

## Curriculum vitae

Pierre Larouche, Full Professor

**PROFESSIONAL QUALIFICATIONS:** Member of the Quebec Bar (1991)

### RELEVANT EXPERIENCE

- 2002-            Professor of Competition Law (Hoogleraar Mededingingsrecht), Tilburg University.  
Full-time appointment (1,0 fte), with 0,4 fte of research time.
- 1999-2002      Associate Professor (Universitair hoofddocent) and Post-doctoral researcher, Maastricht University.  
Full-time appointment (1,0 fte), with 0,4 fte of research time.
- 1996-1999      Research associate, METRO Institute, Maastricht University.  
Full-time appointment (1,0 fte), entirely for research.
- 1993-1996      Associate, Stibbe Simont Monahan Duhot, Brussels.  
Main fields of practice: EU competition law, EU telecommunications law, international trade law, environmental law, general EU law.
- 1991-1992      Law Clerk, Justice Charles D. Gonthier, Supreme Court of Canada, Ottawa.
- 1990-1991      Assistant to the Director, Legal Methodology Programme, McGill University.

### EDUCATION

- 1996-2000      Universiteit Maastricht. Doctorate.  
Doctorate thesis: "The Bases of EC Telecommunications Law after Liberalization" (supervisors: Professors Walter Van Gerven and Bruno de Witte).
- 1992-1993      Rheinische Friedrich-Wilhelms-Universität Bonn. Magister der Rechtsvergleichung (M.iur.comp.). Distinction: cum laude.  
Masters thesis: "Die Verordnung (EWG) Nr. 3932/92 der Kommission vom 21. Dezember 1992 über die Anwendung von Artikel 85 Absatz 3 EWG-Vertrag auf bestimmte Gruppen von Vereinbarungen, Beschlüssen und aufeinander abgestimmten Verhaltensweisen im Bereich der Versicherungswirtschaft, insbesondere die Freistellung von Muster allgemeiner Versicherungsbedingungen" (supervisor: Professor Wulf-Henning Roth).  
Scholarship of the German Academic Exchange Service (DAAD).  
Scholarship of the Quebec Fonds pour la formation de chercheurs et l'aide à la recherche (FCAR).

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1986-1990 McGill University, Montreal. Bachelor of Civil Law (B.C.L., droit civil) and Bachelor of Laws (LL.B., common law). Distinction: Upper Second Class Honours.

University Scholar (1990)	James McGill Award (1989, 1987)
Member of the Scarlet Key Society (1990)	Faculty Scholar (1989, 1987)
McGill Law Students Association Prize (1990)	Wainwright Essay Prize (1989)
John G. Ahern, Q.C. Memorial Award (1990)	Daniel Mettarlin Scholarship (1989, 1988)
John W. Cook, K.C. Prize (1990)	Lord Reading Law Society Prize (1987)
Maurice Goldenberg Scholarship (1990)	Adolphe Mailhot Commemorative Prize (1987)
Rogers, Bereskin and Parr Prize in the Law of Intellectual and Industrial Property (1990)	

## MAJOR GRANTS AND AWARDS (RESEARCH COUNCILS)

Grant from the European Union (7<sup>th</sup> Framework Programme) as part of a consortium “Growth and Sustainability Policies for Europe” (GRASP) (2010-2014).

Grant from the Hague Institute for the Internationalization of Law (HiIL) for a research project on coping with the challenges of globalization (2007-2010).

Grant from the Netherlands Organization for Scientific Research (NWO) for research projects on the future of Article 86(2) EC on services of general economic interest (2008-2012) and on the new institutional frameworks in competition and electronic communications law (2004-2008).

Grant from the European Union (6<sup>th</sup> Framework Programme) to create an Economic Impact Group within the Network of Excellence on Common Principles of European Contract Law (CoPECL) (2004- 2008).

## PUBLICATIONS

### *Monographs*

*The constitutionalization of European budgetary constraints* (editor, with M. Adams and F. Fabbrini) (Oxford: Hart, 2014) 428 p.

*National Legal Systems and Globalization: New Role, Continuing Relevance* (editor, with P. Cserne) (The Hague: TMC Asser Press, 2012) 388 p.

*Economic analysis of the DCFR - The work of the Economic Impact Group within CoPECL* (editor, with F. Chirico) (Munich/Oxford: Sellier European Publishing, 2010) 337 p.

*Een schets van het Europese mediabeleid* (with I. van der Haar), Study for the WRR Media Project (Amsterdam: Pallas, 2005) 90 p.

- The role of the market in economic regulation*, Inaugural lecture (14 November 2003) 38 p.
- European Communications at the Crossroads* (co-rapporteur with M. Cave), CEPS Working Party Report, (Brussels: CEPS, 2001) 32 p.
- Tort Law* (with W. van Gerven and J. Lever), in the series *Ius Commune Casebooks for the Common Law of Europe* (Oxford: Hart Publishing, 2000) 969 + xcix p.
- Competition Law and Regulation in European Telecommunications* (Oxford: Hart Publishing, 2000) 445 p.
- Tort Law: Scope of Protection* (co-author), in the series *Ius Commune Casebooks for the Common Law of Europe* (Oxford: Hart Publishing, 1998) 494 + lv p.
- Environment and Europe* (co-author), (Deventer: Kluwer, 1994) 221 + xii p.

## Articles and book chapters

- “Interoperability standards, patents and competition policy” (with G. van Overwalle), in P. Delimatsis, ed., *The Law, Economics and Politics of International Standardization* (Cambridge: CUP, 2015) 367- 383.
- “Regulation for Innovativeness or Regulation of Innovation?” (with A. Butenko), (2015) 7 *Journal of Law, Innovation and Technology* 52-82.
- “Injunctive Relief in Disputes Related to Standard-Essential Patents: Time for the CJEU to Set Fair and Reasonable Presumptions” (with N. Zingales), (2014) 10 *Eur Competition J* 231-276.
- “Settling FRAND Disputes: Is Mandatory Arbitration a Reasonable and Non-Discriminatory Alternative?” (with J. Padilla and R.S. Taffett) (2014) 10 *J Competition Law & Econ* 581-610.
- “The constitutionalization of European budgetary constraints: Introduction” (with M. Adams and F.Fabbrini), in M. Adams, F. Fabbrini and P. Larouche, eds., *The constitutionalization of European budgetary constraints* (Oxford: Hart, 2014) 1-15.
- “Continental Drift in the Treatment of Dominant Firms: Article 102 TFEU in Contrast to § 2 Sherman Act” (with M. P. Schinkel), in D. Sokol and R. Blair, eds., *Oxford Handbook of International Antitrust Economics – Vol. 2* (Oxford: OUP, 2014) 153-187.
- “Five Neglected Issues About Network Neutrality”, in A. Strowel, ed., *Net Neutrality in Europe – La neutralité de l’Internet en Europe* (Brussels: Bruylant, 2013) 77-91.
- “Legal Emulation Between Regulatory Competition and Comparative Law”, in P. Larouche and P. Cserne, eds., *National Legal Systems and Globalization – New Role, Continuing Relevance* (The Hague, TMC Asser Press, 2013) 247-287.
- “Conclusions” (with P. Cserne), in P. Larouche and P. Cserne, eds., *National Legal Systems and Globalization – New Role, Continuing Relevance* (The Hague, TMC Asser Press, 2013) 371-383.

- “A Vision of Global Legal Scholarship” (2012) 17 *Tilburg Law Review* 206-216.
- “Cloud computing in the EU policy sphere interoperability, vertical integration and the internal market” (with J. Sluijs and W. Sauter) (2012) 3 *Journal of Intellectual Property, Information Technology and E-Commerce Law* 12-32.
- “Network Neutrality: The Global Dimension”, in M. Burra, ed., *Trade Governance in the Digital Age* (Cambridge: CUP, 2012) 91-122.
- “Law, Society and Normativity”, in S. Muller, S. Zouridis, M. Frishman and L. Kistemaker, eds., *The Law of the Future and the Future of Law* (Oslo: Torkel Opsahl, 2011) 407-416.
- “The coming of age of EU regulation of network industries and services of general economic interest” (with L Hancher), in P. Craig and G. de Búrca, eds., *The Evolution of EU Law*, 2<sup>nd</sup> ed (Oxford: OUP, 2011) 743-781.
- “Conclusions” (with F. Chirico and E. Van Damme), in P. Larouche and F. Chirico, eds., *Economic analysis of the DCFR - The work of the Economic Impact Group within CoPECL* (Munich/Oxford: Sellier European Publishing, 2010) 319-332.
- “‘Legally Relevant Damage’ and A Priori Limits to Non-Contractual Liability in the DCFR”, in P. Larouche and F. Chirico, eds., *Economic analysis of the DCFR - The work of the Economic Impact Group within CoPECL* (Munich/Oxford: Sellier European Publishing, 2010) 297-318.
- “Contrasting legal solutions and the comparability of US and EU experiences”, in F. Levêque and H. Shelanski, eds., *Antitrust and Regulation in the EU and US: Legal and Economic Perspectives* (Cheltenham: Edward Elgar, 2009) 76-100.
- “The European *Microsoft* case at the crossroads of competition policy and innovation” (2009) 75 *Antitrust LJ* 933-964.
- “Ex Ante Evaluation of Legislation Torn among its Rationales”, in J. Verschuuren, ed., *The Impact of Legislation – A Critical Analysis of Ex Ante Evaluation* (Leiden/Boston: Martinus Nijhoff, 2009) 39-62.
- “Abuse of a dominant position: Cases and experiments” (with E. van Damme and W. Müller), in J. Hinloopen and H.-T. Normann, eds., *Experiments and Competition Policy* (Cambridge: Cambridge University Press, 2008) 107-159.
- “Europe and investment in infrastructure, with emphasis on electronic communications”, in G. Arts, W. Dicke and L. Hancher, eds., *New Perspectives on Investment in Infrastructures*, WRR studies (Amsterdam: Amsterdam University Press, 2008) 241-269.
- “On the future of information law as a specific field of law”, in N. van Eijk and B. Hugenholtz, eds., *Liber amicorum Egbert Dommering* (Amsterdam: Otto Cramwinkel, 2008) 221-230.

- “Conceptual divergence, functionalism and the economics of convergence” (with F. Chirico), in S. Prechal et al, eds., *The Coherence of EU Law* (Oxford: OUP, 2008) 463-494.
- “A review of the WTO regime for telecommunications services” (with M. Bronckers), in K. Alexander and M. Andenas, eds., *World Trade Organization and Trade in Services* (Leiden: Brill, 2008, update from previous publication).
- “The triangular relationship between the Commission, NRAs and national courts revised” (with M. de Visser) (2006) 64 *Communications & Stratégies* 124-145.
- “A view from the outside”, in C. Fijnaut and A. Littler, eds., *The regulation of gambling. European and national perspectives* (Leiden/Boston: Martinus Nijhoff Publishers, 2006) 1-7.
- “Contrôle ex ante et ex post – Possibilités et contraintes en droit national, à la lumière de l’expérience néerlandaise”, in M.A. Frison-Roche, ed., *Les engagements en régulation économique* (Paris: Dalloz, 2006) 95-108.
- “Regulating Access to Stimulate Competition in Postal Markets?” (with E. van Damme and P. de Bijl), in M. Crew and P. Kleindorfer, eds., *Progress towards liberalization of the postal and delivery sector* (Springer: 2006) 153-172.
- “Coordination of European and Member State Regulatory Policy – Horizontal, Vertical and Transversal Aspects”, in D. Geradin et al., eds., *Regulation through agencies in the EU*, (Cheltenham: Edward Elgar, 2005) 164-179, also in (2004) 5 *Journal of Network Industries* 277-293.
- “Telecommunications Services” (with M. Bronckers), in P. Macrory et al., eds., *The World Trade Organization: Legal, Economic and Political Analysis – Vol. I* (New York: Springer, 2005) 989- 1040.
- “What went wrong [with telecommunications]: the European perspective”, in E. Dommering and N. van Eijk, eds., *Conference Papers of the Round Table Expert Group on Telecommunications Law* (Amsterdam: IvIR, 2005) 99-138.
- “Legal issues surrounding remedies in network industries”, in D. Geradin, ed., *Remedies in Network Industries: EC Competition Law vs. Sector-specific Regulation* (Antwerp: Intersentia, 2004) 21-46.
- “Dealing with convergence at the international level”, in D. Geradin and D. Luff, ed., *The WTO and Global Convergence in Telecommunications and Audio-Visual Services* (Cambridge: Cambridge University Press, 2004) 390-422 and in (2003) 23 *Singapore L. Rev.* 85-114, also in shorter form “Legal and Policy Implications of Convergence at the International Level” in ITU, *Proceedings of the TELECOM 03 Forum* (2003).
- “L’application décentralisée du droit de la concurrence dans les secteurs libéralisés – L’exemple du secteur des communications électroniques” (with D. Geradin), in P. Nihoul, *La décentralisation dans l’application du droit de la concurrence – Un rôle accru pour le praticien?* (Brussels: Bruylant, 2004) 165-190.

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- “Principles of Good Market Governance” (with L. Hancher and S. Lavrijssen) (2003) 4 *Journal of Network Industries* 355-389, also in (2004) 49 *Tijdschrift Econ Man* 339-374.
- “Op weg naar een vrije postmarkt” (co-author) (2003) 88 *Economisch Statistische Berichten* 566-568. “Een kritische beschouwing van de onderliggende aannames van de EG regelgeving betreffende elektronische communicatie” (with S. Lavrijssen) (2002) 50 *SEW* 258-268.
- “A closer look at some assumptions underlying EC regulation of electronic communications” (2002) 3 *Journal of Network Industries* 129-149.
- “L’intégration, les systèmes juridiques et la formation juridique” (2001) 46 *McGill LJ* 1101-1033.
- “The *Brasserie du pêcheur* puzzle”, in J. Wouters and J. Stuyck (eds.), *Principles of Proper Conduct for Supranational, State and Private Actors in the European Union: Towards a Ius Commune* (Antwerpen: Intersentia, 2001) 111-127.
- “Relevant Market Definition in Network Industries: Air Transport and Telecommunications” (2000) 1 *Journal of Network Industries* 407-445.
- “Recueils Ius commune pour le droit commun de l’Europe” (2000) 3:1 *Revue de la common law en français* 99.
- “Ius Commune Casebooks for the Common Law of Europe: Presentation, Progress, Rationale” (2000) 8 *European Review of Private Law* 101-109.
- “Telecommunications”, in D. Geradin, ed., *The Liberalization of State Monopolies in the European Union and Beyond* (The Hague: Kluwer Law International, 2000) 15-47.
- “Comments” (on P. Mavroidis and D. Neven, “The WTO Agreement and Telecommunications: It’s Never Too Late”), in D. Geradin, ed., *The Liberalization of State Monopolies in the European Union and Beyond* (The Hague: Kluwer Law International, 2000) 319-329.
- “Constitution et sécurité juridique – Canada” (1999) 15 *Annuaire international de justice constitutionnelle (AIJC)* 131-141.
- “Access to resources: Can competition law deliver?”, in ITU, *Proceedings of the TELECOM 99 & INTERACTIVE 99 Forum* (1999).
- “EC Competition Law and the Convergence of the Telecommunications and Broadcasting Sectors” (1998) 22:3 *Telecommunications Policy* 219-242.
- “Telecommunications services and the WTO” (co-author) (1997) 31:3 *Journal of World Trade* 5-48.
- “Les discriminations positives – Canada” (1997) 13 *AIJC* 95-120.
- “École, religion et constitution – Canada” (co-author) (1996) 12 *AIJC* 189-207. “Révision de la Constitution et justice constitutionnelle – Canada” (1994) 10 *AIJC* 49-58.
- “Constitution et partis politiques – Canada” (1993) 9 *AIJC* 97-124.

- “Les méthodes de travail des juridictions constitutionnelles – Canada” (1992) 8 AIJC 225-242.
- “La procédure abusive” (1991) 70 Canadian Bar Review 650-680.
- “L'évolution du droit constitutionnel canadien” (co-author), yearly chronicle 1988-1992, in 5-8 AIJC.

## Reports

- “An integrated regulatory framework for digital networks and services” (with A. de Stree), CERRE Report, 2016.
- “Consumer privacy in network industries” (with M. Peitz and N. Purtova), CERRE Report, 2016.
- “Network industries: efficient regulation, affordable & adequate services - CERRE Regulation Dossier for the Incoming European Commission 2014-2018” (with 5 co-authors), CERRE, 2014.
- “CERRE Code of Conduct and Best Practices for the setup, operations and procedure of regulatory authorities”, CERRE, 2014.
- “Regulating Smart Metering in Europe: Technological, Economic and Legal Challenges” (with G. Cervigni), CERRE Report, 2014.
- “Law, economics and growth in Europe – Integrating innovation into competition policy and economic regulation” (with co-authors), Report on the work of WP5 within GRASP, 2013.
- “Independence, Accountability and Perceived Quality of Regulators” (with C. Hanretty and A. Reindl), CERRE Report, 2012.
- “Enforcement and judicial review of decisions of national regulatory authorities” (with X. Taton), CERRE Report, 2011.
- “Universal Service in Banking” (with P. de Bijl, E. van Damme, S. Janssen), TILEC Report, 2006.
- “Light is Right: Competition and Access Regulation in an Open Postal Sector” (with E. van Damme and P. de Bijl), TILEC Report, 2005.
- “On the law and economics of price squeeze in telecommunications markets” (with G. Brunekreeft, E. van Damme and V. Sorana), TILEC Report, 2005.
- “Call Termination on Mobile Networks” (with Paul de Bijl, Gert Brunekreeft, Eric van Damme, Natalya Shelkopyas, Valter Sorana), TILEC Report, 2004.
- “Towards a liberalized postal market” “Op weg naar een vrije postmarkt”, TILEC Report, 2003.

## **Working papers and work in progress (see also SSRN author no. 537158)**

“Network neutrality in the EU” (with F. Chirico and I. van der Haar), TILEC Discussion Paper 2007-030.

“L’enrichissement réciproque des droits nationaux et communautaire en matière de services d’intérêt général” (with C. Humpe), TILEC Discussion Paper, 2002.

“Communications convergence and public service broadcasting”, TILEC Discussion Paper, 2002.

## **TEACHING EXPERIENCE**

(\* when co-taught)

*At Tilburg University:*

Advanced Competition Law and Economic Regulation\* Advanced European Law\*

European Communications Law European Competition Law

Global Law: Methods and Techniques of Legal Research\* Global Law: Tort Law\*

Law and Economics

Mededingingsrecht (Competition Law)\*

*At the College of Europe:*

Case Law Seminar (European Law and Economic Analysis programme)\* Droit européen des industries de réseau

*At Maastricht University:* European Media Law

European Union Law: Foundations\*

Private Law in Europe: Tort

*As a visiting professor:*

European Union Law, Antitrust Law, Innovation and the Law, at Northwestern University (2016-2017).

Innovation and Law: Challenges to Competition Law, Regulation and Intellectual Property, at IDC Herzliya, Radzyner School of Law (2016).

Comparative Competition/Antitrust Law, at Northwestern University (2010).

European Union Law\*, at McGill University (2002), National University of Singapore (2004, 2006, 2008, 2011, 2013), University of Connecticut (2009).



Introduction to Regulation, at Bonn University (2007-2008). Law and Economics\*, at Sciences Po Paris (2012).

## **ADMINISTRATIVE AND MANAGEMENT EXPERIENCE**

Co-director of the Tilburg Law and Economic Centre (TILEC) (2002-2011), and now Founding Director. My co-director Eric van Damme and I started with a limited amount of venture funding from the University and built up a Centre of Excellence, with more than 40 members, significant outside funding from research councils and public/private sponsors (budget of EUR 1,5m/year), an attractive academic programme and a steady research output.

Director of Studies, Bachelor Global Law (2010-2014). Academic and administrative development of an innovative bachelor-level education programme, in three years from concept to launch in September 2013.

Director of Studies, LL.M. in International Business Law (2002-2007). Academic and administrative development of a new masters-level programme, launched in September 2003.

Head of Department, European and International Public Law (2003-2005).

Member of the Research Assessment Committee, Tilburg Law School (2011-2016).

Chairperson, External Research Review Board, Amsterdam Law School (2016).

Joint Academic Director, Centre on Regulation in Europe (CERRE) (2010-2011, 2013-2015).

## **SUPERVISION OF PH.D. STUDENTS**

K.J. Cseres, *Competition Law and Consumer Protection* (defended 2005).

A. de Stree, *On the edge of antitrust: The relationship between competition law and sector regulation in European electronic communications* (defended 2006).

I. van der Haar, *Technology neutrality and content regulation* (defended 2008).

M. de Visser, *The new EC competition law and electronic communications frameworks: towards a new institutional model for the application and enforcement of EC law?* (defended 2009, cum laude).

E. Ehlers, *Comparative Analysis of the Unbundling Processes in the Electricity and Gas Industries in Great Britain, Germany and the Netherlands – European, Constitutional and Public Law Aspects* (defended 2009)

- A. Littler, *Regulation of European Gambling Markets* (defended 2009).
- L. Parret, *Side effects of the modernization of EU competition law* (defended 2011).
- J. Sluijs, *Network Neutrality and European Law* (defended 2012, cum laude).
- N. Fiedziuk, *Services of General Economic Interest in EU Law* (defended 2013).
- V. Daskalova, *Buyer Power under EU Competition Law* (defended 2016).
- S. Kasiyanto, *Payment Systems – Comparative Approach under competition law, consumer law and financial regulation* (defended 2016).
- V. Kathuria, *Critical Competition Law Issues in Developing Countries* (defended 2016).
- Z. Georgieva, *Soft law in EU Competition Law* (defence set for 2017).
- J. Broulik, *Economic Arguments in Judicial Reasoning* (defence set for 2017).
- B. Hock, *The Rise of Global Extraterritoriality and the Effectiveness of the OECD Anti-Bribery Enforcement Regime* (defence set for 2017).
- C.Y. Zhang, *Banking Resolution in China and the EU*.

## OTHER ACTIVITIES

Visiting Professor, Northwestern University Pritzker School of Law (2016-2017). Professor at the College of Europe, Bruges (2003, 2004-2016).

Visiting Scholar, Center for Technology, Innovation and Competition (CTIC), School of Law, University of Pennsylvania, Philadelphia (2015). Visiting Professor and Gide Loyrette Nouel chair, Institut des sciences politiques (Sciences Po) (2012).

Searle Visiting Fellow, Searle Center on Law, Regulation and Economic Growth, School of Law, Northwestern University, Chicago (2009-2010)

Guest Professor, University of Connecticut (2009).

Professor, Masters of European Regulation of Network Industries, Rheinische Friedrich-Wilhelms- Universität Bonn (2007-2008).

Guest Professor, National University of Singapore (2004, 2006, 2008, 2011, 2013).

Visiting Professor, McGill University (2002).

Jean-Monnet European Module coordinator (2003-2006).

Member of the CEPS Task Force on the Treatment of Exclusionary Abuses under Article 82 (2009).

Special advisor to European Commissioner Reding (Information Society) on the reform of electronic communications regulation (2007).

Co-rapporteur of CEPS Working Party on the new regulatory framework for electronic communications (2001).

Chairman, Management Committee, Ius Commune Casebooks for the Common Law of Europe (2001-) Co-editor-in-chief, Journal of Network Industries (2000-2007).

Regular participation in academic and professional conferences, workshops and seminars.

Numerous memberships of expert committees and panels, and expert opinions.

Referee for various academic journals and periodicals.

## **LANGUAGES**

Fluent in French (mother tongue), English, German and Dutch. Basic notions of Spanish, Italian and Polish.