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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Public and Private Enforcement of EC and Greek competition law

Day 1  Friday June 1, 2007

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. Komninos)
                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)
                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. Kallaugher)
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. Loriot
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 (R. Fountoukakos)
Discussants: 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. Zemplinerova)
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 LLP, 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. Dekeser: DG Competition, European Commission
A Delicostopoulou: A&A Delicostopoulou Law Firm, EKPIZO (Greek consumer association)
A. Dritsa: Kyriakidis Georgopoulos & Danilos Issias 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 LLP (London, Brussels)
C. Gortsos: Hellenic Banking Association, Panteion University
V. Hadjioannou: Kyriakidis Georgopoulos & Danilos Issias Law Firm
V. Hatzopoulos: Faculty of Law, Democritus University of Thrace
L. Idot: Faculty of Law, University of Paris I Sorbonne
F. Jenny: Cour de Cassation, Office of Fair Trading, ESSEC Business School
J. Kallaugher: Latham & Watkins LLP, London, Faculty of Laws, University College London
A. Kanellopoulou: Attorney-at-law, Department of International Legal Affairs, Titan Cement Company SA
V. Karayannis: Advocate Athens
Y. Katsoulacos: Athens University of Economics and Business
E. Kinini: Hadjiprodromou - Triantaphillou & Partners Law Firm
I. Kokkoris: Office of Fair Trading, Durham University, King's College London, City University
A. Komninos: Faculty of Law, University of Athens
N. Kosmidis: Tzouganatos and Associates Law Firm
L. Kotsirios: Faculty of Law, Aristotle University of Thessaloniki
K. Mylonopoulos: ENYEK, Legal Service, Greek Ministry of Foreign Affairs
J. Padilla: LECG
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. Pediatikaki: Stavropoulos & Partners Law Firm
G. Pelecanos: Ballas, Pelecanos & Associates Law Firm
E. Perakis: Faculty of Law, University of Athens
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A. Stratakis: Van Bael & Bellis (Brussels)
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M. Terno-Centella: DG Competition, European Commission
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D. Tzouganatos: Faculty of Law, University of Athens, Eurobank, Former President of the Hellenic Competition Commission
D. Ulph: School of Economics and Finance, University of St Andrews
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. Waebroeck: Ashurst, Brussels, Faculty of Law, University of Brussels, College of Europe, Bruges
A. Zemplinerova: Prague School of Economics, CERGE-EI
Organising Institutions

Athens Bar Association
Athens University of Economics and Business
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