



Brugge

GCLC

College of Europe
Collège d'Europe

Global Competition Law



Natolin

Center

15th GCLC ANNUAL CONFERENCE

VERTICAL RESTRAINTS IN THE DIGITAL ECONOMY: VBER REFORM AND THE FUTURE OF DISTRIBUTION

30 – 31 January 2020

RESIDENCE PALACE, BRUSSELS

Vertical restraints, inasmuch as they relate to the conditions according to which participants in any value chain may purchase, sell or resell goods or services, are ubiquitous. Conversely, Article 101 TFEU and the Vertical Block Exemption Regulation (VBER) have had over time an enormous impact on the design of trading terms and conditions across the whole EU economy. That impact has been compelled by significant changes in the enforcement of Article 101 TFEU towards vertical restraints since the turn of the century, as enforcement moved into the hands of national competition authorities, for the most part, only recently arising renewed interest at EU level in the aftermath of the digital sector inquiry. The conference will aim to take stock of modernisation in the field of vertical restraints, its achievements and shortcomings, while eliciting solutions for the future, including in relation to new issues that have arisen as a result of digitisation, changing business models and political concerns about the sharing of profits across value chains.

DAY 1

08:30-09:00 Registration

09:00-09:10 Welcome Address

Jörg Monar
Rector, College of Europe

09:10-09:20 Presentation of the Conference

Adina Claiici
Copenhagen Economics, GCLC

09:20-09:40 Keynote Speech

Judge Ian Forrester
General Court of the European Union

09:40-09:55 Q&A Session

9:55-10:00 GCLC Prize award ceremony

Panel 1 – Vertical restraints and the effects-based revolution: a 20-year retrospective

Chair: **Jacques Bourgeois**
Sidley Austin LLP, GCLC

10:00-10:20 Modernisation in hindsight: From the old to the new world

Luc Peeperkorn (TBC)
DG Competition

10:20-10:40 Has modernisation delivered? An economist's perspective

Thibaud Vergé
ENSEA ParisTech, CRA

10:40-11:00 Has modernisation delivered? A lawyer's perspective

Alison Jones
King's College London

11:00-11:10 Q&A Session

11.10-11:30 Coffee Break

Panel 2 – Vertical restraints and the digital revolution: has the Internet changed the rules of the game?

Chair: Damien Gerard
DG Competition, GCLC

11:30-11:50 In the digital world, should we stop worrying about old theories of harm?

Aleksandra Boutin
Positive Competition

11:50-12:10 In the digital world, should we start worrying about new theories of harm?

Yves Botteman
Dentons

12:10-12:30 Q&A Session

12:30-14:30 Lunch

Panel 3 – Pricing restrictions in the digital world – do they matter and when?

Chair: Adina Claiici
Copenhagen Economics, GCLC

14:30-14:50 Pricing restraints: traditional industries vs the digital world?

Miguel de la Mano
Compass Lexecon

14:50-15:00 MFNs of all widths and breadths: where does the law stand?

Helen Jenkins
Oxera

15:00-15:15 Q&A Session

15:15-15:30 Coffee break

Panel 4 – Non-pricing restriction in the digital world – do they matter and when?

Chair: **Assimakis Komninos**
White & Case LLP, GCLC

15:30-15:50 Online sales: how much freedom for manufacturers in organizing their distribution system?

Nils Wahl
Court of Justice of the European Union

15:50-16:10 Single branding: where do we stand after *Intel*?

Nicolas Petit
University of Liège, GCLC

16:10-16:30 Distribution platforms and data: how to deal with conflicts of interests?

Miranda Cole (TBC)
Covington & Burling LLP

16:30-16:50 Aftermarket restraints and data: towards a novel approach?

José Rivas
Bird & Bird, GCLC

16:50-17:00 Q&A Session

DAY 2

9:00-9:20 Keynote speech

Pierre Régibeau
DG Competition

Panel 5 - Market integration and competition: same objectives?

Chair: Denis Waelbroeck
Ashurst LLP, GCLC

09:30-09:50 Territorial restrictions: why and when are they harmful?

Pablo Ibañez Colomo
London School of Economics

09:50-10:10 Geoblocking – a competition or regulatory issue?

Giorgio Monti
European University Institute, Tilburg University

10:10-10:30 Restraints of trade in pharmaceuticals: where does the law stand?

Luc Gyselen
Arnold & Porter LLP

10:30-10:40 Q&A Session

10:40-11:10 Coffee break

Panel 6 - The law of vertical restraints: *ius commune* or the reign of chaos?

Chair: Bernd Meyring
Linklaters LLP, GCLC

11:10-11:50 The future of vertical restraints: the views of national enforcers

Anna Vernet (DG Competition), Jacques Steenberghe (Belgian Competition Authority), Isabelle de Silva (Autorité de la Concurrence), Sabine Zigelski (OECD), Martijn Snoep (ACM)

11:50-12:00 Q&A Session

Conclusion: Vertical restraints: which way forward?

12:00-12:40 VBER: Reform or Counter-Reform?

Marieke Scholz
DG Competition

12:40-13:00 Q&A Session

FURTHER INQUIRIES

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