

**Organisation for Economic Co-operation and  
Development**

**&**

**Competition Policy International**

*presents*

**COMPETITION LAW & ECONOMICS  
ROUNDTABLES**

Paris, France, February 27<sup>th</sup>, 2020

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**Table of Contents**

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<b>Introduction .....</b>	<b>1</b>
<b>Roundtables logistics.....</b>	<b>1</b>
<b>Agenda.....</b>	<b>4</b>
<b>Roundtable 1 Trade agreements and competition policy .....</b>	<b>5</b>
General Information & Discussion Topics.....	5
Roundtable 1: Reading Materials.....	6
<b>Roundtable 2 Consumers' Data Rights &amp; Competition Policy .....</b>	<b>7</b>
General Information & Discussion Topics.....	7
Roundtable 2: Reading Materials.....	8

## Introduction

The OECD and CPI are pleased to host two competition law and economics roundtables in Paris, on Thursday, February 27<sup>th</sup> 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, Univeristy 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 logistincs 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 27<sup>th</sup>, 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)

- **Angelique Servin**, Project Co-ordinator, +33-6-60-67-63-85.

Please email with any last minute queries or changes to [cpi-events@competitionpolicyinternational.com](mailto: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.

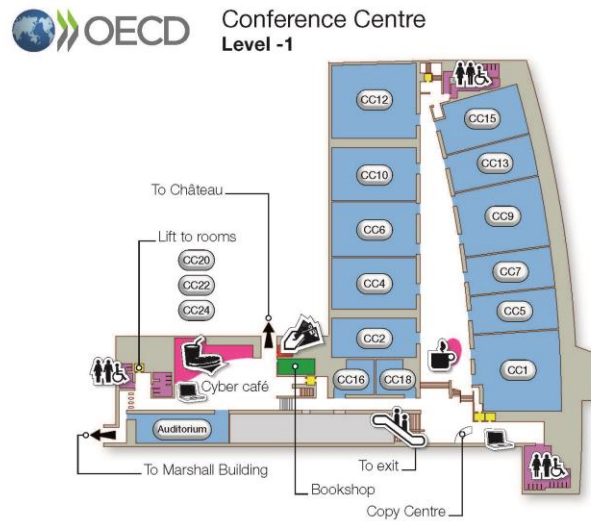
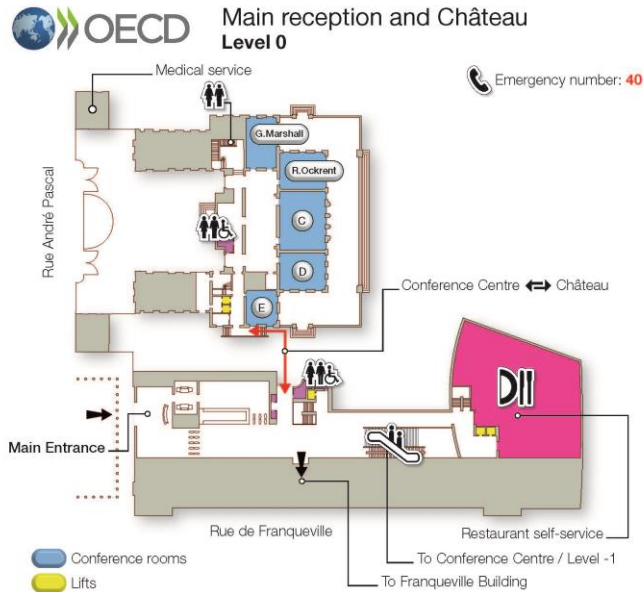
Please contact us without delay if this requirement renders you ineligible to participate. Should the current situation evolve or change in such a way to affect the OECD measures currently in place, we will ensure that you are informed through the email you used to register to this event.

**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

9:30 – 10:00	Registration and welcome coffee
10:00-12:30	<b>ROUNDTABLE ON TRADE AGREEMENTS AND COMPETITION POLICY</b>
10:00-11:15	<b>Session 1:</b> Systemic Questions
11:15-12:30	<b>Session 2:</b> Enforcement Bodies & Actions
12:30 - 14:00	Lunch at Room Okrent at the Château
14:00-16:30	<b>ROUNDTABLE ON CONSUMERS' DATA RIGHTS AND COMPETITION POLICY*</b>
14:00-15:15	<b>Session 1:</b> Intersection Between Data Protection & Competition
15:15-16:30	<b>Session 2:</b> Key Questions Around Data Portability

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\* Thanks to the [Computer and Communications Industry Association \(CCIA\)](#) for their support.

## Roundtable 1

### Trade agreements and competition policy

#### General Information & Discussion Topics

**Time:** February 27<sup>th</sup>, 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, Trade and the Global Economy: an Overview of Existing WTO Elements, Commitments in Regional Trade Agreements, Some Current Challenges and Issues for Reflection*, Robert D. Anderson, William E. Kovacic, Anna Caroline Müller and Nadezhda Sporysheva, 5 November 2019, available [here](#).
- *Competition Policy within the Context of Free Trade Agreements*, François-Charles Laprèvote, 17 October 2019, available [here](#).

## Roundtable 2

### Consumers' Data Rights & Competition Policy\*

#### General Information & Discussion Topics

**Time:** February 27<sup>th</sup>, 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?”

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\* Thanks to the [Computer and Communications Industry Association](#) (CCIA) for their support.



## Reading Materials

- *Data Protection and Competition Law: the Dawn of ‘Uberprotection’*, Gabriela Zanfir-Fortuna and Sînziana Ianc, 18 January 2019, available [here](#).
- *Data Accumulation and the Privacy-Antitrust Interface: Insights from the Facebook Case for the EU and the U.S.*, Giuseppe Colangelo and Mariateresa Maggiolino, 11 March 2019, available [here](#).
- *Personal Data Law and Competition Law – Where is it Heading?*, Robert Walters, Bruno Zeller and Leon Trakman, (2018) 39 European Competition Law Review, available [here](#).
- *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](#).
- *How Policymakers Can Foster Algorithmic Accountability*, Joshua New & Daniel Castro, Center for Data Innovation, 21 May 2018, available [here](#).
- *Accountable Algorithms*, Joshua Kroll, Joana Huey, Solon Barocas, et al., 165 U. PA. L. REV. 633, 2017, available [here](#).
- *Artificial Intelligence Policy: A Primer and Roadmap*, Ryan Calo, 51 U.C.D. L. REV. 399, 2017, available [here](#).
- *The Racist Algorithm?*, Anupam Chander, 115 MICH. L. REV. 1023, 2017, available [here](#).
- *Can Big Data Protect a Firm from Competition?*, Anja Lambrecht & Catherine Tucker, 18 December 2015, available [here](#).
- *Privacy Regulation and Market Structure*, James Campbell, Avi Goldfarb, & Catherine Tucker, 24 J. ECON. & MGMT. STRATEGY 47 (2015), 13 February 2015, available [here](#).
- *Equality of Opportunity in Supervised Learning*, Moritz Hardt et al., available [here](#).