

Workshop

Access to leniency file in EU competition law enforcement:

Public v. private enforcement considerations

4th December 2013: 17:00 – 19:30

Conference Room, Haus der Europäischen Union

Wipplingerstraße 35, 1010 Wien

The enforcement of EU competition law has been characterized during the last decade by the parallel development of “public” and “private” enforcement. This parallel system of enforcement has “entered into crisis” following the CJEU’s ruling in *Pfleiderer*. The CJEU left the national courts the delicate task of balancing public v. private enforcement considerations when deciding whether a damaged consumer/competitor could access the leniency file held by the NCA. In June 2013, the CJEU ruled once more on this issue in the case *Donau Chemie*, following a request for a preliminary ruling submitted by the Austrian Cartel Court. Simultaneously, the EU Commission has issued a new draft Directive aimed at harmonizing the EU Member States’ rules on this issue.

The workshop will discuss the issue of access to the leniency file by potential plaintiffs, in light of the new EU Commission draft Directive, as well as the recent CJEU ruling in *Donau Chemie*. In particular, the roundtable will debate public v. private enforcement considerations in granting access to the leniency file, by comparing the view of academics, practicing lawyers and public enforcers.

Welcome: **Georg Pfeifer**, Head, Information Office of the European Parliament in Austria
Josef Aicher, Law Faculty, University of Vienna
Gerda Falkner, Institute for European Integration Research (EIF),
University of Vienna

Lecture: **Marco Botta**, Institute for European Integration Research (EIF),
University of Vienna

Comments: **Josef Azizi**, Law Department, University of Vienna
Florian Schuhmacher, DLA Piper Weiss-Tessbach Rechtsanwälte; Institute for
Civil and Business Law, Vienna University of Economics and Business
Peter Stockenhuber, Law Department, University of Vienna
Theodor Thanner, Director General Austrian Competition Authority

Event will be followed by a small reception.

Registered and unregistered participants are welcome; we kindly ask for your registration at:
eif@univie.ac.at or +43 1 4277 22401.

EIF website: eif.univie.ac.at

In cooperation with:

