## CONTENTS

| List of Sponsors                      | v            |
| List of Participants                 | vii          |
| Table of Cases                       | xiii         |
| INTRODUCTION                         | xxv          |

### SESSION A: UNEARTHING CARTELS—THE EVIDENCE

**PANEL I: Oligopoly Theory and Economic Evidence**

- Discussion
- Working Papers
  - I Joseph E. Harrington, Jr: *Behavioural Screening and the Detection of Cartels*
  - II Patrick Rey: *On the Use of Economic Analysis in Cartel Detection*
  - III Paul A. Grout and Silvia Sonderegger: *Structural Approaches to Cartel Detection*
  - IV Richard Whish: *Oligopoly Theory and Economic Evidence*
  - V Rafael Allendesalazar, Paloma Martinez-Lage and Roberto Vallina: *Oligopolies, Conscious Parallelism and Concertation*

**PANEL II: Investigating Powers of the Competition Authorities**

- Working Papers
  - I Thomas O. Barnett: *Seven Steps to Better Cartel Enforcement*
  - II Philip Collins: *Some Background Notes on the Investigative Powers of the Competition Authorities*
  - III Ian S. Forrester, QC: *Searching Beneath the Cherry Tree in the Garden: European Thoughts on How to Enhance the Task of Uncovering And Thereby Deterring Cartels*
  - IV Calvin S. Goldman, Robert E. Kwinter and Angie L. Morris: *The Investigative Powers of the Canadian Competition Bureau: Domestic and International Dimensions*
Olivier Guersent: *The EU Model of Administrative Enforcement Against Global Cartels: Evolving to Meet Challenges* 213

**SESSION B: THE INSTITUTIONAL FRAMEWORK** 221

**PANEL III: PUBLIC ENFORCEMENT (ADMINISTRATIVE AND CRIMINAL)** 223

Discussion 223

Working Papers 265

I Wouter P.J. Wils: *Is Criminalization of EU Competition Law the Answer?* 267

II Nadia Calviño: *Public Enforcement in the EU: Deterrent Effect and Proportionality of Fines* 317


IV Stephen Calkins: *Coming to Praise Criminal Antitrust Enforcement* 343

V Gregor Langus and Massimo Motta: *On the Effect of EU Cartel Investigations and Fines: On the Infringing Firms' Market Value* 363

**SESSION C: TOOLS OF ENFORCEMENT** 377

**PANEL IV: IMMUNITY/LENIENCY/FINANCIAL INCENTIVES/PLEA BARGAINING** 379

Discussion 379

Working Papers 423


II Eddy De Smijter and Donncadh Woods: *The Commission Green Paper on Damages Actions for Breach of the EC Antitrust Rules* 447


IV Mario Siragusa and Marco D’Ostuni: *A Reflection on Some Private Antitrust Law Issues* 477

**PANEL VI: IMMUNITY/LENIENCY/FINANCIAL INCENTIVES/PLEA BARGAINING** 487

Working Papers 487
## Contents

| I | Donald C. Klawiter: *US Corporate Leniency After the Blockbuster Cartels: Are We Entering a New Era?* | 489 |
| III | Margaret Bloom: *Despite Its Great Success, the EC Lenience Programme Faces Great Challenges* | 543 |
| IV | William E. Kovacic: *Bounties as Inducements to Identify Cartels* | 571 |
| V | John Ratliff: *Plea Bargaining in EC Anti-Cartel Enforcement—A System Change?* | 597 |

### PANEL VII: ENSURING THAT EFFECTIVENESS OF ENFORCEMENT DOES NOT PREJUDICE LEGAL PROTECTION—RIGHTS OF DEFENCE

#### Working Papers

| I | Peter Roth QC: *Ensuring that Effectiveness of Enforcement Does Not Prejudice Legal Protection. Rights of Defence. Fundamental Rights Concerns* | 625 |
| II | Christopher Harding: *Effectiveness of Enforcement and Legal Protection* | 643 |
| III | Nicholas Forwood: *Effective Enforcement and Legal Protection—Friends or Enemies* | 661 |

### Bibliography

665