

# WILMER, CUTLER & PICKERING

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## ANTITRUST & COMPETITION PRACTICE: 2002 IN REVIEW

**W**e wanted to update you on some of the more significant developments in Wilmer, Cutler & Pickering's (WCP's) Antitrust and Competition Practice during the year 2002. Exciting changes took place this past year, including new arrivals, such as: Claus-Dieter Ehlermann, the former Director of DG Competition in the European Commission; the return of our practice group co-chair, Bill Kolasky, from the U.S. Department of Justice; the merger with the Berlin firm of Quack Rechtsanwälte; and new positions for a number of our attorneys. Our successes in antitrust and competition matters set groundbreaking precedents in the United States and in Europe. Through our work in merger clearance, counseling, litigation and government investigations on both sides of the Atlantic, WCP was once again recognized as one of the leading global competition and antitrust practices by *Who's Who Legal*, *Chambers Leading Global Lawyers*, and *The Legal 500*, among others.

Our developments in the past year are in keeping with a long and proud tradition. An article in the latest issue of *Antitrust* magazine discussing U.S. Supreme Court Justice Powell's recently released papers quotes a letter from him to his law clerk regarding the famous *GTE Sylvania* decision: "My recollection is that the brief filed by Wilmer Cutler is the single most helpful brief in the case. No doubt you have drawn on it heavily. If not, I commend it to you." In an interview, Justice Powell's former law clerk added: "The Wilmer Cutler brief was head and shoulders above anything else we had. It really was a masterful brief that was clearly written and yet had all the policy arguments included."

### PEOPLE

WCP now has over 55 antitrust and competition lawyers with diverse expertise. In addition to WCP's Washington, D.C. office, we have competition lawyers in our Berlin, Brussels, and London offices.

We are delighted to welcome back **William J. Kolasky** as a partner resident in the Washington, D.C. office, where he will again co-chair the firm's Antitrust and Competition Practice Group. Bill brings an extraordinary breadth of experience in both government and the private sector, especially in antitrust and competition matters with international aspects. Bill first joined WCP in 1975 and became a partner in 1979. He left the firm in September 2001 to serve as Deputy Assistant Attorney General at the U.S. Department of Justice, where he was in charge of international antitrust and policy enforcement. Among other achievements, Bill is credited with being one of the architects of the new International Competition Network (ICN), an informal network of more than 75 competition authorities worldwide, and he served as the chair of the ICN's Merger Working Group.

**Claus-Dieter Ehlermann**, one of the leading authorities on European competition, trade, and administrative law, joined the firm as Counsel in the Brussels office in March 2002. Claus-Dieter provides our clients with invaluable insights into the intersection of international business law, government, and public policy in Europe. He was Chairman of the Appellate Body of the World Trade Organization in Geneva in 2001, having served as a member since 1995. Before his service on the WTO Appellate Body, he held several senior positions with the European Commission. From 1990 to 1995, he was Director-General of the Directorate-General for Competition (then DG-IV), the highest ranking civil servant of the competition authority in Brussels.

Before that, he served for ten years as Director-General of the Legal Service of the European Commission – the senior legal advisor of the European Commission.

At the beginning of 2002, WCP and the Berlin firm of Quack Rechtsanwälte merged, complementing one another perfectly in the areas of competition law and merger control. By joining forces with Quack, WCP has significantly strengthened its existing corporate, M&A and regulatory practices, while gaining expertise in a number of important new areas. Apart from highly reputed experts in employment law, Quack contributed considerable expertise in the areas of intellectual property law and taxation. For the European Competition practice more specifically, we gained **Karlheinz Quack** and **Ulrich Quack**, renowned specialists in German and EC Competition law, reinforcing our existing team.

Karlheinz Quack is recognized in Germany as one of the leading practitioners of EC and German antitrust law, as well as corporate law. He advises and represents major national and foreign companies on all aspects of the formation of companies and corporations, on mergers and acquisitions and in antitrust cases before national and European antitrust authorities and courts. Karlheinz is the author of numerous publications and co-author of the *Frankfurter Kommentar zum Kartellrecht*. He was President of the Berlin Bar from 1971-1981, President of the German Association for Intellectual Property Rights and Copyright (GRUR) (1981-1992), and is a lecturer at the Free University of Berlin and Humboldt University Berlin.

Ulrich Quack has practiced both European and German competition law for more than ten years. He has advised and represented clients active in a variety of industries in numerous proceedings before the European Commission and the German Federal Cartel Office, in appeal proceedings and in private antitrust actions. Ulrich's practice encompasses mergers and joint ventures, matters related to horizontal and vertical agreements, dominance and market access issues and cartel proceedings. He has extensive experience in the energy supply industry.

In August, **Marco Bronckers**, **Yves Van Gerven**, and **Frédéric Louis**, formerly partners with the Belgian

office of Stibbe, joined the firm in Brussels, with senior associates **Natalie McNelis** and **Anne Vallery**, and associates **Axel Desmedt** and **Lorelien Hoet**. Natalie has since been promoted to counsel of WCP.

Marco Bronckers has a broad and accomplished professional profile and is a recognized leader in competition and trade law. Marco has been involved in the clearance of a number of major precedent-setting mergers and joint ventures, in particular in the public utilities sector, acting for postal, telecommunications and energy companies and agencies. He also has assisted a leading worldwide sports organization in clearing its rules for the international transfer of players with the European Commission. Marco publishes extensively and is a Professor of Law at the University of Leiden, where he holds the chair for WTO and EC external trade relations law. He also practices Dutch competition law.

Over the last decade, Yves Van Gerven has represented major corporate clients in notifications of mergers and joint ventures with the European Commission and EC proceedings based on alleged infringement of competition rules. He has represented clients in competition law litigation before the European Court of Justice and Court of First Instance, as well as before the Belgian and Dutch courts. Yves also advises the Belgian government on EU regulatory issues and State aid.

Frédéric Louis specializes in all aspects of EC and Belgian competition law and has represented clients in many cases before the European Commission and the Dutch and Belgian antitrust authorities. His practice includes merger notifications and requests for exemption from the cartel rules, as well as complaints and defenses against cartel, abuse of dominance and State aid inquiries. Frédéric has extensive litigation experience and has appeared in many cases before the European Court of Justice and Court of First Instance in Luxembourg and before Belgian and Dutch courts. He has advised clients in the industrial goods sector, regulated industries (telecom, post, energy, transport) and consumer goods and services industries.

**Lee Greenfield, Eric Mahr, and Martin Seyfarth** were elected partner.

Lee Greenfield has a wide-ranging practice that focuses on antitrust and other government regulatory issues. Lee has assisted in obtaining merger clearance for transactions in various industries, including defense, manufacturing, professional services, airlines and financial services. He also has handled several civil non-merger competition matters, both in the United States and the European Union. He is resident in the firm's Washington, D.C. office.

Eric Mahr has been based in both our Washington and Brussels offices, focusing in particular on international merger clearance and antitrust investigations. Over the past few years, Eric has represented clients in second-phase merger procedures before regulators in both the United States and Europe. Additionally, he has extensive U.S. litigation experience, having spent five years as a Trial Attorney with the U.S. Department of Justice. Eric currently is resident in the firm's Brussels office.

Martin Seyfarth's practice focuses on national and international transactions, particularly in the energy and transportation sectors. He uses his broad experience in government to advise clients on legal and strategic issues related to legislation and government affairs in both Germany and Europe. Before joining WCP, Martin served as Chief of Staff at the German Federal Ministry of Transport. He is resident in the firm's Berlin office.

**Natalie McNelis and Rainer Velte** were promoted to counsel in Brussels and Berlin, respectively. **Yaa Apori, Laura Batenic, Aaron Brinkman, Jacqueline Haberer, and David Olsky**, resident in our Washington, D.C. office, also joined our Antitrust and Competition Group as associates.

#### **DEVELOPMENTS IN OUR PRACTICE**

We have represented clients in many prominent and complex antitrust and competition matters over the last year. Below are some of the noteworthy public matters we worked on in 2002:

#### **U.S. MERGER CLEARANCE**

**Aramark Acquisitions.** WCP obtained FTC clearance for three acquisitions by Aramark, one in medical support services, one in facilities services and the third in the contract food services industry.

**Bayer/Aventis.** We obtained clearance for Bayer's \$7 billion acquisition of Aventis Crop Science, a leading supplier of agricultural chemicals and related products.

**United Artists/Regal/Edwards.** We obtained clearance from the Department of Justice for the acquisition of Edwards Cinemas and Regal Cinemas by our client, Anschutz Corporation, the largest shareholder of United Artists.

**Danaher Corporation.** WCP's Business Transactions Group handled a series of transactions for Danaher Corporation. As soon as the deals were signed, the Antitrust and Competition team took over and promptly obtained regulatory clearance in multiple jurisdictions, including the United States, Germany, Italy, Finland, United Kingdom, and Brazil.

**Datum/Symmetricom.** We obtained clearance of our client Datum's merger with Symmetricom, a supplier of timing and synchronization products for use in telecommunications networks.

**Phillips Petroleum/Conoco.** We were co-counsel for Phillips Petroleum Corporation for its merger with Conoco.

**Reichhold.** We obtained early termination of the waiting period for Reichhold's sale of its Swift Adhesives business to Forbo.

#### **U.S. LITIGATION/GOVERNMENT INVESTIGATIONS**

**Bal Harbour Shops.** WCP represented Bal Harbour Shops, Ltd. in an antitrust suit brought by another shopping center developer in the Miami area.

**Friedman v. Salomon Smith Barney.** We represented Salomon Smith Barney in a major antitrust class action alleging that the 18 leading investment banks had colluded with respect to their policies concerning the "flipping," or immediate resale, of shares allocated by the firms in initial public offerings (IPOs). The Second Circuit recently affirmed the district court's dismissal of the case, reasoning that the conduct at

issue was already subject to scrutiny by the SEC and impliedly immune from the antitrust laws.

***In re Options Exchange Antitrust Litigation.*** We represented the Pacific Exchange, which was accused of entering into an agreement with other options exchanges to allocate the exclusive trading of certain equity options. The Second Circuit recently affirmed the district court's dismissal of the plaintiffs' claims on implied immunity grounds.

***In re Public Offering Fee Antitrust Litigation.*** We represent Salomon Smith Barney in an antitrust class action alleging collusion among the major investment banks in the setting of underwriting fees.

***In re Initial Public Offering Antitrust Litigation.*** We represent Salomon Smith Barney in an antitrust class action alleging collusion among major underwriters to force customers to incur certain "charges" in exchange for allocations of shares of certain IPOs.

**Rambus.** We represent Rambus Inc. in the FTC litigation concerning alleged antitrust violations involving standard setting and intellectual property.

***Snaido v. Bank Austria.*** We obtained dismissal of a purported antitrust class action brought in the Southern District of New York against our clients and other European banks.

**Washington Suburban Press Network.** We represented Press Network, an entity that represents community newspapers to regional and national advertisers, in an antitrust suit brought in federal court in Maryland against Network and The Washington Post by two publishers of community newspapers. The district court granted summary judgment on behalf of all defendants in August.

**Questar.** Doug Melamed testified as an expert witness on behalf of the prevailing party in litigation involving a natural gas pipeline joint venture in which the various claims totaled approximately \$1 billion.

## EC MERGER PROCEEDINGS

**Tetra Laval/Sidel.** WCP was lead counsel for Tetra Laval in its acquisition of the PET packaging business of Sidel before the European Commission. After the Commission prohibited the transaction in October 2001, WCP acted as co-counsel in an appeal to the European Court of First Instance, where the case was one of the first to be treated under the Court's new "fast-track" procedure. The CFI annulled the

Commission's decision in October 2002. In mid-January 2003, the Commission agreed to clear the transaction on remand with only minor undertakings. This is the first time ever that the Commission reversed its original merger prohibition decision. Our representation in both the administrative and appellate phases of this landmark case has placed WCP at the center of revolutionary changes in EC merger review resulting from the CFI's more active role in reviewing Commission merger decisions.

**AOL Time Warner/n-tv.** We assisted AOL Time Warner in obtaining approval from the European Commission for a change of control of the German television news network n-tv, which is currently jointly controlled by AOL Time Warner and Holtzbrink. Holtzbrink sold its interest in n-tv to RTL/Bertelsmann. Clearance was obtained in November.

**Howaldtswerke Deutsche Werft/Hellenic Shipyards.** We provided advice concerning a joint acquisition of a Greek shipyard by HDW and Ferrostaal. Clearance was obtained in April.

**TIU.** We are providing merger advice to TIU concerning various transactions in the travel industry.

**Linde/Komatsu.** We obtained clearance for a joint venture between Linde and Komatsu relating to forklift trucks.

**Outokumpu/Heatcraft joint venture.** We handled the EC merger control clearance, the related clearance in the Czech Republic and antitrust reviews in other jurisdictions of a joint venture for heat transfer products between Outokumpu and Lennox.

**VTG-Lehnkering/M.M. Warburg/Brambles.** We secured EC merger clearance for the purchase of Europe's largest rail logistics business by Germany's leading rail logistics operator, VTG-Lehnkering. Clearance was obtained in March.

## EU MEMBER STATE MERGER PROCEEDINGS

**Danaher/Willett.** We obtained first-phase clearance in Germany and Finland for Danaher Corporation's acquisition of Willett, a supplier of industrial product identification equipment, and advised and represented Danaher in numerous other acquisitions.

**Westdeutsche Allgemeine Zeitung.** We are providing merger control advice regarding the acquisition of German newspaper publishing companies.

## EUROPEAN COMMISSION INVESTIGATIONS AND OTHER EC-RELATED MATTERS

**AOL Time Warner/MusicNet.** We are representing AOL Time Warner in connection with the European Commission's Articles 81 and 82 EC investigation of the MusicNet venture, an online music B2B. AOL Time Warner, Bertelsmann, EMI, and RealNetworks are all parties to the venture, which has yet to launch commercially in Europe.

**European Commission/VEWA.** We are representing the European Commission in litigation before the Brussels Court of Appeal regarding access to documents exchanged during infringement proceedings brought by the Commission against the Belgian State for violation of Community laws concerning transparency.

**FIFA/Players Agents Regulations.** We are representing FIFA, the world governing body of soccer, as an intervener before the Court of First Instance to support the European Commission's decision rejecting a complaint against FIFA's players' agents regulations.

**RZB.** We represent major Austrian bank RZB in its appeal of a EUR 30 million fine imposed by the Commission for RZB's participation in the institutionalized consultations in the Austrian banking sector ("Lombard Club"). The appeal raises many important policy issues such as the Commission's jurisdiction to investigate cartels that do not transcend the borders of one Member State, and the role of national government involvement in setting fines.

**Telia Finland/Sonera.** We continue to represent Telia Finland in its pending complaint against the Finnish mobile operator Sonera's decision to cut off access to Sonera's mobile network.

**Linde/BOC.** We are advising Linde with regard to a planned joint venture between Linde and BOC.

## STATE AID PROCEDURES

**Czech Bank Privatization Proceedings.** We are representing a major global financial institution in its complaints before the European Commission against Czech aid granted to the banking sector. This proceeding arises from a series of events relating to privatization of the Czech banking system.

**N.V. Zeekanaal.** We assisted this waterway authority (responsible for the Flemish inland waterways) in the notification with the European Commission's Director-

ate General for Transports and Energy of a State aid scheme.

**Pollmeier.** We are representing a German company in litigation before the Court of First Instance, which raises important policy considerations with respect to the Commission's treatment of State aid granted to small and medium undertakings.

## CARTEL AND COUNSELING CASES

Our EC Competition Group is involved in several, as yet not public, cartel defense cases before the European Commission and/or European national competition authorities. We also continue to offer advice to companies considered dominant under the EC rules on competition compliance (*e.g.*, for rebate and bonus systems).

## GERMAN COMPETITION LAW

**BP/E.ON/Ruhrigas.** WCP achieved a major success in helping BP obtain German Government approval for a \$5 billion (swap out) between BP and E.ON. On July 5, the Economics Ministry of the German Government issued a Ministerial Waiver that overturned a ruling of the German cartel office (FCO) that would have blocked BP's sale of its interest in Ruhrigas to E.ON. This was only the seventh time the German Government has granted a Ministerial Waiver.

**Beverage can deposit system.** We are providing strategic and antitrust advice with regard to the creation of a German-wide deposit system for beverage cans and one-way bottles.

**Gaz de France Deutschland.** We are advising Gaz de France Deutschland in various matters regarding issues of third party access to gas pipelines, planned acquisitions and sales of shareholdings in regional/local gas suppliers, and issues of gas supply contracts. In addition, we are providing antitrust and energy law advice with regard to the planned restructuring of a gas pipeline joint venture.

**ETC.de.** We advised the consortium ETC.de in public procurement proceedings concerning the award of the contract for a toll system for trucks on German motorways.

**WINGAS.** We are counsel to WINGAS in court proceedings relating to a decision of the FCO prohibiting so-called demarcation agreements with two competitors.

## PUBLICATIONS

In 2002, attorneys in WCP's Antitrust and Competition Practice Group wrote many published articles, in addition to our regular series of client updates:

Sheila Cheston, Leon Greenfield, and Nicole Telecki, *Understanding CFIUS: An Outline of the CFIUS Process and Strategic Considerations*, GLOBAL COUNSEL (May 2002).

Claus-Dieter Ehlermann, *Monti Must Not Be Afraid to Tackle Microsoft*, FINANCIAL TIMES, November 12, 2002.

Christian Duvernoy and Omar Shah, *European Competition Law and the Communications Sector: The Shift from Regulation to Enforcement*, GLOBAL COMMUNICATIONS INDUSTRY REPORT 2002.

Christian Duvernoy and Deirdre Waters, *Competition Law Analysis as a Tool for Ex Ante Regulation*, THE EUROPEAN ANTITRUST REVIEW 2002.

Christian Duvernoy and Deirdre Waters, *A New Framework for the Communications Sector: the Marriage of Competition Policy and Regulation*, THE EUROPEAN ANTITRUST REVIEW 2003.

Frédéric Louis and Anne Vallery, *Review of Competition & State Aid Decisions and Judgments*, CAHIERS DE DROIT EUROPEEN 2002.

Eric Mahr and Ylenia Ariano, *European Court Annuls Airtours/First Choice Merger Prohibition*, THE INTERNATIONAL BUSINESS LAWYER (June 2002).

Eric Mahr, *French Connection? The New, Mandatory French Merger Regime*, THE DAILY DEAL (July 2002).

A. Douglas Melamed and Ali M. Stoeppelwerth, *The CSU Case: Facts, Formalism and the Intersection of Antitrust and Intellectual Property Law*, 9 GEO. MASON L. REV. 407 (2002).

A. Douglas Melamed and Charles S. Stark, *Merger Control and the Importance of Judicious Review*, in J. Rowley (ed.), INTERNATIONAL MERGER CONTROL: PRESCRIPTIONS FOR CONVERGENCE (IBA 2002).

Thomas Mueller, Eric Mahr, and Axel Gutermuth, *European Union: Negotiating the Treacherous Shoals of EC Merger Clearance*, IFLR M&A YEARBOOK 2002.

John Ratliff, *EC Merger Control*, THE EUROPEAN ANTITRUST REVIEW 2002.

John Ratliff, Sven Voelcker, and Antonio Capobianco, *EC Merger Control 2002/2003: From Controversy to Change*, THE EUROPEAN ANTITRUST REVIEW 2003.

John Ratliff, *Major Events and Policy Issues in EC Competition Law 2000-2001*, INTERNATIONAL COMPANY AND COMMERCIAL LAW REVIEW 2002

Charles S. Stark, *EU-US Cooperation*, THE EUROPEAN ANTITRUST REVIEW 2002.

Charles S. Stark and Pablo Charro, *US-EC Cooperation in Merger Enforcement*, INTERNATIONAL MERGERS & ACQUISITIONS REVIEW 2002.

Charles S. Stark, Frédéric Louis, & Flavia Distefano, *Recent Developments Under Article 81 EC in EC Competition Law*, ABA ANTITRUST NEWSLETTER (April-September 2002).

Yves Van Gerven, *Overview of European Court of Justice and Court of First Instance Decisions on Public Undertakings & State Aid (1999-2001)*, BELGIAN COMMERCIAL L. REV. 2002.

Sven Voelcker and Pablo Charro, *EC Modernization Regulation: A First Analysis of the Practical Consequences of Regulation 1/2003 for the International Business Community*, COMPETITION LAW INSIGHT, January 2003.

Pablo Charro, *Case Note on the Concordia Bus Finland Judgment*, 40 COMMON MARKET LAW REVIEW, January/February 2003.

## SPEECHES AND OTHER ACTIVITIES

**Robert B. Bell** spoke on B2B ventures at the World Computer and Internet Law Congress, sponsored by the Computer Law Association, the Federal Communications Bar Association, the D.C. Bar, and the American Corporate Counsel Association. Robert also spoke on this issue at the Canadian Bar Association's Competition Law Conference.

**C.D. Ehlermann** chaired the Panel on Due Process at the Commission IBA Merger Conference in November, and co-chaired September's IBA Competition Law Conference in Florence, Italy, at the EUI. In addition, he gave various trade-related speeches, such as "The Appellate Body of the WTO" at the Texas Journal of International Law Symposium in Houston; and "Fusion, Concentration en Europe; Améliorer les règles du jeu" at the November 2002 Conference Europe et Société in Paris. He was a panelist at The 9th Geneva Global Arbitration Forum; and co-chair of the conference "WTO Negotiators Meet Academics — Improvements and Clarifications of the Dispute Settlement Understanding" in September.

**Lee Greenfield** spoke at a competition practitioners' workshop on efficiencies in merger analysis sponsored by the British Institute of International and Comparative Law and presented a paper he co-authored entitled, "Efficiencies in Merger Review: Some Observations from North America." In 2001, Lee was appointed Adjunct Professor of Law at the Georgetown University Law Center. He is currently co-teaching a course on international civil litigation in U.S. courts.

**Veronica Kayne** has spoken on antitrust enforcement in the Bush administration to the Washington Metropolitan Corporate Counsel Association. She was a panelist in an ABA Antitrust Section program on the FTC's *California Dental Association* case and moderated an ABA Business Law Section program on premerger notification regimes in the U.S. and the EU. She was also a panelist on a Robinson-Patman Act program at the National Advertising & Promotional Allowance's annual conference. In addition, she gave a speech entitled, "Antitrust and Intellectual Property: Why So Tense?" at a conference on intellectual property.

**Bill Kolasky** gave a speech entitled, "The Role of Economics in Merger Enforcement: Efficiencies and Market Definition under Conditions of Price Discrimination" at the Charles River Associates Conference on "Current Topics in Merger & Antitrust Enforcement"

in Washington, DC (December 2002).

**Jim Lowe** moderated a panel at the ABA Antitrust Section's Spring Meeting entitled, "Implications of the Cartel Experience on Civil Litigation and Merger Analysis." In October, Jim provided an update to corporate counsel and executives on developments in U.S. antitrust law at a roundtable sponsored by WCP's Northern Virginia office. Jim also participated as a panelist at the Federal Trade Commission's program on merger review best practices.

**Eric Mahr** spoke at a seminar entitled, "Lobbying and Decision-Making in Europe" in Brussels this past October. He also gave a presentation on EC Competition Policy as part of the European Centre for Public Affairs' intensive training course on "Working with the EU — Institutional Relations and Public Affairs" in Brussels on June 24, 2002.

**Doug Melamed** spoke about antitrust and intellectual property issues at the British Institute of International and Comparative Law in London in May and spoke at various other conferences concerning U.S. and international antitrust law. He moderated the panel on intellectual property and antitrust issues at the ABA Antitrust Section's Fall Forum in Washington, D.C., this past November and participated on two separate occasions in the hearings of the Federal Trade Commission and the Department of Justice on "Competition and International Property Law and Policy in the Knowledge-Based Economy."

**Thomas Mueller** participated in the November ICN International Merger Conference on the panel, "Dialog with the Private Sector, Private Sector Perspectives," where he spoke on merger review processes, procedures and substance.

**Ulrich Quack** spoke on "The Legal Framework of Electricity and Gas Trading – Specific Network Access Issues," at the 7th Crossroads of International Business and Trade Law Conference at the Humboldt University in Berlin, Germany (April 2002).

**John Ratliff** has given speeches on various subjects, such as: "Remedies and Undertakings in EC Merger Control" (at the IBC Advanced EC Competition Law Conference in London in April 2002); "Recent Competition Cases in the European Courts" (at a conference organized by the Academy of European Law Trier in Brussels in May 2002); "The European Commission's Role in Competition Litigation" (at the IBC conference on such litigation in London in July 2002); and "Competition and Energy – Towards A Level Playing Field"

(at the Brussels Energy Roundtable in July 2002). He also gave his annual review of “Major Events and Policy Issues in EC Competition law, 2001-02” at the IBC Conference on Advanced EC Competition Law in Brussels in November 2002, and spoke at the IBC Competition Law Conference in Florence, Italy, on “EC Cartel Law” in September. In addition, John spoke with Luc Peepkorn of the European Commission in an ABA “Brown Bag” seminar on “The Modern Law of Vertical Restraints in EC Competition Law.” The seminar was chaired by Charles Stark, who offered U.S. comparisons (January 2002).

**Charles S. Stark** spoke during the year at various leading conferences and seminars, both in Europe and in the United States. Among them, he spoke on the application of U.S. and EC antitrust law to airlines at a conference in Brussels on airline consolidation; on U.S. and EC antitrust implications for trade associations at the ABA Antitrust Section Spring Meeting in Washington, DC; on efficiencies at a LECG Transatlantic Merger Regulation conference in Brussels; on multijurisdictional merger review at an ABA/New York City Bar Association program in New York on “Getting Your Deal Through in the New Antitrust Climate”; was a commentator on Commissioner Monti’s remarks at the annual Fordham Corporate Law Institute in New York; and moderated a panel on European Merger Control at the Annual Merger Conference of the British Institute of International and Comparative

Law in London. He also participated as a private sector advisor to the Merger Notification and Procedures Working Group at the First Annual International Competition Network Conference in Naples, Italy in September.

**Ali Stoepelwerth** spoke on implied immunity on a panel addressing antitrust developments in the securities industry at the Securities Industry Association’s annual meeting last March in Palm Springs.

**Sven Voelcker** spoke before the German Competition Lawyers Association (*Studienvereinigung Kartellrecht*) in Luxembourg on litigating EU competition cases (June 2002). He also spoke on EU developments on a panel discussing international antitrust law developments at the Annual Meeting of the ABA’s Business Law Section in August 2002. Sven also gave a speech on “Recent Developments in EU Merger Control – the Green Paper” at the Hawksmere conference on Latest Developments in EU and U.S. Competition Law in Brussels (October 2002).

**Yves Van Gerven, Anne Vallery, and Axel Desmedt** participated in a closed workshop with European Commission officials and economic experts concerning the economics of antitrust in the telecommunications sector on September 16, 2002, in Brussels.