

9th ASCOLA Conference Warsaw 2014 on
PROCEDURAL FAIRNESS IN COMPETITION PROCEEDINGS

Programme

(under the Honorary Patronage of the Polish Foreign Minister)

26 June 2014 (Thursday)

- 16.00 ASCOLA Board Meeting
- 18.00 Welcome reception
- Evening Individual programme

27 June 2014 (Friday)

- 8.15 Registration
- 9.00 – 10.30 Opening session
 - Chair: Tadeusz Skoczny**
 - Welcome address by Professor Alojzy Z. Nowak, Deputy Rector of the University of Warsaw
 - Welcome address by Adam Jasser, the President of the Polish Competition Authority
 - Welcome address by Professor Paul Nihoul, the ASCOLA Chair
 - Key speaker – Professor Wouter Wils (Hearing Officer, European Commission, Visiting Professor, King's College London) **Procedural fairness in competition proceedings: a special case?**
 - Coffee break
- 11.00 – 13.00 Session 1: **Fairness and effectiveness in antitrust proceedings**
 - Chair: Josef Drexler**
 - Substance and Process in Competition Law and Enforcement. Why We Should Care If It's Not Fair,** *Caron Beaton-Wells*
 - Effectiveness through fairness? 'Due process' as an institutional precondition to effective decentralised EU competition law enforcement,** *Pieter Van Cleynenbreugel*
 - "Human Rights" Protection for Corporate Antitrust Defendants: Are We Not Going Overboard?** *Albert Sanchez Graells and Francisco Marcos*
 - The emergence of a WTO antitrust jurisprudence through cross-fertilisation from other international antitrust regimes: the case for procedural fairness as a necessary precondition,** *Amedeo Arena*

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13.00 – 14.00 Lunch

14.00 – 16.00 Session 2: **Right to defense**

Chair: Joël Monéger

Procedural powers in competition enforcement: a look at inspections, *Maria De Benedetto*

The role of the Hearing Office in antitrust cases. A critical assessment of the new mandate and practice after 2011, *Giacomo Di Federico*

An elusive convergence – rights of defence in competition matters in the jurisprudence of the CJEU, *Krystyna Kowalik-Bańczyk*

Right of defence: protection of the legal professional privilege across jurisdictions, *Hanna Stakheyeva*

Coffee break

16.30 – 18.30 Session 3: **Right to be heard and right to protect business secrets**

Chair: Thomas Cheng

Into the Parallel Universe: Procedural Fairness in Private Litigation After the Damages Directive, *Clifford A. Jones*

Access to confidential information – are the standards diverging? *Sebastian Peyer*

When can competition agencies share confidential information with other governmental entities and when should they do so? *Piotr Semeniuk*

State Aid and Fundamental Human Rights: State Aid Procedure and Procedural Fairness – A Contribution to the Right to Participate Debate, *Luboš Tichý & Petra Joanna Pipková*

18.30 ASCOLA General Assembly

19.30 Official dinner

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28 June 2014 (Saturday)

9.00 – 11.00 WORKSHOP ON COMPETITION POLICY

See detailed programme attached
Coffee break

11.30 – 13.00 Session 4: **Right to judicial review**

Chair: Luboš Tichý

Competition Law Enforcement: Administrative versus Judicial Systems, *Daniel Zimmer*

The Fairness Debate in the U.S., *Albert Foer*

The right of fair trial in competition law proceedings: Quo vadis the courts of the new EU Member States? *Marco Botta, Alexandr Svetlicinii*

The Compatibility of Deferential Standard of Judicial Review in the EU Competition

Proceedings with Article 6 of the European Convention on Human Rights, *Maciej Bernatt*

ca 13.30 Conclusions and lunch

Afternoon Warsaw sightseeing

Evening Individual programme

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Detailed programme of the WORKSHOP ON COMPETITION POLICY

Session 5-1: chaired by Rupprecht Podszun

- **Package on actions for damages based on breaches of EU competition rules and collective redress: Can one size fit all?** *Sofia O. Pais & Anna Piszcz*
- **A Study on the Amendment to the Antimonopoly Act in 2013 – Procedural Fairness under the Japanese Antimonopoly Act,** *Shuya Hayashi*
- **Confidential information exchange in competition cases: perception versus reality in the EU and US,** *Valerie Demedts*
- **Fishing expeditions and subsequent electronic searches in the light of the principle of proportionality of inspections in Competition law cases in Europe,** *Marta Michałek*
- **Private enforcement of antitrust damages: the new Directive and proof of the antitrust infringement,** *Emmanuela Truli*

Session 5-2: chaired by Ewelina D. Sage

- **Limitations on the Right to Challenge a Patent: An Antitrust Offense?,** *Michal Gal*
- **Access to Leniency Documents: Should Cartel Leniency Applicants pay the price for Damages?** *Kasturi Moodaliyar*
- **The New Hong Kong Competition Law,** *Kelvin Hiu Fai Kwok*

- **The meaning of plausibility in antitrust law,** *Mariateresa Maggolino*

Session 5-3: chaired by Caron Beaton – Wells

- **Human rights and the presumption of liability for mother companies,** *Lorenzo Pace*
- **Challenges in combating cartels, 14 years after the enactment of Indonesian competition law,** *Sih Yuliana Wahyuningtyas*
- **Intel – the end of the effect based approach?,** *Paul Nihoul*
- **The ‘regulatory authority dixit’ defence in European competition law enforcement,** *Pierluigi Congedo*
- **Enforcement of Competition Rules in the Association Agreement between EU & Ukraine,** *Kseniya Smyrnova*

Session 5-4: chaired by Clifford A. Jones

- **The Effects of Antitrust Enforcement Decisions in the EU,** *Anton Dinev*
- **Economics in the judiciary,** *Csongor István Nagy*
- **EU competition law: over- or under-compensation of fundamental rights protection?,** *Elsbeth Beumer*
- **Antitrust commitments, the public interest and the rule of law,** *Nicolo Zingales*