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RPP Research and Partnership Platform

Contribution

by

Dr. iur. Fabio Babey, Senior Lecturer

The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD
Class Actions in Competition Law


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Agenda

I. Framework
II. Substance
III. Outlook
I. Framework

Mission

Strengthening Antitrust Civil Law
Introduction of Class Action Law Suits

1. Analyse the functioning of antitrust class action lawsuits

2. Establish «Best Practices Class Action in Competition Law»
I. Framework

Timeline

- **Phase 1**: Survey the relevant legal systems and case studies → identify the substance and implementation of class actions
- **Phase 2**: Evaluate results and create «Best Practices Class Action in Competition Law Regimes»
- **Phase 3**: Propositions for implementation in specific law regimes
- **Phase 4**: Evaluate tools and tricks and assist legal framework guaranteeing class actions
I. Framework

Status Quo

October 2016 (RPP Meeting) | December 2016 | July 2017

Evaluate results and create «Best Practices Class Action in Competition Law Regimes»
II. Substance

Questionnaire

- Ways of enforcement
- Formal requirements
- Remedies
- Representative
- Filing a lawsuit
- Evidence
- Risks
- Costs
Empirical Study

- Questionnaire based on extensive research
- Sent to 56 universities in all the relevant countries
II. Substance

First observations

1. Analyse the functioning of antitrust class action lawsuits

2. Establish « Best Practices Class Action in Competition Law »

Damages were awarded in very few cases.
First observations

Reasons

- High formal requirements
- Difficulty to provide evidence
- Unreasonable risks and costs
III. Outlook

Goals

- Contributions from other countries
- Results from analysing legal systems
- Best practices for class actions
III. Outlook

Goals

Results from analysing legal systems
Contributions from other countries
Best practices for class actions

Enforce the position of consumers and improve their protection without leading to «over the top» claims for damages
Thank you for your attention!

Dr. iur. Fabio Babey
Managing Director / Senior Lecturer
Center for Competition Law (ZHAW)
+41 (0)76 323 41 31
fabio.babey@zhaw.ch