

IBC Legal Conferences' 23rd annual forum

ADVANCED EU COMPETITION LAW LONDON, 2014

The ultimate review of key developments in EU competition law

Tuesday 29th & Wednesday 30th April 2014 – Le Méridien Piccadilly, London, UK

Day one to be chaired by:



Prof Richard Whish
Emeritus Professor of Law
King's College London, UK

Day two to be chaired by:



Dorothy Livingston
Consultant
Herbert Smith Freehills LLP, UK

IBC Legal is proud to announce the **leading industry event** of the year in London, highlighting the **most crucial legal developments and insightful updates** in the field of EU competition law and policy over the past twelve months.

Key areas of focus:

- ✓ Recent developments, cases and policy issues 2013 – 2014
- ✓ Cartel enforcement and leniency
- ✓ Criminal enforcement
- ✓ Vertical restraints
- ✓ Mergers
- ✓ Article 101
- ✓ Article 102
- ✓ State aid
- ✓ IP / antitrust issues
- ✓ Current policies of the Commission

“Well organised, good content, excellent speakers.”

(J DeGou, Akzo Nobel)

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Meet your distinguished line-up of speakers:

European Commission, NCAs and the courts:

Kevin Coates, Head of Unit, Cartels Directorate, Unit G1, *DG Competition, European Commission*, Belgium
Sophie Bertin-Hadjiveltcheva, Head of Unit, State Aids III - Task Force Financial Crisis, *DG Competition, European Commission*, Belgium
Ann Pope, Senior Director, Anti-Trust, *Competition and Markets Authority (CMA)*, UK
Claudia Berg, Senior Legal Director, Enforcement, *Competition and Markets Authority (CMA)*, UK
Trine Osen Bergqvist, Legal Counsel, *Swedish Competition Authority*, Sweden
Jolanda Strijker-Reintjes, Specialized / Coordinating Member of Staff, *Authority for Consumers & Markets (ACM)*, The Netherlands
Judge Stefaan Raes, *Court of Appeal Brussels*, Belgium

In-house counsel:

Dr Gordon Christian, Senior Counsel, *Siemens AG*, Germany
Kaarli Harry Eichhorn, Senior Counsel - European Competition Law, Government Affairs & Policy, *General Electric Company*, Belgium
Andreas Eberhardt, Senior Legal Counsel Antitrust, *Richemont*, Switzerland
Ann Marie Galvin, General Counsel, *3M Benelux / Competition Law Counsel Europe*, *3M*, Belgium
Laurent Geelhand, General Counsel Europe, *Michelin*, France
Tommy Gorham, Director & Associate General Counsel, Global Antitrust & Trade Relations, *Procter & Gamble Company*, Switzerland
Gabriel McGann, Senior International Competition Counsel, *Coca-Cola*, Ireland
Christian Miede, Lawyer & Compliance Officer, *ThyssenKrupp AG*, Germany
Paolo Palmigiano, Chairman, *European Association of In-House Competition Lawyers (ECLA)* & General Counsel & Chief Compliance Officer, EMEA, *Sumitomo Electric Group*, UK
Dallis Rademaker, Senior Corporate Counsel, *Philips Intellectual Property and Standards*, The Netherlands

Private practice lawyers and economists:

Peter Davis, Executive Vice President, *Compass Lexecon*, UK
Rüdiger Harms, Counsel, *Cleary Gottlieb Steen & Hamilton LLP*, Germany
John Kallaugher, Partner, *Latham & Watkins*, UK
Lars Kjolbye, Partner, *Latham & Watkins LLP*, Belgium
Greg Olsen, Partner, *Clifford Chance LLP*, UK
David Parker, Director, *Frontier Economics*, UK
Simon Priddis, Partner, *Freshfields Bruckhaus Deringer LLP*, UK
Isabel Taylor, Partner, *Slaughter and May*, UK
Frank Wijckmans, Partner, *contrast*, Belgium
Johan Ysewijn, Partner, *Clifford Chance LLP*, Belgium



Advanced EU Competition Law

Day one: Tuesday 29th April 2014

08:30 Registration and coffee

09:20 **Chair's opening remarks**



Prof Richard Whish
Emeritus Professor of Law
King's College London, UK

Review of latest developments

Keynote review

09:30 **Major developments and policy issues over the past twelve months**

- Review of cases 2013 – 2014: the continuing tide of commitment decisions
- EU legislation, notices and informal guidance including the proposed Damages Directive and simplified procedure for certain mergers
- European Courts judgments on Articles 101 and 102
- Investigations: a fresh interest in vertical arrangements (*pay TV*)?
- Mergers: a review of phase II cases and failing firm developments (including *Nynas / Shell* and *Aegean / Olympic II*)
- Policy developments



Greg Olsen
Partner
Clifford Chance LLP, UK

10:45 Morning coffee

Cartels

11:15 **Cartel enforcement and leniency**

- Policy output from the EC on cartels: guidance on electronic data gathering and oral statements
- Key milestones in the EU's battle against cartels: record fines in *LIBOR* and the settlement decisions in *Wire Harnesses* and *Foam*
- The cartel concept: are authorities pushing the boundaries? – Pay for delay, information exchange
- The European Competition Network: enforcement trends in the Member States
- The case-law of the General Court and the ECJ:
 - The issues in relation to dawn raids raised by *Deutsche Bahn*
 - Single and continuous infringement: *Trelleborg, Keramag* and *Wabco*
 - Parent liability: *Gosselin, Dow* and *Del Monte*
 - The repeat offender contradiction – the solution: *Versalis*
 - Treatment under the Leniency Notice: *Kone*



Kevin Coates
Head of Unit, Cartels Directorate, Unit G1
DG Comp, European Commission, Belgium



Johan Ysewyn
Partner
Clifford Chance LLP, Belgium

12:15 **Panel discussion and Q&A: recent cartel developments across Europe**

- What is the impact of increased private enforcement?
 - What are the benefits to apply for leniency / settlement?
 - Economic evidence on the effects of leniency programs
- To be joined by:



Kevin Coates
Head of Unit, Cartels Directorate, Unit G1
DG Comp, European Commission, Belgium



Gabriel McGann
Senior International Competition Counsel
Coca-Cola, Ireland



Tommy Gorham
Director & Associate General Counsel, Global Antitrust & Trade Relations
Procter & Gamble Company, Switzerland



Christian Miede
Lawyer & Compliance Officer
ThyssenKrupp AG, Germany



Johan Ysewyn
Partner
Clifford Chance LLP, Belgium



Jolanda Strijker-Reintjes
Specialized / Coordinating Member of Staff
Authority for Consumers & Markets (ACM), The Netherlands

13:25 Lunch

Private enforcement

14:40 **Private enforcement**

- Transparency challenges to applying the system in the real world
- Evaluation

Part I: a litigator's perspective



Rüdiger Harms
Counsel
Cleary Gottlieb Steen & Hamilton LLP, Germany

Part II: a judge's perspective



Judge Stefaan Raes
Court of Appeal Brussels, Belgium

Part III: an in-house perspective



Laurent Geelhand
General Counsel Europe
Michelin, France

15:50 Afternoon tea

16:20 **Panel discussion: private enforcement**

- The Commission's enforcement policies
- Impact of recent case law
- Follow-on damages litigation

To be joined by:



Claudia Berg
Senior Legal Director, Competition Enforcement
Competition and Markets Authority (CMA), UK



Laurent Geelhand
General Counsel Europe
Michelin, France



Rüdiger Harms
Counsel
Cleary Gottlieb Steen & Hamilton LLP, Germany



Paolo Palmigiano
Chairman, *European Association of In-House Competition Lawyers (ECLA)* & General Counsel & Chief Compliance Officer, EMEA, *Sumitomo Electric Group, UK*



Judge Stefaan Raes
Court of Appeal Brussels, Belgium

The court

17:00 **The view from the court**

- The loss of relative importance of competition law in the court's work
 - Recent case law
 - The issue of unlimited jurisdiction
 - The role of the bar
- Subject to final confirmation – please see website for updates

17:45 **Chair's closing remarks**

17:50 Close of day one

17:50 – 19:00

Drinks reception



Day two: Wednesday 30th April 2014

08:40 Registration and coffee

09:10 Chair's opening remarks



Dorothy Livingston
Consultant
Herbert Smith Freehills LLP, UK

The new CMA

Keynote address

09:20 The CMA goes live

- Aspirations for the CMA: how to make a good system even better
- Legislative and procedural developments in antitrust enforcement
- Delivering effective enforcement: opportunities and challenges
- The importance of having the right portfolio
- How the CMA has managed transition through the launch period



Ann Pope
Senior Director, Anti-Trust
Competition and Markets Authority (CMA), UK

Mergers

10:10 Mergers – an update

- Reforms to the EUMR
 - Do the new measures simplify or complicate notifications?
 - Minority shareholdings – is there an enforcement gap?
- New CMA merger control regime
- When failure brings success – the failing firms defence
 - *Olympic Air / Aegean Airlines II*
 - *Nyana / Harburg Refinery*
 - *Optimax / Ultralase*



Isabel Taylor
Partner
Slaughter and May, UK

10:50 Morning coffee

11:20 Developments in economic analysis in merger control

- Current and future economic developments:
 - Economics in the analysis of remedies
 - Recent extensions to GUPPI / UPP analysis



Peter Davis
Executive Vice President
Compass Lexecon, UK

11:50 Panel discussion: mergers – trends and challenges

- Discussing key merger issues
- How best to improve merger control proceedings



Trine Osen Bergqvist
Legal Counsel
Swedish Competition Authority, Sweden



David Parker
Director
Frontier Economics, UK



Kaarli Harry Eichhorn
Senior Counsel - European
Competition Law,
Government Affairs & Policy
General Electric Company,
Belgium



Dr Gordon Christian
Senior Counsel
Siemens AG, Germany



Simon Priddis
Partner
Freshfields Bruckhaus Deringer LLP, UK

12:30 Lunch

Vertical restraints

13:40 Vertical restraints – what's new?

- Impact of *Allianz Hungaria*, *Pierre Fabre* and *Expedia* on vertical restraints
- Sub-distribution: tricky borderlines between horizontals and verticals



Frank Wijckmans
Partner
contrast, Belgium



Andreas Eberhardt
Senior Legal Counsel Antitrust
Richemont, Switzerland

State aid

14:30 State aid – an update

- Key aspects of the State aid modernisation
- Overview of the latest developments in State aid for financial services and interrelation with the banking union, Single Supervisory Mechanism and Single Resolution Mechanism, as well as with the upcoming ECB stress tests



Sophie Bertin-Hadjiveltcheva
Head of Unit, State Aids III - Task Force Financial Crisis
DG Comp, European Commission, Belgium

15:15 Afternoon tea

Article 102

15:45 Article 102

- Reverse patent settlements
- Article 102 and the smart phone wars
- Limits on divestiture as an Article 102 remedy
- Access to rail infrastructure
- Trends in Member State enforcement



John Kallaughter
Partner
Latham & Watkins, UK

IP & Competition law

16:25 IP / antitrust interface: a continuing tension?

- Injunctions in the wake of the *Samsung* and *Motorola* investigations: fundamental right or abuse?
- Patent settlements after *Lundbeck*: can any general principles be derived?
- Do the revised technology transfer rules signal a shift towards increased tension between IP and Antitrust?
- Are obligations to license still 'exceptional'?



Lars Kjølbje
Partner
Latham & Watkins LLP, Belgium



Dallis Rademaker
Senior Corporate Counsel
Philips Intellectual Property and Standards, The Netherlands



Ann Marie Galvin
General Counsel, *3M Benelux* / Competition Law Counsel Europe
3M, Belgium

17:15 Closing remarks

17:30 Close of conference

"A very efficient way to keep up to date with developments across a broad range of topics."

(J Davey, Adleshaw Goddard)

Advanced EU Competition Law London, 2014

Tuesday 29th & Wednesday 30th April 2014 – Le Méridien Piccadilly, UK

This **must-attend forum** will once again provide a premium platform to discuss the **practical implications of recent case law**.

Get to grips with the latest competition law developments while networking with peers and experts during the course of the cutting-edge event and the **drinks reception on day one**.

So don't miss out on your yearly update on crucial legal developments in the field of EU competition law.

What did previous delegates think about this event?

"Well organised, good content, excellent speakers!"

(J DeGou, Akzo Nobel)

"Very interesting and well organised event!"

(F Munteanu, Reff & Associates)

"Excellent review of current topics!"

(Bruno Augustin, Ernst & Young)

"Very good conference."

(Michael Bryrup, Post Danmark)

Upcoming events for your diary:

Dominance & Pricing in Europe

Brussels, Belgium, 18 March 2014
www.ibclegal.com/dominance

Cartel Risks & Compliance

Brussels, Belgium, 19 March 2014
www.ibclegal.com/cartels

Competition Law Challenges in the Financial Services Sector

London, UK, 22 May 2014
Email professionalcustserv@informa.com

Competition Law Challenges in the Motor Vehicle Sector

Brussels, Belgium, June 2014
Email professionalcustserv@informa.com

Competition Law Challenges in the Shipping Sector

Brussels, Belgium, June 2014
Email professionalcustserv@informa.com

EU Competition Law Summer School

Cambridge, UK, 11 - 15 August 2014

www.ibclegal.com/eucompschool

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Frontier Economics is one of Europe's leading economics consultancies. We help businesses understand how authorities will view the dynamics of competition in their particular markets, ensuring arguments and evidence are communicated in the most powerful way possible. Our expertise covers mergers, market investigations, abuse of dominance, vertical and horizontal agreements, and contentious matters.

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- Simmons & Simmons
- Telekom Austria
- Tetra Pak

and many more...

Advanced EU Competition Law London, 2014

The ultimate review of key developments in the field of EU competition law

Tuesday 29th & Wednesday 30th April 2014 – Le Meridien Hotel, London, UK

Dear Colleague,

IBC Legal's 23rd annual Advanced EU Competition Law Forum in London is gathering **high-profile speakers** to once again provide you with an **insightful review of the recent legal developments** in EU competition law.

Attend this year's event for **invaluable updates** and **insights** from leaders in the field of EU competition law.

Principal experts from a diverse background have been assembled to discuss and analyse critical developments and case law in relation to cartels, mergers, IP and competition law, private enforcement, vertical restraints as well as State aid.

Discuss the **Commission's future policies** and equip yourself with the tools to tackle challenges by analysing recent cases and their practical implications - through **provocative, relevant and timely debates** and information sharing.

The speakers and I look forward to welcoming you to the **longest-running and best-attended competition law event in the UK!**

Jana Schmolmann
Conference Director
IBC Legal Conferences

Exclusive summary of recent case law

Hear the exclusive and comprehensive review of major legal developments over the past twelve months from **Greg Olsen**, Partner, **Clifford Chance LLP**.

Read why past delegates repeatedly come back to this cutting-edge event:

"Excellent 'one stop shop' for what is happening in the European competition arena and views on what lies in the forthcoming 12 months."

(Craig Reed, Grant Thornton)

"An extremely well organised conference where an up to date discussion on the most important topics of competition law is of extreme importance and should not be missed."

(A D Henriques, Marques Mendes & Associates)

"A very efficient way to keep up to date!"

(J Davey, Addleshaw Goddard)

Why attend this year's cutting-edge Advanced EU Competition Law forum?

- ✓ **Gain** your annual review of recent EU competition law and policy developments
- ✓ **Understand** the practicalities of the major new developments in private enforcement
- ✓ **Scrutinise** the Commission's stand and guidance on cartels and State aid
- ✓ **Obtain** cutting-edge insights and advice on crucial legal issues such as current investigations, consultations, merger clearances, and much more
- ✓ **Analyse** the implications of Article 102 developments
- ✓ **Benefit** from useful and cutting-edge panel discussion on the mergers and private enforcement
- ✓ **Examine** the issue of selective distribution after the *Auto24* judgement
- ✓ **Learn** about the latest cases and recent investigations such as *Google/MMI*, *Motorola Mobility*, *Samsung*, *Amazon*, *Adidas*, *Rewe*, *Spar* and *Philips*
- ✓ **Network** with your peers from across Europe

Who should attend?

- EU lawyers in private practice
- In-house counsel
- Economists
- Lawyers in government and public bodies
- European Commission officials
- National competition authorities
- National regulators
- Judges
- Trade associations
- Lawyers in government and public bodies
- Managing directors across the industries
- Academia

Don't miss the cutting-edge discussions and updates on the most crucial competition law aspects such as:

- ✓ Recent case law and policies 2013-14
- ✓ The Commission's current and future priorities
- ✓ Private competition enforcement
- ✓ Articles 101 and 102
- ✓ Cartel enforcement, settlement and leniency
- ✓ View from the Court
- ✓ EU merger control
- ✓ State aid
- ✓ Vertical restraints
- ✓ Interface between IP & competition law with the focus on:
 - *Google/MMI*
 - *Motorola Mobility* and *Samsung*

23rd Advanced EU Competition Law London, 2014

29th & 30th April 2014 • Le Méridien Piccadilly, London, UK

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WHEN AND WHERE

FKW82453

Tuesday 29th &
Wednesday 30th April
2014

Venue: Le Méridien Piccadilly Hotel

21 Piccadilly
London W1J 0BH, UK
Tel: +44 (207) 734 8000
<http://www.lemeridienpiccadilly.co.uk/>

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