Howrey, OFT, Mayer Brown, Akzo Nobel** and **Blackstone Chambers** focus on interaction with leniency
- Limitation periods and causation tackled by **Linklaters**
- **OFT, Hogan and Hartson, Mayer Brown, Latham & Watkins, Cleary Gottlieb** and **Skadden** share experiences of buying peace global

Featuring **six interactive panel discussions** and **three in-depth analysis sessions**, this event will encourage maximum audience participation. Join the debate with those shaping the future of antitrust litigation and gain the knowledge to firmly take your place in this changing environment.

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