



# Binding effect of authority decisions & limitation periods

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# Key aims

- **Encourage private enforcement of competition law**
- **Reduce uncertainty**
  - extent to which NCA decisions can be relied upon to prove infringement
  - time limit for bringing claims
- **Reduce disincentives**
  - burden of proving an infringement
  - prospect of recovering insignificant damages

# Binding effect of authority decisions



# The Directive: Article 9

(1) an infringement of competition law found by a final decision of a NCA or by a review court is deemed to be irrefutably established for the purposes of an action for damages brought before their national courts under Article 101 or 102 TFEU or under national competition law.

(2) a final decision taken in another Member State may be presented before their national courts as at least prima facie evidence that an infringement of competition law has occurred and, as appropriate, may be assessed along with any other evidence adduced by the parties.

# Binding effect of authority decisions

- Implementation into national law
- Achieving its aims?
- Unanswered questions?

# Limitation periods



# The Directive: Articles 10 and 18

- **Starting point:**
  - infringement has ceased
  - knowledge of the conduct and its unlawfulness under competition law
  - knowledge of the harm caused by the infringement
  - knowledge of the infringer's identity
- **Duration:** at least five years
- **Suspension:**
  - during investigations by a competition authority
  - for at least a year after the investigation is terminated (by a final infringement decision or otherwise)
  - during any consensual dispute resolution process

# Limitation periods

- Implementation into national law
- Achieving its aims?
- Unanswered questions?



Questions?

