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(Past Delegate, Portuguese Competition Authority))

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# EU Merger Control

*A comprehensive review of major challenges and recent developments in Europe*

Thursday 29th January 2009, Radisson SAS Royal Hotel, Brussels, Belgium

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Only by understanding the latest legal developments in the complex and fast-moving area of merger control will you be able to meet and exceed your clients' needs and set yourself apart from your competitors.

## Key areas of focus will be:

- Review of major cases and policy issues
- Jurisdictional issues
- Procedural issues
- Banking mergers
- Horizontal mergers
- Vertical and conglomerate mergers
- Remedies
- Future policies and challenges

## Chairman:

**Simon Holmes**, Head of EU Competition  
**SJ Berwin LLP**, UK

## Distinguished speakers and commentators include:

**Simon Baxter**, Partner  
**Clifford Chance LLP**, UK

**Miguel de la Mano**, Economist at the  
Chief Economist Team

**DG Competition, European Commission**, Belgium

**Dr Götz Drauz**, Partner  
**Howrey LLP**, Belgium

**Marc Lévy**, Head of EU and Competition  
**SJ Berwin LLP**, France

**Nicholas Levy**, Partner  
**Cleary Gottlieb Steen & Hamilton LLP**, Belgium

**Dr. Christoph Leibenath**, EU Counsel  
**Nestlé S.A.**, Switzerland

**Alistair Lindsay**, Partner  
**Allen & Overy**, UK

**Dr. Andrea Lofaro**, Partner  
**RBB Economics**, Belgium

**Alastair Mordaunt**, Director, Mergers  
**Office of Fair Trading**, UK

**Alan McCarthy**, Partner  
**A&L Goodbody**, Ireland

**Matthew Readings**, Partner  
**Shearman & Sterling LLP**, UK

**Dan Sjöblom**, Head of Unit, Mergers  
**DG Competition, European Commission**, Belgium

**Mike Walker**, Vice President  
**CRA International**, UK

**Rein Wesseling**, Partner  
**Stibbe**, The Netherlands

Media partners:



## What this conference will cover

The last year has seen a number of significant developments in EU merger control. First, the Commission has carried out its most thorough overhaul of the jurisdictional rules and practice and published its consolidated jurisdictional notice. Secondly, the Commission published guidelines for the assessment of both vertical and conglomerate mergers (and put them into practice in the nail biting parallel cases of Tom Tom/Tele Atlas and Nokia Navteq). Thirdly, we have witnessed the European Court's interventions in the Sony/BMG drama and the fate of the first attempts to recover damages from the Commission in merger cases.

The Commission is still busy with some of the largest mergers ever seen (e.g. BHP/Rio) and, whatever happens in the current uncertain climate, one thing does remain clear: these developments will be crucial to the outcome and timing of many deals for many years to come. In this seminar, senior Commission officials and leading practising lawyers and economists will explain these developments and provide you with an opportunity to raise and discuss issues of concern to you and your business.

### Six key reasons to attend

1. Gain a comprehensive update on the most crucial European merger control developments
2. Review current legislation and practice
3. Grasp the practical implications of the latest advances
4. Debate current priorities and approaches by the regulators
5. Share market insights to combat common problem areas
6. Discuss future policy developments, future challenges and policy initiatives

### Who should attend

- Private practice lawyers
- In-house counsel
- Economists
- Lawyers in government and public bodies
- National competition authorities

Make sure that you don't miss out on this far-reaching discussion forum.

*“A focused, valuable to the point conference for merger control specialists!”*

(Past Delegate, Gorrissen Federspiel Kierkegaard)

*“Very interesting and thought provoking seminar chaired very well.”*

(Past Delegate, MacRoberts)

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## AGENDA

- 09:00 Registration & coffee
- 09:30 **Chairman's opening remarks**  
**Simon Holmes**, Head of EU Competition  
**SJ Berwin LLP**, UK
- 09:45 **Keynote address: Key policy issues**
- Key policy developments?
  - What's going well?
  - What are the difficulties for the Commission?
  - What are the challenges for the Commission to avoid defeat in court?
  - Commission's upcoming review of merger control
- Senior Representative, DG Competition, European Commission**, Belgium
- 10:15 **Q&A**
- 10:35 **Commission gets to grips with banking mergers**
- Banking mergers are not immune to competition problems, as evidenced by Fortis / ABN AMRO
  - The markets triggering concern in a banking merger may be very narrowly drawn
  - The role of "maverick" banks
  - The challenge of crafting appropriate remedies
- Simon Baxter**, Partner  
**Clifford Chance LLP**, UK
- 11:00 Morning coffee
- 11:30 **Jurisdictional issues**
- Consolidated jurisdictional notice
  - Control/stake building issues
  - Referral issues
- Marc Lévy**, Head of EU and Competition  
**SJ Berwin LLP**, France
- 12:00 **Procedural issues**
- Implications of the ECJ Judgment in SONY BMG
  - Evidentiary issues under the ECMR
  - Timing issues under the modified ECMR
- Nicholas Levy**, Partner  
**Cleary Gottlieb Steen & Hamilton LLP**, Belgium
- 12:30 **Panel discussion & Q&A**
- Discussing jurisdictional and procedural issues
- Morning speakers will be joined by:*
- Alan McCarthy**, Partner  
**A&L Goodbody**, Ireland
- Dan Sjöblom**, Head of Unit, Mergers  
**DG Competition, European Commission**, Belgium
- 13:10 Lunch
- 14:30 **Analysing the latest developments in horizontal mergers**
- Non-coordinated effects (Ryanair)
  - Coordinated effects (Sony)
  - Parallel transactions
  - Damages (MyTravel, Schneider)
- Alistair Lindsay**, Partner  
**Allen & Overy**, UK
- 15:00 **Vertical and conglomerate mergers – a new approach?**
- Application of the non-horizontal guidelines in practice
  - Theories of harm and defence strategies
  - Role of efficiencies
  - Lessons and insight from recent cases including TomTom/TeleAtlas and Nokia/Navteq
- Matthew Readings**, Partner  
**Shearman & Sterling LLP**, UK
- Rein Wesseling**, Partner  
**Stibbe**, The Netherlands
- 15:35 **Panel discussion and Q&A**
- Key horizontal and vertical mergers issues
  - How best to apply the new guidelines for non-horizontal mergers?
  - What is the impact of the increasing role of the Chief Economist Office in cases?
- Speakers will be joined by:
- Miguel de la Mano**, Economist at the Chief Economist Team,  
**DG Competition, European Commission**, Belgium
- Alistair Lindsay**, Partner  
**Allen & Overy**, UK
- Dr. Andrea Lofaro**, Partner  
**RBB Economics**, Belgium
- Alastair Mordaunt**, Director, Mergers  
**Office of Fair Trading**, UK
- Mike Walker**, Vice President  
**CRA International**, UK
- 16:15 Afternoon tea
- 16:45 **Discussing the latest developments in remedies**
- Commission notice on remedies
  - The evolving practice - change in policy?
  - Burden of proof
  - "Form RM"
  - Latest cases and Commission experience
  - Structural remedies
  - Behavioural remedies
  - Viability of remedies
- Dr Götz Drauz**, Partner  
**Howrey LLP**, Belgium
- 17:15 **Panel discussion and final Q&A**
- Final questions on key EU merger issues, including remedies
  - Future challenges
- Speakers will be joined by:*
- Dr. Christoph Leibenath**, EU Counsel  
**Nestlé S.A.**, Switzerland
- Alastair Mordaunt**, Director, Mergers  
**Office of Fair Trading**, UK
- 17:35 Chairman's concluding remarks
- 17:45 Close of conference

# EU Merger Control

Thursday 29th January 2009, Radisson SAS Royal Hotel, Brussels, Belgium

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## WHEN AND WHERE

**KW8027**  
29th January 2009

**Venue:**  
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