

Follow-on Actions and Enforcement of Antitrust Law

The purpose of my thesis is to analyse the private enforcement of antitrust law as regards the follow-on actions. The research tries to explore this subject and points out to the most problematic issues in pursuing the action for damages after the decision of the national competition authority was made.

The thesis is composed of five chapters, each of them dealing with different aspects of the follow-on actions. Chapter One is introductory and defines the basis of private enforcement of antitrust law and explains the differences between follow-on and stand-alone actions.

Chapter Two examines the binding effect of the decisions of the competition authorities on courts when dealing with follow-on actions. The chapter consists of six parts. Part One focuses on differences between national legislation of some EU member states. Part Two investigates the legislation which is in force in USA. Part Three deals with the proposal made by the Commission of the European Union in the White paper on this subject. Part four concerns the problem of whether or not the decision of the national competition authority should have irrebuttable effect before the court. Part five is dealing with the decisions of competition authorities from abroad. Part six focuses on commitment decisions and forum shopping.

Chapter Three is subdivided into four parts and provides an outline of the issues which has to be solved in relation to the proof of damage and causation. Part One illustrates the problems usually linked with the proving of damages. Part Two looks at the matter of causation in competition cases. Part three explores the matter of fault. Part four deals with the passing-on of overcharges.

Chapter Four concentrates on limitation periods and proposed changes in order not to simplify the position of the claimant.

Conclusions are drawn in Chapter Five. It is pointed out again to the most problematic issues and possible future legislation as regards the effective private enforcement of competition law is considered.