



Interdisciplinair Centrum
voor Recht en ICT
Katholieke Universiteit Leuven
Tiensestraat 41
3000 LEUVEN
T: 016-32 52 73
F: 016-32 54 38
<http://www.icri.be>



Centre de Recherches
Informatique et Droit,
Facultés Universitaires Notre-
Dame de la Paix, Namur
Rempart de la Vierge, 5
5000 NAMUR
T: 081-72 47 69
F: 081- 72 52 02
<http://www.crid.be>



The design of judicial review in electronic communications (Brussels, 6 November 2006)

Aims

The role of judges in the regulation of the electronic communications sector (i.e. infrastructures for fixed and mobile telephony, TV, Internet) has dramatically increased over the years with the increased complexity of the legislation and the multiplication of disputes between operators. In Europe, the Commission noted in its recent implementation Report that “an effective appeal mechanism is a matter of increasing importance in view of concerns indicated not only by operators but also by authorities in a number of Member States”. Similarly in the United States, major regulatory issues have been finally decided by the Supreme Court.

In the context of the current Review of the European regulatory framework for electronic communications, this conference aims to bring together judges, practitioners, regulators and academics to identify the problems and issues raised by the involvement of national and European judges in the regulation of the sector and propose some ways forward.

Program

9.30-9.40: Introduction

Session 1: National appeal systems (Chair: R. Queck, University of Namur)

9.40-10.00: A comparative analysis of the practice I

James Thomson (Cullen International)

10.00-10.40: National case studies I

- Sweden (*Sara Andersson, office of the Director-General, PTS*)

- Belgium (*Christine Schurmans, Brussels Court of Appeal*)

10.40-11.00 Coffee break

11.00-11.40 National case studies II

- United Kingdom (*Adam Scott, Competition Appeal Tribunal*)

- Germany (*Yvonne Groesch, BNetzA*)

Issues that could be addressed in these case studies

- Different roles of a national judge (appeal of NRAs' decisions, dispute resolution, other general tasks)
- Relationship between the Commission and the national judges
- Standard of judicial review
- Transmission of information and confidentiality
- Conditions to suspend the NRA decision
- Timeframe of review
- Expertise of the national appeal bodies

11.40-12.05: A comparative analysis of the practice II

Sabolcz Koppanyi (Hungarian Academy of Sciences)

12.05-12.35: Comparison with the Decentralisation of competition law

Maartje de Visser (University of Tilburg)

12.35-14.00 Lunch

Session 2: The role of the European Institutions (Chair: Peter Alexiadis, Partner, Gibson Dunn & Crutcher)

14.00-14.25: European Commission

Legal value, procedure, accountability of Article 7 decisions

Relationship between the Article 7 review, the infringement procedures and antitrust cases

Should the Commission be the first appeal body?

Inge Bernaerts (European Commission, DG Competition)

14.25-14.50: Court of Justice

What is the role of the Court of Justice in the sector: infringement procedures, annulment procedures, preliminary rulings

Organisation of the European Courts: is there a need for a specific chamber for the electronic communications

Alexandre Verheyden (Jones Day)

Session 3: The way forward (Chair: Peter Alexiadis, Partner, Gibson Dunn & Crutcher)

14.50-15.40 Academic view

Pierre Larouche (University of Tilburg)

Jens Arnbak, Professor (Delft University)

15.40-16.00 Coffee break

16.00-16.20 Institutional design and the role of the judges in the 2006 Review
Michael Shotter (European Commission, Legal Service)

16.20-16.40 Operators' view

Richard Feasey (Vodafone)

Andy Tarrant (BT Global Services)

17.10-17.35 A European judge's view

Koen Lenaerts (European Court of Justice and University of Leuven)

17.35-18.00 General discussion and closing words

Alexandre de Streel (University of Namur)

Cocktail Reception

Venue

Fondation Universitaire

Rue d'Egmont, 11

B- 1000 Brussels (next to metro Trone)

<http://www.universitairestichting.be>

Fees

250 EUR

100 EUR for academics

Organising Committee:

Cullen International, Hungarian Academy of Sciences, University of Namur (CRID), University of Leuven (ICRI), University of Tilburg (TILEC)

Registration

Sarah Fiévet : sarah.fievet@fundp.ac.be

Tel: +32-81-72.52.04