

BRICK COURT CHAMBERS

BARRISTERS

The EU Damages Directive: the future legal and practical issues

Thursday 26th March 2015

An evening seminar

At the Waterhouse Suite, Holborn Bars

Brick Court houses a plethora of top-quality barristers with deep experience, who can offer assistance in all areas of competition law. Offering a uniformity of quality at both silk and junior level, it is able to tackle the majority of the leading cases of the field, however complex or challenging. As commentators note: "There is a benefit to the way that the practitioners work there. The set is a competition litigation hothouse, and members are able to bounce ideas off each other."

(Chambers & Partners 2015, Competition Law)

Brick Court's reputation in the market is undisputed. It boasts some of the top law firms as regular clients, many of which name the set as their first chambers of choice. It consistently receives praise for its barristers and its clerks, who offer a seamless service on a wide variety of EU matters.

(Chambers & Partners 2015, European Law)

The EU Damages Directive: the future legal and practical issues

Introduction

This seminar will identify and discuss the difficult and, as yet, unresolved issues that are anticipated to arise out of the interpretation and implementation of the EU Competition Damages Directive in the UK. The 6 speakers will each succinctly address a different aspect of the Directive, including: the Directive's commencement and limitation periods, effect of national decisions, disclosure and leniency, contribution, settlements, and passing-on and indirect purchasers. The seminar will assume that attendees already have at least a passing familiarity with the EU Damages Directive and will not seek simply to describe the content of its provisions. Instead, the speakers, well known practitioners and scholars at forefront of the field, will aim to illuminate the interesting and difficult legal and practical issues that the Directive is anticipated to give rise to in the future.

Programme

Limitation & temporal application *Daniel Jowell QC*

Contribution *Sarah Ford*

Effect of national decisions *Marie Demetriou QC*

Settlements *Daniel Piccinin*

Disclosure and leniency *Kelyn Bacon QC*

Passing-on and indirect purchasers *David Bailey*

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EU/Competition Law at Brick Court Chambers

Brick Court Chambers has an unparalleled reputation in EU and competition law. This reflects the fact that, for decades, our barristers have been at the forefront of developments in these areas of the law. They have appeared in many of the landmark EU and competition law cases and they have an experience and expertise that is simply second-to-none. Of course, our barristers appear regularly in the UK courts, whether in the High Court, in the Competition Appeal Tribunal, in the Court of Appeal or the Supreme Court. But we also have a highly developed practice before the European Courts (where our barristers have had over 1000 appearances) and also before the European Commission. Above all, we pride ourselves on our flexibility – our barristers work for a wide range of clients, in a counsel team or as the sole barrister, whether litigating or giving advice.

CPD

SRA: This seminar is accredited by the SRA for 1.5 hours:

Brick Court Chambers SRA reference: EIK/BRIC

Level: Intermediate

BSB: This seminar is accredited by the BSB for 1.5 hours.

Brick Court Chambers BSB reference: 1148

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Course evaluation forms are available at the registration desk or by emailing marketing@brickcourt.co.uk.

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Speakers



Daniel Jowell QC Brick Court Chambers

Daniel Jowell QC has been described as “*One of the outstanding junior silks at the Commercial Bar*” (Chambers & Partners 2014) and as “*a high-quality advocate with strong cross-examination skills and an exceptional attitude to client service*” (Chambers & Partners 2014). Daniel has an academic background in both EU law and economics. He has acted in a large number of the significant competition law damages actions of recent years (for clients including Visa Europe, Exxon, Dow Chemicals, Alstom, Air Canada and Sharp) and has appeared in a number of the appeals of decisions of the Competition Commission (now CMA) for clients including Ryanair and LafargeTarmac. He has also acted in a number of claims for the restitution of tax paid contrary to EU law.



Marie Demetriou QC Brick Court Chambers

Marie Demetriou QC has extensive advocacy experience before the English and European Courts across her specialist areas of EU law, competition law and public law (including human rights). Marie has an insider’s knowledge of how the European Court of Justice operates, having worked there for three years as a *référéndaire* to Judge Edward, then the British Judge. Her EU and Competition law practice ranges from competition damages claims in the High Court and the CAT on behalf of large companies to preliminary references before the ECJ on asylum law and human rights on behalf of NGOs and individuals. It spans every area of EU law including free movement, sports, broadcasting and telecommunications, aviation, pharmaceuticals, taxation and social security. She is Visiting Fellow at the Centre for European Law, King’s College, London and has co-authored and contributed to several books including the chapter on EU law in “*Judicial Review, Principles and Procedure*” (OUP).

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Kelyn Bacon QC **Brick Court Chambers**

Kelyn Bacon QC specialises in competition and EU law, with particular expertise in state aid law and pharmaceutical regulation. She has appeared in numerous landmark cases in the High Court, Court of Appeal, Supreme Court, as well as the Competition Appeal Tribunal and proceedings before the Competition Commission and European Commission, and she has acted in over 50 cases in the European Courts. Her clients have included major domestic and international private clients such as HSBC, Microsoft, Intel, Adidas, Visa, BUPA, Pfizer, Teva, Aer Lingus, Telefónica and the BBC, as well as government departments and the CMA. Kelyn is currently instructed in numerous competition and EU law disputes in the Competition Appeal Tribunal, High Court and Court of Appeal, and is acting in a wide range of proceedings in the European Courts raising issues of State aid, pharmaceutical regulation and general EU law. She is also advising on one of the EIRD cases currently before the European Commission.



Sarah Ford **Brick Court Chambers**

Sarah Ford is an able and versatile junior with significant experience in EU, competition and public law and commercial litigation. She has advised on and appeared in a wide range of matters before the Supreme Court, Court of Appeal, High Court, Competition Appeal Tribunal, Competition Commission and the Court of Justice of the European Union. Sarah was awarded 'Competition/EU Junior of the Year' at the Chambers Bar Awards 2014. In November 2011 Sarah was identified as one of Legal Week's 'Stars at the Bar' 2011 and featured in an article entitled "Bright Lights" which profiled "10 promising junior barristers singled out as some of the best in the profession". She was described as "intelligent, industrious and insightful" with "an affable style and level-headed approach in the most stressful situations, making her a talented asset to any team."

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Daniel Piccinin Brick Court Chambers

Daniel Piccinin practises in all areas of Chambers' work and has particular expertise in competition law matters. He has appeared in the Court of Appeal, the High Court, the Competition Appeal Tribunal and in various County Courts as well as in the ECJ and the General Court of the European Union. Prior to being called to the Bar, Daniel was a competition specialist at Linklaters where he advised on a number of UK and EU competition law investigations, including anti-competitive agreements, abuse of dominance, State aid and merger control. He is recommended for Competition Law in Chambers & Partners 2015, the Legal 500 2014 and Who's Who UK Bar 2015, noted in Chambers & Partners as *"Commercially and legally extremely sound, he is a pleasure to have on the team."* *"Intellectually very gifted, he is going to be a huge success."*



David Bailey Brick Court Chambers

David Bailey practises competition and EU law, described in Chambers & Partners 2015 as *"A client favourite who has a strong focus on EU and competition law."* *"He is impressive and is gaining an excellent reputation at the Bar."* He has worked on cases before the High Court, the Court of Appeal, the Competition Appeal Tribunal and the General Court of the European Union as well as proceedings before the Competition Commission and the European Commission. David has been a Visiting Professor of Law at King's College London since December 2012; prior to that he taught as a Visiting Lecturer and Senior Lecturer at King's College London from 2001 to 2012.

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Materials

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The EU Damages Directive: the future legal and practical issues

Daniel Jowell QC

Limitation & temporal application

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Sarah Ford

Contribution

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The EU Damages Directive: the future legal and practical issues

Marie Demetriou QC

Effect of national decisions

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The EU Damages Directive: the future legal and practical issues

Daniel Piccinin

Settlements

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The EU Damages Directive: the future legal and practical issues

Kelyn Bacon QC

Disclosure and leniency

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Passing-on and indirect purchasers

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A Tradition of Excellence

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About us

Brick Court Chambers is one of the leading sets of Barristers' Chambers in the UK. There are 85 members who practice full-time, including 38 QCs, and a number of highly respected door tenants. It specialises in Commercial, EU/Competition and Public Law, with a strong reputation in all areas.

Commercial work includes all aspects of international trade, finance and commerce, with particular emphasis on banking, insurance, reinsurance, shipping and 'city' work, and on private international law. Members of chambers also specialise in fields as diverse as professional negligence, media and entertainment law, defamation, takeovers and mergers, employment law, sports law and public international law. The majority of chambers work consists of High Court litigation and commercial arbitrations, together with appeals to the Court of Appeal, the Supreme Court, Privy Council and associated advisory work. Junior members of chambers also undertake more varied common law work in the County Court and in employment tribunals.

Brick Court Chambers has an outstanding team of EU lawyers who are specialists in all aspects of EU and competition litigation. EU Law practitioners appear in the full range of English courts and tribunals, before the OFT, Competition Commission and Competition Appeals Tribunal, as well as in the Court of Justice and General Court in Luxembourg. Members of chambers also appear in the European Court of Human Rights in Strasbourg and in a wide range of other international courts and arbitral tribunals.

Members of chambers have considerable expertise in human rights and in commercial and regulatory judicial review, a field which enables chambers to combine its strengths in Public, Commercial and EU law. Over the past few years members of chambers have appeared before the courts in Australia, Bermuda, Cayman, British Virgin Islands, Gibraltar, Fiji, Hong Kong, and have arbitrated disputes in Amsterdam, Rotterdam, Zurich, Ohio, Singapore, Dubai, Qatar, Stockholm, The Hague and Trinidad.

As well as their work for private and commercial clients, Members of Chambers are instructed regularly by the United Kingdom and other Governments and by a wide range of international institutions including the European Commission.

Major Cases

Chambers has been involved in many leading cases over the decades. They include the Lloyds Litigation, BCCI affair, Barings Litigation, *Gruppo Torras v Sheikh Fahad*, *Co Op v Regan*, *Equitable Life v PWC*, *Three Rivers DC v The Bank of England* (House of Lords), *Pender v Cable & Wireless*, *Weir v Railtrack*, *Courage v Crehan* (House of Lords), *Secretary of State for the Foreign & Commonwealth Affairs v R*, *Bancoult* (Court of Appeal, House of Lords, ECHR), *R (National Grid Gas plc) v Environment Agency* (House of Lords) and various aspects of Senator Pinochet's judicial reviews. In European Law Chambers' reputation was built on cases such as *Factortame*, *Sunday Trading*, the *Rees-Mogg* challenge to the Maastricht Treaty, *Grant v South West Trains*, *Saunders v UK* and *Hatton v UK*. Members of chambers have been involved in the Hutton Inquiry, BSE Inquiry, the long running "Bloody Sunday" Inquiry, and The Baha Moussa Inquiry.

More recent major cases include:

Cherney v Deripaska (Commercial Court)

BSkyB v EDS (Technology & Construction Court)

"Rainy Sky" (Supreme Court)

Perpetual Trustees v Bank of New York & ors (Supreme Court)

Morgan Advanced Materials v Deutsche Bahn (Supreme Court)

British Telecommunications v Telefonica O2 (Supreme Court)

"Pay TV" (Court of Appeal)

Enron v EWS (Court of Appeal)

Kadi v Council & Commission (ECJ)

OFT v Imperial Tobacco, ASDA & Ors (Competition Appeal Tribunal)

Re: Sigma (Supreme Court)

Deutsche Bank v Sebastian Holdings (Commercial Court)

Ryanair v Commission (CAT)

2 Travel v Cardiff City Transport (CAT)

Springwell v J P Morgan (Court of Appeal)

NML v Argentina (Supreme Court)

Masri v Consolidated Contractors (Privy Council, House of Lords, Court of Appeal, Commercial Court)

Dallah v Government of Pakistan (House of Lords)

Chagos Islanders v United Kingdom (EHCR)

Animal Defenders International v United Kingdom (ECHR)

Wasa and AGF v Lexington (House of Lords)

OFT v Lloyds Bank (Supreme Court)

Olympic Stadium Judicial Review

Colour Quest v Total/Chevron (Buncefield litigation, Court of Appeal)

Fiona Trust v Privalov (Commercial Court)

Berezovsky v Abramovich (Commercial Court)

BSkyB v Ofcom (Competition Appeal Tribunal)

General Motors v Royal Sun Alliance (Comm. Court)

Directories

“Brick Court’s success is built on a strong foundation of star performers who have extensive expertise in all manner of commercial litigation cases. Instructing solicitors express unwavering confidence in the members, commenting that “everyone there is very bright. You know you’ll be getting an exceptionally good lawyer whoever you instruct.” Exceptional in all they do, they prove particularly strong on EU and competition law, where “they’ve created an incredible centre of excellence.” They are also heavily involved in the banking and finance market and have had involvement in industry-critical litigation such as Deutsche Bank v Unitech and the Guardian Care Homes Libor test case. The members here are comfortable handling matters of great note and complexity, and benefit from the “charming and effective” clerking provided by Julian Hawes and Ian Moyler, two individuals who “really understand client service.” *Top Sets, Chambers & Partners 2015*

“Brick Court has long been regarded as a heavyweight chambers in commercial litigation work and remains a firm favourite with instructing solicitors. The instructions it receives are wide-ranging in nature, and include natural resources, banking, property and company disputes, as well as disputes originating in Russia and the CIS. The set is well stocked with leading silks and highly regarded juniors, and its members are consistently praised for their robust and intelligent advocacy. Sources say: “The barristers exhibit strong technical expertise and commercial awareness, and will always go the extra mile for the client.”” *Commercial Dispute Resolution, Chambers & Partners 2015*

“Brick Court houses a plethora of top-quality barristers with deep experience, who can offer assistance in all areas of competition law. Offering a uniformity of quality at both silk and junior level, it is able to tackle the majority of the leading cases of the field, however complex or challenging. As commentators note: “There is a benefit to the way that the practitioners work there. The set is a competition litigation hothouse, and members are able to bounce ideas off each other.” Acting for a wide array of clients, including the government and the EC, the set has handled a number of recent interesting cases, including the BMI Healthcare litigation, Sainsbury's v MasterCard, and the Lafarge cement case.” *Competition Law, Chambers & Partners 2015*

“The excellent reputation of Brick Court Chambers is founded in part on its deep expertise in public law matters in the context of EU and competition law. Its members appear with equal acuity on behalf of both claimants and defendants, and attract particularly strong praise for their advocacy in commercial public law proceedings. They are especially accomplished in challenges to the imposition of economic sanctions and in regulatory matters.” *Administrative & Public Law, Chambers & Partners 2015*

“The set has been identified by peers as one to watch in the international arbitration world. It consists of “top-calibre people” who make regular appearances before the Commercial Court and in arbitration centres worldwide.” *International Arbitration: General Commercial & Insurance, Chambers & Partners 2015*

Members of Chambers

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Silks

- ◆ Jonathan Hirst QC
- ◆ Helen Davies QC
- ◆ David Vaughan CBE QC
- ◆ Hilary Heilbron QC
- ◆ Timothy Charlton QC
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- ◆ Mark Hapgood QC
- ◆ Mark Howard QC
- ◆ William Wood QC
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- ◆ Tim Lord QC
- ◆ Fergus Randolph QC
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- ◆ Aidan Robertson QC
- ◆ Richard Slade QC
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- ◆ Jemima Stratford QC
- ◆ Daniel Jowell QC
- ◆ Simon Salzedo QC
- ◆ Michael Bools QC
- ◆ Paul Bowen QC
- ◆ Marie Demetriou QC
- ◆ Andrew Henshaw QC
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- ◆ Jasbir Dhillon QC
- ◆ Martin Chamberlain QC
- ◆ Kelyn Bacon QC
- ◆ Simon Birt QC

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- ◆ Robert O'Donoghue
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- ◆ Hugo Leith
- ◆ Jennifer MacLeod
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- ◆ Lord Hoffmann
- ◆ Lord Hope
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- ◆ Sir Roger Buckley
- ◆ HH Nicholas Chambers QC
- ◆ Sir Sydney Kentridge QC
- ◆ Prof. Derrick Wyatt QC
- ◆ Prof. Richard Macrory CBE
- ◆ Johnny Mok SC
- ◆ Judge Fidelma Macken SC
- ◆ Mark Cran QC
- ◆ John Sturrock QC
- ◆ James Wolffe QC
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- ◆ Alastair Sutton
- ◆ Prof. Peter Muchlinski
- ◆ Jan Woloniecki
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- ◆ Geoff Sharp

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Chambers hours

Chambers and switchboard are open from 8am to 8pm

Our building, opposite the High Court in London is spacious, modern and allows conferences with clients to be conducted in comfortable surroundings.

We have large conference rooms, with ability to hold meetings with in excess of 30 people attending. We are able to accommodate short Arbitration or Mediation hearings, and can advise if parties need a venue for longer hearings.

Facilities include HD video conferencing with multi-point capability, client parking spaces, and a seminar room with presentation facilities. We also have a portable induction loop system available. Our building has easy access for disabled clients.

The Clerks

"They're absolutely supportive and highly professional" (Chambers & Partners 2015)

"Superb on clerking. They are fantastically responsive" (Chambers & Partners 2015)

"Julian Hawes and Ian Moyler 'set the tone for likeability and user friendliness'. (The Legal 500 2014)

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