

13th Annual EU Competition Law and Policy Workshop

Antitrust Settlements under EC Competition Law

Florence, 6-7 June 2008

Villa La Fonte – via delle Fontanelle, 10
San Domenico di Fiesole (FI)

Programme

Overall subject:

Antitrust “settlements”:

settlements in cartel cases (in view of the adoption of decisions pursuant to Articles 7 and 23 of Regulation 1/2003), including their links with leniency and with private enforcement mechanisms; and

decisions pursuant to Article 9 of Regulation 1/2003 relative to Article 81 and Article 82).

Friday morning, 6 June 2008

Chair: **John Fingleton**

08.30-09.00 *Morning coffee*

09.00-10.45 **First session**

I. Principles and objectives of antitrust settlements

A. A broad overview

1. from a legal point of view
 - a. **Wouter Wils**
 - b. **Andreas Reindl**
2. from an economic point of view
 - a. **Massimo Motta**
 - b. **Dan Rubinfeld**
3. from a political science point of view
Stephen Wilks

10.45-11.00 *Coffee break*

11.00-13.30 **Second session**

B. A closer look from the point of view of the interests of the main parties concerned

1. The point of view of the agencies
 - a. **Bruno Lasserre**
 - b. **Ann O'Brien**

2. The point of view of the defendants
 - a. **Mario Siragusa**
 - b. **Shepard Goldfein**
3. The point of view of the (potential) plaintiffs
 - a. **Albrecht Bach**
 - b. **Vincent Smith**
4. The point of view of the courts
 - a. **John Cooke**
 - b. **Diane Wood**
5. The point of view of the legal profession (the outside lawyers)
 - a. **John Ratliff**
 - b. **John Taladay**

13.30-14.30 *Lunch*

Friday afternoon

Chair: **Heike Schweitzer**

14.30-15.45 **Third session**

**II. *Settlements in cartel cases:
practical experiences in major jurisdictions***

- A. ***The US***
Bill Kovacic
- B. ***Canada***
Cal Goldman
- C. ***The EC***
María Luisa Tierno Centella
- D. ***The EC***
Jim Venit

15.45-16.00 *Coffee break*

16.00-18.15 **Fourth session**

- E. *Some of the EU Member States***
1. France
 - a. **Fabien Zivy**
 - b. **Eric Morgan de Rivery**
 2. Germany
 - a. **Joachim Bornkamm**
 - b. **Jochen Burrichter**
 3. Netherlands
 - a. **Pieter Kalbfleisch**
 - b. **Onno Brouwer**
 4. UK
 - a. **Ali Nikpay**
 - b. **Lynda Martin Alegi**

Saturday morning, 7 June 2008

Chair: **Massimo Motta**

09.15-09.30 *Morning coffee*

09.30-10.30 **Fifth session**

III. Settlements under Article 9 of Regulation 1/2003

1. *The developing EC practice and case law*
Heike Schweitzer
2. *Procedure, rights of defence and rights of third parties*
Santiago Martínez Lage
Rafael Allendesalazar

10.30-10.45 *Coffee break*

10.45-13.00 **Sixth session**

IV. Lessons to be drawn

A. Policy consequences for public enforcement

1. Settlements in cartel cases
 - a. **Kirtikumar Mehta**
 - b. **Simon Bishop**
2. Settlements under Article 9 of Regulation 1/2003
 - a. **Ian Forrester**
 - b. **Jorge Padilla**

B. Policy consequences for private enforcement

Kris Dekeyser
Lorenzo Coppi

V. Overall conclusions

Emil Paulis

13.00-14.00 *Lunch*

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Antitrust Settlements under EC Competition Law
EUI, Florence, 6-7 June 2008

Chairs

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

Participants

Rafael Allendesalazar	Howrey, Madrid
Albrecht Bach	Oppenländer Rechtsanwälte, Stuttgart
Stefano Bartolini	Robert Schuman Centre, EUI, Florence
Simon Bishop	RBB Economics, London
Joachim Bornkamm	Judge of the German Federal Court of Justice, Karlsruhe
Onno Brouwer	Freshfields Bruckhaus Deringer, Amsterdam
Jochen Burcher	Hengeler Müller, Düsseldorf
John Cooke	Judge of the European Court of First Instance, Luxembourg
Lorenzo Coppi	CRA International, London
Kris Dekeyser	DG Competition, European Commission, Brussels
Claus-Dieter Ehlermann	WilmerHale, Brussels
Ian Forrester	White and Case, Brussels
Shepard Goldfein	Skadden Arps, New York
Cal Goldman	Blake, Cassels and Graydon, Toronto
Pieter Kalbfleisch	Netherlands Competition Authority, The Hague
Bill Kovacic	Federal Trade Commission, Washington, D.C.
Bruno Lasserre	French Competition Authority, Paris
Mel Marquis	Robert Schuman Centre, EUI, Florence
Lynda Martin Alegi	Baker McKenzie, London and Rome
Santiago Martínez Lage	Howrey, Madrid
Kirtikumar Mehta	DG Competition, European Commission, Brussels
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Jorge Padilla	LECG, London, Brussels and Madrid
Emil Paulis	DG Competition, European Commission, Brussels
John Ratliff	WilmerHale, Brussels
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Dan Rubinfeld	School of Law, University of California at Berkeley
Mario Siragusa	Cleary Gottlieb Steen Hamilton, Rome
Vincent Smith	Cohen, Milstein, Hausfeld and Toll, London
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Stephen Wilks	University of Exeter, Devon
Diane Wood	Judge of the US Court of Appeals for the Seventh Circuit, Chicago, and University of Chicago School of Law
Fabien Zivy	French Competition Authority, Paris

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