

16th Annual London Conference

Monday 23rd & Tuesday 24th April 2007

The Café Royal, London W1

"Gain a comprehensive update on all the major developments"

Bar Council 12 hours

and

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Advanced EC Competition Law

An advanced analysis of major developments in the field of EC competition law and policy

Conference Chairmen:

Amelia Fletcher

Chief Economist
The Office of Fair Trading

John Kallauger

Partner
Latham & Watkins LLP
London

Professor Richard Whish

Centre of European Law
King's College London

Conference Highlights

- Setting the scene: review of developments over the past year
- Cartel enforcement: The new fining guidelines and leniency notice
- Information exchanges
- What is an agreement?
- Overview of State aid reform
- Article 82 update
- Developments in Mergers and Joint Ventures
- Sectoral Enquiries: energy and financial services
- Antitrust enforcement

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- Chairman:
Amelia Fletcher
Chief Economist, Office of Fair Trading, London
- 08.30 Registration and coffee
- 09.00 **SETTING THE SCENE: REVIEW OF DEVELOPMENTS OVER THE PAST YEAR**
Mergers - Collective Dominance after the *Impala* Judgment, Commission practice in *E.ONI/Endesa*, *Ryanair/AerLingus*, *Scania/MAN*, *Omya/Huber*, *Gladfelt*, *Universal/BMG*, implications of the *Consolidated Jurisdictional Notice*
Cartels - Review of the *ECN Model Leniency Programme*, the revised *Leniency Notice*, and the revised *Guidelines on Fines*
Abuse of Dominance - Progress on the Article 82 Guidelines, *Microsoft*, *Qualcomm*, *Laserdisken*
Verticals - Implications from the *Glaxo* case
Horizontals - implications from the *Asnef-Equifax* case
State Aids - the State Aid Action Plan, public service broadcasting, subsidization of set-top boxes, financing of regional broadband projects, energy and air transport
Specific Sectors - sectoral inquiries in Energy, Financial Services, the revision of the existing Electronic Communications regulatory framework and the *Sonae/Portugal* and *Cosmote/Germanos* mergers
Peter Alexiadis
Partner, Gibson, Dunn & Crutcher LLP, Brussels
- 10.20 Coffee
- 10.40 **CARTEL ENFORCEMENT: FINING AND LENIENCY**
- The new EC Fining Guidelines
 - potentially (very) heavy fine level increases
 - New EC and ECN Model leniency notices
 - markers, oral statements
 - possible "authorised" attendance at meetings
 - proposed ECN filing coordination
 - Themes on recent cases
 - parent subsidiary presumption of responsibility
 - duties with respect to Commission requests for information
 - termination
 - Comparisons with the new German Guidelines
- John Ratliff**
Partner, WilmerHale LLP, Brussels
Dr. Hans-Martin Feldkamp
Rechtsanwalt, Law and Intellectual Property
Lanxess Deutschland GmbH, Leverkusen
Wilko Toellner
Director/Combating Cartels Unit, Bundeskartellamt, Bonn
- 12.00 **INFORMATION EXCHANGE**
- Benefit and harm of information exchange
 - Illustrative examples of the effects of information exchange and recent developments in economic theory
 - Information exchange in maritime transport
 - The ELAA proposal for information exchange and related EC issues paper
 - Information exchange and trade associations
 - The *Asnef* case and US developments
 - Minority stakes/directorships in competitors
 - Risks of information exchange
- Alec Burnside**
Partner, Linklaters, Brussels
Rainer Nitsche
Principal, CRA International, Brussels
- 12.40 **WHAT IS AN AGREEMENT?**
Recent cases such as *Volkswagen* emphasise the importance of a fundamental but in practice often complex question - what is the "concurrence of wills" that is the basis of liability under Article 81, and when does it arise?
Peter Willis
Partner, Dundas & Wilson, London
- 13.10 Lunch
- Chairman:
John Kallaugher
Partner, Latham & Watkins LLP
Visiting Professor, University College, London
- 14.30 **OVERVIEW OF STATE AID REFORM**
State Aid Action Plan Progress
- Objectives
 - Recent legislative changes
 - SGEI
 - R & D and innovation
 - Risk capital
 - De minimis
 - National regional investment aid
- Forthcoming changes
- Draft general block exemption Regulation
 - Recovery draft notice
 - Environmental protection
- Recent Case Law
- Concept of State aid
 - Procedural aspects
 - Enforcement issues
 - national courts
 - recovery decisions
- Jacques Derenne**
Partner, Lovells, Brussels
Alix Müller-Rappard
Associate, Lovells, Brussels
Vittorio Di Bucci
Legal Service, European Commission, Brussels
- 16.00 Tea
- 16.20 **ARTICLE 82 UPDATE**
- Review of recent case law
 - Update on discussion paper
 - Duties to deal
 - Compulsory licensing
 - Article 82 and the pharmaceutical industry
 - Applying the new approach: the Tomra rebates decision
 - Form v effect-based analysis?
 - Lessons for Article 82 reform
- Peter Alexiadis**
Gibson, Dunn & Crutcher LLP, Brussels
Luc Peeperkorn
Administrator
DG Competition, European Commission, Brussels
Ian S. Forrester QC
Partner, White & Case LLP, Brussels
Derek Ridyard
Partner, RBB Economics, London
- 17.45 **DISCUSSION AND QUESTIONS**
- 18.00 **CLOSE AND DRINKS RECEPTION**

“Definitely the best overview of EC competition law there is” (Benetton)

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DAY TWO

		12.50	Lunch
	Chairman: Richard Whish Professor of Law, Centre of European Law King's College London		ANTITRUST ENFORCEMENT Decentralisation of competition rules from Community to national level appears to be bearing fruit before national regulators and, more recently, before the national courts. National legislators seem to be encouraging private actions through the creation of class action possibilities for antitrust claims. This session will examine the progress made thus far in private enforcement and the lessons [good and bad] that the US private litigation experience can teach European Litigators.
08.30	Registration and coffee		
09.00	CHAIRMAN'S OPENING REMARKS		
09.10	MERGERS AND JOINT VENTURES <ul style="list-style-type: none">• New draft guidelines on non-horizontal mergers• New remedies policy• National Protectionism: Commission efforts to eliminate national obstacles to cross-border mergers Carles Esteva Mosso Merger Unit, DG Competition, European Commission, Brussels		
09.50	REVIEW OF THE YEAR'S CASES <ul style="list-style-type: none">• Sony/BMG - the CFI ruling• Omya/Huber - currently under appeal to the CFI• Inco/Falconbridge - in particular the approach to efficiencies• T-Mobile/Tele.ring - the Commission's 'gap' case Paula Riedel Partner, Linklaters, London	14.15	PROGRESS ON DECENTRALISED ENFORCEMENT OF COMPETITION RULES AFTER REGULATION 1/2003 3 years of cooperation within the ECN: achievements and challenges <ul style="list-style-type: none">• The first 3 years; what has been learnt• How is coordination working in practice• How is leniency working within the system of parallel competences ?• What has the Commission achieved within the time freed up by the end of the notification system ? Kris Dekeyser Head of Unit, DG Competition, European Commission, Brussels
10.30	ECONOMIC DEVELOPMENTS OVER THE PAST YEAR <ul style="list-style-type: none">• The Commission's non-horizontal merger guidelines• Coordinated effects after <i>Impala</i>• Notable recent cases Matthias Pflanz Vice President, CRA International, London	14.55	II THE APPLICATION OF COMPETITION RULES BEFORE THE ENGLISH COURTS <ul style="list-style-type: none">• Interaction between Commission and OFT Decisions and the Courts• Interim relief versus interim measures• Judicial handling of competition issues and economic evidence• Damages and assessment• Round up of recent UK cases Tom Sharpe QC One Essex Court, London
10.55	Q & A		
11.15	Coffee		
11.45	SECTORAL ENQUIRIES I Energy <ul style="list-style-type: none">• The end report and follow up action• Ownership unbundling?• Long term agreements and capacity reservations• Will prices decrease? Marc Van Der Woude Partner, Stibbe, Brussels Anne Riley Assistant General Counsel, Shell International	15.30	Tea
	II Financial Services <ul style="list-style-type: none">• Commission findings in the payments cards, retail banking and business insurance inquiries• Likely next steps• Issues arising from the concurrent handling of sector inquiries and individual cases• Lessons for other sectors from the financial services sector inquiries David Wood Partner, Gibson, Dunn & Crutcher LLP OXERA	15.50	III CLASS ACTIONS FOR ANTITRUST CLAIMS: THE CASE FOR AND AGAINST Gordon Schnell Partner, Constantine Cannon LLP, New York Peter Sullivan Partner, Gibson, Dunn & Crutcher LLP, New York Comment: John Lawrence Freshfields Bruckhaus Deringer LLP, London
		16.50	Q & A
		17.10	Close

“The conference is very well organized and the speakers are excellent” (Swedish Competition Authority)

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1st March 2007, The Café Royal, London W1 (LE1230)

THE USE OF ECONOMICS IN COMPETITION LAW

19th & 20th March 2007, The Meridien Hotel, Brussels (LE1231)

THE EU PHARMACEUTICAL LAW FORUM

23rd & 24th May 2007, The Renaissance Hotel, Brussels

ADVANCED AGENCY AND DISTRIBUTION

15th May 2007, London

INTELLECTUAL PROPERTY AND COMPETITION LAW

12th June 2007, The Courtyard Marriott Hotel, Brussels

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Why you should attend

In two days, IBC's 16th Annual Advanced Competition Law Conference in London will bring participants up to date on the major developments in EC Competition Law and Policy over the last twelve months and the Commission's initiatives for the future. Recent and expected developments will be discussed by officials from the Commission and by practitioners, in house lawyers and economists.

After Peter Alexiadis' critical survey of everything that happened in the previous twelve months, key aspects of controlling cartels will be considered: the new fining guidelines, plea bargaining and recent cases brought by national authorities as well as the Commission, from the perspective of practitioners as well as of authorities. What amounts to an agreement will also be considered.

The practice and legislation on state aid has recently been refocused and will be considered after lunch.

The main session in the afternoon concerns Article 82. By late April, the judgment of the CFI in the appeal on the substance in *Microsoft* and *British Air* may be available, the draft guidelines on article 82 are likely to have gone to member states, at which time they may well be circulating and can be considered. If not, the speakers can comment on the responses made to the discussion paper on article 82.

The second morning will be devoted to mergers. Carles Esteva Mosso, who is in charge of merger policy in the Commission, will speak on recent developments. Then the year's cases will be described by a lawyer and an economist.

The morning will end with an update on the sectoral inquiries on energy and financial services.

On the final afternoon we will consider decentralized antitrust enforcement and will be taken through studies on a case in the UK and another in the US courts to see what lessons (negative or positive) we can learn from the latter.

As always, IBC has attracted many of the most lively and perceptive speakers from diverse backgrounds: officials, academics and practitioners. Traditionally it has supplied participants with massive folders of useful official documents and speakers' slides.

Interactive Conference Format

Speakers will take questions at the end of their sessions as well as at the times identified in the agenda. Interaction between speakers and participants will be actively encouraged throughout the two days.

Chairman and Speakers

Conference Chairmen:
Amelia Fletcher
Chief Economist
The Office of Fair Trading

John Kallaugher
Partner
Latham & Watkins LLP
London

Professor Richard Whish
Centre of European Law
King's College London

Peter Alexiadis
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