



Brugge

College of Europe
Collège d'Europe



Natolin

Global Competition Law Centre

11th ANNUAL CONFERENCE OF THE GCLC

THE NOTION OF RESTRICTION OF COMPETITION: REVISITING THE FOUNDATIONS OF ANTITRUST ENFORCEMENT IN EUROPE

26 AND 27 NOVEMBER 2015

RESIDENCE PALACE, BRUSSELS

The transformations induced by the process of “modernization”, including in its substantive dimension, as well as recent judgments by the EU Courts, have left many lawyers and economists wary as to the standards actually governing findings of antitrust infringement under EU competition law, thereby affecting their ability to advise businesses effectively on the design of their commercial practices. While not ignoring institutional constraints, this conference intends to revisit the notion of restriction of competition in the framework of Articles 101 and 102 TFEU with a view to taking stock of recent developments, to identifying common trends and to informing the application of core EU antitrust principles in current market contexts. Associating lawyers and economists, practitioners and academics, it seeks both to revisit long-standing theories of harm to competition and to explore novel forms of antitrust concerns.

DAY 1

8:30 – 9:00 Registration

9:00 – 9:10 Welcome Address

Jörg Monar
Rector, College of Europe

9:10 – 9:20 Presentation of the Conference

Massimo Merola
President, GCLC

9:20 – 9:45 Keynote Speech by Commissioner Margrethe Vestager

9:45-10:00 Q&A Session

PART I

MAPPING THE NOTION OF RESTRICTION OF COMPETITION

Chairman: Denis Waelbroeck, Ashurst & GCLC

The Evolution of the Notion of Harm to Competition

10:00-10:30 The Notion of Harm to Competition: a Legal Retrospective

Sir Christopher Bellamy, Linklaters

10:30-11:00 The Notion of Harm to Competition: an Economic Retrospective

Damien Neven, The Graduate Institute & former DG COMP Chief Economist

11:00-11:15 Q&A Session

11.15-11:30 Coffee Break

Establishing Harm to Competition – Methodological Issues

11:30-11:50 The Bifurcated Approach and its Practical Impact on the Establishment of Harm to Competition

Ben Smulders, European Commission

11:50-12:10 The Object-Effect Dichotomy and the Requirements of Harm to Competition

Bernard Amory, JonesDay

12:10-12:30 The Role of Market Definition and Market Power in Assessing Harm: an Economic Perspective

Cristina Caffarra, CRA

12:30-12:50 The Challenge of ECN Convergence in the Definition of Harm to Competition

Imeldha Maher, University College Dublin

12:50-13:15 Discussion - Q&A Session

13:15-14:30 Lunch & Keynote speech

“Establishing a restriction of competition in Europe: a view from abroad”

William Kovacic, Georges Washington University/CMA

PART II
RESTRICTION OF COMPETITION UNDER ART. 101 TFUE

Chairman: *Luis Ortiz Blanco, Garrigues*

14:30-14:45 Introduction

The Notion of Anticompetitive Agreement

14:45-15:15 What makes an agreement anticompetitive: the Legal Perspective

Luc Gyselen, Arnold & Porter LLP

15:15-15:45 What makes an agreement anticompetitive: the Economic Perspective

Jorge Padilla, Compass Lexecon

15:45-16:00 Q&A Session

16:00-16:15 Coffee Break

Case Studies under Art. 101 TFUE

16:15-16:35 Information Exchanges and Price Signaling Strategies

Raphaël De Coninck, CRA

16:35-16:55 MFN and Price Parity Clauses

Sven Völcker, Latham & Watkins

16:55-17:15 “Hub-n-Spoke” Arrangements

Yves Botteman, Steptoe & Johnson

17:15-17:30 Q&A Session

17:30-18:00 Keynote speech by **Carles Esteva-Mosso, DG COMP** – “The Contribution of Merger Control to the Definition of Harm to Competition”

18:00-18:15 Comments by **Nicholas Levy, Cleary Gottlieb LLP**

18:15 Cocktail Drink

DAY 2

PART 3

THE NOTION OF RESTRICTION OF COMPETITION UNDER ART. 102 TFUE

Chairman: **Robbert Snelders, Cleary Gottlieb LLP**

9:00-9:10 Introduction

The Notion of Abuse

9:10-9:35 What makes a unilateral conduct abusive: a Legal Perspective

Robert O’Donoghue, Brick Court Chambers

9:35-10:00 What makes a unilateral conduct abusive: an Economic Perspective

Andrea Lofaro, RBB Economics

10:00-10:15 Q&A Session

10.15-10:30 Coffee Break

Case Studies under Art. 102 TFEU

10:30-10:50 Pay-for-Delay Arrangements

James Killick, White & Case

10:50-11:10 Standard-Essential Patents

Peter Camesasca, Covington & Burling

11:10-11:30 “Unequal Treatment” by Online Platforms

Renato Nazzini, King’s College London

11:30-11:45 Q&A Session

PART 4

**THE NOTION OF RESTRICTION OF COMPETITION:
LESSONS AND PROSPECTS**

Chairman: Bernd Meyring, Linklaters & GCLC

11:45-12:00 The Notion of Restriction of Competition: a Legal Report

Pablo Ibanez-Colomo, London School of Economics

12:00-12:15 The Notion of Restriction of Competition: an Economic Report

Pascale Déchamps, Oxera

12:15-13:00 The Notion of Restriction of Competition in the Post-Modernization Context: Closing Panel Discussion

Cecilio Madero, Deputy Director-General for Antitrust, DG COMP

Advocate General Michal Bobek, European Court of Justice

William Kovacic, Georges Washington University/CMA

FURTHER INQUIRIES

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