

Access to leniency documents and actions for damages – an uneasy match

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1. Introduction

Directive 2014/104 of the European Parliament and the Council of 26 November 2014¹ (hereinafter Damages Directive) constitutes a first attempt to harmonize the actions for damages for infringements of competition law provisions both at national and European level. The divergence between national rules of procedural law were particularly visible in the *Pfleiderer* case,² where depending on the national provisions applicants might have been granted or refused access to leniency files in possession of competition authorities for the purpose of leading private enforcement actions.

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¹ 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 Text with EEA relevance, OJ L 349, 5.12.2014, 1-19.

² Judgment of 14 June 2011, *Pfleiderer AG v. Bundeskartellamt*, C360/09, ECLI:EU:C:2011:389.