Foreword

Welcome to the Law Society’s Competition Section 2016/2017 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.

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

Stephen Smith
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 2016/17 will:

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

• we will deliver:
  o 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.
  o 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.
  o 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.
  o 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: The BT/EE merger investigation

When: Tuesday 15 November 2016, 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

The BT/EE merger inquiry raised a whole host of important substantive and procedural issues of broader relevance to the application of merger control in the UK including the following:

- Forward-looking merger assessment in a dynamic and changing industry
- Parallel transactions in UK and Brussels: implications for counterfactual analysis
- Fast tracking through Phase 1
- The substantive assessment of vertical foreclosure concerns – what is the test?
  How are the guidelines applied?
- Ex ante regulatory regime: a reason for no SLC or a remedy to an SLC?
- Working with the CMA’s inquiry team and economists
- Dealing with a split CMA panel at the Provisional Findings stage

Speakers:

- Neil Dryden, executive VP, European competition policy practice, Compass Lexecon
- Rod Carlton, partner, Freshfields

Book today
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 Thursday 1 December at 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.

Dress code for this event is black tie.

Speaker:
- Dr Andrea Coscelli, acting chief executive, Competition and Markets Authority

Book today
Competition Section seminar: Infringements under EU cartel law and their future

When: Tuesday 7 February 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

This seminar will explore single, complex, and continuous infringements under EU cartel law and their future, specifically:

- An overview of recent developments in EU cases and possible future trends
- Accessory/facilitator liability (AC Treuhand, ICAP, Eturas)
  The future of the single, complex and continuous infringement (SCCI) concept, in light of developments such as private actions and AG Wahl's opinion in Intel Parallel
  EU/UK public and private enforcement post-Brexit from a private practice perspective.
  Please note this will be a Chatham house event and therefore will not be recorded, although the slides will be shared after the seminar.

Speakers:

- Glykeria Demataki, deputy head of unit and case manager, cartel units, DG COMP, European Commission.
- Kevin Coates, partner, Covington & Burling LLP

Competition Section seminar: Mergers updates

When: Tuesday 14 March 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

A review of the recent mergers cases and what can be learnt going forwards.

Speakers:

- Sheldon Mills, senior director, mergers, Competition and Markets Authority
- Colin Raftery, director, mergers, Competition and Markets Authority

Book today
Competition Section seminar: big data – brave new world or old wine in new bottles?

When: Tuesday 2 May 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

In this Competition Section seminar our distinguished speakers will ask the question what is big data? How does big data relate to competition enforcement?

They will delve into theories of harm, efficiencies of data use and discuss the use in different industries, what are the right tools to manage this data and the issues post Brexit.

Speakers:
Munesh Mahtani, senior competition counsel, Google UK Limited
David Parker, director of competition, Frontier Economics

Book today

Competition Section seminar: The Antitrust investigation of the online hotel booking sector: a review

When: Tuesday 13 June 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

In this Competition Section seminar our distinguished speakers will ask what we can learn from the past hotel booking cases, and how this can be applied in the future.

Speakers:
Jeremy Robinson, partner, Watson Farley Williams

Book today
Competition Section annual conference: 2017
theme: Brexit and beyond

When: Thursday 18 May 2017, 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 Brexit and its implications on EU and UK competition law, exploring all the major issues and developments expected within 2017.

Programme

08.30 - 09.00 Registration and refreshments
09.05 - 09.10 Welcome and introduction
Omar Shah, partner, Morgan, Lewis & Bockius UK LLP and vice chair, Competition Section Committee
09.10 - 09.40 Keynote address
Speaker: Professor Sir John Vickers, warden of All Souls College, University of Oxford and chair of the Brexit competition law working group
09.40 - 10.50 Plenary 1: Brexit: implications, major issues and developments
• Implications of Brexit for UL competition law and policy, including short term changes, transitional arrangements as well as possible future developments in the case law.
Chair: Andrea Appella, deputy general counsel, 21st Century Fox and member, Competition Section Committee
Speakers: Elizabeth McKnight, consultant, Herbert Smith Freehills, Thomas Sharpe QC, barrister, One Essex Court Isabel Taylor, partner, Slaughter and May and member, Competition Section Committee, Richard Whish QC (Hon), emeritus professor of Law, King's College London
10.50 - 11.00 The Law Society's input on Brexit
Speaker: Clive Black, head of Relationship Management (City), The Law Society
11.00 - 11.20 Morning refreshments
11.20 - 12.30 Plenary 2: Competition litigation
• Lessons from the first two CAT class certification hearings (Walter Merricks v MasterCard, Mobility Scooter) Revival of the CAT as a forum
• Territorial scope of the EU competition rules, and the circumstances in which the English courts will assume jurisdiction over worldwide cartel claims
• Jurisdictional and other issues and solutions post Brexit.
Chair: Keith Jones, partner, Baker & McKenzie LLP and member, Competition Section Committee
Speakers: Tom Cassels, partner, Linklaters Marie Demetriou QC, barrister, Brick Court Chambers Frances Murphy, partner, Morgan, Lewis & Bockius UK LLP Meredith Pickford QC, barrister, Monckton Chambers
12.30 - 13.30 Lunch and exhibition
13.30 - 14.40  Plenary 3: Merger control
- Recent developments at the CMA (procedural reform, the revised retail commentary and remedies)
- Brexit and the implications for the UK merger control regime
- The Hutchison/O2 case and its implications for practitioners.
Chair: Alastair Chapman, partner, Freshfields Bruckhaus Deringer LLP and member, Competition Section Committee
Speakers: Dr Adrian Majumdar, partner, RBB Economics
Sheldon Mills, senior director, Competition and Markets Authority (CMA), Ali Nikpay, partner, Gibson Dunn & Crutcher
Veronica Roberts, partner, Herbert Smith Freehills

- External and in-house views on advising companies in a closely-scrutinised sector
- Review of recent EU and UK ‘pay for delay’ cases
- Legal and economic aspects of excessive pricing.
Chair: Becket McGrath, partner, Cooley LLP and member, Competition Section Committee
Speakers: Dr Avantika Chowdhury, principal, Oxera
Fleur Herrenschmidt, senior legal counsel antitrust, Novartis
Dr Sophie Lawrance, partner, Bristows
George Peretz QC, barrister, Monckton Chambers

15.50 - 16.10  Afternoon refreshments

16.10 - 17.20  Plenary 5: Antitrust enforcement
- Current CMA approaches to enforcement
- Competition and enforcement issues in the digital world
- Current issues on selective distribution
- Bans on use of online market places
- Tacit collusion through artificial intelligence
- Behavioural discrimination through the internet.
Chair: Richard Eccles, partner, Bird & Bird LLP and member, Competition Section Committee
Speakers: Andreas Eberhardt, senior legal counsel antitrust, Richemont International S.A
Ariel Ezrachi, Slaughter and May professor of competition law and a fellow of Pembroke College, University of Oxford
Paul Gilbert, counsel, Cleary Gottlieb Steen & Hamilton LLP
Dr Michael Grenfell, executive director, enforcement, Competition and Markets Authority (CMA)

17.20 - 17.30  Closing remarks
Omar Shah, partner, Morgan, Lewis & Bockius UK LLP and vice-chair, Competition Section Committee

17.30 - 19.00  Spring drinks reception

*Please note the programme is subject to change.

Book today
Competition Section seminar: Fairness and due process in UK antitrust proceedings

When: Tuesday 18 July 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

In this Competition Section seminar our distinguished speakers will ask what we can learn from the past investigations, and how this can be applied in the future.

Speakers:
Claudia Berg, senior legal director, antitrust enforcement, Competition and Markets Authority

Book today
**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

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**Competition Law update**

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<th>When</th>
<th>Tuesday 6 Dec 2016</th>
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<tr>
<td>Cost</td>
<td>Free for section members, £45 to non-members</td>
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For busy practitioners, this one-hour webinar will provide a comprehensive update on recent cases and an overview and commentary on selected key EU and UK competition law developments over the past year.

**Speaker:** Nelson Jung and Greg Olsen, partners, Clifford Chance.

For more information please keep an eye on our website

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**Competition law and the future of the Block Exemption in the insurance sector**

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<tr>
<th>When</th>
<th>Friday 16 September 2016</th>
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<td>Cost</td>
<td>Free for section members, £45 to non-members</td>
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Join this webinar to gain an understanding of how competition law and the Block Exemption applies to the insurance sector and the impact on the insurance market of its non-renewal.

By participating you will:

- understand the reasoning behind the European Commission's decision not to renew the Insurance Block Exemption Regulation
- receive an overview of how the regime will apply to the insurance sector in future
- gain a practical insight into how insurance undertakings can ensure continued compliance

**Speakers:** Stephen Smith, partner, Bristows and Fergus Broderick, senior legal adviser, RSA.

Stephen Smith is a partner in the Competition team at Bristows, Stephen has extensive experience advising across a broad range of EU and UK competition law matters, including representing clients on complex merger investigations and in relation to cartel and other anti-trust investigations before regulators in the UK and the European Commission.

Fergus Broderick, senior legal adviser, RSA Fergus has over 20 years’ experience of working in the insurance sector and has oversight of Competition Law compliance at RSA.

Click here for more information
Competition at the FCA: An update for lawyers

When: Friday 13 May 2016, 15:30 - 16:30  
Cost: Free for section members, £45 to non-members

Join this webinar and discover how innovation and competition are encouraged within the financial sector and gain an understanding of the FCA’s key priorities in competition.

The session will cover:
- a look at the Competition Division’s work at the FCA over the last 3 years
- what our total portfolio of work looks like, including:
  - market studies
  - Competition Act
  - promoting competition across wider FCA work

Speaker: Deb Jones, director of Competition, FCA (Financial Conduct Authority)

Deb Jones is Director of Competition at the Financial Conduct Authority, a role which she job-shares with Mary Starks. The FCA has had a competition mandate since its inception in 2013, unlike its predecessor, the FSA. Deb and Mary built the Competition Division from a standing start to a 90-strong team, encompassing lawyers, economists and financial services specialists. Since 2013, the Division has launched various in-depth market studies, such as into Cash Savings, Credit Cards, and Investment and Corporate Banking. Investigations under the Competition Act are handled jointly with the Enforcement Division. The work of the Division also includes advising colleagues across the FCA on competition issues or how policies might impact on competition. Deb was previously a director at the OFT where she led enforcement cases and policy work. Her OFT career spanned 10 years and included major cartel cases such as collusion between BA /Virgin Atlantic (passenger fuel surcharges) and bid-rigging practices amongst over 100 construction companies. Prior to joining the OFT, Deb was a practising solicitor at Slaughter and May.

Click here for more information
Economics of horizontal mergers for competition law in practice

When: Tuesday 15 March 2016
Cost: Free for section members, £45 to non-members

Attend this webinar led by our speaker who has extensive experience with mergers raising both horizontal and vertical concerns before the EC Commission and UK competition authorities and:

- gain a practical exploration of the economics of horizontal mergers for competition law
- understand the economic principles of merger control and how economics can be applied to merger assessment in practice
- obtain an overview of the economic foundations of horizontal merger assessment, and of the analytical techniques and evidence used to appraise the competitive impact of this broad class of merger in practice
- The webinar covers:
  - The role of economics and economists in merger assessment
  - The economic principles that underlie unilateral effects concerns arising from horizontal mergers
  - The assessment of unilateral effects in practice, including a discussion of the “price pressure” tests that are increasingly used by competition authorities and some of the common empirical techniques used to assess “closeness of competition”
  - Coordinated effects in theory and practice

Speaker: Stephen Lewis, principal, RBB Economics

Stephen Lewis is a Principal based in the London office of RBB Economics. Since joining RBB in 2005, he has worked on mergers raising both horizontal and vertical concerns before the EC Commission and UK competition authorities, and has been a key member of the RBB team advising Google on competition matters. He has also advised clients in a number of litigation and arbitration cases involving both Article 101 and Article 102 disputes. His experience covers a range of sectors, including shipping, aerospace, leisure travel, advertising, microprocessors, retailing, live entertainment, motor vehicle manufacturing, mobile operating systems and online search. Stephen studied economics at Oxford University and Universitat Pompeu Fabra, Barcelona, where he also taught undergraduate courses in economic theory.

Click here for more information
Member Offer

Horsfall Turner essay prize

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 of £250. All winners were invited as guests to the Competition Section’s Annual Dinner, where their prizes were presented by the keynote speaker.

For more information on the competition, to read the 2016 winner’s essay or see photos of the night, please click here.

<table>
<thead>
<tr>
<th>Year</th>
<th>Question</th>
<th>Winners</th>
<th>Keynote speaker</th>
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<tr>
<td>2016</td>
<td>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</td>
<td>First prize: Ms Katherine Zinser, Slaughter &amp; May. Highly commended prizes: Mr Adam Bruell, Hogan Lovells International LLP, Ms Chloe Kite, DLA Piper</td>
<td>Dr Andrea Coscelli, acting chief executive of the Competition and Markets Authority.</td>
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<td>2015</td>
<td>‘Brexit: what would it mean for the UK competition law landscape</td>
<td>First prize: Ms Jasminder Chaytor, Berwin Leighton Paisner Highly commended: Mr Ali Sadek, Freshfields, Ms Laura K. Elliott, Cooley (UK) LLP</td>
<td>Judge Ian S. Forrester of European Union General Court.</td>
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<td>2013</td>
<td>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?</td>
<td>First prize: Daniel Carall-Green, Slaughter &amp; May</td>
<td>Philip Lowe, non executive director of the Competition and Markets Authority and director general for energy, European Commission (former director general for competition).</td>
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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.

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.
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 chaired Stephen Smith, partner and solicitor at Bristows LLP, the vice-chair is Omar Shah, partner and solicitor at Morgan, Lewis & Bockius LLP. Davina Garrod, partner at Akin Gump Strauss Hauer & Feld LLP is the current EU Council member.

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

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<tr>
<th>Committee Member</th>
<th>Organisation</th>
<th>Role</th>
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<tr>
<td>Stephen Smith</td>
<td>Bristows LLP</td>
<td>Partner and solicitor</td>
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<td>Omar Shah</td>
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<td>Andrea Appella</td>
<td>21st Century Fox Deputy</td>
<td>General Counsel - Europe &amp; Asia, and solicitor</td>
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<tr>
<td>Frances Barr</td>
<td>Competition and Markets Authority</td>
<td>Procedural Officer and solicitor</td>
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<td>Carole Begent</td>
<td>Payment Systems Regulator</td>
<td>Head of Legal and solicitor</td>
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<td>Alastair Chapman</td>
<td>Freshfields Bruckhaus Deringer</td>
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<td>Richard Eccles</td>
<td>Bird &amp; Bird LLP</td>
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<td>Cameron Firth</td>
<td>Macfarlanes</td>
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<td>André Pretorius</td>
<td>Herbert Smith Freehills LLP</td>
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<td>Nigel Seay</td>
<td>Travers Smith LLP</td>
<td>Partner and solicitor</td>
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<td>Isabel Taylor</td>
<td>Slaughter and May</td>
<td>Partner and solicitor</td>
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<td>Graeme Young</td>
<td>CMS Cameron McKenna LLP</td>
<td>Partner and solicitor</td>
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<tr>
<td>Sarah Jordan</td>
<td>Kirkland &amp; Ellis International LLP</td>
<td>Partner and solicitor</td>
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<tr>
<td>Madeleine Healy</td>
<td>Gibson Dunn &amp; Crutcher</td>
<td>Associate and solicitor</td>
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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 governance@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 of the legal services to the UK economy

The Law Society supports the profession by:

- identifying issues and market trends affecting solicitors to help the 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
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

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