## Index

- **Acte clair** 275
- **AEG Telefunken** (ECJ) 15–17, 141–57
- **AKZO Nobel** (ECJ) 121, 153
- **Almunia Package** (SGEIs) 183–200
- **Altmark** (ECJ) 186, 189–92, 199
- **Amicus arbitri** 277
- **Amicus curiae** 79–80, 87–91
- **Arbitration** *(see generally chapters 11–14)*
  - Annulment of arbitral awards 26–7, 244, 247, 281–2, 284, 289
  - Arbitrability 3, 23–4, 244, 250–56, 285
  - Arbitration clause 250, 255–6, 258, 284, 309
  - Arbitration commitment 25, 254, 265, 267, 277
  - Arbitrator’s duty to render an enforceable award 24–6, 261–2, 264–5, 271, 275, 278
  - *Ex officio* application of antitrust law in arbitral proceedings 250, 252, 256–60, 296–7
  - ICSID 28–9, 300, 305, 309, 312–13
  - Public policy 4, 23, 25–7, 244, 247–9, 258, 264, 281, 283–93, 295–8
  - *Res judicata* 227, 244–5, 247–8, 271, 297, 309
  - Article 6 ECHR 16, 39, 124, 126, 128, 141, 144–6, 153, 156–7
  - Article 263 TFEU 21, 23, 107, 110, 124, 201–2, 216, 219–23, 236–7
- **Collective redress** *(see generally chapter 2)*
- **CDC** (Cartel Damages Claims) 60–61
- Coffee roasters cartel 51–52, 57–9
- Dutch collective settlement procedure 46, 54, 64
- Financing of group litigation 62–3
- Group (class) formation 57–9
- Rational apathy, problem of 51
- Swedish Group Proceeding Act 64–5
- UK Draft Consumer Rights Bill 41, 65–6
- Complex economic or technical assessment 14–15, 76, 107–9, 123, 126, 129, 136–40
- ‘Court or tribunal’, concept of 25, 27
- **Damages actions, antitrust** *(see generally chapter 1)*
- Damages Directive 2, 4–9, 12, 18, 33–48, 54, 56, 98–9, 159, 165, 167–9, 276
- Disclosure of evidence 37–9, 44, 80–83, 94, 98, 169
- Follow-on claims 9, 35–6, 40, 55–7, 59, 61, 166, 272, 301
- Indirect purchaser standing 6, 37–8, 43–4
- Joint and several liability 37, 41–3, 54
- Leniency documents, access to 37, 39, 46, 83–4, 88, 94, 98
- Passing-on defence 37–8, 44
- Stand-alone claims 55–7
- Direct effect, principle of 73, 161, 173, 263
Litigation and arbitration in EU competition law

**Eco Swiss** (ECJ) 23, 25–9, 243–4, 246–8, 254, 256–8, 264, 281–5, 288–91, 294–5, 297
Effective judicial protection, right to 14, 23, 76, 110, 123–4, 128, 134, 137–40, 223, 237
**EU Charter of Fundamental Rights** see Fundamental rights
**EU Damages Directive** see Damages actions, antitrust
**EU Merger Regulation** 302
European Convention on Human Rights see Fundamental rights
Evidence
- Disclosure in damages actions see Damages actions, antitrust
- Economic studies 120
- Facts 107–10, 125, 127, 134–6
- Inferences 119
- Principle of unfettered evaluation of 112–13
- Statements 117–19, 121
**Ex officio** application (of EU competition law) 250, 252, 256–60, 297
Full jurisdiction see Judicial review
Fundamental rights (see generally chapter 6)
**EU Charter of Fundamental Rights** 3, 15, 76, 110, 113, 124, 128, 140–41, 146, 156–7
**European Convention on Human Rights** (ECHR or EUCFR) 3, 16, 22, 124, 126, 128, 139, 144–7, 153, 156–7
International comity 253
Italian antitrust (see generally chapter 7)
- Judicial assessment in private antitrust enforcement 161
Judicial assessment in public antitrust enforcement 169–71
Judicial review of the definition of the relevant market 171–2
Judicial review (see generally chapters 4 and 5)
Full jurisdiction 123–5, 131, 164, 172
Marginal review 107
Unlimited jurisdiction 15, 107, 109–11, 125, 131–3, 139
**KME Germany** (ECJ) 14, 123, 128–30, 134, 136–7, 139–40
Legitimate expectations, principle of 26, 209–10, 228, 230, 234, 258–9, 262, 265
**Manfredi** (ECJ) 34, 36, 95, 248–9, 264–5
**Masterfoods** (ECJ) 11, 74–5, 270–71
**Menarini Diagnostics** (ECtHR) 3, 16, 109, 128, 146, 153, 156
New York Convention see Arbitration
**Nordsee** (ECJ) 24, 94, 243–6, 263, 267, 290
Parental liability (see generally chapter 6) 16–17, 121, 126, 134, 141–2, 147–57
Preliminary reference/preliminary ruling 4, 10, 23–4, 28, 75, 77–9, 85, 90–91, 93–4, 239, 244–6, 248, 293
Private enforcement of competition law see Damages actions, antitrust
Procedural autonomy, principle of 83, 227, 264–5
**Recommendation 2013/396** see Collective redress (Commission Recommendation on Collective Redress)
**Schindler Holding** (ECJ) 17, 130–34, 136–7, 145, 150, 156
Index

Services of general economic interest (SGEIs) 19–20, 179, 184–5, 188–93, 196–200
Sincere cooperation, principle of 11, 25, 74, 80–82, 263, 267, 274, 278
Single economic entity doctrine 16, 141, 151, 157
Standard of review see Judicial review
State aid (see generally chapters 8, 9 and 10)
Damages claims in state aid cases 231–5
Direct and individual concern 21, 23, 202, 206–19, 221
Interest to bring an action, *locus standi* and 21, 202, 209, 218–19
Interim measures and 23, 228, 231, 237–9, 273

*Locus standi* and (see generally chapter 9)
National courts and (see generally chapter 10)
Public services compensation see *Altmark* (ECJ)
Regulatory act (standing to challenge) 21, 201, 219–23
State liability, principle of 25, 263–4
Supremacy, principle of 263, 269

*Textilwerke Deggendorf* *(TWD)* (ECJ) 271

Unlimited jurisdiction see Judicial review