Bibliography

- Abele, Hanns A., Georg E. Kodek, and Guido K. Schaefer 'Proving Causation in Private Antitrust Infringement Cases' (2011) 7(4) Journal of Competition Law & Economics 847
- Alimonti, Roberto, Sophie Kümmel, and Thomas Nau 'The Interplay Between Leniency Programmes and Private Enforcement: The Economist Perspective on Recent Policy Proposals' (2022) 21(4) Competition LJ 170
- Allen, Ronald J. 'The Nature of Juridical Proof' (1991) 13 Cardozo L Rev 373
- Allen, Ronald J. and Brian Leiter 'Naturalized Epistemology and the Law of Evidence' (2001) 87 Virginia L Rev 1491
- Antitrust Bar Association Antitrust Law Developments (6th edn, ABA Publishing, 2007)
- Antitrust Bar Association Proving Antitrust Damages: Legal and Economic Issues (2nd edn, ABA Book Publishing, 2010)
- Antitrust Modernization Commission 'Report and Recommendations' (2007) available at http://govinfo.library.unt.edu/amc/report_recommendation/amc_final_report.pdf
- Arlo-Costa, Horacio 'The Logic of Conditionals' (2016) The Stanford Encyclopedia of Philosophy online Ashton, David and David Henry Competition Damages Actions in the EU (Edward Elgar, 2013)
- Bailey, David 'Standard of Proof in EC Merger Proceedings: A Common Law Perspective' (2003) 40 Common Market L Rev 845
- Baker, Jonathan B. and Daniel L. Rubinfeld 'Empirical Methods in Antitrust Litigation: Review and Critique' (1999) 1 American Law & Economic Rev 386
- Barbier de la Serre, Eric 'The Role of Arbitration Tribunals and Controlling Court' in Kris Dekeyser et al (eds) Regulation 1/2003 and EU Antitrust Enforcement: A Systematic Guide (Kluwer, 2022)
- Barennes, Marc et al 'Comparative Analysis Between the English, Dutch and French Approaches to Passing-On in Competition Cases' (2021) 20(3) Competition LJ 134
- Becker, Gary 'Crime and Punishment: An Economic Approach' (1968) 76 Journal of Political Economy 169
- Becker, Gary with George Stigler 'Law Enforcement, Malfeasance and Compensation of Enforcers' (1974) 3 Journal of Legal Studies 1
- Beecher-Monas, Erica Evaluating Scientific Evidence (CUP, 2007)
- Benöhr, Iris 'Consumer Dispute Resolution after The Lisbon Treaty: Collective Actions and Alternative Procedures' (2013) 36 Journal of Consumer Policy 87
- Berger, Klaus Peter 'Contractual Arbitration Clauses and Non-Contractual Claims' (2023) 40(2) Journal of International Arbitration 105
- Berryman, Jeff 'Class Actions and the Exercise of Cy-Pres Doctrine: Time for Improved Scrutiny' in Jeff Berryman and Rick Bigwood (eds) *The Law of Remedies: New Directions in the Common Law* (Irwin Law, 2009), ch. 22
- Bigoni, Maria et al 'Trust, Leniency, and Deterrence' (2015) 31 Journal of Law, Economics, and Organization 663
- Blair, Roger D. and Christine Piette Durrance 'Umbrella Pricing: Antitrust Injury and Standing' in ABA Section of Antitrust Law, Issues in Competition Law and Policy, vol. 2 (OUP, 2008), 2349
- Blair, Roger D. and Virginia G. Maurer 'Umbrella Pricing and Antitrust Standing: An Economic Analysis' (1982) 4 Utah L Rev 763
- Boies, Wilber H. and Latonia Keith 'Class Action Settlement Residue and Cy Près Awards: Emerging Problems and Practical Solutions' (2014) 21(2) Virginia Journal of Social Policy & the Law 267
- Born, Gary, International Commercial Arbitration (3rd edn, Kluwer, 2020)
- Bousie, Hans and Tessel Bossen 'The Bundling of Claims in Cartel Damages Litigation—Germany v. Netherlands v. UK v. Italy v. France' (2021) Blog Bureau Brandeis

Brander, James E. and Thomas W. Ross 'Estimating Damages From Price Fixing' (2006) 3 Canadian Class Action Rev 335

Breit, William and Kenneth G. Elzinga 'Private Antitrust Enforcement: The New Learning' (1985) 28 Journal of Law & Economics 405

Broadbent, Alex 'Fact and Law in the Causal Inquiry' (2009) 15(3) Legal Theory 173

Brodley, Joseph 'Antitrust Standing in Private Merger Cases: Reconciling Private Incentives and Public Enforcement Goals' (1995) 94 Michigan L Rev 1

Brown, Alastair et al 'Third Party Funding—Impact on Privilege in Litigation and International Arbitration' (2021) 14(3) Global Competition L Rev 111

Bruc, Édouard 'Establishing Jurisdiction for Damages Claims: The Bone, the Spacecraft and the Apes' (2021) 12(10) Journal of European Competition Law & Practice 721

Brueggemann, Niklas 'The Unsung Harmony of *Sumal* and the *Akzo* Line of Case Law' in David Bosco et al (eds) *Private Enforcement in Europe after Sumal*, *Concurrences* No. 1-2022, Art. 105291, 31–35

Bueren, Eckart and Florian Smuda 'A Primer on Damages of Cartel Suppliers—Determinants, Standing US vs. EU and Econometric Estimation', ZEW Discussion Paper No. 13-063 (2013)

Bueren, Eckart, Kai Hüschelrath, and Tobias Veith 'Time is Money—How Much Money is Time? Interest and Inflation in Competition Law Actions for Damages' (2016) 81(1) Antitrust LJ 271

Burtis, Michelle and Darwin Neher 'Correlation and Regression Analysis in Antitrust Class Certification' (2011) 77 Antitrust LJ 495

Butlin, S. J. 'Incidence of Taxation' (1937) 13 Economic Record 189

Butterworths, Competition Law Handbook (Butterworths Law, 2018)

Calabresi, Guido 'Concerning Cause and the Law of Torts' (1975) 43 University of Chicago L Rev 43

Caro de Sousa, Pedro 'EU and National Approaches to Passing On and Causation in Competition Damages Cases: A Doctrine in Search of Balance' (2018) 55(6) Common Market L Rev 1751

Caro de Sousa, Pedro 'Should Jurisdictional Clauses be Interpreted Differently in Competition Law Cases? A Comment on Case C 595/17 *Apple* ECLI:EU:C:2018:854' [2018] Competition Policy International

Carrier, Michael C. 'A Tort-Based Causation Framework for Antirust Analysis' (2011) 77 Antitrust LJ 401

Cashman, Peter, Asminka Kalajdzic, and Alana Longmoore 'Justice for Profit: A Comparative Analysis of Australian, Canadian and U.S. Third Party Litigation Funding' (2013) 61 American Journal of Comparative Law 94

Cass, Ronald and Keith Hylton 'Antitrust Intent', Harvard Regulatory Policy Program Working Paper RPP-2001-12 (2001)

Castillo de la Torre, Fernando 'Is the Effects-Based Approach too Cumbersome?: Taking Stock of Recent Practice and Case Law on Article 102 TFEU' in Adina Claici, Assimakis Komninos, and Denis Waelbroeck (eds) *The Transformation of EU Competition Law: Next Generation Issues* (Kluwer Law International, 2023), ch. 9 (SSRN version)

Cavanagh, Edward D. 'Contribution, Claim Reduction, and Individual Treble Damage Responsibility: Which Path to Reform of Antitrust Remedies?' (1987) 40 Vanderbilt L Rev 1277

Cavanagh, Edward D. 'Detrebling Antitrust Damages: An Idea Whose Time Has Come?' (1987) 61 Tulane L Rev 777

Cavanagh, Edward D. 'Attorneys' Fees in Antitrust Litigation: Making the System Fairer' (1988) 57 Fordham L Rev 51

Cavanagh, Edward D. 'Antitrust Remedies Revisited' (2005) 94 Oregon L Rev 147

Cavanagh, Edward D. 'Detrebling Antitrust Damages in Monopolization Cases' (2009) 76 Antitrust LJ 97

Cavanagh, Edward D. 'The Private Antitrust Remedy: Lessons from the American Experience' (2010) 41(3) Loyola University Chicago LJ 629

Cauffman, Caroline 'Injunctions at the Request of Third Parties in EU Competition Law' (2010) 17 Maastricht Journal of European and Competition Law 58

Cauffman, Caroline 'The Impact of Voidness for Infringement of Article 101TFEU on Related Contracts' (2012) 1(8) European Competition Journal 95

- Cauffman, Caroline 'Nullity/Voidness: An Overview of EU and National Case Law' Concurrences No. 7-2019, e-Competitions Special Issue on nullity/voidness
- Chase, Oscar G. et al Civil Litigation in Comparative Context (Thompson West, 2017)
- Clark, Emily, Mat Hughes, and David Wirth 'Study on the Conditions of Claims for Damages in Case of Infringement of EC Competition Rules: Analysis of Economic Models for the Calculation of Damages' (31 August 2004), available at http://ec.europa.eu/competition/antitrust/actionsdamages/economic_clean_en.pdf
- Clopton, Zachary 'Redundant Public-Private Enforcement' (2016) 69 Vanderbilt L Rev 285
- Coffee, J. C. 'Rescuing the Private Attorney General: Why the Model of the Lawyer as Bounty Hunter is Not Working' (1983) 42 Maryland L Rev 215
- Connor, John M. 'Forensic Economics: An Introduction With Special Emphasis on Price Fixing' (2008) 4 Journal of Competition Law & Economics 31
- Connor, John M. 'Private Recoveries in International Cartel Cases Worldwide: What do the Data Show?', AAI Working Paper No. 12-03 (2012), available at http://www.antitrustinstitute.org/sites/default/files/WorkingPaperNo12-03.pdf
- Convery, Paul 'Litigation Funding and Collective Actions—An Irish Perspective' (2020) 33(1) NYSBA International Law Practicum 51
- Davis, Craig, Heidi Silton, and Eura Chang 'Recent Developments in Discovery of European Commission Documents' (2021) 14(4) Global Competition L Rev 162
- Davis, Joshua P. and Rose Kohles '2021 Antitrust Annual Report—Class Actions in Federal Court', available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4117930
- Davis, Joshua P. and Robert H. Lande 'Benefits from Private Antitrust Enforcement: An Analysis of Forty Cases' (2008) 42 University of San Fransisco L Rev 879
- Davis, Peter 'Economic Analysis in Damages Actions—Insights from Recent Proceedings in the UK' (2017) 8(9) Journal of European Competition Law & Practice 593
- Deakin, Simon, Angus Johnston, and Basil Markesinis, Markesinis and Deakin's Tort Law (6th edn, Clarendon Press, 2008)
- Deakin, Simon, Angus Johnston, and Basil Markesinis, Markesinis and Deakin's Tort Law (7th edn, Clarendon Press, 2013)
- Dekeyser, Kris, Rainer Becker, and Daniele Calisti 'Impact of Public Enforcement on Antitrust Damages Actions: Some Likely Effects of Settlements and Commitments on Private Actions for Damages' in Claus-Dieter Ehlermann and Mel Marquis (eds) European Competition Law Annual 2008: Antitrust Settlements under EC Competition Law (Hart, 2010) 687
- Delrahim, Makan 'Merricks v MasterCard: "Passing On" the US Experience' [2020] Competition Policy International (May)
- Diez Estella, Fernando and Clara Estrada Meray 'Las Acciones de Danos Derivadas de Ilicitos Competitivos en España: Análisis de Jurisprudencia Reciente' (2014) 15 Comentarios de Jurisprudencia 189
- van Dijk, Theo and Frank Verboven 'Quantification of Damages' (2006) 3 Issues in Competition Law and Policy 2331
- van Dijk, Theo and Frank Verboven 'Cartel Damages Claims and the Passing-On Defence' (2009) 57 Journal of Industrial Economics 457
- Durand, Benoît and Iestyn Williams 'The Passing-On of Overcharges: An Economic Perspective' (December 2016) 8 Global Private Litigation Bulletin 7
- Dwyer, Déirdre The Judicial Assessment of Expert Evidence (CUP, 2008)
- Editors 'The Defense of Antitrust Illegality in Contract Actions' (1960) 27(4) University of Chicago L Rev Art. 7
- Emmerich, Volker '§ 33 GWB no. 14' in Ulrich Immenga and Ernst Joachim Mestmäcker (eds) Wettbewerbsrecht (5th edn, Beck, 2014), Band 2
- Engelhoven, Philipp and Bastian Müller 'Kartellschadensersatz für Aktionäre einer kartellgeschädigten AG?' [2018] Wirtschaft und Wettbewerb 602
- European Commission (2004) Commission Notice on the cooperation between the Commission and the courts of the EU Member States in the application of Articles 81 and 82 EC [2004] OJ C101/54

- European Commission (2004) Study on the Condition on Claim for Damages in Case of Infringements of EC Competition Rules, available at http://ec.europa.eu/competition/antitrust/actionsdamages/comparative_report_clean_en.pdf
- European Commission (2005) Green paper on Damages actions for breach of the EC antitrust rules, COM(2005) 672 final
- European Commission (2008) Staff Working Paper accompanying the White Paper on Damages actions for breach of the EC antitrust rules, SEC (2008) 404
- European Commission (2008) White Paper on Damages actions for breach of the EC antitrust rules, COM(2008) 165 final
- European Commission (2013) Commission Recommendation 2013/396/EU of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under the European Union Law
- European Commission (2013) Commission Staff Working Document, Impact Assessment Report accompanying the proposal for a Directive
- European Commission (2013) Communication from the Commission on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union, 2013/C 167/07
- European Commission (2013) Practical Guide for Quantifying Harm in Actions For Damages Based on Breaches of Article 101 or 102 of the TFEU accompanying the Communication from the Commission on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union, 2013/C 167/07
- European Commission (2018) Report on the implementation of the Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union law, COM/2018/040 final
- European Commission (2019) Guidelines for national courts on how to estimate the share of the overcharge
- European Commission (2020) Communication on the protection of confidential information by national courts in proceedings for the private enforcement of EU competition law
- European Commission (2020) Commission Report on the Implementation of the Damages Directive (Commission Staff Working Document on the implementation of Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union, SWD(2020) 338 final)
- European Commission for the Efficiency of Justice (CEPEJ) 'Study on the role of experts in judicial systems of the Council of Europe Member States', CEPEJ-GT-QUAL(2014)2Rev, available at https://static1.squarespace.com/static/534f89eee4b0aedbe40ae270/t/558a6d15e4b0dfba0a2afcc8/1435135253774/3rev_2014_CEPEJ-GT-QUAL_RoleExperts_en.pdf
- European University Institute 'EU Law and Interest on Damages for Infringements of Competition Law—A Comparative Report' (2016)
- Ewing Kenneth 'Private Anti-Trust Remedies Under US law' (2006/07) 1 Competition 87
- Farmer, Susan B. 'More Lessons from the Laboratories: Cy Près Distributions in Parens Patriae Antitrust Actions Brought by State Attorneys General' (1999) 68 Fordham L Rev 361
- Federal Trade Commission, FTC Policy Statement on Monetary Equitable Remedies in Competition Cases, 68 Fed. Reg. 45,820, 45,822 (4 August 2003)
- Fitzpatrick, Brian and Robert Gilbert 'An Empirical Look at Compensation in Consumer Class Actions' (2015) 11(4) New York University Journal of Law and Business 707
- Foer, Albert A. 'Enhancing Competition Through the Cy Près Remedy: Suggested Best Practices' (2010) 24(2) Antitrust 86
- Franck, Jens-Uwe 'Umbrella Pricing and Cartel Damages Under EU Competition Law' (2015) 11(1) European Competition Journal 135
- Franck, Jens-Uwe 'Private Enforcement in Germany' in Ferdinand Wollenschläger, Wolfgang Wurmnest, and Thomas M. J. Möllers (eds) *Private Enforcement of European Competition and State Aid Law: Current Challenges and the Way Forward* (Wolters Kluwer, 2020), 79

Franck, Jens-Uwe and Martin Peitz 'Towards a Coherent Policy on Cartel Damages', Centre for European Economic Research Discussion Paper 17-009 (2017)

Gavil, Andrew 'The Challenges of Economic Proof in a Decentralized and Privatized European Competition Policy System: Lessons from the American Experience' (2007) 4(1) Journal of Competition and Law Economics 177

Gavil, Andrew 'Consumer Welfare Without Consumers? Illinois Brick after Apple v Pepper' (2019) 7 Journal of Antitrust Enforcement 447

Geertz, Clifford Local Knowledge (Basic Books, 1983)

Geradin, Damien 'Collective Redress for Antitrust Damages in the European Union: Is this a Reality Now?' (2015) 22(5) George Mason L Rev 1079

Geradin, Damien and Emilio Villano 'Arbitrability of EU Competition Law-Based Claims: Where Do We Stand After the CDC Hydrogen Peroxide Case?' (2017) 40(1) World Competition 67

Gilead, Israel, Michael Green, and Bernhard Koch (eds) General Report Causal Uncertainty and Proportional Liability: Analytical and Comparative Report (De Gruyter, 2011)

Gippini-Fournier, Eric 'The Elusive Standard of Proof in EU Competition Cases' (2010) 33(2) World Competition 187

Gotts, Ilene Knable (ed.) The Private Competition Enforcement Review (8th edn, Law Business Research, 2015), ch. 8 Canada

Grady, Mark 'A New Positive Economic Theory of Negligence' (1983) 92 Yale LJ 799

Grasani, Stefano 'The EU Directive on Antitrust Actions and its Side-Effect on Civil Procedure in the European Union' (2015) 1 CPI Antitrust Chronicle (January)

Greenstein, Richard 'Determining Facts: The Myth of Direct Evidence' (2009) 45 Houston L Rev 1801 Gutiérrez-Rodríguez, Juan David Expert Economic Testimony in Antitrust Cases: A Comparative Law and Economics Study' (2009) 14 International Law, Revista Colombiana de Derecho Internacional 221

Han, Martijn A., Maarten Pieter Schinkel, and Jan Tuinstra 'The Overcharge as a Measure of Antitrust', Amsterdam Center for Law & Economics Working Paper 2008-08 (2009)

Harper, Ian et al 'Competition Policy Review, Final Report', March 2015 (Harper Report), Australia, available at http://competitionpolicyreview.gov.au

Hart, H. L. A. and Antony Honoré Causation in the Law (2nd edn, OUP, 1985)

Heckman, James J. 'Econometric Causality' (2008) 76(1) International Statistical Rev 1

Heinze, Christian Schadensersatz in Unionsprivatrecht (Mohr Siebeck, 2017)

Hellner, Jen 'Causality and Causation in Law' in Aulis Aarnio, Robert Alexy, and Gunnar Berholtz (eds) Justice, Morality and Society: A Tribute to Aleksander Peczenik (Lund, 1997) 111

Herrero Suarez, Carmen 'La Transposicion de la Directiva de Danos Antitrust-Reflexiones a raiz de la publicacion de la propuesta de ley de transposicion de la Directive' (2016) 8(1) Cuadernos de Derecho Transnacional 150

Hitchings, Paul 'The EU Pass-On Study' (2016) 8 Global Private Litigation Bulletin (December)

Ho, Hock Lai A Philosophy of Evidence Law (OUP, 2008)

Ho, Hock Lai 'Evidence and Truth' in Ch. Dahlman, A. Stein, and G. Tuzet (eds) Philosophical Foundations of Evidence Law (OUP, 2021) 11

Honoré, Antony 'Causation and Remoteness of Damage' in André Tunc (ed.) International Encyclopedia of Comparative Law (Mohr, 1983), vol. XI (Torts)

Honoré, Antony 'Necessary and Sufficient Condition in Tort Law' in D. Owen (ed.) Philosophical Foundations of Tort Law (OUP, 1995) 363

Honoré, Antony 'Causation in the Law' in Edward N. Zalta (ed.) The Stanford Encyclopedia of Philosophy (Winter 2010 edn), available at http://plato.stanford.edu/archives/win2010/entries/ causation-law/

Hovenkamp, Herbert The Antitrust Enterprise—Principle and Execution (Harvard University Press, 2005)

Hovenkamp, Herbert with Phillip E. Areeda Antitrust Law (4th edn, Wolters Kluwer, 2014)

Hovenkamp, Herbert 'Apple vs. Pepper: Rationalizing Antitrust's Indirect Purchaser Rule' (2020) 1 Columbia L Rev Forum 14

- Hovenkamp, Herbert 'Antitrust Harm and Causation', University of Pennsylvania, Institute for Law & Economics Research Paper No. 21-10 (2021)
- Howard, Jeffrey H. and David Kaserman 'Proof of Damages in Construction Industry Bid-Rigging Cases' (1989) 34 Antitrust Bulletin 359
- Hughes, Mat and Elaine Whiteford 'Pleading Competition Damages Claims and Defences: Recent Guidance from the Court of Appeal and the Competition Appeal Tribunal' (2023) 21(4) Competition LJ 163
- Huizing, Pieter J. F. 'Comparing Territorial Limits to EU and US Public Enforcement of the LCD Cartel' (2018) 6 Journal of Antitrust Enforcement 231
- Inderst, R., F. Maier-Rigaud, and U. Schwalbe 'Umbrella Effects' (2014) 10 Journal of Competition Law & Economics 739
- International Competition Network 'Setting of Fines for Cartels in ICN Jurisdictions' (2017), available at internationalcompetitionnetwork.org/wp-content/uploads/2018/05/CWG SettingFines. pdf
- Jackson, Rupert Review of Civil Litigation Costs: Final Report (The Stationery Office, 2009)
- Jacobson, Jonathan M. 'Contribution Among Antitrust Defendants: A Necessary Solution to a Recurring Problem' (1980) 32 University of Florida L Rev 217
- Johnson, John H. and Gregory K. Leonard 'Economics and the Rigorous Analysis of Class Certification in Antirust Cases' (2007) 3(3) Journal of Competition Law & Economics 341
- Jones, Alison 'Private Enforcement of EU Competition Law: A Comparison With, and Lessons From, the US' in Maria Bergström, Marios Iacovides, and Magnus Strand (eds) *Harmonising EU Competition Litigation: The New Directive and Beyond* (Hart, 2016) 15
- Juska, Zygimantas 'The Effectiveness of Antitrust Collective Litigation in the European Union' (2018) 49(1) International Review of Intellectual Property and Competition Law 63
- Kafetzopoulos, Andreas 'European Commission Policy on Publication of Cartel Decisions: The Latest Victory of Damage Claimants Against Leniency Applicants' (2015) 36 European Competition L Rev 295
- Kalajdzic, Jasminka 'The "Illusion of Compensation": Cy Près Distributions in Canadian Class Actions' (2013) 92(2) Canadian Bar Rev 173
- Kalintiri, Andriani Evidence Standards in EU Competition Enforcement (Hart, 2019)
- Kauper, Thomas and Edward Snyder 'Private Antitrust Cases That Follow on Government Cases' in L White (ed.) *Private Antitrust Litigation: New Evidence, New Learning* (MIT Press, 1988) 358
- Kersting, Christian 'Transposition of the Antitrust Damages Directive into German Law' in Barry Rodger, Miguel Sousa Ferro, and Francisco Marcos (eds) *The EU Antitrust Damages Directive: Transposition in the Member States* (OUP, 2018) 124
- Kersting, Christian 'Liability of Sister Companies and Subsidiaries in European Competition Law' (2020) 41 European Competition L Rev 125
- Koenig, Carsten 'Comparing Parent Company Liability in EU and US Competition Law' (2018) 41(1) World Competition 69
- Kolasky, William 'Antitrust Litigation: What's Changed in Twenty-Five Years?' (2012) 27(1) Antitrust 9 Kuijpers, Matthijs et al 'Actions for Damages in the Netherlands, the United Kingdom and Germany' (2018) 9(1) Journal of European Competition Law & Practice 55
- La Pergola, Antonio and Luca Prete 'Burden of Proof in Competition Law: An Overview of EU and National Case Law' [2023] e-Competitions, available at https://www.concurrences.com/en/bulletin/special-issues/burden-of-proof/burden-of-proof-and-competition-law-an-overview-of-the-case-law-in-major
- Laborde, Jean-François 'Cartel Damages Actions in Europe: How Courts Have Assessed Cartel Overcharges 2018' Concurrences No. 1-2019
- Laborde, Jean-François 'Cartel Damages Actions in Europe: How Courts Have Assessed Cartel Overcharges 2019' Concurrences No. 4-2019
- Laborde, Jean-François 'Cartel Damages Actions in Europe: How Courts Have Assessed Cartel Overcharges (2021 ed)' Concurrences No. 3-2021, 232
- Lande, Robert H. 'Why Antitrust Damage Levels Should be Raised' (2004) 16 Loyola Consumer L Rev 329

- Landes, William M. 'Optimal Sanctions for Antitrust Violations, Optimal Sanctions for Antitrust Violations' (1983) 50 University of Chicago L Rev 652
- Landes, William M. and Richard Posner 'The Private Enforcement of Law' (1975) 4 Journal of Legal Studies 1
- Landes, William M. and Richard Posner 'Causation in Tort Law: An Economic Approach' (1983) 12 Journal of Legal Studies 109
- Lawrence, Jon 'Reflections on the EU Pass-On Study' (December 2016) 8 Global Private Litigation Bulletin 13
- Learned Hand 'Historical and Practical Considerations regarding Expert Testimony' (1901) 15 Harvard L Rev 40
- Leitch, Andrew 'Skanska: Are Jurisdiction Challenges Now an Impossible Undertaking?' (2019) 18(3) Competition LJ 97
- Lew, Julian D. M. 'Competition Laws: Limits to Arbitrators' Authority' in Loukas A. Mistelis and Stavros L. Brekoulakis (eds) *Arbitrability: International and Comparative Perspectives* (Kluwer Law International, 2009) 241
- Lianos, Ioannis 'Judging Economists: Economic Expertise in Competition Law Litigation', CLES Working Paper 1/2009, available at https://www.ucl.ac.uk/cles/research-paper-series/research-paper/cles_1_2009
- Lianos, Ioannis 'Causal Uncertainty and Damages Claims for the Infringement of Competition Law in Europe' [2015] Yearbook of European Law 1
- Lianos, Ioannis, Peter Davies, and Paolisa Nebbia, Damages Claims for the Infringement of EU Competition Law (OUP, 2015)
- Lindfelt, Pontus and Stephanie Sahlin 'Private Damages and Collective Redress in the EU—Where Do We Stand a Year After the Introduction of the EU Damages Directive? (2016) 1 CPI Antitrust Chronicle, January
- Logemann, Hans Philip Der kartellrechtliche Schadensersatz (Duncker & Humblot, 2009)
- Lopatka, John and William Page 'Economic Authority and the Limits of Expertise in Antitrust Cases' (2005) 90 Cornell L Rev 617
- Lyon, Jason 'Revolution in Progress: Third-Party Funding of American Litigation' (2010) 58 UCLA L Rev 571
- Magnus, Ulrich 'Causal Uncertainty and Proportional Liability in Germany' in Israel Gilead, Michael Green, and Bernhard Koch (eds) *Proportional Liability: Analytical and Comparative Perspectives* (De Gruyter, 2013) 153
- Maier-Rigaud, Frank and Ulrich Schwalbe Quantification of Antitrust Damages, in David Ashton and David Henry, Competition Damages Actions in the EU: Law and Practice (Edward Elgar, 2013)
- Marcos, Francisco 'La Aplicacion Privada del Derecho de Defensa de la Competencia por los Tribunales Espanoles' [2014] ICE 91
- Marcos, Francisco 'Damages Claims in the Spanish Sugar Cartel' (2015) 3(1) Journal of Antitrust Enforcement 205
- Marcos, Francisco 'Primeros pronunciamientos de las Audiencias Provinciales sobre reclamaciones de daños causados por el cártel de camiones (y II)' (2020) Almacen del Derecho, 28 April
- Marcos, Francisco 'Estadísticas sobre acciones de daños causados por el cártel de fabricantes de camiones' (2021) Almacén de Derecho, 14 June
- Marcos, Francisco 'Jurisprudencia menor sobre los daños causados por el cártel de camiones' (2022) Almacen del Derecho, 21 January, available at https://almacendederecho.org/jurisprudencia-menor-sobre-los-danos-causados-por-el-cartel-de-camiones
- Martín-Casals, Miguel and Josep Sole 'Causal Uncertainty and Proportional Liability in Spain' in Israel Gilead, Michael Green, and Bernhard Koch (eds) *Proportional Liability: Analytical and Comparative Perspectives* (De Gruyter, 2013) 295
- Martinez, Ana Paula and Mariana Tavares de Araujo Levy 'Private Antitrust Enforcement in Brazil: New Perspectives and Interplay with Leniency' [2013] CPI Chronicle, 16 April
- Mashaw, Jerry 'Private Enforcement of Public Regulatory Provisions: The 'Citizen Suit' (1975) 4 Class Action Reports 29

Messen, Gero 'Private Enforcement' in Kris Dekeyser et al (eds) Regulation 1/2003 and EU Antitrust Enforcement: A Systematic Guide (Kluwer, 2022) 157

Mikelėna, Valentinas s and Rasa Zaščiurinskaitė 'Lithuania' in Anna Piszcz (ed.) *Implementation of the EU Damages Directive in Central and Eastern European Countries* (University of Warsaw Faculty of Management Press, 2017)

Mill, John Stuart A System Of Logic, Ratiocinative and Inductive Language (CosmoClassic, 2008)

Monopoly Commission 'Hauptgutachten XXIV: Wettbewerb 2022' (2022), available at: https://www.monopolkommission.de/Images/HG24/ HGXXIV_Gesamt.pdf

Moore, Michael S. Causation and Responsibility (OUP, 2009)

Morabito, Vince and Vicki Waye 'Reining in Litigation Entrepreneurs: A New Zealand Proposal' [2011] New Zealand L Rev 323

de Morpurgo Marco 'A Comparative Legal and Economic Approach to Third-Party Funding Litigation' (2011) 19 Cardozo Journal of International and Comparative Law 343

Mulheron, Rachael Tort Law (CUP, 2016)

Mulheron, Rachael 'Revisiting the Class Action Certification Matrix in Merricks v Mastercard Inc' [2019] 30 King's LJ 396

Nazzini, Renato 'The Effect of Decisions by Competition Authorities in the European Union' (2015) 2 Rivista Italiana di Antitrust 68

Nazzini, Renato 'Arbitrability of Competition Claims in Tort and the Principle of Effectiveness of EU Law' (2017) 28(6) European Business L Rev 795

Nazzini, Renato 'Arbitrability of Cartel Damages Claims in the European Union: CDC. Kemira, and Microsoft Mobile' (2020) 37(1) University of Queensland LJ 127

Odudu, Okeoghene and Albert Sanchez-Graells 'The Interface of EU and National Tort Law: Competition Law' in Paula Giliker (ed.) Research Handbook on EU Tort Law (Elgar, 2017) 154

OECD 'Fighting Hard Core Cartels: Harm, Effective Sanctions and Leniency Programs' (2002), available at https://www.oecd.org/competition/cartels/1841891.pdf

OECD 'Private Remedies', DAF/COMP(2006)34 (2006)

OECD 'Experience with Direct Settlements in Cartel Cases', DAF/COMP(2008)32 (2008)

OECD 'Relationship between Public and Private Enforcement', DAF/COMP/WP3(2015)14 (2015)

OECD 'Individual and Collective Private Enforcement of Competition Law: Insights for Mexico' (2018)

Olmedo-Peralta, Eugenio 'The Evidential Effect of Commitment Decisions in Damages Claims' (2019) 56 Common Market L Rev 979

Osborne, Michael et al 'Canada' in Ilene Knable Gotts (ed.) Private Competition Enforcement Review (9th edn, Law Business Research, 2016), 55

Oxera 'Quantifying Antitrust Damages—Towards Non-Binding Guidance for Courts' (2009)

Page, William H. 'The Scope of Liability for Antitrust Violations' (1985) 37 Stanford L Rev 1445

Page, William H. 'The Limits of State Indirect Purchaser Suits: Class Certification in the Shadow of Illinois Brick' (1999) 67 Antitrust LJ 1

Page, William H. 'Class Certification in the Microsoft Indirect Purchaser Litigation' (2005) 1 Journal of Competition Law & Economics 303

Pardo, Michael S. and Ronald J. Allen 'Juridical Proof and the Best Explanation' (2008) 27 Law and Philosophy 223

Peyer, Sebastian 'Compensation and the Damages Directive' (2016) 12 European Competition Journal 87

Polinsky, A. Mitchell 'Private versus Public Enforcement of Fines' (1980) 9 Journal of Legal Studies 105 Posner, Richard A. 'The Law and Economics of the Economic Expert Witness' (1999) 13(2) Journal of Economic Perspectives 91

Posner, Richard A. Antitrust Law (2nd edn, University of Chicago Press, 2001)

Posner, Richard A. Economic Analysis of Law (9th edn, Wolters Kluwer, 2014)

Posner, Richard A. with Frank H. Easterbrook Antitrust (2nd edn, West, 1981)

Pratt, Michael G. 'What Would the Defendant have Done but for the Wrong?' (2020) 40(1) Oxford Journal of Legal Studies 28–52

- Prete, Luca 'On Implementation and Effects: The Recent Case-law on the Territorial (or Extraterritorial?) Application of EU Competition Rules' (2018) 9(8) Journal of European Competition Law & Practice 487
- Rat, Dorin 'Commitment Decisions and Private Enforcement of EU Competition Law: Friend or Foe?' (2015) 38(4) World Competition 527
- Reeves, Tony and Ninette Dodoo 'Standards of Proof and Standards of Judicial Review in European Commission Merger Law' (2005) 29(5) Fordham International LJ 1034
- Renda, Andrea et al 'Making Antitrust Damages Actions More Effective in the EU: Welfare Impact and Potential Scenarios', Centre for European Policy Studies (CEPS), Centre for European Policy Studies (CEPS), Erasmus University Rotterdam (EUR), Luiss Guido Carli (LUISS) (2007)
- Rengier, Lukas 'Cartel Damages Actions in German Courts: What the Statistics Tell Us' (2019) 11 Journal of European Competition Law & Practice 1
- Ritz, Christian, Carolin Marx, and Manuel Bogenreuther 'Prima Facie Evidence in Cartel Damages Litigation—Landmark Decision by the German Federal Court of Justice in the Rail Cartel Case' (2019) 10(8) Journal of European Competition Law & Practice 491
- Roach, Kent and Michael J. Trebilcock 'Private Enforcement of Competition Laws' (1996) 34(3) Osgoode Hall LJ 461
- Robles Martín-Laborda, Antonio 'La inaplicabilidad de la defensa basada en la repercusión del daño (passing-on) a los casos de los cárteles de sobres y camiones' (2020), available at https://almacende derecho.org/
- Rodger, Barry J. 'The Interface between Competition Law ad Private Law: Article 81, Illegality and Unjustified Enrichment' [2002] Edinburgh L Rev 217
- Rodger, Barry J. 'Why Not Court? A Study of Follow-On Actions in the UK' (2013) 1(1) Journal of Antitrust Enforcement 104
- Rodger, Barry J. Competition Law. Comparative Private Enforcement and Collective Redress Across the EU (Kluwer Law International, 2014)
- Rodger, Barry J. 'Let's Talk About Consumers: Competition Law Compensation for Indirect Purchasers' Losses—A United Kingdom Perspective' (2022) 84 Antitrust LJ 2 389
- Rose, Vivien 'Predicting the Past: Constructing the Counterfactual in Antitrust Damages Claims' (2014) 13(2) Competition LJ 141
- Rubinfeld, Daniel L. 'Econometrics in the Courtroom' (1985) 85 Columbia L Rev 1048
- Rubinfeld, Daniel L. and Peter O. Steiner 'Quantitative Methods in Antitrust Litigation' [1984] Law & Contemporary Problems 4669
- Samuelson, Paul A., Tjalling C. Koopmans, and J. Richard Stone 'Report of the Evaluative Committee for Econometrica' (1954) 22(2) Econometrica 141
- Schinkel, Maarten Pieter 'Forensic Economics in Competition Law Enforcement' (2007) 3 Journal of Competition Law & Economics 1
- Schreiber, Till 'Comment on the Study on the Passing-On of Overcharges' (2016) 8 Global Private Litigation Bulletin (December)
- Schreiber, Till 'The German Federal Court of Justice confirms that a factual presumption of harm exists in cases of anticompetitive information exchanges (Schlecker)' [2022] e-Competitions, available at https://www.concurrences.com/en/bulletin/news-issues/november-2022/the-german-federal-court-of-justice-confirms-that-a-factual-presumption-of-harm
- Schreiber, Till and Martin Seegers 'The EU Directive on Antitrust Damages Actions and the Role of Bundling Claims by Agreement' (2015) 2 CPI Antitrust Chronicle (February)
- Schwartz, Warren Private Enforcement of the Antitrust Laws: An Economic Critique (American Enterprise Institute for Public Policy Research, 1981)
- Schweda, Mark 'Plaintiff's paradise?—The passing-on defense after the 9th amendment of the German Act against Restraints of Competition (GWB)', Focus on Regulation (2017), https://www.hlregulation.com/2017/06/14/plaintiffs-paradise-the-passing-on-defense-afterthe-9th-amendment-of-the-german-act-against-restraints-of-competition-gwb/
- Seegers, Martin 'Interaction of the Rules on Joint and Several Liability and Settlements under the EU Directive on Damage Actions' (2014) 3(2) Global Competition Litigation Rev 140

- Segan, James 'Arbitration Clauses and Competition Law' (2018) 9(7) Journal of European Competition Law & Practice 423
- Shah, Omar, Christina Renner, and Leonidas Theodosiou 'Intel, iiyama, Power Cables: A Revolution in the Treatment of Territoriality and Jurisdiction in EU Competition Law?' (2019) 10(2) Journal of European Competition Law & Practice 80
- Sickinger, Christopher and Mariya Serafimova 'The German Federal Court of Justice Provides Guidance on the Requirements for Establishing Liability and the Assessment of Evidence in Cartel Damages Cases (Schienenkartell II)' [2020] e-Competition (January)
- Shavell, Stephen 'An Analysis of Causation and the Scope of Liability in the Law of Torts' (1980) 9 Journal of Legal Studies 463
- Sims, Joe, Kathryn Fenton, and David P. Wales Jones Day Antitrust Answerbook (Practising Law Institute, 2015)
- Siragusa, Mario and Alessandro Comino 'Private Antitrust Enforcement in Italy' [2019] Competition Policy International (June)
- Sousa Ferro, Miguel 'Antitrust Private Enforcement and the Binding Effect of Public Enforcement Decisions' (2019) 3(2) Market and Competition L Rev 51
- Sousa Ferro, Miguel 'Consumer Antitrust Private Enforcement in Europe' (2022) 13(8) Journal of European Competition Law & Practice 578
- Stigum, Bernt P. Econometrics and the Philosophy of Economics: Theory-Data Confrontations in Economics (Princeton University Press, 2003)
- Swheda, Mark 'Plaintiff's paradise? The passing-on defense after the 9th amendment of the German Act against Restraints of Competition (GWB)' available at http://www.hlregulation.com/2017/06/14/plaintiffs-paradise-the-passing-on-defense-after-the-9th-amendment-of-the-german-act-against-restraints-of-competition-gwb/
- Tetlock, Philip E. and Aaron Belkin 'Counterfactual Thought Experiments in World Politics: Logical, Methodological, and Psychological Perspectives' in Philip E. Tetlock and Aaron Belkin (eds) Counterfactual Thought Experiments in World Politics (Princeton University Press, 1996) 3
- Truli, Emmanuela 'Will Its Provisions Serve Its Goals? Directive 2014/104/EU on Certain Rules Governing Actions for Damages for Competition Law Infringements' (2016) 7(5) Journal of European Competition Law & Practice 299
- United Kingdom Law Commission Pre-Judgment Interest on Debts and Damages, Law Com No 284 (2004)
- Van Dam, Cees European Tort Law (OUP, 2013)
- Vande Walle, Simmon 'Private Enforcement of Antitrust Law in Japan: An Empirical Analysis' [2011] Competition L Rev 7
- Vande Walle, Simmon 'Private Enforcement of Antitrust Law in Belgium and the Netherlands—Is There a Race to Attract Antitrust Damages Actions?' in Pier L. Parcu, Giorgio Monti, and Marco Botta (eds) *Private Enforcement of EU Competition Law* (Elgar, 2018) 118
- Veljanovski, Cento 'Counterfactual Tests in Competition Law' (2010) 9 Competition LJ 436
- Veljanovski, Cento 'The Law and Economics of Pass-On in Price Fixing Cases' (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2903208
- Veljanovski, Cento 'Credit Cards, Counterfactuals and Antitrust Damages' (2018) 9(3) Journal of European Competition Law & Practice 146
- Waterson, Michael 'The Role of an Economist at the Competition Appeal Tribunal' [2023] Competition Policy International (July)
- Weber, Franziska 'The Volume Effect in Cartel Cases—A Special Challenge for Damage Quantification?' (2021) 9(3) Journal of Antitrust Enforcement 436
- Weber Waller, Spencer and Olivia Popal 'The Fall and Rise of the Antitrust Class Action' (2016) 39(1) World Competition 29
- Whish, Richard and David Bailley Competition Law (7th edn, OUP, 2012)
- Wils, Wouter P. J. 'Optimal Antitrust Fines: Theory and Practice' (2006) 29 World Competition 183
- Wils, Wouter P. J. 'The Relationship Between Public Enforcement and Private Actions for Damages' (2009) 32(1) World Competition 8

- Wils, Wouter P. J. 'Private Enforcement of EU Antitrust Law and Its Relationship with Public Enforcement: Past, Present and Future' (2017) 40(1) World Competition 3
- Wils, Wouter P. J. 'Regulation 1/2003: An Assessment After Twenty Years' (2023) 46(1) World Competition 3
- Wils, Wouter P. J. 'Should the EU Competition Damages Directive be Revised to Grant Companies That Have Received Immunity From Fines Under the Competition Authorities' Leniency Programmes Also Immunity From Damages?' (2023) Concurrences No. 3-2023, 52
- Winkler, Matteo 'Understanding Claim Proximity in the EU Regime of Jurisdiction Agreements (2020) 69 International and Comparative Law Quarterly 431
- Woolf, Harry Access to Justice, Interim Report to the Lord Chancellor on the Civil Justice System in England and Wales (Woolf Inquiry Team, 1995)
- World Bank 'Comparative Study on Expert Witnesses in Court Proceedings', Report no. 62832-TR (2010), available at http://documents.worldbank.org/curated/en/801721468339116562/text/ 628320ESW0Box30ative0Study00final0.txt
- Wright, Richard W. 'Causation in Tort Law' (1985) 73 California L Rev 1735
- Wright, Richard W. 'Causation, Responsibility, Risk, Probability, Naked Statistics, and Proof: Pruning the Bramble Bush by Clarifying the Concepts' (1988) 73 Iowa L Rev 1001
- Wright, Richard W. 'Proving Causation: Probability v. Belief' in R. Goldberg (ed.) Perspectives on Causation (Hart, 2011) 195
- Wurmnest, Wolfgang 'A New Era for Private Antitrust Litigation in Germany? A Critical Appraisal of the Modernized Law against Restraints of Competition' (2006) 6 German LJ 1173
- Wurmnest, Wolfgang 'German Private Enforcement: An Overview of Competition Law' Concurrences No. 97611, e-Competitions Special Issue German Private Enforcement