



Private antitrust litigation in European countries: a new road towards fair competition

Prof. J.P.L. van Marissing

Howrey LLP Amsterdam

The Netherlands – antitrust damages actions

- Claims based on tort or wrongful acts and undue payment (Civil Code)
- Class actions by special-purpose foundations
- Civil Courts



France – antitrust damages actions

- Claims based on tort law (Civil Code) or fraudulent participation (Commercial Code)
- Civil -, Commercial -, Administrative - and Criminal Courts



European Commission

- Private litigation as key compliment to public enforcement
- Access to documents held by EC? (except leniency applications)
- Infringements decisions binding on civil courts?
- Disclosure ordered by Court after fact pleading?
- EC as *amicus curiae*

