

# (IN)CORPORATE SUSTAINABILITY CONFERENCE



Pompeu Fabra  
University

From 8 to 10  
September 2021



**upf.** Universitat  
Pompeu Fabra  
Barcelona

Law  
Academic Coordination Unit

**ESCI** **upf.**  
School of International Studies

## INTRODUCTION

The second edition of the (In)Corporate Sustainability Conference aims at **exploring the relevant question of broader policy coherence for corporate sustainability** to support and further the work done in the field of incentivising sustainable business conduct in the framework of core corporate law policies, serving as a proactive scientific forum to voice the challenges that the EU and its Member States will be facing with their traditional business law policies and their influence on new and advanced sustainable business policies. Impediments to sustainable business conduct have been noted in the field of competition law, finance law, contract law and consumer protection policies and should be addressed in a timely manner to allow, support, and incentivise sustainable business conduct in the EU and beyond. As it has been the case with the first edition, the second edition of the (In)Corporate Sustainability Conference allows for synergies to be created by combining the insights on the effects of the existing policies in these adjacent business law fields and their possible reform(s) from diverse viewpoints of different disciplines, answering the need and the challenge of an interdisciplinary and multidisciplinary approach for creating a supporting broader EU and national policy environment for a timely and efficient change towards sustainable business conduct.

The current sustainability challenge demands cooperation, cross-sectoral knowledge and the cooperation of the private and public actors, and **(In)Corporate Sustainability Conference** seeks to provide a continuous yearly forum in Barcelona for that knowledge to be exchanged, thereby facilitating advancements in the joint goal of sustainability.

## AGENDA (in CEST)

### WEDNESDAY, 8th SEPTEMBER 2021 Consumer Protection Regulation and Sustainability

**10.00-10.15** Welcome note  
**Dr. Lela Mélon** (UPF and ESCI-UPF)  
**Didier Reynders** (European Commissioner for Justice)

#### 10.15-11.45 Session 1

- **Prof. Dr. Alessio Bartolacelli**  
Using consumer protection for a more sustainable corporate governance? Benefit companies, social enterprises, third sector organisations: evidence from Italian Business Law
- **Prof. Miemie Struwig and Laura Best**  
Incorporating Sustainability Into Consumer Protection Policies
- **Prof. Dr. Hans W. Micklitz**  
E-commerce and the trade-off between consumer protection and sustainability

#### 11.45-12.15 Coffee Break

#### 12.15-13.45 Session 2

- **Ernest Barcelo**  
From Science to Business, through Regulatory Affairs
- **Prof. Dr. Onyeka Osuji**  
Deconstructing Sustainable Consumption: Dimensions, Significance, and Implications
- **Pierre Courtemanche**  
Between Certifications and Sustainable Consumption Choices

**14.00-14.15** Closing remarks on consumer protection regulation and sustainability

THURSDAY, 9th SEPTEMBER 2021

## Competition Law and Sustainability

### 10.00-10.30 Keynote Speech

**Simon Holmes,**

*Climate Change, Sustainability and Competition Policy*

### 10.30-12.00 Session 1

- **Dr. Kalpana Tyagi**  
Competition Policy, with a touch of Green: From 'Competition on the merits' to 'Sustainable' Competition on the Merits
- **Eva Skufca**  
Role of competition law in moving towards a more sustainable world
- **Dr. Martin Gassler**  
Sustainability, the Green Deal and Art 101 TFEU: Where We Are and Where We Could Go

### 12.00-12.30 Coffee Break

### 12.30-14.30 Session 2

- **Jean-Nicolas Maillard and Yves Botteman**  
Unlocking environmental collaboration: making competition law fit for the sustainability challenge
- **Prof. Dr. Eftichios Sartzetakis**  
When Does Firm Co-operation Foster or Forestall Sustainable Development?
- **Prof. Dr. H.H.B. Vedder**  
Sustainability and Rethinking the Public-Private Divide in Competition Law
- **Martijn Snoep**  
Sustainability and Cooperation

### 14.30-14.45 Closing remarks on competition law and sustainability

FRIDAY, 10th SEPTEMBER 2021

## Finance for Sustainability

### 10.00-10.45 Keynote Speech

**Prof. Dr. Alex Edmans**

*Grow the Pie: How Great Companies Deliver Both Purpose and Profit*

### 10.45-12.15 Session 1

- **Dr. Linn Anker- Sørensen**  
Securitizing green cash-flows
- **Prof. Dr. Dirk Andreas Zetzsche**  
EU Sustainable Finance Strategy 2021: Regulating in the Dark?"
- **Alenka Recelj Mercina**  
NLB Group: using ESG integration to create new form of competitive advantage

### 12.15-12.45 Coffee Break

### 12.45-14.15 Session 2

- **Prof. Dr. Rodrigo Zeidan**  
Improving credit rating systems and other obstacles to greener banking
- **Laurent Babikian**  
From Sustainable Finance to Responsible Capitalism
- **Simon Puleston Jones**  
The challenges of successfully scaling up climate capital, at pace

### 14.15-14.30 Closing remarks on finance for sustainability and the closing of the conference

\*<https://ssrn.com/abstract=3871677>

## SPEAKERS

*In order of appearance*



**DIDIER  
REYNDERS**

Didier Reynders has been EU Commissioner for Justice since 2019. Previously, he was Deputy Prime Minister for Belgium, having been Minister of Foreign and European Affairs, Minister of Defence, and Minister of Finance prior to this.

His responsibilities include contributing to legislation towards a coordinated approach on the human and ethical implications of artificial intelligence; leading on consumer empowerment and protection and protecting citizens' rights; and maximising the potential of new digital technologies to improve the EU's justice systems, amongst others.

He is a graduate in Law from the University of Liège and a Lecturer/Visiting Professor (Liège, Louvain, Bruxelles).

## SPEAKERS



**PROF. DR.  
ALESSIO  
BARTOLACELLI**

Alessio Bartolacelli is Associate Professor of Business Law and European Company Law at the Department of Law, University of Macerata, Italy, where he holds the Jean Monnet Chair 'Business Law in the European Union and Sustainable Economy'. He got his PhD in Business Law from the University of Brescia (2008). Before joining the University of Macerata (2015), he was a Research Fellow at the University of Trento (2008-2009) and the University of Bologna (2015). From 2011 to 2014, he was a Marie Curie and TRENTINO Fellow at the University of Trento, with a grant jointly awarded by the European Commission and the Autonomous Province of Trento. His main research interests are in Company Law, with a special focus on SMEs. He has published several works on company- and enterprise-related topics, mainly in Italian, English, and Portuguese. He is a member of the Editorial Staff of the Journals *Giurisprudenza Commerciale* and *Rivista Orizzonti del Diritto Commerciale* and of the International Editorial Board of *Glos Prawa - Allerhand Law Review*.

## SPEAKERS



**PROF. MIEMIE  
STRUWIG**

Prof Miemie Struwig is currently professor in the Department of Business Management at the Nelson Mandela Metropolitan University, South Africa where she lectures Business Research Methods to Post graduate Honours students. She is nationally and internationally recognised for her expertise in business research. She is multi-skilled and worked over most of the specialisations in the field of Business Management. She is also one of the few academics that work across faculties and has worked with the following disciplines, Statistics, Accounting, Construction Management and Medicine.

## SPEAKERS



**LAURA BEST**

Dr Laura Best has more than twenty years of public management experience which informs her perspectives on public policy. She divides her time between the National Consumer Tribunal (NCT) where she serves as the Deputy Chairperson and her position as Special Assistant to the Vice-Chancellor of the Nelson Mandela University. She is a member of the Intergovernmental Group of Experts on Consumer Protection at the United Nations Conference on Trade and Development (UNCTAD) in Geneva.

Dr Best chairs the NCT ICT Governance Committee and makes a significant input into the NCT through her insight into, and keen interest in the role of consumer protection in sustainability and contributing towards the achievement of the global sustainable development goals.

She holds a DPhil: Commerce – Business Management (Nelson Mandela University). Many of her papers are available at [ssrn.com/author=375947](https://ssrn.com/author=375947).

## SPEAKERS

*In order of appearance*



PROF. DR. HANS  
W. MICKLITZ

Hans-W. Micklitz is a Professor for Economic Law at the Robert Schuman Centre for Advanced Studies at the European University Institute in Florence Italy, Finland Distinguished Professor, ERC Grant Holder 2011-2016 on European Regulatory Private Law, Grant Academy of Finland, 2015-2021 External Dimension of European Private Law, research on European and transnational law, and legal theory.

His recent publications include: H.-W. Micklitz, *The Politics of Justice in European Private Law*, CUP 2018, with Marta Cantero (eds.), *The Role of the EU in Transnational Legal Ordering: Standards, Contracts and Codes*, Edward Elgar Publishing, 2020, 334, with A. Reich (eds.) *The impact of the European Court of Justice on Neighbouring Countries*, Oxford University Press, 2020; H.-W. Micklitz/ S. Grundmann/ M. Renner, *New Private Law Theory: A Pluralist Approach*, Cambridge University Press, 2021; with Oreste Pollicino, Amnon Reichman, Andrea Simoncini, Giovanni Sartor, Giovanni De Gregorio (eds.) *Constitutional Challenges in the Algorithmic Society*, Cambridge University Press forthcoming; Hans-W. Micklitz (ed.), *The*

## SPEAKERS



ERNEST  
BARCELO

Ernest Barcelo is an Industrial Engineer from UPC (Spain) and holds a Master from the same University and the EFQM. IESE PDD Business Management Graduate, is also following a PhD program in Chemical Engineering from Aalto University (Finland) and was teaching Integrated Management Systems on the Quality Management Master program UPC (Spain) from 2001 to 2012.

He started in Omya in 1997 as Director of Quality Management and Environment at Omya Clariana (Spain) and now holds the position of Vice-President Sustainability for Omya group (Switzerland).

With Calcium Carbonate uses in multiple applications, Ernest is member of various industry associations. He is an active member in the Calcium Carbonate Association Europe (CCA-Europe), is chairing the Environment working group at Industrial Minerals (IMA-Europe) and also representing IMA on the EU Technical Advisory Group (TCA-RM) Study supporting the elaboration of guidelines for best risk management approaches in the extractive sector.

## SPEAKERS



PROF. DR.  
ONYEKA OSUJI

Onyeka K. Osuji is a Professor of Law and Director of the Commercial Law PGT programmes at the School of Law, University of Essex. He is a Fellow of the Higher Education Academy. Professor Osuji obtained a PhD in law from the University of Manchester (as a School of Law Scholar) and a BCL (Law) from the University of Oxford (as a Shell Centenary/FCO Chevening Scholar). He has an LLB from the University of Nigeria where he graduated as the Best Student of the Faculty of Law. He also has a barrister-at-law postgraduate diploma from the Nigerian Law School and was awarded the Best Overall Performance (Second Prize) and two prizes in Legal Drafting and Conveyancing. Professor Osuji previously practised in corporate and commercial law before becoming an academic. He is qualified as a barrister and solicitor of Nigeria and a (non-practising) solicitor of England and Wales and has advised individuals, corporations, and national and international governmental and non-governmental organizations.



## SPEAKERS



**PIERRE  
COURTEMANCHE**

Pierre Courtemanche began working with smallholders in developing and emerging countries 33 years ago as an OXFAM volunteer. Latterly, he has worked for the Canadian International Development Agency, for the Canadian NGO SOCODEV, and for a soft commodity trading house, Armajaro Trading.

Pierre has also run his own specialist development consulting firm.

Pierre has lived in Cameroon for 6 years, Ghana for 2 years, 3 years in the UK and made field trips in more than 20 countries covering East Europe, Asia, Africa and South America. This journey led him to found GeoTraceability Ltd. in 2011, a company specialising in data collection on smallholders and the traceability of their products. The company operates globally and has the goal of putting smallholders on the map.

At the beginning of 2018, GeoTraceability merged with Optel Group creating the world's leading provider of traceability solutions.

## SPEAKERS



**SIMON HOLMES**

Simon Holmes advised businesses on competition law for some 35 years before joining the UK Competition Appeal Tribunal as a judge. He was latterly head of competition law at SJ Berwin and then King & Wood Mallesons –first in the UK and Europe and then on a global basis.

He is a Visiting Professor at Oxford University where he teaches competition law. He is also an adviser to the NGO, ClientEarth; a strategic Adviser to SustainablePublicAffairs in Brussels; a member of the Competition Commission of the International Chamber of Commerce (ICC); a member of the international advisory board of the LDC (Insituto de derecho de la competencia); and an associate member of the UCL Centre for Law, Economics, and Society (CLES).

He writes and speaks regularly on competition and regulatory issues and has a particular interest in the relationship between climate change, sustainability and competition law. He is co- editor of a new book on this published by Concurrence: "Competition Law, Climate Change and Environmental Sustainability".

## SPEAKERS



**DR. KALPANA  
TYAGI**

Kalpana Tyagi is Assistant Professor of Intellectual Property and Competition Law in the European and International Law Department, Maastricht University.

She holds a multidisciplinary PhD (summa cum laude) from the Max Planck Institute for Innovation and Competition, Munich where she worked as Max Planck Fellow for Innovation and Competition until 2015. Tyagi also holds a bachelor's degree in marketing and business strategy (I division) from College of Business Studies, New Delhi (2002), a bachelor's degree in law (I division) from the Department of Law, New Delhi, an LLM degree in International Business Laws (I division) from Singapore and China (2009) and a specialized master in European Law and Economics (magna cum laude) from University of Hamburg, Bologna and Ghent (2012).

Kalpana's main areas of interest relate to the interface of intellectual property rights and competition law, particularly in the context of sustainability and digitalization. Her book 'Promoting Competition in Innovation through Effective Merger Control in the ICT Sector: A Comparative and Interdisciplinary Study' offers a comparative overview of merger control practices in the US and the European Union, with a special focus on the practices of the French, German and Austrian competition authority.

## SPEAKERS



EVA ŠKUFCA

Eva Škufca is the co-managing partner of Schoenherr Slovenia where she heads the office's EU & competition, ip and healthcare & life sciences departments. She represents diverse clients in front of the Slovenian Competition Authority and the European Commission, acts as a representative in civil cases for damages arising out of anti-competitive conduct, frequently advises on state aid issues relating to privatizations, infrastructure projects and restructuring cases as well as on the application of foreign direct investment screening rules. Having a comprehensive background in EU law, Eva also advised numerous foreign clients on implementation of EU rules to Slovenian legislation. She has broad experience in several sectors and has recently advised, most notably, a leading telecommunication provider, several leading retailers and companies from the FMCG sector, two of the biggest companies in the Slovenian energy sector, as well as several foreign companies in various new technologies markets. Eva holds an LL.M. from the London School of Economics (2012) and is an author of numerous articles and contributions in the above listed fields.

## SPEAKERS



DR. MARTIN  
GASSLER

Martin Gassler is an aspiring competition lawyer at Wolf Theiss in Vienna. He has several years of experience in dealing with all aspects of EU and Austrian competition law (including merger control filings, cartel investigations, abuse of dominance issues, supply and distribution agreements, cooperation agreements, cartel damage claims, and general compliance matters). Beside his postgraduate law degree at the University of Oxford (M.Jur.) and his doctoral degree at the University of Vienna (Dr.iur.), he also holds a degree in economics and is thus also familiar with the economic aspects of competition law. He also regularly publishes in leading competition law journals and is a case reporter for Oxford Competition Law (Oxford University Press).

## SPEAKERS



JEAN-NICOLAS  
MAILLARD

Jean-Nicolas Maillard is Partner at Dentons Europe LLP. Jean-Nicolas' practice focuses on EU and French competition law, in particular cartel and other antitrust investigations. Over the last few years, he has represented companies in connection with numerous EU and French Competition Authority cases (flour, consumer electronics, rail maintenance, fresh dairy products, payment systems, freight forwarding, poultry, veterinary products) and related litigation and has been defending several follow-on litigation cases in French courts. He also works closely with suppliers on all issues connected to the distribution of their products and services in Europe. He regularly organizes, implements and manages antitrust compliance initiatives with in-house teams, including risk-mapping and comprehensive antitrust audits. Jean-Nicolas has also advised clients in relation to over 100 corporate transactions and obtained merger control clearances for their strategic operations from the European Commission and national competition authorities throughout the world. Throughout his career he has gained significant exposure to the food and beverages, retail, consumer electronics, defense and aerospace, agriculture, financial services and private equity sectors.

## SPEAKERS



YVES  
BOTTEMAN

Yves Botteman represents companies in cartel and antitrust investigations and has secured early termination without fines or very favorable outcomes in several European Commission proceedings. His antitrust litigation practice includes representations in significant follow-on damages cases before national courts of EU member states. Yves works with clients to shape their market strategy and design and implement their distribution network in Europe. Yves also regularly advises clients on the rising EU competition enforcement into e-commerce, including geo-blocking, online platforms, algorithms, big data and the Internet of things.

He also provides practical support in implementing antitrust compliance programs and conducting audits. Yves has gained substantial exposure to the media and Internet, consumer products, chemicals and agro-technology, aviation and aerospace, automotive, and insurance industries. He leads the firm's global Antitrust & Competition practice.

## SPEAKERS



PROF. DR.  
EFTICHIOS  
SARTZETAKIS

Eftichios S. Sartzetakis is a Professor of Environmental Economics at the Department of Economics, University of Macedonia. He is the founding and current Director of the MSc in Law and Economics and he has served as Director of the M.A. in Economics (2010-20), Director of the MSc in Sustainable Development at the International Hellenic University (2012-17), Director of the University's Research Unit (2010-20) and Vice Rector Research at the University of Macedonia (2014-18). His research focuses on environmental economics and management.

He has published a number of papers in leading academic journals and served as expert advisor to private firms and public authorities both in Canada and in Greece, including the Bureau of Competition Policy, Industry Science and Technology, Government of Canada, the Ontario Natural Gas Association, and the Ministry of Foreign Affairs and the Ministry of Energy, Climate Change and Environment, Government of Greece. More recently, he served as a member of the Greek National Committee for Adaptation to Climate Change and he is currently member of the scientific advisory board for WWF Greece's proposal for a climate law.

## SPEAKERS



PROF. DR.  
H.H.B. VEDDER

Hans Vedder is professor of economic law at the University of Groningen. He defended his PhD on Competition Law and Environmental Protection in Europe in 2003 at the University of Amsterdam and the topic has remained one of his interests ever since. At the university, he teaches courses and does research on competition law, EU environmental law and general EU law. Hans is also a substitute judge at the Leeuwarden Appeals Court, regularly appears in the media and provides advice to various (non) governmental organisations.

## SPEAKERS



MARTIJN SNOEP

Since September 1, 2018, Martijn Snoep has been the Chairman of the Netherlands Authority for Consumers and Markets (ACM).

Mr. Snoep obtained his law degree from Erasmus University Rotterdam. Until his appointment at ACM, he worked at De Brauw Blackstone Westbroek for 28 years. Operating from both their Amsterdam and Brussels locations, Mr. Snoep gave advice to businesses about the application of competition law in the Netherlands and abroad. As managing partner, he stood at the helm of the firm between 2010 and 2016.

## SPEAKERS



PROF. DR. ALEX EDMANS

Alex Edmans is Professor of Finance at London Business School. Alex has a PhD from MIT as a Fulbright Scholar, and was previously a tenured professor at Wharton and an investment banker at Morgan Stanley. Alex has spoken at the World Economic Forum in Davos, testified in the UK Parliament, and given the TED talk “What to Trust in a Post-Truth World” and the TEDx talk “The Social Responsibility of Business” with a combined 2.4 million views. He serves as Mercers School Memorial Professor of Business at Gresham College, giving a four-year programme of lectures to the public, and on Royal London Asset Management’s Responsible Investment Advisory Committee. Alex’s book, “Grow the Pie: How Great Companies Deliver Both Purpose and Profit”, was featured in the Financial Times list of Business Books of the Year for 2020. He has been named to Poets and Quants Best 40 Professors Under 40 and Thinkers50 Radar.

## SPEAKERS



LINN ANKER-SØRENSEN

Dr Linn Anker-Sørensen is Nordic head of decentralised finance in EY, and part of the ESMA expert group on innovative finance. She holds a PhD on multinational group structuring, discussing various modes of control in corporate groups, and which regulatory requirements that encapsulate all of these varieties in order to mitigate the risk of shadow business practices from an EU law perspective.



## SPEAKERS



**PROF. DR. DIRK  
ANDREAS  
ZETZSCHE**

Prof. Dr. Zetzsche is Professor of Financial Law at the University of Luxembourg where he holds the ADA Chair in Financial Law (inclusive finance) since March 2016 and heads the Faculty of Law, Economics and Finance's House of Sustainable Governance & Markets. He is the author of more than 300 publications, including some leading articles on FinTech/RegTech, sustainable and inclusive finance and corporate governance.

He is a member of the ESMA's standing Consultative Working Group on Financial Innovations, co-chairs the European Banking Institute's FinTech working group, functions as steering committee member of the Sustainable Market Actors' research group at the University of Oslo and as Director of the Society of Investment Law (Chicago, Illinois). Prof. Zetzsche has advised and presented to various regulators worldwide, such as the Bank of International Settlement, the Financial Stability Board, the European Commission, the European Parliament, the European Banking Authority and the European Securities & Market Authority.

He regularly cooperates with development organizations, eg. the Alliance for Financial Inclusion, the Worldbank and the United Nations, among others. He also functions as independent board member for financial institutions.

## SPEAKERS



**ALENKA RECELJ  
MERCINA**

Alenka Recelj Mercina, MSc is NLB Group Sustainability Coordinator with demonstrated history of working in the banking industry. Competencies related primarily to strategy and business development, environmental sustainability and social responsibility. With the ability to recognize and implement innovations in banking, with extensive experience in project management and with a master's degree focused in finance from Cass Business School, London.

## SPEAKERS



**PROF. DR.  
RODRIGO  
ZEIDAN**

Rodrigo Zeidan is Associate Professor of Practice of Business and Finance at New York University Shanghai and Adjunct Professor at Fundacao Dom Cabral. Professor Zeidan is the author of Economics of Global Business (MIT Press). His research has also been published in some of the top journals in finance and economics, such as Nature Sustainability, Journal of Corporate Finance, Energy Economics, Harvard Business Review, International Journal of Production Economics, and Journal of Business Ethics. Rodrigo has a biweekly column at Folha de S. Paulo, the largest Brazilian newspaper. He has written extensively for international media outlets, including the New York New Times, the World Economic Forum, Bloomberg, and Americas Quarterly. Rodrigo Zeidan has significant teaching experience from undergraduate to international MBAs in South America, Europe, and Asia. He has taught over 100 undergraduates, 20 courses for post-graduates, and 2000 hours of Executive Education. Rodrigo is Associate Editor of the Journal of Economic Surveys, Journal of Sustainable Finance & Investment, and the Brazilian Review of Finance. For more information on Professor Zeidan, visit <http://rzeidan.com>.

## SPEAKERS



LAURENT  
BABIKIAN

Laurent Babikian is Director Capital Markets at CDP Europe, having started his career in 1991 working with Bank Indosuez for 10 years. In 2000, he co-founded, Afternext, a start-up incubator and coached entrepreneurs to accelerate their business before creating Corcovado, his own consultancy company, for which he moved to Brazil in 2007. While in Brazil, he became one of the mentors of Endeavor, an international not-for-profit organisation aimed at developing sustainable entrepreneurship in emerging countries.

Laurent is a member of the advisory board of the Low Carbon 100 index managed by Euronext and the French label Greenfin managed by the French Ministry of Environment.

Laurent graduated from IESE Business School in Barcelona, holding an executive MBA in general management. He also holds a master's in finance from the University of Paris Dauphine.

He is a strong proponent of Responsible Capitalism to #BuildForwardBetter.

## SPEAKERS



SIMON  
PULESTON JONES

Simon Puleston Jones is CEO of Climate Solutions, the global climate-focused capital raising and strategic consultancy business focused on energy transition, sustainable agriculture, net zero real estate, water solutions and the circular economy. Simon was the founder WokenUp (the social media platform for the UN Sustainable Development Goals), chair of the Joint Trade Association Group and CEO/Head of Europe of the international trade association for the futures, options and centrally cleared derivatives markets. Prior to that, Simon had a 15 year career as a derivatives and structured finance lawyer.

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