



**Regional Centre for Competition in Budapest (Hungary)**

# ANNUAL ACTIVITY REPORT, 2022





# I. INTRODUCTION AND ORGANISATIONAL SETUP

The OECD-GVH Regional Centre for Competition in Budapest (Hungary) (RCC) was established by the Gazdasági Versenyhivatal (GVH, Hungarian Competition Authority) and the Organisation for Economic Co-operation and Development (OECD) on 16 February 2005 when a Memorandum of Understanding was signed by the parties.

The main objective of the RCC is to foster the development of competition policy, competition law and competition culture in the South-East, East and Central European regions and thereby to contribute to economic growth and prosperity in the involved regions.

The RCC provides capacity building assistance and policy advice through workshops, seminars and training programmes on competition law and policy for officials in competition enforcement agencies and other parts of the government, sector regulators, and judges. The RCC also works to strengthen competition law and policy in Hungary and in the GVH itself.

The RCC's work **focuses on four main target groups**. The **first group of beneficiaries** are the competition authorities of South-East Europe and the majority of the CIS countries, namely Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Kazakhstan, Kosovo<sup>1</sup>, Kyrgyzstan, North Macedonia, Moldova, Montenegro, Romania, Serbia and Ukraine. The work targeting these economies is regarded as the core activity of the RCC. These economies have all progressed

with the development of their competition laws and policies, but are at different stages in this process. As a consequence, the needs for capacity building differ among the involved non-OECD member economies and this necessitates a broad approach to competition outreach work. Major capacity building needs in these regions include (a) enhancing analytical skills in competition law enforcement, (b) raising the awareness of the judiciary regarding the specific characteristics of competition law adjudication, (c) pro-competitive reform in infrastructure sectors, (d) competition advocacy, (e) relations between competition authorities and sector regulatory agencies, (f) legal and institutional reform in the area of competition, and (g) building international co-operation and networking.

Judges represent the **second target group** of the RCC's activities. These seminars provide judges with an opportunity to improve their understanding of competition law and economics, to exchange views on the latest developments in EU competition law, and to discuss the key challenges arising in competition law cases.

The **third group of beneficiaries** of the work of the RCC are the competition authorities which belong to the Central European Competition Initiative (CECI). This Initiative aims to provide a forum for co-operation on competition matters and was established by the Central European competition authorities in 2003. It is a network of agencies and operates via workshops and informal meetings. It involves the competition authorities of

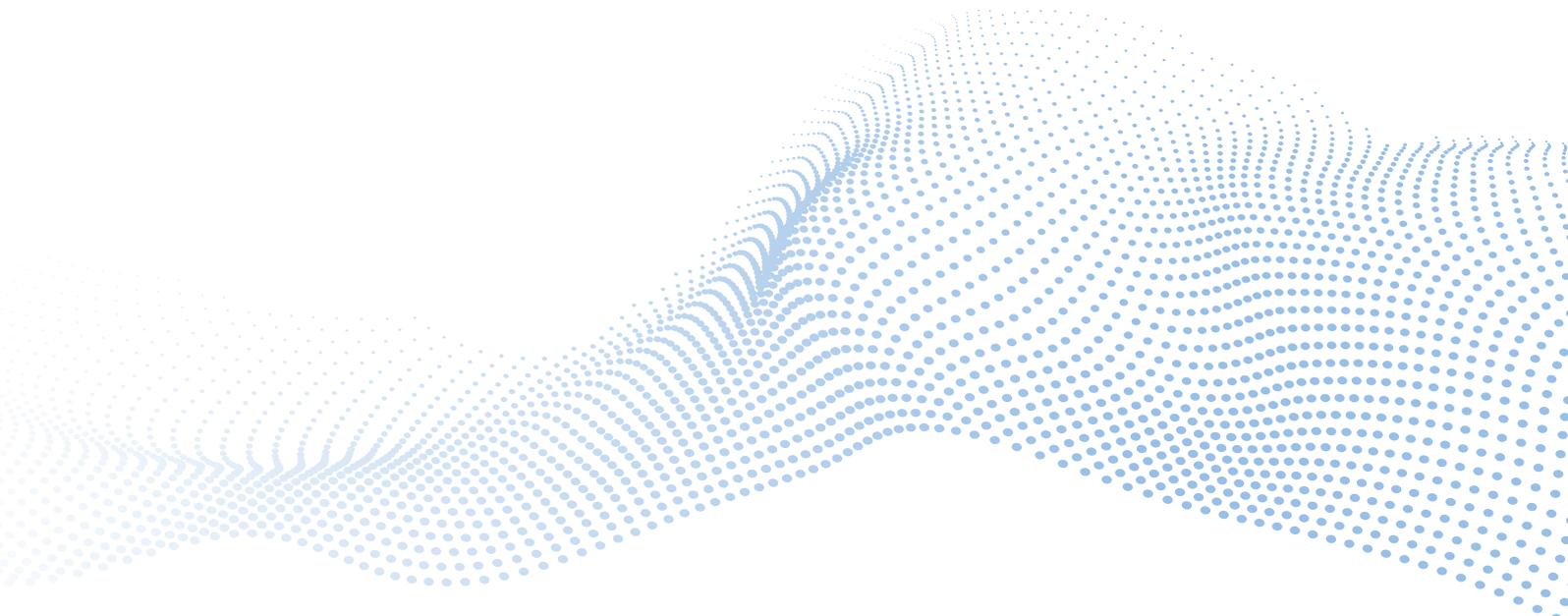
<sup>1</sup> This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the Advisory Opinion of the ICJ on Kosovo's declaration of independence. Hereafter referred to as Kosovo.

Austria, the Czech Republic, Poland, Slovakia, Slovenia and Hungary. These countries all belong to the same geographic region, share fundamentally similar cultural traditions and historical experiences and are, more or less, at the same stage of development. As a result, their competition authorities face several common challenges and difficulties. Moreover, from time to time, these authorities deal with markets which are regional, overlapping or which are connected to each other, and they may also deal with the same parties (the same companies within the region).

The **fourth beneficiary of the RCC's work** is the GVH itself. The programmes of the RCC workshops that are organised for the staff of the GVH are related to ongoing projects or “hot” topics and provide an excellent opportunity for its staff to learn about state-of-the-art antitrust theory and enforcement practices.

Concerning the functioning of the RCC, the Memorandum of Understanding of the RCC provides that the GVH and the OECD are to make joint decisions on their activities and work. For this purpose, the parties meet on an annual basis to review the operation and performance of the RCC and to prepare the annual work plan.

Regarding the financing of the RCC, the GVH is responsible for providing most of the necessary funding for the functioning of the RCC, including an annual voluntary contribution to the OECD for the costs associated with the staff position in Paris. The OECD helps to co-finance the RCC's operation and activities. In addition, both the GVH and the OECD co-operate in efforts to raise additional financial support for the RCC from third parties.



# Competition Lab for Judges organised in the framework of the OECD-GVH Regional Centre for Competition in Budapest (RCC) and funded by the European Union



Co-funded by the  
European Union



**Lefkothea Nteka**

Partner, Lambadarios Law Firm

Competition Lab for Judges is a laboratory dedicated to discuss, exchange views and engage in competition policy with EU national judges. The Lab has been set up by the Hungarian Competition Authority, in the framework of the OECD-GVH Regional Centre for Competition (RCC), and receives funding by the European Union.

In 2022 the Lab organised two seminars dedicated to competition law and policy:

- the seminar “Stepping up with the fundamentals of competition law: from core principles to advanced competition law enforcement” with a focus on fundamental principles and concepts of EU competition law, that are addressed by national judges in competition law cases brought before them, in the context of either public or private enforcement;
- the seminar “Stepping up with the economics of competition law: from core principles to application in practice” aiming to introduce complex economic notions underlying the EU competition law framework and to discuss the use by national judges of economic concepts, tests and evidence when assessing cases under EU competition law.

In particular, the first seminar shed light on key notions of competition law and their application in practice, as well as their conceptual limitations and the ensuing challenges in the enforcement of competition law especially in the digital economy.

The notion of collusion, in particular in the form of horizontal agreements and concerted practices, was introduced and its harmful effects were discussed through concrete examples from economic literature and expert reports. The design of an effective cartel detection and enforcement system, based on OECD recommendations, and the tools to this effect, such as leniency programmes,

settlement proceedings, a comprehensive set of investigative measures and a robust fining policy, were presented. The EU case law on the burden and standard of proof in horizontal collusive practices was analysed, with extensive references to the presumptions developed by the EU Courts, the notion of single and continuous infringement, the presumption of innocence and the rules on the evaluation of evidence. The notion of algorithms was also introduced and issues that touch upon the problematic regarding algorithms was addressed, such as forms of algorithmic collusion and liability. In the context of a hypothetical exercise, the participants debated the *Eturas* preliminary ruling of the CJEU and the *AC Treuhand* case law.

Restrictions of competition in a vertical context were discussed next, including references to by object and by effect restrictions of competition, distribution models, hardcore restrictions such as RPM and active and passive sales restrictions, as well as non-compete clauses and parity obligations. The new Block Exemption Regulation (BER) on vertical agreements 2022/720 and the methodology of assessing vertical restraints were extensively analysed. Special focus was attached to vertical restrictions in online distribution and the related provisions of the BER, as well as the relevant guidance in the new Guidelines on vertical restraints, along with recent decisions by the European Commission regarding vertical restraints (*Guess*) and rulings by the EU Courts (*Pierre Fabre*, *Coty*). In the hypothetical exercise, the participants discussed issues such as the use of selective distribution systems in view of the nature of the products distributed, the differences between online marketplaces and price comparison websites, and restrictions on the use of online marketplaces.

The enforcement practice of the European Commission and the national competition authorities has focused during the last years in business practices adopted by big tech companies in digital markets. New concepts have arisen and a vivid discussion regarding the challenges of competition law enforcement and the effectiveness of competition law tools in a digital environment has been taking place. Against this background, during the seminar a methodological approach to the main elements of

Article 102 TFEU was introduced, in line with the Opinion of Advocate General Rantos in the *Servizio Elettrico Nazionale* case, new concepts of market power, peculiar to the digital economy, such as platforms, ecosystems, gatekeepers, and big data were discussed and self-preferencing practices and privacy related forms of abuse were tackled, through the analysis of the Google Shopping case of the European Commission and the Facebook case of the Bundeskartellamt. An interesting discussion followed on the then under adoption Digital Markets Act (DMA), while the participants had the opportunity to apply in practice the concepts discussed above in the context of a hypothetical exercise on exclusive dealing.

Lastly, a topic that touches upon the core of the tasks of national judges entrusted with the review of the competition authorities' decisions was covered, i.e. the legality of the investigative powers of competition authorities, in particular inspections of business premises. The discussion centered around the guidance given by the EU Courts in several recent rulings (*Ceske drahy*, *Nexans*, *Achats Marchandises Casino SAS*, *Intermarché Casino Achats*) and the participants were asked to apply such guidance in the context of a hypothetical case.

The second seminar covered three main themes where the use of economics play a key role in competition enforcement: market definition, assessment of (anti) competitive effects, both in abuse of dominance cases and in the assessment of vertical restraints, and the use of economics in court proceedings.

Market definition is an important analytical tool to examine and evaluate competition concerns and thus the first step in any competition law analysis. The seminar highlighted key economic concepts for market definition purposes and explained the methodology and the factors assessed when defining the relevant market, both product-wise and when defining the geographic scope (the Hypothetical Monopolist test - SSNIP, non-price factors, demand and supply substitution, closeness of competition), in traditional and in more complex contexts (upstream and downstream markets, aftermarket, bidding markets, multi-sided markets).

Having set the terrain into which competition concerns are evaluated, the methodology for assessing such concerns was then laid out. Key notions for the assessment of anti-competitive effects were introduced through case examples (*Blikk/Bors* merger - GVH case, *Somerfield / Morrisons* merger - OFT case, *Intel* case - European Commission) such as theory of harm and counterfactual, while most common tests for assessing competitive effects were also discussed ('but for' test, 'as efficient competitor' test).

The above general framework for assessing anticompetitive effects was then further illustrated by concrete

examples of specific business practices, in particular excessive pricing and exclusive dealing.

As to excessive pricing, through examples from the EU case law (*United Brands*, *AKKA/LAA*) and the decision making practice of competition authorities (*Aspen* - European Commission, *Flynn Pharma* - CMA, *Port of Helsingborg* - European Commission), both limbs of the *United Brands* test on excessive pricing were in depth analysed. Moreover, the CMA's experience in unfair pricing practices in the pharmaceutical sector was discussed, by reference to the analytical framework on excessive pricing adopted by the CMA in a number of cases (*Phenytoin*, *Liothyronine*) and the assessment undertaken and clarifications provided by the competent review court (CAT), as well as the way in which the CMA adapted its approach to the guidance given by the CAT. In the context of a hypothetical exercise, the participants further discussed the *AKKA/LAA* preliminary ruling of the CJEU.

As to exclusive dealing, the discussion initially focused on vertical agreements, as the most telling example of the importance of economic reasoning and economic principles when assessing anticompetitive effects. Relevant theories of harm, the economic reasoning underlying vertical agreements and related efficiencies (double marginalization, free riding, hold-up problem, economies of scale in distribution) were introduced, while the main steps of analyzing vertical restraints under the BER and the accompanying Guidelines were presented. The different forms of single branding/ exclusive dealing (non-compete arrangements, quantity forcing, conditional rebates) were then analysed to better illustrate the above discussions on the assessment of anticompetitive effects. The analysis covered both the assessment of exclusive dealing practices under Article 101 TFEU as a vertical restraint, with a focus on cumulative effects, as well as under Article 102 TFEU, introducing the notion of exclusionary effects and the as efficient competitor analysis framework. The participants had the opportunity to apply the above in the context of a hypothetical exercise, on market definition, single branding, upfront access payments, customer loyalty schemes and exclusive dealing.

The last part of the seminar was dedicated to the assessment of economic evidence in court proceedings, in the context of both public and private enforcement. As to public enforcement, the standard of review in competition law cases before the EU Courts was discussed, as well as the relevance of the review of economic evidence to ensure the rights of defence of the parties to the proceedings before the European Commission (with references to the *UPS* and *Qualcomm* case law), in terms of substance, including the review of complex economic appraisals (with references to the *CEAHR*, *Servier*, *Qualcomm*, *Groupement des*

*cartes bancaires*, *Intel* decisions of the EU Courts) and as to sanctions. In the context of private enforcement, issues relating to the quantification of antitrust harm were analysed. The Commission’s Communication on antitrust harm, the accompanying Practical Guide as well as the Commission’s passing-on Guidelines set the framework for the analysis (counterfactuals, comparators, methodologies used per different type of infringement), while con-

crete examples from actual cases were discussed (the air cargo cartel, the power cables cartel).

A quiz followed using the Kahoot platform where participants had the opportunity to recap what was discussed during the seminar.

A 7-minute video about the topics and the main findings of second seminar is already available on youtube and a second video on the conclusions of the first seminar will follow shortly.





## II. OVERVIEW OF THE ACTIVITIES FOR THE YEAR 2022

The RCC organised **eight events** in 2022. The seminars focused on the core competences of competition authorities and on best practices in the area of competition policy. In addition to its core seminars in Budapest, the

RCC organised a special seminar in Zagreb in cooperation with the Croatian Competition Agency, a training for the colleagues of the GVH, and two seminars for national judges with the financial support of the European Union.

**Table N°1: Total number of speakers per country or institution**

| Speakers<br>Country or institution | Number | Events |
|------------------------------------|--------|--------|
| Austria                            | 2      | 2      |
| Belgium                            | 1      | 1      |
| Compass Lexecon                    | 1      | 1      |
| Croatia                            | 3      | 1      |
| EFT                                | 1      | 1      |
| European Commission                | 4      | 3      |
| European Court of Justice          | 2      | 2      |
| European General Court             | 1      | 1      |
| Faros                              | 1      | 1      |
| France                             | 1      | 1      |
| Greece                             | 2      | 2      |
| Hungary                            | 9      | 6      |
| Latvia                             | 1      | 1      |
| Lithuania                          | 4      | 3      |
| OECD                               | 14     | 7      |
| Portugal                           | 1      | 1      |
| RBB Economics                      | 1      | 1      |
| Romania                            | 1      | 1      |

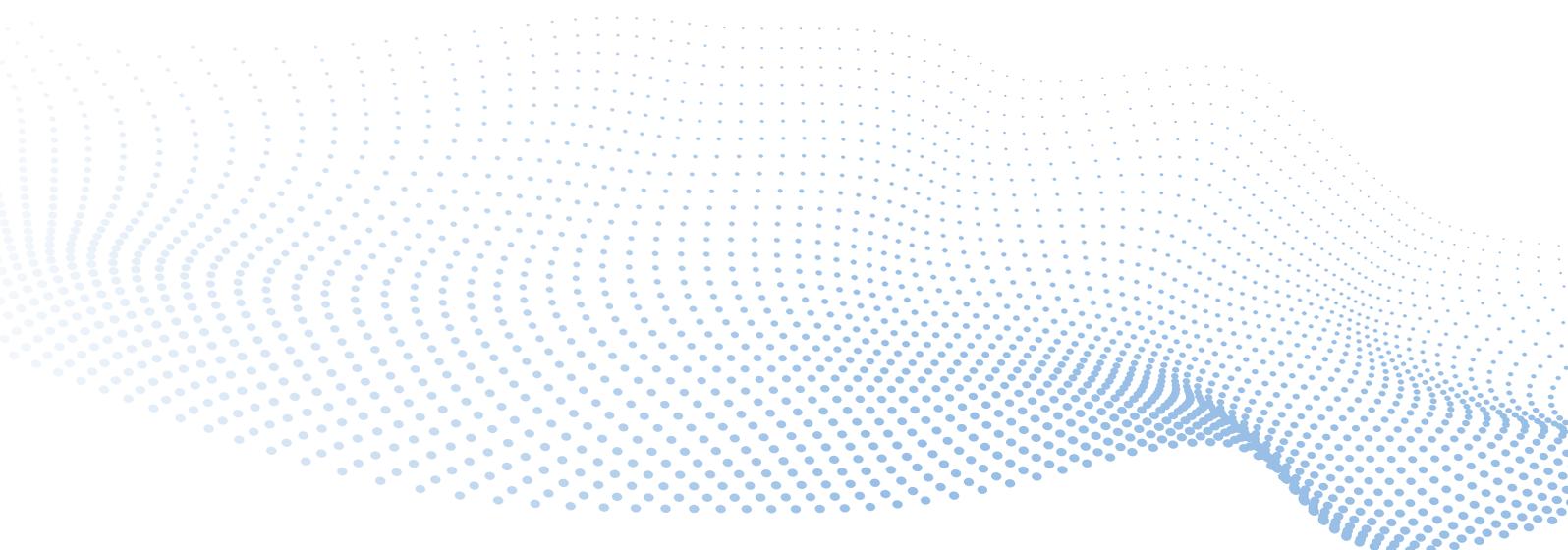
| Speakers<br>Country or institution | Number | Events |
|------------------------------------|--------|--------|
| Spain                              | 1      | 1      |
| The Vectory                        | 1      | 1      |
| United Kingdom                     | 3      | 2      |
| University of Leeds                | 1      | 1      |

Altogether, over the course of the year, the RCC invited 312 participants and 56 speakers to its events. All in all, participants from **37 economies and institutions** attended the RCC events in 2022, coming from Albania, Armenia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, the Eurasian Economic Commission, Estonia, Finland, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Malta, Moldova, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Turkey and Ukraine.

At the same time, experts from **22 countries and institutions** attended the RCC events as speakers and panel members, coming from Austria, Belgium, Compass Lex-

econ, Croatia, EFTA, the European Court of Justice, the European Commission, the European General Court, Faros, France, Greece, Hungary, Latvia, Lithuania, the OECD, Portugal, RBB Economics, Romania, Spain, The Vectory, the United Kingdom and the University of Leeds.

We are pleased that after two challenging years of the pandemic, we could finally return to in-person seminars in May 2022. This is important considering that only the in-person format allows us to fully reap the benefits of the seminars, both in terms of training and networking. Indeed, the return to face-to-face events has enabled the RCC to bring the competition community together and organise all of its crucial activities in cooperation with the beneficiary authorities.





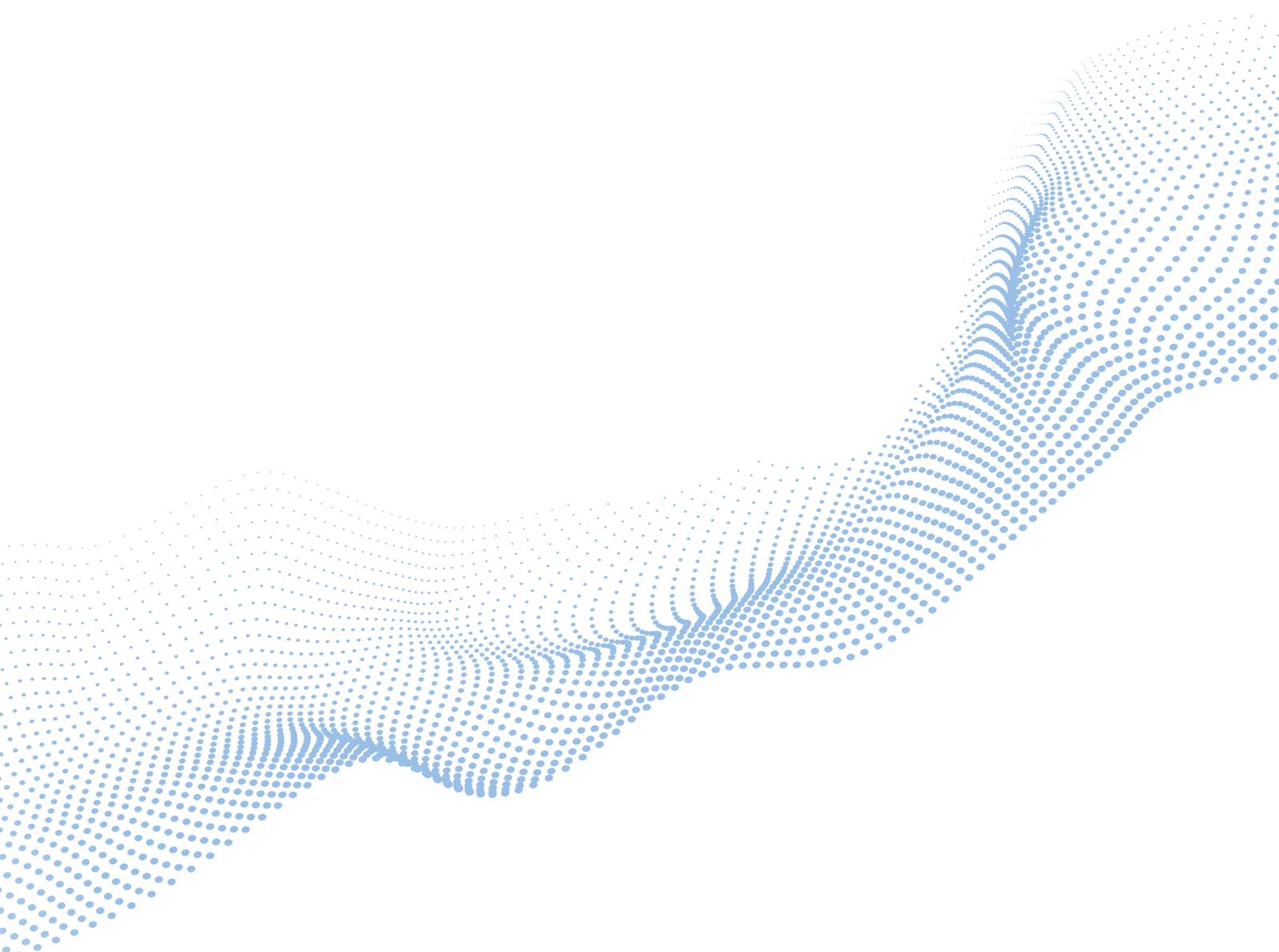
### III. DETAILED REVIEW OF THE ACTIVITIES IN THE YEAR 2022

Table №2 provides a comprehensive overview of the topics of the events in 2022 along with the participating economies and institutions.

**Table №2: Summary of activities in 2022**

| Event Topic   | Date                | Total Number of Participants and Speakers | Attending Economies/Institutions  |
|---|---------------------|---|---|
| Virtual Seminar on Market definition: methodologies, challenges and developments  | 16-17 February 2022 | 60+5                                      | Participants: Albania, Armenia, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Eurasian Economic Commission, Georgia, Hungary, Kazakhstan, Kosovo, Moldova, Montenegro, North Macedonia, OECD, Romania, Russia, Serbia, Ukraine<br>Speakers: EFTA, Lithuania, Hungary, Israel, OECD              |
| Virtual Heads of Agency Meeting: Reviewing the past to design the future  | 22 March 2022       | 32+7                                      | Participants: Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Moldova, Montenegro, North Macedonia, Romania, Serbia, Ukraine<br>Speakers: Hungary, OECD   |
| Introductory Seminar for Young Staff on Competition law principles and procedures   | 16-19 May 2022      | 42+7                                      | Participants: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Eurasian Economic Commission, Georgia, Hungary, Kazakhstan, Kosovo, Kyrgyzstan, Moldova, Montenegro, North Macedonia, Romania, Serbia, Ukraine<br>Speakers: Austria, Hungary, OECD, RBB Economics, The Vectory |
| Competition Lab for Judges funded by the European Union: Stepping up with the fundamentals of competition law: from core principles to advanced competition law enforcement | 26-27 May 2022      | 23+7                                      | Participants: Albania, Belgium, Bulgaria, Czech Republic, Estonia, Greece, the Netherlands, Croatia, Latvia, Lithuania, Hungary, Italy, Portugal, Romania, Spain<br>Speakers: European Court of Justice, European Commission, Lambadiarios Law Firm, Hungary, OECD, University of Leeds               |
| Interim Measures in Competition Cases   | 14-16 June 2022     | 20+5                                      | Participants: Albania, Armenia, Azerbaijan, Bulgaria, Eurasian Economic Commission, Georgia, Kosovo, Moldova, Montenegro, North Macedonia, Romania<br>Speakers: France, Latvia, OECD, Romania   |

| Event Topic   | Date                 | Total Number of Participants and Speakers | Attending Economies/Institutions   |
|---|----------------------|---|--|
| Joint RCC-Croatian Competition Agency Seminar on Ex-Ante Regulation and Competition Enforcement in Digital Markets  | 28-30 September 2022 | 33+8                                      | Participants: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Eurasian Economic Commission, Georgia, Kazakhstan, Kosovo, Moldova, Montenegro, North Macedonia, Poland, Romania, Serbia<br>Speakers: European Commission, Croatia, Hungary, OECD, Spain                              |
| GVH Staff Training Seminar: Managing Uncertainty  | 18-19 October 2022   | 74+10                                     | Speakers: Austria, Belgium, European Commission, European Court of Justice, Faros, Lithuania, OECD, Portugal, United Kingdom   |
| Competition Lab for Judges funded by the European Union: Stepping up with the economics of competition law: from core principles to application in practice | 10-11 November 2022  | 27+7                                      | Participants: Albania, Belgium, Bulgaria, Croatia, Finland, Germany, Greece, Hungary, Italy, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Turkey<br>Speakers: Compass Lexecon, European General Court, Lambadarios Law Firm, Lithuania, Hungary, United Kingdom |





## IV. STANDARD PROGRAMMES IN THE FRAMEWORK OF THE CORE ACTIVITY

### Virtual Seminar on Market definition: methodologies, challenges and developments, 16-17 February 2022

#### Topic

The definition of a relevant product and geographic market is a necessary step in most competition cases, particularly in merger cases. We looked at basic investigatory and analytical steps and the economics of market defini-

tion. Practical case examples from OECD members were presented in order to illustrate the theoretical concepts. The participants were asked to join the experts in hypothetical case exercises.

#### Speakers



**Ms Éva Révész**

*Deputy Head of the Merger Section, GVH, Hungary*



**Ms Liliane Karlinger**

*Senior Economist, Competition & State Aid Directorate, EFTA Surveillance Authority*



**Ms Karina Kučaidze**

*Council Member, Competition Council, Lithuania*



**Mr Richard May**

*Competition Expert, OECD*



**Mr Renato Ferrandi**

*Senior Competition Expert and Coordinator of OECD-GVH training activities, OECD*



## Virtual Heads of Agency Meeting: Reviewing the past to design the future, 22 March 2022

### Topic

In a globalised world, high expertise and international cooperation have become indispensable for competition authorities. Building on the successful experience of the Centre over the last 17 years and the international initia-

tives in these areas, the event explored the ways in which the RCC's role as a catalyst for capacity building and enhanced regional cooperation can be further enhanced.

### The speakers



**Frédéric Jenny**  
*Chairman, OECD Competition Committee*



**Csaba Balázs Rigó**  
*President, of the GVH*



**Antonio Gomes**  
*Deputy Director, Directorate for Financial and Enterprise Affairs  
OECD*



**Ori Schwartz**  
*Head of the Competition Division,  
OECD*



**Csaba Kovács**  
*Deputy Head, Competition Economics and Market Research,  
GVH*



**Wouter Meester**  
*Competition Expert, OECD*



**Renato Ferrandi**  
*Senior Competition Expert, OECD*



## Introductory Seminar for Young Staff Competition law principles and procedures, 16-19 May 2022

### Topic

The aim of this seminar was to provide young authority staff with an opportunity to deepen their knowledge of key notions and procedures in competition law enforcement. Experienced practitioners from OECD countries shared their knowledge and engaged in lively exchanges

with the participants on cartels, mergers and abuse of dominance. We discussed basic legal and economic theories as well as the relevant case law. Participants also had the chance to face and discuss procedural issues through practical exercises.

### Speakers



**Judit Buránszki**

*Head of Merger Section GVH*



**Anna Fekete**

*Case Handler, GVH*



**Lisa Schwarz**

*Case Handler, Federal Competition Authority, Austria*



**Livia West**

*Senior Director, The Vector, Brussels*



**László Bak**

*Vice President of the GVH*



**Vitaly Pruzhansky**

*Partner, RBB Economics Brussels*



**Ori Schwartz**

*Head of the Competition Division, OECD*



**Renato Ferrandi**

*Senior Competition Expert OECD*



# Competition Lab for Judges funded by the European Commission: Stepping up with the fundamentals of competition law: from core principles to advanced competition law enforcement, 26-27 May 2022



Co-funded by the European Union

## Topic

The seminar focused on the fundamental principles and concepts of EU competition law, first by setting out the elements and the decisional practice of competition authorities, and then by exploring the scope of these notions, through the discussion of challenges for compe-

tion law enforcement as a result of the digitalization of the economy. Exercises on hypothetical cases involving all participants will complement the presentations, and participants will be engaged in Q&A sessions to promote further cooperation and networking.

## Speakers



**Marion Carbo**  
Case Handler, European Commission



**Kassiani Christodoulou**  
Case Handler, European Commission



**Lefkothea Nteka**  
Partner, Lambadarios Law Firm



**Ay Zoltán Nándor**  
Head of the Litigation Section  
- GVH



**Andreas Scordamaglia-Tousis**  
Référéndaire, Court of Justice of the European Union



**Konstantinos Stylianou**  
Associate Professor University of Leeds



**Renato Ferrandi**  
Senior Competition Expert OECD



## Interim Measures in Competition Cases, 14-16 June 2022

### Topic

The debate concerning the effectiveness and efficiency of antitrust enforcement in fast-moving markets turned the spotlight on interim measures, which are protective and corrective tools that may be adopted while investigating possible antitrust infringements. With the help of

practiced competition officials, the seminar explored what kind of cases are best suited for interim measures, what principles and legal standards should be observed, while addressing policy considerations and due process issues.

### Speakers



**Valentīns Hitrovs**

*Head of Legal Department  
Competition Council, Latvia*



**Matteo Giangaspero**

*Competition Expert, OECD*



**Stefan Sabau**

*Team Leader, Support to the  
Antimonopoly Committee of  
Ukraine for Enforcing State Aid  
Rules*



**Jérôme Schall**

*Advisor for International Affairs,  
Autorité de la Concurrence,  
France*



**Renato Ferrandi**

*Senior Competition Expert OECD*

# Joint RCC-Croatian Competition Agency Seminar on Ex-Ante Regulation and Competition Enforcement in Digital Markets, 28-30 September 2022

## Topic

In light of particular features of digital markets, several jurisdictions have recently proposed some form of ex-ante regulation to supplement existing ex-post competition enforcement. Experts from OECD countries discussed how competition authorities can help shape better regulation in digital markets and factor-in existing regulation in order to ensure successful enforcement. The OECD-GVH

RCC was delighted to hold this seminar in cooperation with the Croatian Competition Agency, which celebrated its 25th anniversary on 28 September 2022. The constant progress made by the Croatian Competition Agency since its establishment is a telling example of the potential that the competition authorities in Eastern Europe and Central Asia are able to express.

## Speakers



**Mirta Kapural**

*President of the Competition Council, Croatian Competition Agency*



**María Pilar Canedo**

*Member of the Board of the CNMC, Spain*



**Lea Zuber**

*Head of the DMA Task Force, DG COMP, European Commission*



**Vlatka Butorac Malnar**

*Associate Professor, Faculty of Law, University of Rijeka*



**Jasminka Pecotic Kaufman**

*Professor of Law, Faculty of Economics and Business, University of Zagreb*



**Vesna Tomljenović**

*Judge, Court of Justice of the European Union*



**Csaba Balázs Rigó**

*President of the Hungarian Competition Authority*



**Olivier Guersent**

*Director General, DG COMP, European Commission*



**Richard Whish**

*Emeritus Professor of Law at King's College London*



**Gábor Gál**

*Member of Competition Council, Hungarian Competition Authority*



**Antonio Capobianco**

*Deputy Head of the Competition Division, OECD*



**Renato Ferrandi**

*Senior Competition Expert, OECD*

# GVH Staff Training: Managing Uncertainty, 18-19 October 2022

## Topic

The seminar discussed some topical challenges for competition authorities, in the face of an increasingly uncertain economic environment. The objective of the seminar was to learn more about the experience of other competition authorities and consider different possible solutions to overcome the challenges. The staff of the GVH had the opportunity exchange views with representatives

from leading European competition authorities and institutions, as well as antitrust experts. The first day was devoted to structured presentations by the speakers, while the second day was organized in informal breakout sessions, in which the different Sections of the GVH had the opportunity to meet and freely discuss with one or a few of the speakers.

## Speakers



**Margarida Matos Rosa**  
*President of the Portuguese Competition Authority*



**Natalie Harsdorf**  
*Acting Director General, Austrian Competition Authority*



**Cecilia Parker Aranha**  
*Director of Consumer Protection, UK Competition and Markets Authority*



**Tim Capel**  
*Director of Legal Service, UK Information Commissioner's Office*



**Ieva Jakubavičienė**  
*Head of Mergers Supervision Group, Lithuanian Competition Council*



**Griet Jans**  
*Chief Economist, Belgian Competition Authority*



**Svend Albæk**  
*Adviser to the Chief Economist, European Commission*



**Sven Frisch**  
*Référéndaire, Court of Justice of the European Union*



**Frank Wijckmans**  
*Partner, Faros*



**Paulo Burnier**  
*Senior Competition Expert, OECD*



**Renato Ferrandi**  
*Senior Competition Expert, OECD*



Joint RCC-Croatian Competition Agency Seminar on Ex-Ante Regulation and Competition Enforcement in Digital Markets, 28-30 September 2022



GVH Staff Training: Managing Uncertainty, 18-19 October 2022



# Competition Lab for Judges funded by the European Commission: Stepping up with the economics of competition law: from core principles to application in practice, 10-11 November 2022



Co-funded by the European Union

## Topic

The seminar elaborated on key economic concepts (elasticity, substitutability, SSNIP test, market power, counterfactual, theories of harm) by referencing legislative texts, case law and the decisional practice of the competition authorities. It then picked out specific prac-

tices, to better illustrate analytical considerations affected by economic reasoning and the relevance of assessing anti-competitive effects. The seminar also covered the use of economic evidence and the quantification of anti-trust harm.

## Speakers



**Karina Kučaidze**  
Council Member, Lithuanian  
Competition Council



**Irma Urmonaite**  
Council Member, Lithuanian  
Competition Council



**David Riley**  
Legal Director, Competition and  
Markets Authority



**Vivien R. Terrien**  
Référéndaire, General Court of  
the European Union



**Zombor Berezvai**  
Chief Economist, GVH



**Lefkothea Nteka**  
Partner, Lambadarios Law Firm



**Angelos Stenimachitis**  
Senior Economist, Compass  
Lexecon



**Renato Ferrandi**  
Senior Competition Expert OECD

Table №3 provides an overview of the number of participants at the seminars. This summary focuses on the

participants of the seminars organised as part of the core activity of the RCC.

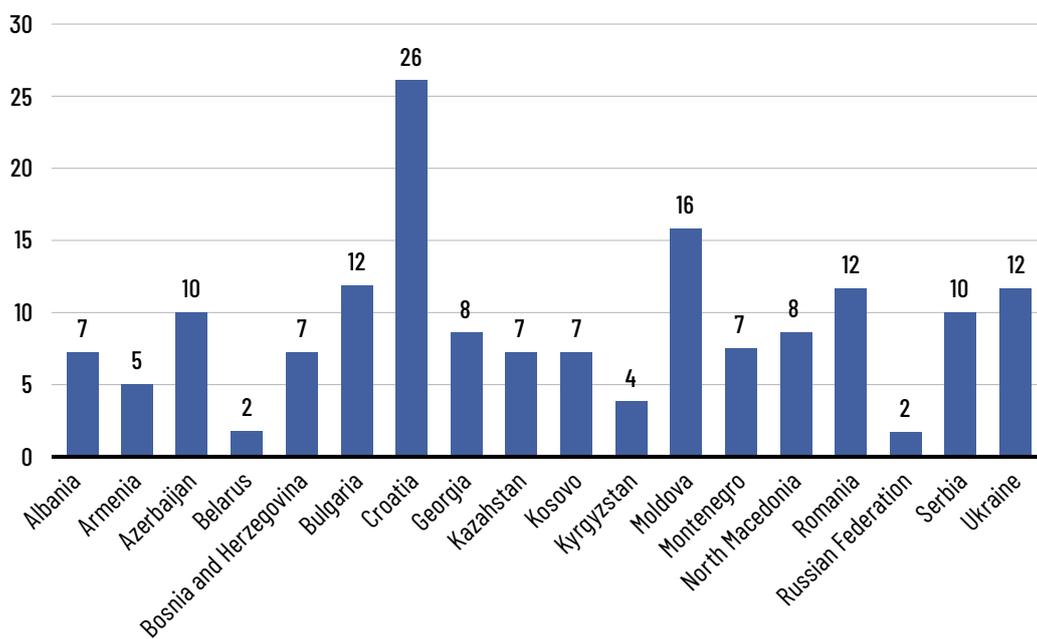
**Table №3: Number of participants and events attended**

| Jurisdiction           | Number of participants | Events attended |
|------------------------|------------------------|-----------------|
| Albania                | 11                     | 7               |
| Armenia                | 9                      | 5               |
| Azerbaijan             | 10                     | 5               |
| Belarus                | 2                      | 1               |
| Belgium                | 2                      | 2               |
| Bosnia and Herzegovina | 7                      | 4               |
| Bulgaria               | 12                     | 7               |
| Croatia                | 26                     | 6               |
| Czech Republic         | 1                      | 1               |
| EEC                    | 10                     | 4               |
| Estonia                | 1                      | 1               |
| Finland                | 2                      | 1               |
| Georgia                | 8                      | 5               |
| Germany                | 1                      | 1               |
| Greece                 | 4                      | 2               |
| Hungary                | 3                      | 2               |
| Italy                  | 4                      | 2               |
| Kazakhstan             | 7                      | 4               |
| Kosovo                 | 7                      | 5               |
| Kyrgyzstan             | 4                      | 2               |
| Latvia                 | 1                      | 1               |
| Lithuania              | 3                      | 2               |
| Malta                  | 1                      | 1               |
| Moldova                | 16                     | 5               |
| Montenegro             | 7                      | 5               |
| the Netherlands        | 3                      | 2               |
| North Macedonia        | 8                      | 5               |
| Poland                 | 2                      | 2               |
| Portugal               | 3                      | 2               |
| Romania                | 12                     | 7               |
| Russian Federation     | 2                      | 1               |
| Spain                  | 1                      | 1               |
| Serbia                 | 10                     | 5               |
| Slovakia               | 1                      | 1               |
| Slovenia               | 3                      | 1               |

| Jurisdiction | Number of participants | Events attended |
|--------------|------------------------|-----------------|
| Turkey       | 1                      | 1               |
| Ukraine      | 12                     | 3               |
| <b>Total</b> | <b>217</b>             |                 |

Chart №1 provides an overview of the number of participants per primary beneficiary authority economy.

**Chart №1: Total number of participants from the primary beneficiary economies attending seminars organised as part of the core activity of the RCC**



## V. EVALUATION OF RCC SEMINARS

Participants are always asked to provide feedback on RCC seminars so that the standard of the events can be maintained and even possibly improved. According to the feedback, participants found that the seminars provided theoretical and practical information that was highly relevant to their day-to-day work and that the seminars also provided a good opportunity for the exchange of opinions between participants and experts. The average value of all

of the answers for the entire year was 4.5 out of a maximum of 5.

Participants considered the overall usefulness of the programmes to be either very high or high – 96 percent of respondents rated the seminars on this basis. Based on the feedback, the current distribution of the topics was well received.

**Table N°4: Participants' evaluation of events organised by the RCC in the year 2022**

| Distribution of answers             |          |      |          |       |           |
|-------------------------------------|----------|------|----------|-------|-----------|
|                                     | Very low | Low  | Moderate | High  | Very high |
| Overall usefulness of the event     | 0%       | 0%   | 7,21%    | 33,8% | 63,8%     |
| Overall usefulness of the topics    | 0%       | 1%   | 6%       | 30,8% | 62,6%     |
| Usefulness and quality of materials | 0%       | 0%   | 6,8%     | 33,3% | 63%       |
| Overall quality                     | 0%       | 0.3% | 6,7%     | 32,6% | 63%       |

**Table N°5: Detailed evaluations by events and by categories**

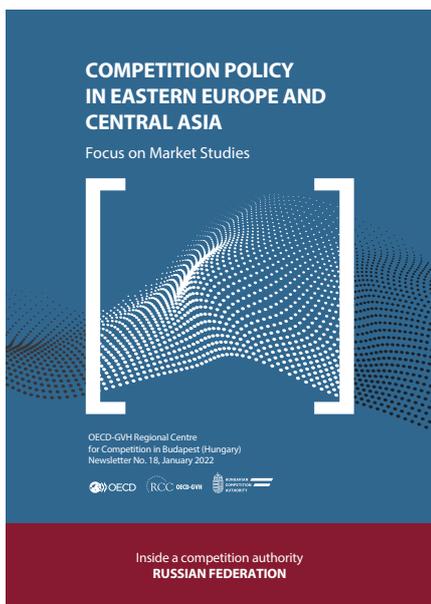
| Summary of evaluations 2022  | Virtual Seminar on Market definition: methodologies, Challenges and Developments | Introductory Seminar for Young Staff | May Competition Lab for Judges | Interim Measures in Competition Cases | Joint RCC-Croatian Competition Agency Seminar | GVH Staff Training | November Competition Lab |
|--|--|--------------------------------------|--------------------------------|---------------------------------------|---|--------------------|--------------------------|
| Overall usefulness of the event  | 4.5  | 4.7                                  | 4.4                            | 4.8                                   | 4.8   | 4.2                | 4.3                      |
| Overall usefulness of the topics   | 4.5  | 4.7                                  | not rated                      | 4.9                                   | 4.8   | 4.2                | not rated                |
| Quality of presentations   | 4.6  | 4.6                                  | not rated                      | 4.6                                   | 4.7   | 4.5                | not rated                |
| Usefulness and quality of materials  | 4.3  | 4.6                                  | not rated                      | 4.6                                   | 4.6   | not rated          | not rated                |
| Usefulness of hypothetical cases / country contributions / breakout sessions | 4.5  | 4.5                                  | not rated                      | 4.8                                   | 4.6   | 4.1                | not rated                |
| <b>Average</b>   | <b>4.5</b>   | <b>4.6</b>                           | <b>4.4</b>                     | <b>4.8</b>                            | <b>4.7</b>                                    | <b>4.3</b>         |                          |



## VI. REVIEW

In 2022, the OECD-GVH RCC published two editions of the review “Competition Policy in Eastern Europe and Central Asia”, focusing on market studies (January 2022) and effective investigation in competition cases (July 2022). In addition, the RCC published a Special Edition on Regional co-operation for more effective competition

policy which was launched at the Lear Competition Festival on 21-23 September 2022 in Rome. The review has become a prominent specialised publication in the region, which attracts contributions not only from the RCC beneficiaries, but also from competition authorities all over the world, from New Zealand to Canada, from India to Brazil.





## VII. TRAINING VIDEOS “KEY COMPETITION TOPICS EXPLAINED IN FEW MINUTES”

Building on the findings of the seminars of the OECD-GVH Regional Centre for Competition, the training videos explain key competition topics in few minutes, offering additional, engaging training opportunities to beneficiary competition authorities and anyone interested in competition issues.

The eight videos already released address the following topics: bid rigging, abuse of dominance, market definition, competitive neutrality, antitrust commitments, the role of economics, market studies and effective investigations. They have proven extremely successful: the videos on “Bid rigging” and “Market definition” are the most often viewed OECD videos on competition, while the other videos are also quickly reaching top positions.

<https://www.youtube.com/watch?v=GRITcqVpEg&list=PLyBGvyEYBNlq5nWCYUzri1-1XvMT-NAf2N>

Thanks to the enthusiastic support of the beneficiary competition authorities, these videos come with subtitles in up to sixteen different languages, including Armenian, Azerbaijani, Bulgarian, Croatian, Georgian, Romanian, Russian, Serbian and Ukrainian, in addition to Finnish, French, German, Italian, Portuguese, Spanish and Swedish.

Remarkably, the United Nations Economic and Social Commission for Western Asia signed an agreement with the OECD and the GVH creating the Arabic version of these training videos.



## VIII. FINANCIAL AND INTELLECTUAL CONTRIBUTION

According to the Memorandum of Understanding that was signed by the parties in 2005, it is the task of the founding parties, namely the GVH and the OECD, to ensure that the RCC operates at the highest level. Both institutions provide financial and intellectual contributions towards the operation of the RCC. The accumulated

experience and expertise of the OECD members also contributes to the training programmes offered by the RCC.

The RCC had a budget of 412 209 EUR for 2022. This includes funds provided by the GVH.

The following tables provide details on the total costs of the operation of the RCC in 2022 by sources of funds, by events and by major categories of costs.

**Table №6: The sources of funds**

| Sources of funds (EUR)                                     |         |
|--|---------|
| Gazdasági Versenyhivatal (Hungarian Competition Authority) | 412 209 |

**Table №7: Breakdown of total expenses by items**

| Breakdown of total expenses (EUR)  |                |
|--|----------------|
| <b>A) Direct organisational costs</b>  |                |
| Virtual Seminar on Market definition: methodologies, challenges and developments | 2 828          |
| Virtual Heads of Agency Meeting: Reviewing the past to design the future         | 1 635          |
| Introductory Seminar for Young Staff on Competition law principles and procedure | 57 556         |
| Competition Lab for Judges funded by the European Union (in May)                 | 33 954         |
| Interim Measures in Competition Cases  | 25 147         |
| Joint RCC-Croatian Competition Agency Seminar                                    | 24 683         |
| GVH Staff Training   | 23 122         |
| Competition Lab for Judges funded by the European Union (in November)            | 22 472         |
| <b>Total direct organisational costs</b>   | <b>191 397</b> |
| <b>B) Overhead and operational costs of the RCC</b>                              | <b>13 244</b>  |
| <b>C) Staff costs transferred by the GVH to the OECD<sup>2</sup></b>             | <b>207 568</b> |
| <b>TOTAL EXPENSES in 2022</b>  | <b>412 209</b> |

2 On the basis of the Memorandum of Understanding, the GVH made a voluntary contribution to the OECD for staff-related purposes



## IX. RCC DEDICATED STAFF

The RCC is a “virtual” centre, thus it does not have a central office but is accommodated in the headquarters of the GVH. The virtual existence of the RCC allows it to concentrate funds on the real purpose of its establishment, that is, organising seminars and inviting and training participants. The virtual structure also makes it easier to adapt to changing circumstances. The RCC is run by a senior competition expert at the OECD headquarters in Paris and by a consultant and an assistant who are at the same time employees of the GVH in Budapest.

The work of the RCC is based on the expertise of both the GVH and the OECD. While the GVH is responsible for inviting participants and organising all of the practical arrangements for the RCC’s programmes, the expert at the OECD creates the content of the programmes and invites speakers to the seminars. The GVH aims to provide speakers or panellists for each seminar. Other speakers are invited from different OECD member states.

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