



LIVE WEBINAR

MONDAY 19 DECEMBER - 15.30 CET (16.30 Athens Time)

Article 102 TFEU and national equivalents
in search of a theory?

Article 102 TFEU and national equivalents: in search of a theory?

webinar organized by HCC

December 19th, 2022

15.30-18.00 (CET)

The purpose of this event will be to think creatively about the emerging landscape regarding the enforcement of Article 102 TFEU and national equivalent rules by the European Commission and the NCAs, not only in the digital sector, but also in more “traditional” economic sectors. In particular, we will focus on the different approaches followed by the recent case law of the EU courts regarding the interpretation of this provision for various theories of harm, with the aim to understand the overall theoretical framework that is emerging. We will then address the way the European Commission and the NCAs have responded so far to the move during the last decade towards a “more economics approach” and the adoption of the Guidance on the Commission's enforcement priorities for Article 102 TFEU, what has been their enforcement strategy, in view of the existence of various presumptions and more forms-based approaches for certain theories of harm, and how this emerging EU framework, if it is coherent, fares with regard to the debate in other jurisdictions, such as the US, concerning the reform of competition rules and standards applying to dominant undertakings or undertakings with monopoly power. The workshop will focus on the legal aspects of Article 102 TFEU and national equivalent rules, and the overall legal, rather than economic, coherence of the emerging framework.

The discussion will be organised along two parts. The first part will take a more descriptive perspective and will examine the recent case law of the EU courts and the decisional practice of the NCAs regarding different theories of harm, with the aim to understand the overall framework that is emerging and the principles, if any, it draws upon. The second part will address the normative debate about there to go next, what is the strategy to be developed by the various actors and what are the implications of this emerging framework for global and in particular transatlantic convergence.

Participants:

Chair: Mr. Ioannis Lianos – President of Hellenic Competition Commission

Mr. Pablo Ibanez Colomo - Professor of Law, London School of Economics

Mrs Eleanor M. Fox - Walter J. Derenberg Professor of Trade Regulation, New York University School of Law

Mr. Olivier Guersent - Director General – DG Competition, European Commission

Mr. Giorgio Monti - Professor of Competition Law, Tilburg University TILT & TILEC

Mr. Martijn Snoep - Chairman of the Netherlands Authority for Consumers and Markets

Mrs Heike Schweitzer - Professor at the Law Faculty, Humboldt University

Mrs Marisa Tierno- Competition Director General of the Spanish Competition Authority
