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Introduction

The OECD and CPI are pleased to host two competition law and economics roundtables in Paris, on Thursday, February 27th to discuss the following subjects:

- **Trade Agreements and Competition Policy**, moderated by Frédéric Jenny, chairman, OECD Competition Committee (10:00-12:30)
- **Consumers’ Data Rights and Competition Policy**, moderated by Pinar Akman, Professor of Law, University of Leeds (14:00-16:30)

These roundtables aim to provide a forum for global thought leaders in different fields of competition law and economics to discuss cutting edge and high-impact issues that are shaping policy and enforcement in the coming years. We have invited a select group of leaders from competition regulating agencies, law firms, consultancies, industry, and academia to discuss these two subjects under the Chatham House rule*.

In this document, you will find the logistics info, agenda, discussion topics and reading materials for both Roundtables.

**Roundtables logistics**

**Venue:** OECD building, Room CC2, Conference Centre. 2, rue André Pascal - 75775 Paris Cedex 16.

**Date:** February 27th, 2020, 10:00 - 12:30 (Roundtable 1) and 14:00 – 16:30 (Roundtable 2)

**CPI Contact information:**

- Elisa Ramundo, Sr. Managing Director, +39-339-592-7776
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**OECD Contact information (and Logistics in Paris)**


Please email with any last minute queries or changes to cpi-events@competitionpolicyinternational.com

**Important information:**

The OECD is monitoring closely the situation regarding the coronavirus (SARS-CoV-2). At this time, no international meetings at the OECD are cancelled, however, precautionary measures have been implemented to ensure the health and safety of all OECD conference participants. We regret that we are

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* “When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.”
currently unable to welcome any visitors who have travelled through China, Hong-Kong and Macau, within 15 days of their planned arrival at the OECD.

Please contact us without delay if this requirement renders you ineligible to participate. Should the current situation evolve or change in such a way to affect the OECD measures currently in place, we will ensure that you are informed through the email you used to register to this event.

Badges on arrival:

Please note that you will received a flash code directly in your email (please check your spam box), to show at the entrance on arrival (printing/mobile). Also, as security is reinforced, please bring your ID/passport with you to get your badge and pass the security.

Practical details on how to get to our premises OECD Conference Centre.
Conference Centre Plan:

We look forward to seeing you in Paris – OECD and CPI Team
# Agenda

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tr>
<td>9:30 – 10:00</td>
<td>Registration and welcome coffee</td>
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<td>10:00-12:30</td>
<td><strong>ROUNDTABLE ON TRADE AGREEMENTS AND COMPETITION POLICY</strong></td>
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<td>10:00-11:15</td>
<td><strong>Session 1:</strong> Systemic Questions</td>
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<td>11:15-12:30</td>
<td><strong>Session 2:</strong> Enforcement Bodies &amp; Actions</td>
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<td>12:30 - 14:00</td>
<td>Lunch at Room Okrent at the Château</td>
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<td>14:00-16:30</td>
<td><strong>ROUNDTABLE ON CONSUMERS’ DATA RIGHTS AND COMPETITION POLICY</strong></td>
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<td>14:00-15:15</td>
<td><strong>Session 1:</strong> Intersection Between Data Protection &amp; Competition</td>
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<td>15:15-16:30</td>
<td><strong>Session 2:</strong> Key Questions Around Data Portability</td>
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* Thanks to the [Computer and Communications Industry Association](https://www.computer.org) (CCIA) for their support.
Roundtable 1
Trade agreements and competition policy

General Information & Discussion Topics

Time: February 27th, 2020, 10:00 - 12:30

Venue: OECD building, Room CC2, Conference Centre. 2, rue André Pascal – 75775 Paris Cedex 16.

Moderator: Frédéric Jenny, Chairman, OECD Competition Committee

Discussion format:

The discussion will be structured into two sessions. Each session will be introduced briefly by one or more kick-off speaker(s) previously designated by the moderator. Discussion will follow from that introduction. To indicate their intention to speak, participants will stand their name placards on end and moderator shall call on them.

Chatham House Rule: “When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.”

Discussion Topics:

Free trade agreements (“FTAs”) not only concern tariffs, but also necessarily touch on areas of regulatory convergence so as to ensure a “level playing field” between economic players from each of their State parties. Competition law is no exception to this principle.

- **Systemic questions.** Most FTAs (up to 90% according to recent WTO statistics) include at least some competition-related provisions. But not all FTAs are consistent: some only address specifically merger rules, whereas others also encompass restrictive practices and abuse of dominance provisions. Is the international trading system, in the aggregate, taking sufficient account of the need to ensure competition compliance? Should FTAs, as a matter of principle, also contain specific rules on State Aids? The WTO system already incorporates a mechanism (via the ASCM) on the regulation of subsidies. Should trade negotiators prioritise the incorporation of State Aid regulation in the negotiation of FTAs? Is this necessarily approached on a case-by-case basis, or should international bodies (e.g., the WTO, the OECD or the ICN) provide more specific guidance or best practices in this regard?
- **Enforcement Bodies & Actions.** Are specific enforcement bodies needed to ensure compliance with competition-related provisions in FTAs? Most developed economies also have mature competition regimes, which in principle are open to foreign and domestic companies alike to raise complaints and concerns. Are dispute resolution mechanisms sufficient to resolve any concerns that may arise, or should negotiators consider “hard law” enforcement bodies.

### Reading Materials


- *Competition Policy within the Context of Free Trade Agreements*, François-Charles Laprévote, 17 October 2019, available [here](#).
Roundtable 2
Consumers’ Data Rights & Competition Policy

General Information & Discussion Topics

Time: February 27th, 2020, 14:00-16:30

Venue: OECD building, Room CC2, Conference Centre. 2, rue André Pascal – 75775 Paris Cedex 16.

Moderator: Pinar Akman, Professor of Law, University of Leeds

Discussion format:

The discussion will be structured into two sessions. Each session will be introduced briefly by one or more kick-off speaker(s) previously designated by the moderators. Discussion will follow from that introduction. To indicate their intention to speak, participants will stand their name placards on end and moderator shall call on them.

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Discussion Topics

The topic of “big data” has come under intense scrutiny in competition (and other) circles in recent months and years. This Roundtable will focus on aspects of intersection between data protection & competition and will try to address some of the key questions around data portability.

- Intersection Between Data Protection & Competition. Competition rules and data protection rules both seek to protect consumer interests, but nonetheless pursue specific aims. Competition rules seek to protect the process of rivalry between firms, and to protect the ability for new firms to enter and compete. This raises the prospect for potential conflict between data protection and competition enforcement.

- Key Questions Around Data Portability. Data portability has become of relevant consideration over the last years. The issue raises several questions such as “What is data portability? Which data should be portable? How privacy can be protected while portability is enabled? Who is responsible in case of misuse of data transferred?

* Thanks to the Computer and Communications Industry Association (CCIA) for their support.
Reading Materials


- Charting a Way Forward on Privacy and Data Portability, Erin Egan, 4 September 2019, available here.

- Data Transfer Project: Enabling Portability of Photos and Videos between Services, William Morland, 2 December 2019, available here.

- Search Engines and Data Retention: Implications for Privacy and Antitrust, Lesley Chiou & Catherine Tucker, September 2019, available here.


- Equality of Opportunity in Supervised Learning, Moritz Hardt et al., available here.