



M&A: STRIKING A BALANCE BETWEEN INNOVATION AND COMPETITION

Melbourne, November 13, 2023



INTRODUCTION

CPI is proud to host a set of competition law and economics roundtables in Melbourne, on Monday, November 13, 2023.

CPI Roundtables provide a forum for global thought leaders in competition law and economics to discuss cutting-edge and high-impact issues that will shape policy and enforcement in the coming years. We are inviting a select group of antitrust leaders and experts to discuss various issues around the Digital Economy, Innovation, and Competition Law. Discussions will be carried out under the Chatham House Rule.*

In this document, you will find the agenda, discussion topics, and reading materials (both from CPI and other sources) for the event.

ROUNDTABLE LOGISTICS

Venue: Woodward Conference Center, Level 10, Melbourne Law School (185 Pelham Street Carlton).

Phone: +61 3 8344 5254

Date: November 13, 2023, 8:30-13:45

CONTACT INFORMATION

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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."

AGENDA & TOPICS

8:30 - 9:00	<i>Breakfast</i>
9:00 - 10:00	Fireside Chat with Marcus Bezzi, Chief Advisor, Competition Taskforce at the Commonwealth Treasury
10:00 - 10:15	<i>Coffee Break</i>
M&A: Striking a Balance Between Innovation and Competition (10:00 AM - 1:00 PM)	
10:15 - 11:30	Session 1: Merger control: Is the existing merger control regime fit to review Corporate Australia deals?
11:30 - 11:45	<i>Coffee Break</i>
11:45 - 13:00	Session 2: Merger Control & New Theories of Harm: Where is Australia going?
13:00 - 13:45	<i>Standing Lunch</i>

DISCUSSION FORMAT

The discussion will be structured into sessions. Each session will be introduced briefly by speakers initially designated by the moderator. Discussion will follow on from that introduction. To indicate their intention to speak, participants are asked to stand their name placards on end. The moderator will call on them in turn.

SELECTED READING LIST

I. M&A: STRIKING A BALANCE BETWEEN INNOVATION AND COMPETITION

SESSION 1

Merger control: Is the existing merger control regime fit to review Corporate Australia deals?

10:15 - 11:30

1. Larouche, de Stree, “Disruptive Innovation and Antitrust,” forthcoming *Antitrust Law Journal*, available [here](#).
2. CPI Antitrust Chronicle – Competition & Innovation (September 2023), available [here](#).
3. Ivaldi, Petit & Unekbas, “Killer Acquisitions: Evidence from EC Merger Cases in Digital Industries,” available [here](#).
4. Cristina Caffara, “‘How Tech Rolls’: Potential Competition and ‘Reverse’ Killer Acquisitions,” available [here](#).
5. Alan Riley, “Killer Acquisitions and Article 22: A Step Too Far?” *Kluwer Competition Law Blog*, available [here](#).
6. OECD, *Theories Of Harm For Digital Mergers*, available [here](#).

SESSION 2

Merger Control & New Theories of Harm: Where is Australia going?

11:45 - 13:00

1. Anna Tzanaki, “Dynamic Challenges to Market Definition and Market Power Evaluation in Antitrust Cases: The Long Road Ahead,” in *Network Law Review - DCI Symposium, Summer 2023*, available [here](#).
2. Amil Jagarguliyev, “Capturing Killer Acquisitions in Digital Markets under the European Union Merger Control Rules,” available [here](#).
3. Nicholas Levy, Henry Mostyn & Bianca Buzatu, “Reforming EU Merger Control to Capture ‘Killer Acquisitions’ – The Case for Caution,” in *Competition Law Journal* Volume 19 Issue 2 (2020), available [here](#).
4. Jonathan Barnett, “‘Killer Acquisitions’ Reexamined: Economic Hyperbole in the Age of Populist Antitrust,” available [here](#).
5. Woodward, Delgado, Blosser, “International Outcomes of Venture-Funded Companies: The Role of Acquisitions,” working paper 2023, available [here](#).
6. Wu & Hemphill, “Nascent Competitors” in *University of Pennsylvania Law Review* Volume 168: 1879 (2020), available [here](#).
7. CPI Antitrust Chronicle – Economics of Potential Competition (February 2022), available [here](#).

