

A conference presented by the IBA Antitrust Section



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27th Annual Competition Conference



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15–16 September 2023

St Regis Florence, Florence, Italy

Working programme

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Committee Co-Chairs

Janet Hui *JunHe, Beijing; Co-Chair, IBA Antitrust Section*

Samantha Mobley *Baker McKenzie, London; Co-Chair, IBA Antitrust Section*

Friday 15 September

Registration will take place in the Salone delle Feste Foyer
All working sessions will take place in Salone delle Feste Ballroom
All coffee/tea breaks will take place in the Montebello Foyer
Lunch will take place in the Winter Garden

0815 – 1815

Registration

0815 – 0900

Welcome coffee/tea

0900 – 0905

Opening remarks

Speaker

Michael Reynolds *Allen & Overy, Brussels; Honorary Life Member of IBA Council and Association*

0905 – 0915

Introduction by the Conference Co-Chairs

Conference Co-Chairs

Janet Hui *JunHe, Beijing; Co-Chair, IBA Antitrust Section*

Samantha Mobley *Baker McKenzie, London; Co-Chair, IBA Antitrust Section*

0915 – 1000

Keynote address

Keynote speaker

Olivier Guersent *Director-General, DG Competition, European Commission, Brussels*

1000 – 1115

SESSION ONE

Enforcers roundtable

Heads of leading agencies will discuss recent developments, what they are prioritising today and where they expect competition law policy to focus going forward. They will also talk about how they coordinate their work and what international cooperation among the world's antitrust agencies will look like in the coming years.

Moderators

Janet Hui *JunHe, Beijing; Co-Chair, IBA Antitrust Section*

Samantha Mobley *Baker McKenzie, London; Co-Chair, IBA Antitrust Section*

Speakers

Sarah Cardell *Chief Executive, Competition and Markets Authority, London*

Olivier Guersent *Director-General, DG Competition, European Commission, Brussels*

Dr Gunnar Kallfaß *Head of 6th Decision Division, Bundeskartellamt, Bonn*

Lynda Marshall *Chief, International Section, Antitrust Division, US Department of Justice, Washington, DC*

1115 – 1145

Coffee/tea break

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1145 – 1300

SESSION TWO

The three gateways to successful transaction execution

Merger control, which used to be a relatively predictable area of competition law, is now undergoing major developments all around the world including in Europe. The days of a 'light touch' approach are clearly over: competition authorities globally and in Europe are gaining increasingly stronger powers to review an ever wider range of transactions (including new approaches to jurisdiction and the reversal of the burden of proof). At the same time, for large global deals in a growing number of industry sectors, the number of foreign direct investment approvals required can now outnumber the necessary merger approvals. Add to this the new EU Foreign Subsidies Regulation mandatory notification system coming into effect on 12 October 2023 for deals involving firms benefitting from state aid. The result is the need for tripartite regulatory transaction planning. How can companies navigate these complex waters?

Moderators

Neil Campbell *McMillan, Toronto, Ontario*

Catriona Hatton *Baker Botts, Brussels; Working Group Officer, IBA Antitrust Section*

Speakers

Daniele Calisti *Head of Unit, DG Competition, European Commission, Brussels*

Fernando Carreno *Von Wobeser & Sierra, Mexico City; Latin American Regional Forum Liaison Officer, IBA Antitrust Section*

Liu Cheng *King & Wood Mallesons, Beijing*

Sonia Pfaffenroth *Arnold & Porter, Washington, DC*

Gerwin van Gerven *Linklaters, Brussels*

1300 – 1500

Lunch

Speaker

Nicholas Khan KC *European Commission, Brussels*

1500 – 1630

SESSION THREE

Unilateral conduct

The law on unilateral conduct (abuse of dominance) has been generating headlines and is in a state of flux in the EU, US and other jurisdictions around the world. This panel will discuss recent cases, important court judgments and developments in enforcement trends. We will discuss the European Commission's amendments to its enforcement guidance paper and call for evidence on exclusionary abuses. Is the 'effects-based' approach being abandoned in favour of a more formalistic or ex ante regulatory approach? The panel will also discuss the relevant legal tests coming out of the case law, how economics plays a role in the analysis and practical tips for how companies can assess their conduct to ensure compliance.

Moderators

Kyriakos Fountoukakos *Herbert Smith Freehills, Brussels; Senior Vice Chair, IBA Antitrust Section*

Kristina Nordlander *Allen & Overy, London; Newsletter Editor, IBA Antitrust Section*

Speakers

Daniel Beard KC *Monckton Chambers, London*

Matt Hunt *AlixPartners, London*

Massimiliano Kadar *Deputy Head of Unit, European Commission Brussels*

Timothy Lamb *Head of EMEA Competition & Regulatory, Meta, London*

Miguel Perez Guerra *Director, Antitrust IP & Commercial, AB InBev, London*

Swetha Shroff Chopra *Shardul Amarchand Mangaldas & Co, New Delhi*

1630 – 1700

Coffee/tea break

Conference reception sponsor



Linklaters

Exhibitor



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The new frontier of competition law and labour markets

Cost of living concerns have helped fuel populist demand for dramatic reform of competition law. A focus on inequality has stirred a debate in the competition community on anticompetitive concerns in labour markets. This session will consider the proposition that competition authorities should use their enforcement powers to prevent the creation of employer monopsony power, for example, through mergers or no-poaching agreements, and the abuse of that power.

Moderators

Samir Gandhi *Axiom5 Law Chambers, New Delhi; Vice Chair, IBA Antitrust Section*

Andrew Ward *Cuatrecasas, Madrid; Newsletter Editor, IBA Antitrust Section*

Speakers

Jorge Fernandes Ferreira *Head of Anti-Cartel Unit / Deputy Director of Antitrust Department, Autoridade da Concorrência, Lisbon*

Saori Hanada *Atsumi & Sakai, Tokyo*

Kenneth O'Rourke *Wilson Sonsini, Washington, DC*

Karen Ruback *Grinberg Cordovil, São Paulo*

Aleksander Stawicki *Wierciński Kwieciński Baehr, Warsaw*

1830 – 2000

Conference reception

SE-STO on Arno Rooftop Bar, The Westin Excelsior

The drinks reception is open to all registered delegates.

The Westin Excelsior is located opposite the St Regis.

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0930 – 1300 **Registration**

0930 – 1000 **Welcome coffee/tea**

1000 – 1130 SESSION FIVE

The role of competition law and policy in controlling artificial intelligence

The interplay between artificial intelligence (AI) and competition law has been on the agenda of competition conferences for years. The recent launch of generative AI tools, such as ChatGPT and Google Bard, has now reignited the debate from various angles, including the role of competition authorities in regulating the world of generative AI, the speed and direction of the development of markets as well as the potential antitrust implications of consolidated AI power. The panel – consisting of agency representatives, academics and practitioners – will delve into the challenges and opportunities of balancing innovation with market fairness, analysing the potential effects of AI on other markets, consumer choices and prices, data privacy concerns, and the entry barriers facing new companies in the AI industry.

Moderators

Zoltán Marosi *DLA Piper, Budapest; Website Officer, IBA Antitrust Section*

Sarretta McDonough *Intel Corporation, Santa Clara, California; North American Regional Representative, IBA Antitrust Section*

Speakers

Lauren Battaglia *Hogan Lovells, Washington, DC*

Ariel Ezrachi *Professor of Competition Law, Oxford University, Oxford*

Hee-Eun Kim *Director of Competition Policy APAC, Meta, Singapore*

Alex Stratakis *Van Bael & Bellis, London*

1130 – 1200 **Coffee/tea break**

1200 – 1245 SESSION SIX

Interview with Andrea Coscelli

Interviewer

Michael Reynolds *Allen & Overy, Brussels; Honorary Life Member of IBA Council and Association*

Interviewee

Andrea Coscelli *Immediate Past Chief Executive, UK Competition and Markets Authority; now Head of Europe, Keystone Strategy, London*

1245 Closing remarks

Janet Hui *JunHe, Beijing; Co-Chair, IBA Antitrust Section*

Samantha Mobley *Baker McKenzie, London; Co-Chair, IBA Antitrust Section*