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28th Annual

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Law

ADVANCED EU COMPETITION LAW, BRUSSELS 2019

25 November 2019 Digital Era Focus Day Or Mergers & Verticals Workshops
26 & 27 November 2019 Main Conference Days
Le Plaza Hotel, Brussels

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WHAT'S NEW FOR 2019?

50+ In-house Counsel Speakers From a Variety of Sectors Bringing unique practical insights to the programme



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Senior Antitrust Counsel EMEA
Uber



Marceline Tournier
Associate General Counsel EMENA & Global
Head of Antitrust
Nestlé Legal



Celine Fang
Principal Counsel Antitrust,
Ethics & Compliance
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Global Head of Competition Law
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Miriam Van Heyningen
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Director & Associate General Counsel
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Oliver Bethell
Head of Competition, EMEA
Google



Romanie Dendooven
Legal & Corporate Affairs Director
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Saar Dierckens
Senior Counsel Competition
Siemens

6 Break Out Focus Streams Tailor your experience and dig deeper into what matters most to you

Main Conference Day 1, 14:00 - 15:20

Stream 1

**VERTICALS & INFO
EXCHANGE**

Stream 2

**STATE AID &
ENFORCEMENT**

Stream 3

**BIG
DATA CHALLENGES**

Main Conference Day 2, 14:30 - 15:50

Stream 1

**MERGER
CONTROL**

Stream 2

**CARTELS
& CO-OPERATION**

Stream 3

**DOMINANCE
& COMPLIANCE**

100+ Leading Experts on 40+ Sessions The Commission, NCAs, in-house and external counsel all in one room!

This year's programme is creating more opportunities than ever before for industry experts from all sides to get involved as a speaker.

Advanced EU legends will be joined by a host of fresh faces. If you'd like to bring your experience to the programme get in touch with our portfolio director:

greg.gale@informa.com


2019 SPEAKER FACULTY

Regulators and Associations

 **Maria Jaspers**
Head of Unit - Antitrust Case Support and Policy, DG Competition
European Commission

 **Annemarie Ter Heegde**
DG Competition
European Commission


 **Daniel Rawling**
Director Policy & International
Competition and Markets Authority

 **Andrea Pezzoli**
Director General of the Competition Directorate
Italian Competition Authority


 **Konrad Ost**
Vice President
Bundeskartellamt

 **Felix Engelsing**
Head, 2nd Decision Division
Bundeskartellamt

 **Étienne Chantrel**
Head of Mergers
Autorité de la Concurrence

 **Thomas Kramler**
Head of the Digital Single Market Task Force, DG Competition
European Commission

 **Colin Raftery**
Senior Director, Mergers
Competition and Markets Authority

 **Mario Guglielmetti**
Legal Officer - Policy and Consultation Unit
European Data Protection Supervisor


 **Karin Lunning**
Deputy Director General
Swedish Competition Authority

 **Alexis Walckiers**
Chief Economist
Belgian Competition Authority

 **Agustín Reyna**
Chief Competition Advisor
BEUC


 **Serafino Abate**
Senior Director Competition Economics
GSMA

 **Christel Delberghe**
Director, Competitiveness and Commercial Relations
EuroCommerce


 **Balazs Horvath**
Case officer, unit C5 – Mergers: Information, Communication and Media
European Commission


In-House Counsel


 **Miriam Van Heyningen**
Senior Legal Counsel
Shell International


 **Oliver Bethell**
Head of Competition, EMEA
Google


 **Paolo Palmigiano**
General Counsel – EMEA
Sumitomo Electric Industries


 **Susan Hinchliffe**
Global Executive Counsel,
Competition Law & Policy
General Electric


 **Hanna Danwall**
Head of Competition Law
Carlsberg

 **Koren W. Wong-Ervin**
Director of Antitrust & IP Policy
Qualcomm


 **Ajinkya Tulpule**
Senior Legal Counsel
Ferrero


 **Hannes Boner**
VP - General Counsel
Sappi Europe


 **Gianni De Stefano**
Global Director Competition Law
AkzoNobel


 **Martin Karlsson**
Group Senior Legal Counsel
Ericsson


 **Andreas Eberhardt**
Brand Lead /Antitrust Lead Legal Counsel
Richemont International


 **Tilman Makatsch**
Head of Competition Litigation and Antitrust Economics
Deutsche Bahn

 **Saar Dierckens**
Competition Senior Counsel
Siemens


 **Kjersti Bjerkebo**
General Manager Legal
Panasonic Europe


 **Zoi Sazaklidou**
Senior Legal Counsel
Volvo Construction Equipment

 **Ian Rose**
Vice-President, Compliance
Volvo Trucks


 **Catharina Tauson-Denysiak**
General Manager, Competition & Antitrust
Renault Nissan Alliance


 **Aster Kamp**
Independent General Counsel
Regulatory Compliance Consultant


 **Caroline Eggert Frydenberg**
Head of Competition Law
Nets Denmark


 **Robert Schulz**
Head of Legal - Sales and Marketing
BSH Hausgeräte GmbH


 **Steve Thomas**
General Counsel
Kelkoo

 **Daniel Quy**
Assistant General Counsel, Competition & Regulatory Affairs (interim)
Royal Mail Group

 **Celine Fang**
Principal Counsel Antitrust,
Ethics & Compliance
Arm


 **Alexandra Parkinson**
Senior Legal Counsel -
Competition Law
HSBC


 **Manon Bovens**
Senior Expert Counsel
VodafoneZiggo


 **Nicolas Pourbaix**
Senior Counsel
Amgen


 **Romanie Dendooven**
Legal & Corporate Affairs
Director
Anheuser-Busch InBev


 **Ief Daems**
Legal Director
Cisco Systems


 **Anselm Rodenhausen**
Senior Legal Counsel Antitrust
Law
Zalando SE

 **Marceline Tournier**
Associate General Counsel
EMENA & Global Head of
Antitrust, **Nestlé Legal**


 **Thomas Gorham**
Director & Associate General
Counsel
Procter & Gamble

 **Dr. iur. Juhani Kostka**
Head of Competition Law -
Associate General Counsel
LafargeHolcim

 **Elin Moen**
Senior IP and Competition
Counsel
Schibsted


 **Mari Scimemi**
Director -Global Competition
Team
Barclays

 **Michael Kefi**
Senior Antitrust Counsel EMEA
Uber


 **Catherine Higgs**
Global Head of Competition Law
GSK

Katinka Tattersall
Global Compliance Counsel Fair
Competition
Johnson Controls

Academics, Economists & Private Practice

 **Richard Whish QC (Hon)**
Emeritus Professor of Law
King's College London


 **Nicola Mazzarotto**
Global Head of Economics
KPMG


 **Ros Kellaway**
Partner, Head of Competition
Eversheds Sutherland


 **Alexander Israel**
Partner
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 **David Foster**
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**Gianni, Origoni, Grippo,
Cappelli & Partners**

 **Marcel Meinhardt**
Partner
Lenz & Staehelin

 **Davina Garrod**
Partner
Akin Gump LLP

 **Nicole Robins**
Partner and Head of State Aid
Oxera

 **John Kallaugher**
Of Counsel
Latham & Watkins

 **Laurent Geelhand**
Partner
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 **Martin Bechtold**
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at-Law**

 **Helge Heinrich**
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 **Philipp Girardet**
Partner
**Willkie Farr & Gallagher
(UK) LLP**

 **Riccardo Celli**, Partner -
Chair of European Antitrust
and Competition Practice,
O'Melveny & Myers LLP

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Partner
Latham & Watkins LLP

 **Peter Stauber**
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Cornerstone Research

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 **Fabian Badtke**
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 **Philip Torbøl**
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 **Niva Barg**
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Professor of Law
**Stockholm School of
Economics**

 **Vikram Kumar**
Senior Manager
Cornerstone Research

 **Laurance Bary**
Partner
Dechert

 **Adrian Mujumdar**
Partner
RBB Economics

PROGRAMME AT A GLANCE...

Monday 25 November		Tuesday 26 November			Wednesday 27 November		
		Briefing A BREXIT IMPLICATIONS					
Focus Day COMPETITION LAW & THE DIGITAL ECONOMY	Workshop 1 MERGER CONTROL: PRACTICAL CHALLENGES, FDI & PUBLIC INTEREST CONSIDERATIONS	Day One POLICY & RECENT DEVELOPMENTS			Day Two MERGER CONTROL		
		MORNING BREAK					
		VERTICAL RESTRAINTS & PRIVATE ENFORCEMENT			CARTELS & ARTICLE 102		
		LUNCH					
DIGITAL FOCUS DAY CONTINUED	Workshop 2 VERTICAL RESTRAINTS & DISTRIBUTION: KEY TRANSITIONAL & COMPLIANCE CHALLENGES	Focus Stream Sessions					
		Stream 1 VERTICALS & INFO EXCHANGE	Stream 2 STATE AID & ENFORCEMENT	Stream 3 BIG DATA CHALLENGES	Stream 1 MERGER CONTROL	Stream 2 CARTELS	Stream 3 DOMINANCE & COMPLIANCE
		AFTERNOON BREAK					
WOMEN IN COMPETITION LAW INTERACTIVE DISCUSSION + DRINKS		DIGITAL SPHERE, INFORMATION EXCHANGE, & IP			DAWN RAIDS & NCAS ON FUTURE OF COMPETITION LAW		
DRINKS RECEPTION							

GAIN UP TO 20 CPD HOURS!

2-Day Conference **14 hours** - Focus day **6 hours** - Half Day Workshops **3 hours each**

Monday 25 November 2019 Digital Era Focus Day

08.30 **NETWORKING: COFFEE & REGISTRATION**

09.00 **CHAIR'S WELCOME ADDRESS**

Alec Burnside, *Partner*, **Dechert**

COMPETITION LAW IN TRANSITION?

9.10 **COMMISSION'S DIGITAL SINGLE MARKET STRATEGY**

Thomas Kramler, *Head of the Digital Single Market Task Force, DG Competition*, **European Commission**

09.40 **DO WE HAVE THE TOOLS TO REGULATE? REVIEWING RECENT REPORTS AND PROPOSALS**

- Reviewing key competition law concerns within the digital economy
- Old problems in a different guise or entirely new issues?
- Is competition law sufficient to regulate the digital sphere?
- An overview of most recent reports and their proposals to adapt competition law for the digital economy
- Discussing how and whether proposals made can be translated into policy
- Will the envisioned reforms constitute the mandate of the next Commission?

Elin Moen, *Senior IP and Competition Counsel*, **Schibsted**

Oliver Bethell, *Head of Competition, EMEA*, **Google**

Thomas Höppner, *Partner*, **Hausfeld**

10.30 **NETWORKING: MORNING REFRESHMENTS**

10.50 **LIFE AFTER FACEBOOK: COMPETITION LAW & DATA PROTECTION**

- Analysing key elements of the Facebook- Bundeskartellamt case and their implications
- Exploring the intersection between competition law and data privacy
- Arguments for and against increased regulatory interplay between competition law and data privacy
- Will there be a redefining of the mandate and scope of competition authorities?
- To what extent can other regulatory frameworks (tax laws, trade policy, consumer law, commercial law and industrial policy) weigh in on competition law?

Mario Guglielmetti, *Legal Officer - Policy and Consultation Unit*, **European Data Protection Supervisor**

Monday 25 November 2019 Workshops

08.30 **NETWORKING: COFFEE & REGISTRATION**

WORKSHOP 1

09:30 – 12:30

MERGER CONTROL: PRACTICAL CHALLENGES, FDI & PUBLIC INTEREST

- Best practice in performing in-house merger review due diligence
- Testing your market and cost management strategies within merger review
- Merger reviews and the role of non-price factors
- Review of current foreign investment control across key jurisdictions in Europe, China and USA
- Practical challenges in multijurisdictional filings
- Measuring the impact of protectionism on merger control
- The public interest test: Consequences for national security mergers and other public interest issues



Riccardo Celli, *Partner - Chair of European Antitrust and Competition Practice*, **O'Melveny & Myers LLP**



“

Nina Repo Talenti
Legal & Compliance
Director
Novo Nordisk Sas

High level conference, top speakers and great opportunity to network. I highly recommend this conference.

”

“

Katinka Tattersall
Fair Competition
Director
Johnson Controls
International SA NV

Again, excellent. Engaged speakers. Great exchange of information.

”

Martin Bechtold, *Partner*, **Eversheds Sutherland**
Agustín Reyna, *Chief Competition Advisor*, **BEUC**
Thomas Kramler, *Head of the Digital Single Market Task Force*, *DG Competition*, **European Commission**

11.30 **MERGERS IN THE DIGITAL ERA**

- Reviewing recent merger cases where data has played a key role
- Evaluating recent report proposals for the review of merger control considering substantive theories of harm
- Reviewing recent developments and economics of “killer acquisitions”
- Considering the impacts of network externalities in the digital economy and concerns for mergers

Davina Garrod, *Partner*, **Akin Gump LLP**
Adrian Majumdar, *Partner*, **RBB Economics**
Balazs Horvath, *Case officer, unit C5 – Mergers: Information, Communication and Media*, **European Commission**

12.40 **NETWORKING: LUNCH**

COMPETITION IN THE DIGITAL ECONOMY

14.40 **E-COMMERCE AND DISTRIBUTION CHALLENGES**

- Current challenges in e-commerce and life after the e-Commerce Sector Enquiry
- Most Favoured Nation (MFNs) clauses
- Review of the Geo-blocking Regulation
- Dual distribution: challenges for competition law
- KFTC market surveys into distribution agreements in apparel, food & beverage and telecommunications industries
- Compliance considerations

Michael Kefi, *Senior Antitrust Counsel EMEA*, **Uber**
Felix Engelsing, *Head, 2nd Decision Division*, **Bundeskartellamt**
Philipp Girardet, *Partner*, **Willkie Farr & Gallagher (UK) LLP**
Aster Kamp, *Independent General Counsel, Regulatory Compliance Consultant*

WITH GREAT DATA COMES GREAT RESPONSIBILITY?

14.20 **DATA ACCESS & ABUSE OF DOMINANCE IN THE PLATFORM ECONOMY**

- Review of relevant EU competition cases
- Remedy design and consumer behavior online
- Tackling anticompetitive behaviour: potential gaps in the EU competition toolbox

12:40 **NETWORKING: LUNCH & REGISTRATION FOR AFTERNOON WORKSHOP**

WORKSHOP 2

13:40 - 16:40

VERTICAL RESTRAINTS & DISTRIBUTION: KEY TRANSITIONAL & COMPLIANCE CHALLENGES

- The Future of VBER
- Managing verticals restraints & distribution challenges
- Practical challenges in staying compliant within information sharing
- Best practice in designing compliance programs tailored to your sales team
- Recent developments in selective distribution and compliance implications
- Competition issues arising from selling directly and indirectly

Robert Schulz, *Head of Legal- Sales and Marketing*, **BSH Hausgeräte GmbH**
Zoi Sazaklidou, *Senior Legal Counsel*, **Volvo Construction Equipment**
Sarah Long, *Partner*, **Euclid Law**



- Ex ante versus ex post intervention in the platform economy
- Correlation between data and market power: how should data be managed to support competition
- Standard setting, market power and gating

Axel Gutermuth, *Partner*, **Arnold & Porter Kaye Scholer LLP**
Steve Thomas, *General Counsel*, **Kelkoo**
Serafino Abate, *Senior Director Competition Economics*, **GSMA**

15.10 **NETWORKING: AFTERNOON REFRESHMENTS**

15.30 **EXPLORING THE ECONOMICS OF BIG DATA & MARKET POWER**

Nicola Mazzarotto, *Global Head of Economics*, **KPMG**

16.00 **VERTICAL AGREEMENTS: DIGITAL ERA CHALLENGES**

- Exploring competition issues arising within horizontal agreements with tech companies
- Challenges arising from agreements which are both horizontal and vertical
- Insuring that data pooling agreements are pro-competitive
- Exploring competition issues arising from the accumulation of data and blockchain technologies
- Exploring the role of data and relevant competition issues within vertical agreements
- Implications for the Vertical Block Exemption

Christel Delberghe, *Director, Competitiveness and Commercial Relations*, **EuroCommerce**
Ajinkya Tulpule, *Senior Legal Counsel*, **Ferrero**
Alexandra Parkinson, *Senior Legal Counsel - Competition Law*, **HSBC**

16.40 **CHAIR'S CLOSING REMARKS**



“

Jasmijn van
Koetsveld
Senior Competition
Counsel
Maersk

Solid overview of all level speakers.
Good place to meet your competition peers.

”



16.40– 18.00

WOMEN IN COMPETITION LAW

Jacquelyn MacLennan, *Partner*, **White & Case LLP**
Mari Scimemi, *Director, Global Competition Team* at **Barclays**
Aster Kamp-van de Velden, *Independent General Counsel*,
Regulatory Compliance Consultant

DIVERSITY, INSPIRATION AND EMPOWERMENT ROUND TABLES

INSPIRATIONAL FEMALE LEADERS IN COMPETITION HOST A PANEL DISCUSSION AS WELL AS INTERACTIVE ROUNDTABLES ACCOMPANIED BY DRINKS

- How to take female representation in competition law to the next level
- Benefits of diversity for law firms and business
- How to increase diversity
- Hear war stories from inspiring female competition lawyers

Tuesday 26 November 2019

MAIN CONFERENCE - DAY ONE

08.00 **NETWORKING: WELCOME & REGISTRATION**

08.10 – **Breakfast Briefing A**

08.45 **BREXIT: IMPLICATIONS FOR COMPETITION LAW**

Ros Kellaway, *Partner, Head of Competition*, **Eversheds Sutherland**

08.50 **CHAIR'S WELCOME**

Richard Whish QC (Hon), *Emeritus Professor of Law*, **King's College London**

POLICY & CASE UPDATES

09.00 **A VIEW FROM THE COMMISSION**

Maria Jaspers, *Head of Unit - Antitrust Case Support and Policy, DG Competition*, **European Commission**

09.30 **MAJOR EVENTS AND POLICY ISSUES IN THE PAST YEAR – AN OVERVIEW**

- Legislation/notices: ECN+, competition law after Brexit.
- European court cases: Servier appeals (pay-for-delay), Vantaan kaupunki (parental liability), Deutsche Telekom (parental liability).
- European Commission decisions:
 - Forex spot trading cartels
 - Guess and Nike (online sales restrictions), MasterCard (restrictions on cross-border payment services)
 - Developing EC practice on fine reductions for cooperation (outside cartel cases)
 - Google AdSense fine (restrictions on online adverts), Bulgarian Energy (restricting access to infrastructure).
- Policy:
 - Digital competition: The EC Digital Day and the EC experts' report
 - Competition law and the pharma sector (excessive pricing)
 - Vertical Restraints Block Exemption review
 - Joint bidding cases
- Merger Control:
 - Industrial policy and competition after Siemens Alstom
 - EC decisions on procedural issues (GE/LM Wind)

John Ratliff, *Partner*, **WilmerHale**

10.40 **NETWORKING: MORNING COFFEE BREAK**

VERTICALS & PRIVATE ENFORCEMENT

11.00 **VERTICAL RESTRAINTS & DISTRIBUTION: REVIEW OF RECENT DEVELOPMENTS**

- Exploring results of the consultation and the future of VBER
- Analysis of recent enforcement trends
- Divergence between EU and national level?
- Review key developments within retail sectors
- Key challenges facing online commerce

Andreas Eberhardt, *Brand Lead /Antitrust Lead Legal Counsel*, **Richemont International SA**

Mélanie Thill-Tayara, *Partner*, **Dechert**

11.50 **LITIGATION, PRIVATE ENFORCEMENT AND ARBITRATION**

- Reviewing national developments across key jurisdictions
- Trends and recent impact of the Damages Directive
- Practical considerations in multi-jurisdictional litigation
- Updates on jurisdiction, applicable law and extraterritoriality
- Private enforcement beyond cartel claims
- Ensuring undertakings compliance programmes are considering the risk of private litigation
- Proposals for EU Consumer Collective Action

Laurent Geelhand, *Partner*, **Hausfeld**

Hannes Boner, *VP - General Counsel*, **Sappi Europe**

Tilman Makatsch, *Head of Competition Litigation and Antitrust Economics*, **Deutsche Bahn AG**

Fabian Badtke, *Partner*, **Noerr LLP**

12.40 **FOLLOW ON DAMAGES: AN ECONOMIST'S PERSPECTIVE**

- The Economics of follow on damages
- Reviewing current cases from an economic perspective
- Practical strategies for using economic evidence

Peter Davis, *Senior Vice President*, **Cornerstone Research**

13.10 **NETWORKING LUNCH HOSTED BY Cooley**

Focus Stream Sessions *Pick your preferred sessions for an in-depth discussion*

VERTICALS

14.10

CORPORATE PERSPECTIVE: A DEEP DIVE INTO THE FUTURE OF THE VERTICAL BLOCK EXEMPTION

- What would corporates like to see changed and how?
- The role of intermediaries in supply chains
- The role of commercial sales
- Key issues at stake for e-commerce

Ief Daems, *Legal Director*, **Cisco Systems**
Anselm Rodenhansen, *Senior Legal Counsel Antitrust Law*, **Zalando SE**
Peter Stauber, *Partner*, **Noerr LLP**

14.50

INFORMATION EXCHANGE & DATA: WHEN TO SHARE & WHEN NOT TO SHARE IN VERTICALS

- Practical advice on information exchange
- When does info exchange stimulate competition in vertical agreements?
- What are the key issues arising from the hybrid role of platforms?
- Reviewing recent cases and their implications
- Practical implications for manufacturers

Katinka Tattersall, *Global Compliance Counsel Fair Competition*, **Johnson Controls**
Kjersti Bjerkebo, *General Manager Legal*, **Panasonic Europe Ltd**
Stella Sarma, *Special Counsel*, **Cooley**

15.30

AFTERNOON REFRESHMENTS

STATE AID: KEY DEVELOPMENTS & PRIVATE ENFORCEMENT TRENDS

STATE AID: KEY DEVELOPMENTS & PRIVATE ENFORCEMENT TRENDS

- Reviewing the Commission's approach to state aid
- Recent developments in private enforcement
- Application of state aid by third countries
- The future of State Aid in the UK
- Reviewing high profile cases within energy and tax and their implications

Francesco Maria Salerno, *Partner*, **Gianni, Orioni, Grippo, Cappelli & Partners**
Nicole Robins, *Partner and Head of State Aid*, **Oxera**

CONSIDERING THE BURDEN OF PROOF AND DUE PROCESS RIGHTS

- What should the burden of proof be in competition law cases?
- Theories of harm
- "By object" vs "By effect" infringements
- Analysis of recent judgments and divergence of approaches taken by the courts across the region
- Why are the competition authorities struggling to convince the courts?
- Implications for corporates

Caroline Eggert Frydenberg, *Head of Competition Law*, **Nets Denmark A/S**
Lars Henriksson, *Professor of Law*, **Stockholm School of Economics**
Alexis Walckiers, *Chief Economist*, **Belgian Competition Authority**

BIG DATA & COMPLIANCE CHALLENGES

COMPUTERS ON WHEELS: BIG DATA & AFTERMARKETS

- Exploring key competition issues arising in relation to the use of data in aftermarkets
- Should data be shared between manufacturers and aftermarket service providers under competition law?
- Addressing issues related to access to static and dynamic data
- Analysing relevant cases in aftermarkets and other markets

Ian Rose, *Vice-President, Compliance*, **Volvo Trucks**
Laurence Bary, *Partner*, **Dechert**

DOMINANCE IN MULTISIDED PLATFORMS

- The challenges of assessing dominance in multisided markets
- Defining markets
- Online platforms
- Big data competition issues
- Review of recent cases and their implications

Philip Torbøl, *Partner*, **K&L Gates**
Peter Davis, *Senior Vice President*, **Cornerstone Research**
Vikram Kumar, *Senior Manager*, **Cornerstone Research**

DIGITAL SPHERE, INFORMATION EXCHANGE AND IP

15.50 LEGAL & ECONOMIC PERSPECTIVES OF COMPETITION IN THE DIGITAL ERA

- What do recent studies and proposals from the Commission and member states add up to?
- Arguments for and against the introduction of new tools to regulate the digital sphere
- Reviewing recent cases and their implications
- Recent developments in the use of AI and algorithmic collusion
- Are digital markets more challenging than others from an economic perspective
- The economics of data and market power: is there correlation?
- Innovation and other forms of non-price competition

Legal Perspective: **Christian Ahlborn**, *Partner*, **Linklaters**

Economic Perspective: **David Foster**, *Director*, **Frontier Economics**

16.40 REVIEWING INFORMATION EXCHANGE

- Online platforms and information exchange
- Information exchange and distribution
- Managing trade associations and industry meetings
- Sharing information as part of a transaction
- Price signalling

Paolo Palmigiano, *General Counsel and Chief Compliance Officer – EMEA*, **Sumitomo Electric Industries**

Juan Rodriguez, *Partner, Co-head of Antitrust Group*, **Sullivan & Cromwell**



17.20 THE INTERFACE BETWEEN IP & COMPETITION LAW

- Review of recent cases
- Reviewing standards and essential patents and the role of industry bodies
- Data base access
- Pay for delay
- FRAND, Unwired Planet and SEPs
- IP issues in merger control law
- Technology licensing including cross licensing and settlements
- Contractual issues, components / replacement supplies

Catharina Tauson-Denysiak, *General Manager, Competition & Antitrust*, Renault **Nissan Alliance**

Lars Kjølbye, *Partner*, **Latham & Watkins LLP**

17.50 - 19.00 NETWORKING RECEPTION HOSTED BY COVINGTON



Wednesday 27 November 2019

MAIN CONFERENCE - DAY TWO

08.30 **NETWORKING: COFFEE & WELCOME**

08.50 **CHAIR'S WELCOME**

Jacquelyn MacLennan, *Partner, White & Case LLP*

MERGER CONTROL

09.00 **RECENT DEVELOPMENTS IN MERGER CONTROL**

- Data, innovation and other non-price factors in mergers
- Foreign direct investment, politicisation of merger control and other public interest issues
- Conglomerate and vertical mergers
- Procedural developments including gun jumping
- Proposals for merger control reform

Miranda Cole, *Partner, Covington & Burling LLP*

09.40 **THE ECONOMICS OF MERGER CONTROL**

- The role of economic analysis in merger control
- The Commission's stance
- Market concentration
- Theories of harm
- Quantitative techniques
- Market definitions

Caitlin Wilkinson, *Partner, KPMG*

10.10 **MERGER CONTROL: BEST PRACTICE AND PRACTICAL CHALLENGES**

- Procedural developments in mergers: gun-jumping cases and misleading information
- Is EU merger control becoming more complicated?
- How to engage with the Commission more effectively
- Tips for managing the merger process
- Multi-jurisdictional mergers
- Preparation and evidence collection – common pitfalls
- Dealing with information requests
- Remedies

Moderator: Axel Schulz, *Partner, White & Case LLP*

11.00 **NETWORKING: MORNING BREAK**

CARTELS & ARTICLE 102

11.20 **CARTELS: LESSONS FROM RECENT INVESTIGATIONS**

- Review of recent investigations and decisions at EU and national level
- ECN+ implications for cartel
- Review of significant NCA decisions
- Cartel appeals - key learnings
- Leniency incentives and disincentives - the current debate

Johan Ysewyn, *Partner, Covington & Burling LLP*

Annemarie Ter Heegde, *DG Competition, European Commission*

12.10 **CARTEL SETTLEMENTS AND APPEALS**

- Are leniency applications drying up?
- Impact of the Damages Directive
- Settlements procedures: what do they bring?
- Recent cartel settlements
- Hybrid settlements
- Practical issues in cartel appeals

Edmon Oude Elferink, *Partner, CMS*

12.40 **ARTICLE 102: PRINCIPLES, DECISIONS AND PRACTICE**

- Defining markets
- Constructive refusal to supply
- Discriminatory and excessive pricing
- Exclusionary conduct after Intel

John Kallaugher, *Of Counsel, Latham & Watkins*

13.10 **NETWORKING LUNCH HOSTED BY Cooley**

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MERGER CONTROL

14.10 CHALLENGES IN MULTIJURISDICTIONAL MERGERS INCLUDING FDI/PUBLIC INTEREST CONSIDERATIONS

- Analysing key practical challenges occurring in multijurisdictional mergers
- Challenges arising from FDI & public interest elements
- Awareness of where you must file
- EU vs US – too tough/too relaxed?
- Thresholds & test. Recent proposals for reviews
- Coordination between authorities

Ingrid Vandenborre, *Partner*, **Skadden, Arps, Slate, Meagher & Flom LLP**

Susan Hinchliffe, *Global Executive Counsel*, **Competition Law & Policy, General Electric**

Martin Karlsson, *Group Senior Legal Counsel*, **Ericsson**

Niva Barg, *Partner*, **Meitar Liquornik Geva Leshem Tal**

14.50 DEEP DIVE INTO BEHAVIORAL REMEDIES

- Is there a clear cut worldwide shift from authorities towards behavioural remedies?
- Analysing French and German proposals
- Reviewing recent remedies and their implications
- Political aspects of behavioural remedies
- Practical challenges within behavioural remedies and compliance

Francois Dumonteil, *Director*, **Advolis**

Saar Dierckens, *Competition Senior Counsel*, **Siemens AG**

Étienne Chantrel, *Head of Mergers*, **Autorité de la Concurrence**

Dr. iur. Juhani Kostka, *Head of Competition Law - Associate General Counsel*, **LafargeHolcim**

CARTELS

THE DEMISE OF LENIENCY?

- Exploring cause and effect of the leniency dry spell
- How can leniency be made the more attractive option
- Do NCAs need to put forward more effective programmes?
- Reviewing recent e-lenieny programmes

Hein Hobbelen, *Partner*, **Bird & Bird (Belgium) LLP**

Katinka Tattersall, *Global Compliance Counsel Fair Competition*, **Johnson Controls**

COMPETITION CHALLENGES IN HORIZONTAL COOPERATION

- Developments in horizontal cooperation
- Encouraging the authorities to foster a safe legal framework for competitors to cooperate on sustainability
- Cooperation on KYC issues
- Cooperation on payment systems
- Cooperating with small tech and crossover with vertical agreements

Miriam Van Heyningene, *Senior Legal Counsel*, **Shell International BV**

Marceline Tournier, *Associate General Counsel EMENA & Global Head of Antitrust*, **Nestlé Legal**

Mari Scimemi, *Director -Global Competition Team*, **Barclays**

DOMINANCE & COMPLIANCE

PRICING & COMPLIANCE IN DOMINANT POSITIONS

- Exploring developments in excessive pricing and discounts
- Pricing: translating guidance into compliance
- The challenges of remaining compliant within a fast moving environment
- Restructuring and rebuilding compliance programme around pricing and dominance

Marcel Meinhardt, *Partner*, **Lenz & Staehelin**

Matthias Eisenbarth, *Senior Legal Counsel Europe*, **Anheuser-Busch InBev**

Nicolas Pourbaix, *Senior Counsel*, **Amgen**

Thomas Gorham, *Director & Associate General Counsel*, **Procter & Gamble**

Celine Fang, *Principal Counsel Antitrust, Ethics & Compliance*, **Arm**

BEST PRACTICE IN BUILDING GLOBAL COMPLIANCE PROGRAMMES

- Best practice in building multijurisdictional compliance programme
- How are in-house counsel effectively implementing new guidance?
- Exploring key implementation challenges
- Insights on maintaining and updating compliance programmes
- Reviewing key tools for in-house counsel: AI, forensics and contract review tools

Hanna Danwall, *Head of Competition Law*, **Carlsberg**

Manon Bovens, *Senior Expert Counsel*, **VodafoneZiggo**

Peter Camesasca, *Partner*, **Covington & Burling LLP**

15.30 **NETWORKING: AFTERNOON BREAK**

DAWN RAIDS & NCA PERSPECTIVES

15.50 **THE FUTURE OF COMPETITION LAW - NCA ROUNDTABLE**

- What will competition law look like in 5 years' time?
- Will competition authorities adapt to tackle the competition challenges of a worldwide digital economy?
- Competition authorities and consumer protection
- How can NCAs address political and public lack of confidence in markets?
- Where should the boundaries be set in terms of intervention?

Helge Heinrich, *Partner*, **Noerr LLP**

Konrad Ost, *Vice President*, **Bundeskartellamt**

Andrea Pezzoli, *Director General of the Competition Directorate*, **Autorità Garante della Concorrenza e del Mercato (AGCM)**

Daniel Rawling, *Director Policy & International*, **Competition and Market Authority (CMA)**

Karin Lunning, *Deputy Director General*, **Swedish Competition Authority**

16.50 **THE EUROPEAN COMMISSION'S INVESTIGATIVE TOOLKIT**

- Preparing a company for a dawn raid and practical tips for dealing with dawn raids
- Requests for Information
- ECN+ and minimum standards of investigative tools

Alexander Israel, *Partner*, **Cooley**

17.30 **CONFERENCE CLOSE**



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Telecommunications
MTC Namibia

The conference was very informative and extensive. The speakers were well versed in the respective subject matters

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“

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A&L Goodbody

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As a global top 15 law practice, Eversheds Sutherland provides legal advice and solutions to a global client base which includes some of the world's largest multinationals. Our international team of over 70 lawyers offer strategic advice and representation on national and global matters relating to competition / antitrust practices, behavioural matters, merger control, competition litigation, compliance, trade and export control.



Frontier Economics is one of the largest economic consultancies in Europe with offices in Brussels, Cologne, Dublin, London and Madrid. Frontier uses cutting edge economics to solve complex business and policy problems, and works with leading private and public sector organisations, as well as many industry regulators.

Bird & Bird

Bird & Bird is an international law firm with over 1300 lawyers in 30 offices across Europe, the Middle East, Asia-Pacific and North America. We focus on helping organisations being changed by technology. Our Competition & EU practice offers practical, commercial advice to support your strategic objectives, as well as in-depth knowledge and experience of state aid rules. We also have a strong track record in EU litigation: we have litigated more than 100 cases before the Courts of Justice of the EU, representing private litigants, the European Commission and various EU agencies.

Cooley

Cooley's antitrust & competition team is recognized as a top-tier antitrust practice by Legal 500, Chambers USA and Global Competition Review. Our antitrust & competition lawyers regularly steer clients through the regulatory review of bet-the-company transactions, government investigations and high-stakes litigations, with a focus on high-tech industries.



ELIG Gürkaynak Attorneys-at-Law is an eminent, independent Turkish law firm founded in 2005. Widely recognized as having the leading competition law practice in Turkey, our team consists of 45 dedicated competition law specialists led by Gönenç Gürkaynak, the firm's founding partner with more than 20 years competition law experience, along with four partners and two counsel. In addition to our unparalleled experience in merger control issues, our team has vast experience in defending companies before the Turkish Competition Board in all phases of antitrust investigations, abuse of dominant position cases, leniency handlings, and before the courts on issues of private enforcement of competition law, along with appeals of the administrative decisions of the Turkish Competition Authority.

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K&L Gates is a fully integrated global law firm with lawyers located across five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals.

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Founded in 1999, with more than 70 offices in over 40 countries, CMS is one of the most global law firms in the AmLaw Global Top 100. More than 4,500 legal professionals across the world work in sector-based teams and are trained in project management. CMS offers specialist, business-focused advice in law and tax matters to clients operating in complex business and constantly changing regulatory environments. From major multinationals and mid-caps to enterprising start-ups, CMS provides the technical rigour, strategic excellence and long-term partnership to keep each client ahead whatever its chosen markets.

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We are a leading independent, international law firm, with over 470 lawyers. Our Competition Law & Regulatory team has 6 partners and was founded by 2 former top-ranking officials from the Italian Competition Authority. Our Brussels office focuses on State aid matters, assisting clients before the European Commission and national courts.



O'Melveny & Myers LLP has one of the world's pre-eminent Antitrust and Competition practices. O'Melveny is recommended as a leading antitrust and competition law practice in the prestigious Global Competition Review's "GCR 100" and several of its partners are recognised globally as leading experts in competition law, including Riccardo Celli, head of the firm's European Antitrust and Competition Practice and of the firm's Brussels office.



Meitar Liquornik Geva Leshem Tal is Israel's leading international law firm. The firm represents some of the world's largest multinational corporations in corporate, commercial and litigation matters, in Israel and abroad. Meitar consistently receives the highest rankings from international and Israeli independent guides, such as Chambers & Partners and Legal500.



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WILLKIE FARR & GALLAGHER (UK) LLP

Willkie's European Antitrust & Competition practice, spanning London, Paris, Brussels, Frankfurt and Rome, provides practical and business-orientated advice to clients facing challenging, cross-border antitrust issues.



Akin Gump: Akin Gump's Competition team advises on mergers, acquisitions and joint ventures; technology transfer and IP licensing; cartels and behavioural matters; investigations by government agencies and regulators; competition law damages claims and disputes; and state aid/restructuring. Recognized in 2019 by Chambers Europe and Legal 500 UK, clients' commented that Davina Garrod, head of the European Competition practice has a "depth of experience and engagement in our areas of interest are exceptional" and "value her perspective greatly".



RBB Economics: RBB is a world leading consultancy in the economics of competition law. We have over 125 professional staff based in London, Brussels, Madrid, Stockholm, Paris, Düsseldorf and The Hague as well as in South Africa and Australia. Our team is multinational and multi-lingual; it includes economists and econometricians who now have experience in 112 jurisdictions worldwide. We have completed competition assignments in cases covering a broad range of industries and in all types of competition settings including mergers, dominance inquiries, assessment of agreements (horizontal and vertical), information exchange, market investigations and private action/litigation.



Oxera: Oxera Consulting LLP advises companies, policymakers, regulators and lawyers on any economic issue connected with competition, finance or regulation. In particular, Oxera is the market-leading economics and finance consultancy in state aid, with extensive experience working on seminal state aid cases. We have an excellent record of helping clients achieve state aid clearance in front of the European Commission and Courts on a wide range of state aid matters.

“

Nina Repo-Talenti
Legal & Compliance
Director
Novo Nordisk Sas

High level conference, top speakers and great opportunity to network. I highly recommend this conference

”

“

Jasmijn van
Koetsveld
Senior Competition
Counsel
Maersk

Solid overview of all level speakers. Good place to meet your "competition peers".

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Katinka Tattersall
Fair Competition
Director
Johnson Controls
International SA NV

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