



Competition Agency Leaders Executive Programme (CALEP)

Saturday, July 6 – Wednesday, July 10, 2024

Detailed Course Contents

(Minor changes on the timing of the sessions can be made at any time)

Dr. Matthew Bennett *(Charles River Associates)*

Ms. Kathryn Fenton *(Jones Day)*

Prof. Frederic Jenny *(ESSEC Business School, OECD Competition Committee)*

Prof. Yannis Katsoulacos *(Athens University of Economics and Business and Jiangxi University of Finance and Economics)*

Prof. Ioannis Kokkoris *(Queen Mary University of London)*

Prof. William Kovacic *(Director, Competition Law Center, The George Washington University)*

Dr. Federica Maiorano *(Senior Competition Expert, OECD)*

Dr. Margarita Mayo Cuellar *(IE University IE- Business School)*

Yi Ling Ng *(Principal, RBB Economics)*

Prof. Nancy Papalexandris *(Athens University of Economics and Business)*

Prof. Maarten Pieter Schinkel *(University of Amsterdam)*

Prof. Howard Shelanski *(Georgetown University)*

Dr. Alessandra Tonazzi *(Senior Competition Expert, OECD)*

<p>Friday, July 5 09:30 – 18:10</p>	<p>OPTIONAL (free of charge) participation in the sessions and material of the first four sessions of the CRESSE Lawyers' course, taking place on Friday, July 5, 2024, focusing on a review of fundamental economic concepts (for non-economists). Recommended, especially for participants with no prior training or experience in competition economics.</p> <p>For the contents of these sessions see: https://www.cresse.info/detailed-course-contents-lawyers-course/</p> <p>Lecturers: Prof. Thomas Ross, Prof. Patrick Rey, Prof. Maarten Pieter Schinkel</p>
<p>Saturday, July 6 09:00 – 09:40</p>	<p style="text-align: center;">SPECIAL KEYNOTE LAWYERS' LECTURE</p> <p>by Prof. Christopher S. Yoo (Imasogie Professor in Law and Technology, Professor of Communication, Professor of Computer and Information Science, and Founding Director of the Center for Technology, Innovation & Competition, University of Pennsylvania)</p>
<p>Saturday, July 6 09:40 – 11:20</p>	<p>SESSION 1: Market Definition and the Determinants of Market Power by Ms. Yi Ling Ng (Principal, RBB Economics)</p> <p>The role of product and geographic market definition in the enforcement of competition law. Demand and supply substitution. The hypothetical monopoly test. Critical loss analysis. Shortcomings and fallacies. Legal definitions, concepts, basic economics of and measurement of "market power". Factors that influence market power.</p>
<p>11:20-11:40</p>	<p style="text-align: center;">Coffee Break</p>
<p>Saturday, July 6 11:40 – 13:20</p>	<p>SESSION 2: Assessment of Mergers I by Dr. Matthew Bennett (Vice President, Charles River Associates)</p> <p>Horizontal Mergers: Legal and economic framework; unilateral effects; the role of diversion ratios; merger simulation models; upward pricing pressure (UPP); coordinated effects; analysis of efficiencies. Conglomerate and vertical mergers.</p>
<p>13:20- 14:40</p>	<p style="text-align: center;">Lunch Break</p>
<p>Saturday, July 6 14:40 – 16:15</p>	<p>SESSION 3: Assessment of Mergers II by Dr. Matthew Bennett (Vice President, Charles River Associates)</p> <p>Horizontal Mergers: Legal and economic framework; unilateral effects; the role of diversion ratios; merger simulation models; upward pricing pressure (UPP); coordinated effects; analysis of efficiencies. Conglomerate and vertical mergers.</p>
<p>16:15- 16:35</p>	<p style="text-align: center;">Coffee Break</p>
<p>Saturday, July 6 16:35 – 18:15</p>	<p>SESSION 4: Cartels and Other Coordinated Practices by Prof. Maarten Pieter Schinkel (University of Amsterdam)</p> <p>Economic theory of collusion. Tacit collusion. Different forms of collusive practices including horizontal price fixing, horizontal market sharing, restrictions in production, collusive tendering, information exchanges, bid rigging. Structural factors conducive to coordinated conduct. Facilitating factors. Detecting and discouraging cartels. The role of leniency programs.</p>

<p>Sunday, July 7 08:30 – 10:10</p>	<p>SESSION 5: Assessment of Pricing Abuses by Dominant Firms by Prof. Frederic Jenny (ESSEC Business School, OECD Competition Committee)</p> <p>When does foreclosure lead to competitive harm? Tests for unilateral anticompetitive abuse by dominant firms: predatory pricing, loyalty rebates, margin squeeze.</p>
<p>10:10- 10:30</p>	<p>Coffee Break</p>
<p>Sunday, July 7 10:30 – 12:10</p>	<p>SESSION 6: Assessment of Non-Pricing Abuses by Dominant Firms by Prof. Howard Shelanski (Georgetown University)</p> <p>Refusal to sell; anticompetitive and pro-competitive exclusive dealing; anticompetitive and pro-competitive tying; bundling and bundled discounts.</p>
<p>12:10- 14:00</p>	<p>Lunch Break</p>
<p>Sunday, July 7 14:00 – 15:45</p>	<p>SESSION 7: Recent Developments in Competition Law I by Prof. Ioannis Kokkoris (Queen Mary University of London)</p> <p>Enforcement Priorities & Policy Developments. Article 101 TFEU Developments: Part a) Cartels (infringement decisions /settlements / appeals: mainly parental liability and standard of proof), Part b) Horizontal and Vertical Agreements. Article 102 TFEU Developments: Part a) Pending investigations, Part b) Commitment decisions, Part c) Pricing abuses. Procedural Developments: Part a) Payment of Fines, Part b) Rights of Defence Part c) Due Process, Part d) Cartel Parallel Investigations. Access to Documents & Private Damages Actions. EU Courts – New Developments. Prospects for the Year Ahead.</p>
<p>15:45- 16:00</p>	<p>Coffee Break</p>
<p>Sunday, July 7 16:00 – 17:35</p>	<p>SESSION 8: Recent Developments in Competition Law II by Prof. Ioannis Kokkoris (Queen Mary University of London)</p> <p>Enforcement Priorities & Policy Developments. Article 101 TFEU Developments: Part a) Cartels (infringement decisions /settlements / appeals: mainly parental liability and standard of proof), Part b) Horizontal and Vertical Agreements. Article 102 TFEU Developments: Part a) Pending investigations, Part b) Commitment decisions, Part c) Pricing abuses. Procedural Developments: Part a) Payment of Fines, Part b) Rights of Defence Part c) Due Process, Part d) Cartel Parallel Investigations. Access to Documents & Private Damages Actions. EU Courts – New Developments. Prospects for the Year Ahead.</p>
<p>Sunday, July 7 17:40 – 18:40</p>	<p>SPECIAL LECTURE: The Implications for Competition Policy of Behavioural Economics by Ms. Kathryn Fenton (Jones Day) & Prof. William Kovacic (Director, Competition Law Center, The George Washington University)</p> <p>The session examines a significant new development in competition policy. It considers the role that behavioural economics is already playing, and how this might be expected to develop going forward.</p>
<p>Monday, July 8 10:30–12:10</p>	<p>SESSION 9: Assessing Economic Evidence in Courts by Prof. Frederic Jenny (ESSEC Business School, OECD Competition Committee)</p> <p>The session will cover three main issues: 1) the difference between the legal and the economic approach to law enforcement; 2) the different ways to improve the understanding of economics by judges and 3) The lessons from experience on how to present complex evidence in courts.</p>
<p>12:10- 12:30</p>	<p>Coffee Break</p>

Monday, July 8 12:30 –14:10	SESSION 10: Legal and Substantive Standards in Competition Law Enforcement by Prof. Yannis Katsoulacos (Athens University of Economics and Business and Jiangxi University of Finance and Economics)
	<p>What are the appropriate substantive (or liability) standards that should be used in competition law enforcement? Protecting the Competitive Process vs. Consumer Welfare vs. Total Welfare substantive standards. The role of public interest concerns. What are the appropriate legal standards (or decision rules) that should be used in the assessment of different conducts? Per Se vs. Effects-Based legal standards. Choice criteria. Explaining the difference in legal standards in different countries.</p>
14:10- 15:20	Free program
Monday, July 8 15:20 – 17:00	SESSION 11: Managing the External and the Internal Environment of Competition Agencies I by Prof. William Kovacic (Director, Competition Law Center, The George Washington University) <p>Managing external politics; Dealing with the agency's enabling environment. Dealing with the Ministers, the Parliament and Regulators. Formulating the agency's program and getting the required support and budget. Measuring the agency's impact and performance indicators. Advocacy strategies. Prioritisation of cases.</p>
17:00- 17:20	Coffee Break
Monday, July 8 17:20 –18:50	SESSION 12: Managing the External and the Internal Environment of Competition Agencies II by Prof. William Kovacic (Director, Competition Law Center, The George Washington University) <p>Managing internal politics; Conflict management and building consensus. Leadership techniques; Prioritisation strategies. Streamlining of decision making processes. Dealing with budget constraints. How to be a successful chairman – the main factors behind success and the main factors behind failure. Managing human resources and developing talent.</p>
Tuesday, July 9 09:00–10:45	SESSION 13: Best Practices in Conducting Market Studies by Dr. Federica Maiorano (Senior Competition Expert, OECD) <p>Governments are called to regularly identify and revise policies that may unduly restrict competition. While multiple approaches exist to dealing with this challenge, the OECD Competition Assessment Toolkit is a very popular choice amongst governments, due to its holistic approach and efficacy. This session will illustrate the Toolkit in detail, and explain how to draw the most benefit from its application.</p>
10:45- 11:05	Coffee break
Tuesday, July 9 11:05 –12:45	SESSION 14: New Enforcement Areas: A Focus on Labour Markets and Sustainability by Dr. Alessandra Tonazzi (Senior Competition Expert, OECD) <p>As new societal challenges related to sustainable development emerge, many competition authorities are analysing whether their current tools and focus captures the full range of effects to ensure well-functioning efficient markets. Climate change has put into focus the limitations of short-term price effects as a proxy for long-term efficiency and has raised questions as to whether a more dynamic approach considering quality and innovation may make markets greener and more efficient. In the</p>

	<p>meantime significant empirical and academic research has put the spot-light on monopsony power - the near mirror image of monopoly – as much more prevalent than previously believed. This session will provide insights on the work of the OECD on these two topics and discuss the experience of competition authorities in the last few years.</p>
12:45- 14:05	Free Program
Tuesday, July 9 14:05 – 15:50	<p>SESSION 15: Competition Assessment of Regulations by Dr. Federica Maiorano (Senior Competition Expert, OECD)</p> <p>Market studies, as an alternative to enforcement, allow competition authorities to analyse a market and identify problems, and solutions to make it more efficient. This session describes the extensive experience the OECD has in this field, including the recent OECD Market Studies Guide, a highly regarded guide in the execution and design of market studies for competition authorities.</p>
15:50- 16:10	Coffee Break
Tuesday, July 9 16:10 – 17:50	<p>SESSION 16: Competition in the Digital Era by Dr. Alessandra Tonazzi (Senior Competition Expert, OECD)</p> <p>This session provides insights on recent challenges posed by digitalisation to competition authorities. It will explore, in particular, how various aspects of digitalisation may affect competition enforcement, such as in relation to algorithms, e-commerce, big data, platforms, disruptive innovation, multi-sided markets or other areas.</p>
Wednesday, July 10 09:00 – 10:45	<p>SESSION 17: HR management issues, developing talent and career development by Prof. Nancy Papalexandris (Athens University of Economics and Business)</p> <p>Career and talent development is a critical challenge for HR professionals as it is essential for sustaining organizations and giving each individual within the organization a meaningful focus for the future. It involves career management interventions which are not necessarily a distinct HRM activity since they are related to a number of other HR processes such as recruitment, performance management and appraisals, training and development, career guidance and development assignments. It also involves the active participation of line managers who must be prepared to provide career guidance and offer development opportunities to their people. The lecture will focus on various definitions for “talent” which may vary across organizational settings, discuss the role of effective career self-management, describe and evaluate various career management practices, and stress implications for organizational change and effectiveness.</p>
10:45- 11:05	Coffee Break
Wednesday, July 10 11:05 – 12:45	<p>SESSION 18: Leadership and Leading Change by Dr. Margarita Mayo Cuellar (IE University)</p> <p>In this session we will discuss current research ideas and practices on leadership for organizational change, presenting existing approaches and strategies for introducing, implementing, and institutionalizing change. We will highlight the importance of leadership in dealing with organizational complexity and uncertainty. The overall aim of the session is to introduce participants to the state-of-the-art thinking in leadership for organizational change and to the process of successfully communicating and balancing contrasting needs such as stability and change, and cost-cutting and growth.</p>