



EUROPEAN ASSOCIATION OF LAWYERS



# Market Access and Market Fragmentation

## Unilateral and Agreed Standards

November 7, 2019

### Conference venue:

University of Bern, Hallerstrasse 6 (ground floor)  
Auditorium Silva Casa  
3012 Bern, Switzerland

**General Partner and Sponsor of the Seminar**



# Welcome to Bern

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**Prof. Philipp Zurkinden**  
AEA-EAL Past President



**Prof. Michael Hahn**  
Director WTl  
University of Bern

Dear Colleagues,

**Market access is a precondition for international trade and open national economies.** In practice, market access may be used to describe very divergent forms of market openings. Differences exist with regard to the extent of the opening of the respective markets and the way in which such opening is provided. To start with the latter: market access may be provided unilaterally or through bilateral or multilateral arrangements including standards, “equivalency requirements” or free trade agreements. Market access agreements may also vary in the integration, which they should achieve between the respective economies. It goes without saying that these types of instruments vary considerably both with regard to the products concerned (e.g. goods, services) and the respective regions, but also with regard to the legal basis governing the free trade agreement. The preferences may differ from one economy to the other. In October 2018, the AEA-EAL, together with the

Institute for European and International Economic Law of the University of Bern and its World Trade Institute, organised a highly successful conference on the legal parameters of market access in Europe and beyond. The conference brought together high-level speakers representing perspectives of various state and non-state actors, inter alia from the EU, the EEA, Switzerland, the UK, Liechtenstein and the Ukraine. Building on this positive milestone, the AEA-EAL and its Swiss partners want to **invite you to the 2nd Market Access Conference on 7 November 2019.** The topics addressed will include, but will not be limited to, unilateral and multilateral standard setting.

See you in Bern!

# Program of the Seminar (I)

**Thursday, November 7**

08:30 – 09:00 **Registration of participants**

09:00 – 09:10 **Welcoming speeches**

- **Professor Michael Hahn**, University of Bern
- **Maria Ślęzak**, President of the European Association of Lawyers (AEA-EAL)
- **Professor Philipp Zurkinden**, Past President of the European Association of Lawyers (AEA-EAL)

## **Legal Foundations**

09:10 – 09:50 Financial Services: International Standards and Market Access in the Post-Crisis Era  
- **Professor Susan Emmenegger**, University of Bern and Cornell University

## **Switzerland and market Access for its Financial Industries**

09:50 - 10:25 Strategies for Swiss Financial Market  
- **Christoph Koenig**, State Secretariat for International Affairs SIF, Head, Policy Issues & International Relations

10:25 - 10:55 **Coffee break**

10:55 - 11:30 Cross-border coordination and cooperation: A Supervisor's Perspective  
- **Ph. D. Thomas Bauer**, FINMA, Chair of the Board of Directors

11:30 - 12:05 EU Market Access - an Uphill Battle for the Swiss Finance Industry?  
- **Matthias Heer**, Swiss Finance Council, managing Director

## **“Werkplatz Schweiz”: Economic Opportunities and Legal Parameters**

12:05 - 12:45 Defying Gravity: The Switzerland – UK Agreements of 2019 and the challenges of extricating from regional market access regimes  
- **Stefan Flueckiger**, State Secretariat for Economic Affairs SECO, Member of the Board of Directors

12:45 - 13:05 Q & A Session

13:05 - 14:00 Lunch



# Program of the Seminar (II)

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Thursday, November 7

## Switzerland and Market Access for its Financial Industries (continued)

- 14:00 - 14:40 Internalizing Environmental, Social and Governance Standards in Investment Banking: Tackling the long-term in a short-term world
- **Marie-Laure Schaufelberger**, Pictet Group, Group Investment Stewardship
  - **Yvonne Lenoir Gehl**, Pictet Group, Head Group Regulatory Office

## “Werkplatz Schweiz”: Economic Opportunities and Legal Parameters (continued)

- 14:40 - 15:20 Market Access for Pharmaceuticals
- **Andreas Balsiger Betts**, Sidley Austin LLP, Senior Advisor; formerly General Council, Swissmedic

15:20 - 15:50 **Coffee break**

- 15:50 - 16:30 Market Access for Med-tech Products
- **Beat Egli**, Zimmer Biomet, Senior Director, Government Affairs

- 16:30 - 17:30 **Roundtable**
- **Marion Jansen**, ITC Geneva, Chief Economist, Director, Division of Market Development,
  - **Monica Mächler**, Zurich Insurance Group, Member of the Board of Directors; former Vice-Chair of the FINMA Board of Directors
  - **Professor Michael Hahn**, University of Bern
  - **Professor Philipp Zurkinden**, Prager Dreifuss

17:30 - 18:30 Aperitif



# Registration form

Please fill in the form on your computer, sign it and send it back by e-mail to **office@aea-eal.eu** till November 3, 2019 at latest. After the deadline please contact us by e-mail. The proof of payment must be attached to the form.

name \_\_\_\_\_ surname \_\_\_\_\_

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## Conference fees

(includes participation in all sessions on November 7, conference materials, coffee breaks and meals)

## Registration

*price/ pax*

- AEA-EAL members (individual and collective)

150 CHF/ \_\_\_\_\_

- other participants

200 CHF/ \_\_\_\_\_

total: \_\_\_\_\_ CHF/ \_\_\_\_\_ pax

Hereby I declare my participation in AEA-EAL Seminar in Bern and attach the proof of payment to the Prager Dreifuss AA Credit Suisse (Schweiz) AG, CH-8070 Zurich, SWIFT: CRESCHZZ80A, Clearing: 4835; IBAN: CH98 0483 5044 0201 0100 0

date \_\_\_\_\_ signature \_\_\_\_\_

# Organizers

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## European Association of Lawyers (AEA-EAL)

The Association was established in 1986 by former members of the International Association of Young Lawyers (AIJA), who decided there a need to strengthen links between members, to share experience in professional matters in cross-border field as well as to broaden knowledge of European law. We pay particular attention to the practical aspects of legal practice by providing training in such areas as law firm management, legal marketing, management of contacts and the acquiring of new clients. For the past number of years, we've organized a summer university course in European business law at the College of Europe and have furnished advices and draft texts to the EU Commission on EU legal proceedings. AEA-EAL has members from various jurisdictions in Europe and outside Europe including Argentina, Austria, Belgium, China, Czech Republic, Denmark, France, Georgia, Germany, Italy, Ireland, Kazakhstan, Poland, Romania, Russia, Spain, Switzerland, the Netherlands, the United Kingdom, Uzbekistan and the United States. Growing the network of lawyers helps our members develop professional and social contacts and to expand their activities. Our statutes, which were amended recently, allow membership for lawyers from all continents and jurisdictions, share the same fundamental values of the profession including independence, self-governance and protecting professional secrecy. We welcome you to visit our website [www.aea-eal.eu](http://www.aea-eal.eu) and on our Facebook [fb.com/europeanassociationoflawyers](https://www.facebook.com/europeanassociationoflawyers).



## World Trade Institute

**The World Trade Institute (WTI)** is a leading academic institution dedicated to teaching and research focused on international trade and investment regulation and economic globalisation and sustainability. As a centre of excellence at the University of Bern with an international, interdisciplinary focus, we explore the interconnections between the fields of law, economics and political science. The WTI combines graduate-level education, interdisciplinary research and specialised advisory services in a unique and dynamic institution. We recruit students, researchers, faculty and employees from around the world, creating a diverse culture and stimulating environment. The WTI closely cooperates with and shares its premises with the **Institute of European and International Economic Law**. The Institute of European and International Economic Law is integrated in the Law Faculty of the University of Bern and part of the Department of Economic Law. Our teaching and research focuses on the trade relations of the European Union and therefore also on the international legal relationship between the EU and Switzerland. With a view to global trade relations, our focus lies on the law of the WTO.