

IBC Legal's 8th Annual Competition Challenges in the Transport Sector 2016

COMP LAW / Transport

The indispensable guide to legal and regulatory developments affecting aviation and shipping industries



Jan-Peter Ross
Deutsche Lufthansa



Emmanuelle Maire
European Commission



Camilla Jain Holtse
Maersk Line A/S



Alan Meneghetti
Locke Lord (UK) LLP



Natasha Franklin
British Airways PLC



Daniel Boeshertz
European Commission

Associate Sponsor:

Media Partners:



Wednesday 27 & Thursday 28 January 2016
Grange City Hotel, London



Bookings hotline: +44 (0)20 7017 5503
Bookings email: professionalcustserv@informa.com
For the latest programme or to register: www.ibclegal.com/CompLawTransport

#IBCTransport16

Competition Challenges in the Transport Sector 2016

DAY 1: COMPETITION LAW CHALLENGES IN THE AVIATION SECTOR

08.30 Registration & Refreshments

09.00 **Chair's Welcome and Introduction**



Geert Goeteyn
Partner

SHEARMAN & STERLING LLP, Belgium

KEYNOTE ADDRESS

09.10 **European Commission's Current Priorities in the Aviation Sector**



Daniel Boeshertz

Head of Unit, Transport, Post and Other Services, DG Competition
EUROPEAN COMMISSION, Belgium

09.50 **Alliances, Cooperation and Joint Ventures**

- Back ... to the past: air passenger long-haul routes EU investigations
 - The *Star Alliance* case: assessing efficiencies
 - The *Skyteam* case: barriers to entry/slot trading
- Up to ... the future: lessons learned for global/regional alliances
 - Deriving profitability on long-haul routes in a new code-sharing era
 - Towards a new slot regulation (*Better Airports Package* towards *Better Airlines Package*?)



Jacques Derenne
Partner

HOGAN LOVELLS INTERNATIONAL LLP, Belgium

10.35 **Ticket Distribution, Online Booking and Pricing**

- The airlines – GDS relationship – agency or distribution?
- Putting Lufthansa's new distribution policy in context
- Other developments at national level, including recent case law developments
- Potential impact of the Commission's eCommerce sector inquiry



Jan-Peter Ross
Legal Counsel

DEUTSCHE LUFTHANSA, Germany



Kim Dietzel
Partner

HERBERT SMITH FREEHILLS LLP, UK

11.20 Morning coffee break

MERGERS

11.40 **Review of International Merger Activity Part I: Focus on Aer Lingus/Ryanair merger**

- *Aer Lingus/Ryanair*: retrospective on a nine-year struggle, key moments
- *IAG/Aer Lingus*: lessons from the Commission's analysis
- Implications for further consolidation in the European airline sector



Alec Burnside
Partner

CADWALADER, WICKERSHAM & TAFT LLP, Belgium

12.20 **Part II: Focus on FedEx/TNT merger**

- Update on *FedEx/TNT* merger
- European Commission's drive for more efficient cross border deliveries
- How does the e-Commerce Sector Enquiry relate to the express deliveries sector?
- What lessons can be learned from *FedEx/TNT* for other mergers across the transport sector?



Gavin Bushell
Partner

BAKER & MCKENZIE CVBA/SCRL, Belgium

13.00 Lunch

14.00 **Commercial and Regulatory Developments Affecting the Aviation Sector**

- Review of the Single European Sky
- Update on the new directive on passenger name records
- Recent data protection developments
- Denied boarding and delayed flights
- Airports and airlines: issues arising out of these relationships



Alan Meneghetti
Partner
LOCKE LORD (UK) LLP, UK



James Wynn-Evans
Head of Consumers & Markets Legal Team
CIVIL AVIATION AUTHORITY, UK

14.45 **Follow on Damages in the Aviation Sector**

- Specific challenges in the aviation sector
- Lessons learnt from *Air Cargo* case
- Procedural issues, including new opt-out collective action procedure
- Access to documents
- What should airlines do to prevent exposure to damages?



Omar Shah
Partner

LATHAM & WATKINS LLP, UK

15.30 Afternoon coffee break

STATE SUPPORT

15.50 **Current Issues in Ownership and Control**

- The Commission's priorities
- Gulf airlines expansion into Europe
- What motivates the different approaches taken in Europe to Gulf airlines ownership?
- Update on current investigations



Miguel Odriozola
Partner

CLIFFORD CHANCE LLP, Spain

16.35 **State Aid and Airports Part I: A View from a Lawyer**

- Lessons learnt from recent cases and investigations including *Marseille*, *Charleroi*, *Zweibrücken* airports and the Irish air tax
- Update on the new state aid guidelines: how are they applied in practice?
- How to develop new routes under the 2014 aviation guidelines?



Annabelle Lepière
Partner

CMS DEBACKER, Belgium

17.10 **Part II: A View from an Economist**

- State aid issues in surface access to airports
- Comparison to ports



Andrew Meaney
Partner

OXERA, UK

PANEL DISCUSSION

17.30 **The Future of the Aviation Industry and Practical Challenges**

- Review of current market trends including convergence
- Developments in the airline sector
- The Commission's new aviation strategy, and potential implications for the sector
- Competition issues in the aviation supply chain
- What is the interaction between the European Commission's rules and global developments in the aviation sector?
- Operating in a global world: current competition law challenges including DoJ's investigation

Moderator:



Miguel Odriozola
Partner

CLIFFORD CHANCE LLP, Spain

Panellists:



Emmanuelle Maire
Head of Unit, Internal Aviation Market and Airports, DG Mobility and Transport
EUROPEAN COMMISSION, Belgium



Natasha Franklin
Competition Lawyer
BRITISH AIRWAYS PLC, UK

Sara Falck
Senior Legal Counsel
SAS, Sweden

Chris Gadsden
Head of Government Affairs
EASYJET, UK

18.20 Chair's Closing Remarks and Close of Day 1

DAY 2: COMPETITION LAW CHALLENGES IN THE SHIPPING SECTOR

08.30 Registration & Refreshments

09.00 **Chair's Welcome and Introduction**



Luis Ortiz Blanco
Partner
GARRIGUES, Belgium & Spain

KEYNOTE ADDRESS

09.10 **European Commission's Priorities in the Shipping Sector**



Henrik Morch
Acting Director, Directorate F (Transport, Post and Other Services),
Head of Unit, F2 (State Aid in Transport)
EUROPEAN COMMISSION, Belgium

PANEL DISCUSSION

09.50 **Comparison of Current Challenges in Competition Law in the Aviation and Shipping Industries**

- Why does the European Commission treat shipping and aviation differently?
- Is there any continued justification for a block exemption for shipping alliances?
- Has EU competition policy in the maritime sector caught up with global shipping alliances and their implications?
- Are there hard economic differences between shipping and aviation?
- Review or different approaches to mergers, alliances and remedies
Could there be a harmonised global regulation of aviation and shipping alliances?

Moderator:



Philippe Ruttle
Partner
INCE & CO, UK

Panellists:



Fergus Randolph QC
BRICK COURT CHAMBERS, UK



Miguel Odriozola
Partner
CLIFFORD CHANCE LLP
Spain



Kim Dietzel
Partner
HERBERT SMITH FREEHILLS LLP, UK



James Aitken
Partner
FRESHFIELDS BRUCKHAUS DERINGER LLP, UK

10.50 Morning coffee break

11.10 **Review of Alliances and Consortia Block Exemption in the Shipping Sector**

- Cooperation and consolidation
- Horizontal agreements and arrangements
- Pricing and cost information
- Vessels sharing information
- How should alliances be regulated?
- What does the future hold for alliances?
- Review of recent policy debates in EU, USA and Asia
- Recent case law and its practical impact



Matthew Levitt
Partner
HOGAN LOVELLS INTERNATIONAL LLP, Belgium

11.55 **Mergers**

- Review of legal developments at EU and national level
- Four conundrums:
 - What is driving consolidation?
 - How do you measure efficiencies?
 - How do you assess market structure?
 - When is a merger not a merger?



David Wood
Partner
GIBSON DUNN, Belgium

12.40 Lunch

13.40 **Price Signalling in Container Shipping: Update on the Investigation**

- The legal, economic and regulatory framework for price signalling and information exchange
- Update on the EU shipping investigation
- Parallel issues in other sector investigations (e.g. banking)
- Why is the Commission more concerned with information sharing in shipping than aviation?



Peter Camesasca
Partner
COVINGTON & BURLING LLP, Belgium

14.25

Cartels

- Review of recent case law developments including *RoRo* case
- Developments in international enforcement and challenges of dealing with multiple authorities
- Cartel settlements
- Implications for potential follow on damages actions in the shipping industry?



James Aitken
Partner
FRESHFIELDS BRUCKHAUS DERINGER LLP, UK

PORTS

15.05

State Aid and Ports

- Development of state aid for ports: from user to operator to owner
- Non-discriminatory access and state aid for user
- Full cost approach and state aid for operator
- Building new infrastructure: practical challenges



Philipp Werner
Partner
JONES DAY, Belgium

15.45

Afternoon coffee break

16.05

Competition Law and Ports

- Key competition law issues for executives of port companies and shipping companies
- Access to ports and operational issues
- M&A of ports: the merger control and state aid issues
- Pricing in ports
- Using competition law for competitive advantage in ports



Dr Vincent J G Power
Partner; Author of *EU Shipping Law*
A&L GOODBODY, Ireland

16.45

The Treatment of Bulk Shipping

- Current challenges for ships operating in pools
- BIMCO POOLCON A and B
- LNG tankers
- Chemical tankers
- Forest product carriers



Marjorie Holmes
Partner
REED SMITH, UK

PANEL DISCUSSION

17.25

Practical Challenges in the Shipping Sector

- Application of competition law to ports and hinterland traffic
- Current practical challenges
- International developments and how to deal with the challenges of international regulatory coordination



Camilla Jain Holtse
Chief Legal Counsel, Head of Competition Compliance
MAERSK LINE A/S, Denmark



Maarten Meulenbelt
Partner
SIDLEY AUSTIN LLP, Belgium



Marjorie Holmes
Partner
REED SMITH, UK

18.10

Chair's Closing Remarks and Close of Conference

Competition Law Challenges in the Transport Sector 2016

Wednesday 27 & Thursday 28 January 2016

Grange City Hotel, London

VIP CODE

FKW82597EMSPK

Please quote the above VIP code when registering

(FKW82597)

20% discount - Quote VIP code: FKW82597EMSPK

WHEN AND WHERE

FKW82597
27 - 28 January 2016

Grange City Hotel
8-14 Cooper's Row,
London EC3N 2BQ
UK

Phone: +44 20 7863 3700

Delegates are responsible for the arrangement and payment of their own travel and accommodation. Informa has negotiated a special room rate at the event venue and a number of hotels nearby, to take advantage please visit the dates/venue page of the conference website: www.ibclegal.com/CompLawTransport

PERSONAL DETAILS

1st Delegate Mr/Mrs/Ms

Job title Department

Telephone Fax

Email

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving Informa companies the permission to contact me by email

2nd Delegate Mr/Mrs/Ms

Job title Department

Telephone Fax

Email

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving Informa companies the permission to contact me by email

3rd Delegate Mr/Mrs/Ms

Job title Department

Telephone Fax

Email

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving Informa companies the permission to contact me by email

Name of your Line Manager Mr/Mrs/Ms

Job title Department

Telephone Fax

Email

Booking Contact Mr/Mrs/Ms

Job title Department

Telephone Fax

Email

COMPANY DETAILS

Company Name

Postal Address

Telephone

Fax

Nature of Business

Billing Address (if different from above address)

Billing E-mail Address:

Unable to attend - event documentation

Nothing compares to being there - but you need not miss out! To order your online documentation please email professionalcustserv@informa.com.

Competition Law Challenges in the Transport Sector 2016 £225 (+ VAT @ 20%)

Documentation orders can only be processed on receipt of credit card details. To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax, which ensures that these details are never stored on our network. To make payment by credit card. To make your payment on-line, please enter your credit card details in our secure payments website that you will use when making your documentation purchase via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0)20 7017 5503 or email your phone number with your documentation order to kmregistration@informa.com and we will call you.

FOUR EASY WAYS TO REGISTER



Telephone:

Tel: +44 (0)20 7017 5503
Please remember to quote FKW82597



Email:

professionalcustserv@informa.com



Fax:

Complete and send this registration form to:
Fax: +44 (0)20 7017 4746



Web:

www.ibclegal.com/CompLawTransport

Payment should be made within 14 days of registration. All registrations must be paid in advance of the event.

HOW MUCH?

	Register by 13 November 2015	Register by 18 December 2015	Register after 18 December 2015
Both Days	<input type="checkbox"/> £1498 + VAT @ 20% (£1797.60) SAVE £700	<input type="checkbox"/> £1698 + VAT @ 20% (£2037.60) SAVE £500	<input type="checkbox"/> £1898 + VAT @ 20% (£2277.60) SAVE £300
Day One: Competition Law in the Aviation Sector	<input type="checkbox"/> £899 + VAT @ 20% (£1078.80) SAVE £200	<input type="checkbox"/> £999 + VAT @ 20% (£1198.80) SAVE £100	<input type="checkbox"/> £1099 + VAT @ 20% (£1318.80)
Day Two: Competition Law in the Shipping Sector	<input type="checkbox"/> £899 + VAT @ 20% (£1078.80) SAVE £200	<input type="checkbox"/> £999 + VAT @ 20% (£1198.80) SAVE £100	<input type="checkbox"/> £1099 + VAT @ 20% (£1318.80)

£200 discount for 3rd and subsequent delegates from your group. The VAT rate is subject to change and may differ from the advertised rate. The amount you are charged will be determined when your invoice is raised. Please note the conference fee does not include accommodation or travel costs. All discounts can only be claimed at the time of registration and multi-booking discounts cannot be combined with other discounts that may be available (apart from early booking discounts which are available to everyone). All discounts are subject to approval. We are happy to accept a replacement delegate for the whole event; however delegate passes cannot be split or shared between delegates under any circumstances.

TWO EASY WAYS TO PAY

BY BANK TRANSFER: Full details of bank transfer options will be given with your invoice on registration.

TO MAKE PAYMENT BY CREDIT CARD: To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax, which ensures that these details are never stored on our network. To make payment by credit card on-line, please enter your credit card details in our secure payments website that you will use when making your booking via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0) 20 7017 5503.

TERMS AND CONDITIONS

Attendance at this Event is subject to the IBC Legal Delegate Terms and Conditions at <http://www.ibclegal.com/page/termsandconditions>. Your attention is drawn in particular to clauses 6, 8 and 14 of the IBC Legal Delegate Terms and Conditions which have been set out below:

Cancellation Policy: If you cancel in accordance with this policy, you will receive a refund of your fees paid to IBC Legal (if any); (i) if you cancel your registration 28 days or more before the Event, subject to an administration charge equivalent to 10% of the total amount of your fees plus VAT; or (ii) if you cancel your registration less than 28 days, but more than 14 days before the Event, subject to an administration charge equivalent to 50% of the total amount of your fees plus VAT. IBC Legal regrets that the full amount of your fee remains payable in the event that your cancellation is 14 days or less before the Event or if you fail to attend the Event. All cancellations must be sent by email to professionalcustserv@informa.com marked for the attention of Customer Services and must be received by IBC Legal. You acknowledge that the refund of your fees in accordance with this policy is your sole remedy in respect of any cancellation of your registration by you and all other liability is expressly excluded.

Changes to the Conference: IBC Legal may (at its sole discretion) change the format, speakers, participants, content, venue location and programme

or any other aspect of the Event at any time and for any reason, whether or not due to a Force Majeure Event, in each case without liability.

Data protection: The personal information which you provide to us will be held by us on a database. You agree that IBC Legal may share this information with other companies in the Informa group. Occasionally your details may be made available to selected third parties who wish to communicate with you offers related to your business activities. If you do not wish to receive these offers please contact the database manager. For more information about how IBC Legal use the information you provide please see our privacy policy at <http://www.ibclegal.com/page/privacypolicy>. If you do not wish your details to be available to companies in the Informa Group, or selected third parties, please contact the Database Manager, Informa UK Ltd, Maple House, 149 Tottenham Court Road, London, W1T 7AD, UK. Tel: +44 (0)20 7017 7077, fax: +44 (0)20 7017 7828 or email LegalIntegrity@informa.com

Incorrect Mailing: If you are receiving multiple mailings or you would like us to change any details, or remove your name from our database, please contact the Database Manager at the above address. **By completing and submitting this registration form, you confirm that you have read and understood the IBC Legal Delegate Terms and Conditions and you agree to be bound by them.**