

SESSIONS

EU MERGER CONTROL 2022 AGENDA - 28/09/2022

EU Merger Control Conference

28 September 2022
Le Châtelain Boutique Hôtel
Brussels, Belgium

Registration & Networking

09:00 - 09:30

Chair's Welcome and Introduction

09:30 - 09:40

Participants

Tilman Kuhn - Partner , White & Case

A View from the Commission

09:40 - 10:20

Participants

Guillaume Lorient - Deputy Director General, Mergers, DG Comp , European Commission

Review of Article 22 after *Illumina/Grail*

10:20 - 11:05

Jurisdictional Issues

- Overview of *Illumina/ Grail* judgement
- How are member states approaching Article 22?
- Strategies to navigate the new complex landscape: recommendations for transactional security

Participants

Nicholas Khan KC - Legal Services , European Commission

Katarzyna Czapracka - Partner , White & Case LLP

Kayvan Hazemi-Jebelli - Competition & Regulatory Counsel , Computer & Communications Industry Association (CCIA)

Alison Berridge - Barrister , Monckton Chambers

Morning Networking Break

11:05 - 11:30

Jurisdictional Issues

Developments at Key Jurisdictions

11:30 - 12:20

Jurisdictional Issues

- What is the relationship between NCA and European Commission referrals?
- Bundeskartellamt's approach to Kustomer/ Meta merger
- UK: do recent updates to the UK CMA's Merger Assessment Guidelines signal a concern about under-enforcement of non-horizontal mergers?
- Approaches to remedies: structural vs behavioural

Participants

Gönenç Gürkaynak - Founding Partner , ELIG Gürkaynak Attorneys-at-Law

Étienne Chantrel - Rapporteur général adjoint, Head of mergers , Autorité de la Concurrence

Richard Romney - Director of Mergers , Competition and Markets Authority (CMA)

Fabian Pape - Head of Unit, German and European Merger Control , Bundeskartellamt

Emerging Theories of Harm: Killer Acquisitions, Vertical Mergers & Innovation

12:20 - 13:10

Emerging Theories of Harm

- *Illumina/ Grail* and implications for the European Commission's approach to killer acquisitions
- Is the European Commission adopting a tougher approach in non-horizontal mergers?
- Innovation and mergers
- Economist's perspective
- Remedies

Participants

Nicolas Pourbaix - Senior Counsel , Amgen

Marc Zedler - Deputy Head of Unit, DG Competition , European Commission

Norbert Maier - Managing Economist , Copenhagen Economics

Melina Pappa - Director Competition Policy , Liberty Global

Lisl Dunlop - Partner , Axinn, Veltrop & Harkrider LLP

Networking Lunch Break

13:10 - 14:10

Strategies for Managing Multijurisdictional Mergers

14:10 - 14:55

Merger Control in a Globalised World

- Multijurisdictional mergers: how best to plan transactions?
 - Timing strategy
 - Where go first?
 - Tips for managing parallel EU, UK and US investigations
 - How to manage different outcomes
- Is merger control becoming more political? How to ensure transaction security?
- Privilege and information sharing
- Extraterritorial transactions, when to file and when not to file in jurisdictions where you don't have material issues
- A look to the US: proposals for new merger guidelines

Participants

Bernd Meyring - Partner , Linklaters

Céline Darrigade - Head of Antitrust , Thales

Angélique de Brousse - Head of Competition Law and Policy Group EMEA , Johnson & Johnson

Kelig Blore Dupuis - Head of Competition Legal Department , EssilorLuxottica

Interplay of Foreign Direct Investment Regimes, Foreign Subsidies Regulation & Merger Control

14:55 - 15:40

Merger Control in a Globalised World

- Interaction of FDI and merger control regimes
- Procedural issues including timelines
- How best to structure transactions to navigate the new complexity
- Proposals for foreign subsidies regulation and implications for mergers

Participants

Peter Malone - Compliance & Ethics Counsel – Competition Law , Accenture

Roman Reuter - Senior Counsel for International Competition Affairs , Deutsche Telekom

Ioannis Kokkoris - Chair in Competition Law and Economics , Centre for Commercial Law Studies, Queen Mary University London

Afternoon Coffee Break

15:40 - 16:00

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Merger Control in Digital Markets, including Obligations under DMA

16:00 - 16:45

Mergers in Digital Markets

- Digital Markets Act and merger notification obligations for gatekeepers
 - How will this function in practice
 - How will this work in conjunction with Article 22
- Lessons learnt from significant digital mergers Meta/ Kustomer, Facebook/ Giphy cases
- Review of market definition notice: how should market definition be approached in digital markets, two sided markets, platforms etc

Participants

Ingrid Vandendorpe - Partner , Skadden, Arps, Slate, Meagher & Flom LLP

Oliver Latham - Vice President , Charles River Associates

Julie Bon - Deputy Chief Economic Adviser , Competition and Markets Authority (CMA)

Gunjumping, Misleading Information & Other Procedural Developments

16:45 - 17:15

Procedural Developments

- Simplification of merger control procedure
- Is there a need for new pre-notification period guidelines?
- Gunjumping including judgments in Altice and Canon
- Handling forensic document request
- Misleading information
- How best to structure transactions which need quick clearance in light of gunjumping developments

Participants

Benedikt Ecker - Compliance Officer , Thyssenkrupp Nucera

J. Nicolás Otegui Nieto - Competition Legal Counsel , Holcim Group Services Ltd

Chair's Closing Remarks & Close of Conference

17:15 - 17:20

SCHEDULE

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TIME	JURISDICTIONAL ISSUES	EMERGING THEORIES OF HARM	MERGER CONTROL IN A GLOBALISED WORLD	MERGERS IN DIGITAL MARKETS	PROCEDURAL DEVELOPMENTS
09:00	09:00 - Registration & Networking 09:30 - Chair's Welcome and Introduction 09:40 - A View from the Commission	09:00 - Registration & Networking 09:30 - Chair's Welcome and Introduction 09:40 - A View from the Commission	09:00 - Registration & Networking 09:30 - Chair's Welcome and Introduction 09:40 - A View from the Commission	09:00 - Registration & Networking 09:30 - Chair's Welcome and Introduction 09:40 - A View from the Commission	09:00 - Registration & Networking 09:30 - Chair's Welcome and Introduction 09:40 - A View from the Commission
10:00	10:20 - Review of Article 22 after Illumina/Grail				
11:00	11:05 - Morning Networking Break 11:30 - Developments at Key Jurisdictions				
12:00		12:20 - Emerging Theories of Harm: Killer Acquisitions, Vertical Mergers & Innovation			
13:00	13:10 - Networking Lunch Break	13:10 - Networking Lunch Break	13:10 - Networking Lunch Break	13:10 - Networking Lunch Break	13:10 - Networking Lunch Break
14:00			14:10 - Strategies for Managing Multijurisdictional Mergers 14:55 - Interplay of Foreign Direct Investment Regimes, Foreign Subsidies Regulation & Merger Control		
15:00	15:40 - Afternoon Coffee Break	15:40 - Afternoon Coffee Break	15:40 - Afternoon Coffee Break	15:40 - Afternoon Coffee Break	15:40 - Afternoon Coffee Break
16:00				16:00 - Merger Control in Digital Markets, including Obligations under DMA	16:45 - Gunjumping, Misleading Information & Other Procedural Developments
17:00	17:15 - Chair's Closing Remarks & Close of Conference	17:15 - Chair's Closing Remarks & Close of Conference	17:15 - Chair's Closing Remarks & Close of Conference	17:15 - Chair's Closing Remarks & Close of Conference	17:15 - Chair's Closing Remarks & Close of Conference