

**Association for Competition Economics**  
**Annual Conference – 26-27 November 2009 – Berlin**  
**European School of Management and Technology**  
**Program overview**

**Thursday, November 26<sup>th</sup>**

12.30 - 14.00	Registration of participants
14.00 - 14.10	Welcome (Lars-Hendrik Röller, ESMT)
14.10 – 14.30	Keynote speech (Christian Ewald, Bundeskartellamt)
14.30 - 16.00	Parallel Sessions (I-III)
16.00 -16.30	Coffee Break
16.30 - 18.00	Parallel sessions (IV-VI)
18.30	Champagne reception
19.00	Dinner at the ESMT - European School of Management and Technology

**Friday, November 27<sup>th</sup>**

9.00 - 10.30	Parallel Sessions (VII-IX)
10.30 - 11.00	Coffee Break
11.00 - 12.15	Round Table: “Assessment of competitive damages”
12.15 -12.45	Presentation of the “best paper of the year” by the winner
12.45 -13.00	Information on ACE
13.00	Lunch
14.00	End of the ACE 2009 Conference

## Program details

### - Thursday, November 26<sup>th</sup> -

- 12.30 - 14.00**      **Registration of participants**
- 14.00 - 14.10**      **Welcome (Lars-Hendrik Röller, ESMT)**
- 14.10 – 14.30**      **Keynote speech (Christian Ewald, Bundeskartellamt):  
Organizing Economists in Competition Law Enforcement:  
Varying Solutions - Constant Challenges”**
- 14.30 - 16.00**      **Parallel Sessions (I-III)**

♦ **Panel I: Exchange of Information: The bank case in Israel**

In May 2009, the Israeli Antitrust Authority (IAA) concluded its longest and most comprehensive investigation ever regarding banking fees charged by the largest five commercial banks in Israel. The IAA's conclusion was that the five largest commercial banks in Israel colluded for years by sharing information on bank fees. In particular, officers in charge of recommending updates of fees to the board of directors were calling each other to find out details about the fee structure of rivals. The interesting question is what the potential competitive effects of such information exchange are.

*Chairman:*      *Yossi Spiegel (Tel Aviv University, Israel)*

*Speakers:*

- Shlomi Parizat, Boaz Golan (Israeli Antitrust Authority, Israel)
- Menachem Perlman (Perlman & Co, Israel)
- Kai-Uwe Kühn (University of Michigan, USA)

♦ **Panel II: TicketMaster-LiveNation : Beyond vertical issues**

This merger is currently being investigated by competition authorities in the UK and the US. The presentations and discussion will centre on the case in the UK, which has both vertical aspects at a number of levels within the live entertainment industry and also horizontal aspects. The latter relate to Live Nation's existing contract with a potential competitor to Ticketmaster (CTS Eventim) that is in the process of entering the UK market.

*Chairman:*      *Helen Jenkins (Oxera, UK)*

*Speakers:*

- Rachel Webster (Frontier Economics, UK)
- Paul Hutchinson (OFT, UK)
- Marc Ivaldi (Toulouse School of Economics, France)

◆ **Panel III: Termination calls**

In May 2009, the European Commission issued its recommendation to National Regulatory Authorities (NRA) on the appropriate methodology for calculating fixed and mobile termination rates. NRA's are currently evaluating how to respond to this recommendation – to which they are legally required to pay 'utmost regard' - given that it diverges from much current practice which uses a LRIC "plus" cost methodology to set termination rates. This session will consider how NRA's applying the best available economics should respond to the Commission's recommendation given the objective of delivering good outcomes for consumers in retail telecoms markets.

*Chairman: Peter Davis (Competition Commission, UK)*

Speakers:

- Andrea Coscelli (Ofcom, UK)
- Patrick Rey (Toulouse School of Economics, France)
- Mike Walker (CRAI, UK)

**16.00 -16.30            Coffee Break**

**16.30 - 18.00           Parallel sessions**

◆ **Panel IV: Project Kangaroo**

In February 2009 Competition Commission in the UK blocked the proposed video on demand (VOD) joint venture between BBC Worldwide, ITV and Channel Four – also known as 'project Kangaroo'. It is a joint venture in the market for UK-oriented TV content, where those three members of the joint venture control the vast majority of this material. Competition Commission concluded that the members of the joint venture would have a joint interest in restricting competition from other current and future providers of VOD for UK viewers. The case raises interesting questions concerning i) how to perform a merger assessment in the case of a new product in a new market and ii) the incentives for the members of the joint venture to invest in ventures that might compete with the joint venture.

*Chairman: Lars Sørgaard (Norwegian School of Economics, Norway)*

Speakers:

- Nicola Mazzarotto (Competition Commission, UK)
- Bruno Jullien (Toulouse School of Economics, France)
- Zoltan Biro (Frontier Economics, UK)

◆ **Panel V: The German Cement Cartel**

In spring 2002 the national competition authority uncovered a long lasting cartel in the German cement industry. In 2003 the German competition authority imposed a fine on the six largest companies for a total of €660 million, the largest fine ever for such an infringement in Germany. Several parties appealed against the decision in front of a Higher Regional Court. In a recent decision the Court confirmed the cartel infringements, but reduced the fines imposed by the competition authority because of incomplete data for setting the fines. The Court was assisted by an economic expert to carry out an overcharge estimation, which was contested by various economic experts for the parties and the competition authority. The case raises substantial issues (how to take into account a price war period in the overcharge estimation) and procedural issues (how to introduce econometric evidence into a court case) that are of interest for competition economists.

*Chairman: Benoit Durand (RBB, Belgium)*

Speakers:

- Hans W. Friederiszick (ESMT CA, Germany)
- Christian Ewald (BKartA, Germany)
- Ulrich Schwalbe (University of Hohenheim, Germany)

◆ **Panel VI: Rebates – practical implementations in recent cases (Intel)**

In Fall 2000, Advanced Micro Devices (AMD) submitted to the European Commission a formal complaint as to the abuse of dominant market power by Intel, charging that Intel had offered rebates to five OEM's (Dell, HP, Acer, NEC and IBM), conditional on their exclusively building the Intel x86 CPU into their computer hardware. In 2006, AMD filed a complementary complaint to the German Cartel Office charging that Intel had engaged in an exclusionary market arrangement with Media-Saturn, a major European retailer of microelectronic devices. After a long and detailed investigation, the Commission decided that Intel had engaged in a single and continuous infringement of Article 82 of the Treaty of Maastricht by aiming at foreclosing competitors from the x86 CPU market. Intel has been fined Euro 1 060 000 000. A central methodological and empirical issue addressed is at which quantitative level conditional rebates can be interpreted as a foreclosure device.

*Chairman: Konrad Stahl (University of Mannheim, Germany)*

*Speakers:*

- Claes Bengtsson (DG Competition, EC)
- Adrian Majumdar (RBB, Belgium)
- Giulio Federico (CRAI, UK and IESE, Spain)
- Massimo Motta (European University Institute and University of Bologna, Italy)

**18.30 Champagne reception**

**19.00 Dinner at the ESMT - European School of Management and Technology**

## - Friday, November 27<sup>th</sup> -

### 9.00 - 10.30 Parallel Sessions

#### ♦ Panel VII: BAGS-AMRAC

This is a UK private action case pitting bookmakers against race courses over who should control the broadcasting of horse races in bookmakers' facilities. Both parties claimed the other party's arrangement violated Article 81. The case covers the economics of exclusive media rights that are collectively sold, the question of whether the owners or buyers of sports rights can legitimately take control of a sports broadcaster, and the paradox of whether market entry can ever be anti-competitive.

*Chairman:* Svend Albæk (DG Competition, EC)

*Speakers:*

- James Kavanagh/ Gunnar Niels (Oxera, UK)
- Philippe Février (CREST-LEI, France)
- Lorenzo Coppi (CRAI, UK)

#### ♦ Panel VIII: Campina /Friesland

Friesland Foods / Campina (COMP M.5046) is a merger between two leading Dutch dairy producers, active throughout the vertical chain of dairy products, from procurement of raw milk to processing and sales of a variety of dairy products. Both parties are cooperatives owned by member farmers and thus vertically integrated with raw milk suppliers. Besides horizontal overlaps on several (downstream) dairy product markets, the Commission has identified vertical foreclosure issues resulting from the parties' upstream integration. It has cleared the merger conditionally on "classical" remedies (e.g. asset divestitures and licensing) but also on more behavioural remedies dealing with foreclosure concerns, namely (i) drawing rights on raw milk supply through a "milk fund" and (ii) financial incentives for farmers to leave the merged entity and contract with rival dairy product suppliers.

*Chairman:* David Sevy (LECG, France)

*Speakers:*

- Matthijs Visser (RBB, Netherlands)
- Szabolcz Lorincz (DG Competition, EC)
- John Thanassoulis (Oxford University, UK)

#### ♦ Panel IX: Temporary work

The Conseil de la concurrence has imposed fines on the three largest staffing companies Adecco, Manpower and Vediorbis for colluding in their commercial policy concerning their biggest clients. Depending on the case, the Conseil considered that they exchanged information or discussed the prices of their tenders. This case has given rise to extensive economic work by the parties and the economic service of the Conseil mainly on the evaluation of the damage to the economy and the methodology to use.

*Chairman:* Laurent Flochel (CRAI, France)

*Speakers:*

- Valérie Meunier (Autorité de la concurrence, France)
- Francesco Rosati (RBB, Belgium)
- Sébastien Roux (CREST, France)

**10.30 - 11.00      Coffee Break**

**11.00 - 12.15      Round Table: “Assessment of competitive damages”**

*Chairman: Lars-Hendrik Röller (ESMT)*

- Helen Jenkins (Oxera, UK)
- Bill Kovacic (FTC, USA)
- Raphael de Coninck (DG Competition, EC)
- Jorge Padilla (LECG, Spain)
- Peter Møllgaard (Copenhagen Business School, Denmark)

**12.15 -12.45      Presentation of the “best paper of the year” by the winner**

**12.45 -13.00      Information on ACE**

**13.00              Lunch**

**End of the ACE 2009 Conference**