



7th ECLA ANNUAL COMPETITION LAW CONFERENCE

22-24 May 2025, Mallorca

Program

Thursday, 22nd May 2025

19:30-23:00 **Cocktails at Purobeach Illetas – Beach Club**
Passeig Illetes, 58B - 07181 Illetes (Mallorca, Balears)

Friday, 23rd May 2025 – "Sala Athenea" on the 8th floor of the Conference Hotel

09:30-09:45 **Welcome address**

09:45-10:30 **Keynote speech**

Kamil Nejezchleb, Vice-chairman of the Czech Competition Authority

10:30-11:00 **– Coffee break –**

11:00-12:30 **Communications on the merits vs. exclusionary commercial disparagement:
When disseminating information about your competitors' products or ser-
vices becomes an antitrust issue**

Julien Caminati, European Commission, Directorate-General for Competition
Martin André Dittmer, Gorrissen Federspiel, Denmark
Malka Marcinkowski, UGGC Avocats, France
Yolanda Martínez Mata, Marimón Abogados, Spain

*Moderator: **Eva Cruellas Sada**, Gianni & Origoni, Italy*

12.30-14:00 **– Lunch – Restaurant Bonavista on the 7th floor of the Conference Hotel**

14:00-15:30 **Roundtables: Cooperation or collusion? The state of play after two years of the new horizontal guidelines**

Tables 1 a + b: Buying alliance vs. buyer cartel – where does the line go?

*Moderator Table 1a: **Philipp Pichler**, Gleiss Lutz, Germany*

*Moderator Table 1b: **Michael Holzhäuser**, Ashurst, Germany*

Table 2: Labour market restrictions – is the ‘no poach’-clause dead?

*Moderator: **Špela Arsova**, ŠELIH, Slovenia*

Table 3: Harmless market intelligence vs. hub & spoke collusion – the (mis)use of AI and third-party software

*Moderator: **Helene Andersson**, Delphi, Sweden*

Table 4: Sustainability agreements – does the new 2023 guidance work?

*Moderator: **Sarah Beeston**, Van Doorne, Netherlands*

*General moderator: **Sam Baldwin**, Szecskay Law Firm, Hungary*

15:30-16:00 **– Coffee break –**

16:00-16:30 **Plenary Session with Roundtable Moderators**

*General moderator: **Sam Baldwin**, Szecskay Law Firm, Hungary*

16:30-18:00 **Structuring and Advising Joint Ventures: Where are the limits for Strategic Coordination under EU and National Competition Laws?**

Heinrich Kühnert, DORDA, Austria

Radovan Kubáč, Nedelka Kubáč, Czech Republic

Martijn van de Hel, Maverick, Netherlands

*Moderator: **Beatrice Stange**, HEUKING, Germany*

19:30 **– Dinner – FORN de Sant Joan, Carrer de Sant Joan, 4, 07012 Palma**

Buses leaving from the Hotel at 19:00

Saturday, 24th May 2025 – *"Sala Athenea" on the 8th floor of the Conference Hotel*

09:30-11:00 **New powers of the competition authorities, challenges, risks**

Kamil Nejezchleb, Vice-chairman of the Czech Competition Authority
Sara Lembo, Bonelli Erede, Italy
Johanna Kübler, COMMEO, Germany
Stephen Whitfield, Travers Smith, UK

*Moderator: **Robert Neruda**, HAVEL & PARTNERS, Czechia and Slovakia*

11:00-11:30 – **Coffee break** –

11:30-13:00 **DMA a year in: Lessons learned for national competition authorities and on-going investigations**

Ana Malheiro, European Commission, Deputy Head of Unit, Platform Regulation and Digital Markets, DG CNECT
Yi Ling Ng, RBB Economics, UK
Rita Barroca, Sousa Ferro Asociados, Portugal

*Moderator: **Elvira Aliende Rodriguez**, EU and Spanish competition lawyer*

13:00-13:15 **Closing and vote on the next venue**

13:15 – **Lunch** – *Restaurant Bonavista on the 7th floor of the Conference Hotel*

Conference Hotel:
Hotel Bonanza Palace Playa
Passeig Illetes, s/n
07181 Ses Illetes – Calvià (Mallorca, Balears)
www.hotelesbonanza.com/en/palace-bonanza-playa/

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Panel details

FRIDAY

KEYNOTE SPEECH

Kamil Nejezchleb, Vice-chairman of the Czech Competition Authority

PANELS

Communications on the merits vs. exclusionary commercial disparagement: When disseminating information about your competitors' products or services becomes an antitrust issue

This session will explore the evolving antitrust enforcement against exclusionary disparagement. In the last few years, several authorities across Europe have sanctioned companies for abuse of a dominant position in the form of exclusionary denigration. Commercial disparagement has also been object of article 101 TFEU enforcement. Which is the legal standard for bringing a denigration claim under article 102 TFEU? Are there different tests around Europe?

Moderator: **Eva Cruellas Sada**, Gianni & Origoni, Italy

Panelists:

- **Julien Caminati**, European Commission, Directorate-General for Competition
- **Martin André Dittmer**, Gorrissen Federspiel, Denmark
- **Malka Marcinkowski**, UGGC Avocats, France
- **Yolanda Martínez Mata**, Marimón Abogados, Spain

Structuring and Advising Joint Ventures: Where are the limits for Strategic Coordination under EU and National Competition Laws?

This session will explore the creation of joint ventures under EU and national competition laws, including with respect to the notifiability of non-full function joint ventures under national laws. We will examine how the 2023 Horizontal Guidelines address the coordination of parent companies and their joint ventures, identifying the compliance risks and remaining challenges under national competition laws.

Moderator: **Beatrice Stange**, HEUKING, Germany

Panelists:

- **Heinrich Kühnert**, DORDA, Austria
- **Radovan Kubáč**, Nedelka Kubáč, Czech Republic
- **Martijn van de Hel**, Maverick, Netherlands

ROUNDTABLE SESSION: Cooperation or collusion? The state of play after two years of the new horizontal guidelines

General moderator: **Sam Baldwin**, Szecskay Law Firm, Hungary

Tables 1 a + b: Buying alliance vs. buyer cartel – where does the line go?

Across the EU, we are seeing more enforcement related to buyer-side collusion. At the same time, many industries are turning to joint procurement and buying alliances to increase their bargaining power towards strong suppliers. So where does the line go between (legal) buying alliances and (illegal) buyer cartels? With a case-study as starting point, table participants will discuss how best to advise businesses on this tricky subject.

Moderator Table 1a: **Philipp Pichler**, Gleiss Lutz, Germany

Moderator Table 1b: **Michael Holzhäuser**, Ashurst, Germany

Table 2: Labour market restrictions – is the ‘no poach’-clause dead?

In just a few of years, ‘no poach’ clauses have gone from being an antitrust non-issue to a high-risk practice. DG COMP’s tagline ‘Making markets work for people’ now covers the protection of competition for labour. With a case-study as starting point, table participants will explore what room there is for businesses to protect their key employees from being stolen by undeserving competitors.

Moderator: **Špela Arsova**, ŠELIH, Slovenia

Table 3: Harmless market intelligence vs. hub & spoke collusion – the (mis)use of AI and third-party software

The ways for businesses to get market intelligence on their competitors are getting ever more sophisticated. Through AI tools and third-party market-intelligence software providers, businesses can get close to real-time information about competitors’ pricing and market behaviour. But at what point – if at all – does the flow of market intelligence become an illegal concerted practice through hub & spoke information exchange? In the US, the DoJ is currently testing the waters with cases such as Realpage and Agristats. But what about in the EU? With a case-study as starting point, table participants discuss where the line goes and how to advise companies accordingly.

Moderator: **Helene Andersson**, Delphi, Sweden

Table 4: Sustainability agreements – does the new 2023 guidance work?

Investors, customers, and society-at-large are calling upon businesses to contribute to public interest goals like the green transition. Through the 2023 Horizontal Guidelines, the EU Commission has provided a framework for businesses to self-assess sustainability agreements at industry level. But is the Commission’s guidance operational, and does it help businesses strike the right balance between short-term consumer welfare and long-term public interest goals? With a case-study as starting point, table participants discuss whether the Commission’s guidance works in practice and how businesses can conclude sustainability agreements with as little antitrust risk as possible.

Moderator: **Sarah Beeston**, Van Doorne, Netherlands

Followed by plenary session with roundtable moderators

SATURDAY

PANELS

New powers of the competition authorities, challenges, risks

For many years, the antitrust toolbox has been fairly stable, harmonised and predictable. Recently, many national competition authorities have increasingly introduced new powers (new competition tools, merger call-ins, higher sanctions for companies and individuals). Authorities argue that they need these powers to address the new challenges posed by the modern digital economy. What are the lessons from countries that have already implemented the new powers? And what are the hopes of those still considering implementation? Will the new powers bring more enforcement or more uncertainty?

Moderator: **Robert Neruda**, HAVEL & PARTNERS, Czechia and Slovakia

Panelists:

- **Kamil Nejezchleb**, Vice-chairman of the Czech Competition Authority
- **Sara Lembo**, Bonelli, Italy
- **Johanna Kübler**, COMMEO, Germany
- **Stephen Whitfield**, Travers Smith, UK

DMA a year in: Lessons learned for national competition authorities and on-going investigations

The session will explore the views on the initial phase of enforcement as well as the lessons learned for competition authorities and their role in investigations. Cooperation and coordination of enforcement actions will be looked at: How has it been working so far and does it provide solid foundation for the DMA to work?

Moderator: **Elvira Aliende Rodriguez**, EU and Spanish competition lawyer

Panelists:

- **Ana Malheiro**, European Commission, Deputy Head of Unit, Platform Regulation and Digital Markets, DG CNECT
- **Yi Ling Ng**, RBB Economics, UK
- **Rita Barroca**, Sousa Ferro Asociados, Portugal