

Training  
of National  
Judges in EU  
Competition Law



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24 and 25 October 2019

DEFCOMCOURT3  
Facultad de Derecho  
Avda. de los Naranjos s/n  
46022 Valencia



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VNIVERSITAT  
DE VALÈNCIA  Facultat de Dret  
Departament de Dret Mercantil  
"Manuel Broseta Pont"

# PROGRAMME

## THURSDAY 24 OCTOBER 2019

**15:30** Registration.

**16:00** Welcome Speech by the President of the CNMC José María Marín Quemada.

### **16:30 Economic principles and economic reasoning**

- Case 1: Collusion over margins and competitive advantages, demand elasticity, relevant market, unlawful profits, damages and contra-factual scenario. Javier García-Verdugo Sales, Economic Adviser of the National Commission Markets and Competition.
- Case 2: Market power, efficient participation, costs, price discrimination, margin squeeze and refusal to grant access. Andrea Pezzoli, Direttore Generale per la Concorrenza della Autorità Garante della Concorrenza.

**18:00** Coffee break.

### **17:15 Evidence and economic studies assessment in competition cases from a procedural perspective**

- "The role of Competition law judges in the analysis of rationality of decisions by the Competition authorities and their duty to revocation following the case law of the ECJ (case Tetra Laval)". Santiago Soldevila Frago, Judge of the National High Court. Former Judge of the Court of First Instance of the EU.
- "Assessment of expert opinions during the review procedure" Purificación Martorell Judge, 9th Section of the Provincial Court of Valencia.

**20:00** Cocktail.

## FRIDAY 25 OCTOBER 2019

### **09:30 Notion of undertaking.**

- "The notion of relevant undertaking" Ian Forrester, Judge of the General Court of the European Union.
- "Economic unity, identity and continuity of the undertaking as a means for liability imputation" Juan Ignacio Ruiz Peris, Professor of Commercial Law. University of Valencia.
- "Public Company and group companies," Joaquim Hortalá i Vallvé, Secretary of the Board of CNMC.

**11:30** Coffee break.

### **12:00 Restrictions by object and effect in Article 101 (1) TFEU**

- "Restrictions by object", Ramón Castillo Badal, Judge of the Administrative Chamber of the National High Court.
- "Information Exchanges" Carmen Estevan de Quesada, President of the Competition's Commission of Valencia.

**14:00** Lunch.

### **16:00 The concept of abuse of a dominant position under Article 102 TFEU. (English Spanish)**

- Case studies on: the concept of dominant position. Definition of the relevant market. Criteria for determining dominance. Concept of abuse.
- Roig Francisco Guerrero, Chief Inspector of Competition, Competition Directorate CNMC.
- Vera Sopeña, Technical Services Branch, Competition Directorate CNMC.

### **18:00 Exclusionary and exploitative conducts**

- "Exclusionary and exploitative conducts" Francisco de la Peña Elias, Judge of the Administrative Chamber of the National High Court.
- "Excessive prices" Carmen Rodilla Martí, Prof. Assistant Doctor, University of Valencia.
- "Exclusionary conducts in the pharmaceutical sector: a case law approach of innovative and orphan drugs", Luca Arnaudo, Autorità Garante della Concorrenza e del Mercato.

**20:00** Closing Ceremony. Pilar de la Oliva. Head of the Valencian Supreme Court.

**21:00** Dinner.