

CURRICULUM VITAE

Director

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Summary

Dr Simone Kohnz is a director at E.CA Economics and an expert in providing economic advice in competition and litigation cases before the European Commission and national competition authorities and courts in Germany, Austria, the European Union, Spain and Portugal. She has 20 years of experience in economic consulting advising clients from a wide range of industries, in all fields of competition policy.

In recent years, Simone specialised in the quantification of damages in private litigation cases. She has advised clients and drafted expert witness reports for European, German, Austrian and Portuguese cartel and information exchange cases in a variety of industries including trucks, cosmetics, retail banking, waste management, sugar, timber, banking cards, pumpers and turntable ladders, district heating, fast-moving consumer goods, retailing and de-icing salt.

Simone's portfolio also includes advising on a considerable number of corporate mergers, such as CRH/Buzzi, Strabag/Sitec, Miba/Zollern, Knorr/Bremse, H+H/ Xella, Strabag/Lafarge, Imerys/Pará Pigmentos, Comcast/NBC Universal, Strabag/Cemex, Dr Oetker/Schwan, TomTom/TeleAtlas and Rewe/Adeg. In addition, she regularly assists in the preparation of merger feasibility studies in various industries. Furthermore, Simone has worked on a number of regulatory and abuse cases in telecommunications, sports, durable as well as fast-moving consumer goods, transport and pharmaceuticals.

Since 2019, Simone has served as a testifying expert before Spanish courts in numerous private damage litigation cases. Simone has been the court appointed expert in a German regional court in relation to an abuse of dominance case (luxury cosmetics). She is also a generally sworn and court-certified expert before the Austrian cartel court and has been training European judges in damage quantification in the past. Simone has been recognised by the Lexology Index (formerly Who's Who Legal) as a leading competition economist since 2018.

Prior to joining E.CA Economics, Simone worked for another competition economics consultancy in London. She holds a PhD in bargaining theory from the Ludwig-Maximilians-University of Munich.

Relevant experience

Cartel and information exchange cases

- **Cosmetics (PT):** Estimation of damages on behalf of a defendant
- **Waste management (AT):** Estimation of damages on behalf of a defendant
- **Retail banking (PT):** Estimation of damages on behalf of a defendant (BBVA)
- **Trucks (ES):** Estimation of damages on behalf of a defendant (Daimler), lead testifying expert
- **Timber (DE):** Assessment of sales bundling in the market for softwood timber on behalf of a defendant (German state of Baden-Württemberg) against private damage claims
- **Sugar (DE):** Estimation of cartel overcharge in the (regulated) market for sugar (Südzucker)
- **Payment cards (DE):** Assessment of the joint determination of the maximum merchant fee in the electronic cash system by German bank associations on behalf of a defendant in a damage claim (Postbank)
- **FMCG (DE):** Assessment of effects in a case where suppliers of FMCG exchanged information amongst themselves
- **FMCG/retailing (DE):** Analysis of price-setting behaviour in the context of vertical cartel agreements in grocery retailing
- **District heating (AT):** Estimation of cartel overcharge in public tendering for a claimant
- **Pumpers and turntable ladders (DE):** Estimation of cartel overcharge for a defendant (Iveco Magirus)
- **Road salt (DE):** Estimation of cartel overcharge for a defendant
- **Commodity market (DE):** Calculation of private damages using a panel data approach on data collected from individual tender letters for a defendant
- **FMCG (DE):** Detailed analysis of information exchange in an alleged cartel on behalf of a defendant. The work focussed on the analysis of the potential workings and effectiveness of the alleged cartel

Merger work/ horizontal agreements

- **Retailing:** Feasibility study regarding different joint purchasing agreements
- **CRH/Buzzi (construction):** Evaluation of geographic markets and future market developments in Ukraine

- **Strabag/Sitec (crash barriers):** Support in discussion with court appointed expert in phase II Austrian merger proceedings
- **Motor bearings:** Evaluation of product and geographic market definition as well as effects of the merger for the Phase II merger proceedings on behalf of the merging parties
- **Retailing:** Feasibility study regarding various takeover targets
- **Knorr/Bremse (rail vehicle industry):** Analysis of the horizontal, vertical and conglomerate effects for the Austrian cartel court
- **Asphalt plants:** Feasibility study regarding various takeover targets
- **Planned takeover of H+H by Xella (wall building materials):** Analysis of competitive effects on behalf of merging parties
- **Strabag/Lafarge (cement industry):** Investigation of potential vertical and horizontal effects for the Austrian cartel court
- **FMCG:** Feasibility study regarding a specific takeover target
- **Imerys S.A./Pará Pigmentos S.A (industrial minerals):** Definition of the relevant product and geographic market taking into account substitutability across applications as well as between competing products for the Austrian cartel court
- **Comcast/NBC Universal (TV programmes and distribution):** Foreclosure concerns related to bundling in advertising and programmes and exclusive dealing for online content
- **Sappi/Mondi/Norske Skog/Heinzel (paper industry):** Competitive assessment of a procurement joint venture on behalf of the involved producers
- **Edeka/Trinkgut (grocery retailing):** Feedback on the supplier questionnaire designed by the Federal Cartel Office and the importance of exports as an alternative distribution channel for suppliers on behalf of the merging parties
- **Styria/Moser Holding II (regional newspapers):** Report on market definition, competitive effects, focus on conglomerate effects and media diversity for the Austrian cartel court
- **Strabag/Cemex (concrete/ gravel):** Report on market definition and competitive effects in horizontally and vertically connected markets for the Austrian cartel court
- **Styria/Moser Holding I (newspapers):** Report on market definition and competitive effects for the Austrian cartel court
- **Dr. Oetker/Schwan (FMCG):** Appraisal of the anti-competitive effects of a horizontal merger in the UK and Germany on behalf of merging parties
- **TomTom/TeleAtlas (consumer electronics):** Advice for a downstream competitor with a focus on the theory of vertical mergers and durable goods monopolists in Phase II of the merger proceedings

- **Office supplies:** Appraisal of intended horizontal merger in the industry
- **REWE/Adeg (grocery retailing):** Quantitative analysis of the supplier structure of the two merging retailers in particular in relation to supplier overlaps on behalf of the merging parties
- **Merger between A-Tec and Lentjes (waste incineration plants):** Competitive assessment on behalf of the merging parties
- **Textile manufacturer:** Analysis of the competitive effects of a planned merger on behalf of the merging parties

Abuse cases

- **Digital weather services:** Advising a digital weather service from Germany in a legal dispute against Google regarding Google's practice of displaying the weather box in Google search, developing a damages theory and damage assessment on how the weather box impacts competition among weather service providers
- **Medical devices:** Self-assessment of the admissibility of a proposed discount system on behalf of a provider of medical products and services
- **Food products:** Advising a food manufacturer on the practice of various food retailers to sell products below cost price ('loss leader offers')
- **Household appliances:** Delimitation of the relevant markets and evaluation of market shares as a basis for a self-assessment regarding the legality of the planned discount system
- **Cable ducts:** Investigation of potential abusive pricing in the rental of cable ducts for broadband cables for the defending party
- **FIFA regulation of football agents:** Assessment of economic justifications based on market dominance or market failure for the imposition of a maximum agent commission on behalf of a plaintiff
- **Cable re-transmission:** Advice regarding a complaint of abuse of a dominant position by the content providers on behalf of Austrian cable re-transmitters
- **Pharmaceutical wholesaling:** Assessment of possible anti-competitive effects of vertical agreements on behalf of an Austrian wholesaler in the context of a sector enquiry
- **Sector enquiry for rolled asphalt:** Conceptual and empirical analysis of the competitive effect of JVs in the rolled asphalt industry on behalf of a large rolled asphalt manufacturer
- **(Free) newspapers:** Analysis of the foreclosure of entry into the market for floor space for newspapers in railway stations for Austrian cartel court
- **Grocery retailing:** Analysis of potential abuse of market power of a large retailer vis-à-vis (potentially) dependent suppliers on behalf of the defendant. In particular, analysis of the empirical relationship between the dependency metric proposed by the German Federal Cartel Office and the outcome of bilateral negotiations between the retailer and various suppliers

- **Grocery retailing:** Assessment of potential for the abuse of collective dominance in Austria (work on behalf of defendant)
- **FMCG:** Quantitative assessment of the risk of the anti-competitive effects of a retroactive rebate scheme using scanner data (self-assessment of manufacturer)
- **Aircraft parts:** Analysis of the ability and the incentive to foreclose of the dominant company and examination of the likely effects on consumer welfare. Particular attention was paid to the reaction of prices in the primary goods market following entry in the aftermarket and the resulting welfare effects (work on behalf of plaintiff)
- **UK grocery market investigation:** Analysis of buying power issues and pricing decisions using scanner data (support for larger UK grocery chain)
- **UK airports investigation:** Assessment of the link between investment decisions and (cutthroat) price competition, report on the economics of switching costs and the principle of peak load pricing and their application to the airport industry (work on behalf of BAA)

State aid

- **State aid in local public transport:** Methodical assessment and empirical estimation of an acceptable margin in the context of Regulation (EC) No 1370/2007 for buses in the German local public transport
- **Airline catering:** Estimation of the abnormal costs of a voluntary retirement scheme using simulation and benchmarking techniques (work on behalf of aid-receiving party)
- **Air transport:** Several assessments of the compatibility of incentive payments to airlines by a publicly owned airport with the market economy investor principle (work on behalf of the aid issuer)

Other areas

- **Forestry industry:** Critical examination of the analysis of the German Federal Cartel Office regarding regional market definition (work on behalf of a pinewood log producer)
- **Shopping malls:** Critical assessment of SSNIP test in markets with capacity constraints and the ability to price discriminate in order to evaluate the contractual provisions of a shopping mall (work on behalf of a plaintiff)
- **Automotive industry:** Analysis of the vertical agreements and economic effects of possible change in legislation (work for large European automobile manufacturer)
- **Office materials:** Assessment concerning the compatibility of an envisaged purchasing agreement of general office materials with Article 101 TFEU (client self-assessment)
- **Chemical compounds:** Report on the economic effects of a long-term supply contract of an elemental chemical that allegedly violated Article 101 and 102 TFEU (support for a downstream competitor)
- **ATMs:** Investigation of the potential economic effects of credit card rules in the ATM segment (work on behalf of an ATM provider)

- **Net neutrality:** Report on the sustainability of future business models for eyeball ISPs in terms of the ability to accommodate future traffic flows as well as on the implications for social welfare and potential regulatory implications (work for telecommunication company)
- **LNG terminals:** Analysis of the capacity utilisation of existing infrastructure in relation to an OFGEM enquiry into anti-hoarding arrangements (work on behalf of an LNG importation facility)
- **Pharmacies:** Assessment of the arguments for and against specific licensing regulations in the pharmacy sector, particularly with regard to the geographic specifics of Austria (work for Austrian industry association)
- **Legal aid:** Evaluation of the economic aspects of policy reform (work on behalf of the UK Department of Constitutional Affairs)
- **National offender management services:** Case study on competitive tendering (work for the UK Home Office)

Professional experience

Since 2007 E.CA Economics

2006-2007 Analyst, European Competition Practice at NERA, London

Academic experience

- Dr rer. oec. (with distinction) from the Ludwig Maximilian University of Munich in 2005, Scholarship from Deutsche Forschungsgemeinschaft (DFG)
- Tutor for micro and macroeconomics at Ludwig Maximilian University of Munich and University College London between 2002 and 2005
- Research position at MEA (Mannheim Institute for the Economics of Aging) in 2002
- Master's degree in economics from University of Mannheim in 2002

Publications and working papers

- Hans W Friederiszick, Simone Kohnz and Rainer Nitsche, *GCR Insight - Handbook of Competition Economics 2019 - Germany overview*, Law Business Research Ltd, ISBN:978-78915-106-0, October 2018
- Friederiszick, Hans W. and Simone Kohnz (2015), Angemessene Rendite im Bussektor. Ewiger Streit oder lösbarer Aufgabe? Der Nahverkehr 1-2/2015 pg. 41-43 and Der Nahverkehr 7-8/2015 pg. 64

- Börsch-Supan, A., S. Kohnz, and R. Schnabel (2007). The budget impact of reduced early retirement incentives on the German public pension system. In *Social security programs and retirement around the world: 3rd Volume*, ed. Wise and Gruber. University of Chicago Press: Chicago.
- Kohnz, S. (2006). *Self-serving biases in bargaining: Explaining impasse*. Munich Discussion Paper, September 2006.
- Kohnz, S. (2006). *Ratification quotas in international agreements: An example of emission reduction*. Munich Discussion Paper, October 2006.
- Kohnz, S. and H. Hennig-Schmidt (2005). Asymmetric outside options in ultimatum games - An experimental study. Mimeo LMU.
- Börsch-Supan, A., S. Kohnz, M. Mastrobuoni, and R. Schnabel (2004). Micromodeling of retirement decisions in Germany. In *Social security programs and retirement around the world: Micro-estimation*, ed. Wise and Gruber. University of Chicago Press: Chicago.

Languages

- German (native)
- English (business fluent)
- Spanish (business fluent)