



## 2<sup>nd</sup> BRICS + Digital Competition Forum

16 - 17 November 2023

Rio de Janeiro, Praia de Botafogo 190 (FGV Law School) and via Zoom

### Detailed Agenda: Day 1

09-09.30

Welcome coffee

09.30-09.45

Welcome and introduction to the workshop

- **Sergio Guerra**, Dean, FGV Law School
- **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre

09.45-11.30

Opening speeches: reflecting on the Authorities Report and looking forward

Description: This session is aimed at taking stock of recent trends and initiatives in the enforcement of competition in digital markets in the BRICS.

Moderator: **Alexandre Cordeiro**, President, CADE

Speakers:

- **Ricardo Medeiros**, Deputy Chief Economist, CADE
- **Representative from FAS Russia**
- **Representative from Competition Commission of India**
- **Representative from State Administration for Market Regulation**
- **Representation from South African Competition Commission**

Commentators:

- **Rodrigo Luchinski, President** Comisión Nacional de Defensa de la Competencia
- **Mahmoud Momtaz**, President, Egyptian Competition Authority
- **Representative from Trade Competition and Consumer Protection Authority**
- **Representative from Iranian Competition Authority**
- **Representative from General Authority for Competition, Saudi Arabia**
- **Representative from Department of Competition of the Ministry of Economy, United Arab Emirates**

Academic commentators:

- **Eduardo Pontual**, Professor, Rio de Janeiro State University
- **Mark Patterson**, Professor, Fordham University Law School

Leading questions:

- What are the main achievements of the Report?
- What are the main developments since the presentation of the preliminary version of the Report at the BRICS+ Digital Competition Forum in November 2022?
- Is it possible to develop a harmonized approach to digital markets?
- Are there some low-hanging fruits in terms of cooperation opportunities?
- To what extent can we extend cooperation to BRICS+?
- What is the authority's vision in dealing with digital platforms?
- Should we put together a proposal for a session at ICN 2024 in Brazil?

11.30 Coffee Break

12-13.30

The Theory of EcoAntitrust

Moderator: **Barach Orbach**, Professor, University of Arizona Law School

Speakers:

- **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre
- **Elena Rovenskaya**, Director, International Institute for Advanced System Analysis
- **Tembikosi Bonakele**, Former Commissioner, South African Competition Commission
- **Kai Jia**, Associate Professor, University of Electronic Science and Technology of China
- **Marat Omarov**, Chairman, Competition Protection Agency Of Kazakhstan

Commentators:

- **Tim Wu**, Professor, Columbia University Law School
- **Denise Hearn**, Senior Fellow, American Economic Liberties Project
- **Ettore Lombardi**, Professor, University of Florence Law School

Leading questions:

- What are the main insights of the EcoAntitrust approach?
- Which markets are better suited for the application of EcoAntitrust?
- What institutional structure is required for the application of EcoAntitrust? Do we need new laws and/or authorities? Does it require changes in legal education?
- How can complexity science be harnessed to promote sustainability?

13.30 Lunch

15.00-17.00 Presentation of the merger cooperation framework

Moderator: **Carlos Ragazzo**, Professor, FGV Law School RJ

Speakers:

- **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre
- **Daria Kotova**, Researcher, BRICS Competition Law & Policy Centre

Commentators:

- **Caio Mario Pereira Neto da Silva**, Professor, FGV Law School São Paulo
- **Pablo Trevisan**, Partner, Estudio Trevisan
- **Dina Waked**, Professor, Associate Professor, Sciences Po Law School

17.00 Closing

20.00 Dinner (venue TBD)

### **Detailed Agenda: Day 1**

09:30 The Competition/Data Protection Interface: Insights Based on Country Reports

Moderator: **Nicolo Zingales**, Professor, FGV Law School RJ

Speakers:

- **Vikas Kathuria**, Associate Professor, BML Munjal University Law School
- **Camila Leite**, Legal officer, Brazilian Institute for Consumer Defense (IDEC)
- **Daria Kotova**, Researcher, BRICS Competition Centre,
- **Sizwe Snail**, Founding Partner, Snail Attorneys
- **Wei Wang**, Researcher, Honk Kong University Law School

Commentators:

- **Pablo Trevisan**, Partner, Estúdio Trevisan
- **Cory Doctorow**, Independent Writer and Board Member, Electronic Frontier Foundation
- **Juliana Domingues**, Attorney General, CADE

Leading questions:

- How are data protection concerns dealt with by competition authorities in the BRICS?
- What is the cooperation framework between competition and data protection authorities?
- Does the structure of the data protection law regime create competitive concerns?
- Can joint remedies help to achieve the goals of both frameworks?

11:00 Coffee Break

11:30-13.00

Exclusion, dependence and/or exploitation? Diverging approaches to ensure sustainability of digital platform conduct and value chains

Moderator: **Paulo Furquim**, Professor and Dean, INSPER Law School

Speakers:



- **John Newman**, Director, Federal Trade Commission
- **Marcela Mattiuzzo**, Partner, VCMA Advogados
- **Friso Bostoen**, Director, BRICS Competition Law & Policy Centre
- **Thomas Cheng**, Researcher, BRICS Competition Centre, INSPER Law School, South African Competition Commission
- **Carolina Saito**, Head of Unit, CADE
- **Konstantinos Stylianou**, Professor, University of Glasgow Law School

#### Leading Questions:

- Is exclusionary antitrust enforcement an effective tool to deal with certain digital platform conduct, such as scraping, data appropriation and price increase/quality degradation?
- Is the concert of abuse of economic dependence useful to deal with conducts that do not give rise to exclusion?
- What are/should be the standards for exploitative conduct in a non-price context?
- How to promote international harmonization around exploitative conduct enforcement?
- How to best conceptualize the division of tasks between exclusionary and exploitative conduct enforcement?

13:00 Lunch

14.00-15.30

#### Taking Ecosystem Remedies Seriously: The Promise of Coordinated Antitrust Action

Moderator: **Marat Omarov**, Chairman, Competition Authority of Kazakhstan

#### Speakers:

- **Caio Mario Da Silva Pereira Neto**, Director, Federal Trade Commission
- **Lilian Marques**, Chief Economist, CADE
- **Bruno Carballa Smichowski**, Policy Officer, European Research Centre
- **Maria Luisa Stasi**, Head of Law & Policy for Digital Markets, Article 19
- **Silvia Fagá**, Director, LCA Consultores ,

#### Leading questions:

- How to take into account the multi-market impact of certain conduct at the remedy design stage?
- What are the main cooperation challenges in the adoption of international remedies to digital platform conduct?
- How can authorities with different mandates cooperate when imposing remedies? Can guidelines be developed to promote interdisciplinary approaches?
- How should authorities address trade-offs between different objectives, and between different impacts across markets?

15:30 Coffee break

16.00-17.30



Ex ante framework: how to structure a regime that takes into account the specificities of the local ecosystem?

Moderator: **Patricia Sampaio**, Professor, FGV Law School RJ

Speakers:

- **Tim Wu**, Director, Federal Trade Commission
- **Jesper Van den Boom**, Postdoctoral Reseearcher, Tilburg University
- **Diogo Coutinho**, Professor, University of São Paulo Law School
- **Camila Pires**, Professor, Federal University of Rio de Janeiro School of Economics
- **Dina Waked**, Head of Law & Policy for Digital Markets, Article 19
- **Silvia Fagá**, Director, LCA Consultores

Leading questions:

- What are the main reasons behind the recent tendency to adopt ex ante frameworks to deal with digital platform conduct? To what extent is this justified?
- What should be the goals of these regulations, and the criteria to designate regulated entities?
- What efficiencies or other justifications should these frameworks recognize?
- How to ensure flexibility in these frameworks without undermining legal certainty?
- Can a transparency-focused regulation help in dealing with some of the most prominent concerns around digital platform conduct?

17:30 Farewell reception at Yoo2