

## 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

09.30-10.00 Welcome Coffee

10.00 – 10.10 Welcome and introduction to the Forum

- **Rodrigo Viana**, Head of International Relations, FGV Law School Rio de Janeiro
- **Nicolo Zingales**, Professor, FGV Law School Rio de Janeiro
- **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre

10.10 – 10.15 Signing of Memorandum of Intent between the BRICS Competition Law and Policy Centre and the Centre for Technology and Society, FGV

- **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre
- **Luca Belli**, Coordinator, Centre for Technology and Society, FGV Law School Rio de Janeiro

10.15 – 12.00 Session 1

Meeting of the BRICS Working Group on the Digital Economy

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

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

Speakers:

- **Nicolo Zingales**, Professor, FGV Law School Rio de Janeiro
- **Ricardo Medeiros**, Deputy Chief Economist, CADE
- **Hardin Ratshisusu**, Deputy Commissioner, Competition Commission of South Africa
- **Daria Tsyganova**, FAS Russia
- **Ms. Jyoti Jindgar Bhanot**, Advisor, CCI (online)
- **Ma Zongxu**, Vice Director, Office of Merger Review in Digital Economy, Second Department of Anti-Monopoly Enforcement, SAMR (online)
- **Catalina Aldama**, National Director of Competition Promotion, Comisión Nacional de Defensa de la Competencia (online)
- **Mahmoud Momtaz**, President, Egyptian Competition Authority (online)
- **Iman Cheratian**, Iranian Competition Authority (online)

Academic commentator:

- **Eduardo Pontual**, Professor, Rio de Janeiro State University, Department of Economics

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?

12.00 – 13.30 Lunch

13.30 – 15.30 Session 2

Presentation of the Merger Cooperation Framework

Description: This session includes a presentation of the research report on the BRICS cooperation framework in mergers review by the BRICS Competition Law and Policy Centre, and collect inputs by participants on the future of merger cooperation enforcement.

- Moderator: **Alexandre Barreto**, General Superintendent, CADE

Speakers:

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

Commentators:

- **Alexandre Cordeiro**, President, CADE
- **Alexandre Barreto**, General Superintendent, CADE
- **Victor Fernandes**, Commissioner, CADE
- **Gustavo Augusto Freitas de Lima**, Commissioner, CADE
- **Hardin Ratshisusu**, Deputy Commissioner, Competition Commission of South Africa
- **Daria Tsyganova**, FAS Russia
- **Ms. Jyoti Jindgar Bhanot**, Advisor, CCI (online)
- **Caio Mario Pereira Neto da Silva**, Professor, FGV Law School São Paulo
- **Dina Waked**, Associate Professor, Sciences Po Law School (online)
- **Vincente Bagnoli**, Professor, Mc Kenzie Law School São Paulo (online)
- **Eduardo Gaban**, Director, Brazilian Institute for Competition and Innovation (online)
- **Lucas Trevisani**, Director of Competition Promotion, Comisión Nacional de Defensa de la Competencia (online)
- **Mahmoud Momtaz**, President, Egyptian Competition Authority (online)

Leading questions:

- What is the state of the art in the BRICS cooperation framework concerning mergers?
- What are the main obstacles that the BRICS competition agencies face in their cooperation on global mergers review?
- How efficient is the current cooperation framework to deal with challenges posed by ecosystem mergers and megamergers that are filed globally?

- What are the solutions and ways to enhance the existing cooperation regime? How to make it adaptive to the current and future complexities of the global economy?

15.30 – 16.00 Coffee break

16:00-17:30 Session 3 (Roundtable)

Taking Ecosystem Remedies Seriously: The Promise of Coordinated Antitrust Action

Description: This session aims for a discussion on the efficiency and relevance of remedies most often applied in ecosystem cases.

Moderator: **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre and **Nicolo Zingales**, Professor, FGV Law School Rio de Janeiro

Speakers:

- **Alexandre Barreto**, General Superintendent, CADE
- **Lilian Marques**, Chief Economist, CADE
- **Caio Mario Da Silva Pereira Neto**, Professor, Fundação Getulio Vargas Law School, São Paulo
- **Bruno Renzetti**, Professor of Law, INSPER Law School
- **Silvia Fagá**, Director, LCA Consultores
- **Svetlana Golovanova**, Associate Professor, National Research University, Higher School of Economics
- **Camila Leite**, Legal Officer, Brazilian Institute for Consumer Defence (IDEC)

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?

17.30 Closing

20.00 Dinner (venue TBD)

## Detailed Agenda: Day 2

09.30 – 10.30 Closed meeting of the BRICS Working Group on the Digital Economy

10.30 – 11.00 Welcome coffee

11.00 – 12.30 Session 4 (Roundtable)

Exclusion, Dependence and/or Exploitation? Diverging Approaches to Ensure Sustainability of Digital Platform Conduct

Description: This session reflects on the relevance of the current theories of harm applicable to digital platforms.

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

- **Friso Bostoen**, Assistant Professor, Tilburg Law School
- **Victor Fernandes**, Commissioner, CADE
- **Marcela Mattiuzzo**, Partner, VCMA Advogados (online)
- **Konstantinos Stylianou**, Professor, University of Glasgow Law School (online)
- **Bruno Carballa Smichowski**, Policy Officer, Joint Research Centre, European Commission (online)
- **Michel Souza**, Legal Officer, Derechos Digitales (online)
- **Rafael Zanatta**, Director, Data Privacy Brasil (online)

Leading Questions:

- Is exclusionary antitrust enforcement an effective tool to deal with certain digital platform conduct, such as scraping, data appropriation and quality degradation?
- Is the concept 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?

12.30 – 13.30 Lunch

13.30 – 15.00 Session 5 (Roundtable)

Digitalization and Financialization of the Food Value Chain: The Challenge to Sustain Resilience

Description: This session looks at the effects from digitalization and financialization in the global food value chains and disruptions they cause both for producers and consumers.

- Moderator: **Hardin Ratshisusu**, Deputy Commissioner, South African Competition Commission

Speakers:

- **Alexey Ivanov**, Director, BRICS Competition Law & Policy Centre
- **Victor Fernandes**, Commissioner, CADE
- **Carolina Saito**, Head of Unit, CADE
- **Claudio Lombardi**, Senior Lecturer, University of Aberdeen Law School
- **Paulo Furquim**, Professor and Dean, INSPER Law School
- **Dina Waked**, Associate Professor, Sciences Po Law School (online)
- **Guilherme Fowler**, Professor, INSPER School of Economics (online)

Leading questions:

- How have digitalization and financialization changed the global food value chain? Who are the winners and the losers?
- What is the role of competition authorities in preserving food security against this backdrop?
- Is the global food value chain framework still relevant for the analysis of competition in the food & agriculture markets and how can it be further developed?
- What is the role of sustainability considerations in competition analysis of the global food value chain?

15.00 – 15.30 Coffee break

15.30 – 17.00 Session 6 (Roundtable)

Ex ante framework: How to Structure a Regime that Takes Into Account the Specificities of the Local Ecosystem?

Description: This session continues the on-going global discussion on the appropriateness and long-term efficiency of the *ex-ante* regime for digital markets.

Moderator: **Patricia Sampaio**, Professor, FGV Law School Rio de Janeiro

Speakers:

- **Friso Bostoen**, Assistant Professor, Tilburg Law School
- **Nicolo Zingales**, Professor, FGV Law School Rio de Janeiro Law School
- **Gabriel Tajra**, Associate, Advocacia Del Chiaro
- **Marcos Lyra**, Professor, Federal University Fluminense Department of Economics
- **Silvia Fagá**, Director, LCA Consultores
- **Victor Fernandes**, Commissioner, CADE
- **Vinicius Klein**, Professor, Federal University of Paraná Law School (online)
- **Juliano Maranhão**, Professor, University of São Paulo Law School (online)

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?

17.00 Farewell reception