

AmCham and CMS Co-organized Event:
>> THE NEW LAW ON ANTITRUST DAMAGES ACTIONS – WHAT DOES IT MEAN FOR BUSINESSES March 9

On Thursday, March 9, the American Chamber of Commerce and leading global law firm CMS hosted “The New Law on Antitrust Damages Actions – What Does It Mean for Businesses” event at the Esplanade Zagreb Hotel. The event focused on explaining how every citizen or business has a right to full compensation for the harm caused to them by an infringement of antitrust rules, and how the exercise of this right should be facilitated with the transposition of the Directive on Antitrust Damages Actions to local legislations. Our competition-themed business breakfast alternated between four modules: a short presentation on the transposition of the Directive on Antitrust Damages Actions to local legislation, the Vitamins Cartel case study, a panel discussion, and a Q/A session.

Marija Zrno, an attorney-at-law from the Law Firm Bardek, Lisac, Mušec, Skoko, in cooperation with CMS Reich-Rohrwig Hainz, opened the event with a short presentation on the transposition of the Directive on Antitrust Damages Actions to Croatian legislation. Marija's presentation reflected the most interesting parts of the Directive and outlined the Croatia-specific solutions presented in the draft of the local law. The presentation touched upon the right to compensation by victims of infringements of the antitrust rules, provisions regulating the disclosure of evidence, sanctions, statute of limitation, and quantification of harm.

Marija's presentation was followed by one of the most media-exposed case studies in Germany – the Vitamins Cartel case study. The case study was presented by Dr. Tim Reher of CMS Hamburg – Germany, who personally took part in the Vitamins case. Tim explained that Germany is an established jurisdiction for follow-on damage claims, and that the EU directive contains many elements that have been part of German law since 2005. During the case study, Tim addressed the issues of the binding effect as starting point, quantification of harm, overcharge and passing-on aspects. A lively panel took place afterwards, with Hrvoje Bardek, partner at Law Firm Bardek, Lisac, Mušec, Skoko, in cooperation with

CMS Reich-Rohrwig Hainz in the role of moderator. The panel was composed of Mirta Kapural, PhD, advisor and co-author of the Croatian Law on Antitrust Damages Actions from the Croatian Competition Agency, Dr. Tim Reher, partner at CMS Hasche Sigle, Dieter Zandler, partner at CMS Reich-Rohrwig Hainz, and Marija Zrno, attorney-at-law at the Law Firm Bardek, Lisac, Mušec, Skoko, in cooperation with CMS Reich-Rohrwig Hainz. During the panel, all participants offered their views on the suggested wording and envisaged solutions of the Croatian draft of the relevant law, with foreign panelists sharing experiences from Austria and Germany. A Q/A session wrapped-up the event, with questions coming from a



>>> MRS. KAPURAL, DR. REHER, MR. ZANDLER, MRS. ZRNO AND MR. BARDEK

variety of sectors, including business consultancy services and the pharmaceutical industry.

Cartels or abuse of a dominant position, infringements of the antitrust rules in general, are harmful for the economy and consumers, and cause real harm to real victims. Any citizen or business has the right to full compensation for the harm caused to them by an infringement of such rules. The transposition of the Directive on Antitrust Damages Actions to local legislations will make the exercise of the right to compensation easier.

The event was brought by CMS, established in 1999 and ranked as a Top 10 Global Law Firm. In more than 60 offices in close to 40 countries, over 3,400 CMS lawyers offer business-focused advice tailored to clients' needs, whether within the local market or across multiple jurisdictions. They are client-centric and performance driven, with global vision. 'Your World First' is their promise to you.