List of speakers

Jean-François Bellis is a partner at Van Bael & Bellis in Brussels specialising in EC competition law

Prof. Massimo V. Benedettelli is a partner at Freshfields Bruckhaus Deringer in Milan and Professor of public and private international law at the University of Bari

André Bouquet works at the Legal Service of the European Commission, where he is dealing with the green paper on damages actions

Christopher J. Cook is a counsel at Cleary Gottlieb Steen & Hamilton LLP in Brussels, focusing on international competition and antitrust law

Jens Haubold is a lawyer at Thümmel, Schütze & Partner in Stuttgart and a research fellow at the Institute of Comparative and Private International Law of the University of Heidelberg

Prof. Catherine Kessedjian is Professor at the University of Panthéon-Assas (Paris II). She was Deputy Secretary General of the Hague Conference on Private International Law

Pascal de Moidrey is a corporate partner in the Paris office of Eversheds, *ECLA Foundation Sponsor*

Dr Hanns Peter Nehl is a legal secretary at the European Court of First Instance and a former DG Competition official with investigation experience

Dr Claudia Schmidt is an expert on European company law working as a legal secretary at the European Court of Justice, seconded from the European Commission

Michael Jürgen Werner is a partner at Norton Rose in Brussels in the competition, regulatory and EC practice specialising in EC competition law

Geert A. Zonnekeyn is an in-house counsel experienced in competition law

Contents

This conference is the first to :

- combine the pragmatism of an in-house lawyer association with the expertise of a first class European training institute;
- translate in-depth knowledge of recent EU developments into practical experience;
- focus on the shift in companies' decision-making processes due to Europeanisation of law and business;
- combine the various aspects of European law with which an in-house counsel is confronted.

The seminar will consist of three sessions. The first will be devoted to company law (company restructuring and cross-border transfer of the registered office). The second will deal with jurisdiction, recognition and enforcement of judgments. The third session will focus on current issues related to competition law (in particular anti-trust).

CPD

The event is recognised as a postgraduate course for the compulsory continuing professional development (CPD) of solicitors by the Law Society of England and Wales, London (course grade: S.U.R.).

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AEJE ECLA

European Company Lawyers Association
Association Européenne des Juristes d'Entreprise

ERA

EUROPÄISCHE RECHTSAKADEMIE
ACADEMY OF EUROPEAN LAW
ACADEMIE DE DROIT EUROPEEN
ACCADEMIA DI DIRITTO EUROPEO
TRIER - TREVES - TREVIRI

EUROPEAN FORUM FOR IN-HOUSE COUNSEL

Organisers:
Leyre Maiso, ERA
and
the European Company Lawyers Association
(ECLA/AEJE)

In co-operation with
the Bavarian Representation
to the European Union

Languages:
English, French
(simultaneous interpretation)

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with the support of the European Union

Brussels, 4-5 May 2006
The Bavarian Representation, Rue Wiertz 77, Brussels

Thursday, 4 May 2006

13:30 Arrival and registration of participants

14:00 **Welcome and introduction**

Jean-Philippe Rageade, Programme Director, ERA
Bengt Gustafson, President ECLA

I. European Company Law

Chair: *Bengt Gustafson*

14:15 **Corporate mobility: Can a company move anywhere in Europe?**

- ECJ case-law: *Centros, Überseering* and *Inspire Art*
- The proposed 14th company law directive on cross-border transfer of companies' registered offices
- What are the implications if the company does so (tax, legal personality, employment law...)?

Massimo Benedettelli

15:15 Discussion/Questions

15:30 **Cross-border mergers:**

- ECJ case-law: SEVIC
- The new 10th directive on cross-border mergers of limited liability companies
- How to merge companies active in more than one Member State yet too small to form a European company?

Pascal de Moidrey

16:30 Discussion/Questions

16:45 Coffee Break

17:15 **Round table discussion:**

- Competing or harmonising company law systems? What are the practical effects?
- What are the different practical implications between formally moving the registered office or just moving the *de facto* head office?
- What are the remaining difficulties for corporate mobility and cross-border mergers?
- What happens if the transfer or merger results in a loss or reduction of employee participation rights?

Chair: Claudia Schmidt
Massimo Benedettelli
Pascal de Moidrey

18:00 End of First Conference Day

19:30 Dinner offered by *Law Europe*

Friday, 5 May 2006

II. Private International Law

Chair: *Leyre Maiso, Course Director, ERA*

09:00 **The *Europeanisation* of private international law:**

- The relevant regulations and draft regulations (Brussels I, Rome I, Rome II) and what they bring
- When a dispute with a company from another Member State arises:
  - What is the venue for European cross-border disputes?
  - Which law is applicable in European cross-border disputes?

Catherine Kessedjian

09:45 Discussion/Questions

10:00 Coffee Break

10:30 **Workshop:** Case-study and analysis of clauses on the law applicable, competent jurisdiction in European cross-border situations, arbitration clauses, limitations of liability in contract and/or tort, etc.

Jens Haubold

12:00 Lunch

III. European Competition Law

Chair: *Jettie Van Caenegem, Secretary General, ECLA*

13:30 **Dawn raids and other investigations by the European Commission**

Christopher Cook
Hanns Peter Nehl

14:15 **Leniency programmes: benefits and risks from an EU perspective**

Geert Zonnekeyn

15:00 **The future:**

- **DG Competition's review of its position relating to abuse of dominant position**
- **Green paper on damages actions for breach of anti-trust rules**

Jean-François Bellis
André Bouquet

15:45 Coffee Break

16:15 **Transfer of technology – Salient features of the 2004 Block Exemption:**

- What's covered?
- Market-share thresholds
- Hardcore restrictions
- Need for self-assessment

Michael Jürgen Werner

17:00 **Round table discussion: The role of in-house counsel in competition matters**

Chair: *Jettie Van Caenegem*
Jean-François Bellis
Hanns Peter Nehl
Geert Zonnekeyn

17:45 End of seminar

Programme may be subject to amendment
For programme updates:
www.era.int