

# 2009 COMPETITION LAW REVIEW

In-depth analysis and debate on recent developments  
in competition law and policy

Monday 16 and Tuesday 17 November 2009, The Conrad Hotel, Brussels

Chairmen: **Peter Alexiadis**, Partner, Gibson Dunn & Crutcher LLP, Brussels  
**Lars-Hendrik Röller**, President, ESMT, Berlin

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**Keynote speakers:**

**Philip Lowe**

Director General, DG Competition  
European Commission

**J Thomas Rosch**

Commissioner  
Federal Trade Commission

**Speakers include senior representatives from the  
following organisations:**

DG Competition  
Autorité de la Concurrence  
Bundeskartellamt  
Office of Fair Trading  
Supreme Court of France  
Legal Service of the European Commission  
The Institute of Public Law  
Howrey LLP  
Clifford Chance LLP  
Linklaters LLP  
Gibson Dunn & Crutcher LLP  
Sidley Austin LLP  
Norton Rose  
Athens University of Economics and Business  
Slaughter and May  
Freshfields Bruckhaus Deringer LLP  
Charles River Associates  
Wilmer Cutler Pickering Hale and Dorr LLP  
Skadden Arps Slate Meagher & Flom LLP  
LECG  
Nokia Corporation  
SJ Berwin LLP  
GlaxoSmithKline  
Brick Court Chambers  
Oxera  
CMS Hasche Sigle



Hear the very latest on:

- 'Competition snapshot' – a year in review
- Latest developments in cartel enforcement – review of recent cases, level of fines, direct settlements
- Information exchanges – challenges for antitrust in a recession
- Vertical agreements – the revised regulation and guidelines
- Recent developments in merger control – policy developments and emerging trends in an economic downturn
- Article 82 – competition issues in the high-tech sectors
- The Pharmaceutical Sector Inquiry – the Commission's final report
- Damages actions for breach of the EC antitrust rules – passing on, opt-in and opt-out, disclosure and costs, quantification of damages
- 'Question time' – a roundtable discussion with senior representatives from national enforcement agencies and the courts

In association with  
ESMT Competition Analysis



## GCR'S 2009 COMPETITION LAW REVIEW

A unique opportunity to hear some of the most influential speakers debate and analyse all the key developments in competition law.

The aim of this conference is to address recent developments in the field of competition law and policy over the past year. GCR has brought together leading figures in the field from both Europe and the US, including the European Commission, the Federal Trade Commission, members of the judiciary, competition enforcement agencies, in-house counsel, lawyers in private practice and consultant economists.

Despite the recession, DG Competition is busier than ever. There has been a drop in merger activity but high levels of cartel and article 82 investigations, with record fines being received in both. In addition, there has been the largest sector inquiry to date in the pharmaceutical sector, together with numerous other policy initiatives including the review of the vertical restraints regime with proposals to reform competition rules on distribution and other vertical agreements.

In the United States, the Obama administration has promised to take a tougher stance on single-firm conduct and increasingly enforcers have focused on industry sectors, including telecommunications, technology and airlines, with a particular focus on health care.

The programme will focus on developments in the four major areas: cartel enforcement, merger control, enforcement of Article 82 and damages actions for the breach of the EC antitrust rules.

This conference will be of interest to:

- In-house lawyers
- Lawyers in private practice
- Consultant economists
- National enforcement agencies
- Company directors

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## PROGRAMME

### DAY ONE

Chairman: **Peter Alexiadis**

Partner, Gibson Dunn & Crutcher LLP

09.00 Registration and coffee

09.20 Chairman's opening remarks

### 09.30 **Competition Law Snapshot – A Year in Review**

- The legacy of the Kroes era
- Ever larger fines: *Intel* and *Car glass*
- New directions for vertical restraints policy
- More consultations and changes to come: Regulation 1/2003, horizontal agreements, ECOMR
- The pharmaceutical sector inquiry findings: shocking?
- Merger control in a recession
- Challenges for the new DG Comp regime

**Tony Reeves**, Partner, Clifford Chance LLP

10.40 Coffee

### 11.00 **Latest Developments in Cartel Enforcement**

- Review of recent cases
- Level of fines
- Direct settlements – first assessment on how the process is working

**Olivier Guersent**, Director, DG Competition, European Commission

**Gerwin van Gerven**, Partner, Linklaters LLP

**Gary R Spratling**, Partner, Gibson Dunn & Crutcher LLP

Comment from:

**Jürgen Schwarze**, Director, Institute of Public Law, Department of European and Public International Law

**Wouter Wils**, Legal Service, European Commission and Professor King's College London

12.30 Lunch

### 13.45 **Information Exchange – Challenges for Antitrust in a Recession**

- Impact on trade associations
- Managing production shutdowns
- Tolling arrangements
- Extra compliance
- The recent *T-Mobile* case – whether a concerted practice (exchanging information at a single meeting) has an anti-competitive object

**Robbert Snelders**, Partner, Cleary Gottlieb Steen & Hamilton LLP

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- 14.20 **Vertical Agreements – The Revised Regulation and Guidelines**
- Review of the main changes – resale price maintenance, selective distribution
  - Internet selling and distribution options of dominant firms
- Luc Peepkorn**, Senior Administrator, DG Competition, European Commission  
Panel discussion and comment:  
**Stephen Kinsella OBE**, Partner, Sidley Austin LLP  
**Nikos Vettas**, Professor, Athens University of Economics and Business, CEPR and Economic Advisory Group in Competition Policy  
**Melanie Thill-Tayara**, Partner, Norton Rose
- 15.30 Tea
- 15.50 **Recent Developments in Merger Control – Policy Developments and Emerging Trends in an Economic Downturn**
- Moderator: **Philippe Chappatte**, Partner, Slaughter and May
- Efficiencies in horizontal and non-horizontal mergers
  - What have we learned from the current crisis?
  - The failing firm defence – OFT and the Commission
  - Remedies
  - The Commission's Review of the Merger Regulation and how it is working
  - The ICN Recommended Practice for Mergers
  - Recent economic developments in EC merger assessment
  - Developments in the US
- Guillaume Lorient**, Head of Unit, Antitrust and Merger Case Support, DG Competition, European Commission  
**Simon Priddis**, Partner, Freshfields Bruckhaus Deringer LLP  
**Matthias Pflanz**, Vice President, Charles River Associates  
**James W Lowe**, Partner, Wilmer Cutler Pickering Hale and Dorr LLP
- 18.00 Close of Day One
- 18.00 Drinks reception
- DAY TWO**
- Chairman: **Lars-Hendrik Röller**  
President of ESMT
- 08.30 Coffee
- 09.00 Chairman's welcome and opening remarks
- 09.15 **Keynote Address**  
**Reflections on the past seven years – "Competition Policy Challenges in Europe"**  
**Philip Lowe**, Director General, DG Competition, European Commission
- 09.45 **Keynote Address**  
**The first months of a new administration – priorities for enforcement, monopolisation and Article 2**  
**J Thomas Rosch**, Commissioner, Federal Trade Commission
- 10.30 Coffee
- 10.50 **PANEL SESSION – QUESTION TIME**  
**A roundtable discussion with senior competition representatives**  
Moderator: **Lars-Hendrik Röller**, President of ESMT  
**J Thomas Rosch**, Commissioner, Federal Trade Commission  
**Philip Lowe**, Director General, DG Competition, European Commission  
**Bruno Lasserre**, President, Autorité de la Concurrence  
**Christian Ewald**, Chief Economist, Bundeskartellamt  
**Philip Collins**, Chairman, Office of Fair Trading  
**Frédéric Jenny**, Director for International Relations ESSEC, Judge Supreme Court of France
- 12.45 Lunch
- 14.00 **Article 82 – Competition Issues in the High-Tech Sector**
- Moderator: **Thomas Vinje**, Partner, Clifford Chance LLP
- Application of Article 82 in innovative and high-tech markets
  - Review recent cases: *Intel*, *Microsoft*, *Rambus*
  - The online commerce roundtable
- Nick Banasevic**, Deputy Head of Unit, DG Competition, European Commission  
**James S Venit**, Partner, Skadden Arps Slate Meagher & Flom LLP  
**Lars Kjølbye**, Partner, Howrey LLP  
**Jorge Padilla**, Managing Director, LECG  
**Petri Kuoppamäki**, Vice President Corporate Legal, Nokia Corporation
- 15.00 **The Pharmaceutical Sector Inquiry**
- The Commission's final report – findings and conclusions
- Philipp Gasparon**, Deputy Head of Unit, DG Competition, European Commission  
**Stephen Kon**, Partner, SJ Berwin LLP  
**David H Rosenberg**, Industry Affairs, Corporate IP, GlaxoSmithKline tbc
- 16.00 Tea
- 16.15 **Damages Actions for Breach of the EC Antitrust Rules**
- Passing on; opt-in and opt-out; disclosure and costs
  - Quantification of damages
- Daniele Calisti**, Private Enforcement Unit, DG Competition  
Comment and panel discussion  
**Robert O'Donoghue**, Brick Court Chambers  
**Gunnar Niels**, Director, Oxera  
**Tim Reher**, Partner, CMS Hasche Sigle
- 17.15 Close of conference

**Conference fees**

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Monday 16 and Tuesday 17 November 2009

**Venue**The Conrad Hotel  
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1050 Brussels, Belgium  
Tel: +32 2 542 4242  
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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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