

SESSIONS

DAY 1: INTRODUCTION TO EU COMPETITION LAW & ARTICLE 101 - 06/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021
Downing College
Cambridge, UK

Registration and Morning Coffee

10:00 - 10:30

Welcome from the Chair

10:30 - 10:45

- Introductions from the delegates
- Objectives for the Winter School

Participants

Duncan Liddell - Partner, Ashurst

Introduction to EU Competition Law

10:45 - 11:45

Main Conference

- Objectives of EU competition law#
- Article 101 of the EU Treaty
 - Cartels
 - Other anti-competitive agreements (horizontal and vertical)
- Article 102 of the EU Treaty:
 - Market definition
 - Dominant positions and abuse
- Private enforcement
- EU merger control

Participants

André Pretorius - Partner, Herbert Smith Freehills LLP

Hard Core Cartels: Principles and Practical Examples

11:45 - 12:45

Main Conference

- Hard core cartels: introduction and key principles
- Consequences of cartel infringements including fines
- An overview of key recent EU cartel cases (including a leniency update)

Participants

Anne Federle - Partner, Bird & Bird LLP

Lunch Break

12:45 - 13:45

Horizontal Agreements: Dealing with your Competitors

13:45 - 14:45

Main Conference

- Introduction to horizontal agreements, what they are and why they are a concern
- Legal and illegal agreements: how to ensure that you fall on the right side of the line
- Block exemptions to horizontal agreements
- Information exchange
- COVID and horizontal cooperation

Participants

Melissa Van Schoorisse - Senior Associate, Covington & Burling LLP

Key Economic Considerations in Article 101 Cases

14:45 - 15:30

Main Conference

- Vertical and horizontal agreements; and information exchange
- Hard-core cartels: economic effects, and damages
- Relevance in the digital age
- Best practice in the use of economic analysis

Participants

Robin Noble - Partner, Oxera

Afternoon Coffee Break

15:30 - 15:50

Brexit: Implications for EU Competition Law

15:50 - 16:40

Main Conference

- What has Brexit changed and what remains the same?
- Substantive changes including merger control and jurisdictional issues
- How does UK exit affect application of EU competition law?

Participants

George Peretz QC - Barrister, Monckton Chambers & Law Library of Ireland

Interactive Session: Article 101 Practical Approaches - In-House Counsel Perspectives

16:40 - 17:20

Main Conference

- Article 101: common challenges for in-house counsel
- Compliance best practice
- Dealing with cartels and information exchanges
- Horizontal agreements in practice

Participants

Daniela Esposito - Senior Legal Counsel, Telefónica UK (O2)

Russell Mascarenhas - Senior Competition Lawyer, Litigation, Regulatory & Competition, Lloyds Banking Group

Anne Riley - Independent Consultant, Antitrust Compliance and Ethics

Chair's Closing Remarks and Close of Day One

17:20 - 17:30

College Bar Opens

18:00 - 19:00

Networking Activities

Dinner

19:00 - 20:30

Networking Activities

Quiz Night

20:30 - 22:00

Networking Activities

SCHEDULE

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2021

EU Competition Law Winter
School

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TIME	MAIN CONFERENCE	NETWORKING ACTIVITIES
10:00	10:00 - Registration and Morning Coffee 10:30 - Welcome from the Chair 10:45 - Introduction to EU Competition Law	10:00 - Registration and Morning Coffee 10:30 - Welcome from the Chair
11:00	11:45 - Hard Core Cartels: Principles and Practical Examples	
12:00	12:45 - Lunch Break	12:45 - Lunch Break
13:00	13:45 - Horizontal Agreements: Dealing with your Competitors	
14:00	14:45 - Key Economic Considerations in Article 101 Cases	
15:00	15:30 - Afternoon Coffee Break 15:50 - Brexit: Implications for EU Competition Law	15:30 - Afternoon Coffee Break
16:00	16:40 - Interactive Session: Article 101 Practical Approaches - In-House Counsel Perspectives	
17:00	17:20 - Chair's Closing Remarks and Close of Day One	17:20 - Chair's Closing Remarks and Close of Day One
18:00		18:00 - College Bar Opens
19:00		19:00 - Dinner
20:00		20:30 - Quiz Night

SESSIONS

DAY 2: ARTICLE 102 - 07/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021

Downing College
Cambridge, UK

Breakfast in the Dining Room

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

Article 102: Key Principles and Recent Decisions

09:10 - 11:00
Main Conference

- Abuse v legitimate competition
- Theories of harm and the special responsibility
- Objective justification and efficiencies
- Market definition and shares
- Pricing: do's and don'ts
- Exclusivity, tying and bundling
- Regulatory abuse
- Enforcement of Article 102

Participants

Sean-Paul Brankin - Of Counsel, Bristows

Morning Coffee Break

11:00 - 11:20

Crucial Economic Considerations in Article 102 Cases

11:20 - 12:10
Main Conference

- The rationale for effects-based enforcement
- The Commission enforcement guidelines – key economic principles and concepts
- Review of illustrious cases
- The as-efficient competitor test
- Exploitative abuses: pharmaceuticals
- Challenges for finding workable compliance principles

Participants

Grant Saggars - Vice President, NERA Economic Consulting

The European Commission's Enforcement Priorities

12:10 - 13:00
Main Conference

- Current policies and key issues
- Practical challenges
- Review of recent decisions
- Procedural considerations

Participants

Manuel Kellerbauer - Member of the Legal Service, European Commission

Lunch Break

13:00 - 14:00

Mock Hearing: Article 102

14:00 - 15:20
Main Conference

During this practical session you will build on the issues analysed in the previous session through a hypothetical case to help you understand crucial Article 102 issues and what practical challenges can arise. You will have an opportunity to listen to both sides of the case and decide for yourself what its outcome should be.

Participants

Sean-Paul Brankin - Of Counsel, Bristows

Manuel Kellerbauer - Member of the Legal Service, European Commission

Grant Saggars - Vice President, NERA Economic Consulting

Afternoon Coffee Break

15:20 - 15:40

Hot Topic: Sustainability & Competition Law

15:40 - 16:40
Main Conference

- What's competition law got to do with sustainability and the green deal?
- Aspects of competition law potentially affected: Article 101; Article 102; and mergers etc
- Where have we got to? - DG Comp, NCAs, business etc
- Practical implications, what needs to be done and the horizontal guidelines

Participants

Simon Holmes - Judge, UK Competition Appeal Tribunal & Visiting Professor, Oxford University

Q&A and Discussion

16:40 - 17:00
Main Conference

You will have an opportunity to join one of three small discussion groups to ask your specific questions to our eminent speakers and debate problem areas with your fellow peers:

Group 1: Article 102

Group 2: Economic Issues in Competition Law

Group 3: The Workings of the European Commission

Group 4: Sustainability & Competition Law

Chair's Closing Remarks and Close of Day Two

17:00 - 17:05

Meet up at the Porter's Lodge for Punting on the River Cam

17:30 - 19:00
Networking Activities

College Bar Opens

19:00 - 20:00
Networking Activities

Barbeque

20:00 - 21:00
Networking Activities

SCHEDULE

DAY 2: ARTICLE 102 - 07/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021

Downing College
Cambridge, UK

TIME	MAIN CONFERENCE	NETWORKING ACTIVITIES
08:00	08:00 - Breakfast in the Dinning Room	08:00 - Breakfast in the Dinning Room
09:00	09:00 - Chair's Opening Remarks 09:10 - Article 102: Key Principles and Recent Decisions	09:00 - Chair's Opening Remarks
10:00		
11:00	11:00 - Morning Coffee Break 11:20 - Crucial Economic Considerations in Article 102 Cases	11:00 - Morning Coffee Break
12:00	12:10 - The European Commission's Enforcement Priorities	
13:00	13:00 - Lunch Break	13:00 - Lunch Break
14:00	14:00 - Mock Hearing: Article 102	
15:00	15:20 - Afternoon Coffee Break 15:40 - Hot Topic: Sustainability & Competition Law	15:20 - Afternoon Coffee Break
16:00	16:40 - Q&A and Discussion	
17:00	17:00 - Chair's Closing Remarks and Close of Day Two	17:00 - Chair's Closing Remarks and Close of Day Two 17:30 - Meet up at the Porter's Lodge for Punting on the River Cam
18:00		
19:00		19:00 - College Bar Opens
20:00		20:00 - Barbeque

SESSIONS

DAY 3: THE INTERFACE BETWEEN IP AND COMPETITION LAW - 08/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021
Downing College
Cambridge, UK

Breakfast in the Dining Room

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

Participants

Sophie Lawrance - Partner, Bristows

Vertical Agreements Block Exemptions: Key Principles & Practical Concerns

09:10 - 10:10
Main Conference

- Introduction to vertical agreements: fundamentals
- E-Commerce: what are the challenges?
- Selective distribution – practical pointers
- The EU vertical block exemption: Why is it being revised? What are the issues? Where are we now?
- The future of the vertical agreements block exemption in the UK and other global perspectives

Participants

Paolo Palmigiano - Head of the Competition, EU and Trade Practice, Taylor Wessing

Application of Article 101 to Vertical Agreements

10:10 - 11:10
Main Conference

An interactive session exploring the key elements of Article 101 in relation to vertical agreements, bringing in aspects of both economics and law, and picking up on points from the previous sessions to illustrate practical problems and solutions.

Participants

Sophie Lawrance - Partner, Bristows

Edwin Bond - Associate, Bristows

Matthew Hunt - Associate, Bristows

Morning Coffee Break

11:10 - 11:30

Competition Law and Intellectual Property Rights: An Overview

11:30 - 12:30
Main Conference

- Are IP rights treated differently, and if so why? – some concepts
- How Article 101 applies to IP agreements
- The application of the Technology Transfer Block Exemption
- The Technology Transfer Guidelines – do they help?
- What about Article 102 and IP?

Participants

Sophie Lawrance - Partner, Bristows

Lunch

12:30 - 13:30

Introduction to Digital Markets: Key Issues & Practical Concerns

13:30 - 14:30
Main Conference

- Introduction to competition law in digital markets: what are the issues at stake?
- Abuse of dominance concerns
- Algorithmic collusion
- Innovation and competition law
- Merger control considerations

Participants

Tim Cowen, Prieskel & Co

Digital Markets: Regulation v Competition Law

14:30 - 15:45
Main Conference

- Competition law vs regulation
- How are the regulators around the world approaching digital markets: EU, USA, UK, Australia perspectives?
- Lessons learnt from recent cases
- The role of innovation
- Economists' perspective

Participants

Sharon Malhi - Partner, Freshfields Bruckhaus Deringer

David Foster - Director, Frontier Economics

Afternoon Coffee Break

15:45 - 16:05

Application of the Technology Transfer Block Exemption

16:05 - 16:55
Main Conference

An interactive session exploring the key elements of the Technology Transfer Block Exemption, bringing in aspects of both economics and law, and picking up on points from the previous sessions to illustrate practical problems and solutions.

Participants

Sophie Lawrance - Partner, Bristows

Matthew Hunt - Associate, Bristows

Edwin Bond - Associate, Bristows

Chair's Closing Remarks and Close of Day Three

16:55 - 17:00

Meet-up at the Porter's Lodge for a Guided Walking Tour of Cambridge

17:15 - 19:15
Networking Activities

Buffet Dinner

19:15 - 20:15
Networking Activities

SCHEDULE

DAY 3: THE INTERFACE BETWEEN IP AND COMPETITION LAW - 08/12/
2021

EU Competition Law Winter
School

Monday 6 - Friday 10 December 2021
Downing College
Cambridge, UK

TIME	MAIN CONFERENCE	NETWORKING ACTIVITIES
08:00	08:00 - Breakfast in the Dining Room	08:00 - Breakfast in the Dining Room
09:00	09:00 - Chair's Opening Remarks 09:10 - Vertical Agreements Block Exemptions: Key Principles & Practical Concerns	09:00 - Chair's Opening Remarks
10:00	10:10 - Application of Article 101 to Vertical Agreements	
11:00	11:10 - Morning Coffee Break 11:30 - Competition Law and Intellectual Property Rights: An Overview	11:10 - Morning Coffee Break
12:00	12:30 - Lunch	12:30 - Lunch
13:00	13:30 - Introduction to Digital Markets: Key Issues & Practical Concerns	
14:00	14:30 - Digital Markets: Regulation v Competition Law	
15:00	15:45 - Afternoon Coffee Break	15:45 - Afternoon Coffee Break
16:00	16:05 - Application of the Technology Transfer Block Exemption 16:55 - Chair's Closing Remarks and Close of Day Three	16:55 - Chair's Closing Remarks and Close of Day Three
17:00		17:15 - Meet-up at the Porter's Lodge for a Guided Walking Tour of Cambridge
18:00		
19:00		19:15 - Buffet Dinner

SESSIONS

DAY 4: MERGER CONTROL , FDI AND STATE AID - 09/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021

Downing College
Cambridge, UK

Breakfast in the Dining Room

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

Participants

Dr Saskia King - Legal Director, Bird & Bird LLP

Law and Practice of EU Merger Control: An Introduction

09:10 - 10:30

Main Conference

- Objectives and evolution of EU merger control
- Who, when and what you need to notify in global mergers – review of key jurisdictions
- Procedure and process at DG Competition
- Remedies
- Review and appeal of merger decisions
- New trends in mergers: vertical mergers, conglomerate effects, innovation and mergers: what is it all about?

Participants

Nelson Jung - Partner, Clifford Chance

Morning Coffee Break

10:30 - 10:50

Economic Assessment of Mergers

10:50 - 11:50

Main Conference

- What is the Commission looking for?
- Market definition
- Market shares and concentration
- Unilateral and coordinated effects
- Recent cases and practical examples
- Vertical mergers, conglomerate effects, innovation and mergers from an economist's perspective

Participants

Simon Chisholm - Vice President, Charles River Associates

A Practical Guide to Merger Proceedings

11:50 - 12:40

Main Conference

- Investigations into your merger
- Using evidence to support your case
- Dealing with issues of privilege
- Deal structuring
- Pre-notification submissions on jurisdiction
- Statement of objections
- Fines and other punitive measures
- How to get your competitor's merger blocked – timing, tactics and content
- Multijurisdictional mergers
- Implications of Brexit on merger control

Participants

Dr Saskia King - Legal Director, Bird & Bird LLP

Lunch

12:40 - 13:40

Case Study: Mergers

13:40 - 14:40

Main Conference

An interactive session exploring key elements of merger control, bringing in aspects of both economics and law, and picking up on points from the previous sessions to illustrate practical problems and solutions.

Participants

Dr Saskia King - Legal Director, Bird & Bird LLP

Introduction to Foreign Direct Investment

14:40 - 15:30

Main Conference

- Impetus for expansions of regimes globally (>70 today)
- National Security v broader National Interest considerations
- EU FDI Screening Regulation and interaction with national laws
- Interplay with EUMR and other merger control laws
- Practical implications for investors and corporates

Participants

Davina Garrod - Partner, Akin Gump

Afternoon Coffee Break & Virtual Networking

15:30 - 15:50

EU State Aid and UK Subsidy Control: Review of Key Principles

15:50 - 16:40

Main Conference

- General framework of EU State aid law
- Defining State aid in an EU law context
- EU State aid law procedural requirements and available remedies
- General framework of UK subsidy control
- How does UK subsidy control differ from EU State aid rules
- Vertical and horizontal remedial measures for breaches of TCA subsidy control commitments

Participants

Totis Kotsonis - Partner, Pinsent Masons

Q & A and Discussion

16:40 - 17:00

Main Conference

You will have an opportunity to join one of three small discussion groups to ask your specific questions to our eminent speakers and debate problem areas with your fellow peers:

Group 1: Merger Control

Group 2: Economics of Mergers

Group 3: State Aid

Chair's Closing Remarks and Close of Day Four

17:00 - 17:05

College Bar Open

18:00 - 19:00

Networking Activities

Drinks Reception at Howard Building

19:00 - 20:00

Networking Activities

Gala Dinner in the Dining Room (formal dress encouraged)

20:00 - 22:00

Networking Activities

SCHEDULE

DAY 4: MERGER CONTROL , FDI AND STATE AID - 09/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021

Downing College
Cambridge, UK

TIME	MAIN CONFERENCE	NETWORKING ACTIVITIES
08:00	08:00 - Breakfast in the Dining Room	08:00 - Breakfast in the Dining Room
09:00	09:00 - Chair's Opening Remarks 09:10 - Law and Practice of EU Merger Control: An Introduction	09:00 - Chair's Opening Remarks
10:00	10:30 - Morning Coffee Break 10:50 - Economic Assessment of Mergers	10:30 - Morning Coffee Break
11:00	11:50 - A Practical Guide to Merger Proceedings	
12:00	12:40 - Lunch	12:40 - Lunch
13:00	13:40 - Case Study: Mergers	
14:00	14:40 - Introduction to Foreign Direct Investment	
15:00	15:30 - Afternoon Coffee Break & Virtual Networking 15:50 - EU State Aid and UK Subsidy Control: Review of Key Principles	15:30 - Afternoon Coffee Break & Virtual Networking
16:00	16:40 - Q & A and Discussion	
17:00	17:00 - Chair's Closing Remarks and Close of Day Four	17:00 - Chair's Closing Remarks and Close of Day Four
18:00		18:00 - College Bar Open
19:00		19:00 - Drinks Reception at Howard Building
20:00		20:00 - Gala Dinner in the Dining Room (formal dress encouraged)

SESSIONS

DAY 5: ENFORCEMENT, LITIGATION AND COMPLIANCE - 10/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021

Downing College
Cambridge, UK

Breakfast in the Dinning Room

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

Participants

Francesca Richmond - Partner, Baker & McKenzie LLP

Private Enforcement of Competition Law

09:10 - 10:00

Main Conference

- Stand alone or follow on damage claims
 - Cartel infringement (price fixing, bid rigging, information exchange, coordination and market manipulation)
 - Abuse of dominance
 - Access to essential facilities / selective distribution
- Mixed claims – intersection with consumer or data privacy law
- Procedural issues – funding, choice of jurisdiction, limitation, follow on versus standalone claims
- Disclosure
- Remedies

Participants

Anneli Howard QC - Barrister, Monckton Chambers

Litigation Strategy: Coordinating Individual and Collective Claims Across Jurisdictions

10:00 - 10:50

Main Conference

- Key developments across the EU and at Member State Level
- Addressing multiple claims across jurisdictions
- Implications of collective litigation for exposure and strategy – review of UK CAT process and comparison with other models
- Litigation funding considerations

Participants

Lucy Rigby - Partner, Hausfeld

Simon Latham - Investment Manager (Solicitor), Augusta Ventures

Morning Coffee Break

10:50 - 11:10

Case Theory and Economics in Private Enforcement of Competition Law

11:10 - 12:00

Main Conference

- Determining causation and estimating damages in practice
- Principles of overcharge analysis
- Pass on and interest
- How to make best use of economic evidence and work with experts
- Beyond cartels: how to assess damages in more complex antitrust cases

Participants

Francesca Richmond - Partner, Baker & McKenzie LLP

Oliver Latham - Vice President, Charles River Associates

Navigating the Competition Process

12:00 - 13:00

Main Conference

- The EU network of competition authorities – why they matter and how they fit in
- Powers of the authorities
- Dealing with information requests
- Privilege and use of evidence
- Whistle-blowing and other tactics
- Dawn raid survival kit
- Rights of defence
- Fines and leniency
- Interface with criminal regimes

Participants

Mark Mills - Deputy Legal Director (Acting), Ofgem

Cleo Alliston - Assistant Director, Competition and Markets Authority (CMA)

Dr Saskia King - Legal Director, Bird & Bird LLP

Lunch Break

13:00 - 14:00

Focus on In-house Counsel: Competition Law Risk and Compliance for Corporates

14:00 - 15:00

Main Conference

- Key competition law challenges
- Enhancing competition law awareness via compliance programmes
- Managing risks remotely
- Getting to know your business, building relationships and trust Internal investigations and external authorities
- Publicity and reputation

Participants

Osman Zafar - Associate General Counsel, Oxford University Press

Sandra Potlog - Legal Counsel – Competition, Telefónica UK (O2)

Daniel Quy - Assistant General Counsel, Competition, Regulation & Data, Royal Mail Group plc

Conclusions for the EU Winter School and Closing Remarks

15:00 - 15:10

SCHEDULE

DAY 5: ENFORCEMENT, LITIGATION AND COMPLIANCE - 10/12/2021

EU Competition Law Winter School

Monday 6 - Friday 10 December 2021

Downing College
Cambridge, UK

TIME	MAIN CONFERENCE
08:00	08:00 - Breakfast in the Dining Room
09:00	09:00 - Chair's Opening Remarks 09:10 - Private Enforcement of Competition Law
10:00	10:00 - Litigation Strategy: Coordinating Individual and Collective Claims Across Jurisdictions 10:50 - Morning Coffee Break
11:00	11:10 - Case Theory and Economics in Private Enforcement of Competition Law
12:00	12:00 - Navigating the Competition Process
13:00	13:00 - Lunch Break
14:00	14:00 - Focus on In-house Counsel: Competition Law Risk and Compliance for Corporates
15:00	15:00 - Conclusions for the EU Winter School and Closing Remarks