



Brugge

GCLC

College of Europe  
Collège d'Europe

Global Competition Law



Natolin

Center

## 14<sup>th</sup> ANNUAL CONFERENCE OF THE GCLC

### *REMEDIES IN EU COMPETITION LAW: SUBSTANCE, PROCESS & POLICY*

31 January – 1 February 2019

**RESIDENCE PALACE, BRUSSELS**

*Competition authorities intervene with the aim of discontinuing or preventing anti-competitive conduct but also of remedying the consequences thereof and restoring or preserving undistorted competition. In each case, the identification of the appropriate competition law “remedy” is inherently linked to the identification of harm to competition and the articulation of a theory of harm. To be sure, not all theories of harm can be addressed by means of adequate competition remedies; alternative (regulatory/supervisory) remedies may instead have to be considered. Likewise, whether they are imposed or negotiated, remedies raise different questions, including in terms of judicial review and due process, but also in terms of reach and scope.*

*By their nature, competition remedies are central to competition law enforcement and represent the yardstick against which the efficiency of the overall system can be measured; yet, they are rarely considered and discussed in a comprehensive manner from the combined perspective of substance, process and policy. Bringing together lawyers and economists, practitioners and academics, the conference will undertake a rare journey into the theory and practice of competition remedies in the EU and beyond, against the background of recent high-profile antitrust decisions, of increased scrutiny about the effectiveness of merger commitments and of a decade of remedial developments in the field of State aid.*

# DAY 1

08:30-09:00 Registration

**09:00-09:10 Welcome Address**

Jörg Monar  
Rector, College of Europe

**09:10-09:20 Presentation of the Conference**

Assimakis Komninou  
GCLC, White & Case

**09:20-09:40 Keynote Speech**

Johannes Laitenberger  
Director-General, DG COMP, European Commission

09:40-09:55 Q&A Session

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## **PART I. COMPETITION REMEDIES IN PERSPECTIVE: OBJECTIVES, CHARACTERISTICS AND LIMITATIONS**

### **Remedies and the Objectives of Competition Law Enforcement**

**Chairman:** Jacques Bourgeois  
GCLC, Sidley Austin

**10:00-10:20 The place of remedies in the objectives of competition law enforcement**

Wouter Wils  
European Commission, King's College London

**10:20-10:40 The economics of “remedies”**

John Kwoka  
Northeastern University

**10:40-11:00 Remedies as an EU law concept**

**Takis Tridimas**  
King's College London

11:00-11:10 Q&A Session

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11.10-11:30 Coffee Break

### The Limits of Remedies

**Chairman: Damien Gerard**  
GCLC, European Commission

**11:30-11:50 Theories of harm as limits to remedies or remedies as limits to theories of harm?**

**Ioannis Lianos**  
University College London

**11:50-12:10 The inherent limitations of remedies: an economic perspective**

**Cristina Caffarra**  
Charles River Associates

**12:10-12:30 Remedies in the digital era: particular challenges and how to tackle them**

**Ariel Ezrachi**  
University of Oxford

**12:30-12.50 Remedies in private enforcement: can they fill the gaps of public enforcement?**

**Sebastian Peyer**  
University of East Anglia

12:50-13:05 Q&A Session

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13:05-14:35 Lunch

### Types of remedies

**Chairman:** *Bernd Meyring*  
GCLC, Linklaters

**14:35-14:55 Supply-side and demand-side remedies**

*Amelia Fletcher*  
University of East Anglia

**14:55-15:15 Negotiated and imposed remedies**

*Niamh Dunne*  
London School of Economics

**15:15-15:35 Behavioural and structural remedies**

*Frank Maier-Rigaud*  
NERA

15:35-15:50 Q&A Session

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15.50-16:10 Coffee Break

## **PART II. COMPETITION REMEDIES IN PRACTICE: ANTITRUST, MERGER CONTROL, STATE AID AND RELATED ISSUES IN THE EU AND BEYOND**

### Remedies in Specific Areas of Enforcement

**Chairman:** *Jean-François Bellis*  
ULB, Van Bael & Bellis

16:10-16:30 Antitrust remedies – an ex post assessment

Lars Kjølbye  
Latham & Watkins

16:30-16:50 Merger remedies – an ex post assessment

Elena Zoido  
Compass Lexecon

16:50-17:10 The State aid system of remedies: distinction between prospective and restorative remedies

Jacques Derenne  
GCLC, ULG, Sheppard Mullin

17:10-17:30 Q&A Session

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## DAY 2

### PART II. COMPETITION REMEDIES IN PRACTICE: ANTITRUST, MERGER CONTROL, STATE AID AND RELATED ISSUES IN THE EU AND BEYOND

Chairman: Peter Freeman  
Competition Appeal Tribunal

#### Procedure and Implementation

09:00-09:20 Remedy and due process: how to strike the balance?

Denis Waelbroeck  
GCLC, ULB, Ashurst

09:20-09:40 The role of EU Courts in reviewing the legality of competition remedies

Judge Savvas Papasavvas  
General Court of the EU

**09:40-10:00 Challenges in advising on remedy design**

Angeline Woods  
Freshfields

**10:00-10:20 Challenges in implementing remedies**

Thomas Hoehn  
NERA, Imperial College

10:20-10:35 Q&A Session

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**Remedies in practice: views from the Member States and beyond**

**10:35-10:55 Remedies in practice: the Portuguese experience**

Margarida Matos Rosa  
Portuguese Competition Authority

**10:55-11:15 Remedies in practice outside the EU: the case of South Africa**

Tembinkosi Bonakele  
Competition Commission of South Africa

11:15-11:25 Q&A Session

11:25-11:40 Coffee Break

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**PART III: CLOSING PANEL**  
**POLICY IMPLICATIONS**

**Chairman:** Frédéric Jenny  
OECD Competition Committee

**11:40-12.00 Policy implications of the Commission's record of merger remedies: has the Commission Turned into a Remedies Factory?**

Carles Esteva Mosso

European Commission

**12:00-12:20 Policy considerations based on successes and failures of remedies – the “dichotomy” between antitrust and regulatory remedies**

**Pablo Ibáñez Colomo**  
LSE

**12:20-12:40 Towards a comprehensive reform of the State aid system of remedies?**

**Massimo Merola**  
GCLC, BonelliErede

12:40-13:00 Q&A Session

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