

The Procedural Aspects of the Application of Competition Law: European Frameworks – Central European Perspectives

June 4-5, 2015

VENUE: Central European University, TIGY room, 11 Nádor utca, Budapest



Comenius University in Bratislava



Institute of Law Studies of the Polish
Academy of Sciences



HAS CSS Federal Markets “Momentum”
Research Group

Centre for Social Sciences
Hungarian Academy of Sciences 

Palacký University Olomouc



Palacký University
Olomouc

June 4, 2015

8.30-9.00 *Registration*

9.00-9.30 Csongor István Nagy (“Momentum” senior research fellow, HAS)
Welcome and Opening – Presentation of the Research Program

Session on administrative procedure

9.30-10.00 Samantha Cheesman (lecturer, University of Szeged)
Competition matters before the ECtHR

10.00-10.30 Réka Friedery (research fellow, HAS)
Fair trial in competition matters: the European ombudsman's perspective

10.30 – 10.40 *Discussion*

10.40-11.00 *Coffee break*

11.00-11.25 Mónika Papp (research fellow, HAS & senior lecturer, ELTE Law School)
Procedural fairness in the Commission's competition procedure

11.25-11.50 Peter Whelan, (associate professor, University of Leeds)
Procedural fairness and criminal competition law

11.50-12.00 *Discussion*

12.00 – 13.00 Lunch break

Country reports

13.00-13.40 Michal Petr (vice-chair, Office for the Protection of Competition of the Czech Republic)
Czech Republic

13.40-13.50 *Discussion*

13.50-14.30 Csongor István Nagy (“Momentum” senior research fellow, HAS)
Hungary

14.30-14.40 *Discussion*

14.40-15.00 *Coffee break*

15.00-15.40 Krystyna Kowalik (associate professor, Polish Academy of Sciences) &
Grzegorz Materna (assistant professor, Polish Academy of Sciences)
Poland

15.40-15.50 *Discussion*

15.50-16.30 Adriana Almășan (associate professor, University of Bucharest)
Romania

16.30-16.40 *Discussion*

16.40-17.20 Ondrej Blažo (researcher, director, Institute of European Law of the Faculty of
Law, Comenius University in Bratislava)
Slovakia

17.20-17.30 *Discussion*

June 5, 2015

Session on legal consequences

- 09.30-10.00 Dragan Gajin (senior associate, Karanović/Nikolić Law Firm) & Zoltán Víg (associate professor, FEFA)
Application of competition law in Serbia: procedural aspects
- 10.00-10.30 András Horváth (associate, Baker & McKenzie)
Private enforcement of competition law – main issues from a comparative perspective
- 10.30-11.00 Zoltán Marosi (partner, Oppenheim Law Firm)
The EU law framework of private enforcement
- 11.00 – 11.10 *Discussion*
- 11.10-11.40 Mihail Danov (associate professor, University of Leeds)
The conflict of laws of private enforcement of competition law
- 11.40-11.50 *Discussion*
- 11.50-12.20 Kati Cseres (associate professor, University of Amsterdam, Amsterdam Center for European Law and Governance & Amsterdam Centre for Law and Economics)
Fair trial and third parties' access to the competition file – a consumer perspective
- 12.20-12.30 *Discussion*

12.30 – 13.30 Lunch break

Country reports

- 13.30-14.00 Krystyna Kowalik (associate professor, Polish Academy of Sciences) & Anna Zientara (assistant professor, Polish Academy of Sciences)
Poland
- 14.00-14.10 *Discussion*

- 14.10-14.40 Daniel Stankov (head of the International and External Relations Unit, Office for the Protection of Competition of the Czech Republic)
Czech Republic
- 14.40-14.50 *Discussion*
- 14.50-15.20 *Coffee break*
- 15.20-15.50 Csongor István Nagy (“Momentum” senior research fellow, HAS)
Hungary
- 15.50-16.00 *Discussion*
- 16.00-16.30 Emőd Veress (associate professor, Sapientia University)
Romania
- 16.30-16.40 *Discussion*
- 16.30-17.00 Ondrej Blažo (researcher, director, Institute of European Law of the Faculty of Law, Comenius University in Bratislava)
Slovakia
- 17.00-17.10 *Discussion*

Conference speakers

Dr. **Adriana Almășan** is an Associate Professor of Law and a former Vice-Dean responsible with international relations at the University of Bucharest, Faculty of Law. She teaches in various areas of Competition Law and Civil Law (Civil Obligations, Dynamics of Civil Obligations, Property Law, Property Legal Protection and Secured Transactions and Contract Negotiation). She has newly introduced in the scholar curricula several subjects, such as Advanced Competition Law for the Master in Public Acquisitions, Concessions and Public-Private Partnership, and as well as Contract Negotiation at the Master of Business Law (a premiere in a faculty of law in Romania). She has also taught Secured Transactions, Dynamics of Civil Obligations, Contract Formation and Contract Termination at the Intensive Post-Graduate professional program on civil and procedural civil law provisions of the New Romanian Codes at the University of Bucharest, Faculty of Law, during 2009-2013. She has previously taught European and Romanian Competition Law and Civil Law (Civil Obligations and Property Law) at University "Nicolae Titulescu", Faculty of Law in Bucharest. She is author and co-author of several books and articles on civil law, contract negotiation and competition law. She practices law, currently as Managing Partner and coordinator of competition law and contract law practice of Law Office "Doru Traila, Silviu Stratulat, Adriana Almășan, Andrei Albulescu, TSAA-Attorneys at Law" and she is a member of the Bucharest Bar Association. Her practice mainly consists in assistance and representation in competition law (antitrust cases, M&A and State aid cases), contract and business negotiation, assistance and representation in front of national courts and arbitration courts of various private law areas.

She has been Senior European Union Expert on competition law (PHARE Program for the National Institute of Magistrates) and expert of the Romanian Competition Council commission for the elaboration of the new law on unfair trading practices. She is the co-founder and co-director of the "Centre for Competition Law Studies", with the Faculty of Law, University of Bucharest, co-director of the Private Law Club of the Faculty of Law, University of Bucharest and founder and director of the Faculty of Law, University of Bucharest, Student's Scientific Communications Session. She is the editor of the private law section of the "Judicial Courier", a law review issued by C. H. Beck Publishing House and sits in the scientific board of Romanian Competition Review, edited by the Romanian Competition Council. She was national co-rapporteur at the 2014 Edition (Vienna) Congress of the International Association of Comparative Law section: „Disgorgement of Profits” and she is the national rapporteur for Oxford Competition Law, Oxford University Press. She completed studies at the Faculty of Law, University of Bucharest as Bachelor of Laws (LL.B.) (license in law) where she also holds a degree of Doctor of Laws (LL.D.), Magna Cum Laude, thesis - "Joint and Several Obligations in Civil and Commercial Law" supervised by Emeritus Professor Corneliu Bîrsan. She has recently completed the postdoctoral research - "The negotiation and conclusion of contracts" within a Post-Doctorate program of the Faculty of Law, University of Bucharest.

Ing. Mgr. **Ondrej Blažo**, PhD is a graduate of the Faculty of Law of Comenius University in Bratislava and from the Faculty of National Economy of the University of Economics in Bratislava, currently holds the position of director of Institute of European Law of the Faculty of Law, CU. He teaches courses on European and competition Law. Furthermore, he works as a lawyer at the Antimonopoly Office of the SR. During PhD studies, he has examined the legal position of an individual in non-judicial proceedings and has also gained practical

experience of the application of competition law. He is the author of several scientific papers published in SR and abroad. He is a co-author of the commentary to the Act on Protection of Economic Competition. He is currently a head of a research team of the project sponsored by a grant of the European Commission (Jean Monnet) and in the past he used to be a research team member of various grant projects, including international ones.

Dr. Samantha Joy Cheesman is currently an assistant law lecturer at the Institute of Comparative Law, University of Szeged. She is also head of the programme for the American Legal Experts Training Programme at the University of Szeged. She graduated with LL.B (Hons.) in Law from the University of Bristol and a Masters (LL.M) in International Human rights from the University of the West of England. She is also a non-practising barrister of the bar of England and Wales. In addition to her academic background Samantha has worked with several non-government agencies looking at analysis and policy making in Human rights for people living with disabilities, sexual minorities and freedom of expression. Her current research focuses upon the right to a fair trial, in particular defence rights as well as plea bargaining and its implementation in newly formed jurisdictions.

Dr. Katalin Cseres is Associate professor of law at the European Law Department of the University of Amsterdam and a research fellow at Amsterdam Centre for European Law and Governance (ACELG) and at the Amsterdam Center for Law & Economics (ACLE). She obtained her university degree in law (1999, cum laude) at the Eötvös Loránd University of Budapest, Hungary. She obtained her Ph.D. title from the University of Utrecht in 2004. At the ACELG she is a co-program leader of the research program 'Compound Constitution(s) of Europe'. Kati is the academic coordinator for the Master programme 'European Competition Law and Regulation'. She also acts as Non-governmental adviser to the Dutch Authority for Consumers and Markets (ACM). Her main fields of interest include competition law, consumer law and market regulation. Her research focuses on law enforcement and the institutional design of public and private enforcement regimes. She analyses the Europeanization of competition law enforcement in the Central and Eastern European Member States and examines the governance mechanisms that frame the interplay between EU and national law, for example in the case of the European Competition Network. She also investigates how legal provisions address the new role consumers (should) play in current market regulation, for example in the energy sector. This research focuses at analyzing legal rules that frame consumers' participation in markets and examines whether and how the legal rules enable consumers to contribute to the public policy goals of competition and economic regulation, such as energy efficiency.

Dr. Mihail Danov is Associate Professor in Law at the University of Leeds. His research interests are in private international law and competition law. His monograph "Jurisdiction and Judgments in Relation to EU Competition Law Claims" was published in December 2010. In 2010-2012, he coordinated the successful completion of a funded research project (JLS/2009/JCIV/AG/0034-30-CE-0350182/00-68) which resulted in a project book on Cross-Border EU Competition Law Actions (June 2013). At present, he is part of a research consortium working on a project (JUST/2013/JCIV/AG/4635) on Cross-Border Litigation in Europe. The latter project, which is coordinated by the University of Aberdeen, attracted over €730,000.00 in support from the European Commission Civil Justice programme.

Dr. Réka Friedery, PhD started as a junior research fellow at the Institute for Legal Studies of the Hungarian Academy of Sciences. After finishing her PhD, she has become research fellow; she is a member of the Department for Study of Domestic Implementation of

International and European Law. Her researches included fundamental (human) rights, EU migration policy, regional policy. She is a member of the MTA Federal Markets „Momentum” Research Group. She accomplished post-gradual studies from European law at Pázmány Péter Cat. University. Her PhD was written on the institutional position of the EU Ombudsman. Until recently she was the Editor of *Acta Juridica Hungarica*, the only law journal published in English of the Hungarian Academy of Sciences. She is the Head of the AWR (Association of the Studies of World Refugee Problem) Hungary section.

Dr. Dragan Gajin is a member of the Competition team at Karanović & Nikolić. He advises and represents clients concerning all areas of competition law (restrictive agreements, abuse of dominance and concentrations). Apart from Serbia, he has also worked on projects related to Montenegro and Bosnia and Herzegovina. He is member of the Belgrade Bar Association (2013), the New York Bar Association (2010), and the International Bar Association (IBA). He graduated from the Central European University, Doctor of Juridical Science (2008 – 2011), the Duke University School of Law, LL.M. (2007 – 2008) and the Faculty of Law, University of Novi Sad, LL.B. (2000-2006). He worked for BDK Attorneys at Law (2011-2014), Japan Tobacco International (2010-2010), Milorad Dragičević Law Office (2006-2007), and PricewaterhouseCoopers (2006-2006).

Dr. András Horváth graduated from Eötvös Loránd University in 2007. During his studies, in 2005, he was an intern at the Hungarian Competition Authority, where he assisted the work of the International Section. In the framework of a Copernicus Scholarship, in 2006, he attended several EU law courses for one semester at the Universität Hamburg and worked as an intern for the law firm Graf von Westphalen specialized in representing clients before the General Court in state aid cases. In 2007, András started working at the Constitutional Law Department of the Ministry of Justice and Law Enforcement. He also commenced his doctoral studies at the Eötvös Loránd University focusing his research on procedural aspects of EU and Hungarian competition law. In 2009, András obtained an LL.M. degree with specialization in competition law from the City University London. The subject-matter of his LL.M. thesis was litigation of damages claims based on antitrust infringements in the EU and UK. In the course of his LL.M. studies, András worked as a trainee for DG Competition of the European Commission: he participated in the drafting of the horizontal cooperation guidelines and assisted the work of case handlers in a pharmaceutical case. In 2009, András joined Kővári Tercsák Dentons Europe Attorneys as a trainee attorney, where he continued to work as an attorney-at-law, after his bar examination in 2012. His work focused on primarily EU and Hungarian competition law, intellectual property law and arbitration. In May 2015, András joined the competition law department of Kajtár Takács Hegymegi-Barakonyi Baker & McKenzie Attorneys as an attorney-at-law. András is about to finish his doctoral thesis on certain issues related to antitrust damages claims, with an emphasis on access to documents. During his doctoral studies, he held several presentations in the course of doctoral conferences and wrote several articles on recent topics of competition law.

Dr. Krystyna Kowalik-Bańczyk is an Associate Professor of European Law and Competition Law at the Institute of Law Studies, Polish Academy of Sciences, Warsaw and the Senior Lecturer of European Law at the Technical University of Gdańsk. She graduated from the Faculty of Law and Administration at the Gdańsk University. She accomplished post-graduate studies (DEA) in European Community law at the University of Social Sciences in Toulouse, France and then accomplished an LL.M. in European Union Law at the College of Europe in Bruges (Belgium). She wrote her PhD on the regulation of electronic commerce in EU and International Law. She has lectured EU law at the Centre of Europe of the

University of Warsaw and at the European School of Law and Administration in Warsaw. At present she is a member of the Department of Competition Law at the Institute of Law Studies at the Polish Academy of Sciences in Warsaw. She obtained a professor title on the basis of the book on rights of defence in EU antitrust proceedings.

Zoltán Marosi is partner at Oppenheim Law Firm in Budapest. He studied at and graduated from the Eötvös Loránd University School of Law. During his university years, he was member of the István Bibó College of Law and the Invisible College. He earned a Magister Juris (MJur) degree in European and Comparative Law from the University of Oxford in 2003 as a Chevening scholar. Zoltán joined the Budapest office of Freshfields Bruckhaus Deringer in 2003. He was an associate at Oppenheim since its inception in 2007 and has been a partner of the firm since 2014. He has authored numerous professional articles and produced a wealth of academic literature in the area of antitrust, competition and trade law. His areas of specialization are competition matters (cartels, abuse of dominance, mergers, unfair competition, state aid), administrative law, litigation and commercial law. He has experience in the following sectors: banking and finance, construction and construction materials, media, publishing & entertainment, retail and distribution, agriculture and food. Zoltán speaks Hungarian, English and German.

Dr. **Grzegorz Materna** graduated from the Faculty of Law and Administration at the Warsaw University. He holds a PhD in law. Since 2001 he works at the Office for Competition and Consumer Protection (UOKiK), where he currently holds a position of the director of Competition Protection Department. Since 2005 he has been a member of Department of Competition Law, Institute of Law Studies of the Polish Academy of Sciences. He is the author of a number of publications in the field of competition and consumer protection and antimonopoly policy and co-author of a commentaries to the Act on competition and consumer protection (edited by Prof. T. Skoczny, 2 editions) and to the Treaty on the functioning of the European Union (edited by Prof. A. Wróbel). Recently he also co-authored the study on legal conditions and strategic challenges of competition of undertakings in the globalized economy. He gives lectures at postgraduate studies at the Polish Academy of Sciences and at the Warsaw School of Economics.

Dr. **Csongor István Nagy** Ph.D., LL.M., S.J.D, dr. juris is an associate professor in Hungary, the leader of the Federal Markets “Momentum” Research Group at the Hungarian Academy of Sciences, the head of the Department of Private International Law at the University of Szeged, Faculty of Law, and an attorney-at-law admitted to the Budapest Bar. Furthermore, he is visiting professor at the Sapientia University of Transylvania and at the Riga Graduate School of Law. Nagy graduated at Eötvös Loránd University (ELTE) in Budapest, in 2003, where he also earned a PhD in 2009. During his studies he became a member of the István Bibó College of Law and Political Sciences and of the Invisible College. He received master (LL.M, 2004) and S.J.D degrees (2010) from the Central European University (CEU) in Budapest/New York. He pursued graduate and postgraduate studies in Rotterdam, Heidelberg and New York. He had visiting appointments in the Hague (Asser Institute), Munich (twice, Max Planck Institute), Hamburg (Max Planck Institute), Edinburgh (University of Edinburgh) and London (British Institute of International and Comparative Law) and was visiting faculty, among others, at CEU Business School, the Corvinus University of Budapest, the International Business School, Budapest and at the Masarykova University, Brno. He was Eurojus legal adviser in the European Commission’s Representation in Hungary. Nagy has published more than 130 pieces in English, French, German, Hungarian, Romanian and (in translation) in Spanish, among others, in the following periodicals: Acta Juridica Hungarica,

Columbia Journal of European Law, Európai Jog, European Competition Law Review, European Law Review, Gazdaság és Jog, German Law Journal, Infokommunikáció és Jog, International and Comparative Law Quarterly, IPRAX, JEMA, Jogtudományi Közlöny, Journal of Private International Law, Külgazdaság, Külgazdaság Jogi Melléklete, London Law Review, Magyar Jog, Magyar Kisebbség, Nederlands Internationaal Privaatrecht, Osteuropa-Recht, Polgári Jogi Kodifikáció, Revista Română de Drept al Afacerilor, Revista Română de Drept European, Wirtschaft und Wettbewerb, World Competition Law and Economics Review, Zeitschrift für das Privatrecht der Europäischen Union. He is also an editor of the „Verseny és Szabályozás” (“Competition and Regulation”) yearbook (Hungarian Academy of Sciences, Institute of Economics). He is the sole author of 7 monographs written in English and Hungarian, including ‘EU and US Competition Law: Divided in Unity?’ (Ashgate Publishing, UK, 2013. pp. 220.) and ‘Private international law in Hungary’ (Kluwer Law International, 2012. pp. 190.).

Dr. Mónika Papp (PhD), Associate Professor, University of Eötvös Loránd, Budapest and Research Fellow at the Hungarian Academy of Sciences. Mónika Papp lectures on EU internal market law and competition law for graduate and postgraduate students at the Department of Private International Law and European Economic Law. She is also a Research Fellow at the Hungarian Academy of Sciences, Centre for Social Sciences, member of the research group on the "Policy opportunities for Hungary in the European Union". Her PhD was written on the interface between EU internal market and competition law at the University of Eötvös Loránd. Her current research includes studying the EU legal framework for the State's active economic engagement at the Pázmány Péter Catholic University, School of Law, Budapest. Her current publications revolve around EU State Aid Law.

Dr. Michal Petr is currently a vice-chairman of the Czech Competition Authority – the Office for the Protection of Competition, responsible for competition law enforcement. Before that, he was responsible for competition legislation in the Czech Republic, among others preparing the legislative changes necessary for the Czech Republic to enter the EU, introducing the leniency programme or redrafting the criminal liability for cartels. He also lectures antitrust law at the Faculty of Law of the Palacky University in Olomouc, Czech Republic, and the Faculty of Economics and Administration of the Masaryk University in Brno, Czech Republic. Michal studied law at the Palacky University (Master Degree in 2002) and Masaryk University (Doctor Degree in 2005 and 2008) and practiced for a few months in the Competition Division of the OECD in Paris. He authored and co-authored numerous publications on competition law and due process issues; he is a member of the editorial board of the Revue of Competition Law magazine and national correspondent for the European Networks Law and Regulation Quarterly.

Daniel Stankov, head of International and External Relations Unit, Office for the Protection of Competition of the Czech Republic. Daniel Stankov has served at the Czech Office for the Protection of Competition since 2006, and served as a director of the International Department since 2010. Since 2012 his responsibilities have covered both international relations of the Czech competition authority and PR as well as external activities at the national level. Beside the cooperation among competition authorities and within various international platforms, he focuses on international aspects of competition policy, European competition and consumer policy and questions of competition enforcement in emerging markets. His responsibilities have also covered competition advocacy initiatives of the Czech competition authority. He participated in several twinning programs focused on preparation and design of institutions in countries newly establishing competition enforcement agencies.

Daniel Stankov joined the Czech competition authority after his graduation at Masaryk University in Brno, received his master's degrees in political science and international relations. Before that, he studied European law and received Interdisciplinary Master's in East European Research and Studies at University of Bologna. He lectures international aspects of competition policy and European integration at Masaryk University in Brno.

Dr. **Emőd Veress** is Associate professor of law at the Law Department of Sapientia University from Cluj-Napoca, Romania. He was elected as Secretary-General of the Societas - Central and Eastern European Company Law Research Network. He obtained a first university degree in law at the Faculty of Law of Bucharest University, Romania (9,95/10) and a Ph.D. title from University of Pécs, Hungary in 2006 (summa cum laude). His research interest include company law, competition law and capital markets regulation, and he is coordinating three research projects: Key Changes in Eastern European Company Law - a Legal History; Limits of Limited Liability in Company Law; Current Problems of Creditor and Debtor Protection. He published recently two monographs: The Suretyship Contract (C.H. Beck, Bucharest, 2015), Civil Law. General Theory Of Obligations (C.H. Beck, Bucharest, 2015).

Dr. **Zoltan Vig** teaches Business Law at the Faculty of Economics, Finance and Administration – FEFA. He obtained a degree in law (masters equivalent) at the Szeged University Faculty of Law. He holds LL.M. and S.J.D. in International Business Law from Central European University in Budapest. During his studies in Budapest he worked as Teaching Assistant to Professor Stefan Messmann. He conducted research at Max Planck and Asser Institutes, as well as at Humboldt, Hamburg, Emory and Yale Universities. In 2006 he was appointed Assistant Professor, and in 2012 he was promoted to Associate Professor at Singidunum University. During his career he has taught Corporate Law, EU Company Law, EU Law and Environmental Protection Law. He published three books in Serbian language, and several articles in English, German and Hungarian languages. Dr. Vig also gained additional practical work experience by working for Freshfields Bruckhaus Deringer international law firm. He currently works as an advisor for DBP Advokati law office in Belgrade and as a research fellow at the Institute for Legal Studies of the Hungarian Academy of Sciences.

Dr. **Peter Whelan** is an Associate Professor in Law at the School of Law, University of Leeds, where he is the Deputy Director of the Centre for Criminal Justice Studies. He has degrees in law from Trinity College Dublin and a PhD in Law from St John's College, University of Cambridge. A qualified US Attorney-at-Law, Peter is an expert in competition law and criminal law. He sits on the Editorial Boards of six journals (World Competition; Journal of Antitrust Enforcement; Romanian Competition Journal; International Review of Law; Journal of Financial Crime; and New Journal of European Criminal Law) and has published widely in specialist competition law journals, as well as in generalist law journals (including Oxford Journal of Legal Studies, Cambridge Law Journal and Modern Law Review). Peter recently published a monograph with Oxford University Press on the criminalization of European cartel enforcement. Peter is currently the Managing Editor of Oxford Competition Law. In November 2012, Peter presented oral evidence to the Commerce Committee of the New Zealand Parliament on Clause 18 of their Commerce (Cartels and Other Matters) Amendment Bill. In November 2013 he was appointed as an 'International Expert' by the Finnish Competition and Consumer Authority to advise it on the desirability of introducing criminal cartel sanctions in Finland. He presented his final report to the Finnish Ministry of Employment and the Economy in May 2014. In Bucharest in October 2014, Peter

provided training in competition law to a variety of judges from different levels of the Romanian judicial system.

Dr. **Anna Zientara** Ph.D. is an assistant professor of the Department of Competition Law in the Institute of Law Studies of the Polish Academy of Sciences and a lecturer in criminal law at the Warsaw University Faculty of Law and Administration. She is a graduate of the Faculty of Law and Administration and the Center for American Law Studies – a joint initiative of the University of Florida Levin College of Law and the University of Warsaw. In 2009 she obtained her doctoral degree in Polish law with a specialization in criminal law. She is an author of publications in criminal law, unfair competition and consumer protection.