



## 24<sup>th</sup> Annual EU Competition Law and Policy Workshop

ORGANIZED BY PHILIP LOWE, MEL MARQUIS and GIORGIO MONTI

### EUROPEAN UNIVERSITY INSTITUTE

DEPT. LAW, 28-29 JUNE 2019

BADIA FIESOLANA: VIA DEI ROCETTINI, 9  
SAN DOMENICO DI FIESOLE, ITALY

### Introduction

In Europe and elsewhere, the rampant digitisation of economic activity poses new challenges for various policy fields, including competition policy. One significant dimension of these challenges concerns the role of online platforms (e.g., digital marketplaces, social networks or other digital service providers) and their involvement in, and effect on, relations between different links in supply chains or value networks. It is widely recognised that online platforms can have strong positive effects on welfare. They can drive innovation, increase consumer choice and ability to compare offers, help to allocate resources more efficiently, reduce transaction costs, promote business opportunities (especially for SMEs), and generate various other benefits. On the other hand, platforms have raised a number of concerns, some of which relate to possible harm to competition. Insofar as platforms and e-commerce are concerned, it is also important to reflect on how potentially restrictive obligations ought to be treated in the light of the 2019 review of the EU's Vertical Agreements Block Exemption Regulation.

In our 24th edition of the Workshop we will discuss competition issues concerning online platforms in the context of vertical business relations. In general, the discussions will be confined to issues linked to either the prohibition of anticompetitive agreements or the control of mergers that pose competitive risks, especially (but not only) on upstream or downstream markets. The participants will consider a range of developments including, among others, the follow-up to the European Commission's sector inquiry on e-commerce of consumer goods and digital content; the above-mentioned review of the VABER and related guidelines; and the forthcoming report on the future challenges of digitisation for competition policy. From legal, economic and policy perspectives, the participants will discuss EU and national competition law practice in this context of online platforms, also taking account of the EU's ongoing legislative construction of a digital single market.

### Programme - Draft of 1 April 2019

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#### Friday, 28 June 2019:

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| 08:40 | <i>Coffee</i>   |
| 09:00 | <i>Welcome</i><br><b>Philip Lowe</b>  |
| 09:10 | <i>Reflections on the Report on future challenges of digitisation for competition policy</i><br>- <b>Heike Schweitzer</b> |

- 09:25 *I. Remarks from the Director-General of the European Commission's Directorate-General for Competition*
- **Johannes Laitenberger** (invited/TBC)
  - **Discussant: Jim Venit**
- 10:15 *II. Online platforms and vertical relations: EU antitrust practice*
- Chair: Philip Lowe**
- **Svend Albaek**
  - **Paul Lugard**
  - **Giorgio Monti**
  - **John Ratliff**
  - **Makis Komninos**
- 11:10 *Coffee*
- 11:30 **Roundtable**
- 12:20 *III. Online platforms and vertical relations: national antitrust practice in Europe and the U.S.*
- **Isabelle de Silva**
  - **Birgit Krueger**
  - **Simon Bishop**
  - **Miguel de la Mano**
  - **Mario Siragusa**
  - **Bill Kovacic**
- 13:30 *LUNCH*
- 14:40 **Roundtable**
- 15:40 *IV. Online platforms: EU and national merger control practice (including vertical and horizontal effects)*
- Chair: Eleanor Fox**
- **Cristina Caffarra**
  - **TB'A**
  - **Nicolas Petit**
  - **Rafael Allendesalazar**
  - **Antonio Bavasso**
  - **Lars Kjølbye**
- 16:45 *Coffee*
- 17:00 **Roundtable**
- 18:15 *Buses*
- 21:00 *Dinner*

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## Saturday, 29 June 2019:

09:10 *Coffee*

09:30 *V. Online platforms and vertical relations: International perspectives*

**Chair: Giorgio Monti**

- **Antonio Gomes** (invited)
- **Makan Delrahim** (invited)
- **Amelia Fletcher**
- **Eleanor Fox**

10:15 **Roundtable**

11:00 *Coffee*

11:20 *VI. Online platforms and vertical relations: judicial perspectives*

**Chair and introduction: Judge Joachim Bornkamm**

- **Judge Ian Forrester**
- **Judge Colm Mac Eochaidh**
- **Advocate General Giovanni Pitruzzella**

12:10 **Roundtable**

13:00 **Conclusions: Philip Lowe**

13:20 *LUNCH*

14:30 *Buses*

# *Online platforms and vertical relations: Competition law issues and responses*

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## **Chairs**

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<b>Joachim Bornkamm</b>	Federal Court of Justice (ret.), Karlsruhe
<b>Eleanor Fox</b>	New York University School of Law
<b>Philip Lowe</b>	Oxera, Brussels
<b>Giorgio Monti</b>	European University Institute, Florence

## **Participants**

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<b>Svend Albaek</b>	European Commission, Brussels
<b>Rafael Allendesalazar</b>	Martínez Lage, Allendesalazar & Brokelmann, Madrid
<b>Antonio Bavasso</b>	Allen & Overy, London; University College London
<b>Simon Bishop</b>	RBB Economics, Brussels
<b>Cristina Caffarra</b>	CRA International, London and Brussels
<b>Giacomo Calzolari</b>	European University Institute, Florence
<b>Miguel de la Mano</b>	Compass Lexecon, Brussels
<b>Isabelle de Silva</b>	Autorité de la concurrence, Paris
<b>Makan Delrahim (invited)</b>	U.S. Department of Justice, Washington, D.C.
<b>Amelia Fletcher</b>	University of East Anglia; UK Financial Conduct Authority
<b>Ian Forrester</b>	General Court of the European Union, Luxembourg

## Participants (continued)

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<b>Eleanor Fox</b>	New York University School of Law
<b>Antonio Gomes</b> (invited)	Organisation for Economic Co-operation and Development, Paris
<b>Lars Kjølbbye</b>	Latham & Watkins, Brussels
<b>Assimakis Komninou</b>	White & Case, Brussels
<b>Bill Kovacic</b>	George Washington University School of Law, Washington, D.C.
<b>Birgit Krueger</b>	Bundeskartellamt, Bonn
<b>Johannes Laitenberger</b> (invited/TBC)	European Commission, Brussels
<b>Paul Lugard</b>	Baker Botts, Brussels
<b>Colm Mac Eochaidh</b>	General Court of the European Union
<b>Mel Marquis</b>	European University Institute, Florence
<b>Gunnar Niels</b>	Oxera, Brussels
<b>Pier Luigi Parcu</b>	European University Institute, Florence
<b>Anna Pisarkiewicz</b>	European University Institute, Florence
<b>Giovanni Pitruzzella</b>	European Court of Justice, Luxembourg
<b>John Ratliff</b>	WilmerHale, Brussels
<b>Heike Schweitzer</b>	Humboldt University, Berlin
<b>Mario Siragusa</b>	Cleary Gottlieb Steen Hamilton, Rome; Collège d'Europe, Bruges
<b>Anna Tzanaki</b>	European University Institute, Florence; University of Lund
<b>Jim Venit</b>	Dentons Europe, Brussels