



Deterring EU Competition Law Infringements: Are We Using the Right Sanctions?

Hotel SAS, Brussels, 3 December 2012

Sanctions are a critical component of any legal regime, and competition law should be no exception. Competition law regimes across the world have typically relied on a diverse set of sanctions to deter companies from engaging in anti-competitive behaviour. The EU competition law regime has so far focused on corporate fines, which have risen significantly over the last 20 years. This evolution seems to be in great part due to the Commission's desire to increase deterrence. However, in recent years, some voices have questioned whether increasing the level of corporate fines is indeed the most appropriate means for increasing deterrence. A number of other criticisms have also been voiced against the European sanctioning regime, alleging a high level of uncertainty, raising questions about its compatibility with international instruments protecting due process, criticizing its lack of consideration for corporate compliance programs, and lamenting the absence of individual sanctions targeting the individuals who are the perpetrators of the anti-trust violation. Are these criticisms founded? Are there major issues with the EU competition law regime? What reforms are required if it is to achieve its stated goal of higher deterrence?

To take stock of these questions, the *Tilburg Law and Economics Center* (TILEC) at Tilburg University and the *Liège Competition and Innovation Institute* (LCII) at the University of Liège will organize a day-long conference in Brussels on 3 December 2012.* Speakers include prominent academics, enforcers, and practitioners. The conference aims to bring detailed analysis and up-to-date knowledge to a large audience of public officials, practitioners, academics, media and competition policy observers.

* Organizers welcome support from Schindler Holding AG and the Association of Corporate Counsel.

PROGRAMME

8:00 - 9:00 Registration and coffee

9:00 - 9:15 Sanctioning Competition Law Infringements: An Overview of the EU Approach
Speaker: **Damien Geradin**, Partner, Covington & Burling; Professor of Competition Law and Economics, Tilburg University

9:15 - 9:45 Importance and Challenges of Antitrust Compliance for Large Corporations
Speaker: **Christoph Klahold**, Chief Compliance Officer, Head of Corporate Center Compliance, ThyssenKrupp AG

9:45 - 10:15 Optimal Deterrence of Competition Law Infringements
Speaker: **Joseph E. Harrington**, Professor of Economics, Wharton School - University of Pennsylvania and Universidad Carlos III de Madrid

10:15 - 10:30 Coffee break

First Panel: **Designing Appropriate Sanctions and Incentive Mechanisms**
Moderator: **Jacques Steenbergen**, Director General, Belgian Competition Authority

10:30 - 10:50 Are Administrative Fines the Best Way to Deter Infringements?
Speaker: **Douglas H. Ginsburg**, Senior Judge, DC Court of Appeals; Professor of Law, New York University School of Law

10:50 - 11:10 Should Individual Sanctions Be Part of Deterrence Efforts?
Speaker: **Andreas Stephan**, Lecturer in Law, University of East Anglia

11:10 - 11:30 Contrasting the EU and US Sanctioning Approaches
Speaker: **Thomas O. Barnett**, Partner, Covington & Burling; former Assistant Attorney General, Antitrust Division, US Department of Justice

11:30 - 11:50 Ways in Which the System of Sanction in EU Competition Enforcement Can Be Changed
Speaker: **Luis Ortiz-Blanco**, Partner, Garrigues; Professor, Complutense University Madrid

11:50 - 12:40 Panel Discussion / Q&As

12:40 - 13:30 Lunch

Second Panel: Fines, parental liability and challenges for compliance
Moderator: **Anne Riley**, Associate General Counsel, Shell

13:30 - 13:50 Optimal Deterrence of Collusion in the Presence of Agency Problems within Firms
Speaker: **Cédric Argenton**, Professor of Economics, Tilburg University; Director, Tilburg Law and Economics Center (TILEC)

13:50 - 14:10 Should Parent Companies be Held Liable for the Conduct of their Subsidiaries when they have not Participated in the Infringement?
Speaker: **Stefan Thomas**, Professor of Law, Tübingen University

14:10 - 14:30 Compliance Programmes, Codes of Conduct and Social Responsibility Charters – A Good Idea?
Speaker: **Anny Tubbs**, General Counsel, Competition, Unilever

14:30 - 15:20 Panel Discussion / Q&As

15:20 - 15:35 Coffee break

Third panel: Addressing the Relationships between EU and National Enforcement and Public and Private Enforcement, and the Due Process Aspects
Moderator: **Marc van der Woude**, Judge, General Court of the EU

15:35 - 15:55 What is the Interplay between EU and National Enforcement and the Impact on Sanctions?
Speaker: **Christophe Lemaire**, Partner, Ashurst

15:55 - 16:15 What is the Interplay between Public and Private Enforcement (Actions for Damages) and the Impact on Sanctions?
Speaker: **Eddy de Smijter**, Deputy Head of Unit, DG Competition, European Commission

16:15 - 16:35 The Commission's Fining Policy and the European Convention on Human Rights: *Menarini* and its Implications
Speaker: **Eric Morgan de Rivery**, Partner, Jones Day

16:35 - 17:15 Panel Discussion / Q&As

17:15 - 18:00 Conclusions

Final Observations from an Industry Perspective
Speaker: **Stefan Gehring**, Head of Law, Patents and Compliance
Bayer MaterialScience AG

Final Observations from a Political Perspective
Speaker: **TBC**

Final Observations from an Academic Perspective
Speaker: **Nicolas Petit**, Professor, University of Liège; Director, GCLC, College of Europe

Scientific committee in charge of the Conference and Programme

Cédric Argenton (TILEC)
Damien Geradin (TILEC)
Nicolas Petit (LCII)

USEFUL INFORMATION

Contact Persons

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Venue

Hotel SAS, Brussels
Rue d'Idalie, 35
1050 Brussels

Near Place Luxembourg, the Brussels-Luxemburg Rail Station & the European Parliament



To see a larger picture, please, [click here](#).

REGISTRATION FORM

Please return this registration form to Caroline Langevin by 30 November 2012 at the latest by email: ieje@ulg.ac.be. Thank you!

Mr. Ms.

Surname:.....

First Name:.....

Function:.....

Company/Organisation:.....

Address:.....

Postal Code + Town:.....

Tel:..... **Email:**.....

I will attend the Conference “Deterring EU Competition Law Infringements: Are We Using the Right Sanctions?” on Monday the 3rd December 2012 and send a payment of:

- Standard fee for Corporations and Law Firms – 250 €
- Free for Institutions, NGOs, Academics and Students

to the Bank Account BE04 3401 5580 0731 (Patrimoine de l’ULg, MC DR EUROPEEN COLLOQUES, Rue Georges Clémenceau, 11-15, 4000 Liège, Belgium).

Signature:

Invoicing

An invoice will be sent to participants upon receipt of their registration form.