

12th EU Competition Law and Policy Workshop

A reformed approach to Article 82 EC

Florence, 8-9 June 2007
Villa La Fonte

Programme

Friday, 8 June 2007

08.30 – 09.00 *Morning coffee*

09.00-11.00 and 11.15 – 13.15 – **First session**

Broad Comparison of Monopolisation under Section 2 of the Sherman Act and Abuse of a Dominant Position under Article 82

09.00-11.00 **Panel I**

Chair: **John Fingleton** (OFT)

*The objectives of competition policy: protecting consumers, protecting the competitive process, fostering efficiency?
Efficiency versus fairness: how relevant remains ordo-liberalism?*

David Gerber (Chicago-Kent College of Law),
Jorge Padilla (LECG)

Commentator: **Daniel Zimmer** (U. Bonn)

Parallels and differences in the attitudes towards and rules regarding market power: what are the reasons?

Eleanor Fox (NYU),
Heike Schweitzer (EUI)

Commentator: **Jim Venit** (Skadden)

11.00 – 11.15 *Coffee break*

11.15 – 13.15 **Panel II**

Chair: **John Fingleton** (OFT)

A reformed approach to Article 82 and the US practice: an overall appreciation

David Meyer (DOJ),
John Vickers (Oxford U.)

A reformed approach to Article 82: the impact on private enforcement

Jochen Burrichter (Hengeler)

13.15 – 14.15 *Lunch*

14.15-16.15 and 16.30-18.30 – **Second session**

A Reformed Approach to Exclusionary Conduct

14.15 – 16.15 **Panel III**

Chair: **Heike Schweitzer** (EUI)

Appreciability: when can it be said that a rebate programme causes significant anticompetitive foreclosure?

Simon Bishop (RBB),

Einer Elhauge (Harvard U.)

Commentator:

Rafael Allendesalazar (Martínez Lage)

A reformed approach to exclusionary conduct

Damien Neven (DG Competition),

Robert O'Donoghue (Brick Court Chambers)

16.15 – 16.30 *Coffee break*

16.30 – 18.30 **Panel IV**

Chair: **Giuliano Amato** (EUI)

Efficiency and anticompetitive effects of tying

Andrea Coscelli (CRA),

Frédéric Jenny (Cour de cassation, ESSEC and OFT)

What is the right test for exclusive dealing?

Patrick Rey (U. Toulouse),

Doug Melamed (WilmerHale)

Commentator: **Cal Goldman** (Blake, Cassels and Graydon)

Saturday morning, 9 June 2007

08.45 – 09.00 *Morning coffee*

09.00 – 11.00 and 11.15 – 13.15 – **Third session**

Exploitative Conduct and the Remedies

09.00 – 11.00 **Panel V**

Chair: **Massimo Motta** (EUI)

Exploitative conduct

Emil Paulis (DG Competition),

Commentator: **Lars-Hendrik Röller** (ESMT)

The interface between regulation, antitrust and consumer protection legislation. Remedies: is price regulation the answer?

Amelia Fletcher (OFT),

Ian Forrester (White and Case)

Commentator: **William Blumenthal** (FTC)

11.00 – 11.15 *Coffee break*

11.15 – 13.15 **Panel VI**

Chair: **Massimo Motta** (EUI)

Excessive prices in energy markets

Martin Hellwig (Max Planck Institute - Bonn),

Marc van der Woude (Stibbe)

Commentator: **Mario Siragusa** (Cleary)

The (complex) relationship between Article 82 (a) and IP law

Pierre Régibeau (U. Essex),

Damien Geradin (U. Tilburg and Howrey),

Commentator: **Mark Patterson** (EUI and Fordham U.)

Overall Conclusions

13.15 - 13.30 **Philip Lowe** (DG Competition)

13.30 *Lunch*



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A reformed approach to Article 82 EC
EUI, Florence, 8-9 June 2007**

Chairs

Giuliano Amato, European University Institute, Florence
John Fingleton, Office of Fair Trading, London
Massimo Motta, European University Institute, Florence
Heike Schweitzer, European University Institute, Florence

Participants

Rafael Allendesalazar Corcho, Martínez Lage & Asociados, Madrid
Simon Bishop, RBB Economics, London
William Blumenthal, U.S. Federal Trade Commission, Washington, DC
Jochen Burcher, Hengeler Müller, Düsseldorf
Andrea Coscelli, CRA International, London
Claus-Dieter Ehlermann, WilmerHale, Brussels
Einer Elhauge, Harvard Law School
Amelia Fletcher, Office of Fair Trading, London
Ian Forrester, White and Case, Brussels
Eleanor Fox, New York University School of Law
Damien Geradin, University of Tilburg; Howrey, Brussels
David Gerber, Chicago-Kent College of Law, Chicago
Cal Goldman, Blake, Cassels & Graydon, Toronto
Martin Hellwig, Max Planck Institute for Research on Collective Goods, Bonn
Judge Frédéric Jenny, Cour de Cassation and ESSEC Business School, Paris; OFT, London
Philip Lowe, DG Competition, Brussels
Mel Marquis, Robert Schuman Centre, EUI, Florence
Doug Melamed, WilmerHale, Washington DC
David Meyer, U.S. Department of Justice, Washington DC
Damien Neven, DG Competition, Brussels
Robert O'Donoghue, Brick Court Chambers, London & Brussels
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Mark Patterson, Fordham University School of Law, New York; EUI, Florence
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