

The European Aviation Club & Airneth

Competition, Concentration and Consolidation

Brussels 9th December 2011

Hotel Bristol Stephanie, Avenue Louise 91-93, 1050 Brussels

09.40: Introduction and welcome by

The Chairman of the EAC: **Prof. Rigas Doganis** and
The Director of Airneth: **Dr. Guillaume Burghouwt**

10.00 – 11.30 Session 1:

The Commission's Merger Policy after the Aegean/Olympic Decision.

Aim: To re-assess the Commission's policy on airline mergers and analyze the effectiveness of remedies typically accepted in these cases.
Is the Aegean/Olympic decision consistent with previous decisions and with competition principles?
Have remedies accepted in earlier merger approvals had the desired effect?
eg. AF/KLM, LH/SN, LH/Austrian or LH/Swiss.
Are there alternative remedy solutions?
Does the Commission's approach need to be rethought?

Speakers' Panel :

Chairman: **Prof. Rigas Doganis**, non-executive Director easyJet

- **Mr. Antonis Simigdalas**, CEO Airline Division, Marfin Investment Group Holdings S.A.; former CEO of Olympic Air and of Aegean Airlines (Athens)
- **Dr. Guillaume Burghouwt**, Director Airneth (Amsterdam)
- **Mr. Paul McGeown**, Partner, Wilson Sonsini (Brussels)
- **Mr. Chris Gadsden**, Regulatory Affairs Manager, EasyJet (United Kingdom)

11.30 - 11.45: coffee break

11.45- 13.15 Session 2:

The Impact of Global Alliances on the Competitive Environment

Aim: To assess whether Global alliances are creating oligopolies.
Are alliances a form of concentration rather than real consolidation?
Do the consumer benefits outweigh the risks?
Should regulators take a closer look at the impact of global alliances as the latter tighten up their internal co-operation?

Speakers' Panel:

Chairman: **Prof. Dr. Peter van Fenema** – Adjunct Professor, McGill University, Institute of Air and Space Law, Montreal

- **Mr. Horst Findeisen**, Vice President Business Development, Star Alliance (Frankfurt)
- **Mr. Philippe Ruttley**, Partner, Clyde & Co (London)
- **Mr. Hubert Horan**, Independent Aviation Consultant (Phoenix, Arizona)
- **Prof. Dr. Pablo Mendes de Leon**, Director, Institute of Air and Space Law, (Leiden)

13.15 - 14.15 lunch

14.15 - 15.45 Session 3:

The Commission's Cargo Cartel Decision

Aim: To discuss the multiple jeopardy which airlines face in view of the concurrent application of the competition laws of a number of different jurisdictions
To assess the implications of the Commission's cargo cartel decision on airlines.
What legal/economic issues does it raise for airlines and what lessons can be learned?
Are the levels of fines imposed proportionate to the harm caused?

Speakers' Panel:

Chairman: **Mr. John Balfour**, Consultant, Clyde & Co

- **Mr. Gavin Bushell**, Partner, Baker & McKenzie (Brussels)
- **Mr. Bill Bishop**, Vice President, Charles River Associates, CRA (London)
- Brick Court Chambers (invited)

15.45 - 16.00 Break

16.00 - 17.30 Session 4:

Securing a level playing field with Third Country Airlines

Aim: To assess if competition is distorted by subsidies to third country airlines.
If so what form do they take and how can their existence be proved.
Is EU Regulation 868/2004 the answer?
Does the issue of subsidizing call for further Regulation or should the solution be formulated under Bilateral Agreements.
Are countervailing (or redressive) measures in the form of duties, undertakings, restrictions of landing rights, etc. justified and what will their long term effect be?

Speakers' Panel :

Chairman: **Prof. Mia Wouters**, University of Ghent, LVP Law

- **Mr. Carlos Mestre**, European Commission, DG MOVE, Deputy Head of Unit; Internal market, air transport agreements & multilateral relations (Brussels)
- **Mr. Ulrich Schulte-Strathaus**, Secretary General or **Mr. Athar Husain Khan** General Manager infrastructure, AEA (Brussels)
- **Mr. Jim Callahan**, General Counsel & Company Secretary, Etihad Airways (Abu Dhabi)
- **Mr. Philip Thomas**, consultant, Oxford Economics (London) (invited)

17.30 : close of the conference by chairmen

Followed by a reception