

Contents – summary

Introduction to the issues of the implementation of the EU Damages Directive in CEE countries (<i>Anna Piszcz</i>)	13
National reports	
BULGARIA (<i>Anton Petrov</i>)	25
CROATIA (<i>Vlatka Butorac Malnar</i>)	55
CZECH REPUBLIC (<i>Michal Petr</i>)	85
ESTONIA (<i>Evelin Pärn-Lee</i>)	109
HUNGARY (<i>Peter Miskolczy Bodnár</i>)	127
LATVIA (<i>Julija Jerneva and Inese Druviete</i>)	157
LITHUANIA (<i>Valentinas Mikelėnas and Rasa Zaščiurinskaitė</i>)	179
POLAND (<i>Anna Piszcz and Dominik Wolski</i>)	211
ROMANIA (<i>Valentin Mircea</i>)	237
SLOVAKIA (<i>Ondrej Blažo</i>)	247
SLOVENIA (<i>Ana Vlahek and Klemen Podobnik</i>)	263
Quo vadis CEE? Summary (<i>Anna Piszcz</i>)	297

Contents

Introduction to the issues of the implementation of the EU Damages Directive in CEE countries (<i>Anna Piszcz</i>)	13
--	----

National reports

BULGARIA (<i>Anton Petrov</i>)	25
I. Manner of implementing the Directive	25
II. Scope of the implementation	28
III. Competent courts	32
IV. Substantive law issues	35
1. Limitation periods	36
2. Joint and several liability	37
3. Quantification of harm	38
4. Passing-on of overcharges	41
V. Procedural issues	42
1. Standing	42
2. Disclosure of evidence	43
3. Effect of national decisions	45
4. Collective redress	49
VI. Consensual dispute resolution in antitrust enforcement	51
VII. Summary	52
Literature	53
 CROATIA (<i>Vlatka Butorac Malnar</i>)	 55
I. Manner of implementing the Directive	55
II. Scope of the implementation	57
III. Competent courts	61
IV. Substantive law issues	62
1. Strict liability	62
2. Limitation periods	64
3. Joint and several liability	65
4. Quantification of harm	68
5. Passing-on of overcharges	70

V. Procedural issues	72
1. Standing	72
2. Disclosure of evidence	73
2.1. General remarks	73
2.2. Protection of business secrets	76
2.3. Disclosure of evidence contained in the file of a competition authority	77
3. Effect of national infringement decisions	78
VI. Consensual dispute resolution	80
VII. Summary	82
Literature	82
 CZECH REPUBLIC (<i>Michal Petr</i>)	85
I. Introduction	85
II. Implementation of the Directive	86
III. Scope of the implementation	87
IV. Competent courts	88
V. Substantive law issues	89
1. Limitation periods	89
2. Joint and several liability	91
3. Quantification of harm	92
4. Passing-on of overcharges	94
V. Procedural issues	95
1. Standing	96
2. Disclosure of evidence	96
2.1. Disclosure of evidence before the Damages Act	96
2.2. Request for disclosure	98
2.3. Extent of disclosure and protection of confidential information	99
2.4. Use of disclosed information	102
2.5. Sanctions for non-disclosure	103
3. Effect of national decisions	104
4. Collective redress	105
VI. Consensual dispute resolution	106
VII. Conclusions	107
Literature	108
 ESTONIA (<i>Evelin Pärn-Lee</i>)	109
I. Introduction	109
II. Manner of implementing the Directive in Estonia	110
III. Competent courts	111
IV. Substantive law issues	112
1. Limitation periods	112
2. Joint and several liability	113

3. Passing-on of overcharges.....	114
4. Quantification of harm.....	117
V. Procedural issues.....	118
1. Disclosure of evidence.....	118
2. Effect of national decisions.....	122
3. Collective redress.....	123
VI. Consensual dispute resolution in antitrust enforcement.....	123
VII. Conclusion.....	124
Literature.....	125
 HUNGARY (<i>Peter Miskolczi Bodnár</i>).....	127
I. Manner of implementing the Directive.....	127
1. General state of national law on damages.....	127
1.1. Possibility of private enforcement.....	127
1.2. Elements of damage.....	129
1.3. Joint and several liability.....	129
1.4. Procedural law.....	129
2. Amendments before the implementation of the Directive.....	130
3. Level of the implementation.....	131
4. Legislative process.....	132
5. General characteristics of the Act.....	133
6. Relation to other codes.....	133
7. The modified Competition Act.....	133
II. Scope of the implementation.....	134
1. Action for damages – or more.....	134
2. Infringement of competition law.....	134
3. EU and/or national antitrust infringements?.....	135
4. Liability of the parent company for its subsidiaries.....	136
III. Competent courts.....	137
1. Hungarian court system.....	137
2. Relationship and co-operation between courts and the Competition Authority.....	138
IV. Substantive law issues.....	138
1. Limitation periods.....	138
1.1. Regulation before the transposition of the Directive.....	138
1.2. Current state of law after the transposition of the Directive...	139
2. Joint and several liability.....	140
2.1. Regulation before the transposition of the Directive.....	140
2.2. Current state of law after the transposition of the Directive...	142
3. Quantification of harm.....	143
3.1. Regulation before the transposition of the Directive.....	143
3.2. Current state of law after the transposition of the Directive...	144

4. Passing-on of overcharges.....	144
4.1. Regulation before the transposition of the Directive.....	144
4.2. Situation after transposing the Directive.....	145
V. Procedural issues.....	145
1. Standing.....	145
1.1. Regulation before the transposition of the Directive.....	145
1.2. Situation after transposing the Directive.....	146
1.3. Situation after adopting the new Civil Procedure Act.....	146
2. Disclosure of evidence.....	146
2.1. Former situation.....	146
2.2. Changes.....	147
3. Effect of national decisions.....	148
3.1. Former situation.....	148
3.2. Situation after transposing the Directive.....	149
4. Collective redress.....	150
4.1. Former situation.....	150
4.2. Situation after transposing the Directive.....	152
4.3. Situation after adopting the Civil Procedure Act.....	152
VI. Consensual dispute resolution in antitrust enforcement.....	152
1. Forums for alternative dispute resolution.....	152
2. Rules on liability of a settling co-infringer before transposing the Directive.....	153
3. Rules on liability of a settling co-infringer after transposing the Directive.....	153
VII. Summary.....	153
Literature.....	156
 LATVIA (<i>Julija Jerneva and Inese Druviete</i>).....	157
I. Manner of implementing the Directive.....	157
II. Scope of the implementation.....	158
III. Competent courts.....	159
IV. Substantive law issues.....	161
1. Limitation periods.....	161
2. Joint and several liability.....	162
3. Quantification of harm.....	162
4. Passing-on of overcharges.....	165
V. Procedural law issues.....	166
1. Standing.....	166
2. Disclosure of evidence.....	168
3. Effect of national decisions.....	172
VI. Consensual dispute resolution in antitrust enforcement.....	175
VII. Summary.....	177
Literature.....	178

LITHUANIA (<i>Valentinas Mikelėnas and Rasa Zasiurinskaitė</i>)	179
I. Private enforcement in Lithuania before the implementation: <i>status quo</i>	179
II. Manner and scope of the implementation	183
III. Competent courts	184
IV. Novelties in substantive law	188
1. General remarks	188
2. Limitation period	189
3. Attribution of liability	192
4. Joint and several liability	193
5. Quantification of damages	194
6. Passing-on of overcharges	196
V. Procedural law issues: considerable changes	197
1. General remarks	197
2. Standing	198
3. Collective redress	199
4. Binding effect of national infringement decisions	200
5. Expanded competence of the Competition Council in court proceedings	202
6. Disclosure of evidence	204
VI. Consensual dispute resolution in private enforcement	207
VII. Summary	209
Literature	210
 POLAND (<i>Anna Piszcz and Dominik Wolski</i>)	211
I. Manner of implementing the Directive	211
II. Scope of the implementation	213
III. Competent courts	215
IV. Substantive law issues	217
1. Limitation periods	217
2. Type of liability	218
3. Joint and several liability	220
4. Quantification of harm	222
5. Passing-on of overcharges	223
V. Procedural issues	224
1. Standing	224
2. Disclosure of evidence	225
3. Effect of national decisions	227
4. Collective redress	229
VI. Consensual dispute resolution in antitrust enforcement	229
VII. Summary	232
Literature	234

ROMANIA (<i>Valentin Mircea</i>)	237
I. Manner of implementing the Directive	237
II. Competent courts	238
III. Substantive law issues	239
1. Limitation periods	239
2. Joint and several liability	240
3. Quantification of damages	240
4. Passing-on of overcharges	241
IV. Procedural issues	242
1. Standing	242
2. Disclosure of evidence	242
3. Effect of national decisions	243
4. Collective redress	244
V. Consensual dispute resolution in antitrust enforcement	245
VI. Other provisions	245
VII. Summary	246
 SLOVAKIA (<i>Ondrej Blažo</i>)	 247
I. Manner of implementing the Directive	247
1. Early-history of private enforcement in Slovakia	247
2. Awaiting the Damages Directive	248
3. Transposition of the Damages Directive	249
II. Scope of the implementation	250
III. Competent courts	250
IV. Substantive law issues	251
1. Limitation periods	251
2. Joint and several liability	253
3. Quantification of harm	255
4. Passing-on of overcharges	256
V. Procedural issues	256
1. Standing	256
2. Disclosure of evidence	257
3. Effect of national decisions	259
4. Collective redress	260
VI. Consensual dispute resolution in antitrust enforcement	261
VII. Summary	261
Literature	262
 SLOVENIA (<i>Ana Vlahek and Klemen Podobnik</i>)	 263
I. Introduction	263
II. Method of implementing the Directive	264
III. Scope of the implementation	267
IV. Competent courts	272

V. Substantive law issues	275
1. Limitation periods	275
2. Joint and several liability	279
3. Quantification of harm	280
4. Passing-on of overcharges	282
VI. Procedural issues	283
1. Standing	283
2. Disclosure of evidence	285
3. Effect of national decisions	287
4. Collective redress	289
VII. Consensual dispute resolution in antitrust enforcement	290
1. Suspension of the limitation period during consensual dispute resolution	290
2. Suspension during court proceedings	292
3. Effects of consensual settlements on fines	293
4. Effect of consensual settlements on subsequent actions for damages	293
VIII. Conclusions	294
Literature	295
Quo vadis CEE? Summary (<i>Anna Piszcz</i>)	297
I. Introductory remarks	297
II. <i>Status quo</i> of the works on the implementation	297
III. Scope of the implementation	298
IV. Competent courts	299
V. Substantive law issues	300
VI. Procedural issues	304
VII. Consensual dispute resolution	306
VIII. Conclusions	307