

International In-House Counsel Journal 2nd Annual Competition Conference

Tuesday 3rd November 2015

Law Society, London



Agenda

08.30 - 09.00 Registration

09.00 - 09.10 **Conference Chair:**
Richard Whish QC (Hon), Emeritus Professor, King's College London, UK

Welcome and Introduction

Michael Bond

Editor

International In-house Counsel Journal

9.10 - 9.50 **Keynote speech: Extraterritorial Application of EU Competition Law**

- Evolution of the concept in EU and US
- Cases and jurisprudence of the Commission and the Courts
- Recent case law
- Direct and indirect sales

Paolo Palmigiano

Chairman of ICLA (association of in-house competition lawyers) & General Counsel and Chief Compliance Officer – EMEA

Sumitomo Electric Industries, Ltd, UK

9.50 - 10.30 **Recent Developments in Merger Control**

Panel Moderator:

Dr Tobias Caspary

Competition Partner

Fried, Frank, Harris, Shriver & Jacobson (London) LLP, London/Frankfurt

Panel Members:

Jonathan Parker

Director, Mergers

CMA (Competition & Markets Authority), UK

Julia Brockhoff

Deputy Head Merger Policy Unit

European Commission, Brussels

Holger Hohmann

Senior Counsel Competition

Siemens, Germany

10.30 - 10.45 Tea, coffee and discussion

10.45 - 11.45 **Most Favoured Nations Clauses (MFNs) and Associated Vertical Contracts**

"The development of the internet and e-commerce is having a profound impact on firms' business models, consumers' behaviour and the overall economy. That should improve competition among suppliers and yield higher consumer and social welfare. Yet, digital ecosystems present some competitive risks. This greater availability of information may allow firms to monitor each other more easily, thereby facilitating collusive conduct; also, strong network externalities may tip markets toward creating dominant players; consumers may be deceived more readily by misleading and non-verifiable information. Moreover, manufacturers and distributors have strived over the years to create distribution systems that offer consumers pre-sale and postsale services that enhance the consumers' evaluation of goods and services, increase their welfare and make all market players better off. The diffusion of on-line sales, however, may disrupt or jeopardise this system and harm firms and consumers alike in the medium/long-run. Arguably for that reason, manufacturers might limit their online distributors' ability to compete on price. Whether such limitations are generally pro- or anti-competitive was a hotly contested issue at the roundtable, but a consensus did emerge that the framework for analysing that question should be the same in both the on-line and off-line contexts." **OECD**

This interactive panel session will debate how organisations can ensure that their activities are not in breach of competition legislation.

Panel Moderator:

Dr Matthew Bennett

Vice President

Charles River Associates, UK

Panel Members:

Paolo Palmigiano

Chairman of ICLA (association of in-house competition lawyers) & General Counsel and Chief Compliance Officer – EMEA

Sumitomo Electric Industries, Ltd, UK

Kjersti Bjerkebo

Senior Legal Manager, European Legal & International Affairs

Panasonic Europe Ltd., Belgium

Helena Larsson-Haug

Deputy Head of Unit

DG COMP, European Commission, Brussels

11.45 - 12.15 **Roland Green**
Deputy General Counsel
Competition and Markets Authority, UK

12.15 - 12.45 **Information Exchanges – drawing the line between legitimate and anti-competitive behavior**

The presentation will cover:

- Theory of harm and pro-competitive effects
- Relevant criteria for the antitrust self-assessment
- Borderline cases (unilateral disclosures, hub & spoke scenarios, public announcements)

Dr. Jeannine Bartmann M.B.L.-HSG

Head of Competition, IP and IT Law

Allianz SE, Germany

12.45 - 14.00 Lunch

14.00 - 15.00 **Big Data and Competition: The policies, issues and challenges ahead**

What the issues are and why they can be competition based?

Panel Moderator:

Lee Callaghan

Group Competition Counsel, General Counsel International Markets

Aviva, UK

Panel Members:

Julia Holtz

Director Competition

Google

Dr. Jeannine Bartmann M.B.L.-HSG

Rechtsanwältin, Group Legal & Compliance

Allianz SE, Germany

Christian D' Cunha

Policy Assistant to the European Data Protection Supervisor

EDPS, Brussels

15.00 - 15.30 Tea, coffee and discussion

15.30 - 16.00 **The New Private Actions Regime from the Perspective of a Class Representative**

The presentation will cover:

- Overview of the new regime and the policy drivers behind it.
- Challenges of an opt-in regime and the possibilities presented by opt-out.
- Practical and strategic considerations for representatives in using the new regime.
- Challenges: funding, risk and expectation management.

Kate Wellington

Lead Lawyer - Policy & Communications

Which?, UK

16.00 - 17.00 **Litigation Panel: Private Damages Actions and Collective Redress**

Recent legislative developments, the U.K. Consumer Rights Act 2015 and Directive 2014/104/EU on Antitrust Damages Actions, will assist individuals and companies to claim private law redress for infringements of EU antitrust rules, such as cartels or abuses of dominant market positions. The provisions include new measures aimed at ensuring claimants will have access to evidence, assisting them to prove and quantify loss and promoting collective action.

What are the implications to your organisation? The litigation panel will analyse some of the historical obstacles to private damages claims, including the obtaining of collective redress and the funding of cases. The panelists will assess the impact of the new legislation and the likely changes to the litigation landscape as a result. They will offer practical insights for pursuing claims and meeting the challenges faced by the new legislation.

Panel Moderator:

James Kitching, International Disputes Partner,

Fried, Frank, Harris, Shriver & Jacobson (London) LLP, UK

Panel Members:

Christian Stuerwald

Head of Underwriting

Calunius Capital LLP, UK

Lauren McGeever

Director, Class Action & Mass Tort

EPIQ Systems Inc., UK

Kate Wellington

Lead Lawyer - Policy & Communications

Which?, UK

Elisabeth Wigger

Chief Competition Counsel

Statoil, Norway

17.00 Close