



OECD-GVH Regional Centre  
for Competition in Budapest (Hungary)

# ANNUAL ACTIVITY REPORT, 2023



HUNGARIAN  
COMPETITION  
AUTHORITY



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# Introduction and organisational setup

The OECD-GVH Regional Centre for Competition in Budapest (RCC) was established in February 2005 by the Organisation for Economic Co-operation and Development (OECD) and the Hungarian Competition Authority (GVH) through a Memorandum of Understanding to foster the development of competition law, competition policy, and competition culture in the South-East, East and Central European regions and to thereby contribute to economic growth and prosperity in these regions. Its main aim is to provide capacity-building assistance and policy advice through workshops, seminars and trainings on competition law for enforcement officers and national judges. The RCC also works to strengthen competition law and policy in Hungary and in the GVH itself.

It is important to highlight that the RCC is a joint initiative – it is run by a senior competition expert at the OECD headquarters in Paris and by a consultant who is an employee of the GVH in Budapest. The work of the RCC is therefore based on the expertise of both institutions: the OECD Academic director is responsible for preparing the professional programme of the events and inviting experts, whereas the GVH provides the technical background and logistical support. The founding parties make joint decisions and meet annually to review the operation and performance of the RCC. As far as funding is concerned, the GVH is responsible for providing most of the funding necessary for the successful and smooth operation of the RCC and makes an annual voluntary contribution to the OECD for the costs related to the staff position in Paris, while the OECD helps to co-fund the activities. Moreover, they cooperate in their efforts to obtain additional financial support from third parties.

The RCC has sixteen beneficiary competition authorities, including Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Kazakhstan, Kosovo<sup>1</sup>, Kyrgyzstan, Moldova, Montenegro, North Macedonia, Romania, Serbia and Ukraine. Moreover, participants were invited to the seminars from the Eurasian



Economic Commission (EEC) and Uzbekistan in 2023. The work targeting these institutions is considered to be the core activity of the RCC, which has enabled these countries to make significant progress in developing their competition law and policy. Nonetheless, capacity-building needs vary among the involved non-OECD member economies and this calls for a broad approach to competition outreach work, including:

- enhancing analytical skills in competition law enforcement,
- drawing the attention of the judiciary to the specificities of competition law adjudication,
- pro-competitive reform in infrastructure sectors,
- competition advocacy,
- relations between competition authorities and sector regulatory agencies,
- legal and institutional reform in the area of competition, and
- building international co-operation and networking.

Judges represent a relevant target group of the activities of the RCC. Therefore two seminars were organised for judges of the European Union with the financial support of the European Commission. They provide a great opportunity for national judges to enhance their knowledge of competition law and economics, exchange views on the latest developments in EU competition law and discuss the main challenges in competition law cases.

Another beneficiary of the RCC's core activities is the GVH itself as the RCC organises a workshop for its staff every year to learn about the latest antitrust theories and enforcement practices.

<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. Hereinafter referred to as Kosovo.

# Description of the Activity of the RCC

## 1. The seminars of the OECD-GVH RCC

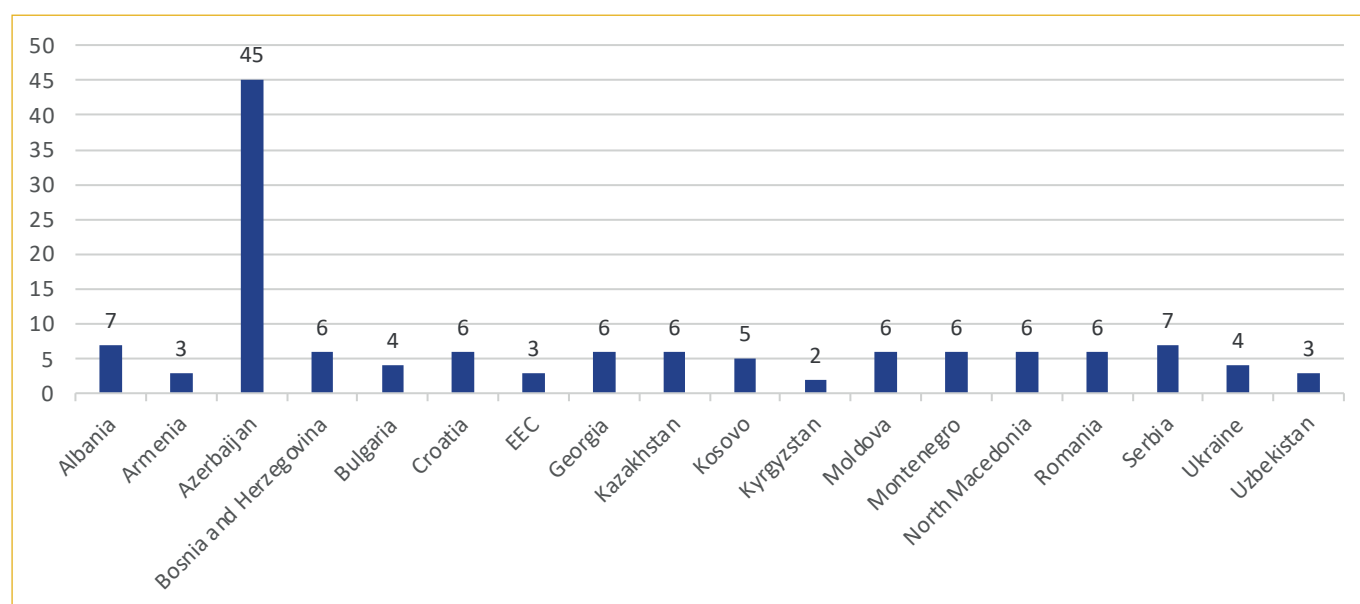
### A. 2023 seminars in numbers

In 2023, the RCC organised seven seminars, out of which three core seminars in Budapest with the participation of the sixteen beneficiary competition authorities, one seminar in Baku in cooperation with the State Service for Antimonopoly and Consumer Market Control, one seminar for staff from

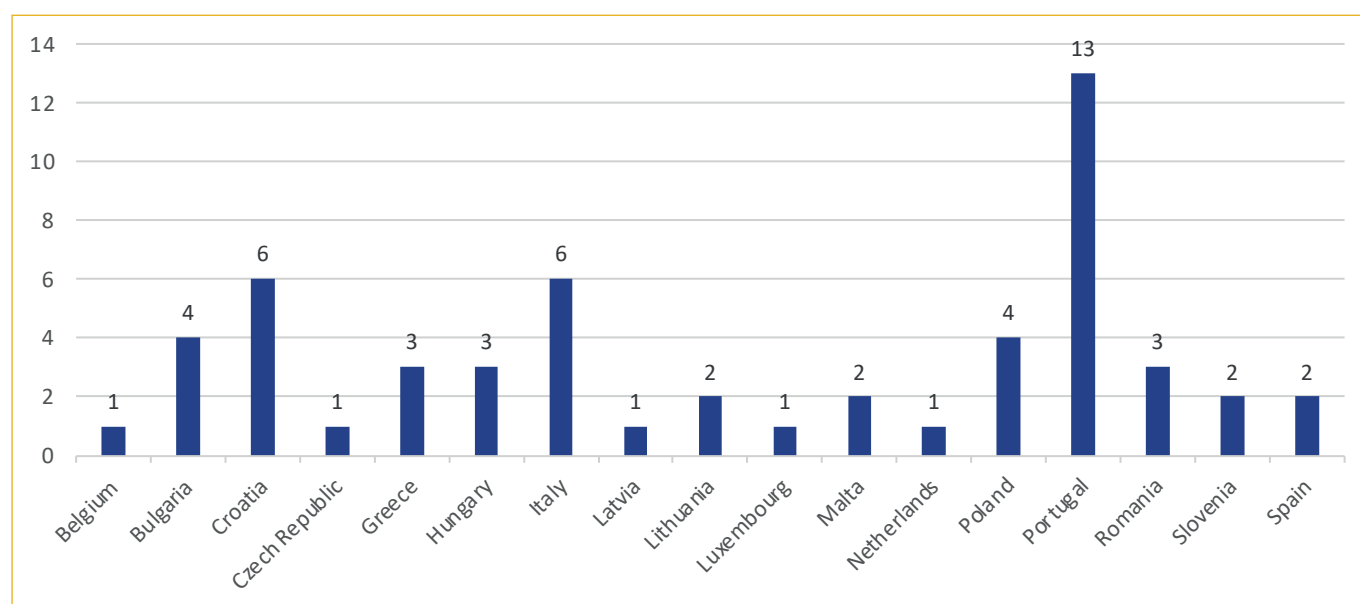
the GVH and two seminars for judges of EU member states (with the financial support of the European Commission).

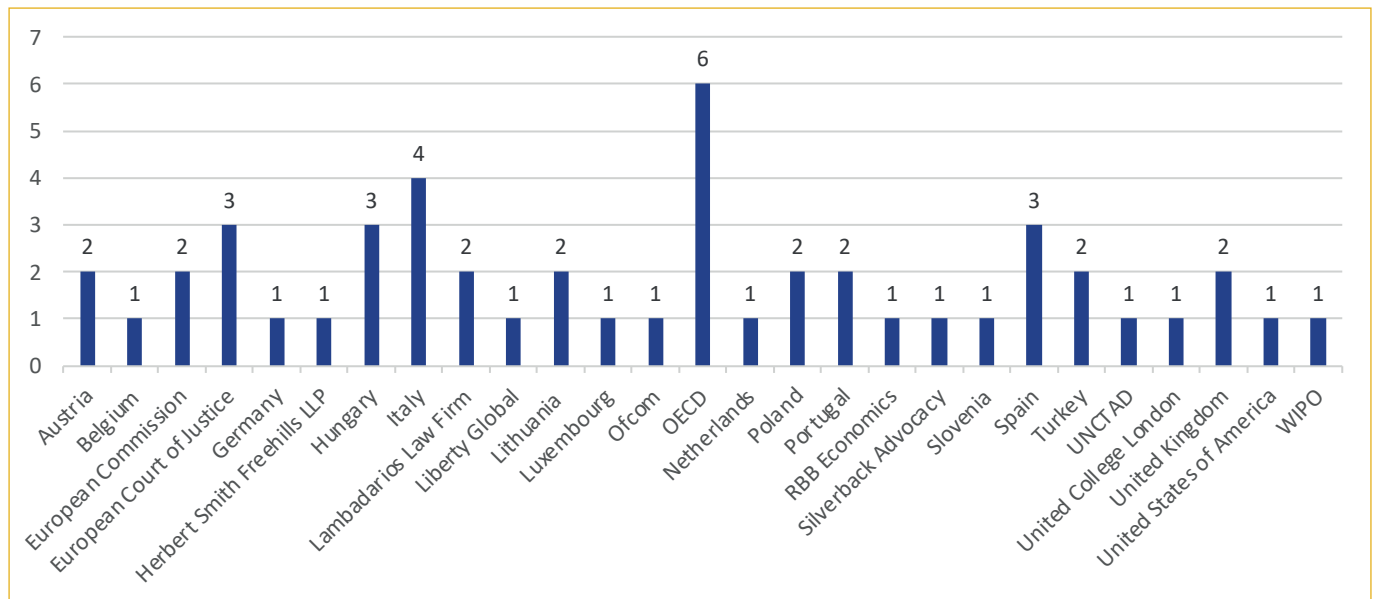
The RCC seminars hosted 272 participants from 33 institutions and 48 speakers from 27 institutions over the course of the year, as shown by the graphs below:

**Chart 1:** Total number of participants per beneficiary competition authorities in 2023



**Chart 2:** Total number of participating judges per EU Member States in 2023



**Chart 3:** Total number of speakers per country/institution in 2023

## B. Overview of the seminars in 2023

We provide a detailed overview of the RCC seminars in 2023, with reference to the topic, date and location of each seminar, the total number of participants and the participating institutions.

**Table 1:** Overview of Seminars in 2023

| Topic                                                                                                                                                                          | Date and location                                         | Total number of participants                                    | Participating institutions                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ordinary RCC Seminar on Merger control in times of uncertainty                                                                                                                 | 14-16 February 2023<br><b>Budapest, Hungary</b>           | 30 participants<br>5 speakers<br>4 organisers<br>2 interpreters | <b>Beneficiaries:</b> Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, EEC, Georgia, Kazakhstan, Kosovo, Moldova, Montenegro, North Macedonia, Romania, Serbia, Ukraine<br><b>Speakers:</b> Hungary, Lithuania, OECD, Portugal, Spain                                           |
| Ordinary RCC Seminar on Intellectual property rights and competition policy: friends or foes?                                                                                  | 28-30 March 2023<br><b>Budapest, Hungary</b>              | 37 participants<br>5 speakers<br>2 organisers<br>2 interpreters | <b>Beneficiaries:</b> Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, EEC, Georgia, Hungary, Kazakhstan, Kosovo, Moldova, Montenegro, North Macedonia, Romania, Serbia, Ukraine, UNCTAD<br><b>Speakers:</b> Austria, OECD, Spain, UNCTAD, United States, WIPO                           |
| Comp Lab for Judges co-funded by the European Commission<br>Stepping up with the fundamentals of competition law: key developments in digital markets and regulated industries | 30-31 May 2023<br><b>Budapest, Hungary</b>                | 28 participants<br>7 speakers<br>3 organisers                   | <b>Beneficiaries:</b> Belgium, Bulgaria, Croatia, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovenia, Spain<br><b>Speakers:</b> European Court of Justice, Herbert Smith Freehills, Italy, Lambadarios Law Firm, Liberty Global, Luxembourg, Spain |
| Joint RCC-State Service for Antimonopoly and Consumer Market Control under the Ministry of Economy of the Republic of Azerbaijan Seminar on Competition advocacy               | 19-21 September 2023<br><b>Baku, Azerbaijan</b>           | 52 participants<br>7 speakers<br>2 organisers<br>2 interpreters | <b>Beneficiaries:</b> Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Montenegro, North Macedonia, Romania, Serbia<br><b>Speakers:</b> Hungary, Italy, Lithuania, Netherlands, OECD, Poland, Silverback Advocacy                              |
| GVH Staff Training on Innovation                                                                                                                                               | 3-4 October 2023<br><b>Budapest, Hungary</b>              | 72 participants<br>9 speakers<br>2 organisers                   | <b>Beneficiaries:</b> GVH staff<br><b>Speakers:</b> European Commission, European Court of Justice, Italy, OECD, Poland, RBB Economics, United Kingdom                                                                                                                                                  |
| Comp Lab for Judges co-funded by the European Commission<br>Stepping up with the economics of competition law: between competition and regulation                              | 30 November – 1 December 2023<br><b>Budapest, Hungary</b> | 27 participants<br>7 speakers<br>3 organisers                   | <b>Beneficiaries:</b> Bulgaria, Croatia, Czech Republic, Greece, Hungary, Italy, Malta, Poland, Portugal, Romania<br><b>Speakers:</b> Belgium, European Court of Justice, Italy, Lambadarios Law Firm, Ofcom, OECD, United College London                                                               |
| Ordinary RCC Seminar on Detection tools                                                                                                                                        | 12-14 December 2023<br><b>Budapest, Hungary</b>           | 26 participants<br>8 speakers<br>2 organisers                   | <b>Beneficiaries:</b> Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Moldova, Montenegro, North Macedonia, Romania, Serbia, Uzbekistan<br><b>Speakers:</b> Austria, Germany, Hungary, OECD, Portugal, Slovenia, Turkey                         |



## C. Detailed reference to RCC seminars

### Ordinary RCC Seminar:

# Merger control in times of uncertainty.

Budapest, Hungary, 14-16 February 2023

### Seminar objectives

Merger control is a forward-looking exercise that requires a complex skillset, even more so in times of uncertainty. This seminar focused on theories of harm in merger cases, basic economic methods, investigative steps, and effective merger remedies. Particular emphasis was placed on the adequate, timely management of innovation. Merger control experts from OECD member countries presented case studies, and participants had the opportunity to practise their skills in hypothetical exercises.

### The speakers



**María Pilar Canedo Arrillaga**

Member of the Board  
Spanish National Markets and  
Competition Commission (CNMC)



**Ana Sofia Rodrigues**

Chief Economist & Head of the Studies  
and Market Monitoring Bureau  
Portuguese Competition Authority



**Ieva Jakubavičienė**

Head of Mergers Supervision Group  
Lithuanian Competition Council



**Péter Decsák**

Case Handler  
Hungarian Competition Authority (GVH)



**Renato Ferrandi**

Senior Competition Expert & Coordinator  
of OECD -GVH training activities  
OECD

## Agenda

| Tuesday, 14 February 2023   |                                                                                                                                                                   |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.00-10.00                 | <b>OPENING REMARKS, GROUP PHOTO, TOUR DE TABLE</b><br>Mr. László Bak, Vice-President of the GVH<br>Mr Renato Ferrandi Coordinator of OECD-GVH training activities |
| 10.00-10.45                 | <b>MERGER CONTROL: INTRODUCTION AND NEW CHALLENGES</b><br><b>Navigating in uncharted waters</b><br>Mr Renato Ferrandi (OECD, Paris)                               |
| 10.45-11.00                 | <b>Coffee break</b>                                                                                                                                               |
| 11.00-11.45                 | <b>CAPTURING THE RELEVANT MERGERS</b><br><b>Legal notion of control, thresholds</b><br>Ms María Pilar Canedo, Spain                                               |
| 11.45-12.30                 | <b>THEORIES OF HARM</b><br><b>Horizontal, vertical and conglomerate mergers</b><br>Ms Ieva Jakubavičienė, Lithuania                                               |
| 12.30-14.00                 | <b>Lunch</b>                                                                                                                                                      |
| 14.00-15.00                 | <b>CASE STUDIES IN EASTERN EUROPE</b><br><b>Experience and challenges in the region</b><br>Participants                                                           |
| 15.00-15.15                 | <b>Illustration of a hypothetical case</b><br>Mr Renato Ferrandi, Italy                                                                                           |
| 15.15-15.30                 | <b>Coffee break</b>                                                                                                                                               |
| 15.30-17.00                 | <b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                               |
| 19.00-21.00                 | <b>Welcome dinner</b>                                                                                                                                             |
| Wednesday, 15 February 2023 |                                                                                                                                                                   |
| 09.30-10.45                 | <b>MARKET DEFINITION</b><br><b>Traditional methods and novel issues</b><br>Ms Ana Sofia Rodrigues, Portugal                                                       |
| 10.45-11.00                 | <b>Coffee break</b>                                                                                                                                               |
| 11.00-11.45                 | <b>LISTENING CAREFULLY</b><br><b>What the merging parties do and do not say</b><br>Ms Ieva Jakubavičienė, Lithuania                                               |
| 11.45-12.30                 | <b>PROHIBITION OR REMEDIES?</b><br><b>How to address a restrictive merger</b><br>Mr Péter Decsák, Hungary                                                         |
| 12.30-14.00                 | <b>Lunch</b>                                                                                                                                                      |
| 14.00-15.00                 | <b>PROCEDURAL ISSUES</b><br><b>The key steps of an effective merger review</b><br>Ms María Pilar Canedo, Spain                                                    |
| 15.00-15.15                 | <b>Illustration of a hypothetical case</b><br>Mr Renato Ferrandi                                                                                                  |
| 15.15-15.30                 | <b>Coffee break</b>                                                                                                                                               |
| 15.30-17.00                 | <b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                               |
| 19.00-21.00                 | <b>Dinner</b>                                                                                                                                                     |

| Thursday, 16 February 2023 |                                                                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.30-10.45                | <b>MERGERS IN DIGITAL MARKETS AND INNOVATION</b><br><b>Specificities and cautions</b><br>Ms Ana Sofia Rodrigues, Portugal and Mr Péter Decsák, Hungary |
| 10.45-11.00                | <b>Coffee break</b>                                                                                                                                    |
| 11.00-12.00                | <b>LESSONS LEARNED ON MERGER REVIEW</b><br><b>Issues and solutions</b><br>Mr Renato Ferrandi and speakers                                              |
| 12.00-13.00                | <b>CLOSING SESSION</b>                                                                                                                                 |
| 13.00-14.00                | <b>Lunch</b>                                                                                                                                           |
| 19.00-21.00                | <b>Dinner</b>                                                                                                                                          |



Ordinary RCC Seminar:

# Intellectual property rights and competition policy: friends or foes?

Budapest, Hungary, 28-30 March 2023

## Seminar objectives

The main goal of intellectual property rights (IPR) is to protect investments in research and creative activities. Digitalisation has greatly increased the importance of intangible assets and IP rights have taken on a prominent role. The seminar explored the circumstances in which IP rights can give rise to competition concerns and how the competition community could address these concerns without undermining firms' incentives to invest and innovate.

## The speakers



**María Pilar Canedo Arrillaga**

Member of the Board  
Spanish National Markets and  
Competition Commission (CNMC)



**Garrett Windle**

Attorney Advisor  
– US Department of Justice



**Teresa Moreira**

Head of the Competition and Consumer  
Policies Branch – UNCTAD



**Giovanni Napolitano**

Director, Intellectual Property and  
Competition Policy – WIPO



**Lisa Schwarz**

Case Handler – Austrian  
Competition Authority



**Renato Ferrandi**

Director, International Affairs –  
Italian Competition Authority

## Agenda

| Tuesday, 28 March 2023           |                                                                                                                                                                                                                  |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.00-10.00                      | <b>OPENING REMARKS, GROUP PHOTO, TOUR DE TABLE</b><br>Mr István Hantosi, Deputy Head of the Public Service and International Section, GVH<br>Renato Ferrandi, former Coordinator of OECD-GVH training activities |
| 10.00-10.45                      | <b>IP RIGHTS AND COMPETITION</b><br><b>Key policy and enforcement issues, the OECD initiatives</b><br>Renato Ferrandi, Italian Competition Authority                                                             |
| 10.45-11.00                      | <b>Coffee break</b>                                                                                                                                                                                              |
| 11.00-11.45                      | <b>COMPETITION ENFORCEMENT AND IP RIGHTS</b><br><b>Landmark cases in the EU</b><br>Lisa Schwarz, Austrian Competition Authority                                                                                  |
| 11.45-12.30                      | <b>ONLINE PLATFORMS AND IP RIGHTS</b><br><b>New challenges for competition policy</b><br>Giovanni Napolitano, WIPO                                                                                               |
| 12.30-14.00                      | <b>Lunch</b>                                                                                                                                                                                                     |
| 14.00-15.00                      | <b>THE ROLE OF IP RIGHTS IN EMERGING ECONOMIES</b><br><b>The perspective of UNCTAD</b><br>Teresa Moreira, UNCTAD                                                                                                 |
| 15.00-15.15                      | <b>Illustration of a hypothetical case</b><br>Renato Ferrandi, Italian Competition Authority                                                                                                                     |
| 15.15-15.30                      | <b>Coffee break</b>                                                                                                                                                                                              |
| 15.30-17.00                      | <b>BREAK OUT SESSION</b><br>Discussion on the hypothetical case<br>Moderated by the speakers                                                                                                                     |
| 19.00-21.00                      | <b>Dinner</b>                                                                                                                                                                                                    |
| Wednesday, 29 March 2023         |                                                                                                                                                                                                                  |
| FOCUS: THE PHARMACEUTICAL SECTOR |                                                                                                                                                                                                                  |
| 10.00-10.15                      | <b>Introduction: innovation as a crucial concern</b><br>Renato Ferrandi, Italian Competition Authority                                                                                                           |
| 10.15-11.00                      | <b>Issues and landmark cases involving IP rights</b><br>Lisa Schwarz, Austrian Competition Authority                                                                                                             |
| 11.00-11.30                      | <b>Discussion</b><br>Led by Maria Pilar Canedo, CNMC Spain, and Giovanni Napolitano, WIPO                                                                                                                        |
| 11.30-11.45                      | <b>Coffee break</b>                                                                                                                                                                                              |
| 11.45-12.30                      | <b>USE AND ABUSE OF IP RIGHTS</b><br><b>The line between legitimate and unlawful IP protection in the Spanish practice</b><br>Ms Maria Pilar Canedo, CNMC Spain                                                  |
| 12.30-14.00                      | <b>Lunch</b>                                                                                                                                                                                                     |
| 14.00-15.00                      | <b>COMPETITION POLICY AND IP RIGHTS IN THE US</b><br><b>The experience of the U.S. Department of Justice</b><br>Mr Garrett Windle, U.S. Department of Justice (virtual presentation)                             |
| 15.00-15.15                      | <b>Illustration of a hypothetical case</b><br>Mr Renato Ferrandi                                                                                                                                                 |
| 15.15-15.30                      | <b>Coffee break</b>                                                                                                                                                                                              |
| 15.30-17.00                      | <b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                                                                              |
| 19.00-21.00                      | <b>Dinner</b>                                                                                                                                                                                                    |

| Thursday, 30 March 2023 |                                                                                                                                  |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 10.00-10.45             | <b>IP AND COMPETITION GUIDELINES</b><br><b>WIPO's initiatives and inter-agency cooperation</b><br>Mr Giovanni Napolitano, WIPO   |
| 10.45-11.00             | <b>Coffee break</b>                                                                                                              |
| 11.00-12.00             | <b>IP RIGHTS AND COMPETITION POLICY: FRIENDS OR FOES?</b><br><b>Lessons learned and open debate</b><br>Speakers and participants |
| 12.00-13.00             | <b>CLOSING SESSION</b>                                                                                                           |
| 13.00-14.00             | <b>Lunch</b>                                                                                                                     |
| 15.45-16.30             | <b>Visit to the Parliament</b>                                                                                                   |
| 19.00-21.00             | <b>Dinner</b>                                                                                                                    |



Competition Lab for Judges:

# Stepping up with the fundamentals of competition law: key developments in digital markets and regulated industries.

Budapest, Hungary, 30-31 May 2023



Co-funded by the  
European Union

## Seminar objectives

The seminar elaborated on key developments in the notions of market power, dominance and abuse, in both traditional and digital markets, with reference to legislative texts, case law and the decision-making practice of competition authorities. It then focused on regulated markets and examined key developments in the pharmaceutical, telecommunications and energy industries under Articles 101, 102 TFEU. The seminar received financial support from the European Union.

## The speakers



**Tihamér Tóth**

Judge, General Court, Court of  
Justice of the European Union



**María Pilar Canedo Arrillaga**

Member of the Board  
Spanish National Markets and  
Competition Commission (CNMC)



**Renato Ferrandi**

Director of International and EU Affairs,  
Italian Competition Authority



**Melina Pappa**

Director of Competition  
Policy, Liberty Global



**Sven Frisch**

Member, Luxembourg  
Competition Authority



**Lefkothea Nteka**

Partner  
Lambadarios Law Firm



**Peter Rowland**

Of Counsel,  
Herbert Smith Freehills LLP

## Agenda

| Tuesday, 30 May 2023   |                                                                                                                                                    |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.00-09.15            | <b>Welcome remarks, Group photo</b><br>Csaba Balázs Rigó, President of the Hungarian Competition Authority                                         |
| 09.15-09.30            | <b>Questionnaire exercise – What do you think?</b>                                                                                                 |
| 09.30-10.30            | <b>Assessing market power and dominance</b><br>Renato Ferrandi, Italian Competition Authority                                                      |
| 10.30-10.45            | <b>Coffee break</b>                                                                                                                                |
| 10.45-12.00            | <b>Assessing market power and dominance in digital markets</b><br>Lefkothea Nteka, Lambadarios Law Firm                                            |
| 12.00-12.30            | <b>Questionnaire exercise / Quiz – Am I dominant?</b>                                                                                              |
| 12.30-14.00            | <b>Lunch</b>                                                                                                                                       |
| 14.00-15.15            | <b>Recent key developments and case law in abuse of dominance cases</b><br>María Pilar Canedo, Spanish National Markets and Competition Commission |
| 15.15-15.30            | <b>Coffee break</b>                                                                                                                                |
| 15.30-16.30            | <b>Key developments and case law in abuse of dominance cases in digital markets</b><br>Sven Frisch, Luxembourg Competition Authority               |
| 16.30-17.30            | <b>Hypothetical Case Exercise</b>                                                                                                                  |
| 19.00-22.00            | <b>Welcome dinner</b>                                                                                                                              |
| Wednesday, 31 May 2023 |                                                                                                                                                    |
| 09.15-10.45            | <b>Key developments and case law in pharmaceuticals markets</b><br>Peter Rowland, Herbert Smith Freehills LLP                                      |
| 10.45-11.00            | <b>Coffee break</b>                                                                                                                                |
| 11.00-12.30            | <b>Key developments and case law in telecommunications markets</b><br>Melina Pappa, Liberty Global                                                 |
| 11.30-11.45            | <b>Coffee break</b>                                                                                                                                |
| 12.30-14.00            | <b>Lunch</b>                                                                                                                                       |
| 14.00-15.15            | <b>Key developments and case law in energy markets</b><br>Tihamér Tóth, Court of Justice of the European Union                                     |
| 15.15-15.30            | <b>Coffee break</b>                                                                                                                                |
| 15.30-16.30            | <b>Hypothetical Case Exercise</b>                                                                                                                  |
| 16.30-17.00            | <b>Kahoot game!</b>                                                                                                                                |
| 17.00-17.15            | <b>Questionnaire exercise – What do you think now?</b>                                                                                             |

# RCC-State Service for Antimonopoly and Consumer Market Control under the Ministry of Economy of the Republic of Azerbaijan: Competition advocacy

Baku, Azerbaijan, 19-21 September 2023

## Seminar objectives

Competition advocacy is a very strong power in the hands of competition agencies, covering a wide variety of mechanisms to promote competition in society, in particular in relation to administration, regulation, and public powers. This seminar discussed the aim of advocacy of competition, its most powerful tools and the pros and cons of each of them. In addition, it touched upon the main features of advocacy tools and elaborated on some successful examples.

## The speakers



**Jafar Babayev**

Deputy Head of the State Service  
for Antimonopoly and Consumer  
Market Control of Azerbaijan



**María Pilar Canedo Arrillaga**

Coordinator of OECD-GVH  
training activities



**Renato Ferrandi**

Director of International and EU Affairs,  
Italian Competition Authority



**Medeina Augustinavičienė**

Council Member, Competition  
Council of Lithuania



**Daniel Mankowski**

Head of Legal Department,  
Office of Competition and  
Consumer Protection of Poland



**Bart Noe**

Senior Strategy Advisor, Dutch Authority  
for Consumers and Markets



**Anna Fekete**

Case Handler,  
Hungarian Competition Authority



**Juan Espinosa**

Founding Partner,  
Silverback Advocacy

## Agenda

| Tuesday, 19 September 2023   |                                                                                                                                                                                                                                                                                 |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.00-10.00                  | <b>OPENING REMARKS. GROUP PHOTO. TOUR DE TABLE</b><br>Jafar Babayev, Deputy Head of the State Service for Antimonopoly and Consumer Market Control under the Ministry of Economy of the Republic of Azerbaijan, María Pilar Canedo, Coordinator of OECD-GVH training activities |
| 10.00-10.45                  | <b>ADVOCACY OF COMPETITION</b><br><b>Introduction to the concept and main tools</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities                                                                                                                          |
| 10.45-11.00                  | <b>Coffee break</b>                                                                                                                                                                                                                                                             |
| 11.00-11.45                  | <b>THE RELATIONSHIP BETWEEN COMPETITION AND ENFORCEMENT – OECD TOOLKITS</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities                                                                                                                                  |
| 11.45-12.45                  | <b>PRINCIPLES OF BETTER REGULATION AND COMPETITIVE NEUTRALITY</b><br>Medeina Augustinavičienė, Competition Council of the Republic of Lithuania                                                                                                                                 |
| 12.45-14.00                  | <b>Lunch</b>                                                                                                                                                                                                                                                                    |
| 14.00-14.45                  | <b>COMPETITION ASSESSMENT IN ITALY: Powers and lessons learnt</b><br>Renato Ferrandi, Italian Competition Authority                                                                                                                                                             |
| 14.45-15.00                  | <b>ILLUSTRATION OF A HYPOTHETICAL CASE</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities                                                                                                                                                                   |
| 15.15-15.30                  | <b>Coffee break</b>                                                                                                                                                                                                                                                             |
| 15.15-16.45                  | <b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                                                                                                                                             |
| 19.00-21.00                  | <b>Welcome dinner</b>                                                                                                                                                                                                                                                           |
| Wednesday, 20 September 2023 |                                                                                                                                                                                                                                                                                 |
| 10.00-10.15                  | <b>COMPETITION ASSESSMENT IN DIGITAL MARKETS: Examples in Italy</b><br>Renato Ferrandi, Italian Competition Authority                                                                                                                                                           |
| 10.45-11.45                  | <b>ADVOCACY OF COMPETITION LAW: The Dutch approach</b><br>Bart Noe, Authority for Consumers and Markets (virtual presentation)                                                                                                                                                  |
| 11.45-12.00                  | <b>Coffee break</b>                                                                                                                                                                                                                                                             |
| 12.30-13.00                  | <b>MONITORING ADVOCACY STRATEGIES AND REINFORCING MARKET INSTITUTIONS</b><br>Medeina Augustinavičienė, Competition Council of the Republic of Lithuania                                                                                                                         |
| 13.00-14.00                  | <b>Lunch</b>                                                                                                                                                                                                                                                                    |
| 14.00-15.00                  | <b>MARKET STUDIES: THE RELEVANCE OF ECONOMIC ANALYSIS IN ADVOCACY</b><br><b>How advocacy is perceived in the administration and the legislative power</b><br>Juan Espinosa, Silverback Advocacy (virtual presentation)                                                          |
| 15.00-15.30                  | <b>ACCELERATED MARKET INQUIRIES</b><br>Anna Fekete, Hungarian Competition Authority                                                                                                                                                                                             |
| 15.30-15.45                  | <b>Coffee break</b>                                                                                                                                                                                                                                                             |
| 15.45-17.00                  | <b>ILLUSTRATION OF A HYPOTHETICAL CASE</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities<br><b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                            |
| 19.00-21.00                  | <b>Dinner</b>                                                                                                                                                                                                                                                                   |

| Thursday, 21 September 2023 |                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.00-10.45                 | <b>How to identify competition barriers in legislation and ways to fight them</b><br>Daniel Mankowski, Office of Competition and Consumer Protection |
| 10.45-11.00                 | <b>Coffee break</b>                                                                                                                                  |
| 11.00-11.45                 | <b>Competition as a tool to reach non-market objectives</b><br>Anna Fekete, Hungarian Competition Authority                                          |
| 11.45-12.15                 | <b>CLOSING SESSION</b><br><b>Summary and Kahoot game</b>                                                                                             |
| 12.15-14.00                 | <b>Lunch</b>                                                                                                                                         |
| 19.00-21.00                 | <b>Dinner</b>                                                                                                                                        |



**GVH Staff Training:**

# Innovation and Competition.

Budapest, Hungary, 3-4 October 2023

## Seminar objectives

The seminar explored the challenges facing competition authorities in the area of digitalisation and innovative market. The GVH staff had the opportunity to exchange views with representatives from advanced European competition authorities and antitrust experts. The first day was dedicated to the structured presentations by the speakers, while the second day was organised in informal break-out sessions during which the different sections of the GVH could freely discuss current issues.

## Agenda

| Tuesday, 3 October 2023 |                                                                                                                                   |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 09.00–09.15             | <b>Welcome and opening remarks</b><br>Csaba Balázs Rigó, President of the GVH                                                     |
| 09.15–09.30             | <b>Introduction to the Seminar</b><br>María Pilar Canedo, Coordinator of the OECD-GVH Regional Centre for Competition             |
| 09.30–10.30             | <b>Recent developments on DMA</b><br>Pierre Bichet, European Commission                                                           |
| 10.30–10.45             | <b>Coffee break</b>                                                                                                               |
| 10.45–12.15             | <b>Artificial intelligence, consumers and competition</b><br>Ryan White and Abigail Crisswell, Competition and Markets Authority  |
| 12.15–13.30             | <b>Lunch</b>                                                                                                                      |
| 13.30–14.15             | <b>Theories of harm and innovation</b><br>Miguel de la Mano, RBB Economics                                                        |
| 14.15–15.00             | <b>Introducing innovation and economic analysis in antitrust cases</b><br>Antonio Buttá, Italian Competition Authority            |
| 15.00–15.30             | <b>Coffee break</b>                                                                                                               |
| 15.30–16.15             | <b>Mergers and innovation at the EU: Illumina Grail and the Pharma sector</b><br>Zsolt Vertessy, European Commission              |
| 16.15–17.00             | <b>Consumers and innovation in the digital era</b><br>Katarzyna Araczewska, Office of Competition and Consumer Protection         |
| 17.00–17.45             | <b>New data access obligations and innovation – friends or foes?</b><br>Mariya Serafimova, Court of Justice of the European Union |
| 17.45–18.15             | <b>Closing remarks and Gender balance OECD toolkit</b>                                                                            |

**Wednesday, 4 October 2023**
**BREAKOUT SESSIONS**

| Time        | Competition Council                                                                        | Antitrust Section                                                                                 | Merger Section                                         | Cartel Section                                                                                                                        | Consumer Protection Section                                                       | Competition Economics                                                |
|-------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 09.30–10.30 | Market definition and negotiation with those companies<br>Digital platforms<br>Amazon case | Competition within the ecosystems – reference to the Amazon case                                  | Non-horizontal mergers and innovation theories of harm | Unannounced inspections and their challenges<br>Digital evidence collection<br>Ex-officio cartel detection<br>New investigative tools | Dark patterns and their impact on consumers<br>Green claims<br>Polish perspective | Recommender system<br>Algorithmic collusion<br>Impact on competition |
|             | <b>Pierre Bichet</b>                                                                       | <b>Antonio Buttá</b>                                                                              | <b>Miguel de la Mano</b>                               | <b>Mariya Serafimova</b>                                                                                                              | <b>Katarzyna Araczevska</b>                                                       | Ryan White<br>Abigail Crisswell                                      |
| 10.30–11.00 | <b>Coffee break</b>                                                                        |                                                                                                   |                                                        |                                                                                                                                       |                                                                                   |                                                                      |
| 11.00–12.00 | Overview of recent cases of the ECJ                                                        | Technological advances<br>Unannounced inspection and its challenges (digital evidence collection) | Market definition: digital and pharma markets          | Investigative approaches: economic perspective                                                                                        | The consumer model in the digital world – average vs vulnerable                   | Privacy, competition and consumer protection                         |
|             | <b>Mariya Serafimova</b>                                                                   | <b>Pierre Bichet</b>                                                                              | <b>Zsolt Vertessy</b>                                  | <b>Miguel de la Mano</b>                                                                                                              | <b>Katarzyna Araczevska</b>                                                       | <b>Antonio Buttá</b>                                                 |
| 12.00–13.00 | <b>Lunch</b>                                                                               |                                                                                                   |                                                        |                                                                                                                                       |                                                                                   |                                                                      |
| 13.00–14.00 | Digital markets – how they are changing our approach                                       | Article 102 TFEU – new legal standards for the assessment of conduct                              | Article 22 referrals<br>Examples and solutions         | The latest tools, how they work in practice                                                                                           | Online choice<br>Architecture and green claims                                    | How to quantify theories of harm and some of the methods available   |
|             | <b>Katarzyna Araczevska</b><br><b>María Pilar Canedo</b>                                   | <b>Mariya Serafimova</b>                                                                          | <b>Zsolt Vertessy</b>                                  | <b>Pierre Bichet</b>                                                                                                                  | <b>Ryan White</b><br><b>Abigail Crisswell</b>                                     | <b>Miguel de la Mano</b>                                             |



Competition Lab for Judges:

# Stepping up with the economics of competition law: between competition and regulation.

Budapest, Hungary, 30 November-1 December 2023



Co-funded by the  
European Union

## Seminar objectives

This seminar primarily focused on the economic concepts underlying competition law enforcement in digital markets and regulated sectors. Through case law examples and developments, the seminar discussed the abuse of market power, theories of harm, and the dimensions of competition in digital and regulated markets, further addressing the impact of regulation on the competitive landscape. It is important to note that the seminar received financial support from the European Union.

## The speakers



**Lefkothea Nteka**  
Partner  
Lambadarios Law Firm



**Renato Ferrandi**  
Director, International Affairs –  
Italian Competition Authority



**Maria Pilar Canedo Arrillaga**  
Member of the Board  
Spanish National Markets and  
Competition Commission (CNMC)



**Despoina Mantzari**  
Associate Professor in Competition  
Law and Policy, UCL Laws



**Alfredos Theodorakopoulos**  
Referendaire  
Court of Justice of the European Union



**Griet Jans**  
Chief Economist  
Belgian Competition Authority



**Hugh Mullan**  
Director  
Ofcom

## Agenda

| Thursday, 30 November 2023 |                                                                                                                                                                                     |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.00-09.30                | <b>Welcome remarks, Group photo</b><br>Csaba Balázs Rigó, President of the Hungarian Competition Authority                                                                          |
| 09.30-09.45                | <b>Questionnaire exercise – What do you know?</b>                                                                                                                                   |
| 09.45-10.45                | <b>The economics of market power and dominance</b><br>Renato Ferrandi, Italian Competition Authority                                                                                |
| 10.45-11.00                | <b>Coffee break</b>                                                                                                                                                                 |
| 11.00-12.00                | <b>Case examples of finding market power and dominance in digital markets</b><br>Griet Jans, Belgian Competition Authority                                                          |
| 12.00-12.30                | <b>Policy discussion on DMA implementation and Article 19a of German legislation</b><br>Griet Jans, Belgian Competition Authority<br>Renato Ferrandi, Italian Competition Authority |
| 12.30-14.00                | <b>Lunch</b>                                                                                                                                                                        |
| 14.00-15.00                | <b>Theories of harm in abuse of dominance cases with recent developments</b><br>María Pilar Canedo, OECD                                                                            |
| 15.00-15.15                | <b>Coffee break</b>                                                                                                                                                                 |
| 15.15-16.15                | <b>Theories of harm in digital markets</b><br>Alfredos Theodorakopoulos, Court of Justice of the European Union                                                                     |
| 16.15-17.30                | <b>Hypothetical Case Exercise on dominance and abuse</b>                                                                                                                            |
| 19.00-22.00                | <b>Welcome dinner</b>                                                                                                                                                               |
| Friday, 1 December 2023    |                                                                                                                                                                                     |
| 09.15-10.45                | <b>Dimensions of competition in regulated markets: regulation vs. market competition</b><br>Deni Mantzari, University College London                                                |
| 10.45-11.00                | <b>Coffee break</b>                                                                                                                                                                 |
| 11.00-12.30                | <b>Theories of harm in regulated markets: price regulation vs. price competition</b><br>Hugh Mullan, Ofcom                                                                          |
| 12.30-14.00                | <b>Lunch</b>                                                                                                                                                                        |
| 14.00-15.15                | <b>EU competition policy and sector regulation in digital markets</b><br>Lefkothea Nteka, Lambadarios Law Firm                                                                      |
| 15.15-15.30                | <b>Coffee break</b>                                                                                                                                                                 |
| 16.15-16.45                | <b>Kahoot game!</b>                                                                                                                                                                 |
| 16:45-17.00                | <b>Questionnaire exercise – What do you know now?</b>                                                                                                                               |



Ordinary RCC Seminar:

# Detection tools for competition agencies.

Budapest, Hungary, 12-14 December 2023

## Seminar objectives

Finding evidence of competition infringements is a challenging task for the competition authorities. The harm to society caused by such behaviour requires a very strong commitment from competition authorities and a strong case to back up their judicial action. The main objective of the seminar was to provide an in-depth analysis of the different techniques used by authorities to create sound cases and the procedural aspects involved in the use of these techniques.

## The speakers



**Andrej Matvoz**

Director of the Slovenian  
Competition Protection Agency



**Margarida Matos Rosa**

Former President of the Portuguese  
Competition Authority



**Maria Pilar Canedo Arrillaga**

Coordinator of OECD-GVH  
training activities,  
OECD



**Botond Horváth**

Head of Cartel Section,  
Hungarian Competition authority



**Ali Ozan**

Deputy Head of the IT Department,  
Turkish Competition Authority



**Çiğdem Kır Şahiner**

Competition Expert, Turkish  
Competition Authority



**Lukas Cavada**

Executive Coordinator for  
International Cooperation, Austrian  
Federal Competition Authority



**Jutta Wimmer**

Special Unit for Combating  
Cartels, Bundeskartellamt

## Agenda

| Tuesday, 12 December 2023   |                                                                                                                                                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.30-10.00                 | <b>OPENING REMARKS, GROUP PHOTO, TOUR DE TABLE</b><br>László Bak, Vice-President of the Hungarian Competition authority<br>María Pilar Canedo, Coordinator of OECD-GVH training activities              |
| 10.00-10.45                 | <b>DETECTION TOOLS IN PUBLIC ENFORCEMENT OF COMPETITION LAW</b><br><b>Ensuring effectiveness of the whole set of detection tools</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities |
| 10.45-11.00                 | <b>Coffee break</b>                                                                                                                                                                                     |
| 11.00-11.30                 | <b>WHISTLEBLOWING AND LENIENCY</b><br>Lukas Cavada, Austrian Federal Competition Authority                                                                                                              |
| 11.30-12.00                 | <b>LENIENCY REQUIREMENTS AND BREACH OF COOPERATION</b><br>Botond Horváth, Hungarian Competition Authority                                                                                               |
| 12.30-14.00                 | <b>Lunch</b>                                                                                                                                                                                            |
| 13.00-13.30                 | <b>ALTERNATIVES TO LENIENCY PROGRAMS FOR INFRINGEMENT DETECTION</b><br>Botond Horváth, Hungarian Competition Authority                                                                                  |
| 13.30-14.45                 | <b>ANATOMY OF A DAWN RAID: KEY STEPS</b><br>Margarida Matos Rosa, former President of the Portuguese Competition Authority                                                                              |
| 14.45-15.00                 | <b>ILLUSTRATION OF A HYPOTHETICAL CASE</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities                                                                                           |
| 15.00-15.15                 | <b>Coffee break</b>                                                                                                                                                                                     |
| 15.15-16.30                 | <b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                                                                     |
| 16.30-17.00                 | <b>Sharing the results of the working groups</b>                                                                                                                                                        |
| 19.00-21.00                 | <b>Welcome dinner</b>                                                                                                                                                                                   |
| Wednesday, 13 December 2023 |                                                                                                                                                                                                         |
| 09.00-10.00                 | <b>SUCCESSFUL DAWN RAID: TRICKS AND TIPS</b><br>Jutta Wimmer, Bundeskartellamt                                                                                                                          |
| 10.00-11.00                 | <b>DAWNRAIDS AND E-DISCOVERY</b><br>Lukas Cavada, Austrian Federal Competition Authority                                                                                                                |
| 11.00-11.15                 | <b>Coffee break</b>                                                                                                                                                                                     |
| 11.15-12.15                 | <b>DIGITAL TOOLS, USE OF BIG DATA AND AI</b><br>Ali Ozan, Turkish Competition Authority                                                                                                                 |
| 12.15-13.00                 | <b>THE APPLICATION FOR NECESSARY JUDICIAL WARRANTS AND PROCEDURAL ASPECTS CONNECTED WITH DAWN RAIDS</b><br>Jutta Wimmer, Bundeskartellamt                                                               |
| 13.00-14.10                 | <b>Lunch</b>                                                                                                                                                                                            |
| 14.10-14.30                 | <b>PROCEDURAL FINES IN CONNECTION WITH DAWN RAIDS</b><br>Botond Horváth, Head of Cartel Section, Hungarian Competition Authority                                                                        |
| 14.30-14.35                 | <b>BACK TO THE HYPOTHETICAL CASE</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities                                                                                                 |
| 14.35-15.00                 | <b>Coffee break</b>                                                                                                                                                                                     |
| 15.00-16.30                 | <b>BREAK OUT SESSION</b><br><b>Discussion on the hypothetical case</b><br>Moderated by the speakers                                                                                                     |
| 16.30-17.00                 | <b>Sharing the results of the working groups</b>                                                                                                                                                        |
| 19.00-21.00                 | <b>Dinner</b>                                                                                                                                                                                           |

| Thursday, 14 December 2023 |                                                                                                                                                                  |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.30-10.00                | <b>SETTLEMENTS</b><br>Lukas Cavada, Austrian Federal Competition Authority                                                                                       |
| 10.00-10.35                | <b>NON-DIRECT EVIDENCE: IS IT ENOUGH?</b><br>María Pilar Canedo, Coordinator of OECD-GVH training activities, OECD                                               |
| 10.35-11.00                | <b>Coffee break</b>                                                                                                                                              |
| 11.00-11.45                | <b>AN INSTITUTIONAL APPROACH TO DETECTION TOOLS: THE CASE OF SLOVENIA</b><br>Andrej Matvoz, Slovenian Competition Protection Agency                              |
| 11.45-12.30                | <b>ROUNDTABLE: ENSURING SOLID INTERIM MEASURES</b><br>Çiğdem Kır Şahiner<br>Commenting: Lukas Cavada, Jutta Wimmer, Margarida Matos Rosa, and Maria Pilar Canedo |
| 12.30-13.00                | <b>CLOSING SESSION</b><br><b>Summary and Kahoot game</b>                                                                                                         |
| 13.00-14.00                | <b>Lunch</b>                                                                                                                                                     |
| 19.00-21.00                | <b>Dinner</b>                                                                                                                                                    |



#### D. Evaluation of the RCC seminars in 2023

Participants are invited to provide valuable feedback after each seminar in the form of an evaluation questionnaire so that the quality of the seminars can be maintained and even possibly improved. In line with the evaluation results, it can be concluded that the seminars provided valuable intellectual,

theoretical and practical information of great relevance to the daily work of the seminar participants and also proved to be a great opportunity for the exchange of opinions and experience. In summary, the average value of the seminars throughout the year was 4.6 out of a maximum of 5.

**Table 1:** Detailed evaluation results by event and category

| Detailed evaluation results by event and category                     |                         |                         |                                   |                             |
|-----------------------------------------------------------------------|-------------------------|-------------------------|-----------------------------------|-----------------------------|
|                                                                       | Usefulness of the event | Quality of the Speakers | Quality of the break-out sessions | Quality of the organisation |
| Merger control in times of uncertainty                                | 4,8                     | 4,8                     | 4,6                               | 4,6                         |
| Intellectual property rights and competition policy: friends or foes? | 4,8                     | 4,8                     | 4,7                               | 4,8                         |
| Key developments in digital markets and regulated industries (Judges) | 4,7                     | 4,7                     | Not rated                         | 4,2                         |
| Competition advocacy (joint)                                          | 4,6                     | 4,6                     | 4,7                               | 4,7                         |
| Innovation (GVH)                                                      | 3,8                     | 4,2                     | 4,2                               | 4,3                         |
| Economics of competition law (Judges)                                 | 4,8                     | 4,9                     | Not rated                         | 4,7                         |
| Detection tools                                                       | 4,9                     | 4,8                     | 4,9                               | 4,9                         |
| <b>Average</b>                                                        | <b>4,6</b>              | <b>4,7</b>              | <b>4,6</b>                        | <b>4,6</b>                  |

As detailed in the table below, it can be concluded that most participants rated the overall usefulness of the event and

the topics highly or very highly, with 93% of respondents rating the events as such.

**Table 2:** Evaluation results in percentage

| Evaluation results in percentage |           |              |              |               |               |
|----------------------------------|-----------|--------------|--------------|---------------|---------------|
|                                  | Very low  | Low          | Moderate     | High          | Very high     |
| Overall usefulness of the event  | 0%        | 0,54%        | 4,89%        | 22,83%        | 71,74%        |
| Quality of speakers              | 0%        | 0,90%        | 8,35%        | 22,69%        | 68,06%        |
| <b>Overall quality</b>           | <b>0%</b> | <b>0,72%</b> | <b>6,62%</b> | <b>22,76%</b> | <b>69,90%</b> |

## 2. Newsletter from the OECD-GVH RCC

It is worth pointing out that the Review entitled “Competition Policy in Eastern Europe and Central Asia” has become a prominent publication in this region, attracting contributions not only from the beneficiary authorities, but also from competition authorities around the world. The RCC published two further editions of its Review in 2023 – one on competition enforcement and ex-ante regulation in digital markets (January 2023) and one on merger control in times of uncertainty (October 2023). The publications are available on the RCC website both in English and Russian.<sup>1</sup>

The Review can be considered a useful tool for cooperation and the exchange of information, which can further strengthen our network and increase the efficiency of our work.



<sup>1</sup> <https://www.oecdgvh.org/contents/about/newsletters>

### 3. Training video project

One of our core initiatives is the video project “Key competition topics explained in a few minutes”, which consists of short and engaging videos explaining important competition issues. It has become a successful complement to the RCC toolkit as the videos on “Bid rigging”, “Abuse of dominance” and “Market definition” are the most watched OECD videos on competition. Thanks to the support of the beneficiary

competition authorities, the videos are available with subtitles in sixteen different languages, including also Arabic, as a tripartite agreement was successfully concluded with the UN Economic and Social Commission for Western Asia. Not to mention the fact that we have produced three training videos for national judges to help them better understand competition law.

The videos are available on the YouTube channel of the OECD.<sup>1</sup>



<sup>1</sup> [https://www.youtube.com/watch?v=GRITcq\\_VpEg&list=PLYBGvyEYBNlq5nWCYUzri1-1XvMTNAf2N](https://www.youtube.com/watch?v=GRITcq_VpEg&list=PLYBGvyEYBNlq5nWCYUzri1-1XvMTNAf2N)

# Financial and intellectual contribution

According to the Memorandum of Understanding, the founding parties are responsible for ensuring that the RCC operates to the highest possible standards in order to achieve its main objectives. Both parties contribute financially and intellectually to the smooth functioning of the RCC. Furthermore, the vast experience and expertise of OECD members contribute to the training programmes offered to the benefi-

ciary competition authorities and national judges by the RCC year after year.

The RCC had a budget of 458 935 EUR in 2023, which includes funding from the GVH, the OECD, and the European Commission. The table below details the total costs of operating the RCC in 2023 by source of funding, event and major cost categories.

| Sources of funding (EUR)                                                                      |                |
|-----------------------------------------------------------------------------------------------|----------------|
| Hungarian Competition Authority (GVH – Gazdasági Versenyhivatal)                              | 371 292,30     |
| Organisation for Economic Cooperation and Development (OECD)                                  | 30 000         |
| European Commission                                                                           | 57 642,70      |
| Breakdown of total expenses by items (EUR)                                                    |                |
| <b>A) Direct organisational costs</b>                                                         |                |
| Competition Lab for Judges co-funded by the European Union (November 2022)                    | 23 647         |
| Ordinary RCC Seminar on Merger control in times of uncertainty                                | 51 362         |
| Ordinary RCC Seminar on Intellectual property rights and competition policy: friends or foes? | 49 605         |
| Competition Lab for Judges co-funded by the European Union (May 2023)                         | 47 256         |
| Joint RCC Seminar on Competition advocacy                                                     | 35 206         |
| GVH Staff Training on Innovation                                                              | 25 045         |
| Competition Lab for Judges co-funded by the European Union (November 2023)                    | 41 608         |
| Ordinary RCC Seminar on Detection tools                                                       | 15 050         |
| Total direct organisational costs                                                             | 288 779        |
| <b>B) Other operational costs of the RCC</b>                                                  | 10 220         |
| <b>C) Voluntary contribution by the GVH to the OECD</b>                                       | 159 936        |
| <b>Total expenses in 2023</b>                                                                 | <b>458 935</b> |

# Competition Lab for Judges organised in the framework of the OECD-GVH Regional Centre for Competition in Budapest (RCC) and co-funded by the European Commission.<sup>1</sup>

A deeper analysis of one of our key activities by **María Pilar Canedo**



**María Pilar Canedo**

Senior Competition Expert  
Academic Director of OECD-GVH RCC  
OECD



Co-funded by the  
European Union

Judicial review of competition decisions is a concern in many jurisdictions around the world. Competition cases deal with complex situations that sometimes require sophisticated legal and economic analysis. Building a solid case often requires the use of indirect evidence, as companies use intricate systems to hide their conduct. The development of innovative business designs to achieve commercial goals must sometimes be analysed using creative and new tools and approaches to ensure the adequate level of protection of public interest.

On the other hand, the sanctions -and other measures that competition authorities can impose- are quasi-criminal in nature, which implies that procedural aspects and the rights of defense of companies must be guaranteed at the highest possible level. Legal certainty becomes pivotal, especially in times of change and uncertainty. In this case, the judicial review of administrative decisions becomes crucial and complex.

There are many jurisdictions where relevant legal issues are examined and doctrinal disputes are discussed (with many contentious issues, such as procedural limitations, responsibility of parent companies, guarantees for dawn raids, confidentiality issues, legal privilege...). It is not uncommon to find

contradictory interpretations of those concepts in decisions even within one certain jurisdiction. It is of course more difficult to achieve uniform application within the EU.

The use of economic methods to assess certain conduct is particularly challenging for judicial control given, inter alia, the complexity of the analysis required to apply some theories of harm, the definition of markets and the assessment of market power.

The disruption in our markets caused by digitalization and the use of big data, personal data or artificial intelligence by companies and agencies are challenges that require deep reflection. Understanding these new situations goes beyond the traditional legal or economic approach.

In these circumstances, it seemed urgently necessary to create a forum where judges from different jurisdictions applying the same or very similar legal systems and facing the same problems could share their experience with each other (this was felt both by the administrative agencies, including the European Commission, and the judges).

The OECD-GVH Regional Centre for Competition in Budapest (RCC) wanted to contribute to fulfill this gap at least

<sup>1</sup> Funded by the European Union. Views and opinions expressed are however those of the author only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

partially. Therefore, the GVH and the OECD started to apply for the call of proposals, funded by the European Commission, for training judges in competition law. In previous years, the project was selected as one of the highest ranked in its category.

The main goal of the project is to bring together a multi-jurisdictional group of judges from EU Member States and ask them to reflect on relevant topics of competition law. Those topics are decided in advance by a group of experts, based on the experience of the competition authorities and the case law of different courts, particularly the European Court of Justice, trying to create the best conditions for discussing the most problematic concepts as well as reaching a common understanding that could benefit European societies.

Such an event, bringing together judges, academics and other competition law experts, aims to contribute to a more uniform application of competition law across Europe and to a more sophisticated legal and economic analysis of administrative and judicial decisions. Competition law seminars for national judges are a laboratory dedicated to the discussion, exchange of views and participation in competition policy debates, which can enrich competition law enforcement and thereby contribute to legal certainty and consumer welfare in Europe.

In 2023, the RCC organised two seminars for judges on competition law and policy:

One of them was entitled “Stepping up with the fundamentals of competition law: Key developments in digital markets and regulated industries” which took place in May.

A selected group of experts discussed problematic issues that have arisen in their cases, such as the different methodologies to assess market power and dominance, with a specific focus on the methodologies applied in traditional and digital markets. Sharing experiences and discussing the different outcomes proved to be a useful tool to enrich the debate.

An in-depth overview of the case law of the ECJ on abuse of dominance cases played a major role in identifying the problems and solutions given by the Court. Drawing on the recent judgements of the EU and national courts, as well as the practice of competition authorities (e.g., Intel, Qualcomm, Unilever, Servizio Elettrico Nazionale and Others, Lithuanian Railways, Telia Sonera, Amazon Italian Competition Authority), we tried to define the notion of ‘theory of harm’ and explain its role and significance in competition law enforcement.

We also explored the notion of theories of harm in relation to digital markets, this time with examples from real decisions and judgements (e.g., Google Shopping, Google Android, Facebook v. Bundeskartellamt, decisions by the CMA). We tried to examine whether the conditions peculiar to such markets (e.g., provision of services for free, different business and monetary models of incumbent economic operators) affect pertinent theories of harm and consequently the legal test applied

in each case. The implications of regulated markets were studied in-depth in the pharmaceutical, telecommunications and energy industries.

For this seminar we counted on the contributions of Tihamér Tóth (Judge, General Court, Court of Justice of the European Union); Renato Ferrandi (Director of International and EU Affairs, Italian Competition Authority); Melina Pappa (Director of Competition Policy, Liberty Global); Sven Frisch (Member, Luxembourg Competition Authority); Lefkothea Nteka (Partner, Lambadarios Law Firm and Chair of the Competition Lab for Judges); Peter Rowland (Of-Counsel, Herbert Smith Freehills LLP) and María Pilar Canedo (still Member of the Board of the Spanish CNMC).

The discussions and exchange of views reached a particularly high level, taking into account the experience of judges from more than 15 European jurisdictions dealing with competition law cases on daily basis, who were able to share their concerns and imaginative solutions to some of the problems they were facing.

The second seminar of the year focused on the economic approach to cases, entitled “Stepping up with the economics of competition law: Between competition and regulation”.

The focus of the first session was to familiarize the judges with economic terms and concepts considered fundamental for assessing market power and abusive practices both in general and in digital markets. The main discussion revolved around the key economic notions related to market power and dominance. There was also an in-depth analysis of the new (and not so new) theories of harm in abuse of dominance cases. The economic elements behind those concepts (e.g., supply and demand, elasticity, substitutability, SSNIP, barriers to entry and/or expansion, ‘countervailing’ ‘buyer’ power, economies of scope and scale) were the primary focus of the discussion. The presentations also addressed the Commission Notice on the definition of the relevant market under review.

In the second session, the judges heard case studies as to how to assess market power in digital markets. In this regard, it started with an overview of the key economic notions for defining digital markets (e.g., multisided markets, networks effects, etc.) and the conditions peculiar to such markets (e.g., provision of services for free). The discussion revolved around concrete examples from case law and the decision-making practice of competition authorities in relation to market power and dominance (e.g., Google, Apple, Facebook, etc.).

Further case examples were given from a regulatory perspective with references to the Digital Markets Act (designation of gatekeepers) and the German provision of Article 19a.

The notions of market dominance, theories of harm and abuse were also applied to the specific features of regulated markets. The role of regulation in shaping market conditions, the intensity of competition and the parameters of competition were then explored.

We then turned to a discussion on the interplay between regulation and competition, covering issues such as the key dimensions of competition in regulated markets, whether and how regulation affects market definition and dominance, as well as regulation as a barrier to and as a facilitator of entry.

Theories of harm in regulated markets, and mainly in pricing strategies, were developed on the basis of examples drawn from the case law of EU courts (e.g., margin squeeze). The pros and cons of price regulation and price competition were also discussed, analyzing how price regulation affects the motives and conduct of economic operators in the market. Some case law and the practice of competition authorities demonstrated how the lack of price competition affects pertinent theories of harm and legal tests.

We concluded a fruitful discussion on the interaction between EU competition policy and sector regulation in digital markets, focusing on the DMA (the key obligations imposed on gatekeepers). Reference was also made to the markets for consumer products and services related to the Internet of Things and the relevant results of the European Commission's sector inquiry. Topics discussed included how competition policy and sector regulation may tackle key competitive dynamics and entry barriers in digital markets, how the DMA

may be enforced in parallel with EU competition rules in the future and the role of courts in its implementation.

For this seminar we counted on the contributions of Alfre-dos Theodorakopoulos (Referendaire, General Court, Court of Justice of the European Union); Despoina Mantzari (Associate Professor in Competition Law and Policy, UCL Laws); Griet Jans (Chief Economist, Belgian Competition Authority); Hugh Mullan (Director, Ofcom); Renato Ferrandi (Director of International and EU Affairs, Italian Competition Authority); Lefkothea Nteka, (Partner, Lambadarios Law Firm and Chair of the Competition Lab for Judges) and María Pilar Canedo (newly appointed Academic Director of the OECD-GVH RCC).

It goes without saying that the level of discussion on these topics was enhanced by the level of legal thinking of the judges who brought different backgrounds and common interests to the table to serve our societies with a more uniform and sophisticated analysis of competition law cases.

The evaluations we received were very positive and encouraged us to continue this initiative and to prepare another sound proposal for the EU Programme of training of judges. We are also working hard to disseminate the results of these discussions beyond the EU's borders.

## RCC dedicated staff

The RCC is a virtual centre and does not have a central office; it is located at the GVH headquarters. The virtual existence of the RCC allows it to focus its funds on the real purpose of its establishment, which is to provide capacity building assistance and policy advice through workshops and seminars on competition law for competition law enforcement officers, sector regulators and national judges.

It is important to highlight that the RCC is a joint initiative – it is run by a senior competition expert at the OECD headquarters in Paris and by a consultant who is an employee of the GVH in Budapest. The work of the RCC is therefore based on the expertise of both institutions: the OECD Academic Director is responsible for preparing the professional programme of the events and inviting experts, whereas the GVH provides the technical background and logistical sup-

port (invitation of participants, travel arrangements, conference venue, accommodation and cooperation with the beneficiary competition authorities through the exchange of e-mails and phone calls). The GVH also aims to provide experts for each seminar, while the other speakers are invited from various OECD member states.

The OECD appointed a new RCC Academic Director, María Pilar Canedo, who was previously a Member of Board at the Spanish National Markets and Competition Authority. We would like to extend our sincere appreciation to Mr Renato Ferrandi for his dedication, hard work, and efforts in coordinating the RCC over the past few years and for bringing new ideas to the table. Our main aim is to continue our work at the highest possible level in 2024 and to achieve the same outstanding results.

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