

EU DAMAGES DIRECTIVE IMPLEMENTATION IN POLAND – HALF WAY

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16 June 2016



A FEW WORDS OF INTRODUCTION

- ✓ Draft framework available, no draft legal act ready yet
- ✓ Separate implementation act with some changes to civil code, civil procedure code and competition law act
- ✓ Regional courts competent irrespective of the value of the claim
- ✓ Legal standing of trade organizations whose statutory aim is protection of the market from anticompetitive practices

LIABILITY

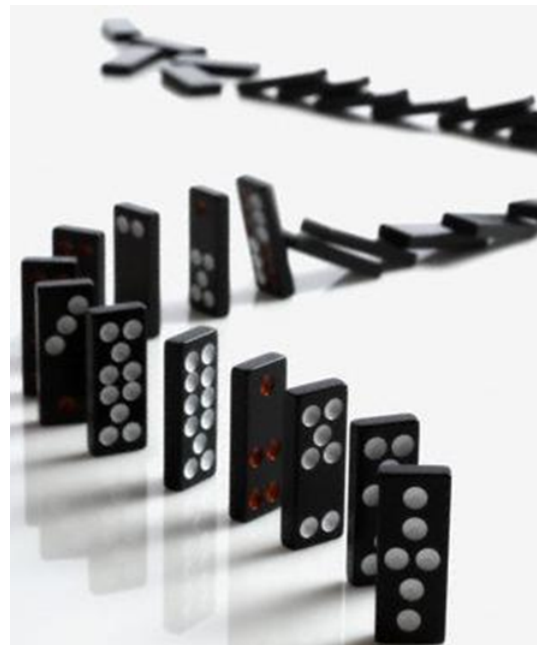
- ✓ Based on the principle of fault
- ✓ Joint and several liability



HARM

- ✓ Quantification of harm
 - Presumption with regard to cartel
 - PCA's assistance
 - Compensatory interest

- ✓ Overcharge
 - Definition
 - Indirect harm
 - Pass-on presumption



EVIDENCE DISCLOSURE



- ✓ A number of challenges
 - Categories of evidence
 - Criteria of assessment
 - Sanctions – effective?
 - Changes in the competition law act (possibility to use information from proceedings before the PCA in civil proceedings; withdrawn settlement submissions; leniency files)

BINDING EFFECT OF THE FINAL DECISION OF THE PCA / COURT JUDGEMENT / OTHER NCA's



- ✓ Binding effect of the PCA's final decision / final court judgement
- ✓ No express provision with regard to other NCA's final decisions (the court may consider it as a rebuttable factual presumption)

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