

The Interdisciplinary Centre for Competition
Law and Policy (ICC) and Crowell & Moring LLP
Annual conference 2007

Trends and Developments in Global Competition Law

crowell  moring

 Queen Mary
University of London



Overview

This conference offers a unique forum for exchanging ideas and discussing recent developments in the field of competition law globally. It brings together leading figures in the field from both sides of the Atlantic including members of the judiciary, competition enforcement bodies, academia, in-house counsel and private practice. The conference combines the policy perspective of the London-based Interdisciplinary Centre for Competition Law and Policy (ICC) with the real world experience of the international law firm of Crowell & Moring LLP.

Format and Content

This will be a one-day event, with four major areas of focus: **international merger control; international cartel procedures; private enforcement, damages claims and recovery;** and **abuse of dominance**. Our aim on this occasion is to take into account the particular perspectives of the business community and explain how important recent developments in competition law affect everyday policies and practices adopted by businesses. All of these topics will be illustrated by practical examples drawn from recent cases taken from the EU, US and other competition law regimes.

The issues to be addressed are:

International merger control

- The practical implications of the European Commission's draft guidelines on non-horizontal mergers and the current approach to such mergers in the US
- Commitments and remedies: from their design to their offer; how they should be proposed; and their implementation
- Litigation and the implications which flow from merger decisions; third party intervention
- The importance of economic efficiency in merger control and exploring issues of research and development and innovation
- Government action based on national interests

International cartel procedures

- The reality of leniency applications
- The use of plea bargaining in the US and the prospects for its use in the EU
- The calculation of fines under the European Commission's new Guidelines on the method of setting fines

Private enforcement, damages claims and recovery

- Incentives and approaches to recovery actions: fiduciary obligations to shareholders and keeping up with competitors; settlement negotiations; arbitration and mediation
- The current European Commission's initiative and the future of private enforcement in the EU
- Practical legal issues such as forum selection, indirect purchasers, passing-on, assessment of damages and enforcement of judgments

Abuse of dominance

- Discrimination and exploitative abuses; how the European Commission's proposed approach is likely to affect future behaviour of dominant firms
- Recent practice at community and national level; differences in national approaches and regulation: impact on unilateral behaviour
- Case prioritisation and the handling of complaints about abuse of dominance by the European Commission and national competition authorities



Programme

11 May 2007

Hotel Le Méridien, Brussels

8.45-9.15: Registration and coffee

9.15: Opening remarks and welcome
Maher Dabbah (ICC) and Randy Smith (Crowell & Moring)

9.30: **International Merger Control**

Chair: [Randy Smith](#), Partner and Head of the Competition Group, Crowell & Moring

Speakers: [Maher Dabbah](#), Director, ICC, Queen Mary, University of London; [J Bruce McDonald](#), Deputy Assistant Attorney-General, Antitrust Division, US Department of Justice; [Thomas Deisenhofer](#), Assistant to the Director General, DG COMP, European Commission

11.00-11.15: Coffee break

11.15: **International Cartel Procedures**

Chair: [Debra Valentine](#), Vice-President, Deputy General Counsel and Secretary, United Technologies Corp

Speakers: [Felix Engelsing](#), Head of International Affairs, German Federal Cartel Office; [Cento Veljanovski](#), Managing Partner, Case Associates, London; [Kent Gardiner](#), Partner, Crowell & Moring

12.45: Business lunch

13.30: **Private Enforcement, Damages Claims and Recovery**

Chair: [Nils Wahl](#), Judge, European Court of First Instance

Speakers: [Paul Lasok QC](#), Barrister, Monckton Chambers, London; [Donncadh Woods](#), Deputy Head of Unit, Antitrust Policy and Strategic Support, DG COMP, European Commission, [Thomas De Meese](#), Partner, Crowell & Moring

15.00-15.15: Coffee break

15.15: **Abuse of Dominance**

Chair: [Frederic Jenny](#), Judge, Cour de Cassation, Paris

Speakers: [Lars-Hendrik Roeller](#), President, European School of Management and Technology, Berlin (former Chief Economist, DG Comp, European Commission); [Joos Stragier](#), Head of Unit, Antitrust Policy and Scrutiny, DG Comp, European Commission, [Werner Berg](#), Partner, Crowell & Moring

16.45-17.00: Conclusions



The ICC and Crowell & Moring LLP

The Interdisciplinary Centre for Competition Law and Policy (ICC)

The Interdisciplinary Centre for Competition Law and Policy (ICC) is a unique centre that delivers world-class work in the field of competition law and policy.

The ICC conducts research and delivers training in the field of competition law and policy, drawing on the multi-disciplinary strengths of Queen Mary, University of London, one of the UK's leading research-focused higher education institutions. The ICC brings together the research strengths and expertise of the Queen Mary School of Law, and the Departments of Economics, Politics and Geography.

The ICC's mission is to

- build a strong, broad-based and well-informed competition law community
- engage in competition advocacy and internationally recognised scholarship
- deliver innovative training and consultancy to meet the needs and expectations of lawyers, economists, policy-makers, competition enforcement bodies, judges and business people.

For further information on the ICC and its activities, visit: www.icc.qmul.ac.uk

The School of Law

The School of Law, which includes the Department of Law and the Centre for Commercial Law Studies, has established itself over the past 40 years as one of the country's leading Law Schools. One of only eight to have been awarded the highest rating (5*) in the last Government Research Assessment Exercise, the School has expertise in all aspects of law.

Queen Mary, University of London

Queen Mary is a leading college of the University of London, with strengths in teaching and research across humanities and social sciences; science and

engineering; and medicine and dentistry. Internationally focused, ranked in the top 100 universities in world, with 2,700 staff and over 12,000 students, Queen Mary provides a uniquely stimulating and innovative environment for interdisciplinary initiatives such as the ICC.

Crowell & Moring LLP

Crowell & Moring LLP is an internationally recognised, full-service law firm with offices in Brussels, California, London, New York and Washington DC. The firm has leading practices in Antitrust, Corporate, Government Contracts, Intellectual Property, International Trade and Litigation. Crowell & Moring's 350+ attorneys assist clients on a broad spectrum of regulatory and administrative matters, mergers and acquisitions, international trade, civil and criminal investigations, high-stakes litigation, business counseling activities and more. Clients include Fortune 100 companies and multinational corporations competing in a wide range of domestic and international industries, as well as foreign governments, and scientific, charitable, educational and other non-profit organisations. Visit Crowell & Moring online at www.crowell.com for more information.

Accreditation

The conference has been recognised as constituting vocational training by the Orde van Vlaamse Balies and the Ordre des Barreaux Francophones et Germanophones de Belgique. Participants will be credited six points of vocational training for their participation.

Participants with the relevant qualification will be credited six CPD points by the Law Society and the Bar Standards Board of the Bar Council (England and Wales).



Notes

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