



Brugge

GCLC

College of Europe  
Collège d'Europe

Global Competition Law



Natolin

Centre

## 15<sup>th</sup> 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**

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

**Chair:** **Denis Waelbroeck**  
Ashurst, GCLC

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

**Luc Peeperkorn**  
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

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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**  
GCLC and UCLouvain

**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?**

**Guillaume Duquesne**  
Compass Lexecon

**14:50-15:10 MFNs of all widths and breadths: when do they matter? An economist's perspective**

**Avantika Chowdhury**  
Oxera

15:10-15:25 Q&A Session

15:25-15:40 Coffee break

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

**Chair:** **Laurent Garzaniti**  
Freshfields Bruckhaus Deringer LLP

**15:40-16:00 Online sales: how much freedom for manufacturers in organizing their distribution system?**

**Nils Wahl**  
Court of Justice of the European Union

**16:00-16:20 Single branding: where do we stand after *Intel*?**

**Nicolas Petit**  
University of Liège, GCLC

**16:20-16:40 Distribution platforms and data: how to deal with conflicts of interests?**

**Miranda Cole**  
Covington & Burling LLP

**16:40-17:00 Aftermarket restraints and data: towards a novel approach?**

**José Rivas**  
Bird & Bird, GCLC

17:00-17:10 Q&A Session

## DAY 2

9:00-9:20 Keynote speech

Pierre Régibeau  
DG Competition

### Panel 5 - Market integration and competition: same objectives?

Chair: Mario Siragusa  
Cleary Gottlieb LLP

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?

Niels Ersboll  
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

Jacques Steenberg (Belgian Competition Authority), Stanislas Martin (Autorité de la Concurrence), Sabine Zigelski (OECD), Martijn Snoep (ACM), Ioannis Lianos (Hellenic Competition Commission)

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

