



**CCRED**  
CENTRE FOR COMPETITION,  
REGULATION AND  
ECONOMIC DEVELOPMENT

## 8<sup>TH</sup> ANNUAL CAPACITY BUILDING WORKSHOP AND SYMPOSIUM ON COMPETITION LAW AND POLICY DURING THE 6<sup>TH</sup> ANNUAL COMPETITION AND ECONOMIC REGULATION (ACER) WEEK (Online)

### Competition Economics and Policy

20-24, 27 September 2021

### COURSE OUTLINE

The Competition Authority of Kenya (CAK) and the University of Johannesburg's Centre for Competition, Regulation and Economic Development (CCRED) are honoured to host the 8th Annual Capacity Building Workshop and Symposium on Competition Law and Policy during the 6th Annual Competition and Economic Regulation (ACER) Week (ACER VI).

#### Approach

This course addresses the core areas of competition economics, through a practitioner-oriented approach, with carefully selected case examples and exercises. It will cover recent cases in Kenya, other African countries and internationally, to demonstrate the application of competition tests in practice. Hypothetical exercises will be undertaken to enhance learning and apply concepts, run in facilitated online breakout groups. Key topics will include merger control, digital platforms, regional competition enforcement, and barriers to entry and inclusive development.

Lead facilitators for the course are *Adano Wario Roba* (Director: Policy and Research, CAK), *Thembaletu Buthelezi* (Competition Commission of South Africa), *Sean Ennis* (Professor at the University of East Anglia and Director of the Centre for Competition Policy), *Massimo Motta* (Research Professor at ICREA-Universitat Pompeu Fabra and Barcelona Graduate School of Economics), *Simon Roberts* (Professor at the University of Johannesburg, Visiting Professor, Institute for Innovation and Public Purpose, University College London and Lead Researcher at CCRED) and *Reena das Nair* (Professor at the University of Johannesburg and Senior Researcher at CCRED).



## Programme




Day 1, 20 September 2021	
0830-1030 SAST/CAT 0930-1130 EAT	<b>Market definition and market assessment</b> <ul style="list-style-type: none"> <li>• How to define markets, why do we need to define markets?</li> <li>• Tests used</li> <li>• Difficulties in market definition</li> <li>• Evaluation of market power</li> <li>• Case examples</li> </ul>
<b>Tea break</b>	
1040-1140 SAST/CAT 1140-1240 EAT	<b>Exercise 1: Market definition and market assessment</b>
1140-1210 SAST/CAT 1240-1310 EAT	<b>Exercise 1: Presentation and discussion</b>
Day 2, 21 September 2021	
0830-1030 SAST/CAT 0930-1130 EAT	<b>Merger control</b> <ul style="list-style-type: none"> <li>• Types of mergers</li> <li>• Possible anti-competitive effects (theories of harm)</li> <li>• Analytical framework to assess mergers</li> <li>• Efficiency justifications</li> <li>• Public interest criteria</li> <li>• Recent international mergers</li> </ul>
<b>Tea break</b>	
1040-1140 SAST/CAT 1140-1240 EAT	<b>Exercise 2: Merger control</b>
1140-1210 SAST/CAT 1240-1310 EAT	<b>Exercise 2: Presentation and discussion</b>
Day 3, 22 September 2021	
0830-1030 SAST/CAT 0930-1130 EAT	<b>Cartels and leniency</b> <ul style="list-style-type: none"> <li>• Introduction to coordination</li> <li>• Factors that facilitate collusion</li> <li>• How to avoid detection</li> <li>• How to identify collusion</li> <li>• Penalising and prosecuting cartels</li> <li>• Tacit collusion</li> <li>• Corporate leniency programmes</li> <li>• Recent cases from Kenya</li> </ul>
<b>Tea break</b>	
1040-1140 SAST/CAT 1140-1240 EAT	<b>Exercise 3: Coordinated conduct</b>
1140-1210 SAST/CAT 1240-1310 EAT	<b>Exercise 3: Presentation and discussion</b>
Day 4, 23 September 2021	
0830-1030 SAST/CAT 0930-1130 EAT	<b>Abuse of dominance</b> <ul style="list-style-type: none"> <li>• Assessment of dominance/market share measurement</li> <li>• Barriers to entry and expansion</li> </ul>

	<ul style="list-style-type: none"> <li>• Categories of abuse</li> <li>• Price discrimination and excessive pricing</li> <li>• Price gauging cases during COVID-19</li> </ul>
<b>Tea break</b>	
1040-1140 SAST/CAT 1140-1240 EAT	<b>Exercise 4: Abuse of dominance</b>
1140-1210 SAST/CAT 1240-1310 EAT	<b>Exercise 4: Presentation and discussion</b>

<b>Day 5, 24 September 2021</b>	
0830-1030 SAST/CAT 0930-1130 EAT	<b>Regional competition enforcement and regional integration</b> <ul style="list-style-type: none"> <li>• Cross-border enforcement and the role of regional authorities</li> <li>• Developing regional value chains</li> <li>• Power and governance in value chains</li> <li>• Regional industrialisation</li> </ul>
<b>Tea break</b>	
1040-1140 SAST/CAT 1140-1240 EAT	<b>Exercise 5: Regional competition enforcement</b>
1140-1210 SAST/CAT 1240-1310 EAT	<b>Exercise 5: Presentation and discussion</b>

<b>Day 6, 27 September 2021</b>	
0830-1030 SAST/CAT 0930-1130 EAT	<b>Barriers to entry, competition and inclusive development</b> <ul style="list-style-type: none"> <li>• Key theoretical debates in the assessment of barriers to entry</li> <li>• Structural and strategic barriers</li> <li>• Network effects and regulating for rivalry</li> <li>• Climate change and competition policy</li> <li>• Challenges in just transitions in energy, transport and food markets</li> </ul>
<b>Tea break</b>	
1040-1140 SAST/CAT 1140-1240 EAT	<b>Exercise 6: Barriers to entry, competition and inclusive development</b>
1140-1210 SAST/CAT 1240-1310 EAT	<b>Exercise 6: Presentation and discussion</b>
<b>CLOSURE</b>	

## Programme Lecturers and Facilitators

	<p><b>Ms Thembaletu Buthelezi</b> is the acting divisional manager of Market Conduct Division. She has wide experience in competition work having previously worked in the Economic Research Bureau. Prior to joining the Competition Commission, she worked at Genesis Analytics, an economic consultancy, as an associate in the competition and regulatory economics practice area. She holds a MCom (Economic Science) from the University of the Witwatersrand as well as a MSc (Competition and Market Regulation) from the Barcelona Graduate School of Economics.</p>
	<p><b>Dr Adano Wario Roba</b> is responsible for developing effective strategies for economic analysis and policy, research, strategy and quality management system and performance management at CAK. He has conducted extensive applied research covering broad areas of interest and brings nearly 15 years of research and policy experience to the Authority. Prior to joining the Authority, Dr. Roba was a Senior Policy Analyst at the National Treasury's Fiscal &amp; Economic Affairs Department. He was responsible for formulation of mineral resource revenue use policy and fiscal rules, and development of legislative framework for management of mineral resource revenue. While at the National Treasury, he was also actively involved in several taskforces that developed legislation on climate change, petroleum, minerals, energy and their related policies and regulations. Between 2017 and 2018, Dr. Roba served as a Chairperson to the Steering Committee of the Strathmore University's Extractives Baraza, formerly the Information Centre for Extractives Sector. Dr. Roba has also served as a Senior Lecturer in environmental economics at University of Eldoret and Moi University. Dr Roba earned his PhD (cum laude) from the University of Amsterdam (the Netherlands) and an MSc from the University of York (UK).</p>
	<p><b>Prof Massimo Motta</b> is a Research Professor at ICREA-Universitat Pompeu Fabra and Barcelona Graduate School of Economics. Prof. Motta's main areas of research are industrial organisation and competition policy. His work, widely cited and influential, has been published in the leading international economic journals. His book on Competition Policy: Theory and Practice (Cambridge University Press, 2004) is the standard international reference on the economics of antitrust, and is used by lecturers, scholars, and practitioners. His other book on Exclusionary practices. The Economics of Monopolisation and Abuse of Dominance (Cambridge University Press, 2018) with Chiara Fumagalli and Claudio Calcagno, contains original research, case discussions and policy implications, shedding new light on this controversial area of antitrust. He has extensive experience in advising competition agencies on cases and policy, including the South African Competition Commission, Chile's Fiscalía Nacional Económica, the Portuguese Autoridade da Concorrência, and OFCOM, the UK's Communications regulator).</p>



**Prof Sean Ennis** is a Professor of Competition Policy at Norwich Business School and the Director of the Centre for Competition Policy at the University of East Anglia. Previously, he was a Senior Economist in the Competition Division of the OECD. For two years, he was Executive Director of the Competition Commission of Mauritius, where he was the chief executive in charge of running Mauritius' independent competition authority. At the OECD he developed and led the development and application of the OECD's Competition Assessment Toolkit. Prior to that, he worked as an economist at the European Commission's DG Competition and at the U.S. Department of Justice's Antitrust Division, developing economic analyses for competition law investigations.







**Prof Simon Roberts** is a professor at the University of Johannesburg and Visiting Professor, Institute for Innovation and Public Purpose, University College London. He held the position of Executive Director of CCRED from 2013 to 2018, and Chief Economist and Manager of the Policy & Research Division at the Competition Commission from November 2006 to December 2012. Prior to joining the Competition Commission, he was Associate Professor of Economics at the University of the Witwatersrand, where he established and directed the Corporate Strategy and Industrial Development research programme examining firm decision-making and economic outcomes. In addition, Simon has consulted extensively on competition matters over the past 15 years and has been an expert witness in a number of major cases. Simon holds a PhD from University of London (Birkbeck College), MA from University of East Anglia, and BA (Hons) from Oxford University.



**Prof Reena das Nair** is a Senior Researcher at CCRED and Programme Coordinator and Senior Lecturer in the Master of Commerce in Competition and Economic Regulation programme at the University of Johannesburg. Reena has worked for specialist economic consultancy Acacia Economics offering expertise in competition and regulatory economics. Prior to joining CCRED, Reena was Programme Manager: Industrial Policy at Trade and Industrial Policy Strategies (TIPS), a not-for-profit research organisation undertaking research for policy makers. Before TIPS, she worked as Principal Economist at the Competition Commission of South Africa. Her research interests cover competition dynamics in retail, value chains and barriers to entry. Reena also provides training for regulators and competition law and economics professionals in Southern and East Africa. Reena holds a PhD (Economics) from the University of Johannesburg and a MCom (Economics) from the University of the Witwatersrand.

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