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*The In-House Lawyer series*

# Competition Law for In-House Legal Advisers

Monday 22 September 2008 • Central London



## SPEAKERS



**Chaired by:**  
**PAOLO PALMIGIANO**  
BT Group

**JOOS STRAGIER**  
European Commission

**ALI NIKPAY**  
Office of Fair Trading

**MATTHEW BRAOVAC**  
Vodafone Group

**MARK HASKEW**  
Barclays Bank plc

**ANNE RILEY**  
Shell International

**PETER SCOTT and  
MARK TRICKER**  
Norton Rose LLP

**LIAM COLLEY,  
THOMAS HOEHN and  
SUZANNE RAB**  
PricewaterhouseCoopers

**RICHARD ECCLES and  
JEREMY ROBINSON**  
Bird & Bird

**MARK CLOUGH QC,  
BRUCE KILPATRICK,  
PHIL MCDONNELL and  
ADAM ALDRED**  
Addleshaw Goddard LLP

**This conference will focus on the issues that cause real concern for in-house lawyers and give you an opportunity to:**

- Debate the burning UK and EC competition law issues of the day with the **OFT** and the **European Commission**
- Gain practical solutions to **competition compliance** problems from fellow in-house lawyers
- Tailor the day to meet your needs with interactive **break-out sessions**
- **Network** and **share ideas** with fellow in-house legal advisers
- Attend practical sessions on: **legal privilege; cartel risk; private enforcement; pricing and dominant position; economic analysis; and dawn raids and criminalisation**

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**Workshop sponsors:**



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08.45 Registration and coffee

09:15 **Chairs opening remarks**

**PAOLO PALMIGIANO**, *Head of Competition and Regulatory Law, BT Group*

09.20 **A view from the regulators on the latest competition law developments**

Keynote address

- The key developments in EC and UK competition law of the past 12 months
- An analysis of the latest competition law decisions and their impact on UK companies
- The regulatory approach to competition law enforcement

**JOOS STRAGIER**, *Head of Unit A1 Strategy and Delivery, European Commission, DG Competition*

**ALI NIKPAY**, *Senior Director, Office of Fair Trading*

10:20 *Delegates will be split into smaller groups for this workshop*

**Group 1: Legal privilege and in-house counsel in competition law cases**

The protection of “legal privilege” for communications between in-house lawyers / general counsel and their internal clients on competition law matters has been thrown into doubt by the recent European Court judgment on *Akzo Nobel*. With lectures and practical case studies, the workshop explores the best way for in-house counsel to negotiate this legal minefield.

**PETER SCOTT**, *Partner and*  
**MARK TRICKER**, *Partner, Norton Rose LLP*

**Group 2: Economic analysis in competition investigations and disputes**

This session will give an overview of how economic and empirical analysis can resolve key questions in competition investigations and disputes. The workshop will provide examples from real cases before UK and EC competition authorities and discuss some of the challenges that arise in presenting and relying on empirical evidence in particular in a court environment.

**TOM HOEHN**, *Partner, Economics*  
**LIAM COLLEY**, *Director, Economics and*  
**SUZANNE RAB**, *Director, Economics, PricewaterhouseCoopers*

11:20 Coffee

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**PETER SCOTT**, *Partner and*  
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12:45 Lunch

13.45 *Delegates can choose which workshop to attend*

### Option 1: Cartel risk and enforcement

This workshop will explain the up-to-date substantive position on cartels, covering both administrative proceedings and criminal liability, and will review developments in public enforcement against cartels, including early settlement proposals, and private actions for damages against cartelists.

**RICHARD ECCLES**, *Partner* and  
**JEREMY ROBINSON**, *Associate*, Bird & Bird

### Option 2: Private enforcement and damages

The speakers will examine the practical issues arising in private enforcement and damages actions on the basis of their experience before the CAT and English Courts and against the background of the European Commission's recent White Paper on damages actions and UK reform proposals.

**MARK CLOUGH QC**, *Partner* and  
**BRUCE KILPATRICK**, *Partner*, Addleshaw Goddard LLP

14.45 Tea

15.00 *Delegates can choose which workshop to attend*

### Option 1: Dawn raids, leniency and criminalisation

The speakers will discuss the practical issues relating to dawn raids, leniency and criminal liability on the basis of their experience in this key area of concern for many companies with a presence in Europe.

**PHIL MCDONNELL**, *Partner* and  
**ADAM ALDRED**, *Partner*, Addleshaw Goddard LLP

### Option 2: Pricing and dominant position post Microsoft

This workshop will review the issues and implications raised by both aspects of the *Microsoft* judgment of the ECJ in September 2007. It will include the remedial issues raised in the tying aspects of the case refusals to license intellectual property rights as an abuse of dominant position in the light of the interoperability aspects of the case.

**RICHARD ECCLES**, *Partner* and  
**JEREMY ROBINSON**, *Associate*, Bird & Bird

16.00 **Competition law compliance and risk management: the in-house perspective**

A short presentation by each panellist will be followed by a discussion of different approaches to compliance and the practical issues involved in implementing and developing an effective risk strategy.

Moderated by **PAOLO PALMIGIANO**, *BT Group*

Panellists to include:

**MATTHEW BRAOVAC**, *Senior Solicitor, Competition and Regulation*, Vodafone

**MARK HASKEW**, *Senior Competition Lawyer*, Barclays

**ANNE RILEY**, *Associate General Counsel Antitrust*, Shell International

Panel session

16.45 **Chair's closing remarks and close of conference**

17.00 Drinks reception

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**PwC's** competition economics specialists combine economics analysis with strong quantitative skills, fluency in finance, and in-depth industry expertise, to provide expert analysis, evidence and testimony. We advise companies on cases before DG Competition, the Competition Commission (CC), the Office of Fair Trading (OFT), the European Court of First Instance (CFI), the Competition Appeals Tribunal (CAT), and other national authorities, regulators and courts. Drawing on our industry expertise, we provide persuasive economic analysis based on robust evidence and framed in clear language, with the aim of achieving the best outcome for our client.



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# A comprehensive update on UK and EC developments designed for in-house legal advisers

## What you will gain by attending this conference

Competition law compliance is crucial for your company. Penalties for breaching competition law can be up to 10% of global turnover and several companies have recently found themselves in the spotlight accused of unlawful behaviour. Are you confident that you and your internal clients are aware of the impact of competition law on your day-to-day activities?

**Butterworths® Competition Law for In-House Legal Advisers** has been specially devised for in-house lawyers advising on competition law matters. Our extensive market research shows that in-house advisers have different learning needs to private practice competition lawyers. This commercially focussed conference will keep you up to date with this complex and ever-changing area of law by addressing legal privilege, cartels, pricing and dominant position, dawn raids and the role of economics in competition law.

Chaired by BT's Head of Competition **Paolo Palmigiano**, this conference enables you to share ideas with fellow in-house lawyers and benefit from the insights of competition law experts from **private practice, regulatory bodies and industry**, including competition lawyers from **Barclays, Shell and Vodafone**.

## Attending this conference will enable you to answer these important questions:

- What are the current **enforcement priorities** of the **OFT** and the **European Commission**?
- Have you got an effective **risk-management strategy** in place?
- To what extent will the **Akzo Nobel** decision impact on in-house lawyers in practice?
- How can **economic and empirical analysis** resolve key questions in competition investigations and disputes?
- Is your company fully prepared for a **competition investigation**?

## Who should attend this conference?

This conference had been designed for **in-house lawyers, company directors** and **company secretaries** who deal with competition law matters either exclusively or as part of their wider in-house role.

## Hear what our March 2008 Competition Law delegates said:

*“Very useful summary”*

Lindsey Popplewell, Legal Counsel, Lafarge (UK)

*“Excellent. Good practitioners, well-delivered and relevant”*

David Whibley, Consultant, Morgan Cole

*“Very on-point and “on the pulse”, covering a range of competition law issues”*

Alison Knight, Solicitor, Bond Pearce

