

**LID
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LIGUE INTERNATIONALE DU DROIT DE LA CONCURRENCE

INTERNATIONAL LEAGUE OF COMPETITION LAW

INTERNATIONALE LIGA FÜR WETTBEWERBSRECHT

DIRECTIVES OF THE GENERAL RAPPORTEUR AND OF THE DEPUTY

GENERAL RAPPORTEUR OF THE INTERNATIONAL LEAGUE FOR

COMPETITION LAW (LIDC) TO THE INTERNATIONAL AND NATIONAL

RAPPORTEURS, TO THE CHAIRMEN AND TO THE PRESIDENTS OF

THE NATIONAL GROUPS

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1. PRELIMINARIES

- 1.1 The aim of these directives is to assist the International and National Rapporteurs in preparing and drafting their reports and to assist the Presidents of the National Groups who appoint the National Rapporteurs to organise and control the work of their Group.
- 1.2 The LIDC studies two issues in each annual study cycle. During this period the National Rapporteurs must provide, on the basis of a questionnaire developed by the International Rapporteur, a review of the relevant legislation and practice of their countries. The International Rapporteur then produces a report containing a comparative study of those national systems and a draft resolution for consideration at the Congress, addressing issues identified in the report.
- 1.3 National and International Reports are published on the LIDC website. The resolutions adopted at the Congress are also published on the site and subsequently forwarded to approximately 100 international and national institutions concerned with competition law.
- 1.4 We are confident that the work of the International and National Rapporteurs will encourage them to use their legal skills and experience in this task which we believe will enhance the growing influence of the LIDC. We thank them in advance for their efforts.

2. INSTRUCTIONS TO THE INTERNATIONAL RAPPORTEURS

- 2.1 At the time of their appointment by the LIDC, the International Rapporteurs receive instructions regarding the topic they are to study and a suggestion of the questions to deal with. The International Rapporteurs also receive a timetable to which they must work. A copy of the timetable ("the Work Calendar") is set out in the schedule to these Directives.
- 2.2 Each International Rapporteur should then devise a programme for the study of his question and draft an international questionnaire (of a reasonable length) to be sent to the National Rapporteurs. This questionnaire should be drafted along the lines of a comparative study, leaving some scope for the provision of information specific to each legal system. This questionnaire should be sent to the General Rapporteur and his Deputy and to the individual National Rapporteurs whose names have been provided to the International Rapporteur.

- 2.3 The National Rapporteurs shall in accordance with the timetable, provide to the International Rapporteur a national report which has been approved by the relevant national group and send a copy also to the Secretariat of the LIDC.
- 2.4 The International Rapporteur should then draft his international report which will be in the form of a summary comparative study followed by conclusions drawn from his personal perspective. Whenever possible he should provide a draft resolution with a view to suggesting desirable developments in the area concerned.
- 2.5 The international report must be provided by the date shown in the timetable. This may mean that the report is prepared before the International Rapporteur has received all the national reports which he is expecting. The International Rapporteur should send the draft report to each National Rapporteur, in order that its accuracy may be checked, and to get comments on his conclusions or the draft resolution.
- 2.6 The international report, once finalised, must be forwarded to the General Rapporteur and his Deputy with a copy to the Chairman and the secretariat of the LIDC on a disk or by e-mail for publication on the LIDC website. The international report must be written in one of the three languages used by the LIDC (French, English or German), and should be accompanied by a summary in the other two languages.
- 2.7 The aim of the Congress is two-fold:
- to introduce the international report and discuss the conclusions or the draft resolution within the forum of the General Assembly;
 - to take a vote on the proposed resolutions by a drafting committee chaired by the International Rapporteurs and the Chairman.

The procedure at the Congress is dealt with in more detail in Section 6 below.

- 2.8 In recognition of their contribution, the International Rapporteurs should make mention, in their international report, of the names and countries of the National Rapporteurs.

3. INSTRUCTIONS TO THE NATIONAL RAPPORTEURS

- 3.1 National Rapporteurs are appointed by the national or regional groups in accordance with the timetable. They will receive a work programme and an international questionnaire from the International Rapporteur.
- 3.2 Each National Rapporteur shall draft a full national report in which the questions posed by the International Rapporteur are answered and in which the International Rapporteur is referred to points of the National Rapporteurs national legislation or practice which are of particular importance.
- 3.3 We ask the National Rapporteurs to write their report in one of the three languages used by the L.I.D.C. (French, English or German) and, if possible, in the language adopted by the International Rapporteur involved.
- 3.4 The national report must include a bibliographical note containing references to the main sources of law including:
 - (a) statutes and regulations currently in force ;
 - (b) doctrine; and
 - (c) case law.
- 3.5 It is imperative that the National Rapporteurs discuss their draft reports with and have them approved by their national or regional groups in order to avoid having discussions at the Congress on issues which should have been settled within the national group.
- 3.6 We would particularly request the National Rapporteurs to attend the Congress and to participate in the general discussions and the working groups.
- 3.7 National Rapporteurs will be accorded the special status of privileged intervening parties at the Congress.

4. INSTRUCTIONS TO PRESIDENTS OF THE NATIONAL GROUPS

- 4.1 We ask that the Presidents of the National Groups appoint their National Rapporteurs for the two topics to be dealt with at Congress **as a matter of urgency.**
- 4.2 The General Rapporteur, his Deputy and the secretariat of the LIDC should then be notified of the names.

- 4.3 The Presidents of national groups should organise one or more discussion sessions with the members of their national group before the national reports are finally drawn-up and sent to the International Rapporteurs.
- 4.4 Any difficulties experienced in appointing the National Rapporteur should be drawn to the attention of the General Rapporteur in writing, who will where practicable assist the President of the national group concerned to find a solution.

5. INSTRUCTIONS TO CHAIRMEN OF THE QUESTIONS

- 5.1 Each question being studied by the LIDC will be assigned a chairman, in addition to an International Rapporteur.
- 5.2 The role of the chairmen is to lead the overall discussions of the working groups. The chairman will also take part in the working of the drafting committee and chair the session in the General Assembly dealing with the question.
- 5.3 It is recommended that chairman contact the International Rapporteur in advance of the Congress to establish how they will work together.

6. THE CONGRESS

- 6.1 The fundamental objective of the Congress is to consider and, if appropriate, adopt resolutions relating to the subjects considered at the Congress or to take note of the conclusions reached by the International Rapporteur, if adoption of a meaningful resolution proves impractical.
- 6.2 In the drafting of resolutions emphasis should be on the future and the making of recommendations suggesting developments in legislation or in case law or practice. Resolutions must be constructive and must make clear the objectives to be attained. In particular they must be convincing.
- 6.3 The Congress will take up 2 working days. The different topics will be discussed in General Assembly on the first day, each question being allocated a maximum of half a day. Each International Rapporteur will be asked to make an oral statement introducing his or her subject and the proposed resolution or resolutions. This presentation should not consist simply of a reading of the international report which will already have been supplied to all

Congress attendees. The chairman of the question will preside over the subsequent general discussion, but the approach in relation to essential points will remain the prerogative of the relevant International Rapporteur. In the discussion the National Rapporteurs will be given priority in speaking.

- 6.4 On the morning of the second day a drafting committee led by the Chairman and the International Rapporteur will be convened to prepare the final draft of the resolutions which will be put before the General Assembly. Everyone with an interest in the issues involved is encouraged to attend the drafting committee. Where there are too many people involved for efficient drafting it is for the chairman to compose the committee in such a way that all of the different opinions are represented. The committee should however seek to make resolutions which are constructive and relevant and do not merely reflect the status quo. The drafting committee should also seek to reflect the views expressed in the General Assembly discussions.
- 6.5 Each International Rapporteur and chairman will be invited to make a short presentation of the resolution to the plenary session of the General Assembly. No further amendment to the resolution can be permitted at this point. The General Assembly is then invited to vote on the resolution. It is left to the discretion of the International Rapporteur whether to put the resolution to the vote in sections, allowing some parts to be accepted and some parts rejected and possibly alternatives proposed. The International Rapporteur decides the language in which the resolution is put to the General Assembly. The Assembly can bring any problems with translations to the attention of the International Rapporteur and the Chairman, who should make the amendments in the final version of the translation.

7. CONCLUSIONS

We ask that everyone complies with the deadlines in the attached work calendar. The absence of a national report will lead to other delays and problems, leading to the impossibility of producing a convincing international report. Accordingly it is vital that the deadline in respect of obligations that have been voluntarily accepted are complied with.

We would like to wish everyone success and to thank you in advance for your co-operation.

Michel Flamée
General Rapporteur

Mary-Claude Mitchell
Deputy General Rapporteur

SCHEDULE

WORK CALENDAR

YEAR 2004 *

Dates

Actions

1st November 2003

Despatch of Directives and Work Calendar to International Rapporteurs as a suggestion of questions deal with.

15 December 2003

Appointment of National Rapporteurs by their respective groups.

1st January 2004

(1)
Despatch by each International Rapporteur to the General Rapporteur and his Deputy of his detailed questionnaire.

(2) Despatch by each International Rapporteur to the National Rapporteurs (or to the Presidents of the national group if no National Rapporteur has been appointed) of this detailed questionnaire.

15 April 2004

Despatch
to the International
Rapporteur of the
national reports
which have been
approved
beforehand by the
national groups.

15 June 2004

(1)
Despatch of draft
international
reports and
resolutions or
conclusions to
national
rapporteurs who
have two weeks to
make their
comments.

(2)
Despatch of a
copy of the draft
international
reports to the
General
Rapporteur and his
Deputy.

15 July 2004

Despatch
to the General
Rapporteur and his
Deputy, with a

copy to the
secretariat of the
LIDC and the
Chairman, of:

- final
international
reports, draft
resolution or
conclusions

- a brief
summary of the
report in the two
other official
languages of the
LIDC

- a
translation of the
draft resolution or
conclusions in the
two other official
languages of the
LIDC.

15 September 2004

Publication of the
international
reports on the
website of the
LIDC.

30 September – 3 October 2004

Congress in
Budapest.

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[COMMENT1]Travelling Draft - Single Line Spacing - One Copy on Plain Paper.
"DO" CVR to append Cover Sheet, ENG to alter document to an engrossment or
PLN to append Plain Paper.