



CONSEJO GENERAL DEL PODER JUDICIAL
ESCUELA JUDICIAL

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Red Europea de Formación Judicial (REFJ)
European Judicial Training Network (EJTN)
Réseau Européen de Formation Judiciaire (REFJ)

Course:

**ANTITRUST DAMAGES, EUROPEAN
COMPETITION LAW AND JUDGES: PRIVATE
AND PUBLIC ENFORCEMENT. ARTICLES
101,102 AND 107 OF TFEU AND NATIONAL
JUDGES**



Con el apoyo de la Unión Europea
With the support of The European Union
Avec le soutien de l'Union européenne

1. Identification of the course

Dates and place: 20 - 22 June 2012. Barcelona (Spain)

Organised by: Judicial School [*Escuela Judicial*], Spain

Languages: Spanish, English and French

Jurisdiction: Civil Law. Civil Law European. Consumer Law

Places for EJTN: 40

2. Content

The enforcement of Competition Law in Europe has been especially seen from the public perspective, *i.e.*, it has been based in the enforcement by administrative authorities –until May, 1st, 2004, it was centralized exclusively in European Commission and from then not only in European Commission but in a more decentralized way through the National Competition authorities–. Judicial review is conferred to the European Court of Justice –regarding the European Commission acts– and the National Judges –in relation to the administrative but also private national enforcements which in both cases could refer for preliminary rulings to Luxembourg–. It has been through this procedure that European Court of Justice has remarked in its judgments *Courage* (2001) and *Manfredi* (2006) that the full effectiveness of European Competition Law would be put at risk if it were not open to any individual to claim damages for loss caused to him by a contract or by conduct liable to restrict or distort competition.

The European Commission has adopted a Green Paper in 2005 and a White Paper in 2008 on anti-trust damages actions; and in 2008 the Commission also published a Green Paper on consumer collective redress. European Commissioner on Competition, Joaquín Almunia, has announce in a speech delivered at the University of Valladolid, October 15th, 2010, the presentation on 2011 spring of an initiative that will set common standards and minimum requirements for national systems of antitrust damages actions to ensure that European citizens' rights are a reality for all. According to the European Commission, National authorities will then see how to translate these common principles into practice in line with their own legal traditions.

These legal and case-law principles must be applied by judges, depending on the extent of their jurisdiction –private or public jurisdiction–. The public enforcement of Competition Law and the private enforcement are interconnected as it is shown in the two kinds of antitrust damages actions (follow-on and stand alone actions), but also between the effectiveness of leniency program (public enforcement) and the right of damaged consumers to effective redress (private enforcement).



These two perspectives and its legal implications are not very known by judges as it is revealed by specific national case-law. By that reason, it is necessary to promote a judicial culture concerning free competition, consumer's protection and to thrust the mutual interaction between European Union Law and National Laws and public and private actions. Likewise, the procedural issue and the convergence of National judicial cultures in Europe will serve to share new ways of judging and new forms of solving daily problems.

3. Practical information

3.1 Registration and application forms

Participation is free of charge.

Applications will be made through the enclosed registration questionnaire which will be sent to the permanent training centre (Judicial School, Ministry of Justice or centre competent in the matter) of the member country of the EJTN. This centre will send the application forms to the Judicial School with an additional document which will specify the order of priority of the application forms. The Judicial School cannot guarantee a certain number of places for any attendant, as the distribution will not be made until all application forms have been received. Nevertheless, each applying country shall at least be assigned one place and the organisers will assign the other places as it becomes possible, but always following the preferential order expressed by the training centre itself.

Without delivering the application forms, the admission should not be considered as properly done. **The deadline to send applications finishes on 27.**

Once the selection has been made, a notice of acceptance shall be sent. Attendants will receive a reservation form to arrange travel and accommodation issues through the travel agency which collaborates with the JS.

The contact person in the Judicial School who will finally receive the application forms (preferably by electronic mail) is:

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3.2 Costs covered by the Spanish Judicial School

- Travel expenses
- Lodgement costs from the day prior the course beginning to the last seminar day. The check out must be done before 22 June 2012 at 12:00 AM, except unavoidable troubles with travel combinations.
- Meals at the Judicial School canteen on 20 and 21 June.
- The organization will provide a bus for the journey from the city center to the Judicial School and vice versa (the building of the School is located outside Barcelona).

All the arrangements will be done by the organization. The Judicial School will book accommodation and transportation tickets through the travel agent which provides such services to the General Council of the Judiciary, as well as settling any expenses derived from this. Those admitted will be required to contact the above-mentioned agency in order to carry out the necessary formalities. It will not be necessary to make any prior payment. The Judicial School will put participants and travel agency in contact at the appropriate time. The participants selected will receive, along with the confirmation of admission, instructions to carry out the hotel booking.

3.4. Timetable

- 27 April: Deadline for registration
- 4 May: Notice of selection
- 14 May. Deadline to submit travel and hotel reservation form
- 20-22 June: seminar carrying out

