### Focus Day - Monday 21 November 2016

**Private Enforcement: Damages Directive and Beyond**

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<td>9:00 - 9:10</td>
<td>Chair’s Welcome and Introduction</td>
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<td>9:10 - 9:55</td>
<td><strong>Keynote</strong></td>
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<td></td>
<td><strong>Implementing the Damages Directive: A View from the Commission</strong></td>
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<td></td>
<td>• Review of key features of the Directive</td>
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<td>• Update on implementation across Europe</td>
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<td>• Update on implementation and challenges</td>
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<td>• Legal framework and procedures</td>
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<td>• Key things to know for lawyers outside the jurisdiction</td>
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<td><strong>Part I: Germany</strong></td>
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<td><strong>Part II: The Netherlands</strong></td>
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<td><strong>Part III: Spain</strong></td>
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<td><strong>Part IV: Finland</strong></td>
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<td>11:15 - 11:35</td>
<td><strong>Morning Coffee</strong></td>
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<td>11:35 - 12:20</td>
<td><strong>The New Collective Redress Mechanism in the UK</strong></td>
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<td>• Overview of the new UK class action regime</td>
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<td>• Will the new regime lead to a flood of claims?</td>
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<td>• Update on the fast track procedure</td>
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**Contact Information**

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professionalcustserv@informa.com
### 12:20 - 12:50
**Calculation of Damages**

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

**Rachel Ziegler,**
Senior Associate,
Berwin Leighton Paisner LLP

**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
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<tr>
<th>Time</th>
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<td>8:00 - 8:15</td>
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<td>8:15 - 9:05</td>
<td>A: Big Data</td>
<td>Adrian Magnus, Partner, Dentons</td>
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<td>Mark Clough QC, Senior Counsel,</td>
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<td>Dentons</td>
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<td>Sandy Walker, Partner, Dentons</td>
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<td>9:20 - 10:05</td>
<td>Keynote</td>
<td>Prof. Richard Whish QC (Hon), Emeritus Professor of Law, King’s College London</td>
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<tr>
<td>10:05 - 11:25</td>
<td>Review of Latest Developments</td>
<td>John Ratliff, Partner, WilmerHale LLP</td>
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**A: Big Data**
- Review of key issues
- Data protection
- German abuse of dominance Facebook case
- Online platforms, competition and market access

**B: Brexit: Implications for Competition Law?**
- 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

**Keynote**
- A View from the European Commission
- Review of Latest Developments
  - 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
      - Annulling EC Cement RFIs
      - The limits of the GC’s unlimited jurisdiction
      - Online booking concerted practices
    - European Commission, including:
      - Cartel cases, such as freight forwarding

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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
**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

#### 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

### Chair’s Closing Commentary and Close of Day 1

**18.10 Networking Drinks Reception**

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### Main Conference: Day 2 - Wednesday 23 November 2016

#### 8:00 - 8:15
Registration

#### 8:15 - 9:05
**C: Developments in Competition Law for the Food Industry**

**D: State Aid**

- 8:15 - 9:05 
- State Aid

- Tax ruling and other investigations
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<td>Thomas Vinje, Partner, Clifford Chance</td>
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<td>9:20 - 10:00</td>
<td>Keynote: A View from the Court</td>
<td>Marc van der Woude, Judge, General Court</td>
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<td>10:00 - 10:45</td>
<td>Merger Control: Review of Recent Developments</td>
<td>Miranda Cole, Partner, Covington &amp; Burling LLP</td>
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<td>10:45 - 11:05</td>
<td>Morning Coffee</td>
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<tr>
<td>11:05 - 11:35</td>
<td>Current Trends in Economic Analysis of Merger Control</td>
<td>Nicola Mazzarotto, Partner, KPMG LLP</td>
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**Merger Control: Review of Recent Developments**
- Proposals for reform (EU and national), including thresholds after Facebook and Whatsapp minority shareholders
- Industrial policy and public interest tests
- Recent Phase II cases including Halliburton, GE Alstom, Siemens
- Telecoms infrastructure mergers and remedies: different approaches across Europe
- Innovation
- Data and other inputs
- Horizontal merger guidelines

**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

**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
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.
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

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

Veerle Nuyts,
Head of Regulatory & Competition,
Bpost

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

Simon Neill,
Assistant General Counsel,
Johnson & Johnson
Shearman & Sterling LLP

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KPMG

KPMG’s competition economics practice supports clients in their interactions with competition authorities and regulators. Our specialist areas include market inquiries, mergers, abuse of dominance, vertical and horizontal agreements, State aid, regulatory strategy and private litigation. We combine cutting-edge economics with in-depth knowledge of regulators’ practices, leading academic collaboration and the breadth and depth of our wider KPMG network and skills. In the last year we have advised clients in relation to a number of high profile EU and UK competition cases.

Norton Rose Fulbright

Norton Rose Fulbright LLP is a global law firm. We provide the world’s pre-eminent corporations and financial institutions with a full business law service. We have more than 3800 lawyers and other legal staff based in more than 50 cities across Europe, the United States, Canada, Latin America, Asia, Australia, Africa, the Middle East and Central Asia.

Recognized for our industry focus, we are strong across all the key industry sectors: financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare.

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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 340+ 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 advises 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.

**Contact Information:**

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**Frontier Economics**

Frontier Economics is one of the largest economic consultancies in Europe with offices in Brussels, Cologne, Dublin, London and Madrid. Frontier uses cutting edge economics to solve complex business and policy problems, and works with leading private and public sector organisations, as well as many industry regulators. Further information about Frontier is available at www.frontier-economics.com.

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**Focus Day Hosts:**

- **Berwin Leighton Paisner**

- **Calunius Capital**

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