

VCAD and ACFC Seminar on Investigative Techniques

Sponsored by

Korea Fair Trade Commission and OECD-Korea Regional Centre for Competition

U.S. Federal Trade Commission and U.S. Department of Justice with USAID

Hanoi, Vietnam, 19-22 March 2007

Advanced Workshop on Investigating Abuse of Dominance Cases

Seminar Overview

During this seminar, participants will receive advanced training on abuse of dominance. Classic issues such as defining the relevant market, barriers to entry, determining whether market power exists, efficiency considerations as well as remedies and sanctions will be discussed. Participants will examine these issues through lectures and through a hypothetical case involving a unilateral refusal to deal. Participants will conduct hypothetical interviews with market participants and analyze documents as they examine the facts of the case. At the end of the hypothetical case study, a courtroom simulation will occur where participants present their oral arguments. Participants will also discuss what types of advocacy steps could have been taken in this case in order to prevent the abusive behaviour (if, indeed it is found to be) and what also might be done in other similar cases. Finally, several case studies will be presented which focus on the unilateral behaviour of dominant companies.

Attending Experts and Participants

ASEAN Secretariat, Brunei, Burma, Cambodia, China, Indonesia, Korea, Laos, Malaysia, OECD, Philippines, Singapore, Thailand, United States and Vietnam

Seminar Agenda

Monday, March 19th

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| 9:00-9:30 | Welcome and opening remarks:
<i>Dr. Dinh Thi My LOAN, ACFC Chairman and Director General of VCAD;
TBA, KFTC and
TBA, USAID</i> |
| 9:30-9:45 | Introductions of Participants and Experts |
| 9:45-11:00 | Investigating Abuse of Dominance Cases <i>Ms. Nina HALE, USDOJ</i> |
| 11:00-11:15 | <i>Break</i> |

11:15-12:30 **Investigative Techniques** *Mr. Nick FRANCZYK, USFTC*

12:30-1:00 **Introduction to the Facts of the Hypothetical:** *Ms. Nina HALE, USDOJ*

1:00-2:00 *Lunch*

2:00-3:00 **Defining a Relevant Market:** *Dr. Elizabeth CALLISON, USFTC*

3:00-4:00 **Breakout Groups:** Developing an Investigative Plan

4:00-4:15 *Break*

4:00-4:45 **Interviewing a Witness:** *Dr. Kenneth DANGER, OECD*

4:45-5:30 **Group Exercise:** Developing a Witness Interview Outline

Tuesday, March 20th

9:00-10:30 **Group Exercise:** Interviewing the Complainant

10:30-10:45 *Break*

10:45-12:00 **Group Exercise:** Discuss Documents and Develop Lines of Questioning

12:00-1:00 **Assessing Monopoly Power:** *Dr. Kenneth DANGER, OECD*

1:00-2:00 *Lunch*

2:00-3:30 **Group Exercise:** Interview Preparation

3:30-3:45 *Break*

3:45-5:15 **Group Exercise:** Interview Witnesses

Wednesday, March 21st

9:00-10:30 **Group Exercise:** Interview of Witnesses Continues

10:30-10:45 *Break*

10:45-11:45 **Group Exercise:** Assessing the Collected Evidence

11:45-1:00 **Assessing Barriers to Entry and Efficiencies:**
Dr. Elizabeth CALLISON, USFTC

1:00-2:00	<i>Lunch</i>
2:00-3:00	Group Exercise: Interview of Witnesses Continues
3:00-3:30	Group Discussion: Is There a Violation of the Law?
3:30-3:45	<i>Break</i>
3:45-5:00	Remedies and Sanctions in Abuse of Dominance Cases: <i>Mr. Nick FRANCZYK, USFTC</i>
5:00-5:30	Group Exercise: What Remedy is Appropriate in this Case?

Thursday, March 22nd
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9:00-10:15	Group Exercise: Developing and Order of Proof
10:15-11:00	Group Exercise: Oral Arguments
11:00-11:15	<i>Break</i>
11:15-12:30	Advocacy Steps and Examples to Deter Abusive Behaviour: <i>Ms. Nina HALE, USDOJ</i>
12:30-1:00	Group Exercise: What Could Have Been Done In This Case?
1:00-2:00	<i>Lunch</i>
2:00-3:00	Case Study Presentation by Indonesia: <i>KPPU</i>
3:00-3:15	Break
3:15-4:15	Case Study Presentation by Korea: <i>KFTC</i>
4:15-5:15	Case Study Presentation by the United States: <i>USFTC or USDOJ</i>
5:15-5:30	Closing Remarks, Presentation of Certificates, and Photo Session