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Global Competition Law



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The Path towards Modern EU Competition Policy: a 50+year retrospective

Honouring the contribution of Mario Siragusa

21 June 2018 – Brussels (Bibliothèque Solvay)

Speculations about the overall purpose, relevance and boundaries of antitrust policy are gaining a lot of attention nowadays whereas EU competition law only recently emerged from a long process of modernisation across all its instruments and has finally shown signs of renewed stability and consistency. While many voices are advocating some post-modern agenda, taking stock of the advances brought about by "modernity" appears appropriate before identifying possible next steps in the evolution of EU antitrust policy. Hence, this conference aims to look back at 50+ years of EU competition law enforcement and to assess whether, how and why the analytical and institutional framework has evolved over time and where it currently stands, with a view to charting where it should be heading. Starting with an overview of the journey taken by key enforcement areas, it then focuses on three topics of particular relevance to today's application of EU competition law, namely the interactions between competition law and intellectual property, the sharing of public enforcement between the EU and national levels, and the development of private enforcement and associated challenges. This conference is organised in collaboration with Mario Siragusa, a privileged witness of the evolution of EU competition law and a mentor to generations of antitrust specialists, whose contribution as a practitioner and teacher it also aims to recognise.

8h30-9h00	Registration & Coffee
9h00-9h15	Welcome – Massimo Merola, GCLC / Nicholas Levy, Cleary Gottlieb LLP
9h15-9h45	Opening Keynote Address - Giovanni Pitruzzella (President, Italian Competition Authority)
9h45– 11h20	<p>50 Years of EU Competition Law Enforcement: continuity and changes</p> <p>Chair: Richard Whish (King's College London)</p> <p>Panel discussing major evolutions over 50+ years in the fields of:</p> <ul style="list-style-type: none"> ▪ Cartels - Gerwin Van Gerven (Linklaters LLP) ▪ Vertical restraints – Luc Peepkorn (DG COMP) ▪ Abuses of dominance - Jean-François Bellis (Van Bael & Bellis) ▪ Merger Control - Carles Esteva Mosso (DG COMP) ▪ Enforcement - Nicholas Khan (EU Commission Legal Service)
11h20-11h40	Coffee Break

11h40-13h00	<p>Competition Policy and Intellectual Property: taking stock of an uneasy relationship</p> <p>Chair: Philip Lowe (UK Consumer and Market Authority, FTI Consulting)</p> <p>Panels discussing yesterday and today's challenges raised by the interactions between competition and IP, including:</p> <ul style="list-style-type: none"> ▪ IP and the tension between market integration and competition: a thing of the past or still of the present? - Axel Gutermuth (Arnold & Porter LLP) ▪ Competition and IP: what has changed with the advent of the online world? - Andrea Lofaro (RBB Economics) ▪ The “new” IP abuses: how new is new? – Maurits Dolmans (Cleary Gottlieb LLP) ▪ Competition and innovation: from a general to a specific concern? – Alec Burnside (Dechert LLP)
13h00-14h30	Lunch & Luncheon Keynote Address – Ian Forrester (EU General Court)
14h30-15h40	<p>Decentralization of EU Competition Law Enforcement: the challenges of cooperation and convergence in Europe and beyond</p> <p>Chair: Lars Kjolbye (Latham & Watkins LLP)</p> <p>Panel discussing the achievements of and remaining gaps in the network enforcement system put in place by Regulation 1/2003:</p> <ul style="list-style-type: none"> ▪ Delegation and Uniformity: where do we stand? – Konstantina Strouvali (DG COMP) ▪ Empowering NCAs: are Member States playing by the rules? – Firat Cengiz (University of Liverpool) ▪ The future of the ECN+ post-Brexit: which agenda and which relations with the UK? - Philip Marsden (UK Consumer and Market Authority, College of Europe)
15h40-16h00	Coffee Break
16h00-17h30	<p>The Rise of Private Competition Law Enforcement: benefits, costs and future prospects</p> <p>Chair: Nicholas Forwood (White & Case LLP)</p> <p>Panel discussing achievements and challenges of private enforcement in five key jurisdictions:</p> <ul style="list-style-type: none"> ▪ United Kingdom – Ronit Kreisberger (Monckton Chambers) ▪ Germany - Annette Schild (Antitrust Law Schild) ▪ The Netherlands – Rein Wesseling (Stibbe) ▪ Italy – Silvia D’Alberti (Gattai & Partners) ▪ USA – Mark Leddy (Cleary Gottlieb LLP)
17h30-18h00	Closing Speech by Mario Siragusa: " <i>Arbitrating Effectiveness and Due Process in EU Competition Enforcement: the Role and Limits of Judicial Review</i> "
18h00-18h30	Q&A – comments from the audience, moderated by Frank Montag (Freshfields)
