



THE MENTOR GROUP

Forum for EU-US Legal-Economic Affairs

Founded 1989 by The Mentor Group Boston

ROME FORUM AGENDA

Villa Medici – September 13-16, 2017

Professor Dr. Ernst-Joachim Mestmäcker
Honorary Chairman of the Forum

The *Forum for EU-US Legal-Economic Affairs* is a private peer group of Supreme Court Justices, EU Commissioners and corporate leaders addressing mutual challenges. The Rome Forum addresses EU, Member State and US data protection and privacy; competition law enforcement and judicial control of antitrust law; Member State competition fines and criminal sanctions, market dependence on Courts' judgments.

CHATHAM HOUSE RULE OF NON-ATTRIBUTION GOVERNS FORUM DISCUSSION.

ROME FORUM PRINCIPALS

Justice Giuliano Amato
Constitutional Court of Italy

Secretary General Roberto Chieppa
Autorità Garante della Concorrenza e del Mercato

Professor Christopher Hodges
Center for Socio-Legal Studies, University of Oxford

Circuit Judge Stephen F. Williams
US Court of Appeals for the District of Columbia Circuit

Justice Peter Michael Huber
Federal Constitutional Court of Germany

Mr. Giovanni Buttarelli
European Data Protection Supervisor

Chargé d'Affaires ad interim Kelly Degnan
United States Embassy Italy

Presidente Alessandro Pajno
Consiglio di Stato

US DoJ Antitrust Representative
United States Department of Justice

Dr. Vittorio Di Bucci
Legal Service of the European Commission

Président Bruno Lasserre
Section de l'intérieur, Conseil d'État

Justice Jean-Claude Bonichot
European Court of Justice

Ms. Julie Brill
United States Federal Trade Commission

Professor Dr. Martin Selmayr
Head of Cabinet of Commission President Juncker

Director-General Stefano Micossi
Associazione fra le Società Italiane per Azioni

Justice Christoph Grabenwarter
Constitutional Court of Austria

July 10, 2017

ROME FORUM AGENDA
September 13-16, 2017

WEDNESDAY SEPTEMBER 13, 2017 7.30-10.30 PM

Welcome garden reception, keynote and dinner – Villa Medici Grand Salon – *business dress*
Keynote by Constitutional Court Justice Giuliano Amato

THURSDAY SEPTEMBER 14, 2017 8.30 AM-5.30 PM

8.30-9.00 am – Welcome coffee for informal contacts – Hotel Hassler, Salone Medici – *business dress*

9.00 am-1.00 pm – Session I on competition law enforcement in EU and US jurisdictions

United States DoJ Antitrust Representative on US competition and consumer protection enforcement

Autorità Garante della Concorrenza e del Mercato Secretary General Roberto Chieppa on competition enforcement at national level across the EU

European Commission Legal Service Business Law Director Dr. Vittorio Di Bucci on recent cases before the European Courts: shaping principles that promote competition law throughout the EU

University of Oxford Professor Christopher Hodges on enforcement best practices that reliably ensure market freedoms

1.00-2.30 pm – Luncheon at Imàgo, Hotel Hassler – no speaker

2.30-5.30 pm – Session II on Supreme Court judgments affecting business behavior

Constitutional Court Justice Giuliano Amato on challenges foreseen for the legal order of the European Union

Conseil d'État Section de l'intérieur Président Bruno Lasserre on President Macron's economic reforms; better regulatory regimes for US, EU & its member states; judicial focus on antitrust fines and criminal sanctions

Judge Stephen F. Williams on US federal courts' role to enforce rule of law thus constraining agency over-reach that might threaten continuance of effective markets

Guests arrange private dinners ad libitum

FRIDAY SEPTEMBER 15, 2017 8.30 AM-2.30 PM

8.30-9.00 am – Welcome coffee for informal contacts – Hotel Hassler, Salone Medici – *business dress*

9.00 am-1.00 pm – Session III on Data protection, privacy and fundamental rights

ECJ Justice Jean-Claude Bonichot reflecting on recent privacy and data security cases

Federal Constitutional Court of Germany Justice Peter Huber on German fundamental rights and privacy

Recent United States FTC Commissioner Julie Brill on online privacy and data security issues

European Data Protection Supervisor Giovanni Buttarelli on the ethical dimension of data protection in the digital era

1.00-2.30 pm – Luncheon at Imàgo, Hotel Hassler

Keynote by Professor Dr. Martin Selmayr, Head of Cabinet of European Commission President Jean-Claude Juncker

7.30-10.30 pm – Garden Reception & Closing Banquet – Palazzo Colonna – *black-tie*

Welcome by Chargé d'Affaires ad interim Kelly Degnan, United States Embassy Rome

Director General Stefano Micossi, Assonime – *The 60th Anniversary of the Rome Treaty: A Fresh Start for the European Union*

SATURDAY SEPTEMBER 16, 2017 9.30-11.30 AM

9.30-11.30 am – Roundtable on EU-US corporate issues foreseen 2018 – Hotel Eden – *business casual*

How European Union regulators and judges effect change in EU legal and corporate affairs

Consiglio di Stato Presidente Alessandro Pajno

Justice of the Austrian Constitutional Court Christoph Grabenwarter

11.30 am-1.00 pm – Farewell Brunch – La Terrazza dell'Eden – *business casual*

Rome Forum Participants Foreseen

Mr. Jerome Abelman

Director of Legal and External Affairs and General Counsel, British American Tobacco p.l.c.

Justice Giuliano Amato

Constitutional Court of Italy

Mr. Thomas O. Barnett

Partner, Covington & Burling LLP

Assistant Attorney General, United States Department of Justice Antitrust Division 2006-2008

Mr. Ronan Barry

Head of Legal & External Affairs Western Europe Region, British American Tobacco p.l.c.

Mr. Jeremy Barton

General Counsel, KPMG LLP

Ms. Anna Benckert

Head of Regulatory & Litigation, EMEA, Facebook Ireland Limited

Ms. Ashlie Beringer

Vice President and Deputy General Counsel, Facebook Inc.

Ms. Julie Brill

Recent Commissioner, United States Federal Trade Commission

Justice Jean-Claude Bonichot

European Court of Justice

Ms. Cécile Boyer

Group General Counsel, SCOR SE

Mr. Giovanni Buttarelli

European Data Protection Supervisor

Member of the European Commission Article 29 Data Protection Working Party

Justice Sabino Cassese

Constitutional Court of Italy

Mr. Roberto Chieppa

Secretary General, Autorità Garante della Concorrenza e del Mercato

Hugh Constable Maxwell, Esq.

Robert Stuart Plc

Chargé d'Affaires ad interim Kelly Degan

United States Embassy Rome

Mr. Andrew C. DeVore
Vice President & Associate General Counsel, Amazon Inc.

Dr. Vittorio Di Bucci
Director, Business Law Team, Legal Service of the European Commission

Dr. Monika Dorda
Senior Vice President and General Counsel
Member of the Pharmaceutical Executive Committee, Merck KGaA Healthcare

Professor A. Jan A.J. Eijsbouts
Institute for Corporate Law, Governance & Innovation Policies
Maastricht University Faculty of Law

Dr. Harald Einsmann
Special Advisor to Tesco PLC
Member of the Board of Harman International, Checkpoint Systems Inc.

Mr. Giulio Fazio
Head of Legal Affairs, Enel S.p.A.

Sir Nicholas Forwood QC
The General Court of the European Union 1999-2015

Mr. John Frank
Vice President of EU Government Affairs, Microsoft Corporation

The Honorable Arthur J. Gajarsa (Ret.)
United States Court of Appeals for the Federal Circuit

Ambassador Anthony L. Gardner
Recent Head of Diplomatic Mission of the United States of America to the European Union

Mr. Francesco Giorgianni
Chief Privacy Officer, Enel S.p.A.

Justice Christoph Grabenwarter
Constitutional Court of Austria

Mr. Horacio Gutierrez
General Counsel, Spotify

Mr. Mathew Heim
Vice President, Government Affairs & Counsel, Qualcomm Inc.

Mr. Per Hellström
Senior Director, Competition Law & Policy, Government Affairs EMEA, Apple Inc.

Mr. David A. Higbee
Partner, Shearman & Sterling LLP
Former Deputy Assistant Attorney General and Chief of Staff
United States Department of Justice Antitrust Division

Professor Christopher Hodges
Professor of Justice Systems; Head of the Swiss Re/CMS Research Program on Civil Justice Systems
Centre for Socio-Legal Studies, University of Oxford

Professor Dr. Karl Hofstetter
Group General Counsel and Executive Member of the Board of Directors, Schindler Holding Ltd.
Zürich University, Faculty of Law
Visiting Professor, Harvard Law School

Ms. Julia Holtz
Director, Competition, Google Inc.

Justice Peter Michael Huber
Federal Constitutional Court of Germany

Mr. Fred Humphries
Corporate Vice President of US Government Affairs, Microsoft Corporation

Mr. David Hyman
General Counsel, Netflix, Inc.

Dr. Donatus Kaufmann
Member of the Executive Board – Legal & Compliance and Regions North America & Western Europe
ThyssenKrupp AG

Mr. John Kelly
Senior Vice President, Global Responsibility & Public Policy, Starbucks

Mr. Thomas Kosmo
President, The Mentor Group

Président Bruno Lasserre
Section de l'intérieur, Conseil d'État

President Aldis Laviņš
Constitutional Court of the Republic of Latvia

Professor Dr. Carl-Otto Lenz
Former Advocate-General, Court of Justice of the European Communities

Ms. Karen Linehan
Senior Vice President Legal Affairs and General Counsel, Sanofi

Ms. Monica Magnusson
Vice President, IPR Policy, Telefonaktiebolaget LM Ericsson

Dr. Stefano Micossi

Director-General, Associazione fra le Società Italiane per Azioni
Former Director-General for Industry, European Commission

Senator Mario Monti

President, Bocconi University
Commissioner for Competition, European Commission 1999- 2004

Mr. Simone Mori

Executive Vice President, Head of European Affairs, Enel S.p.A.

Mr. Neil Mulcock

Vice President and Head of Government Affairs Europe, Middle East, Australia, Gilead Sciences

Presidente Alessandro Pajno

Consiglio di Stato

Mr. R. Hewitt Pate

Vice President and General Counsel, Chevron Corporation
Former Assistant Attorney General, United States Department of Justice Antitrust Division

Dr. Alberto Pera

Member of the Board of Directors, Enel S.p.A.
Former Secretary General, Italian Competition Authority

Mr. Javier Ramirez

Vice President & Associate General Counsel, HP Inc.
Professor of IP and ICT Law, Instituto de Empresa Law School

Ms. Anna Richo

Executive Vice President & General Counsel, UCB S.A.

Mr. Paul Roeder

Senior Vice President & Deputy General Counsel, HP Inc.

Mr. Donald J. Rosenberg

Executive Vice President, General Counsel and Corporate Secretary, Qualcomm Inc.

Ambassador Ferdinando Salleo

Ambassador of Italy to the United States of America 1995-2003

Mr. Luca Sanfilippo

Executive Vice President and General Counsel, Sky Italia S.r.l.

Professor Dr. Martin Selmayr

Head of Cabinet of Commission President Juncker, European Commission
Professor, European Economic and Finance Law, University of Saarbrücken

Mr. D. Bruce Sewell

General Counsel and Senior Vice President, Legal and Government Affairs, Apple Inc.

Dr. Claudia Tapia Garcia
Director IPR Policy, Telefonaktiebolaget LM Ericsson

Mr. Paul Thompson
Vice President, New Medicines and Business Development Legal Affairs, UCB S.A.

Professor Dr. Hanns Ullrich
Professor Emeritus & Visiting Professor, College of Europe Bruges
Max-Planck-Institut für Immaterialgüter und Wettbewerbsrecht

Judge Virgilijus Valančius
The General Court of the European Union

Mr. David L. Walsh
Vice President & Assistant General Counsel, IBM Corporation

Ms. Denelle Waynick
Vice President, Legal Affairs Americas & US General Counsel, UCB S.A.

Circuit Judge Stephen F. Williams
United States Court of Appeals for the District of Columbia Circuit

Rome Forum Biographies

Justice Giuliano Amato

Constitutional Court of Italy

Justice Giuliano Amato was appointed to the Constitutional Court of Italy on September 12, 2013. He has served as Undersecretary of State to the Prime Minister's office from 1983-1987, as Deputy Prime Minister from 1987-1988 and as Minister for the Treasury from 1987-1989.

He governed as Prime Minister from 1992-1993 and subsequently from 2000-2001. On December 2001, he was appointed Vice President of the novel Constitutional Convention. Justice Giuliano Amato was also a Full Professor of Italian and Comparative Constitutional Law at the University of Rome, School of Political Science, from 1975-1997.



Justice Jean-Claude Bonichot

European Court of Justice

Justice Jean-Claude Bonichot has served on the European Court of Justice since October 7, 2006. He was previously President of the Sixth Sub-division of the Judicial Division at the Conseil d'État from 2000-2006. He also acted as Legal Secretary at the Court of Justice from 1987-1991. His previous positions include Director of the Private Office of the Minister for Labor, Employment and Vocational Training, Minister for the Civil Service and Modernization of Administration 1991-1992, Head of the Legal Mission of the Conseil at the National Health Insurance Fund for Employed Persons, and Professor at the University of Metz and University of Paris I, Panthéon-Sorbonne.

Justice Bonichot has numerous publications on administrative law, community law and European human rights law. He is the founder and chairman of the editorial committee of the Bulletin de Jurisprudence de Droit de l'Urbanisme and co-founder and member of the editorial committee of the Bulletin Juridique des Collectivités Locales.



Ms. Julie Brill

Recent Commissioner, United States Federal Trade Commission

Ms. Julie Brill served as a Commissioner of the Federal Trade Commission from April 2010-March 2016. She has been named "the Commission's most important voice on Internet privacy and data security issues", a "key player in US and global regulations", "one of the top minds in online privacy", one of the top four US government players "leading the data privacy debate", and "one of the top 50 influencers on big data". In 2014, she received the Privacy Leader of the Year Award from the International Association of Privacy Professionals and the New York University School of Law Alumna of the Year Award.

Prior to serving on the Federal Trade Commission, Ms. Brill served as a Chief Assistant Attorney General for Consumer Protection and Antitrust for the States of North Carolina and Vermont for over 20 years. She also was a Lecturer-in-Law at Columbia University's School of Law. Ms. Brill graduated magna cum laude from Princeton University, and from New York University School of Law.



Mr. Giovanni Buttarelli
European Data Protection Supervisor

Mr. Giovanni Buttarelli is the European Data Protection Supervisor (EDPS). On December 4 2014, he was appointed by a joint decision of the European Parliament and the Council. He will serve a five year term in this position. Previously, he served as Assistant EDPS from January 2009 until December 2014. As a member of the Italian judiciary with the rank of judge of the Court of Cassation he attended many initiatives and committees on data protection and related issues at international level.

Before joining the EDPS, Buttarelli worked as Secretary General of the Garante per la protezione dei dati personali, the Italian Data Protection Authority, between 1997 and 2009.



Mr. Roberto Chieppa
Autorità Garante della Concorrenza e del Mercato

Mr. Roberto Chieppa has served as Secretary General of the Autorità Garante della Concorrenza e del Mercato since December 29, 2011.

Prior to this he worked as a Councilor of State since February 2000. He has been a lecturer for university and post-graduate courses on administrative law and antitrust law and co-edited and contributed to legal trade journals, authoring over fifty publications on administrative law.

He graduated *summa cum laude* from Sapienza University Law School in 1988. Beginning in 1991, he worked as a magistrate, becoming a Magistrate of the Court of Audit in 1997 and a Magistrate of the Regional Administrative Courts in 1998.



Chargé d’Affaires ad interim Kelly C. Degnan
United States Embassy Rome

Ms. Kelly Degnan has served as US Mission Italy’s Deputy Chief since November 2015, as well as Chargé d’Affaires ad interim following the departure of Ambassador Phillips in 2017.

Since joining the Foreign Service in 1993, Ms. Degnan has served overseas in eastern Afghanistan, Turkey, Botswana, and Pakistan. She also worked as Special Assistant to the Secretary of State, Special Assistant to the Undersecretary of State for Political Affairs, and political advisor to the US ambassador to NATO. Ms. Kelly Degnan earned a degree in law from the University of Southern California Law Center and has worked as legal counsel in the Federated States of Micronesia and the Republic of Palau prior to joining the State Department.



Dr. Vittorio Di Bucci

Director, Business Law Team, Legal Service of the European Commission

Vittorio Di Bucci heads the Business Law Team of the Legal Service of the European Commission. He has represented the Commission in more than 400 cases before the European Courts, and published widely on different topics of EU Law.

He worked at the European Court of Justice, first as a Lawyer-Linguist (1987-1988), then as Legal Secretary to Judge Mancini (1988-1991 and 1994-2000), and as a member of the Legal Service, Transport and Environment Team (1991-1994), State Aid and Antidumping Team (2000-2006) and Competition Team (2006-2010).

He holds a Law Degree cum laude of the University of Turin and a Diplôme d'études approfondies en droit communautaire of the University of Nancy.



Justice Christoph Grabenwarter

Constitutional Court of Austria

Justice Christoph Grabenwarter has sat on the Austrian Constitutional Court since 2005. Previously, he was a member of the Federal Communications Board from 2001-2005 and an *ad hoc* judge at the European Court of Human Rights from 2002-2005.

He attended the University of Vienna earning diplomas in law and business in 1989. From 1997-2008, he was a university professor in Linz, Bonn, and Graz. He continues his professorial work teaching Public Law, Business Law, and International Law at the Vienna University of Economics and Business.

His research interests include European Constitutional and Administrative Law, European and International Human Rights Protection, Constitutional Justice, Mass Media Law and Canon Law.



Professor Christopher Hodges

Centre for Socio-Legal Studies, University of Oxford

Christopher Hodges is Professor of Justice Systems, and head of the Swiss Re/CMS Research Program on Civil Justice Systems, Center for Socio-Legal Studies, University of Oxford. He is also Supernumerary Fellow of Wolfson College Oxford. Formerly, he worked for 28 years in major City of London law firms, latterly as a partner at CMS Cameron McKenna specializing in product regulation, product liability and class actions.

Professor Hodges has worked as a visiting or honorary professor at a number of universities, including Erasmus University, the China University for Political Science and Law, and Wuhan University. He is the author of numerous books and articles, recently of *Law and Corporate Behavior: Integrating Theories of Regulation, Enforcement, Compliance and Ethics*. Professor Hodges earned his bachelors and masters from New College Oxford and his PhD from King's College.



Justice Peter Michael Huber

Federal Constitutional Court of Germany

Justice Peter Huber was appointed a Justice of the Federal Constitutional Court of Germany in November 2010. Prior to this he served as Minister of the Interior of the Free State of Thuringia from 2009-2010. He has taught at a number of European universities including as Chair of Public Law and State Philosophy at Ludwig-Maximilians University Munich and as a visiting professor at Università degli Studi di Cagliari. Justice Huber was an expert member on the Commission on the Reform of the Federal System of Government established by the Bundestag and the Bundesrat.

Justice Peter Huber studied law at Ludwig-Maximilians University Munich and the Université de Genève.



Président Bruno Lasserre

Section de l'intérieur, Conseil d'État

Bruno Lasserre was appointed Président de la Section de l'Interieur au Conseil d'Etat in 2016. Bruno Lasserre has been a member of the Conseil d'État, the French supreme administrative court, since he joined in 1978 after graduating from École Nationale d'Administration (ENA), the French national school for civil service.

Between 1989 and 1997, he served as Director for Regulatory Affairs, and then Director General for Posts and Telecommunications at the French Ministry of Posts and Telecommunications. In this position, he developed and implemented a comprehensive overhaul of the telecommunications sector, culminating in its full opening to competition as well as in the creation of an independent regulator. He returned to the Conseil d'État in 1998, where he chaired the 1st Chamber for three years, before becoming Deputy Chairman for all litigation activities, between 2002 and 2004.

After serving as Member of the board of the Conseil de la concurrence (1998-2004), he was appointed President in July 2004, and in this capacity pushed through a major reform that transformed it into the Autorité de la concurrence, responsible for merger review and competition advocacy in addition to antitrust enforcement. He chaired the Autorité until September, 2016. He is also a Commander of the French Légion d'honneur and a Commander of the French Ordre national du Mérite.



Dr. Stefano Micossi

Director-General, Associazione fra le Società Italiane per Azioni

Since 1999, Dr. Micossi has served as Director-General of Assonime (Associazione fra le Società per Azione). From 2013, he has been Chairman of the Scientific Council School of European Political Economy (SEP) of LUISS. He is also a member of the Board of Directors of CIR Group and of the Centre for European Policy Studies (CEPS) in Brussels. From 1994-1998, Dr. Micossi was Director-General for Industry at the European Commission. Dr. Micossi has been the co-editor and author of volumes on the EMS (1988), on adjustment and integration in the world economy (1992), on the Italian economy (1993), and on inflation in Europe (1997). He has authored various international scientific publications on macroeconomics, international economics and European economic and policy affairs.

Dr. Micossi holds a Degree in Law from the University of Milan and a MA and MPhil from Yale Graduate School, Department of Economics.



Presidente Alessandro Pajno
Consiglio di Stato

President Pajno is the President of Chamber of the Italian Council of State. He previously served as Secretary General of the Council of State, Secretary General of the Presidency of the Council of Ministers and Special Commissioner for the Government for the completion of administrative federalism.

He was Head of Cabinet of Ministers Mattarella (Education), Jervolino (Education) and Ciampi (Treasury, Budget and Economic Planning). In the Prodi government, President Pajno served as Undersecretary to the Interior Ministry with the civil administration delegation from 2006-2008.

President Pajno earned his degree in Law from the University of Palermo.

Professor Dr. Martin Selmayr
Head of Cabinet of Commission President Juncker

Prof. Dr. Martin Selmayr is a German jurist who since 2014 serves as Head of Cabinet of European Commission President Jean-Claude Juncker. He is also Director of the Center for European Law at the University of Passau.

From 1998-2000, Professor Dr. Selmayr worked first as Legal Counsel, then as external Legal Advisor for the European Central Bank in Frankfurt am Main. In 2000, he was sent as Visiting Official to the Legal Department of the International Monetary Fund in Washington D.C. where he worked on the arrangements for the international representation of the euro area. In 2001, Professor Dr. Selmayr changed to the private sector where he started as Legal Advisor of the international media company Bertelsmann, with special focus on competition law, trade law and media law.



Circuit Judge Stephen F. Williams
United States Court of Appeals for the District of Columbia Circuit

Judge Stephen F. Williams is a Senior United States Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit. He was nominated by President Ronald Reagan on February 19, 1986 and was confirmed by the United States Senate on June 13, 1986. He assumed senior status on September 30, 2001.

Prior to this, Judge Williams worked in private practice from 1962-1966 before becoming an Assistant US Attorney for the Southern District of New York in 1966. Judge Williams has taught at the University of Colorado School of Law and also served as a Visiting Professor of Law at UCLA, University of Chicago Law School, and Southern Methodist University. He was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

Judge Williams graduated from Harvard Law School in 1961 and has written numerous books and scholarly articles.



The Mentor Group Advisory Board

Mr. Thomas Kosmo
President, The Mentor Group

Professor A. Jan A.J. Eijsbouts
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Former Director-General, Legal Service of the European Commission

Dr. Monika Dorda
Senior Vice President and General Counsel
Member of the Pharmaceutical Executive Committee, Merck KGaA Healthcare

Professor A. Jan A.J. Eijsbouts
Institute for Corporate Law, Governance & Innovation Policies
Maastricht University Faculty of Law

Dr. Harald Einsmann
Special Advisor to Tesco PLC
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Dr. Hans Peter Frick
Member of the Board of Directors Galenica S.A.
Recent Senior Vice President and Group General Counsel Nestlé S.A.

Justice Kurt Heller
Constitutional Court of Austria

Professor Dr. Carl-Otto Lenz
Advocate-General, Court of Justice of the European Communities 1984-1997

Professor Dr. Ernst-Joachim Mestmäcker
Max-Planck-Institut für ausländisches und internationales Privatrecht

The Right Honourable the Lord Naseby PC
House of Lords & Former Deputy Speaker, House of Commons

Ambassador Thomas R. Pickering
Under Secretary of State for Political Affairs, United States Department of State 1997-2001

Professor Richard Pipes
Professor of History Emeritus, Harvard University

Mr. John P. Schmitz
President, Prime Transatlantic
Deputy Counsel to the President, The White House 1989-1993