



The regulator and its judge(s)

THE CLUB OF REGULATORS' ANNUAL CONFERENCE

Tuesday 7 November 2017 | 9:00-13:00
Raymond Aron (2nd floor)

<http://chairgovreg.fondation-dauphine.fr>

The decisions of economic regulators are subject to judicial review, in forms which vary across jurisdictions and matters (specialized courts / general circuit, single court / multiple courts depending on subjects, multiple, first and last resort / multiple levels, full reviews / manifest error). The regulator's opinion may also be taken into account by courts ruling on decision taken by other public bodies, or on cases involving regulated entities.

These reviews have historically contributed to shape the legal framework in which regulators operate – in respect of procedures as well as of substance – as well as their organization and processes. In recent years, the increasing number and/or complexity of litigation cases have absorbed a substantial share of the resources of economic regulators in some jurisdictions. They also raise questions for courts: technical complexity, expertise, consistency across sectors and jurisdictions (e.g. in the EU).

Program

9:00-10:45 **1ST ROUNDTABLE:** **THE IMPACT OF LITIGATION ON ECONOMIC REGULATORS**

The first roundtable will confront the experience of regulators from various jurisdictions and sectors on the extent and key features of litigation on regulatory matters, on their impact on the regulator (on decisions, procedures, substance, organization) in the near/long term, and on how they face the development of highly complex or mass cases.

Chaired by **Eric Brousseau**, Professor of Economics and Management at the University Paris-Dauphine, Scientific Director of the Club des Régulateurs.

SPEAKERS:

- **Marie-Astrid de Barmon** | Head of the legal department, French rail and road regulatory authority (ARAFER)
- **Tiago de Barros Correia** | Director, Agência Nacional de Energia Elétrica (Brazil)
- **Annegret Groebel** | Head of the International Department, Bundesnetzagentur (Germany)
- **Richard Home** | Executive General Manager, Legal and Economic – Australian Competition & Consumer Commission
- **Jesus Serrano Landeros & Montserrat Ramiro Ximenez** | Commissioners, Comisión Reguladora de Energía (Mexico)

10:45-11:15 *Coffee break*

11:15-13:00 **2ND ROUNDTABLE:** **TRENDS IN REGULATORY LITIGATION**

In the second roundtable, academics and judges, including former regulators, will exchange views on key trends in regulatory litigation, in particular on recent developments on the types of claims, on case law (on substance and on regulatory procedures), as well as in the organization of court systems to review regulatory decisions.

Chaired by **Jean-Yves Ollier**, member of the French Council of State, chair of the Network of Economic Regulators, vice-chair of the Board of Appeal of the Agency for the Cooperation of Economic Regulators

SPEAKERS:

- **Luigi Carbone** | Chair of the consultative section for normative acts, Council of State (Italy); Former commissioner at the Regulatory Authority for Electricity, Gas and Water; Former chair of the OECD NER
- **Lorenzo Casullo** | Economic Adviser, Regulatory Policy Division - OECD
- **William Kovacic** | Professor, George Washington University; Former chair of the US Federal Trade Commission; Non-Executive Director with the UK's Competition and Markets Authority
- **Arnaud Sée** | Professor of public law, University of Paris Nanterre

The Club of Regulators



*Comité économique
des produits de santé*



Hadopi