Registration & Refreshments
08:30 - 09:00
• Registration & Refreshments

Chair's Welcome and Introduction
09:00 - 09:10
Participants
Trevor Soames - Partner, Quinn Emanuel Urquhart & Sullivan LLP

Regulating the Digital Sphere: Review of Digital Markets Act (DMA) & Digital Services Act (DSA)
09:10 - 10:00
Regulating the Digital Sphere
• Proposals for DMA and DSA:
  • What are the aims?
  • What harms are under discussion?
  • Current proposals and parliamentary and member state reviews
  • Appeals against DMAs by Germany and UK: what are the concerns?
  • What is next?
  • What will the relationship between DMA and competition law be?
• What is the purpose of ex ante regulation: competition vs other public policy goals such as fairness?
• Who will enforce DMA and what resources are available for them?
• How will NCA's and the Courts support DMA?
• Why are some conducts excluded from DMA? Is the DMA future proof? Is there a tension between different policy goals?
• Likely practical implications

Participants
Ingrid Vandeborre - Partner, Skadden, Arps, Slate, Meagher & Flom LLP
Thomas Kramler - Head of Unit, Antitrust: E-commerce and the Data Economy, DG Competition, European Commission
Stefan Hunt - Chief Data and Technology Insights Officer, Competition & Markets Authority (CMA)
Agustín Reyna - Chief Competition Advisor, BEUC

Digital Markets Act: Practical Implications for Non-Dominant Players
10:00 - 10:50
Regulating the Digital Sphere
• How will non dominant companies' non-gatekeepers enforce infringements?
• How to get access to essential facilities like data pools?
• How is this likely to be dealt with in practice in fast-moving markets?
• How do other players deal with digitalization if they are not confronted with dominance/gatekeeper issues?

Participants
Moderator: Björn Herbers - Partner, CMS
Anselm Rodenhausen - Team Lead Antitrust & Distribution Law, Zalando SE
Steve Thomas - General Counsel, Kelkoo
Gene Burrus - Global Competition Policy, Spotify
Raegan MacDonald - Director of Global Public Policy, Mozilla

Morning Networking Break
10:50 - 11:10
Regulating the Digital Sphere

Germany's Approach to Digital Markets
11:10 - 12:00
Regulating the Digital Sphere
• Review of Sec. 19a ARC in the New Competition Law Bill: Special measures against companies with "paramount significance of a company for competition across markets"
• How does it interact with DMA? Review of non-paper of the "friends of an effective DMA" calling for the option of an even stricter national enforcement
• The tipping provision and how it is being used in Scout 24 real estate portal case
• How has it been used to open investigations into Google, Amazon and Facebook?

Participants
Sebastian Wismer - Head of Digital Policy Unit, Bundeskartellamt
Jürgen Kühleng - Chair for Public Law, Real Estate Law, Infrastructure Law, and Information Law, University Regensburg & Head, German Monopolies Commission

Review of Current Digital Cases across Europe
12:00 - 12:40
Case Law Update
• Review of significant digital cases across Europe
• Practical lessons learnt

Networking Lunch Break
12:40 - 13:40
Case Law Update

Big Data & Competition Law: Data as a Source of Market Power, Interoperability & Access to Data
13:40 - 14:25
Big Data & Competition Law
• How are the authorities across Europe approaching big data?
• Data as a source of market power
• Interoperability & access to data: How to design effective remedies regarding data-sharing and interoperability that respect the GDPR
• Exploring the intersection of competition law, data privacy and consumer law including whether there is a need for more joined up enforcement

Participants
Mario Guigliemetti - Legal Officer - Policy and Consultation Unit, European Data Protection Supervisor
Kayvan Hazemi-Jebelli - Competition & Regulatory Counsel, Computer & Communications Industry Association (CCIA)
Antonio Capobianco - Acting Head, Competition Division, OECD

Economics of Big Data & Market Power
14:25 - 14:55
Big Data & Competition Law
• The economics of data and market power: is there correlation?
• Are digital markets more challenging than other from an economic perspective?

Participants
Federico de Michiel - Senior Economist, Copenhagen Economics
Erik Linden - Senior Economist, Copenhagen Economics

Afternoon Coffee Break
14:55 - 15:15
Big Data & Competition Law
### The Role of Data in Merger Control

**15:15 - 16:00**

**Big Data & Competition Law**

- Review of recent significant mergers including Google/fitbit, Facebook/Giphy and Facebook/Customer
- The role of big data and innovation in mergers
- Economics of digital era mergers and theories of harm: do they need to be updated to the new digital world?
- How can you determine if someone is a potential competitor?
- The use of efficiency defence by large firms entering into new markets

**Participants**

Matthew Readings - Partner, Shearman and Sterling

Michael Kefi - General Counsel, Stuart & Pickup

### Artificial Intelligence & Internet of Things

**16:00 - 16:45**

**Artificial Intelligence & Internet of Things**

- Proposals for Artificial Intelligence Bill
- AI and algorithms: how can somebody be held liable for concerted practices when AI is setting prices?
- CMA's investigation into algorithmic cartels: what are the outcomes
- Update on internet of things related investigations/sector inquiry
- The IoT and data sharing with a view to fostering R&D/innovation

**Participants**

Elvira Aliende Rodriguez - Partner, Shearman & Sterling

Ian Rose - Vice-President, Compliance, Volvo Trucks

Aymeric de Moncuit - Référendaire, General Court of the European Union

### A Look to the US

**16:45 - 17:30**

**Transatlantic Developments**

- USA antitrust reform bill: what are the proposals?
- Review of recent cases in the tech sector including Apple vs Epic
- How is the US reacting to EU approach to dominance in the tech sector?

**Participants**

Kathleen Foote - Senior Assistant Attorney General, California Department of Justice

### Chair's Closing Commentary and Close of Focus Day

**17:30 - 17:35**

**Participants**

Trevor Soames - Partner, Quinn Emanuel Urquhart & Sullivan LLP
## SCHEDULE
**FOCUS DAY: COMPETITION LAW IN THE DIGITAL ERA - 22/11/2021**

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<th>TIME</th>
<th>ARTIFICIAL INTELLIGENCE &amp; INTERNET OF THINGS</th>
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<th>CASE LAW UPDATE</th>
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**Advanced EU Competition Law, Brussels**

Hotel Le Plaza
Brussels, Belgium

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[legal](legal.registrations@informa.com)
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CMA: review of key priorities
Information exchange concerns
Data sharing in horizontal collaborations
Joint bidding
Review of recent enforcement trends across
Dual distribution: when is a vertical relationship
Should broader public policy initiatives be
Selective distribution: what is permissible?
The Commission's approach to collaboration for
National initiatives: Netherlands, Greece, Austria's
CMA's position
Horizontal Block Exemption Regulations: where are
Price recommendations
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How can competition policy support the objectives
Interaction between CMA and the European
Dual Distribution: The Commission's Working
What should the rules be for the new digital
The risk of information exchange
Policy
Legislative developments:
What lessons can be learnt from recent
The future of the Vertical Block Exemption
Working Paper on the Dual Role of commercial
What is an agent? What is DG Comp reasoning?
European Courts cases:
Philosophical tensions: when the good of the
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EC decisions and other action:
• Cartels for rail cargo transport, bond trading,
• On pay for delay
• Comfort letter on vaccine production cooperation
• Policy
• Sustainability and competition law
• Mergers overview including Article 22 referrals
Participants
John Ratliff - Partner, Wilmerhale LLP

UK Competition Law Developments
08:15 - 08:55
InFocus Breakfast Briefing: UK Competition Law Developments
• CMA: review of key priorities
• Is the CMA's approach more aggressive post-Brexit?
• Interaction between CMA and the European Commission
• Review of key cases in 2020-2021

Chair's Welcome
09:00 - 09:10
Participants
Richard Whish QC (Hon) - Emeritus Professor of Law, King's College London

A View from the European Commission
09:10 - 09:50
Policies, Enforcement & Investigations
Participants
Olivier Guersent - Director-General, DG Comp, European Commission

Major Events and Policy Issues in EU Competition Law 2020-2021
09:50 - 10:40
Policies, Enforcement & Investigations
• Legislative developments:
  • Review of EC Vertical and Horizontal Restraints Block Exemptions and Guidelines (including VBER proposals), and the EC Market Definition Notice
  • Proposed Digital Services and Markets Acts
• European Courts cases:
  • Including on limitation, cartel appeals, essential facilities, the impact of settlements on third parties, arbitration and sport, pay for delay
• EC decisions and other action:
  • Cartels for rail cargo transport, bond trading, and vehicle emissions cleaning technology
  • On pay for delay
  • Comfort letter on vaccine production cooperation
• Policy
• Sustainability and competition law
• Mergers overview including Article 22 referrals
Participants
John Ratliff - Partner, Wilmerhale LLP

Morning Networking Break
10:40 - 11:00
Policies, Enforcement & Investigations

Green Deal, Sustainability & Competition Policy
11:00 - 11:45
Horizontal & Verticals
• How can competition policy support the objectives of the Green Deal?
• The Commission's approach to collaboration for sustainability aims
• National initiatives: Netherlands, Greece, Austria's position and what are their implications in light of overarching Art. 101 TFEU
• CMA's position
• Philosophical tensions: when the good of the individual is not necessarily consistent with the good of society – how should competition policy respond?
• Should broader public policy initiatives be considered?

Participants
Juan Rodriguez - Partner, Co-head of Antitrust Group, Sullivan & Cromwell
Dirk Middelschulte - VP Global General Counsel Competition, Unilever
Simon Holmes - Judge, UK Competition Appeal Tribunal & Visiting Professor, Oxford University
Caroline Wolberink - Head of Sustainability Team, Authority for Consumers & Markets (ACM)

Review of Horizontal Co-operation Block Exemptions and Guidelines
11:45 - 12:25
Horizontal & Verticals
• Horizontal Block Exemption Regulations: where are we now?
• What should the rules be for the new digital realities?
• Data sharing in horizontal collaborations
• Information exchange concerns
• Joint bidding

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

Review of the Vertical Block Exemption Regulation & Current Challenges in Distribution
12:25 - 13:10
Horizontal & Verticals
• The future of the Vertical Block Exemption Regulation: what are the Commission's findings so far and what are the likely proposals?
• Working Paper on the Dual Role of commercial agents – what counts as agency?
• Review of recent enforcement trends across Europe including Coca-Cola distribution case
• Dual distribution: when is a vertical relationship horizontal?
• Current enforcement approaches to RPM: what lessons can be learnt?
• MFNs and territorial supply constraints

Participants
Fabian Hübener - Associated Partner, Noerr
Andreas Eberhardt - Head Counsel, IWC, Buccellati & Antitrust, Richemont International SA

Networking Extended Lunch
13:10 - 14:20

Dual Distribution and Other Practical Challenges in E-Commerce
14:20 - 15:00
E-Commerce and Information Exchange
• Dual Distribution: The Commission's Working Paper and proposals in the DMA: retailers as gatekeepers
• What is an agent? What is DG Comp reasoning?
• The risk of information exchange
• Price recommendations
• Selective distribution: what is permissible?
• What lessons can be learnt from recent enforcement including German booking.com case

Participants
Christel Delberghe - Director, Competitiveness and Commercial Relations, EuroCommerce
Robert van Mastrigt - Senior Competition Counsel, Booking.com International B.V.
Jochen Baier - Senior Legal Counsel, EDEKA Veband

Advanced EU Competition Law, Brussels
Hotel Le Plaza Brussels, Belgium
### Spotlight on the Pharma Sector
14:20 - 15:00

**Competition Law in the Pharma and IP & Competition Law**

- Review of merger control developments in the pharma sector including Multilateral Pharmaceutical Merger Task Force
- Killer acquisitions: how to assess innovation when it is still in early stage
- Distribution, pricing and discounts
- Cooperation and R&D developments
- Review of recent cases including patent settlements after Servier and pay for delay after Lundbeck

**Participants**
- **Thomas Wilson** - Partner, Kirkland & Ellis
- **Julia Sabine Wahl** - Managing Economist, Copenhagen Economics
- **Catherine Higgs** - Assistant General Counsel - Legal Director UK & Ireland, Global Pharma Competition Head, GSK
- **Andrew Groves** - Antitrust Project Director, Competition and Markets Authority (CMA)

### The Interface Between IP & Competition Law
15:00 - 16:40

**Competition Law in the Pharma and IP & Competition Law**

- SEP licensing and potentially abusive patenting strategies after the settlement of *Nokia v Daimler*
- Will the Commission turn its attention to SEP licensing in the automotive space?
- Update on FRAND and UTPs
- IP issues in merger control law

**Participants**
- **Collette Rawnsley** - Director, European IP Policy & Advocacy, Nokia
- **Steve Faraji** - Senior Manager Patents, Audi AG
- **Evelina Kurgonaitė-Swoboda** - Secretary General, Fair Standards Alliance

### Information Exchange: Practical Considerations
15:00 - 15:40

**E-Commerce and Information Exchange**

- Managing trade associations and industry meetings
- Online platforms and information exchange
- Sharing information in transaction
- Price signalling including algorithmic cartels
- Designing effective firewalls
- Lessons learn from recent cases

**Participants**
- **Malgorzata Urbanska** - Partner, CMS
- **Camilla Holtse** - Associate General Counsel - Head of Competition Law & Policy, Maersk Line
- **Robert Schulz** - Head of Legal- Sales and Marketing, BSH Hausgeräte GmbH
- **Kjersti Bjerkbo** - Chief Compliance Officer, Panasonic Europe BV

### Networking: Afternoon refreshments
15:40 - 16:00

**Cartels: Lessons Learnt from Recent Investigations**
16:00 - 16:50

**Cartels & Private Enforcement**

- Review of significant decisions at EU and national level
- The trend for demise in leniency applications: will fine reductions for compliance measures increase incentives for leniency applications?
- Cartel screening tools: use of algorithms and machine learning and implications for cartel detection
- New trends including algorithmic collusion
- Non-compete agreements in employee contracts
- Practical implications of recent developments

**Participants**
- **Annemarie Ter Heegde** - Policy Officer, Antitrust Case Support and Policy (A1), DG COMP, European Commission
- **Johan Ysewyn** - Partner, Covington & Burling LLP
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<th>TIME</th>
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<th>HORIZONTAL &amp; VERTICALS</th>
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<td>12:25 - Review of the Vertical Block Exemption Regulation &amp; Current Challenges in Distribution</td>
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## Schedule

### Advanced EU Competition Law, Brussels

**Main Conference Day One - 23/11/2021**

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<th>Competition Law in the Pharma and IP &amp; Competition Law</th>
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Registration & Refreshments
08:00 - 08:15

Spotlight on Germany: New Competition Law Bill & Other Developments
08:15 - 08:55
InFocus Breakfast Briefing: Spotlight on Germany: New Competition Law Bill & Other Developments
- Proposals for the new Competition Law Bill
- Review of Sec. 19a ARC in the New Competition Law Bill: Special measures against companies with “paramount significance of a company for competition across markets” and the tipping provision
- Review of recent investigations and cases including into Google, Amazon, Facebook and booking.com

Participants
Jens-Olrik Murach - Partner, Willkie Farr & Gallagher LLP

Chair’s Welcome
09:00 - 09:10

Participants
Ian Giles - Partner, Norton Rose Fulbright

Merger Control: Review of Recent Developments
09:10 - 09:55
Merger Control & FDI
- Article 22 referrals including Illumina/ GRAIL case: what is the Commission trying to achieve?
- Lessons learnt from significant Phase II investigations
- General Court ruling on Hutchison/ O2/UK merger: what are the implications?
- Data, innovation and other non-price factors in mergers
- Failing firm defence
- The Commission's policy paper on killer acquisitions
- CMA's guidelines on vertical mergers: divergence of approaches?
- Debate on common shareholdings by institutional investors
- Remedies and commitments

Participants
Miranda Cole - Partner, Covington & Burling LLP

Multijurisdictional Mergers in Practice
09:55 - 10:45
Merger Control & FDI
- How to deal with Art. 22 EUMR and voluntary merger regimes such as UK in SPA negotiations
- Preparation, evidence collection and how best to deal with information requests
- CMA’s approach to network effects and theories of harm: are they becoming more aggressive?
- Multijurisdictional merges: practical pointers including how to manage conflicting decisions from different authorities
- Gun-jumping and other procedural concerns

Participants
Moderator: Axel Schulz - Partner, White & Case LLP
Elie Yoo - Assistant Director, Mergers, Competition and Markets Authority (CMA)
Gönenç Gürkaynak - Founding Partner, ELIG Gürkaynak Attorneys-at-Law
Marceline Tournier - Associate General Counsel, EMENA & Global Head of Antitrust, Nestlé
Melina Pappa - Senior Manager, Competition Policy, Liberty Global
Stephan Purps - Director Legal – Corporate, BASF

Morning Networking Break
10:45 - 11:05

Market Definition & Economics of Merger Control
11:05 - 11:45
Merger Control & FDI
- Market definition reform: where are we now?
- The role of economic analysis in merger control
- Market concentration
- Theories of harm
- Burden and standard of proof
- Quantitative techniques

Participants
Jens Peter Schmidt - Partner, Noerr LLP

Foreign Direct Investment Rules
11:45 - 12:30
Merger Control & FDI
- Review of FDI Screening Regulation
- What are the aims of the new regulations?
- Approaches by member states including European Champions policy
- Competition law and industrial policy
- Practical implications for multi-jurisdictional mergers

Participants
Peter Harper - Partner, Eversheds Sutherland
Michele Pastore - Senior Public Affairs Manager, Huawei
Dominik Eisenhut - Teamlead UAS and FCAS Legal, Airbus Defence and Space

Extended Lunch Break
12:30 - 13:30

Article 102: Principles, Decisions and Practice
13:30 - 14:10
Abuse of Dominance & Digital Markets
- Defining markets
- Discriminatory and excessive pricing
- Price gouging
- Exclusory conduct
- Rebate systems
- Update on recent cases including Lithuanian railways

Participants
John Kallaugher - Retired Partner, Latham & Watkins
### Competition Law in the Digital Markets: Proposals for Regulation & Lessons Learn from Recent Case Law

14:10 - 14:55

**Abuse of Dominance & Digital Markets**

- Proposals for DMA and DSA: where are we now?
- How will it be enforced?
- What will the relationship between DMA and competition law be?
- Update on significant recent cases and studies including:
  - Google Android remedy and how it could potentially impact on the Google Shopping case
  - Facebook Marketplace investigations: UK and EU
  - The CMA's probe into Amazon's use of data
  - EU and UK Apple cases
  - German investigation into Google and update on German Facebook case
  - Are digital markets more challenging from an economic perspective?
- The economics of data and market power: is there a correlation?

**Participants**

- David Foster - Director, Frontier Economics
- Sophia Real - Competition Counsel, Google
- Christian D'Cunha - Cybersecurity and Digital Privacy, DG Connect, European Commission
- Tim Lamb - Director & Associate General Counsel - Competition & Regulatory, Facebook
- Alec Burnside - Partner, Dechert

### Data Portability in EU Competition Law, including DMA

14:55 - 15:20

**Abuse of Dominance & Digital Markets**

- Data portability in EU competition law
- DMA provisions
- Practical implications

**Participants**

- Hein Hobbelen - Partner, Bird & Bird

### Afternoon Networking Break

15:20 - 15:40

### Disruptive Innovation & Competition Law

15:40 - 16:20

**Disruptive Innovation & Blockchain**

- How to define markets in innovation?
- What are the theories of harm?
- What are the challenges for traditional competition law tools and how should they be addressed?
- Considerations in mergers, including how national competition authorities are approaching killer acquisitions

**Participants**

- Norbert Maier - Managing Economist, Copenhagen Economics
- Samuel Laurinkari - Head of Global Public Policy, Wolt
- Ief Daems - Legal Director Antitrust, Cisco
- Marion Provost - National Partner, Dechert

### Ensuring Credible Compliance: Practical Workshop

15:40 - 16:20

**Compliance & State Aid**

- How to design credible global competition compliance programmes
- Best practice in implementing, maintaining and updating compliance programmes, whilst ensuring that they are catchy
- How are national competition authorities viewing compliance?
- Algorithmic cartels: how to create compliance programmes to address them
- Digitalisation of compliance: AI, forensics and contract review

**Participants**

- Miriam Van Heyningen - Senior Antitrust Counsel, Shell
- Hanna Danwall - Head of Competition Law, Carlsberg
- Anne Riley - Independent Consultant, Antitrust Compliance and Ethics
- Ian Giles - Partner, Norton Rose Fulbright

### Blockchain & Competition: What are the Concerns?

16:20 - 17:00

**Disruptive Innovation & Blockchain**

- What is blockchain?
- What are the competition law challenges?
- How are regulators approaching blockchain?

**Participants**

- Clemens Graf York von Wartenburg - Partner, Dechert
- Aijinky M Tulpute - Head of Legal (UK, Ireland and Nordics), Whirlpool Corporation
- Thibault Schrepel - Stanford University Faculty Associate; Associate Professor, VU Amsterdam

### State Aid & Subsidy Control

16:20 - 17:00

**Compliance & State Aid**

- Responding to COVID-19 crisis: review of the Temporary Framework and national schemes
- EU Recovery Plan
- EU Foreign Subsidy regulation proposals
- UK state aid and foreign subsidy regime
- Sectoral analysis: what aid is available for specific sectors including aviation?
- Review of other key developments and cases including the Green Deal and tax and state aid cases

**Participants**

- Hendrik Vlaene - Partner, McDermott Will & Emery Belgium LLP
- Udo Wolf - Head of Public Commercial Law, State Aid Law, Public Transport Contract Law, Deutsche Bahn
- Johannes Luebking - Principal Advisor and European Semester Coordinator, Recovery and Resilience Task Force, European Commission

### The European Commission's Investigative Toolkit

17:00 - 17:40

**Dawn Raids**

- Preparing a company for a dawn raid
- Dawn raids in the age of COVID-19: dawn raids on private homes
- Practical tips for dealing with dawn raids
- Handling requests for information
- ECN+ and minimum standard of investigative tools
- What lessons can be learnt from recent cases

**Participants**

- Alexander Israel - Partner, Cooley

### Chair’s Closing Remarks & Close of Conference

17:40 - 17:45

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**Main Conference: 23 & 24 November 2021 / Digital Focus Day: 22 November 2021**

**Hotel Le Plaza Brussels, Belgium**

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**Sessions**

**Main Conference Day Two - 24/11/2021**

**Disruptive Innovation & Competition Law**

15:40 - 16:20

**Compliance & State Aid**

16:20 - 17:00

**Compliance & Regulatory**

17:00 - 17:40

**Compliance & Ethics**

17:40 - 17:45
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<th>TIME</th>
<th>ABUSE OF DOMINANCE &amp; DIGITAL MARKETS</th>
<th>COMPLIANCE &amp; STATE AID</th>
<th>DAWN RAIDS</th>
<th>DISRUPTIVE INNOVATION &amp; BLOCKCHAIN</th>
<th>INFOCUS BREAKFAST BRIEFING: SPOTLIGHT ON GERMANY: NEW COMPETITION LAW BILL &amp; OTHER DEVELOPMENTS</th>
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<td>11:05 - Market Definition &amp; Economics of Merger Control</td>
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## Schedule

**Main Conference Day Two - 24/11/2021**

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**Contact Information**

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