ICC GLOBAL COMPETITION COMMISSION

ICC Conference "Antitrust Enforcement: Between Globalisation and Deglobalisation"

21 July 2023, Tokyo, in-person only.

Venue: JOSUI Kaikan, 2-1-1 Hitotsubashi Chiyoda-ku Tokyo, Japan

8:15-8:45  Registration and coffee

8:45-9:00  Welcome remarks by François Brunet, Chair of the Global Competition Commission

9:00-9:15  Opening keynote: Chairman Kazuyuki Furuya (Japan Fair Trade Commission)

9:15-10:45  Panel 1: Sustainability and competition law

ICC: Paola Pugliese (Head of Practice – Antitrust & Competition, Lefosse)
Rattakrai Lim girtrakul (Head of Investment & International Transactions, SCG Limited – invited)  [other speakers from the private sector or practice]

Agencies: Kenta Suzuki (Senior Planning Officer of Coordination Division, JFTC), Sophie Moonen (DG COMP), [representatives of other agencies]

- Is the cooperation among competitors needed in order to support the fight against climate change?
- Are competition policies chilling companies’ initiatives to transition to a sustainable economy? ICC’s White Paper « When Chilling Contributes to Warming » names 12 real life examples of cooperations which have been abandoned for fear of competition law enforcement.
- What do competition authorities need to do to avoid standing in the way of cooperations among competitors for legitimate sustainable goals?
- Is the fear of greenwashing polluting the discussion?

10:45 – 11:15  Coffee break
Panel 2: Enforcement in the digital sector
ICC: Alex Nourry (Partner, Clifford Chance), Susan Ning (Partner, King & Wood Mallesons), Stavroula Vryna (Partner, Clifford Chance), Masayuki Atsumi (Partner, Miura & Partners)
Agencies: Benoît Coeuré (President, FCA), [representatives of other agencies]

- Is there a future for ex post antitrust enforcement on behaviours in the Tech sector, in a world of increasing ex ante digital regulation? What are the key enforcement lessons from other regulated sectors?
- What role should international cooperation play in achieving effective digital regulation and enforcement in the Tech sector?
- How to ensure privacy and security for users while making Tech markets open and contestable as well as enhancing innovation, including through the use of AI?
- Comparative look at regulatory and enforcement trends in the EU, [Australia], France, [China] and Japan.

Panel 3: Harmonisation in merger control
ICC: François Brunet, Chair of the Global Competition Commission, Yusuke Nakano (Partner, Anderson Mori & Tomotsune), Irene de Angelis (Group Head of Antitrust Affairs, Intesa Sanpaolo), Gönenç Gürkaynak (Partner, Elig Law Firm), John Oxenham (Director, Primerio International)
Agencies: Benoît Coeuré (President, FCA), Saiko Nakajima (Senior Officer for Mergers and Acquisitions, JFTC), Sophie Moonen (DG COMP), [representatives of other agencies]

- Would it be possible to adopt a common concept of reportable merger (change of control over a business activity) – ICC Recommendations 1 to 3
- Notification thresholds: how to achieve a better balance through efficient self-assessment – ICC Recommendations 4 to 6
- Funding Antitrust Agencies: the issue of filing fees – ICC Recommendation 8
- Gun jumping fines: a true deterrent that needs consistency across jurisdictions – ICC Recommendations 10 and 11

Panel 4: Issues around Subsidy and State aid from a global perspective
ICC: Patrick Hubert (Partner, Orrick), Liu Cheng (King & Wood Mallesons - invited), Masahiro Heike (Partner, Nishimura & Asahi)
Agencies: Sophie Moonen (DG COMP), [representatives of other agencies]

- Introducing the EU Foreign Subsidies Regulation (FSR), including inputs on European Union State aid rules and Member States funding mechanisms.
- How the FSR is seen by other jurisdictions and businesses?
- Is the EU Foreign Subsidies Regulation trade friendly? How the FSR can be implemented to avoid putting too much burden on businesses while achieving its policy objectives.
- How other jurisdictions are addressing subsidies that distort the market? What challenges are they facing?
- Treacherous waters ahead in the global playing field?

17:30 – 17:45  
Closing keynote: President Benoît Coeuré (Autorité de la concurrence)
Recap and principles enforcers and practitioners have to bear in mind