



**LIDC**

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**

October 2005

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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, to assist the Presidents of the National Groups who appoint the National Rapporteurs to organise and control the work of their Group, lastly to ensure a good coordination of the discussions between the International Rapporteurs and the Chairmen of the questions.

**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 and approved by the Scientific Committee, 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 as well as conclusions and a draft resolution addressing issues identified in the report, which after approval by the Scientific Committee, will be discussed at the Congress.

**1.1.** 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 and unfair competition law.

**1.2.** 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.

**2.2.** Each International Rapporteur then devises a programme for the study of his question and drafts an international questionnaire (of a reasonable length) to be sent to the National Rapporteurs. This questionnaire must be drafted along the lines of a comparative study, leaving some scope for the provision of information specific to each legal system. This questionnaire is sent, through the General Rapporteur and his / her Deputy, to the Scientific Committee for comments and, once it is definitive, to each individual National Rapporteur or to the Presidents of the National Groups which have not yet appointed a National Rapporteur, as well as to the Chairman of the question and to the LIDC secretariat.

**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, to the General Rapporteur and his / her Deputy and to the Chairman of the question.

**2.4.** The International Rapporteur then drafts his / her international report which will be in the form of a comparative study followed by conclusions drawn from his personal perspective. Whenever possible he / she 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 / she is expecting. The International Rapporteur should send the draft report, first to the Scientific Committee through the General Rapporteur and his / her Deputy for comments, then to each National Rapporteur, as well as to the Chairman of the question, in order that its accuracy may be checked, and to get comments on the conclusions and the draft resolution. The attention of the International Rapporteur is drawn to this necessary exchange before the Congress.

**2.6.** The international report, once finalised, must be forwarded, together with the conclusions and draft resolution, to the General Rapporteur and his / her Deputy with a copy to the Chairman of the question 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. When the international report does not include any draft resolution, the International Rapporteur and the Chairman of the question will do their best to provide such a draft during the Congress and to finalise it through the redaction Committee.

**2.7.** The aim of the Congress is two-fold:

- to introduce the international report and discuss the conclusions and 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.** The 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 and / or their positive or negative aspects 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 refers (with a possible a bibliographical note) 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 THE 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 their names and addresses.

4.3. The Presidents of the 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 Rapporteurs should be drawn in writing to the attention of the General Rapporteur, who will, where practicable, assist the President of the national group concerned to find a solution.

**4.5.** The Presidents of the national groups will regularly follow up the progress in the drafting of the National Rapporteur's report, with a special view to the timetable. In case of obvious lack of activity of the National Rapporteur, the President of the national group will, if necessary, decide to appoint a new National Rapporteur.

## **5. INSTRUCTIONS TO THE 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 Chairman is to lead the overall discussions during the Congress. 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 advisable for the Chairman to 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 conclusions. This presentation should consist of a short summary rather than 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 the 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, but it is recommended to have it put in at least two of the official languages of the League by the Members of the drafting Committee. 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 timetable. 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.

Mary-Claude MITCHELL  
General Rapporteur

Inigo IGARTUA  
Deputy General Rapporteur

## 8. TIMETABLE - YEAR 2005 - 2006

- 2 November 2005**
- 1) Despatch to the International Rapporteurs of the Directives and Timetable and suggestions of questions to be dealt with.
  - 2) Despatch of the Directives and Timetable to the Presidents of the national groups.
- 15 November 2005**
- 1) Despatch by each International Rapporteur to the Scientific Committee, through the General Rapporteur and her Deputy, of his/her detailed questionnaire for comments.
  - 2) Appointment of National Rapporteurs by their respective groups.
- 30 November 2005**
- Despatch by each International Rapporteur to the National Rapporteurs (or to the Presidents of the national groups if no National Rapporteur has been appointed) to the Secretariat of LIDC, and to the Chairman of the question, of the finalised detailed questionnaire.
- 1<sup>st</sup> March 2006**
- Despatch to the International Rapporteur, to the Secretariat of the League, to the General Rapporteur and her Deputy and to the Chairman of the question, of the national reports which have been approved beforehand by the national groups.
- 30 May 2006**
- Despatch of the draft international reports to the Scientific Committee through the General Rapporteur and her Deputy and to the Chairman of the question, for comments.
- 30 June 2006**
- Despatch of the draft international reports and resolutions or conclusions to the National Rapporteurs who have two weeks to make their comments.
- 31 July 2006**
- Despatch to the General Rapporteur and her Deputy, with a copy to the secretariat of the LIDC and the Chairman of the question, of :
- final international reports, draft resolutions or conclusions
  - a brief summary of the report in the two other official languages of the LIDC
  - a translation of the draft resolutions or conclusions in the two other official languages of the LIDC.

- 15 September 2006** Publication of the international reports on the website of the LIDC.
- 5 – 8 October 2006** Congress in Amsterdam.

## 9. ADDRESSES

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