



**Thursday, 29 June 2017, 6pm**  
Arbitration Centre, Distillery Building, Church Street, Dublin 7

## **Follow-On Competition Actions Issues for Litigators**

**Chair**

**Michael M. Collins SC**

**Speakers**

**Kim Dietzel, Herbert Smith Freehills, London**

**Daniel Beard QC, Monckton Chambers, London**

The CLAI is delighted to host an evening seminar which will focus on litigation aspects of follow-on damages claims in the area of competition law. Recently, there has been significant growth in such actions across Europe, including before the Irish High Court, where over 50 follow-on damages actions are currently pending. As virtually all EU Commission cartel decisions are now followed by damages claims, the opportunities for litigation in this area can be expected to grow.

The speakers will discuss the particular issues that such actions raise for litigators, by reference to their experience in numerous claims in the UK, as well as by reference to recent developments in The Netherlands and Germany. The potential for growth in this area in Ireland following Brexit will also be discussed, as well as other issues, including jurisdiction of Member State courts; discovery and disclosure; and the rules on joint and several liability and contribution among defendants.

Free of charge to CLAI members (€20 charge for non-members)  
**To register, please e-mail [mail@clai.ie](mailto:mail@clai.ie)**

- Experience from the UK and opportunities post-Brexit
- Choice of Forum and factors influencing choice (English language; discovery; quality of judiciary; speed; funding)
- Discovery and disclosure (National rules? Or a change following the Damages Directive?)
- Challenges facing plaintiffs (passing on; complexities of quantifying damage)
- Joint and several liability and contribution among defendants
- Achieving global settlements

## Speakers

**Michael M. Collins SC** practises in the fields of commercial law, competition law, EU law, judicial review and arbitration in Dublin and London (Monckton Chambers). In 1996 he was appointed by the Irish Government as Chairman of the Competition and Mergers Review Group, the majority of whose recommendations were subsequently implemented into Irish law in the Competition Act 2002. Michael appears regularly before the Irish courts and the Court of Justice of the EU. He also acts in commercial arbitrations (domestic and international). He has had appointments as arbitrator from the ICC Court of Arbitration, the London Court of International Arbitration and is one of Ireland's representatives on the ICC Commission on Arbitration. Michael was elected a Bencher of the King's Inns in 2007 and the following year was elected in the United States as a Fellow of the International Academy of Trial Lawyers of which he is now also a director. He was Chairman of the Bar Council of Ireland 2008 – 2010. He has been a Visiting Lecturer in the Department of Economics at NUI (Maynooth) on Legal Aspects of Competition and Regulation in Maynooth's Master of Economic Science Programme. He is currently an Adjunct Professor of Law at UCD Law School.

**Kim Dietzel** is a Partner in the Competition, Regulation and Trade group of Herbert Smith Freehills in London. Kim acts on the full range of EU and UK competition law issues, with a particular focus on litigation and cartel cases, as well as on merger control. Kim has been confirmed by Global Competition Review (GCR) as one of the “*top 100 women in antitrust*” covering regulators, economists and competition lawyers and is rated by both *Chambers* and *Legal 500* for competition litigation in particular. She is a Solicitor Advocate and regularly appears as an advocate in the Competition Appeal Tribunal. Kim advises a range of clients, including in the transport, aviation, financial services, consumer goods and industrial sectors. She regularly speaks at international conferences and has published extensively on competition issues, including with respect to leniency and follow on litigation.

**Daniel Beard QC** specialises in competition, EU, regulatory and public law and practises from Monckton Chambers in London. He is widely regarded as one of the English Bar's leading specialists in these areas and noted as a “*first rate*” advocate. As well as his domestic work in the High Court, Court of Appeal and the Supreme Court, he regularly appears in the EU Court of Justice and General Court in Luxembourg. Daniel acts for both private clients and regulators and has appeared in and advised upon many of the leading private competition law actions over recent years, for both claimants and defendants, including air cargo (*Emerald v BA*); gas insulated switchgear (*National Grid v ABB*); electrical carbon cartel (*Emerson v Morgan Crucible*); synthetic rubber (*Cooper Tire v Shell*); methionine (*Moy Park v Degussa*); generic drugs (*NHS v Norton*); pay-for-delay (*NHS v Servier*); rail haulage (*ECSL v EWS*); water services (*Albion v Dwr Cymru*); copper tubes (*KME v Toshiba*); copper fittings (*Newson v IMI*); and interchange fees (*M&S v Mastercard/Visa*).