



Funded by the Training of National Judges Programme of the European Commission

Seminar on European Competition Law for National Judges

Competition Economics

 **Budapest, Hungary**

 **10-11 May 2019**

Seminar objectives

Economic concepts and analysis have taken a fundamental place in the field of competition law over the years. In modern antitrust litigation, soundness of economic methods used by national competition authorities in their examinations and relevance of economic studies submitted by the companies' legal representatives to support their case come under national judges' scrutiny.

This training aims at familiarizing national judges with basic economic concepts and the legal and procedural challenges they might face when applying them in competition law cases due to the increased relevance of economic analysis across all fields of antitrust law.

This two-day event will provide national judges with specific knowledge and practice related to competition economics in order to make them more at ease with economic notions and economics-based arguments. Moreover, judges will be provided with guidance on how to handle economic questions in court proceedings.

The seminar will address fundamental economic notions in market definition (*e.g.*, supply and demand, elasticity, substitutability, Hypothetical Monopoly Test and Critical Loss Analysis) before exploring a key concept of antitrust economics: market power. In that regard, economic tools used in the assessment of dominance in technological markets and sharing-economy activities will be examined. In addition, the principles and procedures concerning the assessment of economic evidence applied to specific types of infringement will be studied before concluding the training with a focus on the use of economic evidence in the context of damage claims.

This judicial training will be based on hypothetical case exercises, requiring active participation through working groups. One or more experts will then give an in-depth presentation on some legal and/or economics aspects that should be kept in mind. Finally, a judicial expert will provide advice on the best practices to adopt in court proceedings. In addition, participants will be engaged in Q&A sessions with the experts and will actively be involved through experience sharing moments to promote cooperation and networking among them.

SPEAKERS

- **Mr Miguel de la Mano, Executive Vice President, Compass Lexecon, Brussels**
- **Mr Iestyn Williams, Partner, RBB Economics, London**
- **Mr Jean-Francois Laborde, Economic consultant and Expert at the Paris Court of Appeal, Paris**
- **Mr Antonio Buttà, Chief Economist, Autorità Garante della Concorrenza e del Mercato (AGCM), Rome**
- **Ms Ana Sofia Rodrigues, Chief Economist, Autoridade da Concorrência (AdC), Lisbon**
- **Ms Nóra Vácz, Member of the Competition Council, GVH, Budapest**
- **Mr Renato Ferrandi, Senior Competition Expert, OECD, Paris**
- **Mr Vivien Terrien, Référendaire, General Court of the European Union, Luxembourg**

Agenda

Friday, 10 May 2019

09.15-09.30	Welcome and Opening Remarks by Vivien Terrien (CJEU, Luxembourg)
09.30-09.45	Group Photo and Introduction
Roundtable	PRINCIPLES AND PROCEDURES CONCERNING THE ASSESSMENT OF ECONOMIC EVIDENCE IN COURTS
09.45-10.05	Economic Evidence before the EU Courts: Relevance & Challenges <i>by Vivien Terrien (EU General Court, Luxembourg)</i>
10.05-10.20	Economic Evidence and Standard of Proof: The Evolution in the wake of Digitalization <i>by Renato Ferrandi (OECD, Paris)</i>
10.20-10.35	Economic Analysis in Horizontal Agreements: Restrictions by Effect <i>by Nóra Váczi (GVH, Budapest)</i>
10.35-10.50	The Use of Economic Experts by the Courts <i>by Jean-François Laborde (Minds & Hearts, Paris)</i>
10.50-11.05	Rights of Defense, Confidentiality and Economic Evidence <i>by Antonio Buttà (AGCM, Rome)</i>
11.05-11.15	Q&A and Experience Sharing Session
11.15-11.30	Coffee Break
THEME #1	ECONOMICS & MARKET DEFINITION
11.30-11.45	Market Definition: The Whys and Wherefores <i>by Ana Sofia Rodrigues (AdC, Lisbon)</i>
11.45-11.50	<i>Case Instructions by Renato Ferrandi (OECD, Paris)</i>
11.50-12.35	<i>Hypothetical Case Exercise #1 – Working Groups</i>
12.35-12.55	<i>Reports from the Groups’ Representatives</i>
12.55-13.10	<i>Wrap-Up Hypo by Renato Ferrandi (OECD, Paris)</i>
13.10-14.30	Lunch in the hotel’s restaurant
14.30-14.45	Market Definition in the Hungarian Newspaper Sector <i>by Nóra Váczi (GVH, Budapest)</i>
14.45-15.00	Demand-Side Substitutability: Two Examples from AGCM Cases <i>by Antonio Buttà (AGCM, Rome)</i>
15.00-15.10	Q&A and Experience Sharing Session

THEME #2	ECONOMICS & MARKET POWER/DOMINANCE IN ABUSES CASES
15.10 -15.15	<i>Case Instructions by Miguel de la Mano (Compass Lexecon, Brussels)</i>
15.15 -16.10	<i>Hypothetical Case Exercise #2 – Working Groups</i>
16.10 – 16.25	Coffee break
16.25 -16.45	<i>Reports From the Groups’ Representatives</i>
16.45-17.05	<i>Wrap-Up Hypo by Miguel de la Mano (Compass Lexecon, Brussels)</i>
17.05-17.20	Economic Analysis of Dominance in the Portuguese Postal Services Sector <i>by Ana Sofia Rodrigues (AdC, Lisbon)</i>
17.20-17.35	Q&A and Experience Sharing Session

Networking Event

19:10: Danube River Cruise & Dinner (meeting at the hotel reception)

Saturday, 11 May 2019

09.15-09.20	Presentation of the second day by Vivien Terrien (CJEU, Luxembourg)
THEME #3	ECONOMICS AND ANTICOMPETITIVE CONDUCTS
09.20-09.50	<i>Case Introduction and Instructions by Iestyn Williams (RBB Economics, London)</i>
09.50-10.50	<i>Hypothetical Case Exercise #3 – Working Groups</i>
10.50-11.05	Coffee Break
11.05-11.25	<i>Reports from the Groups’ Representatives</i>
11.25-11.50	<i>Wrap-up Hypo by Iestyn Williams (RBB Economics, London)</i>
11.50-12.05	Economics and Exclusionary Abuses: the Example of Margin Squeeze in GVH cases <i>by Nóra Váczí (GVH, Budapest)</i>
12.05-12.20	Economics and Exclusionary Abuses: the Example from the Electricity Sector in Portugal <i>by Ana Sofia Rodrigues (AdC, Lisbon) (tbc)</i>
12.20-12.35	Economics and Exploitative Abuses: the Example of Excessive Pricing in the Aspen Case <i>by Antonio Buttà (AGCM, Rome)</i>
12.35-12.45	Q&A and Experience Sharing Session
12.45 – 14.00	Lunch in the hotel’s restaurant

THEME #4	ECONOMICS AND ANTITRUST DAMAGES ACTIONS
14.00-14.40	Economics in Antitrust Damage Claims <i>by Jean-François Laborde (Minds & Hearts, Paris)</i>
14.40-14.45	<i>Case Instructions by Jean-François Laborde (Minds & Hearts, Paris)</i>
14.45-15.45	<i>Role-Playing Exercise – Working Groups</i>
15.45 – 16.00	Coffee break
16.00-16.30	<i>Debates between the groups and Simulation Wrap-up</i> <i>by Jean-François Laborde (Minds & Hearts, Paris)</i> <i>and Iestyn Williams (RBB Economics, London)</i>
16.30-16.40	The Use of Econometrics in Antitrust Damage Claims <i>by Iestyn Williams (RBB Economics, London)</i>
16.40-16.55	Q&A and Experience Sharing Session
16.55-17.05	Wrap-up Session and Closing Remarks
	<i>17.05: End of the seminar</i>