AMATO’S “LECTIO MAGISTRALIS” FOR THE ICA’S 25TH ANNIVERSARY: “THE ICA IS FUNDAMENTAL IN PROMOTING DEVELOPMENT”*

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The Italian Competition Authority has proven to be fundamental in the Italian economic scenario in periods of both development and crisis, when new technologies and related challenges can seemingly create difficulties within the system: this is the basic address given by Giuliano Amato, constitutional judge and former president of the Italian Competition Authority, during his “Lectio Magistralis” for the ICA’s 25th anniversary held before the States’ high offices, control and surveillance bodies, the Authority’s managers and employees. Continuing he stated: “In its 25 years of life the Italian Competition Authority has been able to enforce a competition culture in Italy, which used to be unknown. At the same time, owing to the quality of its decisions and personnel, it now masters market analysis tools authoritatively within the national borders and even in the other European Authorities’ assembly”.

Amato’s address was preceded by the welcome speech of the ICA’s president, Giovanni Pitruzzella, who described the path followed by the Italian Competition Authority in these 25 years “always in close contact with European laws”. Amato continued mentioning all the key aspects that make a market truly liberalized: the fight against oligopolies and new monopolies; sanctions (“with particular reference to those imposed on pharmaceutical companies and on undertakings that infringe the law as regards public calls for tenders that have important repercussions also in terms of saving”); the use of new competences, such as leniency powers; the possibility to accept undertakings’ commitments; the Legality Rating that the ICA acknowledges to virtuous undertakings. The constitutional judge – also former minister and President of the Council – followed a red thread starting from the years in which Italy’s economy was based on the aim “to oppose the public power to the private one with the enforcement of a precise set of rules”, to current issues that represent new challenges for who protects undertakings and consumers against abuses. These challenges derive from the market power of big operators within the Network as well as from the profits of a sharing economy. All elements of a “new world” that can cause antitrust actions to seem irrelevant in Italy and in Europe. Instead, said actions are even more justified by the fact that the big players’ dominion of the web is carried out in a context in which it still is not clear if

* Amato’s Lectio Magistralis held in occasion of the ICA’s 25th anniversary, Rome 19 January 2016.
1 Italian Competition Authority.
they are operating “against the rules or outside the rules”.

Amato concluded emphasizing that the ICA’s action is fundamental as it takes place within a context of ongoing changes. In fact, it is necessary to control innovative markets and related market power carefully “without stifling or hindering progress, but taking the necessary measures for this development to comply with competition rules and regulations”.