



# International Antitrust Litigation

Conflict of Laws and Coordination

*Edited by*  
**Jürgen Basedow, Stéphanie Francq  
and Laurence Idot**

The decentralisation of competition law enforcement and the stimulation of private damages actions in the European Union go hand in hand with the increasingly international character of antitrust proceedings. As a consequence, there is an ever-growing need for clear and workable rules to co-ordinate cross-border actions, whether they are of a judicial or administrative nature: rules on jurisdiction, applicable law and recognition as well as rules on sharing of evidence, the protection of business secrets and the interplay between administrative and judicial procedures. This book offers an in-depth analysis of these long neglected yet practically most important topics. It is the fruit of a research project funded by the European Commission, which brought together experts from academia, private practice and policy-making from across Europe and the United States. The 16 chapters cover the relevant provisions of the Brussels I and Rome I and II Regulations, the co-operation mechanisms provided for by Regulation 1/2003 and selected issues of US procedural law (such as discovery) that are highly relevant for transatlantic damages actions. Each contribution critically analyses the existing legislative framework and formulates specific proposals to consolidate and enhance cross-border antitrust litigation in Europe and beyond.

## The Editors

**Jürgen Basedow** is Director, Max Planck Institute for Comparative and International Private Law, Hamburg, Professor at the University of Hamburg and former chairman of the German Monopolies Commission.

**Stéphanie Francq** is Professor and Chair of European Law at the Catholic University of Louvain.

**Laurence Idot** is Professor at the University Paris II Panthéon-Assas and member of the Board of the French Competition Authority.

## Book Details

Feb 2012 520pp Hbk 9781849460392  
RSP: £95 / €123 / US\$190 / CDN\$190

**Discount Price: RSP: £76 / €98 / US\$152 / CDN\$152**



**Studies in Private  
International Law**

**General Editors: Paul Beaumont  
and Jonathan Harris**

## Contents

1. Introduction  
**Jürgen Basedow, Stéphanie Francq and Laurence Idot**
- PART I. INTERNATIONAL ANTITRUST LITIGATION -  
CONFLICT-OF-LAWS ISSUES**
2. How to apply Articles 5(1) and 5(3) of the Brussels I Regulation to Private Enforcement of Competition Law: a Coherent Approach  
**Blanca Vilà Costa**
3. International Cartels and the Place of Acting under Article 5(3) of the Brussels I Regulation **Jürgen Basedow**
4. Jurisdiction Issues: Brussels I Regulation Articles 6(1), 23, 27 and 28 in Antitrust Litigation **Michael Wilderspin**
5. Private Enforcement of Antitrust Provisions and the Rome I Regulation **Marc Fallon and Stéphanie Francq**
6. International Antitrust Claims under the Rome II Regulation **Stéphanie Francq and Wolfgang Wurmnest**
7. Relevance of the Distinction between the Contractual and Non-Contractual Spheres (Jurisdiction and Applicable Law) **Sylvaine Poillot-Peruzzetto and Dominika Lawnicka**
8. International Litigation and Competition Law: the Case of Collective Redress **Dimitrios-Panagiotis L Tzakas**
9. Arbitration and EU Competition Law  
**Assimakis P Komninos**
10. Jurisdiction and Choice of Law in International Antitrust Law - A US Perspective **Hannah L Buxbaum and Ralf Michaels**
11. Recognition and Enforcement of Foreign Judgments  
**Catherine Kessedjian**
- PART II. INTERNATIONAL ANTITRUST LITIGATION -  
COORDINATION ISSUES**
12. Access to Evidence and Files of Competition Authorities  
**Laurence Idot**
13. Exchange of Information and Opinions between European Competition Authorities and Courts - From a Swedish Perspective  
**Robert Moldén**
14. Discovery in a Global Economy **Maurice E Stucke**
15. The ECN and Coordination of Public Enforcement of EU Law - Can Lessons Be Learned from International Private Law Jurisdiction Rules and Vice Versa? **Barry J Rodger**
16. Regulation 1/2003 (and Beyond): Balancing Effective Enforcement and Due Process in Cross-Border Antitrust Investigations **Damien MB Gerard**
17. Recognition of Foreign Decisions within the European Competition Network **Jürgen Basedow**

# Discount Order Form

Please record my order for **International Antitrust Litigation**

QTY \_\_\_\_\_

SUB-TOTAL \_\_\_\_\_

\_\_\_\_\_ Hbk (9781849460392) @ **£76 / €98 / US\$152 / CDN\$152**

**Postage & Packing:** UK Please add £4 (1st Class) or £3 (2nd Class) for the first book and £1 for each additional book \_\_\_\_\_

Europe Please add £4 / €6 for the first book and £2 / €3 for each additional book \_\_\_\_\_

USA Please add US\$5.85 for the first book and US\$1.85 for each additional book \_\_\_\_\_

Canada Please add CDN\$8.50 for the first book and CDN\$2 for each additional book \_\_\_\_\_

Canadian residents add 5% HST (HST applies to total books + shipping) \_\_\_\_\_

Elsewhere Please add £8 for the first book and £4 for each additional book \_\_\_\_\_

**TOTAL** \_\_\_\_\_

## Name & Address

Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_ Country \_\_\_\_\_

E-mail \_\_\_\_\_ Tel \_\_\_\_\_

## Payment Details for customers in the US - US \$

Please charge to my Mastercard/ Visa/ American Express (delete as appropriate)

Card Number: \_\_\_\_\_ Expiry Date: \_\_\_\_ / \_\_\_\_

I enclose my check for US\$ \_\_\_\_\_ made payable to 'ISBS'

### Return form to:

ISBS (International Specialized Book Services), 920 NE 58th Avenue, Suite 300, Portland, OR 97213-3786, USA

Tel: +1 503 287 3093 or toll-free: +1 800 944 6190; Fax: +1 503 280 8832

E-mail [orders@isbs.com](mailto:orders@isbs.com); Website [www.HartPublishingUSA.com](http://www.HartPublishingUSA.com)

## Payment Details for customers in Canada CDN\$

Please record my order and charge my credit card: Mastercard/ Visa (delete as appropriate)

Card No: \_\_\_\_\_ Expiry Date: \_\_\_\_ / \_\_\_\_

### Return form to:

University of Toronto Press – Orders, 5201 Dufferin Street, Downsview, Toronto, ON M3H 5T8, Canada

Tel: 1-800-565-9523 or (416) 667 7791; Fax: 1-800-221-9985 or (416) 667 7832

E-mail: [utpbooks@utpress.utoronto.ca](mailto:utpbooks@utpress.utoronto.ca); Website: [www.utpress.utoronto.ca/distrib.htm](http://www.utpress.utoronto.ca/distrib.htm)

## Payment Details for customers in the UK, Europe and Rest of World £ & €

Please charge to my credit card Mastercard/ Access/ Visa (delete as appropriate)

Card Number: \_\_\_\_\_ Expiry Date: \_\_\_\_ / \_\_\_\_

Switch Issue No (if applicable): \_\_\_\_ Security Code (last three digits on the back of your card): \_\_\_\_

I enclose my cheque for £ / \_\_\_\_\_ made payable to 'Hart Publishing Ltd'

### Return form to:

Hart Publishing Ltd, 16C Worcester Place, Oxford, OX1 2JW, UK Tel +44 (0)1865 517530; Fax +44 (0)1865 510710

E-mail [mail@hartpub.co.uk](mailto:mail@hartpub.co.uk); Website [www.hartpub.co.uk](http://www.hartpub.co.uk)

Hart Publishing Ltd. is registered in England No. 3307205



**HART**  
PUBLISHING