



Brugge

College of Europe
Collège d'Europe



Natolin

Global Competition Law Centre

6-7 November 2014

10th GCLC Annual Conference

**10 Years of Regulation 1/2003:
challenges and reform**

This conference is dedicated to Regulation 1/2003 and its first ten years of implementation. It explores the various issues that arise over the life-cycle of case falling within the scope of Article 101 and 102 TFUE. This event will build on the series of decentralized Lunch talks organized in France, Italy and Poland throughout 2013 and 2014, which have allowed the gathering of empirical data on the implementation of Regulation 1/2003 at national level.

DAY 1

8:30 – 9:15 **Registration**

9:00 – 9:15 **Presentation of the Conference and welcome words**

Massimo Merola, President, GCLC

9:20 – 9:45 **Keynote Speech**

The Modernization Regulation: Genesis of a Legal Revolution

Philip Lowe, Non-Executive Director of the Competition and Markets Authority (CMA), Former Director General, DG COMP, European Commission

9:45-10.00 **Q&A Session**

PART I

DISCUSSION OF THE COMMISSION'S COMMUNICATION AND STAFF WORKING PAPER

SESSION 1: PROCEDURAL CONVERGENCE IN ANTITRUST ENFORCEMENT

Chairman: *Carles Esteva Mosso*, Acting Deputy Director General for Mergers, European Commission

General Issues

10:00 – 10:20 **Need for procedural convergence: Does the Commission Communication and Staff Working Paper go far enough? Need of structured procedures within the ECN? ECN one-stop-shop?**

Ailsa Sinclair, Senior ECN Policy officer, European Commission

10:20 – 11:00 **Reply and Discussion**

Jacques Steenbergen, President of the Belgian Competition Authority

Philip Marsden, Professor, College of Europe; Deputy Chair, Competition and Markets Authority

11:00 – 11:10 Q&A Session

Detection of cases

11:10 – 11:30 Detection techniques; leniency (convergence in programmes and procedures) and other detection techniques. A NCA perspective

Eduardo Prieto Kessler – Director, Dirección de Competencia, CNMC, Madrid

Investigation of cases

11:30 – 11:50 Power to set enforcement priorities

Laurence Idot, Professor, Université Paris II

11:50 – 12:10 Investigation highlights [legal privilege rules, dawn raids, etc...]

Denis Waelbroeck, Partner, Ashurst LLP, Professor, ULB and College of Europe, Bruges

12:10 – 12:30 Procedure's main steps: Decisions opening investigation procedures; Statement of objections; Hearings

Malgorzata Modzelewska de Raad, adwokat, Modzelewska&Paśnik law firm, Warsaw

Decision of cases

12:30 – 12:50 Power to issue positive decisions, power to adopt commitments decisions and to impose fines for non-compliance with commitments; Power to adopt remedies

Mario Siragusa, Professor, College of Europe
Partner, Cleary Gottlieb, Rome

12:50 – 13:10 Interim measures and conditions thereof: outstanding issues (e.g., asymmetry of time)

Bernd Meyring, Partner, Linklaters, Brussels

13:10-13:30 Q&A Session

13:30-14:30 Lunch Break

SESSION 2 – EFFECTIVENESS IN ANTITRUST ENFORCEMENT

Chairman: **Wouter Wils**, Hearing Officer, European Commission
Visiting Professor, King’s College London

Fines

**14:30 – 14.50 Jurisdictional issues, basic fining rules and methodology
(*ne bis in idem*; basic amount; Duration; Maximum turnover)**

Erik Pijnacker Hordijk, Partner, De Brauw Blackstone
Westbroeck

**14:50 – 15.10 Concept of “undertaking” and parental liability;
Implementation of solidarity, fines for associations of
undertakings and related issues**

Eric Morgan de Rivery, Partner, Jones Day, Paris

15:10 – 15.30 Formalized settlements for cases with fines

Virginie Beaumeunier, Rapporteure générale, Autorité de la
Concurrence, Paris

15:30 – 15:50 Q&A Session

15:50 – 16:10 Coffee Break

Independence

**16:10 – 16:30 Independence and Interplay with accountability:
Conflicts of interests and incompatibilities**

Adam Jasser, President, UOKIK, Warsaw

- 16:30 – 16:50 **Lessons from sector specific approaches (network industries, data protection, etc.)**
Ewoud Sakkers, Head of Unit, DG COMP (former Head of Unit, European Competition Network) European Commission

Resources and Institutional set-up

- 16:50 – 17.15 **Amalgamation of competences v specialization; Integration v bifurcation, Administrative v judicial**
Stephen Calkins, Irish Competition Authority
- 17:15 – 17.35 **Budgetary autonomy and financing the agency (existing approaches and new methods)**
Alexis Walckiers, Chief Economist, Belgian Competition Authority
- 17:35 – 18:00 **Q&A Session**
- 18:00 – 19:00 **Cocktail Drink**

DAY 2

MODERNISATION 2.0 – OUTSTANDING ISSUES BEYOND THE COMMISSION'S COMMUNICATION AND STAFF WORKING PAPER

SESSION 3 – AGENCY POWERS 2.0, ROUNDTABLE DISCUSSION

Chairman: *Jacques Bourgeois*, Professor, College of Europe and University of Ghent, Counsel, WilmerHale

- 09:00 – 09:20 **NCA advisory powers and the competition screening of national legislation**
Salvatore Rebecchini, Member of the AGCM, Rome
- 09:20 – 09:40 **Ex ante and ex post impact assessment in competition cases**
Ioannis Lianos, Professor, University College, London

- 09:40 – 10:00 **Positive guidance (guidance letters, inapplicability decisions, etc.)**
Nicolas Petit, Professor, University of Liège
- 10:00 – 10:20 **Q&A Session**
- 10:20 – 10:40 **Coffee Break**

SESSION 4 : COURTS 2.0, ROUNDTABLE DISCUSSION

Chairman: *Jose Rivas*, Partner, Bird & Bird, Professor, College of Europe

- 10:40 – 11:00 **Cooperation with national courts, post Directive on Antitrust Damages**
Nicholas Khan, Legal Adviser, Legal Service of the European Commission
- 11:00 – 11:20 **The future of judicial review at both national and EU levels**
Santiago Soldevila Fragoso, Judge Audiencia Nacional, Madrid – former judge at the General Court
- 11:30 – 12.30 **Discussion Panel and Q&A Session**
Gabriella Muscolo, Member, Autorità Garante della Concorrenza e del Mercato, Rome
Dr. Hannes Kraemer, Legal Service, European Commission
Agata Zawlocka-Turno, Deputy Director - Legal Department UOKIK, Warsaw
- 12:30 – 12:45 **Concluding Remarks**
Damien Gerard, Director, GCLC, Professor, UCLouvain and Cleary Gottlieb

FURTHER INQUIRIES

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