



CRA Annual European Conference

Economic assessment in competition enforcement: developments in France

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Overview

Economic assessment:

- What does it mean in practice for the Conseil de la concurrence?
- How do we do it?

I – Economic assessment means much more than an effect-based analysis...

A – Effects-based analyses in competition cases

1. Abuse cases: looking for a scenario

- *Eurostar* Decision of 23 November 2007: alleged predation versus efficiency gains

2. Network industries and/or liberalizing markets: building additional economic tests

- Telecoms
- Energy
- Postal services
- *La Poste* Opinion of 20 December 2007: rebates

I – Economic assessment means much more than an effect-based analysis...

3. Merger cases

- Assessment of competitive pros and cons:
 - Salmon Opinion and Decision of October 2006
- Assessment of remedies (relevance, workability, checkability)

4. What about agreements?

- Vertical agreements:
 - Assessment of damage to the economy
 - *Toy sector* Decision of 20 December 2007: resale price maintenance
- Cartels: fines?

I – Economic assessment means much more than an effect-based analysis...

B. Moving economic assessment beyond cases

- Reform of French competition enforcement
 - Law of Economic Modernization of 4 August 2008
 - Ordinance of Modernization of Competition Regulation of 13 November 2008
- New powers for improved competition economics
 - Sector inquiries
 - Opinions on general competition issues
 - Ex post evaluation of results and performances (enforcement of decisions, commitments, remedies): what impact on competition on the marketplace?

II – How does it work in practice?

A. Building blocks of the Conseil’s economic assessments strategy

- Tailor-made organization guarantees economic dialogue, internal “checks and balances” and, ultimately, well-informed, sound & robust decisions
- Methods: tests and criteria for evaluating economic/econometric evidence ?

II – How does it work in practice?

B. Reaching out: market guidance and dialogue with judges

- Economic guidance: convergence at EU level (ECN/ECA) ... and beyond?
- What about economic assessment in courts?



For further information on cases mentioned

Please refer to:

1. Decision n° 06-D-04 of 13 March 2006 relative to the market of luxury perfumes and cosmetics
<http://www.conseil-concurrence.fr/user/avis.php?avis=06-d-04>
2. Opinion n° 06-A-20 of 20 October 2006 relative to the acquisition of *Marine Harvest NV* by *Pan fish ASA*
<http://www.conseil-concurrence.fr/user/avis.php?avis=06-A-20>
3. Decision n° 07-D-09 of 24 February 2007 relative to practices implemented by GlaxoSmithKline France Laboratory
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=695
4. Decision n°07-D-39 of 23 November 2007 relative to practices implemented in the sector of railway passenger transport on the Paris-London line
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=854
5. Decision n° 07-D-43 of 10 December 2007 relative to practices implemented by EDF
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=862
6. Opinion n° 07-A-17 of 20 December 2007 relative to rebates offered by La Poste
<http://www.conseil-concurrence.fr/user/avis.php?avis=07-A-17>
7. Decision 07-D-50 of 20 December 2007 relative to practices implemented in the sector of toy distribution
<http://www.conseil-concurrence.fr/user/avis.php?avis=07-D-50>