



CRESSE 2018 Lawyers' Course

*“The Role of Economics
in Competition Law and Practice”*

Friday, June 29th – Monday, July 2nd, 2018
Heraklion, Crete, Greece



Organised by the
Competition and Regulation
European Summer School and Conference (CRESSE)
www.cresse.info



Overview -Objectives

The **objective of the course**, organized for the **fifth time** in 2018, is to introduce the economic theories that underlie competition law, the methods and tools that are used to assess whether business practices are socially harmful or benign and the economic issues related to the enforcement of the law. The philosophy of the course is to enable participating lawyers to communicate effectively with economists when they have to cooperate with them in cases and to read their Opinions in an informed manner. It is designed to provide students with a comprehensive understanding of economic concepts and theories and of how they are applied to competition policy and a solid grounding in the tools and methods used in the examination of specific cases.

The course is **taught by some of the foremost competition economists in the world**. It covers both an introduction to microeconomics, game theory and industrial organisation theory, as well as, all the areas in the application of economics to competition policy. The latter includes the analysis of market power, market definition, cartels and other coordinated behaviour, abusive unilateral conduct by dominant firms (all exclusionary practices), vertical restraints, horizontal and vertical mergers, antitrust and intellectual property, issues related to the evaluation of damages in competition cases and the assessment of fines and issues related to the assessment of economic evidence in courts.

The course is provided concurrently with the acclaimed **CRESSE Summer School in Competition Economics** (www.cresse.info) that will be given for the 13th consecutive year in 2018¹.

Who is the course for?

The **course is targeted to lawyers** practicing in competition law as counsels, enforcers or judges or in another field of law in which knowledge of economics is helpful. As such, the course does not require students to have any prior knowledge of economics or quantitative techniques. Lectures rely on verbal descriptions and graphs to convey key concepts and **special emphasis is given in drawing on case examples** in order to review and apply the economic principles and methods.

There are no formal entry requirements but the course is designed for legal practitioners looking to gain a rigorous introduction to the increasingly important role that economics plays in competition law. Applicants will be asked to fill in an **Application Form** (see below) demonstrating their suitability for the course, including a **short personal statement** that indicates what they hope to achieve from attending it.

¹ The participants of which are also practicing professionals and PhD students, but mostly with some economics or technical background. The CRESSE Summer School runs over two weeks and includes modules on advanced quantitative techniques and on sectoral regulation.



Key Benefits

- Gives an extensive in-depth insight into the economics needed for competition law cases.
- Programme material is written by experts – some of the foremost experts in the world in competition economics.
- Each participant will receive a signed **Certificate of Attendance**, which includes details for the Sessions attended, of their duration and of the instructors that were involved in the teaching of each session. The Certificate of Attendance is sent to each participant at about the end of September.
- The course gives the opportunity to participants to obtain within **just four days** an extensive introduction to the economics that underlie the assessment of competition law cases, in beautiful surroundings.

Structure – Duration (2018 Lawyers’ Course)

The 2018 CRESSE Course on the Role of Economics in Competition Law and Practice will run from **Friday morning, 29th June 2018, to the following Monday afternoon, 2nd July 2018. The teaching method is by two-hour seminars.**

In total, the Course will be 17 sessions or 33 academic hours (1 academic hour = 50 minutes).

A **Special Keynote Lecture** will also take place on Sunday July 1st, delivered by **Herbert Hovenkamp** (University of Pennsylvania Law School).

Participation in the 2018 Lawyers’ Course covers

- **Participation** in all the (17) sessions of the Lawyers’ Course
- Lawyers’ Course **material** - detailed notes written by each of the experts
- **5 days accommodation** in a hotel close to the CRESSE Venue (see below for more details)
- Transportation from hotel of stay to CRESSE Venue and return²
- **Participation** in the **Coffee Breaks**, the **three Conference lunches** (Friday June 29th – Sunday July 1st) and participation in the **Conference dinner** (Sunday July 1st).

² Kindly note that, transportation cost (e.g. airplane tickets) – excluding transportation from hotel to CRESSE Venue and return – is not inclusive of participation fees and participants are responsible for their transportation arrangements.



Location

❖ Venue

The course will be held in **OUT OF THE BLUE CAPSIS ELITE RESORT** (<http://capsis.com/en/>) in the beautiful island of **Crete** (<https://www.incrediblecrete.gr/>) in Greece.

❖ Accommodation

Participation in the course **includes the cost of accommodation** for **five nights** in the 4* [Happy Cretan Suites hotel](#), Rooms are double for single-use. (small extra charge for double use – consult CRESSE Secretariat)

Please note that early July is an extremely busy touristic period in Crete. Rooms are provided on a first come-first served basis, so early registration and booking arrangements are highly recommended³.

Participation in the course also covers transportation from hotel of stay to the CRESSE Venue and return.

❖ How to reach Heraklion in Crete island



Phaistos disk
Minoan Palace of Phaistos Crete

Heraklion can be easily reached through NIKOS KAZANTZAKIS airport. NIKOS KAZANTZAKIS is the largest international airport in Greece after the Athens airport, with more than 15 flights in late June daily from Athens (of about 35 minutes duration) and many direct flights from a large number of European capitals.

The CRESSE 2018 Venue, OUT OF THE BLUE Capsis, Elite Resort, is only 15-20 min away from KAZANTZAKIS airport and can be reached by public transportation or taxi.

³ The CRESSE Secretariat will inform you about your accommodation arrangements as soon as you send your application and accommodation form. According to our commitments with the hotel that we collaborate and the availability of rooms, if you register late we might not be able to guarantee booking at the Happy Cretan Suites hotel, but you will be booked in another nearby hotel.



Detailed Course Contents

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

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| Friday, June 29th, 11:20 – 13:00 And 14:00 – 15:40 | SESSION 1&2: Basic Economic Concepts and the Role of Economics by Prof. Yannis Katsoulacos (Athens University of Economics and Business) The importance and effects of Competition Policy. Dimensions of competition – price, quality, variety, innovation. Types of competition – static vs. dynamic. Economic objectives of competition law. The use of the error-cost framework; the advantages (and disadvantages) of an economics-based approach. Demand, cost concepts, supply, profit maximisation. The notion of equilibrium. Types of markets: perfect competition, monopoly, monopolistic competition, oligopoly. The Lerner index and the measurement of market power. The concept of market structure and its measurement (in close coordination with Session 5). |
| Friday, June 29th, 16:00 – 17:40 | SESSION 3: Markets, Welfare and the Benefits of Competition by Prof. Patrick Rey (Toulouse School of Economics) Markets at work: supply and demand; competitive equilibrium. Competition in practice: a market game. Measuring well-being: consumer surplus, profits and total welfare; productive and allocative efficiency. The benefits of competition. |
| Friday, June 29th, 18:00 – 19:40 | SESSION 4: Oligopoly and Game Theory by Prof. Maarten Pieter Schinkel (University of Amsterdam) The role of oligopolies in economy. Introduction to game theory. Static games. Cournot and Bertrand models of oligopoly. Dynamic games. Applications of game theory in competition policy. |
| Saturday, June 30th, 08:30 – 10:10 | SESSION 5: Assessing Economic Evidence in Courts and Introduction to the Subject of Assessment of Abusive Unilateral Conduct of Dominant Firms by Prof. Frederic Jenny (ESSEC Business School) How should economic evidence be assessed in courts? Abusive unilateral conduct of dominant firms and attempts to monopolize: transatlantic differences. The economics-based approach. Substantive standards. |



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| Saturday, June 30th, 10:30 – 12:10 | SESSION 6: Assessment of Abusive Unilateral Conduct of Dominant Firms by Prof. Frederic Jenny (ESSEC Business School) When does foreclosure lead to competitive harm? Tests for unilateral anticompetitive abuse by dominant firms. Predatory pricing. Loyalty rebates. |
| Saturday, June 30th, 13:20 – 15:00 | SESSION 7: Cartels and Other Coordinated Practices by Prof. Maarten Pieter Schinkel (University of Amsterdam) 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. |
| Saturday, June 30th, 15:20 – 17:00 | SESSION 8: Market Definition and Determinants of Market Power by Prof. Yannis Katsoulacos (Athens University of Economics and Business) The role of product and geographic market definition in competition policy. Demand and Supply Substitution. The Hypothetical monopoly test. Critical loss analysis. Shortcomings and fallacies. Other quantitative price tests. Legal definitions, concepts and basic economics of Market Power (single firm dominance, collective dominance). Market share, concentration and other factors that enhance or reduce market power. Barriers to entry and expansion, network externalities. |
| Saturday, June 30th, 17:10 - 17:40 | SPECIAL KEYNOTE LAWYERS' LECTURE by Prof. Herbert Hovenkamp (University of Pennsylvania Law School) TITLE: <i>"Is the Consumer Welfare Principle Imperilled?"</i> |
| Sunday, July 1st, 08:40 – 10:20 and 10:40 – 12:20 | SESSIONS 9 &10: Assessment of Abusive Unilateral Conduct of Dominant Firms by Prof. Damien Geradin (Euclid Law) Price-based exclusionary abuses – margin squeeze (predatory pricing and rebates are covered in Section 6); refusal to sell; facilitating practices. Anti-competitive and pro-competitive Exclusive Dealing. Anti-competitive and pro-competitive tying, bundling and bundled discounts. |



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| <p>Sunday, July 1st, 13:30 – 15:10 and 15:30 – 17:10</p> | <p>SESSION 11 AND 12: Assessment of Mergers 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>Sunday July 1st, 17:30 – 18:30</p> | <p>SESSION 13: The Implications for Competition Policy of Behavioural Economics by 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 2nd, 09:00 – 10:40 and 11:00 – 12:40</p> | <p>SESSIONS 14 AND 15: The Economics of Inter-firm Vertical Agreements - Vertical Restraints in Practice by Prof. Patrick Rey (Toulouse School of Economics)</p> <p>Categorisation of vertical restraints, economic effects of vertical restraints. Vertical coordination: double marginalisation, retail services, marketing, quality, reputation, free-riding. Competition dampening: how can vertical restraints be used to soften competition among rival structures. Facilitating practices: how can vertical restraints be used to facilitate collusion.</p> |
| <p>Monday, July 2nd, 14:00 – 15:40</p> | <p>SESSION 16: The Economics of Exploitative Abuses by Dr. John Davies (Senior Vice President, Compass Lexecon)</p> <p>Excessive prices, market power and consumer welfare. Risks of intervention. United Brands: (a) price-cost tests and (b) ‘unfair’ prices. Economic measures of costs and profit. Economic value. ‘Unfair when compared with other products’ - price benchmarks. ‘Unfair in itself’? Relationship with other abuses.</p> |
| <p>Monday, July 2nd, 16:00 – 17:40</p> | <p>SESSION 17: Antitrust and Intellectual Property by Prof. Pierre Regibeau (Vice President, Charles River Associates)</p> <p>Economics of intellectual property rights. Conflicts between objectives of antitrust and IP and role of IP in antitrust. Licensing practises under articles 101 and 102. Agreements among groups of IP owners; standard setting; patent pools (are the effects of agreements different when IP is involved from their effects in ordinary markets?) Abusive licensing by a single dominant IP owner.</p> |



Lecturers (in alphabetical order)



Dr. Matthew Bennett
(Charles River Associates)

URL:
<http://www.crai.co.uk/expert/matthew-bennett>



Dr. John Davies
(Compass Lexecon)

URL:
<http://www.compasslexecon.com/professionals/bio?id=6425>



Prof. Damien Geradin
(Euclid Law Firm)

URL:
<http://www.euclid-law.eu/team/damien-geradin-2/>



Prof. Frederic Jenny
(ESSEC Business School)

URL:
<http://www.essec.edu/faculty/frederic-jenny>



Prof. Y. Katsoulacos
(Athens University of Economics and Business)

URL:
http://www.aueb.gr/pages_en/faculty/faculty_en_short.php?facid=1206



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

URL:
<http://www.law.gwu.edu/william-ekovacic?id=1731>



Prof. Pierre Regibeau
(Charles River Associates)

URL:
<http://www.crai.co.uk/expert/pierre-regibeau>



Prof. Patrick Rey
(Toulouse School of Economics)

URL: <http://idei.fr/member.php?i=50>



Prof. Maarten Pieter Schinkel
(University of Amsterdam)

URL:
<http://www.uva.nl/en/contact/staff/item/m.p.schinkel.html?f=schinkel>



Fees and how to apply

❖ If you wish to apply

Those who are interested in applying to the CRESSE Lawyers' Course on "The Role of Economics in Competition Law and Practice" should fill in the Word document "Lawyers Week Application Form" available on line in <http://www.cresse.info/default.aspx?articleID=3608> and send it together with a **short CV** to the CRESSE Secretariat (info@cresse.info).

❖ Fees Structure and Special Discounts

| | Amount | It Includes: |
|--|---------|---|
| Participation in the Course | 1,950 € | Participation in all the sessions of the Lawyers' School - Lawyers' Course material - detailed notes written by each of the experts - 5 days accommodation* - Transportation from hotel to CRESSE Venue - Participation in the Coffee Breaks , the three Conference Lunch Breaks (Friday, 30 th June to Sunday, 1 st July) as well as the Conference Dinner (Sunday 1 st July) |
| 1 st discount for early applicants (20% discount) | 1,560 € | If the applicant has registered and paid participation fees by March 30th, 2018 |
| 2 nd discount for early applicants (10% discount) | 1,755 € | If the applicant has registered and paid participation fees by April 30th, 2018 Deadline extended till May 10th |
| Discount for Organizations | 1,350 € | For the second and additional participants from the same organisation |
| Discount for Postgraduate students | 1,000 € | For Postgraduate students who are not in full-time employment** |

*There is a small extra charge for accommodation in double-use rooms for 5 nights – Contact CRESSE Secretariat.

** Please note that postgraduate students who would like to participate at the reduced participation fee of €1,000.00 must send a letter from the academic director/ supervisor of their Master / PhD program to info@cresse.info confirming that they are not in full time employment.



Payment Method

Bank details

Account Name: KOPES

Bank Name: ALPHA BANK

Branch: VELIZELOU (103)

Address: 14, Eleftheriou Venizelou Street, 10671, Athens, Greece

Account No.: 103002002018179

IBAN: GR0701401030103002002018179

BIC: CRBAGRAA

SWIFT: ALPHA BANK

Important notes:

❖ Please remember to send a proof of the Bank Transfer, to the CRESSE Secretariat by fax (+30-210 8223259) or by email (scanned) to info@cresse.info mentioning your **Full name** as well as the indication "*Payment for CRESSE 2018*".

❖ According to CRESSE Rules no applicant can attend the event if payment has not previously been received and the total participation fee must be paid **by Friday 8th June 2018 at the latest**.

CRESSE Secretariat

For any additional information please contact:

Ms Alexandra Sarafidou (MSc.)

Tel +30 210 8203348

Fax +30 210 8223259

Email: info@cresse.info



CRESSE Lawyers' Course Testimonies

"We extend our sincere thanks to you for the idea and organisation of the Lawyers Week we attended. We found the course on "The Role of Economics in Competition Law and Practice" extremely interesting and helpful for competition law practitioners. The quality of the lecturers exceeded all expectations. A combination of teaching skills and the enthusiasm of academics with practical experience in applying economics in a competition law environment helped in understanding issues that are sometimes very difficult for lawyers.

Needless to say, the event greatly promoted Corfu as a summer destination for travellers.

Thank you and best regards"

Malgorzata Sz waj Partner,
Linklaters Warsaw (Poland)

"I am writing to congratulate you for a most wonderfully organized event! It was a great experience for me to be part of it, both for the knowledge it imparted, and also for the connections I was able to forge with world-renowned academics."

Ivona Zegrean
University of British Columbia

"...Congratulations on the successful program! Overall, the program was excellent. I found the lecture of Prof. Rey especially interesting and relevant to the concerns of our new Commission."

Ma Leonila Papa
Chief of Staff, Office of the Chairman
Philippine Competition Commission

"..My thanks go of course to lecturers and organizers – thank you for inviting this course and wish you all the best for the next years."

Robert Neruda Partner,
Havel, Holásek & Partners s.r.o.
Attorneys at law (Czech Republic)

"Many thanks once again for organising such a great course and for being such a hospitable host."

Derrick Bowles
Competition Tribunal SA (South Africa)

"I would like to thank you one more time for the great time we had during Lawyer's Week both in terms of academic and social experience."

Anna Laszczyk
Junior Associate,
Linklaters, Warsaw (Poland)