

Juristische Fakultät

INspiRE

Jean-Monnet-Centre of Excellence  
– European Integration –  
Rule of Law and Enforcement

**Private Enforcement of European  
Competition and State Aid Law:  
Current Challenges and the Way Forward**

22 and 23 November 2018  
Faculty of Law, Augsburg University



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# Private Enforcement of European Competition and State Aid Law: Current Challenges and the Way Forward

The EU Member States are currently finishing the implementation of the so-called “Damages Directive” (Directive 2014/104/EU) which covers important issues – but not all areas – of private enforcement of competition law. Furthermore, the Damages Directive only provides full harmonisation in relation to selected issues.

The legal framework is therefore not completely harmonised in Europe. In view of this new legal framework, the “law in action” for the enforcement of the European competition rules in various Member States will be examined, thereby focusing on damages claims against cartels, which is currently the most common form of private law enforcement.

In view of limited administrative capacities on the European level, the trend towards decentralizing the review of state aid systems and the structural deficit of enforcing state aid law by national authorities, the importance of private enforcement for an effective enforcement of EU state aid law has been continuously stressed, and also the number of cases before national courts has increased. Nonetheless, there is room for improvement both in terms of numbers and its efficiency. The main challenge results from the fact that private enforcement, despite its importance, has not been harmonised. Hence, the obligations resulting from EU law have to be enforced according to the rules of national law, which diverge greatly and do not provide for specific remedies. Against this background, a first step to strengthening private enforcement of state aid law is to analyse the mechanisms of enforcement available within the national legal orders. This allows identifying not only key obstacles to private enforcement in the relevant procedural and substantive rules but also best practices. On this basis and with regard to the experiences gained in the area of competition law, the need for a harmonisation on the EU level will be explored, notably with regard to claims for damages which form the basis of the recently adopted Damages Directive 2014/104/EU in competition law.

## Registration

Participation is free of charge, but registration is required until 4 November 2018.

Please send an email indicating

- your name
- institution and
- address

to [INspiRE@jura.uni-augsburg.de](mailto:INspiRE@jura.uni-augsburg.de).



## Thursday, 22 November 2018

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- 11:30 Registration and Light Lunch
- 12:30 Welcome and Introduction  
[Prof. Dr. Thomas M.J. Möllers](#),  
INspIRE – Project Coordinator  
[Prof. Dr. Wolfgang Wurmnest, LL.M. \(Berkeley\)](#),  
INspIRE – Competition Law Section

### **Private Enforcement of EU Competition Law after Directive 2014/104/EU**

- 12:45 The European Perspective  
[Prof. Dr. Wulf-Henning Roth, LL.M. \(Harvard\)](#)  
University of Bonn
- 13:15 Comment from the EU Commission  
[Dr. Johannes Holzwarth, LL.M \(Chicago\)](#)  
EU Commission
- 13:35 Discussion  
[Prof. Dr. Florian Bien, Maître en Droit \(Aix-Marseille III\)](#)  
University of Würzburg
- 14:05 Private Enforcement of Competition Law in Germany  
[Prof. Dr. Jens-Uwe Franck, LL.M. \(Yale\)](#)  
University of Mannheim
- 14:35 Private Enforcement of Competition Law in The Netherlands  
[Dr. Erik-Jan Zippro / Dr. Rogier Meijer](#)  
Zippro Meijer Advocaten, Amsterdam
- 15:05 Discussion  
[Dr. Tatjana Mühlbach](#)  
Buntscheck, Munich
- 15:35 Coffee Break
- 16:05 Private Enforcement of Competition Law in Great Britain  
[Prof. Dr. Florian Wagner-von Papp, LL.M. \(Columbia\)](#)  
University College London

- 16:35 Private Enforcement of Competition Law in France  
[Dr. Rafael Amaro](#)  
University Paris Descartes (Maître de conférences)
- 17:05 Private Enforcement of Competition Law in Italy  
[Prof. Dr. Enrico Camilleri](#)  
University of Palermo
- 17:35 Discussion  
[Dr. Ingo Brinker](#)  
Gleiss Lutz, Munich
- 18:20 Closing remarks  
[Prof. Dr. Wolfgang Wurmnest, LL.M. \(Berkeley\)](#)  
University of Augsburg

## Friday, 23 November 2018

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### **Private Enforcement of EU State Aid Law**

- 09:00 Introduction  
[Prof. Dr. Ferdinand Wollenschläger](#)  
INspIRE – State Aid Law Section
- 09:10 The European Perspective  
[Dr. Fernando Pastor-Merchante, LL.M. \(Columbia\)](#)  
IE University, Madrid
- 09:40 Comment from the EU Commission  
[Luca Rossi](#)  
EU Commission
- 10:00 Discussion  
[Prof. Dr. Ferdinand Wollenschläger](#)  
University of Augsburg
- 10:30 Coffee Break

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- 11:00 Private Enforcement of State Aid Law in Germany  
[Prof. Dr. Sebastian Unger](#)  
Ruhr University Bochum
- 11:30 Private Enforcement of State Aid Law in France  
[Prof. Dr. François Lichère](#)  
University of Lyon III
- 12:00 Private Enforcement of State Aid Law in Italy  
[Prof. Dr. Roberto Caranta / Benedetta Biancardi](#)  
University of Turin
- 12:30 Discussion  
[Dr. Ulrich Soltész](#)  
Gleiss Lutz, Brussels
- 13:00 Lunch Break
- 14:00 Private Enforcement of State Aid Law in Spain  
[Prof. Dr. Luis Arroyo Jiménez](#)  
University of Castilla-La Mancha  
[Patricia Pérez](#)  
EU Commission
- 14:30 Private Enforcement of State Aid Law in Great Britain  
[Prof. Christopher Bovis, FRSA](#)  
University of Hull
- 15:00 Private Enforcement of State Aid Law in The Netherlands  
[Prof. Dr. Willemien den Ouden](#)  
University of Leiden  
[Prof. Dr. Jacobine van den Brink](#)  
University of Maastricht
- 15:30 Discussion  
[Stéphane Hautbourg](#)  
Gide Loyrette Nouel, Brussels
- 16:00 Closing remarks  
[Prof. Dr. Ferdinand Wollenschläger](#)  
University of Augsburg



## **INspiRE**

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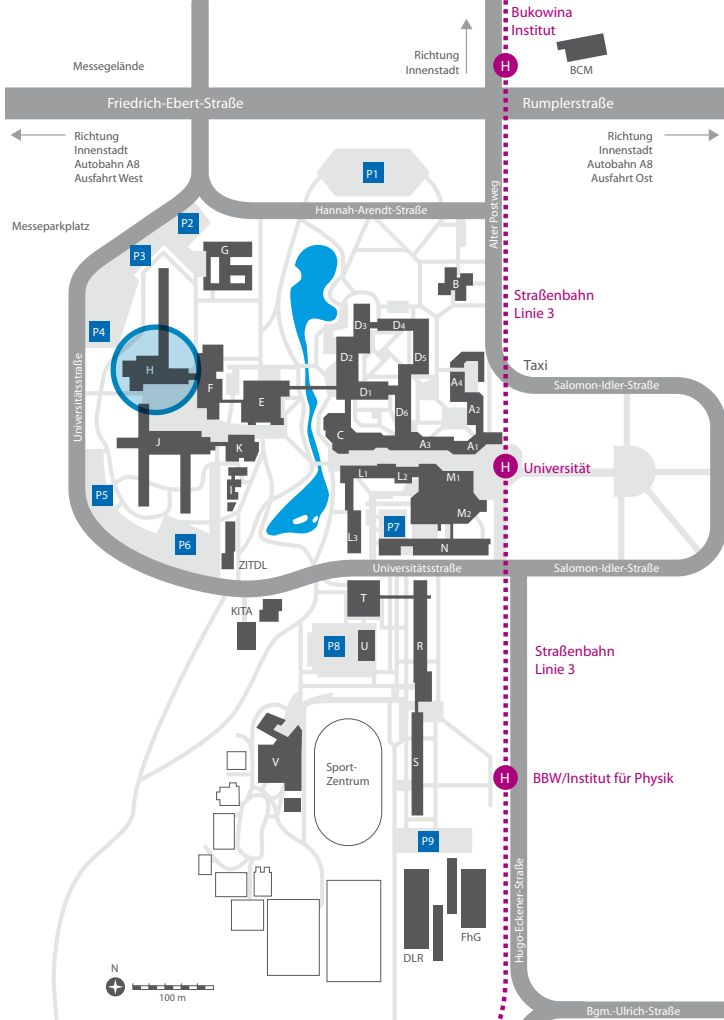
The Jean-Monnet-Centre of Excellence “INspiRE” (European Integration – Rule of Law and Enforcement) focuses on the enforcement of European Law. Law should not only exist as “law in the books”, but needs to be “lived” in order to ensure a functioning legal system. The INspiRE-project combines several different areas of law and uses amongst others a comparative approach, because several EU Member States struggle with similar issues. The INspiRE project focuses primarily on the fields of State Aid Law, Competition Law, Consumer Law, Capital Market and Company Law.

The project primarily consists of three pillars. These are:

- (i) The organisation of conferences
- (ii) Panel discussions for interested citizens
- (iii) The translation of selected BGH judgments into English

Participants in the project are Prof. Dr. Möllers, Prof. Dr. Wollenschläger, Prof. Dr. Wurmnest (all from Augsburg), Prof. Dr. Gsell (Munich), Prof. Dr. Ferrand (Lyon), Prof. Dr. Camilleri (Palermo) and Prof. Dr. Zhang (Beijing).

INspiRE is funded by the Erasmus+ Programme of the European Union. For more information, see [www.caplau.eu/inspire](http://www.caplau.eu/inspire).



## Organisers/Contact

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