

9th ASCOLA Conference Warsaw 2014

Preliminary 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)

8.30 – Registration

9.00 – 10.30: Opening session

Chair: Tadeusz Skoczny

Welcome address by the Rector of the University of Warsaw

Welcome address by the President of the Polish Competition Authority

Welcome address by 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 Drexl

Procedural fairness in developing and under-resources economies, *Eleanor Fox*

Effectiveness through fairness? ‘Due process’ as an institutional precondition to effective decentralised EU competition law enforcement, *Pieter Van Cleynenbreugel*

Procedural fairness in the US – a general perspective, *Elisabeth Farmer*

Cartel Leniency Policy: Sacrificing Fairness? *Caron Beaton-Wells*

“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*

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: Dawid Miąsik

Fairness and access to information: private enforcement vs public enforcement, *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

Official dinner (19.30)

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: Eleanor Fox

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

American debate: single agency or multiple enforcement agencies and whether administrative procedures are fair, *Albert Foer*

Deferential standard of judicial review in competitions proceedings and the Article 6 of the European Convention on Human Rights, *Maciej Bernatt*

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

Conclusions and lunch (ca 13.30)

Afternoon – Warsaw sightseeing

Evening – individual programme

**Detailed programme of the
WORKSHOP ON COMPETITION POLICY**

Session 5-1 : under the direction of **Rupprecht Podszun**

State anticompetitive restraints in emerging economies, *Eleanor Fox*

Procedural fairness in Japanese antitrust law, *Shuya Hayashi*

Confidential information exchange: perception v reality in the EU and US, *Valerie Demedts*

The Changing Significance of Human Rights in the Shifting Landscape of EU Competition Law Enforcement, *Anna-Louise Hinds*

Fishing expeditions and subsequent electronic searches in Europe, *Marta Michalek*

Session 5-2 : under the direction of **Maurice Stucke**

Limitations on the Right to Challenge a Patent: An Antitrust Offense?, *Michal Gal*

Access to Leniency Documents, *Kasturi Moodaliyar*

The New Hong Kong Competition Law, *Kelvin Hiu Fai Kwok*

Antitrust commitments, the public interest and the rule of law, *Nicolo Zingales*

The meaning of plausibility in antitrust law, *Mariateresa Maggiolino*

Session 5-3 – under the direction of **Heike Schweitzer**

Human rights and the presumption of liability for mother companies, *Lorenzo Pace*

Procedural fairness in an economic perspective, *Adi Ayal*

Procedural Fairness with Chinese Characteristics, *Mark Williams*

Challenges in Combating Cartels (Indonesia), *Sih Yuliana Wahyuningtyas*

Judicial protection: challenging general antitrust acts in the EU, *Paul Nihoul*

Session 5-4 : under the direction of **Slawomir Dudzik**

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*

The Abuse of Superior Bargaining Position. The Italian regulation *va trop loin*, *Valeria Falce*

Toward a European Directive on damage claims, *Frank Maier-Rigaud*