Arbitrating Competition Law Issues: A European and US Perspective

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The Rt Hon Sir David Edward KCMG, former Judge of the European Court of Justice and the European Court of First Instance; British Institute of International and Comparative Law, London
Peter E Greene, Skadden, Arps, Slate, Meagher & Flom LLP, New York
Professor Dr Hans van Houtte, Université de Louvain, Belgique
Stephen Kon, SJ Berwin LLP, London
Dr Phillip Landolt, Tavernier Tschanz, Geneva
Dr Christoph Liebscher, Wolf Theiss, Vienna
Dr Johannes Lübking, European Commission, Brussels
Dr Philip Marsden, British Institute of International and Comparative Law, London
Dr Renato Nazzini, Office of Fair Trading, London; British Institute of International and Comparative Law, London
Carl Nisser, SJ Berwin LLP, London
J William Rowley QC, McMillan Binch Mendelsohn LLP, Toronto; 20 Essex Street, London
Tim Taylor, SJ Berwin LLP, London

Monday 12 June 2006 14.15-20.00

Venue: The Honourable Society of Gray's Inn
Spy Room, 8 South Square, Gray's Inn, London WC1R 5ET

4.5 CPD hours may be claimed by both solicitors and barristers through attendance at this event

This conference has been organized together with

Cost to Attend:

Member: £120
Full-time Academic Member Rate: £70
Full-time Student Member: £27

Non-Member Rate: £200
Academic Rate: £130
Student Rate: £45

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Arbitrating Competition Law Issues: A European and US Perspective

This conference will focus on the interrelation between international arbitration and competition law in the widest sense of the word. It will cover both the continental and the transatlantic approach to arbitrating competition law as well as merger control issues. Specific attention will be given to the nascent ex officio duty on part of the international arbitrator to raise competition law issues in order to secure the enforceability of his award within the European Union and its development since the ECJ’s seminal ruling in Eco Swiss. The use and utility of the European Commission’s recent practice to use international arbitration in remedy-related arbitrations within the framework of Articles 81/82 of EC Treaty and EC merger control will receive particular attention.

Within this context, the role of the European Commission as amicus curiae in international arbitration proceedings and the resulting tension between private proceedings and the common role of the European Commission as the Community public prosecutor will be discussed in greater depth. With this in mind, the gradual transformation of international commercial arbitration and the emergence of the supranational arbitrator within the framework of Community-related arbitrations will be highlighted.

The purpose of the seminar is to gather academics and professionals with an international arbitration and/or competition law background (as well as corporate lawyers) at a venue which allows the discussion of the challenges of arbitrating competition and merger-control-related issues at the dawn of the 21st century. The keynote speakers will set an informative framework of those challenges, which will be subjected to a panel of discussants, who will open the debate to the floor. The discussants are anticipated critically to reflect on the keynote speeches by reporting on their own experience and the (likely) approach taken by the respective institution they represent.

Programme

13.45  Registration and Refreshments
14.15  Welcome and Introduction
        Dr Philip Marsden, Director, Competition Law Forum, British Institute of International and Comparative Law
14.30 – 16.15  Keynote Speeches - Part 1
        Chair: Tim Taylor, Co-head, International Arbitration Group, SJ Berwin LLP
        Arbitrating EC Antitrust and Merger Control Issues
        Dr Marc Blessing, Bär & Karrer
        The Special Features of Arbitration in Merger Control
        Professor Luca Radicati di Brozolo, Università di Milano; Studio Bonelli Erede Pappalardo
        The Case for Supranational Arbitration
        Gordon Blanke, International Arbitration Group, SJ Berwin LLP
        The Arbitrability of Antitrust Claims in the United States
        Peter E Greene, Skadden Arps, Slate, Meagher & Flom LLP
16.15  Refreshments
Keynote Speeches - Part 2

Chair: Stephen Kon, Head, EU & Competition Department, SJ Berwin LLP

The European Commission’s View on Arbitrating Competition Law Issues
Dr Johannes Lübking, Directorate-General for Competition, European Commission

The Application by Arbitrators of Articles 81 & 82 and their Relationship to the Commission
Professor Dr Hans van Houtte, Université de Louvain

The Interaction between the Arbitrator, National Competition Authority and the European Commission
Michael Bowsher, Monckton Chambers

Competition Authorities as Amici Curiae and the Status of their Decisions in Arbitral Proceedings
Dr Renato Nazzini, Assistant Director, Legal and Policy, Office of Fair Trading; Visiting Fellow, British Institute of International and Comparative Law

Discussion Panel

Moderator: Carl Nisser, Consultant, SJ Berwin LLP

The Rt Hon Sir David Edward KCMG, former Judge of the European Court of Justice and the European Court of First Instance; Vice-President, British Institute of International and Comparative Law

Dr Phillip Landolt, Tavernier Tschanz

Dr Christoph Liebscher, Wolf Theiss

William Rowley QC, Chairman, McMillan Binch Mendelsohn LLP; 20 Essex Street

Drinks reception

Event closes
Directions to Gray's Inn

The main entrance for pedestrians and vehicles is through a narrow archway in High Holborn between the Cittie of Yorke (large clock over the pavement) and a Post Office/Rymans. There is pedestrian access at various points round the Inn, but these gates are closed at night and at weekends.

The nearest underground station is Chancery Lane (Central Line) but is not open on Sundays. The next nearest stations are Holborn (Central and Piccadilly) and Farringdon (Metropolitan, Circle, Hammersmith and City, Thameslink).

Bus routes include numbers 8, 17, 25, 45, 46, 171A, 242, 243, and 521.

Map of Gray's Inn
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