

# THE NEW EU REGIME FOR HORIZONTAL COOPERATION AGREEMENTS AMONGST COMPETITORS

The New Rules and How They Will Apply

Tuesday, 1 March 2011, The Stanhope Hotel, Brussels

Chairman: **Fiona Carlin**, Partner, Baker & McKenzie

Special discounts for in-house lawyers, enforcement agencies and early bookings!

*Distinguished speakers include:*

**Donncadh Woods**

Head of Unit for Antitrust and Mergers Policy and Scrutiny, DG Competition European Commission

**Henning Leupold**

Policy Analyst DG Competition European Commission

**Jonas Koponen**

Partner Linklaters LLP

**Thomas Graf**

Partner Cleary Gottlieb Steen & Hamilton LLP

**Bill Batchelor**

Partner Baker & McKenzie

**Andrea Lofaro**

Partner RBB Economics

**Fabian Theurer**

German and European Antitrust Law – Desk Officer Bundeskartellamt

**Emily Roche**

Senior Counsel - Competition, Rio Tinto

**Anna Emanuelson**

Policy Analyst DG Competition European Commission

**James Killick**

Partner White & Case LLP

**Gil Ohana**

Senior Director Antitrust and Competition Cisco Systems

**Jean-Yves Art**

Director, Competition Law Microsoft

**Aleksandra Boutin**

Policy Officer DG Competition European Commission

**Matthew Bennett**

Director of Economics Office of Fair Trading

**Frank Wijckmans**

Partner Contrast Law



**Topics include:**

- *Setting the Scene*
- *R&D Agreements and Innovation*
- *Joint Production and Specialisation*
- *A Revised Approach to Standardisation Agreements*
- *The Economists' Perspective*
- *Information Exchange and the Object/Effect Distinction*



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## The New EU Regime for Horizontal Cooperation Agreements amongst Competitors

The new rules and how they will apply

Tuesday, 1 March 2011, The Stanhope Hotel, Brussels

The European Commission has adopted revised R&D and Specialisation Block Exemption Regulations and revised guidelines on a broad range of horizontal cooperation agreements among competitors.

In some respects, the new rules are a step forward, doing more to encourage collaborative R&D agreements in line with the political goal of promoting innovation in Europe, for example. However, there are also some important qualifications:

- The availability of the safe harbour for specialisation agreements is now dependent on a market share threshold applying not only at the level of intermediate products but also at the level of finished downstream products.
- The revised guidelines contain significant new and somewhat conservative advice on when information exchanges and standard setting agreements are likely to be problematic.

GCR's conference gathers together industry and legal experts as well as leading figures from the Commission and leading national competition authorities to explore in detail the nuances of the new regime and what they mean for business.

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## PROGRAMME

Chairman: <b>Fiona Carlin</b> Partner, Baker & McKenzie	12.15	<b>Roundtable / Panel Discussion - do the Guidelines achieve a workable balance?</b> The speakers will be joined by <b>Emily Roche</b> , Senior Counsel - Competition, Rio Tinto <b>Fabian Theurer</b> , German and European Antitrust Law – Desk Officer, Bundeskartellamt
08.30 Registration and coffee		
09.00 Chairman's opening remarks		
09.10 <b>Keynote address</b> <b>Setting the Scene</b> <b>Donncadh Woods</b> , Deputy Head of Unit for Antitrust and Mergers Policy and Scrutiny, DG Competition, European Commission	13.00	Lunch
09.30 <b>R&amp;D Agreements and Innovation</b> <ul style="list-style-type: none"><li>• Overview of what has changed</li><li>• Do the new rules promote innovation?</li></ul> <b>Henning Leupold</b> , Policy Analyst, DG Competition, European Commission <b>Jonas Koponen</b> , Partner, Linklaters LLP	14.15	<b>Other Developments of Interest</b> <ul style="list-style-type: none"><li>• Joint commercialisation</li><li>• Standard terms</li></ul> <b>Bill Batchelor</b> , Partner, Baker & McKenzie <b>Anna Emanuelson</b> , Policy Analyst, DG Competition, European Commission
10.00 <b>Joint Production and Specialisation</b> <b>Henning Leupold</b> , Policy Analyst, DG Competition, European Commission <b>Thomas Graf</b> , Partner, Cleary Gottlieb Steen & Hamilton LLP	15.00	<b>The Economists' Perspective</b> <ul style="list-style-type: none"><li>• Potential pro-competitive effects of horizontal agreements</li><li>• The analytical framework to identify anti-competitive effects</li><li>• Assessing the effects in practice</li></ul> <b>Andrea Lofaro</b> , Director, RBB Economics
10.40 Coffee	15.30	Tea
11.00 <b>A Revised Approach to Standardisation Agreements</b> <ul style="list-style-type: none"><li>• The SSO safe harbour</li><li>• Upfront disclosure of IP</li><li>• FRAND licensing terms for essential IPRs</li></ul> <b>Anna Emanuelson</b> Policy Analyst, DG Competition, European Commission <b>James Killick</b> Partner, White & Case LLP <b>Jean-Yves Art</b> Director, Competition Law EMEA, Microsoft <b>Gil Ohana</b> Senior Director, Antitrust and Competition, Cisco Systems	15.50	<b>Information Exchange and the Object/Effect Distinction</b> <ul style="list-style-type: none"><li>• The framework for the competitive assessment of information exchanges</li><li>• Recent case law – the legal theory</li><li>• The economic perspective</li></ul> <b>Aleksandra Boutin</b> , Policy Officer, DG Competition, European Commission <b>Matthew Bennett</b> , Director, Office of Fair Trading <b>Fabian Theurer</b> , German and European Antitrust Law – Desk Officer, Bundeskartellamt <b>Frank Wijckmans</b> , Partner, Contrast Law
	17.20	Summing up and close

## Conference fees

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### Date

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### Venue

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

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