

Seminar on European Competition Law for National Judges
Restrictive Agreements: Cases, Trends and Open Questions

22-23 February 2013, Budapest, Hungary

Agenda

Venue: Art'otel Budapest, 'Tapestry' room

The seminar will discuss recent developments in European and national competition cases involving restrictive agreements, including vertical agreements such as distribution agreements with restrictions on online sales. It will explore open questions and broader trends in European competition law and their effects on restrictive agreements cases, with an emphasis on the influence of economic concepts on case analysis, debates about policy goals and their impact on case outcomes, and the effects of all this on private enforcement before national courts. We will use the seminar to explore several unanswered questions that are likely to come up before national courts, including what type of restrictions can be presumed to be harmful, when restrictions can be considered "objectively justified," the role of economic analysis in cases involving territorial restraints, the evaluation of evidence to assess anticompetitive effects and efficiencies, and the role of economic experts.

The seminar will be co-financed by the European Union.

Speakers

David Bailey, King's College London
Zoltán Bara, Hungarian Competition Authority
Andreas Reindl, Leuphana University, Lüneburg
Simone Warwick, OECD Competition Division

Friday, 22 February

09.15 – 10.00 Refresher: "Restriction of Competition" - Basic Economic and Legal Principles
Andreas Reindl

10.00 – 10.45 Case hypothetical

Coffee break

11.15 – 11.30 Discussion of case hypothetical

Friday, 22 February cont'd

11.30 – 12.30 Analyzing Complex Horizontal Agreements – The Example of Airline Alliances
Simone Warwick
The Hungarian Lapker case
Zoltán Bara

Lunch

14.00-15.30 The Economics of Vertical Agreements
Andreas Reindl
The Analysis of Restrictive Agreements – Recent European Case Law
David Bailey

Coffee break

16.00 – 17.00 Restrictions in Distributions Agreements – The B&O case
Zoltán Bara
Most Favoured Customer Provisions: Booking.com
Zoltán Bara

17:55 Meeting at the reception, transfer to the welcome dinner

Saturday, 23 February

09.00 – 10.00 Case example & Practical Questions: The UK Tesco case
David Bailey

Coffee break

10.30 – 11.15 Exclusivity and the Fila case
Simone Warwick

11.15 – 12.00 Case hypothetical: Analyzing a complex vertical restriction case

12.00 – 12.30 Discussion of the case hypothetical

Lunch
