

**Competition Law and Policy in the Food Value Chain:
Is there a Call for a BRICS Competition Law Paradigm?**

(November 14th, 2015)
University of Cape Town, South Africa

Co-organized by the

HSE - Skolkovo Institute for Law and Development, National Research University Higher School of Economics

Centre for Law, Economics and Society, Faculty of Laws, University College London

The Faculty of Law of the University of Cape Town

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General information

The workshop aims to delve into the important issues raised by competitive interactions along the food value chain but also more broadly to discuss the way the competition law of the BRICS jurisdictions may evolve in the future in some key economic sectors. The event will also offer us the opportunity to present our work so far in the global food value chain project that was selected by the heads of the competition authorities of BRICS countries as a pilot project in order to test the idea of a Joint Research Centre for BRICS in competition policy. Representatives of the BRICS competition authorities will attend this event as well.

The area of food is of particular social importance but also has seen major developments recently making it necessary to reflect on the way competition law and policy may address these. For instance, development of new technologies has led to the emergence of a diverse group of players: biotech seed and chemical crop protection companies; equipment and fertilizers suppliers; as well as digital start-ups – all of which are seeking to develop an integrated offering of all-inclusive solutions for farmers enabling them to gradually set standards and build technological platforms of food production that will allow such providers to compete for the lion's share of the market. A lot of competition authorities around the world have also focused on the retail sector and the development of platforms by multi-brand retailers having superior bargaining power vis-à-vis processors/suppliers and other intermediaries.

We consider that the (global) food value chain constitutes an important area of study for competition policy. First, the food supply chain connects three economically important sectors: the agricultural sector, the food processing industry and the distribution sectors. As the food processing industry and the distribution sectors have many interactions with other sectors, market malfunctioning along the food supply chain can have significant repercussions. Second, the important mutations that have characterized this industry in recent years, in particular technological development at the food production, processing and distribution, as well as important changes in the preferences of consumers, in particular those of the BRICS jurisdictions which have seen their disposable income rise significantly in recent years, but also more general trends (e.g. organic food, e-commerce, m-commerce) have inevitably affected the structure of the industry and the strategies of the different actors. Competition policy should take that into account. We also consider that, despite the important socio-economic differences between

BRICS jurisdictions as to the organization and functioning of this industry and the import or export orientation of their economies, there is a significant value in exploring possible synergies in the regulation of the global food value chain and the prevalent position of multi-national corporations in various segments of the value chain, eventually with the development of common perceptions over the adequate competition policy options on offer.

The workshop will aim to disentangle the various dimensions of competition law and policy in the food value chain. It aims to be interactive and it is conceived as a brainstorming session. A short introduction for each theme by one or two discussants will kick off the discussion.

The workshop will include panels on the following general themes each of them exploring also relevant experience in the BRICS countries and other selected jurisdictions, recent business developments but also reflect on the emergence of a BRICS competition law and policy paradigm:

Programme (November 14th, 2015)

- 10.00 - 10.05 **Welcome/Introduction**
- 10.05 - 11.30 **Roundtable 1:**
Platform competition and competitive bottlenecks in the upstream part of the food supply chain: Competition in the transgenic seed industry and BRICS
Moderator: Alexey Ivanov
- 11.30 -11.45 **Coffee break**
- 11.45 -13.00 **Roundtable 2:**
Superior bargaining power in the downstream food supply chain: is it or can it be a competition law problem? Exploring the competitive (dis)advantage of competition law towards alternative institutional instruments (self-regulation/codes of conduct, contract law, regulation, unfair competition)
Moderator: Claudio Lombardi
- 13.00 -14.30 **Lunch**
- 14.30 - 15.45 **Roundtable 3:**
Agricultural cooperatives in competition law and policy and the shrinking of antitrust exemptions for agriculture. Exploring how big data, smart agriculture and land grabbing may impact on the competition law framework
Moderator: Ioannis Lianos
- 15.45 -16.00 **Coffee break**
- 16.00 -17.30 **Roundtable 4:**
Innovation strategies in the seed, pesticides and agro biotech sectors: implications for the interaction between competition law and IP at the global level and implications for the BRICS and developing jurisdictions
Moderator: Dennis Davis
- 18.00 **Dinner**