

The BritNed v ABB Judgement

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The first judgment handed down by an English court in a cartel damages claim is of interest to many who are involved in, or contemplating, bringing or defending them. Scott Campbell and Anna Morfey look at the arguments and the judgment's key conclusions, and what it says about the key issues arising in such claims.

Overall, the judgment in *BritNed v ABB* provides welcome guidance as to how the courts will approach cartel damages claims, and some of the key points are summarised in their note. It is important to remember that it is based on an assessment of the specific facts of the BritNed project, and of the witness and documentary evidence that was available to the court. It remains to be seen how the principles and approach in the BritNed judgment – including the approach taken to economic models used to quantify overcharge – would be applied to other cartel damages claims.

To read the full review.