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THE GERMAN MODEL OF COLLECTIVE REDRESS IN COMPETITION LAW: LESSONS AND RECOMMENDATIONS FOR SERBIA

Osvrt na nemački model kolektivne zaštite u slučaju povrede prava konkurencije – preporuke za srpsko pravo

Abstract

The right to seek compensation for damages arising from conduct that constitutes a violation of competition rules was introduced relatively early in Serbian law, in 2009, through Article 73 of the Competition Protection Act. However, more than a decade later, no cases have been brought before the domestic courts. This absence of proceedings largely stems from the specific nature of cartel damages, the peculiarities of competition law enforcement, and the absence of an effective collective redress mechanism. The first legislative attempt to provide for such a mechanism in the Civil Procedure Act was declared unconstitutional. Since then, the Serbian market has become increasingly monopolized by the "big players," leaving consumers and end users with little recourse other than pursuing individual claims against cartels. Such claims, however, face significant obstacles, including difficulties in gathering evidence, quantifying damages, and disproportionate litigation costs relative to the harm suffered.

The author argues that, without effective collective redress mechanism, the enforcement of competition law in Serbia cannot be considered fully consistent with EU standards. Germany is used as a benchmark due to its well-developed collective redress framework, which allows the exercise of the right to compensation through the assignment of claims to a qualified entity and represents one of the leading approaches in European practice. In light of the absence of a comparable mechanism in domestic legislation, the author recommends that Serbian courts consider adopting a model of collective redress based on the assignment of multiple claims to a designated body, similar to the German system.

Keywords: *competition law, collective redress, compensation for damages, violation of competition rules, collective action*

Sažetak

U pravni sistem Republike Srbije je relativno rano, još 2009. godine, odredbama člana 73. Zakona o zaštiti konkurencije uvedeno pravo na naknadu štete prouzrokovane aktima i radnjama koje predstavljaju povredu konkurencije. Iako je od tog vremena prošlo više od decenije, pred domaćim sudovima nije pokrenut ni jedan postupak. Razloge za to treba tražiti u karakteru kartelne štete, osobenostima postupka primene prava konkurencije, kao i u nepostojanju delotvornog mehanizma kolektivne zaštite, budući da je prvi pokušaj njegovog uvođenja u Zakon o parničnom postupku proglašen neustavanim. U međuvremenu, tržište Srbije je dodatno monopolizovano od strane "velikih igrača", dok su pojedincima, kao kupcima i krajnjim korisnicima, na raspolaganju ostale samo individualne tužbe sa brojnim ograničenjima u pogledu prikupljanja dokaza, izračunavanja visine štete, ali i nesrazmernim troškovima postupka u odnosu na visinu pojedinačno prerpljene štete.

Autorka polazi od teze da primena prava konkurencije ne može biti potpuna niti usklađena sa pravom EU ukoliko nije predviđen neki od mehanizama kolektivne zaštite. U radu je kao model prikazan nemački mehanizam kolektivne zaštite koji omogućava ostvarivanje prava na naknadu štete kroz ustupanje potraživanja kvalifikovanom telu i predstavlja jedno od mogućih rešenja u evropskoj praksi. U situaciji kad kolektivne tužbe nisu predviđene u postojećim unutrašnjim izvorima prava, autorka podstiče sudove da se ugledaju na praksu nemačkih sudova i da razmotre mogućnost primene modela kolektivne zaštite zasnovanog na ustupanju više potraživanja posebno kvalifikovanom telu.

Ključne reči: *pravo konkurencije, kolektivna zaštita, naknada štete, povreda pravila konkurencije, kolektivna tužba*

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The legal framework for compensation

Compensation for damages caused by prohibited cartels is governed by a legal framework consisting of general cartel provisions, together with subordinate legislation that interprets and applies these rules. A cartel is defined as an agreement or concerted practice between two or more competitors aimed at coordinating their competitive behavior in the market or influencing key competitive parameters [39, p.287]. This may be achieved through practices such as fixing or coordinating purchase or sale prices, other trading conditions (including those related to intellectual property rights), setting production or sales quotas, dividing markets or customers (including through bid-rigging), restricting imports or exports, or taking other anti-competitive actions against competitors. The detrimental effects of cartels are most apparent in excessive and unjustified price increases for goods or services, as well as in the artificial division of supply or sales markets. To prevent such harm, states are obliged to take all necessary measures to avoid damage or, where damage has occurred, to ensure an effective mechanism for compensation. This requires adopting appropriate legislation and ensuring its consistent and effective enforcement [30, p. 169].

In the Republic of Serbia, competition rules are primarily set out in the Law on the Protection of Competition[45], supplemented by a range of related legislation, including regulations, instructions, and guidelines. Additional relevant sources include Article 73 of the Stabilization and Association Agreement (SAA) [33, 38], Article 84 of the Constitution of Serbia [35], which prohibits abuse of a dominant and monopolistic position, as well as the Civil Procedure Act [43] and the Obligations Act [42], whose provisions apply mutatis mutandis.

In EU law, competition rules are primarily set out in Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU)[2] and in various sources of secondary legislation. The most important of these are Regulation 1/2003[19], which implements Articles 81 and 82 of the EC Treaty[34] and is directly applicable in Member States, and Directive 2014/104/EU [20], which governs procedures for claiming compensation under national law for damages resulting from infringements of competition law by a Member State or the EU. Member States have incorporated these provisions into their domestic legislation. EU regulations apply particularly in cross-border cases, i.e., where their application affects intra-Community trade. In such cases, national courts apply Articles 101 and 102 TFEU in conjunction with the relevant provisions of domestic competition law when adjudicating claims for damages [19, art. 10; 20, art. 3(1)].

In Germany, special attention is devoted to the legal regulation of competition [41][3]. Competition in Germany is currently regulated by the Act Against Restraints of Competition (Gesetz gegen Wettbewerbsbeschränkungen, 'ARC') [1], which also governs claims for damages through its Sections 33a to 33h. The Act has been amended and supplemented several times, most recently by the 11th amendment on 7 November 2023. The ARC treats violations of German and EU competition law equivalently, making no distinction between damages claims arising under German or EU law. Consequently, the same rules apply to follow-on actions, regardless of whether the infringement was established by the European Commission or the German Federal Cartel Office (Bundeskartellamt). In addition to Articles 101 and 102 TFEU, directly applicable EU block exemption regulations, such as the Vertical Block Exemption Regulation (2022/720), also apply [18]. General provisions of the German Civil Code (BGB) on torts, specifically Art. 823(1), apply mutatis mutandis, while Section 298 of the German Criminal Code governs criminal liability.

The German Federal Cartel Office issues a range of guidelines to assist the courts in applying these provisions, addressing topics such as leniency agreements, the calculation of administrative fines, de minimis notifications, and other related matters [26].

2 In the Treaty of Rome establishing the European Economic Community (1957), the relevant provisions were originally enshrined in Articles 81 and 82. Subsequent revisions and supplements to the Treaty of Rome affected only the numbering of these provisions, leaving their substantive content unchanged. Following the most recent amendments introduced by the Treaty of Lisbon (2007), they are now codified as Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU)

3 In Germany prior to the Second World War, cartels were regarded as a legitimate instrument for the organization of trade and, according to the jurisprudence of the Reichsgericht, were not deemed to constitute a restriction of competition

Procedures and Authorities for Applying Competition Law

Competition rules can be enforced through both public and private law proceedings. These procedures differ in terms of the authorities responsible, the procedural framework, and the types of sanctions available. In the EU, public enforcement is carried out either by the European Commission or by independent regulatory bodies (IRBs) within the Member States, depending on the nature of the proceedings.

Private enforcement proceedings, on the other hand, are initiated before national courts as civil actions and may result in compensation for damages, injunctions to prohibit or cease certain conduct, or declarations that a cartel agreement is null and void. In EU Member States, national courts are responsible for awarding damages. Generally, these are civil or commercial courts located where the harm occurred, where the defendant is domiciled, or where the competition law infringement took place. Only a few Member States maintain specialized competition courts[4].

In Serbia, under the Law on the Organisation of Courts, claims for damages arising from cartel agreements are heard by civil courts of general jurisdiction [44]. This is derived from Article 73 of the Law on the Protection of Competition (ZZK), which refers to the competent court, and Article 24(2) of the Law on the Organisation of Courts, which provides that *"the basic court shall rule in civil disputes in the first instance, unless another court has jurisdiction over a particular civil dispute."* Depending on the value of the claim, jurisdiction may lie with the basic court for disputes under €40,000, or with a higher court for claims of €40,000 or more—a scenario more typical for such cases. This is further specified in Article 403(3) of the Civil Procedure Act[43] and Article 25(1)(7) of the Law on the Organisation of Courts.

However, in disputes between legal entities, including cases where both parties are corporate entities, jurisdiction lies with the commercial court. Under the territorial criterion, this may be the court located at the defendant's place of residence or registered office, or, at the plaintiff's discretion, the court in the location where the damage occurred.

In the EU, judicial functions are carried out by the Court of Justice of the European Union (CJEU) and the General Court [39, p.105]. However, the CJEU does not adjudicate damages disputes between private parties; rather, it interprets EU law through the preliminary ruling procedure, at the request of national courts [37, p.338].

At first glance, the German court system may seem complex and confusing. It is composed of both state and federal courts [25,p.3]. State courts operate as district courts (Amtsgerichte – AG), regional courts (Landgerichte – LG), and higher regional courts (Oberlandesgerichte – OLG). Federal courts in Germany include the Federal Court of Justice (Bundesgerichtshof – BGH) and the Federal Administrative Court (Bundesverwaltungsgericht – BVerwG), among others. Germany, however, does not have courts exclusively dedicated to competition law disputes [25,p.3]. Cases involving competition law violations are generally heard by civil courts, specialised civil courts with commercial divisions (Kammern für Handelssachen) that handle antitrust matters.

Under Article 87 of the ARC, regional courts (Landgerichte) have exclusive jurisdiction over cartel cases, regardless of the value of the claim[5]. Each federal state may designate at least one regional court to handle all cartel cases within that state[6]. In most German federal states, the state government may centralise the administration of justice to ensure consistent application of Regulation 2022/1925

4 In Germany: *Landgerichte* (regional courts) are usually competent. In France: *Tribunal judiciaire* or specialized commercial courts. In Italy: *Tribunale delle Imprese (*Commercial Courts). In the Netherlands: *Rechtbank* (district court), with specialization in competition in certain cases. In Spain: *Juzgados de lo Mercantil* (Commercial Courts).

5 Pursuant to the provisions of this article, regional courts (Landgerichte) have exclusive jurisdiction in civil proceedings relating to the application of the provisions laid down in Part 1, Article 101 or Article 102 of the Treaty on the Functioning of the European Union or Article 53 or Article 54 of the Agreement on the European Economic Area or Article 5, 6 or 7 of Regulation (EU) 2022/1925. This shall also apply if the decision in civil proceedings depends, in whole or in part, on a decision to be taken in accordance with this Act, or on the applicability of Article 101 or Article 102 of the Treaty on the Functioning of the European Union or Article 53 or Article 54 of the Agreement on the European Economic Area or Article 5, 6 or 7 of Regulation (EU) 2022/1925.

6 An example is North Rhine-Westphalia, where the OLG Düsseldorf is responsible for all antitrust cases in the OLG Düsseldorf district, the LG Cologne for all cases in the OLG Cologne region, and the LG Dortmund for cases in the OLG Hamm district.

and uniform case law in competition infringement cases by concentrating jurisdiction in one to three regional courts (Article 89 ARC). These courts typically establish specialised divisions for competition law, which hear all competition-related cases. Appeals against their decisions are brought before the respective higher regional courts (Oberlandesgerichte – OLGs), which also maintain specialised cartel divisions.

An action based on one claim may be joined with another action if the latter has a legal or direct economic connection to the former. Courts handling damages proceedings are required to notify the Federal Cartel Office, which may intervene by submitting statements, providing documents, and posing questions. The court of last resort in such matters is the Federal Court of Justice (Bundesgerichtshof – BGH).

Locus Standi

Compensation proceedings are initiated by a claim filed by an authorised party. Since prohibited cartel agreements can inflict widespread harm on a large number of persons, whether directly or indirectly affected by the infringement, the question of active legal capacity (locus standi) becomes particularly important [40, p.151-153]. Under national law, it is determined who may bring an action as plaintiff. Courts have generally taken a broad view, holding that this category can encompass all individuals who have been 'affected' in any way that is, those who suffered damage as a result of the cartel infringement provided that a causal link exists between the harm and the agreement or practice prohibited under Article 101 TFEU.

Eligible plaintiffs may include competitors, market participants, or purchasers of cartelized goods and services, encompassing companies, entrepreneurs, and public authorities. This applies regardless of whether there exists a direct contractual relationship with the infringing party, and irrespective of whether the National Competition Authority (NCA) has previously established the violation. This broad approach is justified by the requirement to ensure effective enforcement under Articles 101 and 102 TFEU.

Where national rules have been infringed, national courts of the Member States must interpret domestic law in accordance with the case law of the Court of Justice of the European Union (CJEU). This principle is also reflected in Article 12(1) of the EU Directive on damages. Furthermore, following the Court's judgment in the *Kone* case [14], damages may be claimed for losses incurred due to higher prices paid by non-cartel members who acted independently of the cartel but whose prices were indirectly influenced by it (so-called "umbrella damages").

Nature of the Right to Compensation

Under Serbian law, the right to claim compensation for damage is grounded in Article 73 of the Law on the Protection of Competition, as well as in the general provisions of the Law of Obligations. These provisions regulate the general prohibition on causing harm and establish the tortfeasor's obligation to compensate for any resulting damage. Procedurally, the right to bring a claim is governed by the Law on Civil Procedure. In EU Member States, a key question arises as to whether the right to compensation derives from EU law itself or from the domestic law of the Member State [28, pp. 47–66, 91].

Within the EU, the right to compensation is part of the broader principle of Member State liability for breaches of EU law. The European Court of Justice (ECJ) clarified the content and legal nature of this principle in its *Frankovich* judgment [15]. According to the Court practice, individuals are entitled to claim damages for breaches of EU law provisions with direct horizontal effect, in the same manner that states are liable for breaches of provisions with direct vertical effect. The Court recognised the direct horizontal effect of Articles 101 and 102 TFEU relatively early, with the exception of Article 101(3) TFEU, in its *SABAM* ruling [12, para.15-17; 6, para.39], thereby establishing a right to seek damages for infringements of these provisions.

Subsequently, in the *Rewe-Zentralfinanz* [4], *Rewe-Handelsgesellschaft Nord* [3], and *Courage* [13] cases, the Court confirmed that, in the absence of specific Community rules, it is for the domestic legal systems of the Member States to determine which court or tribunal has the jurisdiction, as well as to lay down the detailed procedural rules governing actions for the protection of rights derived directly from EU law. However, such rules must comply with the principles of equivalence and effectiveness: they must not be less favorable than the rules governing similar domestic actions, nor may they render the exercise of rights conferred by EU law practically impossible or excessively difficult [7, para. 27].

Under Serbian law, the legal basis for seeking compensation can be found both in the general provisions of the Law of Obligations on the prevention of damage and in the specific provisions of the Stabilisation and Association Agreement (SAA), a ratified international treaty in force. By ratifying the SAA, Serbia committed to "shall endeavour to ensure that its existing laws and future legislation will be gradually made compatible with the Community acquis. Serbia shall ensure that existing and future legislation will be properly implemented and enforced." Accordingly, domestic courts are obliged not only to apply Articles 101 and 102 TFEU (formerly Articles 81 and 82 EC) but also to take into account EU law, including the European Commission's interpretative instruments and the case law of EU courts.

Under German law, the legal basis for claiming compensation is provided by Section 33a(1) of the Act against Restraints of Competition (ARC) and Section 823 of the German Civil Code (BGB). According to Section 33a(1) ARC, anyone who intentionally or negligently causes damage in accordance with Section 33(1) must compensate for it. Liability arises only if it is established that: (i) damage has occurred within the meaning of Section 33(1) ARC, (ii) the claimant has suffered loss, (iii) there is a causal link between the damage and the infringing conduct, and (iv) the damage was caused through fault. These conditions are interpreted in line with the Damages Directive.

Regarding the amount of damages, the courts have endorsed the principle of full compensation, notably in the *Manfredi* case [8]. Full compensation entails restoring the injured party to the position they would have been in had the competition law infringement not occurred, pursuant to Article 3(2) of the Directive. In accordance with the principle of effectiveness and the right of any individual to claim compensation for losses caused by conduct restricting or distorting competition, injured parties are entitled to recover both actual loss (*damnum emergens*) and loss of profit (*lucrum cessans*), together with interest [8,9,10,11].

Legal remedies for obtaining compensation

At the EU level, there are no specific actions, remedies, or mechanisms for enforcing the right to compensation. These matters fall within the competence of the Member States, which determine the rules governing the exercise of this right, taking into account, among other principles, the principle of effectiveness and national procedural autonomy.

The right to compensation can be exercised through individual or collective actions before the competent national courts. Under EU law, Article 2(4) of Directive 2014/104/EU defines an action as "an action under national law by which a claim for damages is brought before a national court by an alleged injured party, or by someone acting on behalf of one or more alleged injured parties where Union or national law provides for that possibility, or by a natural or legal person that has succeeded to the rights of the alleged injured party, including a person that has acquired the claim." Collective actions, or collective redress mechanisms, enable multiple individuals harmed by the same unlawful act to seek compensation in a single proceeding [31, p. 312].

Individual and collective actions may take the form of either standalone or follow-on proceedings. Independent actions are brought regardless of whether a regulatory authority has previously ruled on a competition law infringement. In such cases, claimants must demonstrate that the cartel rules were violated, that they suffered damage, and that there is a causal link between the cartel conduct and the harm suffered.

Follow-on actions and collective redress in Germany

Follow-on actions are brought after a regulatory authority has determined that a violation of competition law has occurred. In such cases, plaintiffs are not required to prove the infringement itself, as it has already been established. However, they must demonstrate that they have suffered losses and establish a causal link between the infringement and the damages incurred.

The Damages Directive does not oblige Member States to provide for collective actions in their national legislation, nor does it establish rules governing such actions or the conditions for joining a claim.

Germany is widely regarded as having one of the oldest and most developed competition law systems, as well as a highly advanced framework for judicial protection of individual rights [28, p. 325]. Nevertheless, Germany has traditionally resisted adopting the American-style class action model. Instead, it has developed a system of representative actions [31, p.304; 40, p.154; 29, pp.71-112; 36, pp.134-168] that may be brought by qualified consumer or business associations [24, p. 216-219].

In 2018, Germany introduced the collective declaratory action (*Musterfeststellungsklage*), which allows qualified consumer associations to initiate proceedings to establish common facts and legal questions. Consumers can register in a public register (*Verbraucherklageregister*). While the judgment in such proceedings does not award damages directly, it facilitates subsequent individual claims.

In 2023, Germany further strengthened collective legal protection by adopting the Collective Legal Protection Act (*Verbraucherrechtedurchsetzungsgesetz*, VDuG) [17], which implements Directive (EU) 2020/1828. This legislation enables authorised associations and small businesses to initiate collective proceedings both for declaratory relief and for compensation, significantly enhancing the effectiveness of collective legal protection. Until recently, collective protection has primarily been achieved through mass individual lawsuits, often supported by litigation funding, particularly in large-scale cases such as the Trucks Cartel. Beyond consumer protection, the VDuG also opens the possibility for collective compensation claims in the field of competition law, although case law in this area is still developing. Following the Court of Justice's ruling in the *ASG 2* case (2025) [5], claims arising from the assignment of rights by Member States have also been recognised.

In cartel cases, particularly in a B2B context, injured parties may assign their claims to specialised legal entities (e.g., Cartel Damage Claims or Financialright). These entities then bring a collective lawsuit in their own name, but on behalf of all clients who have transferred their rights to them. This functions effectively as a representative action in commercial cases and was extensively utilised in the Trucks Cartel case.

A review of German legal practice indicates that the collective protection system has evolved over time: from the *Verbandsklage*, which solely protects interests without allowing for compensation, to the *Musterfeststellungsklage*, which facilitates the establishment of facts but does not cover compensation, and finally to the *Abhilfeklage*, which enables collective compensation for consumers for the first time. Claim vehicles continue to play a central role in B2B cartel damages claims.

Regarding the choice between opt-in and opt-out models, the German system is characterised by an opt-in approach, restricted standing (limited to qualified associations), and a careful balance between consumer protection and preventing abuse of the legal process.

Under Serbian law, in accordance with the general provisions of the Law of Obligation, a claim for damages resulting from a violation of competition law is treated as a tort claim. In a standard tort action, the claimant must prove the existence of a tortious act, the damages suffered, and the causal link between the act and the damages. While the wrongful act causing the damage is generally presumed, the defendant may rebut this presumption. In follow-on actions, however, the NRT has already established the violation, so the plaintiff only needs to demonstrate the causal connection between the infringement and the damages incurred. Comparative practice varies, and it is generally assumed that the damage itself caused the harm. However, Serbian law departs from this assumption: the plaintiff bears the burden of proving that harm actually occurred, which is not always straightforward.

Regarding the relationship between the regulatory body and the courts, Article 73(1) of the Law on the Protection of Competition provides that the Commission for Protection of Competition's determination of damage is binding on the court hearing a damages claim, in line with established practice in EU Member States. However, Article 12 of the Civil Procedure Act distinguishes between two situations concerning preliminary questions: when the competent authority has not yet decided on the preliminary question, and when such a decision has already been made. In the first scenario, the Competition Protection Commission's determination on the preliminary issue is binding on the court. In the second, the Act allows the court to decide the matter itself, "unless otherwise provided by special provisions."

The Supreme Court of Serbia has held that the Commission for Protection of Competition (hereinafter: Commission) has exclusive authority to determine violations of competition law, except where special provisions indicate otherwise. This ruling is also relevant to damages claims arising from prohibited cartel agreements initiated before the Commission for Protection of Competition has issued a decision on the infringement. In practice, this means that in Serbia, injured parties can only pursue compensation once the Commission for Protection of Competition has established the existence of an infringement. Since market participants cannot initiate proceedings before the Commission, and the Commission alone has the discretion to decide on the matter, the protection of injured market participants depends not only on the expertise and training of Commission members but also on their impartiality. This suggests that the legislator addressed the issue only superficially, leaving it unresolved, without clarifying the reasons for the declaration of unconstitutionality or providing a new solution [21]. Therefore, either new regulations on compensation for damages must be adopted [27, p. 31; 21], or existing regulations should be interpreted more broadly to allow for mechanisms enabling the collective protection of all victims[7].

Conclusion

Traditionally, the German legislature has been reluctant to allow collective actions seeking monetary compensation. Historically, collective interests were protected by specialised associations, which could pursue injunctive relief or claim profits arising from rights violations in certain legal areas. However, this did not extend to the right to obtain individual compensation.

This changed with the Dieselgate case (Volkswagen) in 2018 [16]. In response to tens of thousands of unresolved individual claims against Volkswagen AG, the legislator introduced the possibility for qualified consumer associations to initiate declaratory proceedings as a form of collective redress. Individual consumers could register to participate in these proceedings. However, due to the principle that each case of damage must be calculated individually, such declaratory actions did not allow individuals to claim compensation. Representative actions were generally regarded as having limited practical significance in the field of competition law.

Only after the implementation of Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers, were consumers and small businesses granted the right to claim damages through such actions. These actions can be brought in all civil disputes by qualified consumer organisations and small businesses, which are subject to strict rules regarding third-party funding.

Concurrently, a culture of follow-on competition litigation between businesses (B2B) has steadily developed in Germany since 2005. Most of these follow-on claims have been brought as individual actions before German courts, typically filed by downstream companies against cartel members.

In the absence of pressure or concrete initiatives from the EU in the B2B context, the German procedural system does not provide special instruments or procedures for such B2B claims.

Beyond these "institutionalised" models of collective redress and compensation mechanisms, multiple claimants with similar or nearly identical claims may sometimes be combined into a single legal case. This can occur either when several claimants file their individual claims together in a single proceeding or when the court orders the consolidation of separate claims that were filed independently.

References

1. Act Against Restraints of Competition (Gesetz gegen Wettbewerbsbeschränkungen – GWB), Federal Law Gazette I, p. 2521, as last amended by Article 1 of the Act of 25 June 2021 (Federal Law Gazette I, p. 2050)

7 For example: Croatia implemented the Directive on Damages by adopting the Law on Procedures for Damages for Violation of Competition Law, NN 69/17, and Slovenia amended the existing Slovenian Prevention of the Restriction of Competition Act https://www.varstvo-konkurence.si/fileadmin/varstvo-konkurence.si/pageuploads/ZPOmK-1-consolidated_version.pdf

2. Bürgerliches Gesetzbuch (BGB, German Civil Code), BGBl. I 1896, 195 ff., as amended.
3. Case 158/80, Rewe-Handelsgesellschaft Nord mbH v Hauptzollamt Kiel, ECLI:EU:C:1981:163
4. Case 33/76, Rewe-Zentralfinanz eG et Rewe-Zentral AG v Landwirtschaftskammer für das Saarland, ECLI:EU:C:1976:188
5. Case C-253/23, ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen, Judgment of 28 January 2025
6. Case C-261/95, Palmisani v Istituto nazionale della previdenza sociale (INPS), [1997] ECR I-4025, para. 27
7. Case C-282/95 P, Guérin Automobiles v Commission of the European Communities, [1997] ECR I-1503, para. 39.
8. Case C295/04 Vincenzo Manfredi v Lloyd Adriatico Assicurazioni SpA [2006] ECR I6619
9. 9. Case C296/04 Antonio Cannito v Fondiaria Sai SpA, ECLI:EU:C:2006:461
10. Case C297/04 Nicolò Tricarico v Assitalia SpA [2006] ECR I6641
11. Case C298/04 Pasqualina Murgolo v Assitalia SpA, ECLI:EU:C:2006:461
12. Case C-360/10, Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Netlog NV, ECLI:EU:C:2012:85, paras 15–17.
13. Case C-453/99, Courage Ltd v Bernard Crehan and Bernard Crehan v Courage Ltd and Others, ECLI:EU:C:2001:465.
14. Case C-557/12, Kone AG, Otis GmbH, Schindler Aufzüge und Fahrtreppen GmbH, Schindler Liegenschaftsverwaltung GmbH, ThyssenKrupp Aufzüge GmbH v ÖBB-Infrastruktur AG, ECLI:EU:C:2014:1317
15. Case C-6/90 and C-9/90, Francovich and Bonifaci and others v Italian Republic, ECLI:EU:C:1991:428, Judgment of 19 November 1991
16. Case T-673/20, European Commission v. Volkswagen AG ("Dieselgate"), pending before the General Court of the European Union
17. Collective Legal Protection Act (Gesetz über die Durchsetzung von Verbraucherrechten – Verbraucherrechtedurchsetzungsgesetz, VDuG), Bundesgesetzblatt I 2007, p. 2393
18. Commission Regulation (EU) 2022/720 of 10 May 2022 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices, Official Journal of the European Union, L 159, 11 May 2022, pp. 1–125.
19. Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, Official Journal of the European Union, L 1, 4 January 2003
20. 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 (Damages Directive)
21. Gajin, D., & Kojović, T. (2012). *Private damages actions for antitrust infringements under Serbian law*. https://bdkadvokati.com/private-damages-actions-for-antitrust-infringements-under-serbian-law
22. Gesetz gegen Wettbewerbsbeschränkungen (GWB) in der Fassung vom 27. August 2021, BGBl.
23. Joined Cases C-6/90 and C-9/90, Andrea Francovich and Danila Bonifaci and others v Italian Republic, ECLI:EU:C:1991:428
24. Jovičić, K. (2021). Afera *Dieselgate* i njen uticaj na kolektivnu zaštitu potrošača u Nemačkoj i Evropskoj uniji. In *Zaštita kolektivnih interesa potrošača* (pp. 212–225). Pravni fakultet Univerziteta Union.
25. Koenig, C. (2023). *The boundaries of the firm and the reach of competition law: Corporate group liability and sanctioning in the EU and the US*. https://www.awards.concurrences.com/IMG/pdf/the_boundaries_of_the_firm_and_the_reach_of_competition_law_corporate_group_liability_and_sanctioning_in_the_eu_and_the_us.pdf
26. Leitlinien des Bundeskartellamts zur Festsetzung von Bußgeldern in Kartellverwaltungsverfahren, Bundeskartellamt. https://www.bundeskartellamt.de/EN/Home/home_node.html.
27. Milovanović, A., Aksić, J., & Gecić B. (2013). *Commentary on the draft law on amendments and supplements to the law on the protection of competition*. https://www.scribd.com/document/858049006/ssrn-2336983
28. Milutinović, V. (2010). *The'right to damages' under EU competition law: from Courage v. Crehan to the White Paper and beyond*. Kluwer Law International.
29. Nagy, C. I. (2019). *Collective actions in Europe: A comparative, economic and transsystemic analysis*. Springer Nature.
30. Obradović, M., Lončar, D., Stojanović, F., & Milošević, S. (2019). Public interest consideration in competition policy. *Ekonomika preduzeća*, *67*(1-2), 167-179.
31. Petrušić, N. (2014). Collective Legal Protection: The European Approach. *Collection of Papers of the Faculty of Law, Niš*, *68*, 303-324.
32. Protić, D., & Grga, K. (2022). *Report on the need to solve the problem of mass damages and the possibility of introducing class actions into the legal system of the Republic of Serbia*. Center for European Policies.
33. Sporazum o stabilizaciji i pridruživanju između Evropskih zajednica i njihovih država članica, s jedne strane, i Republike Srbije, s druge strane, „Službeni list RS – Međunarodni ugovori", br. 83/2008.
34. Treaty establishing the European Economic Community (Treaty of Rome), OJ 298, 22.12.1957.
35. Ustav Republike Srbije, „Službeni glasnik RS", br. 98/2006
36. Vlahek, A. (2020). Development of Consumer Collective Redress in the EU: a light at the end of the tunnel? *Baltic Yearbook of International Law Online*, *18*(1), 134-168.
37. Vukadinović Marković, J., & Vukadinović, R. (2021). Reforma odlučivanja o prethodnom pitanju u pravu EU. In *Zbornik radova Kopaoničke škole prirodnog prava – Slobodan Perović: Primena prava i pravna sigurnost* (pp. 337–358). Kopaonička škola prirodnog prava – Slobodan Perović
38. Vukadinović, J. (2015). Stabilization and Association Agreement as a special instrument of EU foreign policy. *Strani pravni život*, *(4)*, 91-103.
39. Vukadinović, R., & Vukadinović Marković, J. (2020). *Uvod u institucije i pravo Evropske unije*. Službeni glasnik.
40. Vukadinović, S. (2024). Predstavničke tužbe za naknadu štete i zaštitu kolektivnih interesa i prava potrošača: Povodom novog zakonskog rešenja iz regiona. In *Zbornik radova sa XXVII Budvanskih pravničkih dana* (pp. 149–178).

41. Wurmnest, W. (2021). German private enforcement: An overview of competition law. *Competitions: Special Issue on German Private Enforcement – Concurrences*, (97611). https://www.concurrences.com
42. Zakon o obligacionim odnosima („Službeni list SFRJ", br. 29/78, 39/85, 45/89 – odluka USJ, 57/89; „Službeni list SRJ", br. 31/93; „Službeni list SCG", br. 1/2003 – Ustavna povelja; „Službeni glasnik RS", br. 18/2020)
43. Zakon o parničnom postupku ("Službeni glasnik RS", br. 72/2011, 49/2013 – odluka Ustavnog suda, 74/2013 – odluka Ustavnog suda, 55/2014, 87/2018, 18/2020 i 10/2023 – drugi zakon
44. Zakon o uređenju sudova, Službeni glasnik RS, br. 116/2008, 104/2009 – dr. zakon, 121/2012, 101/2016, 113/2017, 95/2018, 91/2019, 92/2021 i 86/2023
45. Zakon o zaštiti konkurencije, „Službeni glasnik RS", br. 51/2009, 95/2013, 40/2015 – odluka US i 44/2018.

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