

COMPETITION DAMAGES ACTIONS IN THE EU

Law and Practice

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Economics Contribution from
Frank Maier-Rigaud and Ulrich Schwalbe



ELGAR COMPETITION LAW AND PRACTICE

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European Parliament, Brussels

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ELGAR COMPETITION LAW AND PRACTICE

Edward Elgar

Cheltenham, UK • Northampton, MA, USA

Introduction and Chapters 1–7 © David Ashton and David Henry 2013

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Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book
is available from the British Library

Library of Congress Control Number: 2013944956

This book is available electronically in the ElgarOnline.com Law Subject Collection,
E-ISBN 978 1 78254 076 2



ISBN 978 1 78254 075 5

Typeset by Columns Design XML Ltd, Reading
Printed and bound in Great Britain by T.J. International Ltd, Padstow

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ELGAR COMPETITION LAW AND PRACTICE

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FOREWORD

This book is timely in more ways than one. It comes after almost ten years' work on the European Commission's private enforcement initiative, stretching back to the adoption of the Green Paper on damages actions in 2005 and, before that, to the Ashurst study, commissioned in 2003.

From a private practitioner's perspective, the book is timely in that it complements the fast pace of on-going development in the field in terms of litigation before the courts of the Member States. In this regard, it is noticeable that the Competition Appeal Tribunal in London has, over recent years as the provisions of the Enterprise Act 2002 have kicked in, developed a coherent body of jurisprudence in the area. As this book highlights, developments in Germany have also been significant. Indeed, the book brings together some of the most salient developments from the Member State jurisdictions.

The private enforcement initiative is one that in some ways goes beyond the legal field it incarnates. It is symbolic of a closer integration in the style of, most obviously, the United States (US), both in substantive but also theoretical terms, and in terms of what might be called 'legal architecture'. As the introductory chapter brings out, developments in the field at European Union (EU) level mark an important development in terms of the creation of a coherent set of rights enforceable between private parties. It can safely be said that there is no other field of EU law with such a well-developed and practical application in this sense. In difficult times for the Union, such a development in terms of democratisation and the connection between its law and its citizens is only to be welcomed.

Emil Paulis

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ACKNOWLEDGEMENTS

The authors would like to thank the following for their comments on, and assistance with, various parts of the text: Louise-Astrid Aberg, Vladimir Bastidas, Jeremy Bentley, Philip Bentley QC, Samuel Buyoya, Alvaro García-Delgado García, Andrea Hamilton, Tanel Kalas, Michal Kocon, Joey Mathis, Gerard McElwee, Paulius Mencas, Francesco Salerno, Alice Setari, Aiste Slezeviciute, Annika Suominen, Bastian Voell and Christian Vollrath.

David Ashton would like to emphasise that the views expressed in this book constitute his personal opinion and do not reflect the position of the European Parliament.

The law as stated is up-to-date to 11 June 2013.

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