

**From:** Michel.Petite@CliffordChance.com  
**Sent:** 30 July 2008 18:40  
**To:** CHRISTOFOROU Theofanis (SJ)  
**Subject:** RE: Sony BMG

Fanis,  
es-tu encore à Bruxelles quelques jours, ou déjà sur [REDACTED] l'île des juristes ?  
J'aimerais bien échanger quelques considérations théoriques avec toi sur l'interprétation des guidelines "montant des amendes".  
Amitiés,  
Michel

-----Message d'origine-----

De : [Theofanis.Christoforou@ec.europa.eu](mailto:Theofanis.Christoforou@ec.europa.eu)  
[mailto:[Theofanis.Christoforou@ec.europa.eu](mailto:Theofanis.Christoforou@ec.europa.eu)]  
Envoyé : mercredi 16 juillet 2008 19:56  
À : Petite, Michel (L&DR-Anti-Trust-PAR)  
Objet : RE: Sony BMG

Dear Michel,

In retrospect I think you should have won Tetra as well, but time was not ripe apparently or because the Court was not convinced on the facts even if they claim that they do not review factual assessments on appeal. But speak to any appeal judge and he will tell you that they want to feel comfortable about the facts before they say anything on the law.

But now we have to decide on the thorny question what to say to the CFI about the send approval decision in Sony, which is currently appealed before the CFI again by Impala: is it valid? Is it unlawful or inexistent? And what should the CFI do now for the appeal proceedings against the second Sony decision, whilst it has to decide on the remaining pleas for the first one?

Was very nice hearing from you Michel and all the best,  
Fanis

-----Original Message-----

From: [Michel.Petite@CliffordChance.com](mailto:Michel.Petite@CliffordChance.com) [mailto:[Michel.Petite@CliffordChance.com](mailto:Michel.Petite@CliffordChance.com)]  
Sent: Tuesday, July 15, 2008 6:04 PM  
To: CHRISTOFOROU Theofanis (SJ); [antony.whelan@ec.europa.eu](mailto:antony.whelan@ec.europa.eu)  
Subject: Sony BMG

Dear Tony and Fanis,

I have now just read the judgement and cannot help sending a message of congratulation (also to Katarina).  
It seems a good lesson of good principles given to the CFI, which we believed was presumably too impressed by the conditions under which the decision had been taken by the Commission.  
And maybe, the fact that we did not appeal ourselves, helped in this respect.  
In retrospect, Tony and I should less regret to have lost Tetra if the Court now uses it this way as a reference, on the "symetry" of art 2 § 2 and 3 or on the required level of proof, or on its specific level for conglomerate mergers.

Warmest regards,  
Michel

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**From:** Michel.Petite@CliffordChance.com  
**Sent:** 02 August 2010 10:34  
**To:** CHRISTOFOROU Theofanis (SJ)  
**Subject:** FW: Compte rendu d'audition de l'APDC devant la Commission Lagarde  
**Attachments:** PA-#5921746-v1-v2\_CR\_Audition\_Mission\_de\_Réflexion\_sur\_les\_Sanctions.DOC

Fanis,

Pour ton info, je retrouve ce compte-rendu d'audition devant la "commission Lagarde", qui comprend [REDACTED], laquelle se déroule dans un cadre strictement franco-français, suite aux divergences entre l'Autorité française de la concurrence et la Cour d'Appel de Paris sur les montants d'amende. Mais les arguments sont typiques. L'audition est celle de l' APDC, qui est la grande association des juristes français de droit de la concurrence.

Bonnes vacances,  
Michel

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