

Review of the Vertical Restraints Regime

Reform of the Competition Rules on Distribution and other Vertical Agreements

Thursday 17 September 2009 Radisson SAS Royal Hotel, Brussels

6.5
CPD
hours

Chairman: **Andrzej Kmiecik** Partner, Van Bael & Bellis, Brussels

Speakers from the European Commission, law firms and industry include:

Fiona Carlin

Partner
Baker & McKenzie LLP
Brussels

Luc Peepkorn

Senior Administrator
DG Competition
European Commission
Brussels

Frank Wijckmans

Partner
Contrast Law
Brussels

Edvard Carleson

Senior Vice President and
General Counsel
Volvo CE
Brussels

Stephen Kinsella

Partner
Sidley Austin LLP
Brussels

Fabrizio Mecozzi

Legal Counsel
Nike Europe
Hilversum

Paul Lugard

Head of Antitrust
Philips International BV
Eindhoven

Joseph Vogel

Partner
Vogel & Vogel
Paris

Markus Wirtz

Partner
Glade Michel Wirtz
Düsseldorf

Fabien Zivy

Chief of Staff of the President
Autorité de la Concurrence
Paris

Jackie Holland

Director of Competition Policy
Office of Fair Trading
London

Pamela Jones Harbour

Commissioner
Federal Trade Commission

Joanna Goyder

Barrister
Freshfields Bruckhaus Deringer
LLP
Brussels

Susan Hinchliffe

Partner
Arnold & Porter LLP
Brussels

Adrian Majumdar

Partner
RBB Economics
London

Peter Vandeghinste

Competition Counsel
Nestlé SA

Jean Yves Art

Director
Competition Law
Microsoft
Brussels



Topics include:

- Overview of the current rules and their application to main forms of distribution
- View from the Commission – the revised Regulation and Guidelines
- Exclusive distribution – how much more exclusivity will manufacturers be able to grant under the new rules?
- Selective distribution – what interests should selective distribution protect and where the real dangers lie?
- Are there still stricter national rules to take into account?
- Resale price maintenance – will there be a sea change?
- Buyer power and other topical retailer issues
- What forms of distribution may dominant suppliers use?

SAVE THE DATE

FORTHCOMING GCR CONFERENCES

ANTITRUST LITIGATION 2009

ENFORCING COMPETITION LAW IN THE UK, EUROPE AND THE US

Friday 2 October 2009, The King's Fund, London W1

Co-Chairs: **John Pheasant**, Hogan & Hartson LLP

Elizabeth Morony, Clifford Chance LLP

Speakers include: Jon Lawrence, Mark Hoskins QC, Daniel Beard, Mario Siragusa, Michael Sanders, Helen Davies QC, Michael O'Kane, Eddy de Smijter, Melanie Thill Tayara, Romano Subiotto QC, Bill Wood QC, Nicola Northway, Stephen Kon, Robert O'Donoghue, Alan Wiseman, Christof Swaak, Anthony Maton, Ingo Brinker, Samantha Mobley, Lord Hoffmann and Judge Nicholas Forwood

Topics include:

- Setting the scene – a review of recent competition damage claims
- Jurisdiction, choice of law and privilege – where to bring your claim
- Forum shopping and implications of Rome II on choice of law
- Delaying tactics in national litigation: the 'torpedoes'
- Disclosure, privilege and access to the file of competition authorities
- Criminal investigations
- Attempts to rely on EC law in the US courts
- Funding private actions

Book online at www.GlobalCompetitionReview.com/events/antitrustlitigation

GCR: ANTITRUST YEAR IN REVIEW

Brussels, November 2009

See www.GlobalCompetitionReview.com/events for further details



VERTICAL AGREEMENTS

Contributing editor: **Stephen Kinsella**

Sidley Austin LLP

Now in its third edition, *Vertical Agreements* is one of 40 volumes in our series of annual reports designed to help general counsel, government agencies and private practice lawyers navigate the world's increasingly complex competition regimes.

In the format adopted throughout the series, the same key questions are answered by leading practitioners in 41 jurisdictions worldwide. New jurisdictions this year include Bulgaria, Colombia, France, Israel, Japan, Peru, Romania and Venezuela.

"Your publications provide an excellent source of information. It's also useful to know the law firms who practise within these jurisdictions."

Joseph Adam, Senior Counsel, Deere & Co



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A Unique Opportunity to Learn About, Debate and Influence this Key Reform

In May 2010, the current Vertical Agreements Block Exemption will expire. Along with a new block exemption, a new version of the Vertical Guidelines will also enter into force. These are the competition rules which are probably of most practical importance to business on a day-to-day basis.

GCR has arranged this conference to examine in-depth the Commission's proposals for the new block exemption and revised Vertical Guidelines being published this summer.

Speakers include senior lawyers and economists from private practice, the European Commission, national competition authorities and industry, who will analyse the effect of the proposed changes on existing distribution arrangements:

- What are likely to be the new opportunities and where should we expect a stricter approach?
- Will there be changes in key areas such as resale price maintenance, selective distribution, parallel trade, internet selling and the distribution options of dominant firms?

As the focus of enforcement is at the national level, we will also consider the particularities of key national rules.

This conference provides a unique opportunity to learn about, debate and influence this key reform.

This conference will be of interest to:

- In-house lawyers
- Private practitioners specialising in competition law
- Consultant economists
- Enforcement agencies

Sponsorship and exhibition opportunities

A wide range of exhibition and sponsorship opportunities are available at GCR conferences. For further details please contact GCRconference@GlobalCompetitionReview.com

PROGRAMME

Chairman: **Andrzej Kmiecik**, Partner, Van Bael & Bellis

08.30 Registration and coffee

09.00 Chairman's opening remarks

09.15 **Setting the Scene**

- Overview of the current rules and their application to the main forms of distribution

Fiona Carlin, Partner, Baker & McKenzie LLP

09.35 **View from the Commission**

- The revised Regulation and Guidelines
- Main changes

Luc Peeperkorn, Senior Administrator, DG Competition, European Commission

10.20 Discussion and Q & A

10.35 **Exclusive Distribution**

- How much more exclusivity will manufacturers be able to grant under the new rules? Do the new rules strike the right balance?
- Do the new rules offer more flexibility to impose active sales restrictions?
- How far can internet selling be restricted to protect an exclusive network?
- Is the protection of parallel trade still a sacred cow (Advocate General's opinion in *Glaxo Spain*)?

Frank Wijckmans, Partner, Contrast Law

Edvard Carleson, Senior Vice President and General Counsel, Volvo CE

11.10 Coffee

11.30 **Selective Distribution**

- What interests should selective distribution protect and where do the real dangers lie?
- How do/should trademark rights and unfair competition law fit in?
- What will the future retail landscape look like and what role will competition law play?

Stephen Kinsella, Partner, Sidley Austin LLP

12.05 **Are there still stricter national rules to take into account?**

- The German and French approach to the unilateral conduct of non-dominant firms in distribution arrangements
- When are non-dominant suppliers unable to discriminate or to refuse to supply despite being able to do so without offending the EC rules?
- What effect does this have on the use of quantitative selective distribution and exclusive distribution?
- Have the practical risks in France been reduced after the recent reform of the French Commercial Code?

Joseph Vogel, Partner, Vogel & Vogel

Markus Wirtz, Partner, Glade Michel Wirtz

12.35 **PANEL DISCUSSION AND COMMENT**

Luc Peeperkorn, Senior Administrator, DG Competition European Commission

Paul Lugard, Head of Antitrust, Philips International BV

Fabrizio Mecozi, Legal Counsel, Nike Europe

Fabien Zivy, Chief of Staff of the President, Autorité de la Concurrence

Jackie Holland, Director of Competition Policy, Office of Fair Trading

13.10 Lunch

14.20 **Resale Price Maintenance**

- Will there be a sea-change in approach?
- Given the fines being routinely imposed for RPM across the EU, how will it be possible in practice to assess whether RPM could fall outside of Article 81 or qualify for exemption on an individual exemption?

Joanna Goyder, Barrister, Freshfields Bruckhaus Deringer LLP

Pamela Jones Harbour, Commissioner, Federal Trade Commission

15.00 Tea

15.15 **Buyer Power and Other Topical Retailer Practices**

- Will there be much greater concern about practices associated with buyer power?
- What can be learnt from the supermarket inquiries in the UK and elsewhere?
- The treatment of slotting allowances and category management arrangements.

Susan Hinchliffe, Partner, Arnold & Porter LLP

Adrian Majumdar, Partner, RBB Economics

Comment:

Peter Vanderghinste, Competition Counsel, Nestle SA

16.00 **What forms of distribution may dominant suppliers use?**

- Will there be a softening of approach?
- Jean Yves Art**, Director, Competition Law, Microsoft

16.25 **PANEL DISCUSSION AND COMMENT**

Luc Peeperkorn, Senior Administrator, DG Competition European Commission

Paul Lugard, Head of Antitrust, Philips International BV

Jackie Holland, Director of Competition Policy, Office of Fair Trading

Fabien Zivy, Chief of Staff of the President, Autorité de la Concurrence

17.10 Close of conference

Conference fees

Standard Fee GBP £650 + 21% TVA = GBP £786.50

In-house lawyers GBP £550 + 21% TAV = GBP £665.50

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Administrative details

Date

Thursday 17 September 2009

Venue

Radisson SAS Royal Hotel
Rue du Fosse aux Loups 47
1000 Brussels
Belgium
Tel: 00 32 2 219 2828
www.radissonblu.com

How to register

- Online at www.GlobalCompetitionReview.com/events
- To book call **+44 (0)20 7908 1185**
- Email bookings to **GCRconference@GlobalCompetitionReview.com**
- Fax to +44 (0)20 7229 6910
- Mail this completed form to Global Competition Review, 87 Lancaster Road, London, W11 1QQ

Payment should be made within 14 days of registration. All registrations must be paid in advance of the event.

Registration fee

The standard conference fee is £650 + 21% TVA. There is a special fee for in-house lawyers of £550 + 21% TAV. The registration fee includes all refreshments, lunch and the conference documentation.

Cancellations

Cancellations must be received in writing. Cancellations received in writing two weeks before the conference will receive a refund less 10% + VAT. Cancellations received one week before the event will receive a refund less 50% + VAT. **Substitute delegates are welcome at any time.**

Hotel accommodation

The cost of accommodation is not included in the event fee. Reduced rate accommodation at the venue or nearby can be arranged for you as a free service to GCR delegates by contacting Zibrant, call +44(0) 1332 285590 or email: GCR@zibrant.co.uk

CPD accreditation

6.5 hours CPD accreditation has been applied for from the Solicitors Regulation Authority and the Bar Standards Board

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Programme changes

It may be necessary for reasons beyond the control of the organisers to change the agenda, timing or the speakers.

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