

Focus Day - Monday 21 November 2016

Private Enforcement: Damages Directive and Beyond

8:30 - 9:00

Registration

9:00 - 9:10

Chair's Welcome and Introduction



Daniel Beard QC,
Barrister,
Monckton Chambers

9:10 - 9:55

Keynote

Implementing the Damages Directive: A View from the Commission

- Review of key features of the Directive
- Update on implementation across Europe



Eddy de Smijter,
Head of Unit, Private Enforcement, DG
Competition,
European Commission

9:55 - 11:15

Implementing the Damages Directive: National Developments

- Update on implementation and challenges
- Legal framework and procedures
- Key things to know for lawyers outside the jurisdiction

Part I: Germany

Part II: The Netherlands

Part III: Spain

Part IV: Finland



Jörg Karenfort,
Partner,
Dentons



Christian Wik,
Partner,
Roschier



Helmut Brokelmann,
Partner,
MLAB Abogados



Frederieke Leeflang,
Partner,
Boekel

11:15 - 11:35

Morning Coffee

11:35 - 12:20

The New Collective Redress Mechanism in the UK

- Overview of the new UK class action regime
- Will the new regime lead to a flood of claims?
- Update on the fast track procedure



Edward Coulson,
Partner,
Berwin Leighton Paisner LLP



Rachel Ziegler,
Senior Associate,
Berwin Leighton Paisner LLP

12:20 - 12:50

Calculation of Damages

- Recent guidance from the Commission
- Compensation for the victim or a deterrent?
- Precision vs estimates



Frank P. Maier-Rigaud,
Director, Head of Competition Economics
Europe,
NERA Economic Consulting

12:50 - 1:50

Lunch

1:50 - 2:35

Keynote

A View from a National Court



The Hon. Mr. Justice William McKechnie,
Judge,
The Supreme Court, Ireland

2:35 - 3:20

Keynote

A View from the USA



Marvin N. Price Jr.,
Director of Criminal Enforcement, Antitrust
Division,
U.S. Department of Justice

3:20 - 4:05

Confidentiality and Access to Documents

- Lessons learnt from the UK in *Air Cargo*, *Sainsbury's* and *MasterCard*
- Confidentiality rings
- Challenges for disclosure across Europe and impact of the Damages Directive
- Dealing with confidentiality of the Commission decision (including the latest developments in *Car Glass* and *Hydrogen Peroxide*)



Kim Dietzel,
Partner,
Herbert Smith Freehills LLP

4:05 - 4:25

Afternoon Coffee

4:25 - 5:25

Panel Discussion

Strategies for Defendants and Claimants

- What will change as a result of the implementation of the Damages Directive?
- What information is required to substantiate and quantify a claim?
- Strategies for in-house counsel: turning complex claims into valuable assets
- Where best to bring an action?
- What information you will need from the authorities
- Coordinating action across different jurisdictions
- Funding and monetising a claim



Hannes Boner,
General Counsel,
Sappi Europe



Till Schreiber,
Managing Director,
Cartel Damage Claims (CDC)



Philipp Voet van Vormizeele,
Head of Legal,
Thyssenkrupp Elevator AG



Christian Stuerwald,
Head of Case Assessment,
Calunius Capital LLP

5:25 - 5:30

Chair's Closing Remarks and End of Focus Day

Main Conference: Day 1 - Tuesday 22 November 2016

8:00 - 8:15

Registration

A: Big Data	B: Brexit: Implications for Competition Law?
<p>8:15 - 9:05</p> <p>Big Data</p> <ul style="list-style-type: none"> ● Review of key issues ● Data protection ● German abuse of dominance <i>Facebook</i> case ● Online platforms, competition and market access <hr/> <p>Adrian Magnus, Partner, Dentons</p> <p>Mark Clough QC, Senior Counsel, Dentons</p> <p>Sandy Walker, Partner, Dentons</p>	<p>8:15 - 9:05</p> <p>Brexit: Implications for Competition Law?</p> <ul style="list-style-type: none"> ● Timelines and Brexit models ● Possible changes to the UK and EU competition regimes ● Relationship between the CMA and the European Commission ● Relationship between the UK courts and EU courts ● Opportunities and risks <hr/> <p>Ros Kellaway, Partner - Head of Competition, Eversheds</p>

9:05 - 9:20

Chair's Introduction



Prof. Richard Whish QC (Hon),
Emeritus Professor of Law,
King's College London

9:20 - 10:05

Keynote

A View from the European Commission



Carles Esteve Mosso,
Deputy Director General for Mergers, DG
Competition,
European Commission

Review of Latest Developments

10:05 - 11:25

Major Events and Policy Issues in the Past Twelve Months

- Articles 101, 102 and 106 TFEU
 - Legislative developments
 - European Courts, including cases on:
 - Restriction by object
 - ECN leniency programmes
 - Overturning the EC *Air Cargo* cartel decision
 - Annuling EC *Cement* RFIs
 - The limits of the GC's unlimited jurisdiction
 - Online booking concerted practices
 - European Commission, including:
 - Cartel cases, such as freight forwarding



John Ratliff,
Partner,
WilmerHale LLP

- Draft commitments on liner shipping price signalling issues
 - Policy, including:
 - The EC e-Commerce sector inquiry / Geoblocking
 - The EC consultation on boosting enforcement powers of national competition authorities
- Mergers overview
 - Mobile mergers
 - Mergers and innovation

11:25 - 11:50

Morning Coffee

Private Enforcement

11:50 - 12:40

Private Enforcement

Part I: The Claimant's Perspective

- Transparency challenges
- Evaluation

Part II: The Defendant's Perspective

- Recent case law including trends in settlements
- Practical challenges

Part III: Economist's Perspective

- The economists approach to follow-on damages
- Damages estimation in the era of big data / no data



Anthony Maton,
Partner,
Hausfeld



Mark Simpson,
Partner,
Norton Rose Fulbright LLP



Joshua White,
Director,
KPMG LLP

12:40 - 1:50

Lunch

Cartels

1:50 - 2:50

Cartels: Lessons Learnt from Recent Investigations

- Review of recent investigations and decisions
- What happened last year at the NCAs?
- Leniency programmes: how to approach them in different jurisdictions
- How to manage investigations
- Continuous infringement: complex and multi-jurisdictional cartels
- The latest from the Courts on fining calculations
- Looking ahead



Johan Ysewyn,
Partner,
Covington & Burling LLP



Maria Jaspers,
Head of Unit, Cartel Directorate, DG
Competition,
European Commission

2:50 - 3:30

Cartel Settlements

- The settlement process
- Lessons learnt from recent settlement decisions
- Hybrid settlements (*Timab*) and appeals
- Settlements and civil litigation
- Does an increase in the number of settlements lead to lack of judicial checks and balances?



Stephen Mavroghenis,
Partner,
Shearman & Sterling LLP

3:30 - 3:55

Afternoon Coffee

3:55 - 4:25

Q & A Clinic

Delegates will have an opportunity to ask their burning questions to our expert speakers. Questions can be submitted in advance by email to anna.cowan@knect365.com or anonymously via our conference app on the day.



Maria Jaspers,
Head of Unit, Cartel Directorate, DG
Competition,
European Commission



Stephen Mavroghenis,
Partner,
Shearman & Sterling LLP



Johan Ysewyn,
Partner,
Covington & Burling LLP



John Ratliff,
Partner,
WilmerHale LLP

Article 102

4:25 - 5:35

Article 102

Part I: View from a Lawyer

- *Intel*- Advocate General's Opinion
- Rebate schemes for dominant companies after *Post Danmark II* and *Intel*: Practical implications
- Termination of commitment obligations
- Update on *Google*, *Qualcomm*, *Gazprom* and other pending cases
- Trends in national enforcement including *Facebook* investigation in Germany



John Kallaugher,
Partner,
Latham & Watkins



Lorenzo Coppi,
Executive Vice President,
Compass Lexecon

Part II: View from an Economist

5:35 - 6:05

Oxford Style Debate: How Political is Competition Law?



Mathew Heim,
Vice President and Counsel, Government Affairs
Europe,
Qualcomm Inc



Frédéric Jenny,
Professor of Economics; Chairman,
**ESSEC Business School in Paris, OECD
Competition Committee**

6:05 - 6:10

Chair's Closing Commentary and Close of Day 1

18.10 Networking Drinks Reception

Main Conference: Day 2 - Wednesday 23 November 2016

8:00 - 8:15

Registration

C: Developments in Competition Law for the Food Industry

D: State Aid

8:15 - 9:05

Developments in Competition Law for the Food Industry

8:15 - 9:05

State Aid

• Tax ruling and other investigations

- Teaching and other investigations
- Sector inquiry on capacity mechanisms in the energy sector
- Recent case law of the EU Courts

Helge Heinrich,
Associated Partner,
Noerr

9:05 - 9:20

Chair's Welcome and Introduction



Thomas Vinje,
Partner,
Clifford Chance

9:20 - 10:00

Keynote

A View from the Court



Marc van der Woude,
Judge,
General Court

10:00 - 10:45

Merger Control: Review of Recent Developments

- Proposals for reform (EU and national), including thresholds after *Facebook* and *Whatsapp* and minority shareholders
- Industrial policy and public interest tests
- Recent Phase II cases including *Halliburton*, *GE Alstom* and *Siemens*
- Telecoms infrastructure mergers and remedies: different approaches across Europe
- Innovation
- Data and other inputs
- Horizontal merger guidelines



Miranda Cole,
Partner,
Covington & Burling LLP

10:45 - 11:05

Morning Coffee

11:05 - 11:35

Current Trends in Economic Analysis of Merger Control

- Trends in theories of harm
- Use of quantitative techniques
- Geographic market definition versus competitive assessment
- Access remedies



Nicola Mazzarotto,
Partner, Head of Competition Economics,
KPMG LLP



Bruce Lyons,
Academic Advisor,
KPMG LLP

11:35 - 12:25

Panel Discussion

Mergers: Practical Challenges

- Managing risk allocation in merger agreements
- How to manage multi-jurisdictional filings in a growing world
- Preparing the team: steps for in-house counsel ahead of big transactions
- International cooperation: best practice in agencies working together
- The importance of alignment - comparing regulatory approaches to mega deals e.g. *Halliburton*, *Cisco*, *P3*
- Remedies: design and implementation for cross-border remedies



Moderator:
Ian Giles,
Partner,
Norton Rose Fulbright LLP



Simon Genevaz,
Head of Mergers Unit,
Autorité de la Concurrence



Birgit Krueger,
Head of the General Policy Department,
Bundeskartellamt



Andrew Wright,
Director of Mergers,
Competition and Markets Authority



Xavier Mooyaart,
Head of Legal: Regulatory & Corporate
Compliance,
Three



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

12:25 - 1:35

Lunch

1:35 - 1:55

Q & A Clinic

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Miranda Cole,
Partner,
Covington & Burling LLP



Guenter Bauer,
Head, Competition & Antitrust Practice Group,
Wolf Theiss Austria



Ian Giles,
Partner,
Norton Rose Fulbright LLP

Vertical Restraints

1:55 - 2:45

Vertical Restraints

- Enforcement priorities
 - Commission
 - Member States
 - Courts
- Case review including:
 - Price maintenance
 - Selective distribution
- Practical implications



Guenter Bauer,
Head, Competition & Antitrust Practice Group,
Wolf Theiss Austria



Andreas Eberhardt,
Senior Legal Counsel Antitrust,
Richemont

Digital Single Market

2:45 - 3:25

Competition Law in the Digital Environment

- Update on the e-commerce sector inquiry and geo-blocking
- Should online platforms be regulated?
- MFNs after *Hollywood studios* case
- Big data



Christopher Bright,
Of Counsel,
Shearman & Sterling LLP

3:25 - 3:45

Afternoon Coffee

IP and Competition Law

3:45 - 4:25

IP and Competition Law: Review of Recent Cases and Investigations

- Current Standard Essential Patent issues: royalty base (SSPPU), IEEE, NPEs
- Non standardised patents: are there any potential issues?
- Patent litigation strategy



Zoltan Biro,
Director,
Frontier Economics

Information Exchange

4:25 - 5:05

Information Exchange and Price Signalling

- Information exchanges in Europe
- What the law says and recent developments
- Trade associations - how to manage them?
- What information can be shared in M&A transactions?



Paolo Palmigiano,
General Counsel and Chief Compliance Officer –
EMEA; Chairman,
Sumitomo Electric Industries Ltd; Association
Of European In-House Competition Lawyers



Greg Olsen,
Partner,
Clifford Chance

Dawn Raids

5:05 - 5:45

Dawn Raids

- Preparing a company for dawn raids
- Practical tips on dealing with dawn raids
- Strategic decisions
- Forensic evidence



Alexander Israel,
Associated Partner,
Noerr



Katinka Tattersall,
Director, Regional Compliance Counsel EMEA,
Johnson Controls Inc

5:45 - 5:55

What is the Future of Competition Law?

New for 2016, a unique competition to recognise and nurture talented rising stars in the industry, giving them an opportunity to attend the event and for the winner to join our stellar speaker line up.

This session will be presented by the Rising Star Programme Winner.

5:55 - 6:00

Chair's Closing Remarks and Close of Conference

Workshop - Thursday 24 November 2016

09.00-12.00 Workshop: Compliance: Best Practice

- What is the Commission's view of compliance programmes
- International Chamber of Commerce anti-trust toolkit
- What lessons can be learnt from bribery compliance for competition compliance?
- How to conduct internal investigations?
- Dealing with dawn raids
- Where best to focus compliance efforts
- Benchmarking
- How best to embed the rules in your organisation including behavioural training



Moderator:
Sarah Jordan,
Partner,
Kirkland & Ellis International LLP



Ann Marie Galvin,
Legal Counsel, Competition,
Unilever Legal Group

- How to defend against allegations and parallel investigations
- Reputational management issues



Veerle Nuyts,
Head of Regulatory & Competition,
bpost






Simone Pieri,
Member, Task Force on Antitrust Compliance
and Advocacy,
ICC Commission on Competition




Simon Neill,
Assistant General Counsel,
Johnson & Johnson

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Networking Reception Host:

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One of the world's leading economic consulting firms, Compass Lexecon provides law firms, corporations and government clients with clear analysis of complex issues. We have been involved in a broad spectrum of matters related to economics and finance - providing critical insight in legal and regulatory proceedings, strategic decisions and public policy debates. Our experience and expertise apply to virtually any question of economics, in virtually any context of law or business.



Hausfeld

Hausfeld is the leading firm in the field of competition litigation specialising in claimant cartel damages actions. We have been at the forefront of pioneering private enforcement of competition law in Europe and in the US. Hausfeld's record of cartel settlements is unparalleled in the competition litigation area. Our team of highly experienced lawyers bring together their respective UK, European and US legal knowledge to formulate and deliver a co-ordinated and cohesive global litigation strategy.



ELIG, Attorneys-at-Law

ELIG, Attorneys-at-Law is a leading law firm based in Istanbul and founded in 2005. Our competition law practice is led by founding partner and managing partner, Gönenç Gürkaynak, consists of 36 lawyers and is internationally recognised as the top competition law practice in Turkey. In addition to our unparalleled experience in merger control issues, our team has vast experience in defending companies before the Turkish Competition Board in all phases of antitrust investigations, abuse of dominant position cases, leniency handlings and before the courts on issues of private enforcement of competition law, along with appeals of the administrative decisions of the Turkish Competition Authority.



Clifford Chance

With the ever changing regulatory landscape and numerous deals hitting the headlines for running into objections from antitrust authorities in recent months, antitrust is critical to the success of business. Clifford Chance's extensive network of 140+ antitrust experts offer a mix of legal, economic and regulatory expertise across the key hubs of Europe, Asia Pacific and the US enabling us to provide on the ground support to our clients for their most complex and important antitrust matters anywhere in the world. We advise on market leading mandates across the full range of contentious and non-contentious work, including high-profile and multi-jurisdictional cartel investigations, market investigations, litigation, state aid and cross-border M&A.



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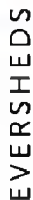


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