

Competition Section Engagement Programme 2017 - 2018





Foreword

Welcome to the Law Society's Competition Section 2017/2018 engagement programme.

The Competition Section was established to promote best practice and address current issues and challenges facing the community. The Section Advisory Committee's role is to provide expert practitioner input, guiding the Law Society on identifying issues, generating content and a wide variety of events, to ensure the engagement programme is both relevant and practical.

The Section takes guidance from both the Section Advisory Committee and the wider membership through surveys, and on-line discussions groups and events, etc.

With this in mind, the committee is keen to engage with the wider competition community and to hear from you, our members, to assist us in shaping your Section.

Throughout the year we have been highlighting the implications of Brexit for Competition practitioners - [see our Brexit web page](#)

Please get in touch at competitionsection@lawsociety.org.uk to give us your thoughts, seek our support or just to connect.

Omar Shah

chair of the Competition Section Advisory Committee

Our vision

To empower its members with good value support and information specific to local and international competition law, from cartels to litigation, merger control, sectoral regulation, investigations or state aid helping them perform better in their area of law.

We will to help maintain our members' ongoing continuous professional development with relevant guidance from leaders in the market

Tailored support for competition lawyers

The member programme for 2017/18 will:

- assist members to:
 - learn what is happening in your market
 - understand and practically implement best practice
 - influence change in the legal landscape
 - network with other practitioners and ask the experts for guidance.

- we will deliver:
 - **Expert insight, best practice and networking through:**
 - our evening seminars bring you the latest hot topics, relevant speakers include solicitors, economists, barristers and regulators. We uncover the practical implications of market change for you and your clients, including the opportunity for you to ask your questions during the seminar, or in the relaxed post event networking.
 - Competition Section annual conference – a day uniquely designed with a mix of engaging panel sessions across a wide variety of topics.
 - Competition Section dinner and annual awards night – a perfect chance to entertain your staff or clients for end of year festivities.

 - **Exclusive online content through our:**
 - Four topical webinars with in-depth insight into topics ranging from Financial Conduct Authority regulation to dawn raids.
 - Competition Section LinkedIn group enables members to share news, features, events and other relevant activities in a private environment.

 - **Development of future competition lawyer through our:**
 - Horsfall Turner essay prize is a prestigious award presented to the best essay submission on a given topic every year, it is designed to encourage young lawyers to engage with competition and European law.

 - **Representation, policy and lobbying through the**
 - support of the advisory committee, we will ensure we represent this vital sector of the profession more effectively within the legal community.

Events

Over the next year the Section will host a range of events on issues that matter to competition lawyers. Details of these events will be published on our website:

www.lawsociety.org.uk/competition/events

Competition Section seminar: key recent developments in abuse of dominance (17 October)

When: Tuesday 17 October 2017, 18:00 - 20:15

Venues: The Law Society, 113 Chancery Lane, London WC2A 1PL

Cost: Free for Section members, £35 + VAT for members working for NFP
From £75 + VAT for non-members

CPD

competencies: A2, B1, B7

Abuse of dominance remains a key area of enforcement and litigation activity. This seminar will provide important insights on practical implications for clients on the complaint and defence sides.

- Receive updates on all major recent developments in the area of abuse of dominance under competition law
- Learn the details of all recent case law and decisional practice including Intel, Google Search, Phenytoin, Paroxetine, Socrates Training, etc.

Speaker:

Robert O'Donoghue QC, Brick Court Chambers



Robert O'Donoghue QC has extensive experience of competition law, EU law, utility regulation, and related aspects of commercial and public law. Clients include British Airways, Google, Glencore, Telefónica, ASDA, Samsung, and Pfizer, as well as competition authorities and sectoral regulators in the UK and elsewhere. He has appeared in major cases in the High Court, Competition Appeal Tribunal, Court of Appeal, Supreme Court, EU Courts, Irish courts, international arbitral bodies, and in oral hearings before competition authorities and sectoral regulators in these matters. Robert has consistently appeared as a leading barrister in legal directories such as Chambers and Partners, Legal 500 and Who's Who Legal. He is a recognised expert on abuse of dominance having written a leading book in this area (*The Law And Economics Of Article 102 TFEU*). He has acted in several leading abuse of dominance cases under EU and UK law and is currently giving expert evidence on abuse of dominance in proceedings in Canada, Israel, and Sweden.

[Book Now](#)

Competition Section seminar: FCA enforcement

When: Tuesday 7 November 2017, 18:00 - 20:15

Venues: The Law Society, 113 Chancery Lane, London WC2A 1PL

Cost: Free for Section members, £35 + VAT for members working for NFP
From £75 + VAT for non-members

CPD

competencies: A2, B1, B7

- Further information will be published shortly



Competition Section Annual dinner and awards

When: Wednesday 22 November 2017, 18:30 - 22:30

Venues: The Law Society, 113 Chancery Lane, London WC2A 1PL

Cost: From £130

The Law Society's Competition Section is pleased to announce that its formal annual dinner and Horsfall-Turner Essay Prize Awards will take place on Wednesday 22 November in the Law Society's Hall. This event provides an excellent opportunity to meet solicitors and other professionals working in the competition field, as well as to entertain clients and valued contacts.

For more information on the Horsfall-Turner Essay Prize please [visit](#).

The evening will start with a reception at 18:30 in the Reading Room followed by dinner at 19:30 in the Common Room.

Dress code for this event is black tie.

Keynote Speaker: Professor Carl Baudenbacher,
President of the EFTA Court



[Click here to see the photographs of past dinners](#)



Competition Section annual conference: 2018

When: Thursday 17 May 2018, 8:30 - 17:30

Venues: The Law Society, 113 Chancery Lane, London WC2A 1PL

Cost: £300 for Section members, £195 + VAT for members working for NFP
From £345 + VAT for non-members

CPD competencies: A2

This year the theme of the conference is yet to decide but the conference will typically explore all the major competition law issues and developments expected within 2018.

We are pleased to announce our keynote speaker is Sir Jonathan Faull

[Photographs of the past conferences are published on the Competition Section web site](#)





Competition Section: Spring drinks reception

When: Thursday 17 May 2018 17:30 - 19:00

Venues: The Law Society, 113 Chancery Lane, London WC2A 1PL

Cost: Free for Section members, £35 + VAT for members working for NFP
From £75 + VAT for non-members

Registration for the Competition Section annual conference includes an invitation to the post-event spring drinks reception. This informal gathering offers the chance to network with competition law practitioners, fellow delegates, speakers and Competition Section Committee members in a relaxed environment.

Webinars

Section members benefit from free access to four topical webinars per year, access to all previous recordings and a 20% discount on other Law Society webinars.

www.lawsociety.org.uk/competition

Competition Section webinar: Dawn Raids: civil and criminal practice in cartel investigations

When: Tuesday 31 Oct 2017

Cost: Free for section members, £45 to non-members

Overview

In order to enforce Articles 101 and 102 of the Treaty on the Functioning of the European Union and Chapter I and Chapter II of the Competition Act 1998, competition authorities such as the Competition and Markets Authority have the power to request information and to carry out on-site inspections (i.e. "dawn raids"). Failure to comply in the course of a dawn raid may lead to fines, damages actions, and in some cases personal sanctions against directors and criminal liability. This webinar will provide guidance and practical tips for dealing with dawn raids.

The session will cover:

- Who can carry out a dawn raid in the UK? CMA, concurrent UK regulators, European Commission, co-operation between CMA and the European Commission.
- What plans and procedures should a company have in place? Protocol, dos and don'ts, requisite resources, the importance of staff training.
- Powers of investigation: UK and EU rules.
- Scope of dawn raid decisions.
- Preventing unlawful access to documents: inspecting authorisation, controlling the IT environment.
- Is the investigation civil or criminal? Search and seizure powers, information sharing.
- Is this a multi-jurisdictional investigation? Disclosure of evidence between CMA and other investigative agencies.
- Legal privilege and handling suspects and witnesses.
- Leniency applications- when should these be considered?
- Interaction with Human Rights: compatibility of EU regime with ECHR, recent extensions of dawn raid powers

Why attend

This will provide guidance and practical understanding for dealing with dawn raids:

- The powers of investigation of the CMA;
- How to prepare a client for, and guide them through, a dawn raid;
- The civil and criminal penalties for non-compliance;
- The latest dawn raid case law

Speakers:

- Jasvinder Nakhwal, Partner at Peters & Peters
- Omar Shah, Partner at Morgan, Lewis & Bockius



[Click here for more information](#)



Multijurisdictional Merger Control – Practical Guidance in this increasingly ‘hot’ enforcement climate

When: Monday 18 September 2017

Cost: Free for section members, £45 to non-members

Overview

Merger control rules for over 120 jurisdictions are enforced around the world. As more countries launch merger control regimes against the backdrop of multifaceted and evolving existing rules, merging parties and their solicitors increasingly devote significant resources to identifying all required filing jurisdictions, the level of antitrust risk in each jurisdiction and coordination of merger control investigations filings.

Our one-hour webinar will provide:

- a practical guide to undertaking a multijurisdictional analysis
- guidance on how to navigate the major regimes, including the EU and UK
- advice on managing local counsel, co-ordinating multiple investigations and achieving swift approvals
- insights on allocating risk, and drafting non-competes and other key clauses in sale and purchase agreements.

Why attend?

The European Commission (EC) and other major competition authorities are increasingly co-ordinating and taking robust enforcement action against acquirers/merging parties for failure to notify, ‘gun-jumping’ and the provision of false or misleading information. Antitrust issues which are not identified and addressed sufficiently early can delay transaction timetables and increase the legal risk associated with transactions. Antitrust considerations can be used to improve leverage in transactional negotiations.

Speaker: Davina Garrod, head of EU/UK Competition, Akin Gump Strauss Hauer and Feld LLP

Davina advises multinationals, corporates and financial institutions on mergers, acquisitions, joint ventures, strategic alliances and restructurings, as well as representing clients in behavioural/cartel investigations and in follow-on and standalone competition damages claims.



Recognised for her ‘encyclopedic understanding of competition and merger control laws’ (Legal 500), she has 20 years experience in conducting multijurisdictional merger control analyses, obtaining antitrust and regulatory approvals in complex transactions within and outside of the EU, and negotiating remedies packages with multiple authorities.

[Click here for more information](#)

Member Offer

Horsfall Turner essay prize open for entries

The Horsfall Turner essay prize is a prestigious award presented to the best essay submission on a given topic every year. It is designed to encourage young lawyers to engage with competition and European law.

The first prize is £1,000 plus a highly commended prize/s of £250. All winners were invited as guests to the Competition Section's Annual Dinner, where their prizes were presented by the keynote speaker

The Horsfall Turner essay question for 2017 is:

'What challenges does the digital economy present for the development of antitrust law?'

Essays should be no more than 2,500 words in length.

The entry deadline is 17:00 on Monday 9 October, [download the entry form and rules.](#)

We encourage you to start your essay as soon as possible.



Our 2016 1st prize winner Ms Katherine Zinser, Slaughter & May, with Dr Andrea Coscelli, chief executive of the Competition and Markets Authority and Stephen Smith, partner Bristow and the 2016-17 Competition Section advisory committee Chair.



For more information on the competition, to read the 2016 winner's essay or see photos of the night, please [click here](#)

Previous winners are below but more winner can be found on our web site:			
Year	Question	Winners	Keynote speaker
2016	What changes, if any, do you think should be made to UK competition legislation, and to the way it is enforced, in the event of a UK exit from both the European Union and the EEA	<u>First prize</u> <ul style="list-style-type: none"> Ms Katherine Zinser, Slaughter & May. <u>Highly commended prizes:</u> <ul style="list-style-type: none"> Mr Adam Bruell, Hogan Lovells International LLP Ms Chloe Kite, DLA Piper. 	Dr Andrea Coscelli, acting chief executive of the Competition and Markets Authority.
2015	'Brexit: what would it mean for the UK competition law landscape	<u>First prize:</u> <ul style="list-style-type: none"> Ms Jasminde Chaytor, Berwin Leighton Paisner <u>Highly commended:</u> <ul style="list-style-type: none"> Mr Ali Sadek, Freshfields Ms Laura K. Elliott, Cooley (UK) LLP 	Judge Ian S. Forrester of European Union General Court
2014	Object or effect: where do competition authorities need to draw the line?"	<u>First prize:</u> <ul style="list-style-type: none"> Aoife Monaghan, Linklaters LLP <u>Highly commended:</u> <ul style="list-style-type: none"> John Kwan, Cleary Gottlieb Steen & Hamilton LLP Daniel Schwarz, Clifford Chance 	Lord David Currie, chairman, Competition and Markets Authority
2013	Will the UK Government's proposed opt-out regime for collective damages actions facilitate redress for victims of competition law infringements to any significant extent?	<u>First prize:</u> <ul style="list-style-type: none"> Daniel Carall-Green, Slaughter & May 	Philip Lowe, non executive director of the Competition and Markets Authority and director general for energy, European Commission (former director general for competition)

LinkedIn

The Competition Section enables members to share news, features, events and other relevant activities in a private environment. Increase your competition legal network and join our LinkedIn group.



Website

Our Competition Section website is the one-stop-shop for everything related to competition law and is searchable - please go to www.lawsociety.org.uk/competition.

Throughout the year we have been highlighting the implications of Brexit for Competition practitioners - [see our Brexit web page](#)

The past seminar presentations can be downloaded by Section members from the Competition Section website under '**Past seminar presentations**

Past seminar presentations

If you've missed one of our seminars, you can access podcasts of the events here.

<p>Seminar: Round up of CAT private enforcement (12 September)</p> <p>This Tuesday evening presentation will help you to gain an improved understanding of the implications of recent decisions within the Competition and Appeal Tribunal.</p>		<p>Seminar: online hotel booking - antitrust investigation (13 June, London) 🔒</p> <p>Sign into the Competition Section website to access the seminars presentation materials.</p>	
<p>Seminar: Fairness and due process in UK antitrust proceedings (18 July)</p> <p>This presentation will help you to gain an improved understanding of the CMA's enforcement work, and the rationale behind its procedures and policies.</p>		<p>Competition Section seminar: big data (2 May, London) 🔒</p> <p>Sign into the Competition Section website to access the seminars presentation materials</p>	



Committee

Thank you to our committee members

This programme of engagement was created in close consultation with the Competition Section Advisory Committee to ensure it is relevant and timely.

The committee meets up to five times a year to discuss the key issues facing the competition legal community. They advise the Law Society on how it can best support its members that work internationally in fields such as general competition law, abuse of dominance, cartels, litigation, merger control, sectoral regulation, market and sector investigations, state aid, public procurement and Brexit. We look at a wide range of markets from international broadband supply to UK energy regulation, consumer goods and beyond.

The Advisory Committee is chair Omar Shah, partner and solicitor at Morgan, Lewis & Bockius LLP, Jonathan Goldsmith is the current EU Council member.

The Law Society thanks all of the committee members, for their commitment, time and contribution.

Committee Member	Organisation	Role
Frances Barr	Competition and Markets Authority	Procedural Officer and solicitor
Carole Begent	Payment Systems Regulator	Head of Legal and solicitor
Alastair Chapman	Freshfields Bruckhaus Deringer	Partner and solicitor
Niall Collins	Mason, Hayes & Curran	Partner and solicitor
Richard Eccles	Bird & Bird LLP	Partner and solicitor
Matt Evans	Jones Day LLP	Partner and solicitor
Cameron Firth	Macfarlanes	Partner and solicitor
Davina Garrod	Akin Gump Strauss Hauer & Feld LLP	Partner and solicitor
Jonathan Goldsmith		Solicitor
Madeleine Healy	Gibson Dunn & Crutcher	Associate and solicitor
Keith Jones	Baker & McKenzie LLP	Partner and solicitor
Sarah Jordan	Kirkland & Ellis International LLP	Partner and solicitor
Becket McGrath	Cooley (UK) LLP	Partner and solicitor
Greg Olsen	Clifford Chance LLP	Partner and solicitor
André Pretorius	Herbert Smith Freehills LLP	Partner and solicitor
Nigel Seay	Travers Smith LLP	Partner and solicitor
Omar Shah	Morgan, Lewis & Bockius LLP	Partner and solicitor
Stephen Smith	Bristows LLP	Partner and solicitor
Isabel Taylor	Slaughter and May	Partner and solicitor
Graeme Young	CMS Cameron McKenna LLP	Partner and solicitor

Representation and policy

The Law Society's works closely with policy committees to develop, inform and influence policy, legal reform and legislation in England and Wales and, where relevant, Europe. Through this we aim to protect and promote access to justice, the rule of law and to create a favourable environment for our members. Regulation, administration of justice and ensuring fair competition within the legal environment are key areas of focus.

Relevant committees for competition solicitors include:

- EU Committee
- In-house Division Committee
- Company Law Committee (and sub-committees)
- Education and Training
- Professional Standards and Ethics Committee
- Tax Law Committee (and sub-committees)
- Technology and Law Reference Group

If you are interested in getting involved, contact us at governanceteam@lawsociety.org.uk

You can find out more information at www.lawsociety.org.uk/governance



About the Law Society

The Law Society exists to represent, promote and support all solicitors, so they in turn can help their clients.

We also work to ensure that no-one is above the law and to protect everyone's right to have access to justice. We promote England and Wales as the jurisdiction of choice and the vital role legal services play in our economy. We work internationally to open up markets to our members and to defend human rights while supporting our members with opportunities in the domestic market.

The Law Society helps members by:

- representing solicitors by speaking out for justice and on legal issues
- promoting solicitors through publicising the value of using a solicitor at home and abroad
- supporting solicitors by helping them develop their expertise and their business, respective of whether they work for themselves, in-house or for a law firm

The Law Society represents the profession by:

- campaigning on the rule of law, human rights, access to justice and regulation. This includes lobbying in Brussels, Westminster and Cardiff and in the media.
- working with international legal bodies to position the Law Society as a thought-leader on global issues
- intervening in cases where solicitors and the law are under threat in the UK and abroad
- helping our members to represent key issues impacting the profession to their MP, AM or MEP
- using the law to challenge changes which will impact negatively on the profession and society
- championing and facilitating pro bono work



The Law Society promotes the profession by:

- internationally working to open and grow markets for English and Welsh law such as inward visits of foreign lawyers and trade missions
- providing and increasing awareness of Find a Solicitor – our website enabling consumers and businesses to find a solicitor who can meet their needs
- hosting our annual Excellence Awards which highlight and celebrate outstanding contributions across the profession
- recognising the contribution solicitors make to civil society and communities
- publicising the value of legal services to the UK economy



The Law Society supports the profession by:

- identifying issues and market trends affecting solicitors to help them prepare for the future
- developing a comprehensive and cohesive education and training offer
- providing practice notes and guidance on issues important to members
- giving advice through our library and helplines
- running accreditation schemes to support and demonstrate effective practice
- creating communities of members based on who you are and what you do
- supporting those who find it difficult to enter the profession through our Diversity Access Scheme
- offering consultancy services for members who want more detailed help
- assisting members who wish to practice abroad





The Law Society

How the Law Society works

Solicitors pay their annual practising certificate fee to the Solicitors Regulation Authority. The Law Society receives around 30 per cent of this fee to support, represent and promote the profession. Other funding comes from commercial activities.

The Law Society Council governs the Law Society's work. Council members are elected to represent members from England and Wales, different demographic groups and parts of the profession. The Law Society harness the knowledge of the Council members and around 300 volunteers to deliver the advice, support and service members want. The Council has 100 seats, 61 for geographical constituencies and 39 for special interest groups and areas of practice.

For more information please visit www.lawsociety.org.uk

Competition Section

113 Chancery Lane London WC2A 1PL Dx 56 Lon/Chancery Ln
t: 020 7242 1222 f: 020 7831 0344 www.lawsociety.org.uk