



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

1 AND 2 FEBRUARY 2016

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 – 9:20 Welcome Address
Presentation of the 2014 and 2015 GCLC Award**

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 LLP & GCLC

The Evolution of the Notion of Harm to Competition
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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

Imelda Maher, University College Dublin

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

13:15-14:30 Lunch and Address by *Jörg Monar*, Rector of the College of Europe

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 Esteve-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 TFEU

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

Miranda Cole, 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

Alfonso Lamadrid de Pablo, Guarrigues

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

Avantika Chowdhury, 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

John Temple Lang, Cleary Gottlieb LLP

Andrew Renshaw, Freshfields Bruckhaus Deringer

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FURTHER INQUIRIES

Bettina Volpi

Executive Secretary

Email: info.gclc@coleurope.eu

Website: <http://gclc.coleurope.eu>

VENUE

Residence Palace

Rue de la Loi 155

B-1040 Brussels

