

EU Merger Control 13th October 2020

Merger Control in the Age of Digitisation and Globalisation

Chair's Opening Remarks – 09:00-09:10 (10 mins)

Political and Policy Developments

09:10-09:55 Commission Keynote (45 mins)

Birthe Panhans, Deputy Head of Unit, DG Competition, European Commission

09:55-10:55 The Changing Landscape: An Overhaul of EU Merger Control? (60 mins)

- The increasing influence of stakeholders: impacts for 2020.
- The politicisation of merger control: protectionism vs. the need to strengthen political input in merger cases.
- Recent developments: an overview of the Germany-France-Poland joint “Modernising EU Competition Policy” statement and the ERT’s recommendations.
- Facing the realities of modern Europe with a new legal tool: mergers involving state-controlled enterprises, third country interventions, and distortive state subsidies.

Pascal Belmin, VP, Head of Regulatory Affairs, Airbus Group

Céline Darrigade, Head of Antitrust, Thales

Benedikt Ecker, Legal Counsel, thyssenkrupp

Jens Peter Schmidt, Partner, Noerr

10.55 – 11.25 Review of the Market Definition Notice: Industrial Implications (30mins)

- The first review of the Market Definition Notice since 1997: ensuring accuracy in a time of rapid change. How will this affect industrial policy in 2020?
- The logic behind the review: the dual impact of digitisation and globalisation.
- To what extent will the review alter merger control in global markets?

Paul Hutchinson, Partner, RBB Economics

11.25 – 11.45 Morning Coffee Break (20 mins)

Merger Control in the Digital Economy

11:45-12:35 Challenges Posed by Digitisation: Analogue Powers in a Digital Age? (50 mins)

- Review of the Market Definition Notice: discerning a clear and consistent approach in emergent digital markets.
- Killer Acquisitions: Are large digital companies blocking innovation by buying tech start-ups? Are we in need of moving to an “error-cost” framework?
- Tech giants, platforms and questions of fairness: a new regulatory landscape for 2020?
- The drafting of remedies in the digital economy: is current policy fit for purpose?

Alex Walckiers, Chief Economist, Belgian Competition Authority

Mélanie Bruneau, Partner, K & L Gates

Stephen Lewis, Partner, RBB Economics

Salvatore De Vita, Unit C.5 Merger Network – Information, Communication and Media, DG Competition - European Commission

12:35-13:35 Networking Lunch (60 mins)

13:35-14.10 Information Exchange and The Role of Data in Mergers: Cause for Concern? (35 mins)

- Data sharing and data pooling: pro-competitive or concentration inducing?
- Virtual competition concerns: artificial intelligence and algorithms.
- Assessing mergers in non-priced markets.
- The role data plays in the interplay between digital and “analogue” markets.

Michael Kefi, Senior Antitrust Counsel EMEA, Uber

Oliver Latham, Vice President, Charles River Associates

Practical Insights

14:10-14:50 Competition Enforcement: National Developments (40 mins)

Substantive analysis and procedural updates from regulators such as the CMA, Autorite de la Concurrence, and Austrian Federal Competition Authority.

James Waugh, Director of Mergers, Competition & Markets Authority (CMA)

Étienne Chantrel, Head of Mergers Unit, Autorité de la Concurrence

Yara Hofbauer, Case Handler, Austrian Federal Competition Authority

14:50-15:40 The View from In-House (50 mins)

Given the increased number of mergers in data, steel and telecommunications, hear from in-house counsel from a range of industries discuss topics such as:

- “Gun-jumping” and the parameters on pre-merger information exchange.
- Challenges arising from multijurisdictional mergers.
- The use of internal documents in merger investigations.

Pieter-Jan Vandeveld, Group M&A Manager, Bekaert

Ianis Girgenson, Associate General Counsel, VEON

Ief Daems, Legal Director Antitrust, Cisco

Tobias Kruis, Senior Counsel, Tech Data

15:40-16:00 Afternoon Refreshments (20 mins)

EU Competition Law in a Changing World

16:00-16:50 The Rise of Global Mega-Firms: Lessons from the Aftermath of *Siemens/Alstom* (50 mins)

- Analysis of the Siemens/Alstom decision.
- The changing scope of geographical markets: is the threat from large non-EU firms, such as the Chinese state-owned CRRC, overblown?
- If threats to competition are globally sized, does regional enforcement need to be scaled up?
- Will growing mega-firms from markets outside Europe necessitate a change of EU merger control?

Saar Dierckens, Senior Competition Counsel, Siemens

Simon Burden, Senior Solicitor – Competition Law, Vodafone

Stephen Mavroghenis, Partner, Quinn Emanuel Urquhart & Sullivan LLP

16:50-17:30 The Efficiencies Debate: Can Competition Law be used to Achieve Sustainability Goals? (40 mins)

- Should the implementation of competition law be used to pursue public policy goals?
- To what extent do the EU's Article 11 commitments to environmental protection and the UN's 2030 Sustainable Development Goals (SDGs) raise antitrust issues?
- Does EU competition law focus too narrowly on issues of price and innovation? Is there room to broaden its scope?
- The effect on vertical agreements: are we in need of overarching guidelines?
- The Dutch Perspective: an insight into the 2019 legislative proposal.

Gönenç Gürkaynak, Partner, ELIG Gürkaynak

Hanna Stakheyeva, Assistant Professor, Bogazici University

17:30-17:40 Chair's Closing Remarks (10 mins)
