

"Procedural developments in EU competition law – the role of the judge in reviewing complex economic assessments"

Judge Nicholas Forwood

Brussels

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*The origins of the Commission's "more economic approach" to the application of EC competition rules Problems for the parties, and for the judge*

*Implementation of the approach in legislation*

*Implementation in the treatment of individual cases*

*Consten/Grundig, GlaxoSmithKline Services Unlimited (CFI and ECJ)*

*Comprehensive review as the norm for application of Article 81(1)*

*Marginal review for complex assessments in the context of Article 81(3)*

*The place of economic analysis in the application of the competition rules – a little history*

*Pedro IV Servicios, Technique Minière, Remia, BAT/Reynolds first Michelin case, Hoffmann LaRoche, Woodpulp, Holcim, John Deere.*

*Consequences of Regulation 1/2003*

*Does the nature of review depend on the nature of the Commission decision (regulatory or quasi-penal)?*

*Article 7(1) ECHR, Advocaten voor de wereld, Degussa "Intentionally or negligently" Article 23 (2)(a) of Regulation 1/2003*