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RPP Research and Partnership Platform

Contribution

by

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The views expressed are those of the author(s) and do not necessarily reflect the views of
UNCTAD



School of
Management and Law

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Geneva, Wednesday 19th October 2016

Class Actions in Competition Law



Building Competence. Crossing Borders.

Dr. iur. Fabio Babey, Senior Lecturer

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Class Actions in Competition Law

Agenda

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

I. Framework

Mission

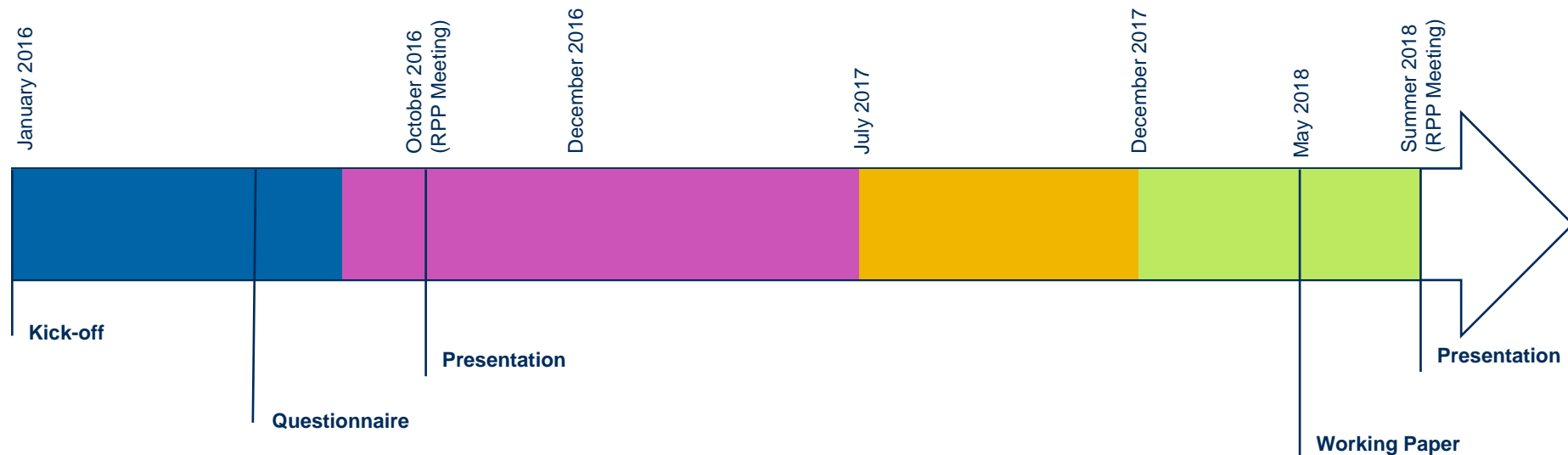
Strengthening Antitrust Civil Law Introduction of Class Action Law Suits

1 Analyse the
functioning of antitrust
class action lawsuits

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

I. Framework

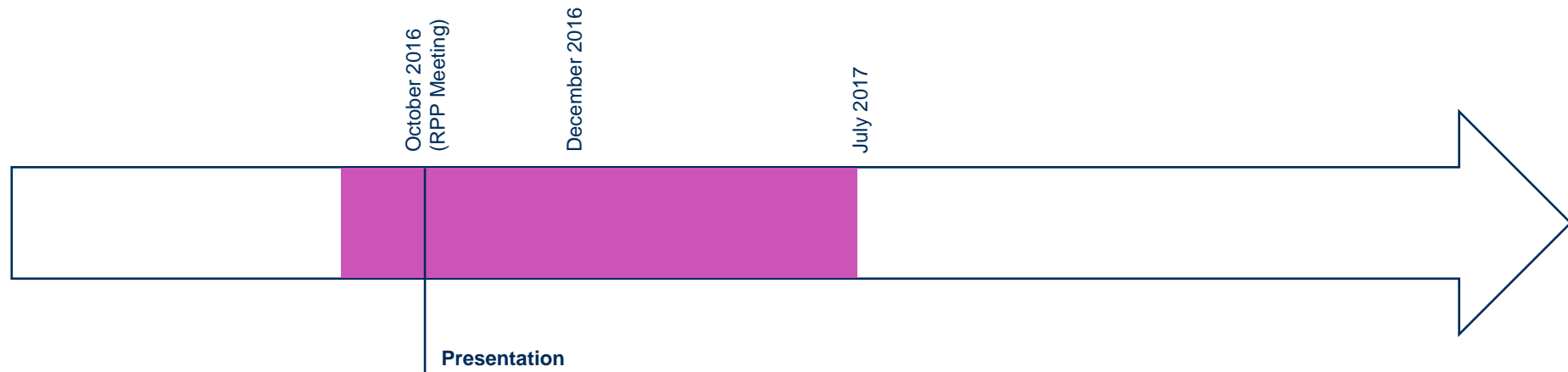
Timeline



- **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



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

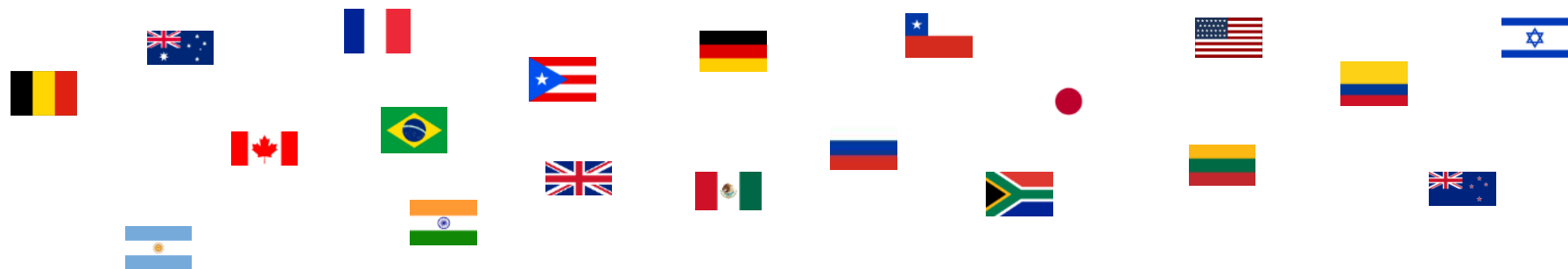
Risks

Costs

II. Substance

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.

II. Substance

First observations

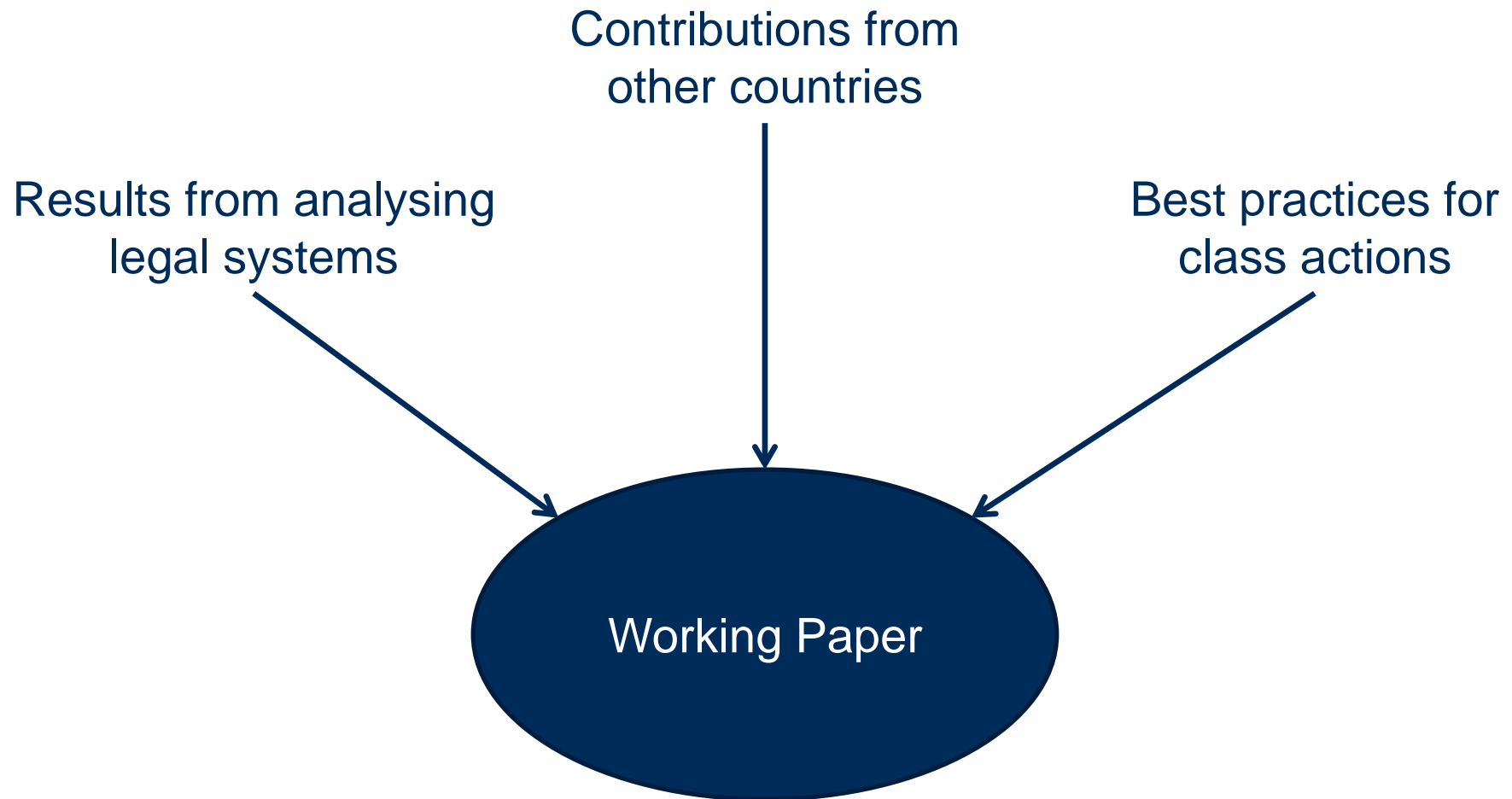
Reasons

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



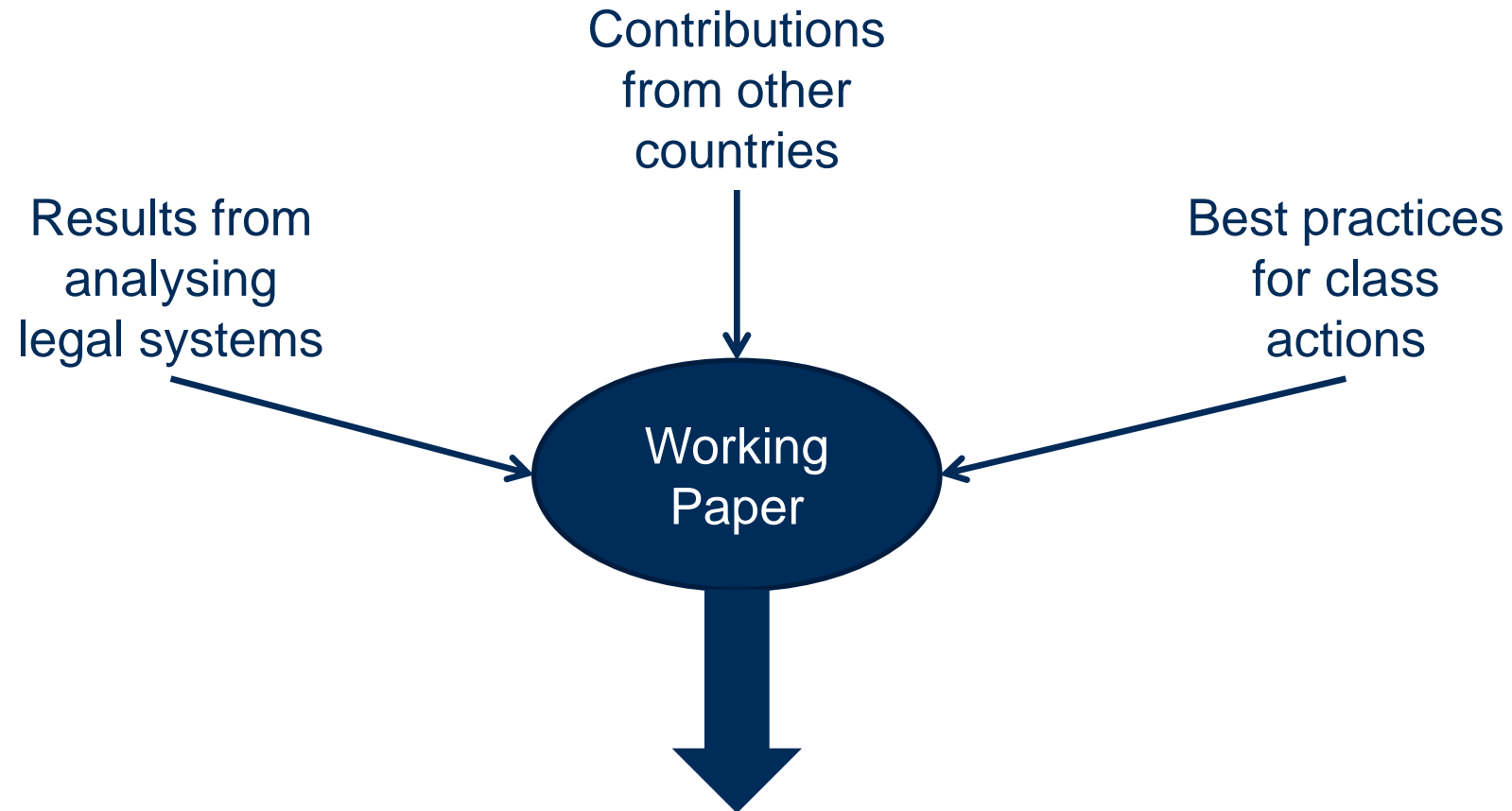
III. Outlook

Goals



III. Outlook

Goals



Enforce the position of consumers and improve their protection without leading to « over the top » claims for damages

**Thank you for your
attention!**

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