

The New Competition Law Landscape

Comprehensive tactical analysis of the recent case law and major regulatory developments in UK and EU Competition Law

Wednesday 19 March 2008
Central London



Chaired by:

CHRIS BRIGHT

Consultant, **Shearman & Sterling LLP**

ALI NIKPAY

Senior Director, **Office of Fair Trading**
Representative from the Directorate
General for Competition,
European Commission

PETER DAVIS

Deputy Chairman,
Competition Commission

THOMAS SHARPE QC

One Essex Court

STEPHEN WISKING

Partner, **Herbert Smith LLP**

ALASTAIR MORDAUNT

Director of Mergers,
Office of Fair Trading

LESLEY AINSWORTH

Partner, **Lovells LLP**

DEREK RIDYARD

Partner, **RBB Economics**

VINCENT SMITH

Partner, **Cohen Milstein
Hausfeld & Toll LLP**

GREG OLSEN

Partner, **Clifford Chance**

CHRIS WARNER

Campaigns Lawyer, **Which?**

NICOLA NORTHWAY

Group Head of Competition Law,
Barclays Bank plc

Attending this highly relevant one day conference will enable you to:

- Analyse the repercussions of the key cases including **Microsoft**, **BA** and **Akzo Nobel**
- Gain insights into policy and priorities from the **OFT** and the **European Commission**
- Discover the latest developments in UK and EU **merger control**
- Debate the future for **class and representative actions**
- Assess the recent European Commission review of **cartels**
- Understand the **latest trends in economic analysis**
- Review the evolving **Article 82 case law on dominant position**

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WHO ARE THE SPEAKERS?

LESLEY AINSWORTH is a partner in Lovells EU and Competition Law group. She spent a number of years practising in Brussels and subsequently New York, before returning to London. She advises on all aspects of UK and EU competition law. Lesley is regularly listed as a "leading individual" in the EU and competition section of Chambers and Legal 500.

DR PETER DAVIS became Deputy Chairman of the Competition Commission (CC) in September 2006. Before joining the CC, he served on the faculty of MIT and the London School of Economics, after receiving his PhD in Economics from Yale. He currently serves as an associate editor of the JIE and also of *Economica*.

ALASTAIR MORDAUNT joined the OFT as Director of Mergers in October 2007. He leads on casework delivery and management of the Mergers Group, and works in tandem with the Senior Director on strategic, policy and merger litigation issues. Prior to joining the OFT, Alastair worked in the private sector, representing clients in merger and antitrust matters before the UK, EC and US antitrust authorities.

ALI NIKPAY is the Senior Director of the Advisory, Policy and International section at the Office of Fair Trading, London. He is responsible for competition, markets and consumer policy projects and case advice. Ali previously worked in private practice at Clifford Chance and also served at the Directorate General for Competition at the European Commission.

GREG OLSEN is a Partner in the London European Competition & Regulation Group. He specialises in EC and UK competition law, including mergers and joint ventures, distribution and licensing arrangements, cartels, abuse of market power and other regulatory investigations. Greg is a member of the Editorial Board of the ABA Antitrust Magazine and a committee member of the Law Society European Group.

DEREK RIDYARD is a Partner and co-founder of the economic consulting firm, RBB Economics. He has worked as a consultant on the economics of competition law since 1987 and has worked on assignments for clients involved in competition law cases across a wide range of industries and most of the European jurisdictions.

THOMAS SHARPE is a barrister practising in the fields of EC and UK competition law and regulation. He holds degrees in economics and law and before going to the Bar in 1987 taught law at Oxford. Recent cases include appearing for MasterCard in the CAT and EC proceedings, BPB in the CFI, and Arriva, E.ON and Sandisk in the High Court.

VINCENT SMITH is a Partner with Cohen, Milstein, Hausfeld & Toll LLP in London focusing on UK and European claimant and complainant competition matters. He joined in May 2007 from the Office of Fair Trading (OFT) where he was Senior Director for Competition and Director of its Competition Enforcement division from 2003.

CHRIS WARNER trained at Linklaters and qualified into their EU Anti-trust department in 2003 he moved to Which? in August 2007 joining as the Campaigns Lawyer.

STEPHEN WISKING practices in all areas of competition law both in the EU and UK. He has worked in Brussels and London and is qualified as a solicitor advocate. He is also qualified as a barrister and solicitor in Australia. Stephen has particular experience in relation to mergers, regulatory investigations, competition litigation and broadcasting regulation.

Why you should attend this conference

During 2007 competition law has again hit the headlines. The OFT has proved how serious it is about compliance by imposing the largest ever fine for breaching competition law on *BA* and the CFI decision to uphold the European Commission's *Microsoft* ruling will also have wide-ranging implications. In-house competition lawyers and their advisers must keep up to date with this evolving area of law to avoid facing severe penalties.

Butterworths® Competition Law conference will bring you fully up to date with the key legal developments of the past twelve months and will take a look at future UK and EU competition law and policy. Our expert speaker panel consists of leading competition practitioners, regulators, economists and in-house lawyers who will focus on the key developments of the past twelve months and assess their impact on UK and European practice.

As a delegate at this event you will:

- Hear from the **Office of Fair Trading** and the **European Commission** on their current approach to enforcement
- Gain an update on the **major competition law cases** of the past twelve months
- Understand the competition litigation developments in **private enforcement**
- Receive practical advice on **competition law compliance** from Barclays' Head of Competition Law
- Review the latest developments in **cartels** and compare the European regime to the **US**
- Hear what changes are on the horizon in **merger control**
- Learn the latest developments in **dominant position**

Who you will meet

This conference is designed for heads of legal and general counsel, private practice competition lawyers, competition and regulatory authorities and economists dealing with competition law.

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PROGRAMME – Wednesday 19 March 2008

8.50 Registration and Coffee
9.15 **Introduction by the Chair**
CHRIS BRIGHT, *Consultant*, **Shearman & Sterling LLP**

9.20 **A review of the key case law developments of the past twelve months**

- A summary of the key cases and developments including *Akzo Nobel* and legal privilege
- The *Microsoft* decision and the expected fall out
- Price fixing, cartels and the *British Airways* decision
- The interaction between Competition, IP and IT law

THOMAS SHARPE QC, **One Essex Court**

10.00 **A view from the regulators**

- An overview of recent key developments from the regulators
- How is the OFT's current prioritisation approach working in practice?
- What is the future for representative actions and how will Europe differ from the US?

Representative from the **Directorate General for Competition, European Commission**
ALI NIKPAY, *Senior Director*, **Office of Fair Trading**

11.00 Coffee
11.15 **Developments in competition litigation; the future for class and representative actions**

- The recent developments and US private litigation
- Private enforcement: making customer redress more effective
- The OFT's discussion and the European Commission White Paper
- When will we see private enforcement actions in practice?

VINCENT SMITH, *Partner*, **Cohen Milstein Hausfeld & Toll LLP**

12.00 **Developments in cartel enforcement**

- European Commission's leniency notice and new fining guidelines
- Settlements of cases in the UK and the EU
- Interaction with criminal sanctions and private enforcement
- Comparisons with the US

STEPHEN WISKING, *Partner*, **Herbert Smith LLP**

12.30 **Which? consumer action: replica football shirts**

Which?, the first UK body to have brought a private enforcement action, will give a practical insight into this landmark case and discuss the main issues that have arisen from the case

CHRIS WARNER, *Campaigns Lawyer*, **Which?**

13.00 Lunch

14.00 **The latest in merger control**

- What are the key UK and EC procedural developments to be aware of?
- How has the EC Merger Regulation 2004 impacted on practice and what impact will the new jurisdictional notice have?
- What lessons can be learnt from the key domestic and cross border decisions?
- What are the latest developments in remedies?

GREG OLSEN, *Partner*, **Clifford Chance**
ALASTAIR MORDAUNT, *Director of Mergers, Office of Fair Trading*
PETER DAVIS, *Deputy Chairman*, **Competition Commission**

15.00 **The reform of Article 82 and 'dominant position'**

- The Commission's review
- Assessing dominant position
- The recent case law and UK developments

LESLEY AINSWORTH, *Partner*, **Lovells LLP**

15.30 Tea

15.45 **Trends in economic analysis and the use of economic evidence**

- The use of economists in competition law: from story telling to cutting edge techniques
- Interplay with economists inside the competition authorities
- The role of expert economic evidence in courts and tribunals

DEREK RIDYARD, *Partner*, **RBB Economics**

16.25 **Competition law compliance**

- The importance of compliance for businesses
- Identifying the risk
- Designing an effective compliance programme
- Preparing for a dawn raid

NICOLA NORTHWAY, *Group Head of Competition Law*, **Barclays Bank plc**

16.55 **Chair's closing remarks**

17.00 Close of conference

Chaired by:

CHRIS BRIGHT is a member of the Competition Commission, a non-executive Director of the Jersey Competition Regulatory Authority and a competition law consultant, including to Shearman + Sterling LLP. His experience covers mergers, competition law infringements, market investigations and ADR in competition cases.

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- The Companies Act**, April 2008, Central London
- The Listing Rules**, April 2008, Central London
- IP Licensing**, April 2008, Central London

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