



CCRED CENTRE FOR COMPETITION REGULATION AND ECONOMIC DEVELOPMENT

8th ANNUAL COMPETITION AND ECONOMIC REGULATION (ACER) WEEK 2 – 4 October 2023, Ravenala Attitude Hotel, Balaclava, Mauritius

Professional Training Programme (PTP) 1

Competition Economics for Practitioners in Africa

DRAFT COURSE OUTLINE

The Competition Commission of Mauritius and the University of Johannesburg's Centre for Competition, Regulation and Economic Development (CCRED) are honoured to host the 8th Annual Competition and Economic Regulation (ACER) week in person at the Ravenala Attitude Hotel, Balaclava, Mauritius.

Addressing core areas in competition economics, this Professional Training Programme (PTP) is targeted at competition practitioners. The PTP covers topics in mergers, cartels and abuse of dominance cases, focusing on theoretical principles and their application in practice in cases. Uniquely this year, part of this PTP is dedicated to lessons in undertaking impact assessments, a topical issue for competition authorities in Africa. Competition enforcement from a regional perspective is also emphasised in each of these topics in light of the AfCFTA.

The course will be delivered through a series of lectures and case examples from the continent and internationally. As part of facilitated breakout groups, hypothetical exercises will be undertaken to enhance learning and apply concepts.

Lead facilitators include *Mr John Davies* (UK Competition Appeal Tribunal Member); *Prof Simon Roberts* (Professor at the University of Johannesburg (UJ), Global Practitioner, University of Strathclyde and Lead Researcher at CCRED); *Prof Thando Vilakazi* (Associate Professor at UJ, Executive Director of CCRED, and part-time member at the Competition Tribunal of South Africa), and *Prof Reena das Nair* (Associate Professor at UJ, Programme Coordinator on the MCom Competition and Economic Regulation degree at UJ and Senior Researcher at CCRED).

Programme

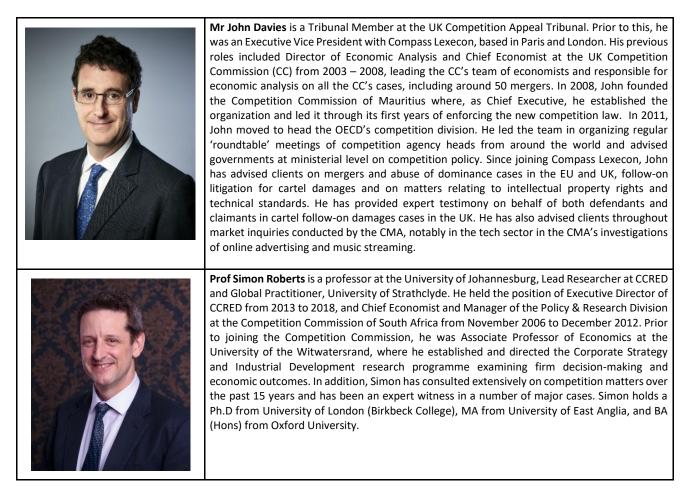
	DAY 1. Monday 2 nd October 2023		
08h30-10h00 10h00-11h00 11h10-12h30	DAY 1, Monday 2 nd October 2023 Introduction, market definition and market power • Introduction to the course and to the session • Defining markets in competition cases • Defining markets in competition cases • Tests used to define markets, and challenges with these tests • Evaluation of market power • Understanding barriers to entry Tea break Merger control • Overview of merger challenge rates • Types of mergers • Analytical framework to assess anti-competitive effects (theories of harm)		
	 harm) Horizontal unilateral effects (including removal of potential competition and killer acquisitions) Horizontal co-ordinated effects Dynamic effects, potential competition and killer acquisitions Vertical unilateral effects Types of evidence needed Concept of closeness of competition in unilateral effects cases – qualitative evidence Upward Pricing Pressure Survey evidence Countervailing factors and efficiency justifications Non-competition (public interest) considerations in mergers 		
	Lunch		
13h30-14h50	 Merger control cont. Key international merger developments Sense in US of insufficient enforcement in past More focus on innovation, dynamic, killer acquisitions Move towards precautionary principle in digital markets? More authorities involved in global mergers; implications of different standards of review and different processes. 		
	Tea break		
15h00-16h00	Exercise 2: Merger analysis		
16h00-16h30	Exercise 2: Presentation and discussion		
	CLOSE OF DAY 1		

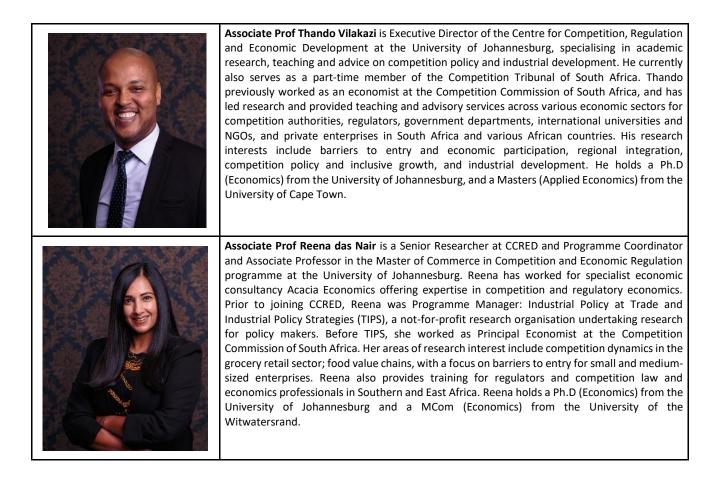
	DAY 2, Tuesday 3 rd October 2023		
08h30-10h30	 Collusion Structural and behavioural screening for cartels; collusive markers Factors in tacit coordination: focal points, benchmarks, second best rules and conventions Information exchange and appropriate standards Regional cartels and effective enforcement Algorithms and big data: implications for coordination 		
10h30-11h00	Exercise 3: Collusion		
Tea break			
11h10-12h30	Exercise 3: Collusion (cont.) Exercise 3: Presentation and discussion		
Lunch			
13h30-14h50	 Impact assessments Importance of undertaking impact assessments: Embedding IA in a process: illustrating the importance of a 'cycle' of Impact Assessment (building in IA from the start, identifying the key questions and counterfactual, data collection, evaluation, learnings and implementation) Impact assessment methods Qualitative Comparator-based (e.g., difference-in-difference; cross section; time series etc.) Financial performance-based Market structure-based etc. Selecting the appropriate method and determining the counterfactual Estimating harm Pros and cons of different methods 		
	Tea break		
15h00-16h00	Exercise 4: Impact assessments		
16h00-16h30 Exercise 4: Presentation and discussion			
CLOSE OF DAY 2			

DAY 3, Wednesday 4 th October 2023		
08h30-10h30	 Principles in abuse of dominance: exclusionary abuses Introduction to abuse of dominance Predation, margin squeeze, exclusive dealing, rebates Network effects, digital markets and two-sided markets Essential facilities Regional effects of exclusionary conduct 	
10h30-11h00	Exercise 5: Exclusionary abuse of dominance	
Tea break		
11h10-12h30	Exercise 5: Exclusionary abuse of dominance (cont.)	
	Exercise 5: Presentation and discussion	
Lunch		
13h30-14h50	Exploitative abuses of dominance	
	Abuse of buyer power – lessons from South Africa and Kenya	

	 Price discrimination: Types and effects of price discrimination 	
	 Standards and benchmarks for assessment of price discrimination 	
	Excessive pricing: Different excessions	
	 Different approaches 	
	• Economic criteria for assessing excessive pricing	
	• Measures of excessive prices: price-cost tests; profitability; use of	
	comparators	
	 Case precedent and a revival of recent cases in Europe 	
	 Price gouging 	
Tea break		
15h00-16h00	Exercise 6: Exploitative abuses	
16h00-16h20	Exercise 6: Presentation and discussion	
CLOSE OF DAY 3, HANDING OUT OF CERTIFICATES		

Programme facilitators





We are grateful to the following sponsors for supporting the wider participation of staff from authorities and regulators across the continent.





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