

OECD Program For the Competition Commission of Pakistan

on

Cartels and Abuse of Dominance

Dubai, 15-17 December 2008

Seminar Overview

This 3-day program is intended to introduce skills necessary to evaluate abuse of dominance cases (first day) and to investigate cartel and bid rigging cases (last two days). The cartel portion is built around hypothetical problems that allow maximum participation by each CCP staff member -- they will practice formulating an investigative plan, asking questions of witnesses, using documents, and analysing the facts obtained. We will try to avoid formal lectures and detailed power point presentations, and instead to encourage informal discussion and sharing of ideas.

Advisors: Arnie Celnicker, OECD consultant, formerly with US DOJ and US FTC
Mike Wood, Assistant Chief, Cleveland Field Office, US DOJ

Seminar Agenda

Monday, December 15 -- Abuse of Dominance

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| 9.00-9.15 | Welcome and Introductory Remarks: <i>Arnie Celnicker</i> |
| 9.15-10.30 | Market Power -- Market Shares, Entry and Other Factors: <i>Arnie Celnicker</i> |
| 10.30-10.45 | <i>Break</i> |
| 10.45-12.30 | Evaluating Abusive Practices -- Predatory Pricing, Refusal to Deal, etc.: <i>Arnie Celnicker</i> |
| 12.30-13.30 | <i>Lunch</i> |
| 13.30-14.00 | State-created Monopolies and Recently Privatised Firms, and the Use of Advocacy: <i>Arnie Celnicker</i> |
| 14.00-14.45 | Remedies, Including Agency Control of Monopolistic Rent or Excessive Pricing: <i>Arnie Celnicker</i> |
| 14.45-15.00 | <i>Break</i> |
| 15.00-16.30 | Discussion of CCP Abuse Issues and Investigations: <i>Arnie Celnicker</i> |
| 16.30-17.30 | <i>Advisors Available to Talk with Participants Regarding Any Topic Participant Chooses (Voluntary)</i> |

Tuesday, December 16 -- Bid Rigging, Interviews, and Agreement

- 9.00-10.15 **Bid Rigging and Detection:** *Mike Wood*
- 10.15-10.30 *Break*
- 10.30-11.30 **Bid Rigging Hypothetical 1 (Devising a Bid Rigging Scheme):** *Mike Wood*
- 11.30-12.30 **Bid Rigging Hypothetical 2 (Detecting a Bid Rigging Scheme):** *Mike Wood*
- 12.30-13.30 *Lunch*
- 13.30-14.30 **The Economics of Cartels and Detecting Cartels:** *Mike Wood*
- 14.30-15.15 **Guidelines for Interviews and Prepare to Interview Witness 1:** *Arnie Celnicker*
- 15.15-15.30 *Break*
- 15.30-16.30 **Interview Witness 1 (the informant):** *Mike Wood*
- 16.30-17.00 **Review Interview of Witness 1 and Plan Investigation:** *Arnie Celnicker*
- 17.00-17.30 **Proving an Agreement, Law and Evidence:** *Mike Wood*
- 17.30-18.00 *Advisors Available to Talk with Participants Regarding Any Topic Participant Chooses (Voluntary)*

Wednesday, December 17 -- Documents, Case Studies, and Leniency

- 9.00-9.30 **Use of Documents:** *Mike Wood*
- 9.30-10.00 **Dealing with Uncooperative or Lying Witnesses:** *Mike Wood*
- 10.00-10.15 **Prepare to Interview Witness 2 (the co-conspirator):** *Arnie Celnicker*
- 10.15-10.30 *Break*
- 10.30-11.15 **Interview Witness 2:** *Mike Wood*
- 11.15-11.45 **Review Interview of Witness 2 and Update Investigation:** *Arnie Celnicker*
- 11.45-12.30 **Five Keys to Effective Interviews:** *Arnie Celnicker*
- 12.30-13.30 *Lunch*
- 13.30-14.30 **CCP Specific Issues, Including Setting Floor Pricing:** *Arnie Celnicker*
- 14.30-15.00 **Defences and Responses in Cartel Cases:** *Mike Wood*
- 14.30-15.00 **CCP Cement Case and Bank Case:** *Arnie Celnicker*
- 15.00-15.15 *Break*
- 15.15-16.00 **How to Use Leniency and Other Tools to Generate Cases:** *Mike Wood*
- 16.00-16.30 **Devising Effective Advocacy Strategies:** *Arnie Celnicker*
- 16.30-17.30 *Final Views, Questions, and Evaluations*