

Competition Law and Economics Expert Forum 17. April 2023 in Berlin

Welfare in Competition Policy

E.CA Expert Forum 2023 organised together with ESMT Berlin

The annual E.CA Expert Forum offers insights into recent developments in competition law and economics from both German and European perspectives. The sessions are aimed at practitioners, enforcers and academics from the legal and economic fields. This year's Expert Forum will focus on **Welfare in Competition Policy**.

Programme

08.30 – 09.00 **Registration and Coffee**

09.00 – 09.10 **Welcoming Remarks** (Audimax)
Jörg ROCHOLL, President and Deutsche Bank Professor in Sustainable Finance,
ESMT Berlin

09.10 – 10.00 **Recent Developments in German Competition Law & Economics** (Audimax)
Speaker: Andreas MUNDT, President, Bundeskartellamt
Q&A Session

Programme

10.00 – 11.15 **Panel 1** (Audimax)
Welfare in Competition Policy – a View of (former) DG Competition Chief Economists

Did the refined economic approach with a clear relation to welfare lead to underenforcement (e.g. in the digital sector)? Should we strengthen presumption-based enforcement? Should we focus on consumer welfare or add other aims to competition policy?

Panelists:
Kai-Uwe KÜHN, CE III, Academic Advisor, Brattle Group, and Professor of Economics, University of East Anglia
Damien NEVEN, CE II, Senior Consultant, Compass Lexecon, and Professor of Economics, Graduate Institute Geneva
Pierre RÉGIBEAU, Chief Economist, DG Competition (current CE = CE VI)
George ROZANSKI, Former Chief, ERS, Antitrust Division, USDOJ and Partner, Bates White
Lars-Hendrik RÖLLER, CE I, Director, E.CA Economics, and Professor of Economics, ESMT Berlin

Chair: Simone KOHNZ, Director, E.CA Economics

Q&A Session

11.15 – 11.45 **Coffee Break**

11.45 – 13.00 **Parallel Session 1: Presumption-Based Merger Control** (Audimax)

Is merger control increasingly relying on presumptions? If so, is this to be welcome? How to define good and bad presumption-based approaches?

Presenter: Volker NOCKE, Professor of Economics University of Mannheim
Comments: Marcel BALZ, Chief Economist, Bundeskartellamt
Chair: Linda GRATZ, Director E.CA Economics

Parallel Session 2: Measurement of Sustainability and Other Aims? (Audit II)

Should we account for aims beyond consumer welfare in competition policy? If so, how to deal with challenges to measure sustainability and other aims?

Presenter: Maarten Pieter SCHINKEL, Professor of Competition Economics and Regulation, University of Amsterdam
Comments: Kai-Uwe KÜHN, Academic Advisor, Brattle Group, and Professor of Economics, University of East Anglia
Chair: Alena KOZAKOVA, Director, E.CA Economics

Parallel Session 3: DMA – Trial and Error Regulation? (Audit I)

Where is room for interpretation of the DMA? Are there unintended consequences? How to avoid them? Highlights from recent economic research?

Presenter: Özlem BEDRE-DEFOLIE, Associate Professor of Economics, ESMT Berlin
Comments: Eric EMCH, Partner, Bates White
Chair: Thomas HILDEBRAND, Director, E.CA Economics

Programme

13.00 – 14.15 **Lunch**

14.15 – 15.00 **Economic Analysis in Recent European Competition Cases** (Audimax)

Speaker: Pierre RÉGIBEAU, Chief Economist, DG Competition

Q&A Session

15.00 – 15.30 **Coffee Break**

15.30 – 16.45 **Parallel Session 1: Underenforcement in Merger Control** (Audimax)

While underenforcement is often discussed in broad margin terms, there is long-run academic work on the existence of underenforcement in merger control – what does it show? What does it imply for politics? How does it relate to the discussion in the United States?

Presenter: Tomaso DUSO, Head of Firms and Markets Department, DIW, and Professor of Empirical Industrial Economics TU Berlin, Member of the German Monopolies Commission

Comments: George ROZANSKI, Former Chief, ERS, Antitrust Division, USDOJ and Partner, Bates White

Chair: Hans W. FRIEDERISZICK, Director, E.CA Economics, and Research Fellow, ESMT Berlin

Parallel Session 2: Competition Economics and (Energy) Price Regulation (Audit I)

Competition authorities are using sector inquiries to identify distortions of competition – should they get more power to act upon their findings? What is their role alongside other policy tools (taxation, subsidies) to steer economies through price hikes like the energy crisis?

Presenter: Veronika GRIMM, Professor of Economics, University Erlangen-Nürnberg, and Member of the German Council of Economic Experts

Comments: Natalie HARSDORF-BORSCH, Interim General Director, Austrian Bundeswettbewerbsbehörde

Chair: Rainer NITSCHKE, Director, E.CA Economics, and Research Fellow, ESMT Berlin

Parallel Session 3: Data Sharing and Trading (Audit II)

Sharing data is seen as a solution to address market power of large digital platforms. The proliferation of data is a challenge to privacy. How to reconcile these two aims? Can a revised allocation of data property rights and trading of data help?

Presenter: Paul HEIDHUES, Professor of Behavioural and Competition Economics, DICE

Comments: Aline BLANKERTZ, Policy Advisor, Wikimedia

Chair: Elżbieta GŁOWICKA, Director, E.CA Economics

Programme

16.45 – 17.00 **Short Coffee Break**

17.00 – 18.15 **Panel 2: State Aid, Trade and Investment (Audimax)**

Panelists:

Damien NEVEN, Senior Consultant, Compass Lexecon, and Professor of Economics,
Graduate Institute Geneva

Reinhilde VEUGELERS, Senior Fellow, Bruegel and Professor of Economics, KU Leuven

Chair: Lars-Hendrik RÖLLER, Director, E.CA Economics, and Professor of Economics,
ESMT Berlin

Q&A Session

18.15 – 20.00 **Closing Remarks and Champagne Reception**
