

Training Workshop on Merger Review and Abuse of Dominance

10-11 December 2015

UNCTAD Project for Strengthening Competition and Consumer Protection

Enforcement Capacities in Ethiopia

A project funded by the Grand Duchy of Luxembourg

UNCTAD Ethiopia Project aims at strengthening enforcement capacities of the Trade Competition and Consumer Protection Authority in the area of competition and consumer protection policies. The Ethiopian Government enacted the Trade Practice and Consumer Protection Proclamation No. 685 in 2010; and established the Trade Practice and Consumer Protection Authority (TPCPA) in 2012. After identifying some gaps and problems in the Proclamation No. 685/2010, a review has been made and a new law was prepared. The new Trade Competition and Consumer Protection Proclamation No. 813 was approved by the Parliament in December 2013. According to the new law, the TPCPA was renamed as Trade Competition and Consumer Protection Authority (TCCPA) and became an independent federal government organ which has its own legal personality.

The development of complementary guidelines and regulations to the new competition law is an important element in facilitating its enforcement, and therefore, is a major component of this Project. In this respect, guidelines on mergers and abuse of dominance are currently being prepared by an independent consultant. The consultant will conduct a training workshop for purposes of gathering input from TCCPA officials on the merger review framework and enforcement mechanisms for investigating and resolving abuse of dominance cases, gather general input on the content of the guidelines.

The training workshop on mergers will look into (i) principles on market concentration and the HHI, price concentration analysis, merger simulation, financial market stress tests, potential for horizontal conspiracies and bid-rigging in the post-merger market, market power and monopolisation tests including market definition, the Cellophane Fallacy, price-cost margins, (ii) techniques for data collection and preparation, use of plots, charts and histograms, elimination of data errors and inconsistencies, (iii) assessment of econometric evidence and (iv) how to upgrade conceptual models used in the review and analysis of mergers including benchmarking techniques, use of performance evaluation systems and regulatory impact assessment.

The training workshop on abuse of dominance will cover basic concepts such as the definition of product and geographic markets, market power and abuse of dominance, anti-competitive vertical agreements including the setting of minimum resale price maintenance, exclusive/territorial restrictions, hub-n-spoke agreements and other anticompetitive distribution schemes. The training workshop will further look at transferring skill-sets on case strategies as utilised in decisional practice of more mature competition law systems and decided cases/case law, case assessment, conceptual frameworks for anticompetitive agreements, collusive agreements, and abuse of dominance, and materials on case management techniques and techniques for management of case assessor-respondent relationships.

Work Programme

Thursday, 10 December 2015

09:00 - 09:30	Registration of participants
09:30 - 09:40	Introductory remarks by UNCTAD
09:40 - 10:30	Presentation of merger assessment report
10:30 - 11:00	Coffee Break
11:00 - 12:30	Merger assessment and interactive discussion
12:30 - 14:00	Lunch
14:00 - 15:30	Presentation of merger enforcement report
15:30 - 16:00	Coffee break
16:00 - 17:00	Merger enforcement and interactive discussion

Friday, 11 December 2015

09:00 - 10:30	Presentation of dominance assessment report
10:30 - 11:00	Coffee break
11:00 - 12:30	Dominance assessment and interactive discussion
12:30 - 14:00	Lunch
14:00 - 15:30	Presentation of dominance enforcement report
15:30 - 16:00	Coffee break
16:00 - 17:00	Abuse of dominance enforcement and interactive discussion
17:00 - 17:10	Wrapping-up and closing remarks by UNCTAD