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José Rivas interviews European Competition Commissioner Joaquín Almunia

Jose Rivas (Bird and Bird, Belgium) · Monday, March 28th, 2011

To commemorate his first year in office as Competition Commissioner, Mr. Almunia and José openly discuss current and future competition policy issues. The full interview for World Competition is posted in Mr Almunia's webpage http://ec.europa.eu/commission_2010-2014/almunia/index_fr.htm

Amongst the varied topics covered in this interview the following are worth highlighting: Fines and Damages for Competition law infringements; the interplay between Competition law and IP; the enhancement of international cooperation; and enforcement as a guarantor of consumer welfare.

* Penalties: No reduction of the current level of EU fines should be expected. Moreover, the objective is to implement a more effective system of private antitrust damages actions across the EU based on common legal principles and safeguards. To assist this, the Commission plans to provide guidance as to the quantification of damages.

* IP Law: Competition enforcement and IP law are both designed to maximize the level of innovation. Competition law ensures IPR cannot be used to stifle competition and innovation. In particular:

* Antitrust enforcement action is warranted when a dominant player does not ensure interoperability, particularly in cases where technologies are essential for a next generation of innovation.

* In the field of standardisation, the aim is to facilitate access to industry standards on FRAND terms and increase transparency as regards IPR in the context of standard settings.

* Establishing a digital EU single market for content online services is one of the Commissioner's priorities. There will be a focus on facilitating cross-border licensing and copyright clearance.

* Europe's International Reach: In recent years, 1/3 of complex merger decision and all cartel investigations involved international cooperation. The U.S. Department of Justice (DoJ) and Federal Trade Commission (FTC) are the Commission's most frequent bilateral cooperation partners. Currently, existing cooperation agreements do not allow agencies to exchange confidential information. According to Commissioner Almunia, a solution to overcome this significant obstacle to effective cooperation is needed.

* Focus on Consumer Welfare: The Commissioner's highlights of his term thus far put the focus on enforcement cases to ensure consumer welfare:

* Decisions like the Visa case reducing interbank fees for debit cards has resulted in savings for EU citizens worth €10 and €20 billion;

* Investigations of leading ICT companies such as Apple, IBM or Google aim to preserve opportunities for new entrants and to provide tangible consumer benefits and efficiency-driven growth.

Whilst some critics have questioned whether the current administrative system of enforcement is sufficient guarantee of due process, the Commissioner finds the current system sufficiently efficient in this regard. No alternative enforcement system should be expected.

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