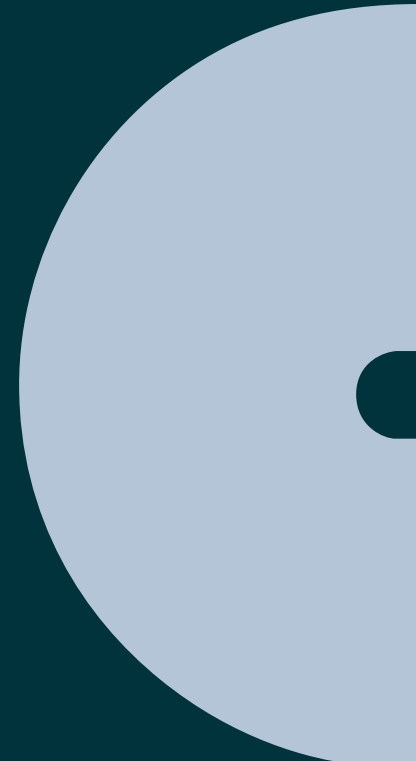
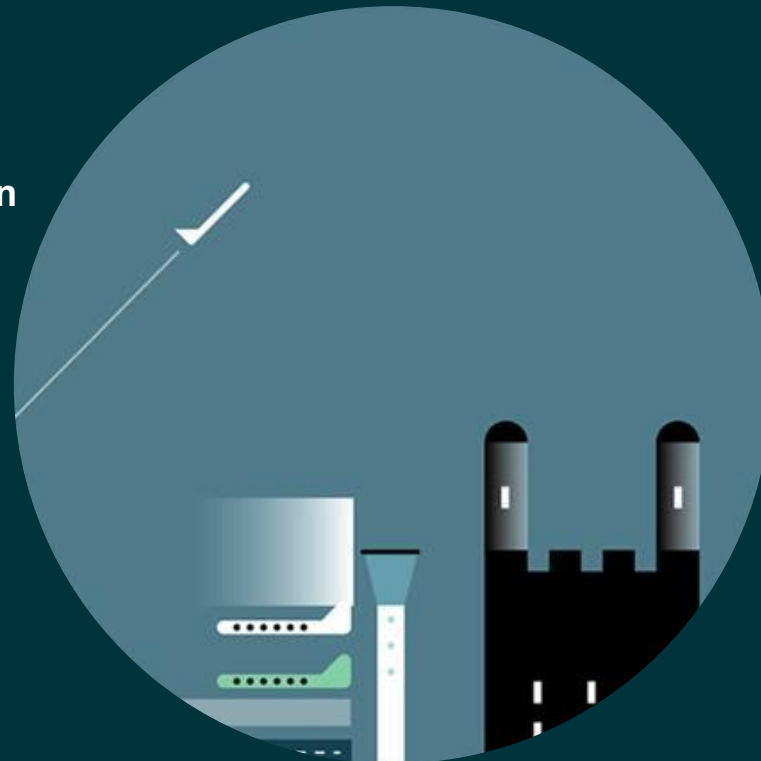


Consensual Dispute Resolution in antitrust litigation



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Settlements in antitrust litigation – the problems

Why are settlements difficult?

- International nature of disputes
 - Conflicts of laws
 - Territoriality
- Parties
 - Multiple defendants (joint and several liability)
 - Multiple claimants
- Reliance on complex economic evidence
- Confidentiality and reputational issues
- Related claims between different parties

Settlements in antitrust litigation - ADR mechanisms

How can claims be determined outside the courts?

- Arbitration
 - Arbitrability
 - Scope of arbitration clauses
 - Who can be bound?
 - Confidentiality
- Mediation
- Early neutral evaluation

Settlements in class actions

What are the problems?

- Authority to bind a class of claimants
- Court approval
- Legal costs and funding costs
- Aggregate awards – sharing damages between different sub-classes
- The example of the new UK regime for collective/class actions