



Quelles perspectives pour l'ABC ?

Welke perspectieven voor de BMA?

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Damien Gerard (Auditeur général) – Griet Jans (Chief Economist)

Views are personal

ABC/BMA – « snapshot »

- FTEs: 47
- Budget:
 - 2021: EUR 7.2M (+EUR 1.8M)
 - 2022: EUR 8.7M (+EUR 1.8M)
- Activities 2021:
 - Openings of proceedings: 8 (2020: 7)
 - Decisions antitrust: 4 (2020: 1)
 - Decisions concentrations: 18/17 (2020:32/25)
 - Decisions interim measures: 1 (2020: 8)
- Pending cases (all): 101 (61/16/24)

ABC/BMA – antitrust

- Clusters of cases (without prejudice):
 - Agro-food value chain, incl. retail distribution
 - Sports and sports leagues
 - Services: financial services, safety/security, automobile distribution
 - Pharmaceuticals
 - Network industries: energy, telecommunications
- Mixed practices and legal basis
- Triggered by leniency, complaints, tips
- Priority-setting challenges

ABC/BMA – concentrations (i)

- Clusters of cases:
 - Automobile distribution (network restructuring)
 - Focus on after-sales service (repair, maintenance)
 - Brand-specific local markets
 - Stable CET methodology
 - Media (digitisation)
 - Agro-food sector
 - Services, including distribution
- Gun jumping issues

ABC/BMA – concentrations (ii)

- Merger assessment much more data-driven (in all parts of the investigation)
- Increased importance of IT: use of statistical software, large scale survey software (advanced routing techniques), explorative steps to use GIS-software
- Increasing use of economic tools:
 - PXM/MV: UPP, CMCR, Merger Simulation in line with approach telecommergers EC
 - Dossche/Ceres: diff-in-diff price analysis, Bertrand/Edgeworth model
 - Car merger cases: switching analysis,
 - TNT/DVM: vertical arithmetics

ABC/BMA – concentrations (iii)

- Paper catchment areas, published early 2021:
 - Transparent, substantiated and generalized approach
 - Clarification of the need for local analyses
- **Challenges:**
 - More guidance to companies (use of templates?) => open question: what are biggest hurdles for lawyers and companies to do CA-analys and how can CET help?
 - Light vs full-fledged: development of objective and clear indicators (in progress)

ABC/BMA – concentrations (iv)

- More general debates:
 - Revision of Market Definition Notice + how to safeguard sufficient time for competitive analysis
 - Concentration screens in HM => revision of role of HHI needed? (see e.g. work of Nocke and Whinston, 2020)
 - Efficiencies: burden of proof (CK Telecoms)?
 - Role of margins underexposed?

ABC/BMA – policy (i)

- Abuses of economic dependency
 - Screening/testing cases
 - Develop coherent approach
- Digitisation
 - Benelux 2019 Joint Paper
 - Cross-sectoral approach
 - DMA enforcement contribution?
- Sustainability
 - Context-focused approach
 - Flexible legal/enforcement framework

ABC/BMA – policy (ii)

- Labour markets issues
 - Foreclosure
 - No-poaching
- Inflation
 - Monitoring energy sector (CREG cooperation)
 - Monitoring profit margins increase
- COVID
 - Monitoring changes in supply/demand dynamics
 - Impact on enforcement

ABC/BMA – capacity building (i)

- Increased budget:
 - Expand staff at all levels (focus Auditorate/CET)
 - Merger task force?
 - Invest in staff development
 - Strengthen IT infrastructure, process and knowledge management focus
 - Expand enforcement toolkit (surveys, e-Discovery, whistle-blower)
 - Expand *ex-officio* capabilities
 - Develop strategic approach (incl. ex-post and data)
 - Advocacy/communication

ABC/BMA – capacity building (ii)

- CET - small team (4 FTE) but:
 - Expansion foreseen in 2022-2023
 - Temporary support of interns
 - Permanent collaboration with academic institutions
 - Continuous investments of team members in specialized academic training programs
 - Participating in broader “competition research” world to improve the use of economics in competition cases:
 - Teaching activities in field of competition economics
 - Publication of articles
 - Active role in specialized conferences and working groups (ACE, Competitio, ECN, OECD,...)

ABC/BMA – capacity building (iii)

- Improve underlying instruments to make best policy choices:
 - Exploring further collaboration possibilities with PO, other federal institutions and departments, regulators, federations,...
 - Impact assessment + ex post evaluation studies
 - Screening tools
 - Market investigations

Q&A