

International Conference

The Reform of EC and Greek Competition Law

Under the auspices of the



Athens Bar Association,
Athens University of Economics & Business
Institute for Studies in Competition Law and Policy (IMEDIPA)
Jevons Institute of Competition Law and Economics (UCL)
Centre for Law and Governance in Europe (UCL)

June 1-2, 2007

Karatzas Conference Center
National Bank of Greece
82-84 Aiolou str.
Athens

Organizational committee - Scientific supervision:

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Day **1** Friday June 1, 2007

Public and Private Enforcement of EC and Greek competition law

8.30 Registration

9.00 Welcome speech from the President of the Athens Bar Association
D. Paxinos
Introduction from **I. Lianos & I. Kokkoris**

9.20 - 11:00 **First plenary session:**
The design of an optimal competition law enforcement regime

Chair: **D. Tzouganatos**

1. Optimal design of competition policy procedures: an economic perspective (**Y. Katsoulacos & D. Ulph**)
2. Private enforcement, public enforcement and institutional design in Greece (**D. Tzouganatos**)
3. Private enforcement: current situation and methods of improvement (**D. Waelbroeck**)

Discussants: **A. Bavasso** (Generalist versus specialist courts: Is there a need for a specialist EU competition law tribunal ?),
A Delicostopoulou (Private enforcement and consumers' claims),
V. Karayannis (Judicial control of the Hellenic Competition Commission's decisions: ordinary administrative remedy, actio mercatoria or actio popularis?)

11:00-11:30 Coffee Break

11:30-13:30 **Second plenary session:**
Concurrent proceedings in Greek and EC competition law

Chair: **M. Vilaras**

1. The implementation of antitrust legislation by the competition authorities and the national judges: based on Regulation 1/2003 and the Greek example (**H. Soufleros**)
2. The choice of the most efficient competition law procedure in Greece – Competition authority or judges? (**I. Dryllerakis**)
3. Case allocation in antitrust and collaboration between the NCA, the European Commission and the national courts and authorities (**A. Mikroulea**)
4. Arbitration in competition law disputes (**L. Idot**)

Discussant: **N. Kosmidis**

13:30-15:00 Lunch break

15:00 - 16:30 **Third plenary session:**
Evidence and Standard of Proof

Chair: **E. Perakis**

1. The standard of proof in EC antitrust and merger cases (**A. Komminos**)
2. Economic expertise in courts: the need for a European framework (**I. Lianos**)
3. Judicial review of antitrust cases in Europe and in Greece: a statistical analysis (**T. Tridimas**)

Discussants: **K. Fountoukakos** (Judicial review of antitrust cases in EC competition law), **V. Korah** (Standard of proof in EC competition law),
A. Dritsa (Temporary relief against enforcement of Commission decisions)

16:30 - 17:00 Coffee break

17:00 - 18:30 **Fourth plenary session:**
Procedure, Remedies and Sector Inquiries

Chair: **L. Kotsiris**

1. Compulsory and negotiated remedies of competition distortions (**E. David**)
2. An optimal remedies system against cartels (**M. Tierno-Centella**)
3. Sector inquiries in EC competition law: what for? (**L. Boix Alonso**)

Discussants: **E. Mastromanolis, V. Hadjioannou**

Substantives issues in EC and Greek competition law

9:00 - 11:00 First parallel session and discussion

Workshop 1:

Abuse of a dominant position

Chair: **D. Geradin**

1. Dynamic markets and the abuse of a dominant position (**F. Etro**)
2. The concept of “competition on the merits” and exclusionary abuses: a comparative perspective (**Ph. Marsden**)
3. The concept of “fairness” and exploitative abuses in EC competition law (**J. Kallaughner**)
4. The DG Competition Art. 82 EC review (**P. Papandropoulos**)

Discussants: **D. Geradin** (Pricing abuses in EC competition law),
E. Kinini (Tying and Bundling as abuse of a dominant position)

Workshop 2:

Competition law in regulated industries

Chair: **I. Schinas**

1. Competition policy in network industries (**N. Economides**)
2. How regulators can promote competition in regulated markets?
 - a. Case study 1: Competition policy in the financial sector and stock exchange mergers (**I. Kokkoris**)
 - b. Case study 2 : Competition policy in the financial sector and interchange fees (**C. Gortsos**)
 - c. Case study 3: Competition policy in the energy sector (**Th. Panagos**)
3. The application of competition law to regulated industries: implications for the structure and the strategy of the regulated firms (**R. Kovar**)

Discussants: **J-Ph. Kovar**, **V. Hatzopoulos**

11: 00 - 11:30 Coffee break

11:30 - 13:30 Second parallel session and discussion

Workshop 1:

Mergers

Chair: **G. Lorient**

1. Substantial Lessening of Competition versus the Dominance substantive tests: Evidence of the gap (**I. Kokkoris**)
2. National champions and other jurisdictional issues under Article 21 of the European Communities Merger Control Regulation (**T. Christoforou**)
3. Competition policy against non-horizontal mergers (**N. Vettas**)
4. Judicial review of merger cases (**K. Fountoukakos**)

Discussant: **P. Mavroidis**, **M. Tavantzis**, **M. Peristeraki**

Workshop 2:

Distribution agreements

Chair: **V. Korah**

1. Vertical restraints and competition law enforcement in Greece (**S. Charaktiniotis**)
2. Vertical agreements in EC Competition law: comments on some recent developments (**I. Lianos**)
3. Parallel imports of pharmaceuticals and EC competition law (**K. Vainanidis**)
4. Recent developments in the motor vehicle regulation (**G. Pelecanos**)

Discussants: **A. Komninos** (Parallel imports of pharmaceuticals and EC competition law), **A. Roussos** (Resale price maintenance and competition law)

13:30 – 15:00 Lunch break

15:00 – 17:00 **Third parallel session**

Workshop 1:

Cartels

Chair: **F. Jenny**

1. Tackling tacit collusion: an economic perspective (**J. Padilla**)
2. Tackling tacit collusion: a legal perspective (**G. Triantafyllakis**)
3. The role of leniency programs in cartel enforcement: a critical assessment (**M.P. Schinkel**)
4. Leniency policy development in the EU and the ECN (**K. Dekeyser**)

Discussant: **A. Kanellopoulou** (Tacit collusion and collective dominant position)

Workshop 2:

State aids control

Chair: **I. Stavropoulos**

1. Tax based schemes and the concept of State aids (**T. PEDIADITAKI**)
2. The Community State Aid Action Plan (**A. Zemplerova**)
3. State aids for rescuing and restructuring companies in difficulty (**N. Farantouris**)
4. Private enforcement in EU State aids law (**N. Papadonikolaki**)

Discussants: **A. Stratakis**, **P. Mylonopoulos**

17:15

Concluding Remarks: **Y. Katsoulacos**, **D. Tzouganatos**

Participants (speakers-discussants)

- A. Bavasso:** Allen & Overy LL.P, London, Faculty of Laws, University College London
L. Boix-Alonso: European Commission
S. Charaktiniotis: Zepos & Yannopoulos Law Firm
T. Christoforou: Legal Service, European Commission
E. David: Advocate, Paris
K. Dekeyser: DG Competition, European Commission
A Delicostopoulou: A&A Delicostopoulou Law Firm, EKPIZO (Greek consumer association)
A. Dritsa: Kyriakidis Georgopoulos & Daniolos Issaias Law Firm
I. Dryllerakis: Dryllerakis and Associates Law Firm
N. Economides: Stern School of Business, New York University
F. Etro: Department of Economics, University of Milan
N. Farantouris: International & European Studies Department, University of Piraeus
K. Fountoukakos: Herbert Smith LL.P (London, Brussels)
D. Geradin: Tilburg University, Global Competition Law Center, College of Europe, Bruges
C. Gortsos: Hellenic Banking Association, Panteion University
V. Hadjioannou: Kyriakidis Georgopoulos & Daniolos Issaias Law Firm
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A. Mikroulea: Faculty of Law, University of Athens
K. Mylonopoulos: ENYEK, Legal Service, Greek Ministry of Foreign Affairs
J. Padilla: LECC
Th. Panagos: Vice-President, Hellenic Energy Regulator
N. Papadonikolaki: PRP Law Firm
P. Papandropoulos: Chief economist office, European Commission
D. Paxinos: Athens Bar Association
T. Pediaditaki : Stavropoulos & Partners Law Firm
G. Pelecanos: Ballas, Pelecanos & Associates Law Firm
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K. Vainanidis: Panagopoulos Vainanidis Schina Economou Law Firm
N. Vettas: Athens University of Economics and Business
M. Vilaras: Judge at the European Court of First Instance
D. Waelbroeck: Ashurst, Brussels, Faculty of Law, University of Brussels, College of Europe, Bruges
A. Zemplerova: Prague School of Economics, CERGE-EI

Organising Institutions



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