DIGITAL MERGERS WORKSHOP
13 DECEMBER 2022
The International Auditorium
Bd. Du Roi Albert II, 5 – 1210 Brussels

Registration & Lunch
(13:00-14:30)

Keynote speech: Olivier Guersen | Director General, DG Competition
(14:30-15:00)

Panel 1: From conglomerate effects to ecosystems competition: a discussion on the applicable framework
(15:00-16:30)

Market definition is an important element in merger reviews, but only a starting point to focus the competitive assessment. In digital ecosystems, markets are complementary and interconnected. This complicates the assessment of digital mergers. The addition of another product or service to a digital platform or ecosystem can be problematic in different ways. The acquirer may leverage market power from its core markets into a new market thereby expanding its ecosystem. Alternatively, the acquiring company may purchase the target in a defensive strategy to protect its core markets, for instance by increasing barriers to entry or by taking out a potential threat.

Can digital mergers raise other types of concerns? How to balance short-term improvements to the acquirer’s product offering against long-term effects on competition? Should competition authorities concern themselves with harm other than foreclosure effects?

Speakers:
- Annemiek Wilpshaar | DG Competition, Head of Unit C.5
- John Newman | US Federal Trade Commission, Deputy Director of the Bureau of Competition
- Kay Jebelli | Computer & Communications Industry Association Europe, Competition & Regulatory Counsel
- Fiona Scott Morton | Yale School of Management

Moderator: Angeline Woods | Uber, Legal Director (Antitrust and EU Affairs)

Break (10 minutes)
Panel 2: Digital merger review in a post-Illumina world: when do small targets play a significant competitive role?

(16:40-18:10)

The Commission’s revised approach to Article 22 aims at allowing the review of mergers involving low turnover targets of great (potential) competitive significance. The very nature of the transactions involved has implications for the competitive assessment. Because the targets of those transactions, being nascent competitors, have a small market presence at the time of the acquisition, competition agencies have to engage in very prospective, dynamic assessments based on sophisticated predictions.

Given the inherent uncertainty of anticompetitive effects, how can competition agencies distinguish between potentially problematic and unproblematic cases? Should competition agencies focus on certain sectors, or companies?

Speakers:

- Julia Brockhoff | DG Competition, Head of Unit A.2
- Martijn Snoep | Netherlands Authority for Consumers and Markets, Chairman
- Lars Kjolbye | Latham & Watkins, Partner
- Justus Haucap | University of Düsseldorf, Director of the Institute for Competition Economics

Moderator: Nelson Jung | Clifford Chance, Partner

Closing remarks: Guillaume Loriot | Deputy Director General for Mergers, DG Competition

(18:10-18:40)