

# DAMAGE CLAIMS

## Hot issues and trends

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*Antitrust damages claims have been widely regarded as potentially the most powerful deterrent to antitrust infringements. The EU Antitrust Damages Directive seeks to harmonize Member State law applicable to antitrust damages claims; yet its implementation at the national level leaves questions unanswered that the courts will have to address. Issues we intend to explore include:*

- Jurisdictional and conflicts of laws issues (competent courts and applicable law).
- The interaction between public enforcement and private enforcement of competition law.
- Funding of damage claims. Legal vehicles and their treatment under national law.
- Discovery. Implementation throughout the various Member States and lessons to be learned from those jurisdictions with more experience in the area.
- Joint and several liability. The rule and the exceptions. Temporal application.
- Lack of harmonized rules on class actions. How do Member States cope?