

PRELIMINARY AGENDA

WORKSHOP ON MERGER ANALYSIS AND PROCEDURE

Budapest, Hungary, 28 February - 2 March 2005

Corinthia Aquincum Hotel
Arpad Fejedelem utja 94
H-1036 Budapest

Many participating authorities do not have a long history of merger enforcement laws or enforcement actions. This workshop will therefore approach the issue of best practice in merger analysis and procedure by developing a hypothetical merger case, with participants adopting roles as competition agency officials, merging company officials, customers and competitors to the merging companies. The workshop will conclude with a hearing in which the government presents its case and the merging companies present their defense. Materials for the hypothetical case will be distributed well in advance of the meeting to ensure that participants have sufficient time to familiarise themselves with its details. These materials will explain exactly what is expected for each session that is related to the hypothetical case. To the extent necessary, we may request specific participants to prepare for specific roles and will give at least one week's advance notice of any request.

Participants from jurisdictions that have merger review experience will be requested to present a case from their jurisdiction's experience.

February 28	
8 :30-9 :00	Registration of participants
9.00-9.15	Welcome and opening remarks, <i>Chairman Zoltan Nagy, Hungarian Competition Authority</i>
9.15-9.30	The role of the Budapest Regional Competition Center, <i>Mr. Bernard J. Phillips, OECD</i>
9.30-9.45	Why merger control matters, <i>Mr Lennart Goranson, OECD</i>
9.45-10.45	Session 1. Merger rules and procedures
	Mini-lecture: Rules and procedures in European Commission, <i>Mr. Michael König, DG Competition, European Commission</i>
	Mini-lecture: Rules and procedures in the Hungarian competition authority, <i>Ms. Anita Kovacs, Hungarian Competition Authority</i>

<i>Coffee break</i>	
11:00-12:45	Session 2. Merger analysis
	Mini-lecture: Selecting an economic theory of harm, <i>Mr. Kamil Kiljanski, DG Competition, European Commission</i>
	Mini-lecture: Testing economic theories, <i>Mr. Sean Ennis, OECD</i>
	Qualitative evidence
	Documents
	Basic data
12:45-13:00	Introduction to hypothetical case, Mr. Sean Ennis, OECD
<i>Lunch</i>	Apicius Restaurant (at the Hotel)
	Session 3. Beginning of hypothetical case: First steps
14:30-14:45	First meeting between competition agency and merging companies, merging companies present their initial evidence
14:45-15:15	Internal agency meeting: Decision of what theory (or theories) to consider
15:15-15:45	Mini-lecture: Interview techniques, <i>Mr. Matthew Reilly, U.S. Federal Trade Commission</i>
15:45-16:15	Competitor interviews (2)
<i>Coffee break</i>	
16:30-17:15	Customer interviews (4 of 8 possible)
17:15-17:30	Regional manager interview (1)
19:30	Dinner hosted by the OECD (at the Hotel Restaurant)
March 1	
	Session 4. Case examples: Actual merger cases
9:00-11:00	Merger cases: Macedonia: Concentration of OST.Holding and “MOST” Bulgaria: Bakery Foods Bulgaria and Royal Foods Holding Albania: Savings Bank and Raiffeisen Znetral Bank Romania: Soda Ash and Sodium Derivatives
<i>Coffee break</i>	
	Session 5. Middle of hypothetical case: Interviews and decision of whether to proceed further
11:15-12:00	Mini-lecture: Using data to test theories in this case, <i>Mr. Sean Ennis, OECD</i>
12:00-12:30	Decision of whether to proceed with more intensive investigation
12:30-13:00	Group discussion

<i>Lunch</i>	Apicius Restaurant (at the Hotel)
	<i>Session 6. Middle of hypothetical case : Gathering supplemental information</i>
14:30-15:00	Mini-lecture: Formulating requests for written information, <i>Mr. Michael König, DG Competition, European Commission</i>
15 :00-15 :30	Formulation of information request in this case
15 :30-16 :00	Reviewing responses (information, documents, public responses and confidential responses)
<i>Coffee break</i>	
	<i>Session 7. Case examples: Actual merger cases</i>
16:15-17:00	Merger cases: Bulgaria: Zlatna Panega Cement and Rea Cement Croatia: Europapress and Slobodna Dalmacija
17:00-17:30	Hungarian merger case, <i>Ms. Anita Kovacs, Hungarian Competition Authority</i>
<i>March 2</i>	
	<i>Session 8. Concluding the hypothetical case: Presentations</i>
9:00-10:00	Internal agency meeting: Review of investigation: major arguments for and against, preparation for hearing
10:00-11:00	Presentation of government case at hearing
<i>Coffee break</i>	
11:15-12:00	Presentation of defense case at hearing
12:00-13:00	Group discussion of presentations
<i>Lunch</i>	Apicius Restaurant (at the Hotel)
	<i>Session 9. Concluding the hypothetical case: Remedies and Decision</i>
14:30-15:00	Mini-lecture: Remedies in merger cases, <i>Mr. Kamil Kiljanski, DG Competition, European Commission</i>
15:00-15:30	Remedies proposed and considered
15:30-15:45	Announcement of final decision
<i>Coffee break</i>	
16:00-16:30	Summary of procedural points raised in this case
16:30-17:00	Summary of theories and evidence for or against them
17:00-17:15	Concluding remarks, <i>Mr. Sean Ennis, OECD</i>