



WEBINAR ON COMPETITION LAW AND ECONOMICS FOR ECONOMIC REGULATION

Capacity Building Programme

Date: 22nd – 24th September 2020

COURSE OUTLINE

Introduction

This course is offered by the Competition Authority of Kenya – a state agency whose mandate is to promote and safeguard competition in the national economy and to protect consumers from unfair and misleading market conduct. This 3-day capacity building in Competition Law and Economic Analysis for Regulation and Competition is designed for case handlers in competition authorities, economic regulators and government agencies, as well as those in private practice and company in-house competition specialists.

The course covers:

- Regulation of abuse of buyer power (ABP);
- An economist's view of ABP;
- Merger analysis in regulated sectors;
- Emergence of consumer agreements and their impact on consumer protection;
- Strategic alliances and competition policy, and;
- Anti-trust in times of crisis.

Approach

The course will combine lectures and case study seminars to go into the practical application of economic tests to real-world situations, including drawing on case examples from the COMESA region and other regional competition regulatory bodies. The lectures will cover key theoretical underpinnings in an accessible way with illustrations as to how the theories are applied in practice.

Reference will be made to precedent-setting cases in different jurisdictions so that participants will have a good grasp of the important decisions, as well as why they may differ across



regions. Participants will apply lessons learnt during the sessions and the hypothetical cases will be debated from the perspective of different stakeholders in the feedback sessions.

DAY 1 PROGRAMME

Time	Session	Facilitator
1000-1100	Regulation of Abuse of Buyer Power (ABP) <ul style="list-style-type: none"> • Background and Definitions • Justifications • Approaches in Enforcement • Comparative Study • Case study 	Priscilla Njako
1100-1200	An Economist's View of ABP <ul style="list-style-type: none"> • Welfare effects • Welfare implications of Buyer Power • The appropriate enforcement policies • Case study 	Arnold Okanga

DAY 2 PROGRAMME

Time	Session	
1000-1100	Merger Analysis in regulated Sectors <ul style="list-style-type: none"> • Regulated sectors • Mergers in regulated sectors • Notification and review of mergers in regulated sectors • Evidence gathering • Decision making • Case study 	Linus Melly and Edith Masereti
1100-1230	Anti-trust in times of crisis <ul style="list-style-type: none"> • Existing legal framework to deal with COVID-19 related scenarios • Interventions by the Authority during the COVID-19 pandemic • Actions by other competition agencies and cases • Recommendations and way forward • Case study 	Barnabas Andiva Gideon Mokaya



DAY 3 PROGRAMME

Time	Session	
1000-1100	Emergence of Consumer Agreements and their Impact on Consumer Protection <ul style="list-style-type: none"> • False and misleading aspects of consumer agreement • Unconscionability in consumer agreements • Enforceability of online consumer agreements • Case study 	Alexia Waweru Boniface Kamiti
1100-1200	Strategic Co-operation and Competition Policy <ul style="list-style-type: none"> • Why strategic cooperation? • Scope of cooperation locally & regionally. • Relationship with sector regulators. • Relationship with RECs in blocs cooperation • Techniques for improving cooperation. • Benefits / achievements of competition law enforcement cooperation 	Ninette Mwarania Bernard Ayieko

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