

The logo features the name 'Heinrich Heine' in a blue, cursive script font, positioned above a light gray rectangular background.

HEINRICH HEINE  
UNIVERSITÄT DÜSSELDORF

# 14<sup>TH</sup> SUMMER SCHOOL ON EUROPEAN BUSINESS LAW

JULY 16-27, 2017

HEINRICH HEINE UNIVERSITY DUESSELDORF  
CENTER FOR BUSINESS AND CORPORATE LAW

**CBC**  
Center for Business  
and Corporate Law

## DEAR PARTICIPANTS

We are pleased to welcome you to the 14th Summer School on European Business Law at the Center for Business and Corporate Law at the Heinrich Heine University in Düsseldorf.

With significant scientific support from our joint partners, the Interdisciplinary Center Herzliya (Israel) and the University of Tilburg (The Netherlands), you will be part of an intensive program on European and International Business Law, conducted by experienced speakers from academia and the legal practice.

The comprehensive curriculum on European and International Business Law enables you to expand your knowledge of Business Law in an interdisciplinary and European context. It is also a unique opportunity to improve your professional and scientific skills in the areas of Corporate, Restructuring and Competition.

Apart from the academic experience, you have the unique opportunity to network with law firm representatives, academics and a group of highly qualified participants from all over the world. These cultural and social opportunities will also enrich your stay at the Summer School, Heinrich Heine University and Düsseldorf.

Enjoy your experience!

Best wishes,

Prof. Dr. Ulrich Noack

–CBC Director –

Prof. Dr. Christian Kersting, LL.M. (Yale)

– CBC Director –

Institut für  
Insolvenz- und  
Sanierungsrecht

**ISR**

**CBC**  
Center for Business  
and Corporate Law

**IKartR**  
Institut für Kartellrecht

**IDC  
HERZLIYA**

**TILBURG UNIVERSITY**  
Law School

# Program Schedule

1st Week	Corporate				Restructuring
	Monday July 16, 2018	Tuesday July 17, 2018	Wednesday July 18, 2018	Thursday July 19, 2018	Friday July 20, 2018
10:00	Welcome  Introduction to European Law (Riedel)	Shareholder Activism (Schmitz)	European Corporate Law II (Kersting)	Compliance and Criminal Investigation (Grabensee)	Introduction to Insolvency Law (Andres)
<b>Lunch Break</b>					
13:00	European Corporate Law I (Beurskens)	Economic Analysis of Corporate Law (Beurskens)	Impact of Brexit on UK limited companies (Kraft)	Legal Tech in Business Law I (Vermeulen)	What is an Insolvency Proceeding? (Fischer)
15:00	Responsibility and Liability of Board Members (Jungmann)		EU General Data Protection Regulation (Boewe)	Legal Tech in Business Law II (Vermeulen)	Business fundamentals of insolvency (N.N.)
17:30		<b>Special*</b> Takeover (Schiessl)			

2nd Week	Restructuring	Competition			
	Monday July 23, 2018	Tuesday July 24, 2018	Wednesday July 25, 2018	Thursday July 26, 2018	Friday July 27, 2018
10:00	International and European Insolvency Law (Minuth)	European Competition Law (Meyer-Lindemann)	Public Antitrust Enforcement (Wissmann)	Competition Economics (Haucap)	Public Procurement I (Seidman)
<b>Lunch Break</b>					
13:00	Cross-border insolvency (Degenhardt)	Art. 101 and 102 AEUV (Velte)	Private Antitrust Enforcement (Klumpe)	Antitrust Law and Industry 4.0 (Sura)	Public Procurement II (Seidman)
15:00	Reorganisation and restructuring (Möhlenkamp)	Merger Control (Witting)	UK Competition Law after Brexit (Rodger) [Start at 16.00!]	IP and Antitrust Law (Malec)	Certificate Ceremony
17:30	<b>Special*</b> Restructuring (Möhlenkamp)			<b>Special*</b> Arbitration (Kessler)	

\* This event includes a get-together outside the regular venue.

# Program Schedule

## Christian G.H. Riedel



Christian G. H. Riedel is a research assistant for Professor Charlotte Kreuter-Kirchhof, who holds the Chair of German and Foreign Public Law, European Law and Public International Law at Heinrich Heine University in Düsseldorf. His doctoral thesis under the supervision of Professor Mehrdad Payandeh (Bucerius Law School Hamburg) focusses on the fundamental rights jurisprudence of the Court of Justice of the European Union (CJEU) after the entry into force of the Treaty of Lisbon. In 2017, Christian G. H. Riedel did an internship in the cabinet of Advocate General Professor Juliane Kokott and was a visiting researcher at the University of Luxemburg. Therefore, he is specialized in all questions concerning European Union Law and German public law.

At Heinrich Heine University in Düsseldorf and at the University of Cergy-Pontoise (France) he gives lectures on the jurisprudence of the CJEU, fundamental rights and constitutional law.

**Monday (July 16, 2018), 10:00**

**Introduction to European Law**

# Program Schedule

Prof. Dr. Michael Beurskens,  
LL.M. (Chicago), LL.M. (IP)



Michael Beurskens holds the Chair of Civil Law, German, European and International Business Law at the University of Passau. After his First (2000) and Second State Examination (2003), he received LL.M.-titles in Intellectual Property Law in Düsseldorf (2004) and in US-Law at the University of Chicago (2005). He passed the New York Bar Exam in 2005 and received his doctorate degree for a thesis on Securities Law in May 2007. His postdoctoral thesis addressed digital self-help, a topic at the intersection of intellectual property, contracts and antitrust. Michael Beurskens previously held a Chair for Civil Law at the University of Bonn and worked at the Center for Business and Corporate Law in Düsseldorf.

**Monday (July 16, 2018), 13:00**

**and**

**Tuesday (July 17, 2018), 13.00**

**European Corporate Law**

**Economic Analysis of Corporate Law**

# Program Schedule

Dr. Carsten Jungmann,  
LL.M. (Yale), M.Sc. (Leicester)



Dr. Carsten Jungmann is Program Director at Bucerius Law School (Hamburg). He is member of the steering committee of the Bucerius Master program and coordinates the Diploma in Business Law Program at WHU - Otto Beisheim School of Management. In addition, he is Director Corporate & Structure of the BIRKENSTOCK Group and also practices as a lawyer and business mediator. Finally, he is a certified compliance officer.

Dr. Jungmann studied at the universities of Edinburgh and Bonn, where he was also employed at the Institute for Commercial and Business Law and completed his doctoral degree. Furthermore, he has obtained both, a Master of Laws from Yale Law School (USA) and a Master of Science in Finance from the University of Leicester (UK). Dr. Jungmann spent a year as an academic visitor at the London School of Economics and Political Science and was a visiting faculty member at the University of Surrey (UK) and at the Ludwig-Maximilians-University of Munich. He teaches various corporate and banking law related topics in the Bucerius Master in Law and Business Program, in the Master of Laws in Cross Cultural Business Practice Program of the Université de Fribourg (Switzerland), at the University of Luxembourg and in the Master of Auditing program of Leuphana University (Lüneburg).

**Monday (July 16, 2018), 15:00**

## **Responsibility and Liability of Board Members**

The management board is responsible for running the stock corporation and for its representation to third parties. In addition, it sets up long term goals and guidelines. Other functions of the management board are bookkeeping and the presentation of the annual accounts and reports to the general meetings that it is required to convene. The board members also have the power to represent the company in court proceedings. The members of the management board are appointed by the supervisory board for a renewable period of up to five years. Dismissal is restricted to severe reasons of gross breach of duty or incapacity and can only be effected by the supervisory board. The management board's actions in running the company's business are constrained by various statutory duties, especially by the duty of care and the duty of loyalty. Board members will be held liable for any violation of these duties. Sec. 93 of the German Stock Corporation Act contains, inter alia, the rule that the members of the management board are liable for damages that the company suffers as a result of their breach of duty. The general purpose of this rule is to protect the company's funds. What a breach of duty is and in which cases such a breach leads to the liability of a board member, however, are questions that are difficult to answer.

### Readings:

- Jungmann, Responsibility and Liability of Board Members

# Program Schedule

Dr. Winfried F. Schmitz,  
M.C.J. (NYU)



Winfried F. Schmitz is a lawyer with more than 25 years of experience. His main areas of expertise are corporate acquisitions (among others M&A and Joint Ventures) and finance law with an emphasis on cross-border matters. Dr. Schmitz is admitted as a practicing lawyer in two different legal systems, namely as Rechtsanwalt in Germany and as Attorney at Law in the USA (New York and Connecticut). He is the founder of SCHMITZ Law Offices in New York City. Before returning to New York City for family reasons in 2009, he practiced more than 20 years in Germany. He gained professional experiences as a partner of a leading international law firm of what is today HoganLovells in Germany (1989-2002). He enjoyed running the corporate boutique of SCHMITZ Rechtsanwälte in Düsseldorf (2002-2007). In his early days as a practicing lawyer, Dr. Schmitz received his training and experience among others with Wilmer, Cutler & Pickering in London and Washington, D.C. as Referendar (1984) and Skadden, Arps, Slate, Meagher & Flom in New York City as an associate (1987 and 1988). Before practicing law, Dr. Schmitz was Research Fellow with the Max-Planck-Institute of Comparative and International Private Law in Hamburg. Besides law, Dr. Schmitz studied Political Science. He is Chairman of FONDATIONE SCHMITZ and active in public interests work. Dr. Schmitz is special lecturer at Heinrich Heine University Düsseldorf for the laws of M & A and Joint Ventures since 2002 and has published extensively in these fields.

**Tuesday (July 17, 2018), 10:00**

## Cases on Shareholder Activism

### Readings:

- European Corporate Governance Institute, Topic-Page “Shareholder Activism”, see <http://www.ecgi.org/activism/>.
- Becht/Franks/Grant, Hedge Fund Activism in Europe, ECGI-Finance Working Paper No. 283/2010, <http://ssrn.com/abstract=1616340>.

# Program Schedule

Dr. Maximilian Schiessl,  
LL.M. (Harvard)



Maximilian Schiessl has been a partner at Hengeler Mueller, Düsseldorf since 1991 and is one of the leading German transaction lawyers. He studied law at the University of Munich (Dr. iur.) and Harvard Law School (LL.M.). He was admitted to the German Bar in 1986. Max was Chairman of the Committee 'Corporate and M & A' of the International Bar Association (1998 – 2002) and of the Capital Markets Forum (2002 – 2004). His practice areas include Mergers & Acquisitions, Private Equity and Corporate. Public M&A deals include Daimler/Chrysler, Linde/Praxair, Deutsche Telekom/Voicestream, Vodafone/Kabel Deutschland and Bayer/Schering. Max teaches in the field of corporate and securities law at Heinrich Heine University's Faculty of Law.

**Tuesday (July 17, 2018), 17:30**

## **Case Study on Takeovers**

### Readings:

- Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids (Text with EEA relevance), OJ L 142, 30.04.2004 (Takeover Directive).

### Following the lecture:

Reception hosted by Hengeler Mueller

### Directions:

Hengeler Mueller Partnerschaft von Rechtsanwälten mbB  
Benrather Strasse 18-20  
40213 Düsseldorf

# Program Schedule

Prof. Dr. Christian Kersting,  
LL.M. (Yale)



Prof. Dr. Christian Kersting, LL.M. (Yale) holds the Chair of Private Law, German and International Corporate, Business and Antitrust Law at Heinrich-Heine University Düsseldorf. After studying at the Universities of Bonn, Geneva, Lausanne and Yale (first state exam 1997, Dr. iur. 2000, second state exam 2001 and LL.M. 2002) he gained his post-doctoral qualification (“Habilitation”) at the Ludwig-Maximilians University Munich in 2006. Besides, Prof. Kersting studied economics at the Distance Teaching University Hagen (prediploma 1997). He is a former senior research fellow of the Max-Planck-Institute for Intellectual Property, Competition and Tax Law and has been teaching at Heinrich-Heine University Düsseldorf since 2007. He is Director of the Law Faculty’s Institutes for Competition Law, Business & Corporate Law, Tax Law and Insolvency Law.

**Wednesday (July 18, 2018), 10:00**

**European Corporate Law II**

# Program Schedule

Dr. Julia Kraft,  
LL.M. (KU Leuven)



Julia Kraft studied law at the University of Passau, the Université de Genève/Switzerland and the LMU Munich. Furthermore, she completed the LL.M. programme of the KU Leuven/Belgium. In 2005, she obtained her doctorate with a work on European company law at the University of Bayreuth. At present, she works as a postdoctoral researcher at the Heinrich Heine University Düsseldorf. Before her scientific activity, she acted as a civil court judge and a public prosecutor (Department for Economic Crime and Fight Against Corruption) and as a specialist advisor in the Federal Ministry of Justice and Consumer Protection (Department for European Company Law, Group and Conversion Law).

**Wednesday (July 18, 2018), 13:00**

**Impact of Brexit on UK limited companies**

# Program Schedule

## Dr. Marius Boewe



Dr. Marius Boewe, Rechtsanwalt, is a counsel in the Düsseldorf office of Herbert Smith Freehills and a member of the firm's Competition, Regulation and Trade practice. With more than 15 years of experience in the fields of regulatory and public law as well as a focus on environmental and energy law, he advises German and international clients on a diverse range of regulatory topics. He has advised his clients on data protection issues for several years and is currently helping enterprises to become GDPR compliant. Prior to joining Herbert Smith Freehills in 2016, he worked for other leading international law firms in Cologne and Düsseldorf. Marius is a lecturer at the University of Düsseldorf and regularly publishes contributions to several fields of public law.

His lecture on the EU General Data Protection Regulation will give an overview and first insight into this important topic and will create awareness of data protection issues and individual rights.

**Wednesday (July 18, 2018), 15:00**

**EU General Protection Regulation**

# Program Schedule

Philipp Grabensee,  
M.A. (criminalistic)



Philipp Grabensee has over 20 years of courtroom experience as a criminal defense attorney. He is a partner at SHSG Rechtsanwälte und Fachanwälte for Strafrecht. Philipp served on several boards and is Co-Founder and deputy chairman of Afilius PLC, Dublin. On the interface between criminal compliance and entrepreneurial activity internal investigations are an integral part of SHSG's focus. Phil holds a Master in Criminal Science from the School of Risk and Compliance, Steinbeisshochschule Berlin and studied law at Freie Universität Berlin and at Universität Bonn.

**Thursday (July 19, 2018), 10:00**

**Compliance and Criminal Investigation**

# Program Schedule

## Prof. Dr. Erik P.M. Vermeulen



Erik P.M. Vermeulen is Professor of Business and Financial Law at Tilburg University and Tilburg Law and Economics Center (TILEC) as well as Head of Governance of Philips Lighting. Much of his current research focuses on the life cycle of a company - from idea to fully mature company, the sources of capital available at each stage of a company's development, and the role of corporate governance in encouraging innovation and maintaining an entrepreneurial spirit across a company's life cycle. In the context of the corporate life cycle, he also examines international trends and developments in the area of company law and securities regulations. Furthermore, his research focuses on financial markets, innovation policies and ecosystems. He is a frequent speaker on these topics and has published extensively in top journals and books. In 2006, he became the Director of the International Business Law LLM Program at Tilburg University. He teaches courses on corporate governance, venture capital, entrepreneurship, joint ventures and company law. He frequently lectures on these and other topics at universities in various countries around the world. He also serves as a Vice President at the legal department of Philips. He advises on corporate law, corporate venturing, international joint ventures and mergers and acquisitions. In addition, he has served as an expert advisor to numerous organizations, such as the European Commission, the Organisation for Economic Co-operation and Development (OECD), the World Bank, the International Finance Corporation, the Dutch Development Finance Institution, the United Nations Commission on International Trade Law (UNCITRAL) and several national and local governments around the world, concerning innovation, financial and venture capital markets, corporate law, and corporate governance of listed and non-listed companies.

**Thursday (July 19, 2018), 13:00 and 15:00**

**Legal Tech in Business Law I + II**

# Program Schedule

## Dr. Dirk Andres



Dr. Dirk Andres is a specialist solicitor for insolvency law and partner of the law firm AndresPartner. He is appointed insolvency administrator by numerous insolvency courts in North Rhine Westphalia. In addition, he supports companies, managing directors, shareholders and creditors in all issues of corporate restructuring. Andres regularly publishes on insolvency law issues and co-publishes a commentary on the insolvency code for C.H. Beck. He is also a member of the Advisory Board of the Institute for Bankruptcy and Restructuring Law at Heinrich Heine University Düsseldorf. He is a member of Gravenbrucher Kreis, the association of the leading insolvency administrators and restructuring experts in Germany, as well as of Forum 270 focussing on quality and responsibility of self-administrated restructuring (Eigenverwaltung). The renowned JUVE publishing house lists him in its handbook 2017/2018 to the leading names in insolvency administration.

AndresPartner, Rechtsanwälte & Steuerberater, Insolvenzverwaltung & Restrukturierung, Partnerschaft mbB is one of Germany's leading restructuring and insolvency firms and specialises in handling insolvency proceedings, insolvency-related consulting and company restructuring. Together with qualified partners, the firm assists companies in crisis with financial and performance restructuring.

**Friday (July 20, 2018), 10:00**

**Introduction to Insolvency Law**

# Program Schedule

## Angela Fischer

Since 1997 Angela Fischer is working in economic law at the local court of Düsseldorf/Germany. Half of her work concerns insolvency law to which belong small and big cases of cooperate insolvencies as well as consumer insolvencies. With the second half of her working capacity she works on civil law. Most of the civil cases are in copyright-law.

Since 7 years she is member of the institute of International Exchange of Experience on Insolvency Law (IEEI) which is established at the chair of insolvency law at the University of Cologne. She is also part of the advisory council of the Institute of insolvency and reorganization law at Heinrich-Heine-University, Düsseldorf.

Furthermore she checks accountants in economic law in a written and oral exam who are going to be auditors.

She is married and has 2 grown-up daughters.

**Friday (July 20, 2018), 13:00**

**What is an Insolvency Proceeding?**

# Program Schedule

N.N.

To be described.

**Friday (July 20, 2018), 15:00**

**Business Fundamentals of Insolvency**

# Program Schedule

Dr. Peter Minuth,  
M.A. Econ (USA)



Peter Minuth is partner at Piepenburg-Gerling since 2003. He regularly gets appointed as insolvency administrator, trustee and custodian. Peter worked in numerous prominent insolvency cases which have been discussed all over Germany. In reorganization matters, he took over management positions such as Director in the Supervisory Board.

Following his training at the German Alpine Troops Minuth became a reserve officer. Then he studied law and economics in Germany (Universität Bayreuth). After his First Legal State Exam in 1993 he studied and graduated from the University of Delaware in Newark, DE (USA) with a M.A. in Economics. His PhD-thesis in law (Heinrich-Heine-Universität Düsseldorf, Westfälische Wilhelms-Universität Münster) analyzed the influence of German law on the U.C.C. During his PhD-studies, he spent a research-term at the University of Chicago, IL (USA).

Besides lectures and various presentations, Peter published several articles as e.g. in the “Handbuch Restrukturierung in der Insolvenz”. He has lately been appointed to lecture International and European Insolvency Law at the Heinrich-Heine-Universität Düsseldorf.

He is a member of the DeutschenAnwaltVerein (DAV) and of the Arbeitsgemeinschaft für Insolvenzrecht und Sanierung in the DAV.

**Monday (July 23, 2018), 10:00**

**International and European Insolvency Law**

# Program Schedule

J. Ernst Degenhardt,  
MJur. (Oxford)



J. Ernst Degenhardt is Counsel at White & Case LLP. He is admitted as attorney in Germany (Rechtsanwalt), France (Avocat au Barreau de Paris) and England (Solicitor in England and Wales) and specializes in insolvency and restructuring law – both under German and French law.

He advises banks, funds and companies in connection with corporate insolvencies as well as distressed loans. In addition, J. Ernst Degenhardt counsels insolvency administrators on cross-border insolvency issues, complex (project) financing agreements and shareholder loans. Within these practice areas, J. Ernst Degenhardt, who is admitted to the bar in Germany, England and Wales and France, particularly focuses on advising German clients on issues specific to France and French clients on their business activities in Germany.

He has studied and worked several years in England and Paris where he graduated from the Universities of Oxford, Paris X and Paris II. Prior to joining White & Case in 2000, he has worked in the Paris office of the French-German business law firm Cabinet Storp & Associés in 1993 and 1995.

From February to September 2006, Mr. Degenhardt was seconded to the European Investment Bank in Luxembourg and was responsible for complex international project financings and restructuring issues. From January to December 2007, Mr. Degenhardt worked in the London office of White & Case LLP.

Prior to joining the Düsseldorf office of White & Case in 2000, Mr. Degenhardt was a lecturer for business French at the University of Duisburg (1991-1993) and taught private law as a visiting lecturer at the Universities of Cologne, Bonn and Düsseldorf (1996-1999) and at the Academy for Administration and Economics at Düsseldorf (1999).

Ernst is a member of a number of professional associations, including the Cologne Working Group for Insolvency Matters and the French Institute of Insolvency Practitioners (Institut Français des Praticiens des Procédures Collectives - IFPPC). He is also a member of the Lady Margaret Hall, Oxford, Law Society, Oxford Business Alumni (OBA) and of the Oxford University Society of Paris.

Mr. Degenhardt is the author of numerous publications on French, German and European insolvency law.

**Monday (July 23, 2018), 13:00**

**Cross-border insolvency**

# Program Schedule

Dr. Andreas Möhlenkamp,  
LL.M. corp. restruc.



Andreas Möhlenkamp is a Lawyer in Duisburg/Essen and Co-owner of Dr. Möhlenkamp & Cie. Unternehmensberatung GmbH, Essen. He practices insolvency law and the restructuring of companies. Andreas studied in Münster and Paris. He received a Doctorate Degree in Münster and a Master-Degree at the University of Heidelberg. He started his career as a judge at the LG Köln (District Court) and worked as Expert of Competition Law for the Federation of German Industries (BDI). For more than 10 years Andreas Möhlenkamp was Director of an Industry Federation. Before specialising in restructuring in his own firm, Andreas was Director of a restructuring company affiliated to an insolvency law firm.

**Monday (July 23, 2018), 15:00**

**and**

**Special: case study Restructuring at 17.30**

**Reorganisation and Restructuring**

**Readings:**

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU v. 22.11.2016, COM (2016) 0723 – C8-0475/2016 – 2016/0359 (COD)

# Program Schedule

## Prof. Dr. Hans Jürgen Meyer-Lindemann, M.C.J. (NYU)



Hans Jürgen Meyer-Lindemann is Partner of Dechert LLP in Brussels and Frankfurt and practices German and European competition, media and telecommunications law. Before joining Dechert in 2013, he worked with leading German and international law firms in Brussels and Düsseldorf as well as with a US firm in Atlanta, Georgia. Prof. Meyer-Lindemann is admitted to the Brussels (avocat établi), Düsseldorf and New York bar. He studied law at the Universities of Bonn, Geneva, Strasbourg and Coimbra. Following graduation from New York University with an MCJ in 1983, he obtained his Dr. jur. at the University of Bonn in 1985 and his Assessor jur. in Düsseldorf in 1988. Dr. Meyer-Lindemann is lecturer in competition law at the Faculty of Law, Heinrich Heine University Düsseldorf.

**Tuesday (July 24, 2018), 10:00**

### **European Competition Law (Introduction)**

#### Readings:

- European Commission, Competition Information Bulletin – Legislation, see <http://ec.europa.eu/competition/mergers/legislation/legislation.html>.

# Program Schedule

## Dr. Rainer Velte



Dr. Rainer Velte is partner of HEUKING KÜHN LÜER WOJTEK in Düsseldorf and Brussels. He advises and represents clients with regard to all aspects of German and European antitrust law including cartel fine proceedings, private enforcement, merger control and antitrust compliance. Prior to joining HEUKING KÜHN LÜER WOJTEK as partner in 2005, Dr. Velte worked with a leading US law firm and a leading German Law firm in Brussels and Berlin. He was admitted to the German bar in 1997. Dr. Velte studied law at the Universities of Konstanz, Fribourg, Saarbrücken and Heidelberg and obtained his Dr. jur. at the University of Göttingen in 1998. Dr. Rainer Velte teaches European and German Competition Law at Westfaelische Wilhems-University Muenster in the Master Studies' Programme „Business Law and Restructuring“ and is member of the advisory board of the Institute of Antitrust Law at Heinrich-Heine University.

**Tuesday (July 24, 2018), 13:00**

**Art. 101 and 102 AEUV**

# Program Schedule

## Dr. Jörg Witting



Jörg Witting specializes in German and European competition law and heads Bird & Bird's German EU & Competition law practice.

His practice covers all aspects of EU and competition law including EU State aid law and private enforcement. Jörg has extensive experience in the area of German and EU merger control and advises clients on joint ventures, on distribution agreements and with regard to discriminatory practices. He has also specific expertise at the interface of competition law and IP. Jörg regularly represents clients in proceedings before the German and European competition authorities and courts.

Before joining Bird & Bird in 2005, Jörg worked in the competition law practice of Clifford Chance for more than 5 years. He was assistant lecturer with the Institute for German and European Business, Competition and Energy Law at the Free University of Berlin and publishes regularly. Among other publications he is co-author of the renowned Munich Commentary of European and German Competition Law and published a handbook on cartel investigations and risk management for undertakings.

**Tuesday (July 24, 2018), 15:00**

**Merger Control**

# Program Schedule

Martin Wissmann,  
LL.M. (Georgetown)



Mr. Wissmann is partner and co-founder of WISSMANN LAW Rechtsanwälte PartG mbB in Düsseldorf and has more than 25 years of experience. He advises and represents clients primarily in German and European competition and telecommunications law matters/investigations vis-à-vis the European Commission, the Federal Cartel Office ("BKartA"), Prosecutor's offices, the Regulatory Authority for Telecommunications ("BNetzA") and the courts (follow-on or stand-alone damage claims and separate claims for injunction). He also advises in other regulatory matters including energy and post and negotiates complex telecoms/IT agreements. Other aspects of work are compliance audits and anticorruption prevention. He studied law at the Johann Wolfgang Goethe University Frankfurt/Main as well as at the Georgetown Law Center (LL.M.) and was admitted to the German Bar in 1991. Martin Wissmann is a lecturer for competition law at the law faculty of the Heinrich-Heine University Düsseldorf and author of various publications relating to his work. Inter alia he is editor and co-author of "Wissmann, Telekommunikationsrecht, Praxishandbuch, Second Edition 2006" and co-author of "Wissmann/Dreyer/Witting, Kartell- und regulierungsbehördliche Ermittlungen im Unternehmen und Risikomanagement, 2008", „Wissmann/Wissmann, Was dürfen Bürgermeister, Second Edition 2012“. He is listed in AI Legal Awards 2015: "European Law Specialist of the Year – Germany" and in the Handelsblatt-Publication "Deutschlands beste Anwälte 2017" under „Telecommunications“.

**Wednesday (July 25, 2018), 10:00**

## **Public Antitrust Enforcement**

Readings (facts mandatory; rest voluntary):

- Case AT.39563 Retail Food Packaging Case  
[http://ec.europa.eu/competition/antitrust/cases/dec\\_docs/39563/39563\\_6945\\_3.pdf](http://ec.europa.eu/competition/antitrust/cases/dec_docs/39563/39563_6945_3.pdf)

# Program Schedule

## Dr. Gerhard Klumpe



VorsRiLG Dr. Gerhard Klumpe studied law at the Ruhr University Bochum (Germany). After obtaining his first State Exam, he began his doctoral studies at the same institution. In 1998 he was awarded his doctorate and started judicial training at the District Court of Bochum. He passed his second state exam and entered the judiciary in 2000.

In 2013 he was appointed as Presiding Judge at the District Court of Dortmund where he chairs a Chamber for Commercial Matters as well as the only Civil Law Chamber for Cartel Damage Actions within the jurisdiction of the Higher Regional Court of Hamm.

Gerhard Klumpe holds courses within the judicial training, lectures at the Ruhr University Bochum and has contributed to number of leading academic journals.

**Wednesday (July 25, 2018), 13:00**

**Private Antitrust Enforcement**

# Program Schedule

## Prof. Barry Rodger



**Professor Barry Rodger** has been an academic at Strathclyde University Law School since 1993 and has been a Professor there since 2001. Professor Rodger has published widely in competition law (and international private law). A fifth edition of his co-authored textbook (with A MacCulloch) *Competition Law and Policy in the EC and UK* (Cavendish) was published in 2014 and he has published numerous articles in journals such as the European Competition law Review, Columbia Journal of European Law, The Common Market Law Review, the Journal of Antitrust Enforcement, the Irish Journal of European law, World Competition and Concorrenza e Mercato. Many of his recent publications have focused on private enforcement of competition law including his comprehensive studies of all competition-related litigation in the UK courts (ECLR 2006, GCLR 2009), the Kluwer Law International book *Competition Law and Article 234: An Analysis* (2008) which focuses on all competition law Article 234 preliminary rulings, and empirical studies of competition law litigation settlements in the UK (2008 ECLR and 2015 GCLR). He has more recently co-ordinated an AHRC-funded European-wide research project into comparative private enforcement and collective redress in the EU ([www.clcpecreu.co.uk](http://www.clcpecreu.co.uk)) and published a book based on the project: *Competition Law Comparative Private Enforcement and Collective Redress Across the EU*, (Kluwer Law International, 2014) B Rodger (ed). In 2013 he also edited a collection of landmark competition law cases from a number of jurisdictions world-wide:- *Landmark Cases in Competition Law: Around the World in Fourteen Stories* (Kluwer Law International, 2013). He is currently co-organising a project on the implementation of the Antitrust Damages Directive, and a book based on the project will be published by OUP. He is also working with Prof A Stephan on a monograph on Brexit and UK Competition law, also to be published by OUP

Professor Rodger is the Chair and co-organiser of the Competition Law Scholars' Forum ([www.clasf.org](http://www.clasf.org)) and co-editor of the Competition Law Review, and is on the organizing committee of the Scottish Competition Law Forum.

**Wednesday (July 25, 2018), 16:00 (!)**

**UK Competition Law after Brexit**

# Program Schedule

## Prof. Dr. Justus Haucap



Professor Dr Justus Haucap, born in 1969 in Quakenbrück (Germany), is the director of the Düsseldorf Institute for Competition Economics (DICE) at Heinrich-Heine-University of Düsseldorf. Between 2006 and 2014 he served as a member of the German Monopolies Commission, which he also chaired for four years (2008-2012). Professor Haucap is a member of both the German Academy of Technical Sciences (acatech) and the Northrhine-Westfalian Academy of Sciences and Arts.

After studying economics in Saarbrücken and Ann Arbor (Michigan, USA) and pursuing graduate doctoral studies at the University of Saarland Professor Haucap took positions at the University of California (Berkeley, USA), the New Zealand Treasury in Wellington (New Zealand) and the University of the Federal Armed Forces in Hamburg.

Before he took his current position at the Heinrich-Heine-University of Düsseldorf (where he is since 08/2009) Haucap held positions at the Ruhr-University of Bochum (2003-2007) and the Friedrich-Alexander-University of Erlangen-Nuremberg (2007-2009).

Professor Haucap chairs the working group on competition policy of the German Economic Association, he is vice-chairman of the scientific advisory board of the Federal Network Agency. He is a member of the German *Academy of Technical Sciences (acatech)*, the *North Rhine-Westphalian Academy of Sciences and Arts* and several other boards.

His main research areas are competition economics and regulation of infrastructure-based markets such as telecommunications, electricity and transport.

**Thursday (July 26, 2018), 10:00**

**Competition Economics**

# Program Schedule

## Dr. Martin Sura



Martin Sura is Partner of Hogan Lovells LLP. He has more than 20 years of experience in advising and defending clients in antitrust agency investigations into complex mergers or alleged cartel conduct, and in antitrust litigation, both in Germany and internationally.

Martin's "outstanding industry knowledge" (Legal 500) has recently led clients from the automotive, building materials, food and retail, industrial goods and insurance sectors to entrust him with guiding them through high stakes investigations and litigation. Martin has a track record in obtaining merger approvals in concentrated industries, often with no or only light concessions to the agencies or in helping his clients to get off lightly in cartel investigations. His "insight into the workings of the regulators" (Legal 500) and his courtroom experience make him an advisor of choice in the growing area of private enforcement of cartel damages.

Clients and peers alike regard Martin as a leader in his field and praise his "personal attention to the instructions" (Legal 500), or his "work ethic and professional approach" (Chambers). Martin is ranked as a leading competition law practitioner by The International Who's Who of Competition Lawyers and Economists, Chambers, PLC, and JUVE. He co-authors the leading Langen/Bunte commentary on German and EU competition law and is a frequent speaker at conferences. Martin leads Hogan Lovells' German Antitrust practice and has worked in our Hamburg and Brussels offices before taking his current position in our Dusseldorf office.

**Thursday (July 26, 2018), 13:00**

**Antitrust Law and Industry 4.0**

# Program Schedule

## Anita Malec



Anita Malec is counsel in the Competition, Regulatory and Trade team of the Dusseldorf office of Fieldfisher.

Before joining Fieldfisher, she practiced competition law in different international law firms in Düsseldorf and London. She studied law in Göttingen, Bristol (UK) and Würzburg.

Her practice area covers German and EU competition law. Anita is experienced in cartel investigations of the European Commission as well as the German Bundeskartellamt, leniency applications and dawn raid and compliance trainings. Anita further focuses on competition law guidance for horizontal cooperations such as R&D and licensing agreements and for competition law questions in relation to the use of IP rights.

Anita lectures competition law at the University of Applied Sciences in Darmstadt and is a member of the German Association of Competition Law and of the German-British Association of Lawyers.

**Thursday (July 26, 2018), 15:00**

**IP and Antitrust Law**

# Program Schedule

## Dr. Nicholas Kessler, LL.M. (Cambridge), EMBA



Dr. Nicholas Kessler, LL.M. (Cambridge), EMBA (Münster), Rechtsanwalt and Solicitor (England & Wales) is partner in the Düsseldorf office of Orrick Herrington & Sutcliffe and a member of the firm's International Arbitration Group. His practice focuses on national and international arbitration, complex litigation, product liability cases, investment disputes, restructuring, corporate law with a particular emphasis on post M&A, and construction disputes. His experience includes proceedings under the auspices of all major arbitral organizations, such as, e.g., the ICC, DIS, LCIA, SCC, Vienna-Rules and UNCITRAL-Rules. Nicholas is a visiting lecturer at the Universities of Münster and Düsseldorf, lectures on international arbitration as well as international and European procedural law and regularly publishes in these areas.

**Thursday (July 26, 2018), 17:30**

**Special: Clash of Cultures in International Arbitration**

Following the lecture:

Reception hosted by Orrick, Herrington & Sutcliffe LLP

Directions:

Orrick, Herrington & Sutcliffe LLP  
Heinrich-Heine-Allee 12  
40213 Düsseldorf

# Program Schedule

## Prof. Dr. Guy Seidman



Guy Seidman has been on faculty at the Radzyner School of Law since 1999. A graduate of Tel-Aviv University (LL.B., 1989; LL.M. 1995) and Northwestern University of Chicago, Illinois (LL.M., 1997, S.J.D. 1999) Prof. Seidman has visited and taught at various institutions in Israel, Europe and the United States including the University of Chicago, Northwestern University, Boston University and the Max Planck Institute at Heidelberg. Prof. Seidman is primarily interested in Administrative law and Comparative law and the cross between the two. A former officer of the Israeli Judge Advocate General's Corps., Prof. Seidman's other teaching and research interests include military law as well as medical law. Prof. Seidman has written extensively in his fields of research. Notable recent publications include: "Who Are You, The Israeli Administrative Law? – in View of Daphne Barak-Erez's Book Administrative Law" 51 Hapraklit (Israel Bar Association LJ, Hebrew, May 2012) 693-756; The Origins of the Necessary and Proper Clause (co-authored with Prof. Gary Lawson, Boston U.; Geoffrey Miller, NYU; Robert Natelson, U. of Montana) (Cambridge University Press, 2010) and "Is A Flat-Line a Good Thing? On the Privatization of Israel's Healthcare System" 36 Am. J. L & Med. 452-481 (2010).

**Friday (July 27, 2018), 10:00 and 13:00**

**(1) An Introduction to Public Procurement**

**(2) Comparative Public Procurement**

# Program Schedule

## Düsseldorf



Historically the river Rhine has been Düsseldorf's natural link across borders to other cities and countries. It has provided a continuous flow of trade and a constant exchange of ideas and has thus been the source of the friendliness that has become a distinguishing mark of the Rhinelander. [...] Geographically and economically, the city lies at the heart of Western Europe. It is therefore not surprising that the state capital with almost 600,000 inhabitants has been able to build such strong international connections. Düsseldorf has established itself as a major economic partner in the European Community and as an important scientific and cultural hub in Germany's most populous federal state: North Rhine-Westphalia.

Düsseldorf, an internationally-noted banking centre and home of continental Europe's largest Japanese expatriate community, has an outstanding creative climate, to which numerous industrial designers, commercial artists, product developers and advertising agencies contribute. The new and growing Harbour Media Centre provides a setting for several top-flight communications companies and photography studios. Dubbed the Paris of Germany, Düsseldorf boasts a fashion industry which contributes to the charm and "joie de vivre" of the city. In summers its famous and elegant boulevard known as the Kö (Königsallee) turns into a vast café – a place to see and be seen. Tree-lined promenades, interspersed with beer gardens, offer inviting places to stroll and watch the boats on the Rhine or look at the eye-catching Art Nouveau facades on the opposite bank of the river.

Meadows and parks provide extensive grounds for those keen on sports, and a setting for the annual Kirmes (outdoor fair) on the Rhine. The Old Town is a popular entertainment area and one of Düsseldorf's most extensive pedestrian districts. It abounds with narrow alleys, restaurants, cafes and pubs as well as old-fashioned comfort and hospitality. This historic core of the city survived World War II intact and is still carefully preserved today.

Under Jan Wellem of the Palatinate, who reigned from 1679 to 1716, the town began to thrive, and the foundation was laid for the rich and multifaceted cultural life which can be found today. The Deutsche Oper am Rhein offers classical and modern repertoire and remarkable ballet performances. The theatre scene is varied, with an internationally renowned playhouse as its focal point, plus a political cabaret, numerous studio theatres and the puppet theatre. The concert hall or Tonhalle stands out for its artistic design as well as its diverse music programme. All aspects of modern art are very well represented at the State Art Collection Kunstsammlung. Düsseldorf's Academy of Fine Arts is one of the leading art schools in Germany. With numerous internationally known galleries Düsseldorf is one of the European art centres. [...] Apart from the Heinrich Heine University and the Academy of Fine Arts, Düsseldorf is the home of a number of research institutes and educational facilities; among them the Robert Schumann Conservatory, the University of Applied Sciences (Fachhochschule) and the Academy of Business and Administration.

# Düsseldorf



Even though the French emperor Napoleon I had planned to found a university in Düsseldorf in 1811, with the Rhine area being thought of as an intellectual buffer zone between France and Prussia, Düsseldorf had to wait another century for its university. In 1907 the Düsseldorf Academy for Applied Medicine was founded and opened together with the newly built Municipal Hospital, which was the most modern clinical complex in the German Empire at that time. Since the Academy was not chartered as a university, it was only allowed to instruct medical trainees. The academy itself, supported by the local population, launched several initiatives to change the status of the institution. In 1923 they finally succeeded when a university charter permitting the right to lecture students was given to the Medical Academy of Düsseldorf. The study of dental medicine was subsequently incorporated, and by 1935 doctoral degrees could be awarded in Düsseldorf. After World War II, the federal state of North Rhine-Westphalia and the city of Düsseldorf signed a contract which stated that the federal state would take over the Medical Academy, while the hospitals remained municipally owned. In November 1965 the Medical Academy became the University of Düsseldorf and in January 1966 it became a university with a Medical Faculty and a combined Faculty of Arts and Natural Sciences.

In December 1988 the University Senate decided to change the institution's name to Heinrich Heine University Düsseldorf, in commemoration of one of the city's most renowned sons, Heinrich Heine, whose critical and inquisitive poetic mind reached out across national borders and fought against small-mindedness. Today the university forms the backbone of Düsseldorf's academic reputation. Faced with nationwide cuts in university spending, the university has continued to thrive. Despite its recent founding, it has gained a reputation usually associated with universities rich in age and tradition. The university's continuous development has made it home to a distinguished range of subjects, including medical science, natural sciences, economics, law and the humanities. The degree requirements allow for numerous combinations of subjects. Study programs can be tailored to fit individual needs. Some subjects, such as Literary Translation, Yiddish Culture, Language and Literature and Media Science are unique features of the curriculum. Social Sciences and Linguistics rank prominently in comparisons. Further specialties in the Faculty of Arts include Modern Japan Studies and German as a Foreign Language, which address the needs of the international business community.

The present Law Faculty is one of the youngest in Germany. It is housed in two modern, spacious buildings that were constructed, respectively in 1996 and 2005, and which are specially equipped for legal studies. The buildings offer an excellent working environment to the approximately 1,500 people from Germany and beyond who study at the Faculty of Law. The comparatively low number of approximately 200 students who begin legal studies each year allows for outstanding conditions for study, characterized by close personal contact between students and faculty members, and distinguishing academic teaching in Düsseldorf from other faculties in Germany.

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