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INTERNATIONAL BAR ASSOCIATION CONFERENCE 2024

A conference presented by the IBA Antitrust Section

28th Annual Competition Conference

6–7 September 2024

St Regis Florence, Florence, Italy

TOPICS INCLUDE:

- Keynote Address: Margrethe Vestager Executive Vice President, European Commission
- Enforcers roundtable
- Successful deal execution in the face of tough antitrust enforcement
- The crisis of food security and the role of competition policy – The fading significance of the debate about the goals of antitrust in the face of hunger?
- Abuse of dominance – the Commission’s revamp
- Watch out, our robots may be colluding: algorithmic price-fixing
- Keynote Address: Ravneet Kaur Chairperson, Competition Commission of India
- Anatomy of a case: – Illumina/Grail
- Interview: Alejandra Palacios Former Chair, Comisión Federal de Competencia Económica

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Programme

Conference Co-Chairs

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

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

Organising committee

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Andrew Ward *Gomez-Acebo & Pombo, Madrid; Publications Officer, IBA Antitrust Section*

Rein Wesseling *Stibbe, Amsterdam; Working Group Officer, IBA Antitrust Section*

Friday 6 September

0800 – 1815 **Registration**

0800 – 0900 **Welcome coffee/ tea**

0900 – 0905 **Welcome remarks**

Michael Reynolds *A&O Shearman, Brussels; Honorary Life Member of 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

Margrethe Vestager *Executive Vice President, European Commission, Brussels*

1000 – 1115 **SESSION ONE**

Enforcers roundtable

Heads of leading agencies will together discuss recent developments, what they are prioritising today and what they expect the focus of competition law to be 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.

Moderator

Frédéric Jenny *Chair of the OECD Competition Committee, OECD, Paris*

Speakers

Benoit Coeure *President, Autorité de la concurrence, Paris*

John Elias *Deputy Assistant Attorney General for Policy, US Department of Justice, Washington, DC*

Athanasia Gavala *Director General, Hellenic Competition Commission, Athens*

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

1115 – 1145 **Coffee/tea break**

1145 – 1300 **SESSION TWO**

Successful deal execution in the face of tough antitrust enforcement

Merger control, which used to be a relatively predictable area of competition law, is now undergoing major developments all around the globe including in Europe. The days of a light touch approach are clearly over: competition authorities globally and in Europe are reviewing an ever-wider range of transactions. Add to this the now up and running EU Foreign Subsidies Regulation.

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Friday continued

The result is the need for detailed transaction planning from a regulatory perspective. This panel will discuss how companies can navigate this complex landscape.

Moderators

Leonor Cordovil *Grinberg Cordovil Advogados, São Paulo; Treasurer, IBA Antitrust Section*

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

Speakers

Fernando Castillo de la Torre *Principal Legal Advisor/Director, Legal Service, European Commission, Brussels*

Ronan Harty *Davis Polk, New York*

Johanna Kübler *COMMEO, Frankfurt*

Mariam Sabet *Al Tamimi & Company, Dubai*

1300 – 1500 **Lunch**

Speaker

Professor Eleanor Fox *Walter J Derenberg Professor of Trade Regulation Emerita, New York University School of Law, New York*

The food security crisis: the role for competition policy

1500 – 1630 SESSION THREE

Abuse of dominance – the Commission's revamp

In March 2023, the European Commission (the 'Commission') published a Communication and Annex amending its 2008 guidance on enforcement priorities concerning exclusionary abuses. This came in conjunction with a call for evidence to seek feedback on the proposed introduction by the Commission of guidelines on exclusionary abuses of dominance. The Commission is seeking to adopt their new guidelines by the end of 2025. This panel will explore the concepts contained in the draft guidelines with a view to determining how they fit with the approach agencies around the world are taking towards enforcing against misuse of market power.

Moderators

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

Petra Linsmeier *Gleiss Lutz, Munich; Secretary, IBA Antitrust Section*

Speakers

Massimiliano Kadar *Head of Unit, Directorate General for Competition, European Commission, Brussels*

Alastair Mordaunt *Freshfields Bruckhaus Deringer, London; Working Group Officer, IBA Antitrust Section*

Fiona Schaeffer *Milbank, New York*

Sarita Venkat *VP & Deputy General Counsel, Litigation & Competition, Cisco, San Jose, California*

Professor Richard Whish *Professor, King's College London, London*

1630 – 1700 **Coffee/tea break**

1700 – 1815 SESSION FOUR

Watch out, our robots may be colluding: algorithmic price-fixing

Fast-developing artificial intelligence (AI) technologies have been attracting increasing attention in recent years. The use of pricing algorithms to facilitate collusion is one of the hottest topics in the area of antitrust. Is it a collusive agreement when competitors knowingly use the same AI technology to monitor and adjust prices? Even where the algorithm only recommends rather than determines prices and actual prices can differ? In a recent US residential housing case, the US agencies say yes and yes. And in a recent US class action, it is claimed that hotels collude on prices through a common software program. Other competition authorities are considering these and other AI-related issues as they apply across a range of businesses. Some scholars have even posited whether pricing algorithms may 'autonomously' learn to collude. The session will examine the latest thinking in this largely undeveloped area of antitrust.

Moderators

Randal Hughes *Bennett Jones, Toronto, Ontario; Competition Agency Liaison Officer, IBA Antitrust Section*

Tsuyoshi Ikeda *Ikeda & Someya, Tokyo; Membership Officer, IBA Antitrust Section*

Speakers

Svend Albaek *Visiting fellow, European University Institute, Florence*

Maria Jaspers *Director of the Cartel Directorate, DG Competition, European Commission, Brussels*

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

Daniel Swanson *Gibson Dunn & Crutcher, Los Angeles, California*

1830 – 2000 **Conference reception**

Ognissanti Chioistro

The drinks reception is open to all registered delegates.

The Ognissanti Chioistro is located to the left of the St Regis.



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Saturday 7 September

0930 – 1245 **Registration**

0930 – 1000 **Welcome coffee/tea**

1000 – 1030 **Keynote address**

Keynote speaker

Ravneet Kaur *Chairperson, Competition Commission of India, New Delhi, Delhi*

1030 – 1130 **SESSION FIVE**

Anatomy of a case – Illumina/Grail

This panel will explore the European competition law aspects of the Illumina/Grail saga, a case that has been hotly debated in the global competition community. Our panel of experts in antitrust law will examine the European Commission's various decisions in the matter (including on jurisdiction and the prohibition of the acquisition of Grail by Illumina) as well as the various challenges to these decisions in front of European courts. This panel will be adversarial in style, looking at the case from all sides to provide a 360-degree perspective for the audience.

Moderators

Catriona Hatton *Baker Botts, Brussels; Vice Chair, IBA Antitrust Section*

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

Speakers

Inge Bernaerts *Director for Strategy and Policy, DG Competition, European Commission, Brussels*

Benoit Coeure *President, Autorité de la concurrence, Paris*

Josh Holmes KC *Monckton Chambers, London*

Carles Esteva Mosso *Latham & Watkins, Brussels*

1130 – 1200 **Coffee/tea break**

1200 – 1245 **Interview**

Interviewer

Michael Reynolds *A&O Shearman, Brussels; Honorary Life Member of Council and Association, International Bar Association*

Interviewee

Alejandra Palacios *Former Chair, Comisión Federal de Competencia Económica, Mexico City*

1245 **Closing remarks**

Conference Co-Chairs

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

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

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.



International Bar Association

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About the IBA

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to date information, enabling them to better represent their clients' interests.

Through its various committees, fora, and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

IBA Antitrust Section

The Antitrust Section provides an international forum for thought leadership with respect to antitrust law developments and the profession through submissions to competition agencies, training programs/missions, developing the law through our conferences, publications, and interaction with antitrust enforcement authorities and the profession.

In addition, there is a strong commitment to bring together international practitioners to facilitate closer working relationships. The Section is increasingly relied upon by government officials and members of the private sector for its expertise and practical input into antitrust developments, including through its Working Group submissions.

For more information please visit the **Antitrust Section home page**.

International Bar Association

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Our seasoned and well-connected antitrust teams in Washington DC, New York, Brussels and London cover the jurisdictions that usually matter the most for our clients: the U.S., EU and U.K. We also routinely act as coordinating counsel closely collaborating with our network of top-ranked local firms spanning the globe.

We have resolved antitrust and foreign direct investment issues presented by thousands of our clients' transactions across all economic sectors, especially for complex and transformational transactions. Clients count on us to steer them through sensitive antitrust investigations and high-stakes litigations, class actions and government enforcement actions. We also lead large defense groups, including for alleged cartel behavior in numerous industries and financial markets.

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