

Die deutsche Originalfassung der Rede finden Sie auf der deutschen Seite.  
The original version in German is available on the German pages of this website.

Dr Ulf Böge  
President of the Bundeskartellamt

Speech on the opening of the 13<sup>th</sup> International Conference on Competition  
and the 14<sup>th</sup> European Competition Day

on the theme  
“Competition as a Cornerstone of a Free  
Economic and Social Order”

in Munich on 26 March 2007

## I.

Ladies and Gentlemen,

I warmly welcome you to our International Conference on Competition. It is our 13th since 1982, i.e. in 25 years. We have combined this year's conference with the European Competition Day, which has taken place biannually since the year 2000 and is hosted by the respective EU presidency.

As the International Conference on Competition and the European Competition Day are being held in Munich for the first time, I would also like to add a cheery "Grüß Gott", the Bavarian form of greeting which you are sure to hear more often over the next few days here in Munich.

Munich is known not only for its charm and typical Bavarian hospitality. It is also one of Germany's major economic and technological centres and the seat of many multinational companies. Therefore as a key German business location of international importance Munich serves as an excellent venue for our double conference.

I am happy to see that you have followed my invitation in such large numbers. Together we number around 350 participants from almost 70 nations. This resonance demonstrates the importance placed on competition policy around the world.

In the light of the 14th European Competition Day I am particularly pleased at the large attendance by younger competition authorities from the new 12 EU Member States.

## II.

Anyone opening a large-scale event will know that greeting participants by name can be highly sensitive. All of you deserve to be welcomed by me personally.

However, our time frame requires me to make a selection and I would recommend that we reserve our applause for those named until I finish my list of guests.

I would like to begin with this morning's speakers and extend a special welcome to

- the Lord Mayor of the City of Munich, **Mr Christian Ude**,
- the Bavarian State Economics Minister, **Mr Erwin Huber**, whom I also thank for his active support in the run-up to the conference,
- the Federal Minister of Economics and Technology, **Mr Michael Glos**, who has brought some Berlin air with him to Munich, although as a Franconian he is almost on home ground.
- the EU Commissioner for Competition, **Ms Neelie Kroes**, whose presence here represents the interest of the EU in this conference
- this also goes for the Chairwoman of the Committee on Economic and Monetary Affairs of the European Parliament, **Ms Pervenche Berès**.
- And finally I am pleased that **Dr Klaus Kleinfeld**, CEO of Siemens AG, whose flight connection will unfortunately only allow his arrival after the coffee break, has kept his promise to speak to us.

Apart from our speakers I would also like to welcome

- the moderators and panellists of this afternoon's and tomorrow morning's sessions and some of our participants – please forgive me if I forget any names -
- **Graf Lambsdorff**, former Federal Economics Minister and a long-serving “companion” of our IKK conferences,

- representing the German Federal Court of Justice, Presiding Judge **Prof Joachim Bornkamm**, and **Dr Lutz Strohn**,
- **Ms Anne-José Paulsen**, President of the Düsseldorf Higher Regional Court as well as the presiding judges at the same court, **Messrs Heinz-Peter Dicks** and **Wiegand Laubenstein**,
- **Mr Rainer Zwirlein**, Presiding Judge at the Munich Higher Regional Court,
- the President of the Senate of the Higher Regional Court of Vienna, **Dr Eckard Hermann**,
- **Prof Jürgen Basedow**, Chairman of the German Monopolies Commission and
- representing all the members of the Competition Lawyers' Association, its Chairman, **Dr Frank Montag**

I am naturally especially delighted at the presence of so many guests from abroad, especially from overseas countries such as Africa, Asia, North, South and Central America but also, of course, from Europe, which, as we know, stretches to the Urals.

Last but not least I welcome the representatives of the media who through their reporting and commenting will make this conference more accessible to the wider public.

And now it's time for a round of applause.

As you all know, the organisation of this kind of conference and above all the participation of representatives from young competition authorities would not have been possible without the generous support of numerous foundations and other organisations in Germany.

I therefore thank the following in alphabetical order for their active support:

- the German Foundation for International Legal Cooperation,
- the Friedrich Naumann Foundation,
- the Gesellschaft für Technische Zusammenarbeit (GTZ),
- the Hanns Seidel Foundation,
- inWEnt, Capacity Building International,
- and the Competition Lawyers' Association.

They all deserve our applause.

### III.

Ladies and Gentlemen,

Our “double conference” takes the following theme:

“Competition as a Cornerstone of a Free Economic and Social Order”

As natural as this statement seems to us as competition experts, translating the competition principle into practice is often not a matter of course.

In the last twenty years the politically motivated liberalisation of international markets has opened up new and previously unimagined possibilities and opportunities to companies. But at the same time these companies are naturally also exposed to new risks due to increased competitive pressure.

As a reaction to this globalisation process increased intervention in industrial policy to protect domestic markets is often advocated or encouraged, also with the aim of “creating national champions”.

National Champions – sounds good when you first hear it. Everyone would like to be a winner and champion. And we all know from major sports events what joy it is when

the national team or sportsmen and women from one's own country win – by virtue of their own accomplishments.

But how great is that joy when we find out that our athletes were doped and so have violated the rules of fair competition?

The same applies to the business community: Who could have anything against companies making the leap to the position of national or European champion by their own virtue and adhering to the rules of competition?!

But isn't the creation of a national or European champion by state intervention in industrial policy also a means of doping, one which hinders free competition, squeezes out intrinsically efficient small and medium-sized companies and harms consumers?

I look forward to an exciting and informative discussion on this theme from the panel this afternoon, for which we were able to attract such excellent participants as:

- the CEO of the worldwide active software provider SAP, **Professor Henning Kagermann,**
- the CEO of the Düsseldorf Chamber of Crafts, **Dr Thomas Köster.**
- the Chairman of the US Federal Trade Commission, **Ms Deborah Majoras,**
- the Chairman of the Eastern Committee of German Industry, **Dr Klaus Mangold,** and
- the Chairman of the Competition Lawyers' Association, **Dr Frank Montag.**

As moderator we have gained the services of none less than **Mr Hans-Jürgen Jakobs,** Editor-in-Chief of the Süddeutsche Zeitung, for which I kindly thank him.

Tomorrow's morning session will address the theme "**Consumer Welfare and Efficiency – New Guiding Principles of Competition Policy**".

The question about the guiding principle of competition policy is not a new one.

Its discussion has been revived by the fervent debate about the much quoted “more economic approach” and the question whether increasing consumer welfare is the appropriate guiding principle of a modern competition policy.

Counter to this is the argument that an efficient competition policy should rather aim at guaranteeing a competitive structure of the market. Or is there a middle course?

What sounds academic can have far-reaching consequences in practice. This is evident from a recent judgement delivered by the European Court of Justice. In its “British Airways” judgment two weeks ago the Court expressed its opinion on several of the relevant issues involved, such as the consideration of efficiencies, and determined that Art. 82 EC at least also aims at maintaining a competitive market structure. Ascertaining damaging effects of company conduct for the consumer is therefore not a necessary requirement for assuming abusive conduct.

With this decision the ECJ has set standards which are sure to play a significant role in the current discussion about how to apply Art. 82.

So you can see that the themes of our conference are highly topical and of great practical relevance. Tomorrow’s morning session therefore promises to be particularly exciting.

I am very pleased that the Director General for Competition of the European Commission, **Mr Philip Lowe**, will say a few introductory words on the panel’s theme.

The panel itself could hardly be occupied by any higher ranking and more expert personalities than

- the Chairman of the German Monopolies Commission, **Professor Jürgen Basedow**,
- the President of the German Federal Court of Justice, **Professor Günter Hirsch**,
- Member of the European Parliament, **Dr Silvana Koch-Mehrin**,
- the President of the Conseil de la Concurrence, **Mr Bruno Lasserre**, and
- the President of the Mexican Federal Competition Commission, **Mr Eduardo Pérez Motta**.

My special thanks to you and the moderator of the panel, Chairman of the UK Competition Commission, **Mr Peter Freeman**, for your cooperation.

And now I wish you all two inspiring and exciting conference days and pass the floor to the Lord Mayor of the City of Munich, Mr Christian Ude, who will be followed by Minister Huber and Federal Economics Minister Glos, before we break for coffee.