



CCRED
CENTRE FOR COMPETITION,
REGULATION AND
ECONOMIC DEVELOPMENT



COMPETITION ECONOMICS & CONSUMER PROTECTION

14-16 October 2024, [Sarova Stanley Hotel](#), Nairobi, Kenya

Professional Training Programme

**9th Annual Competition and Economic Regulation (ACER) Week and 11th Annual
CAK Symposium on Competition Law and Policy**

DRAFT COURSE OUTLINE

This PTP focuses on core areas in competition and consumer protection. It will cover topics in mergers, collusive conduct, market inquiries and consumer protection. The key principles will be taught along with their practical application in cases, with emphasis placed on topical debates in regional competition enforcement and consumer protection developments in East and Southern Africa and around the world.

Facilitators will be leading experts in competition economics and consumer protection with in-depth hands-on experience of cases in African jurisdictions and globally, and include Prof Reena Das Nair (Acting Director of CCRED; Associate Professor: School of Economics and Programme Coordinator: MCom Competition and Economic Regulation, University of Johannesburg); Dr Willard Mwemba (Director and Chief Executive Officer of the COMESA Competition Commission); Mr Boniface Kamiti (Manager, Consumer Protection, Competition Authority of Kenya (CAK)); Mr Steven Kamukama (Director of Consumer Welfare and Advocacy at the COMESA Competition Commission); Mr Raphael Mburu (Manager, Mergers & Acquisitions, CAK); Ms Ninette K. Mwarania (Manager, Planning & Research, CAK); Mr Joel Amenia Omari (Director, Competition & Consumer Protection, CAK); Mr Arthur Mahuma (Researcher, CCRED) and Ms Genna Robb (Economics Director at the Competition and Markets Authority, UK).

Programme

14 October 2024	
08 30-10 00	1. Introduction, market definition and market power <ul style="list-style-type: none"> • Introduction to the course and to the session • Defining markets in competition cases • Tests used to define markets, and challenges with these tests • Assessments of market power, including in digital markets • Understanding barriers to entry
10 00-11 00	Exercise 1: Short exercise and feedback on market definition
Tea break	
11 15-12 30	2. Merger control <ul style="list-style-type: none"> • Types of mergers • Analytical framework to assess anti-competitive effects <ul style="list-style-type: none"> ◦ Theories of harm: Horizontal unilateral effects; Vertical unilateral effects; Coordinated effects)
Lunch	
13 30-14 50	3. Merger control cont. <ul style="list-style-type: none"> • Types of evidence needed • Countervailing factors and efficiency justifications • Key merger cases from Kenya • Insights from key merger cases in South Africa
Tea break	
15 00 -16 00	Exercise 2: Merger analysis
16 00 – 16 30	Exercise 2: Presentation and discussion
CLOSE OF DAY 1	

15 October 2024	
08 30-10 00	4. Key international merger developments (Guest speaker – Genna Robb, CMA) <ul style="list-style-type: none"> • Insights from recent international merger cases • Focus on recent developments in assessing digital mergers including in relation to dynamic theories of harm, innovation, data, interoperability and ecosystem effects • Recent update to US merger guidelines
10 00-11 00	5. Collusion – general principles <ul style="list-style-type: none"> • Notion of collusion; how to sustain a collusive agreement • Structural and behavioural screening for cartels • Collusive markers • Factors in tacit coordination: focal points, benchmarks • Hub and spoke cartels

Tea break	
11 15-12 30	6. Collusion cont. <ul style="list-style-type: none"> • Information exchange and appropriate standards • Algorithms and big data: implications for coordination • Regional collusive concerns and effective enforcement – insights from the African Market Observatory, CCRED
Lunch	
13 30-14 50	7. Collusion cases in East Africa <ul style="list-style-type: none"> • Insights from key collusion cases in Kenya • Cooperation in investigating cross border cartels: The Kenyan perspective
Tea break	
15 00-16 00	Exercise 3: Collusion exercise
16 00-16 30	Exercise 3: Presentation and discussion
CLOSE OF DAY 2	

16 October 2024	
08 30-10 00	8. Merger control and cartels in regional markets <ul style="list-style-type: none"> • Cross-border impacts of mergers • Approach to mergers in digital markets • Cross-border cartels and coordinated conduct • Key cases from COMESA
10 00-11 00	9. Consumer Protection: General Principles <ul style="list-style-type: none"> • Key mandate with respect to: <ul style="list-style-type: none"> ○ false or misleading representations ○ unconscionable conduct ○ supply of unsafe, defective and unsuitable goods • Emerging consumer protection issues in the digital markets • Consumer Protection and Sustainability: The role of regulators and businesses.
Tea break	
11 15-12 00	10. Consumer Protection and interface with competition: lessons from Kenya <ul style="list-style-type: none"> • Competition and Consumer Protection interface at the regional level • Can Competition and Consumer Protection function concurrently? • Is there a need for a consumer protection protocol under the AfCFTA?
12 00-12 30	Short Discussion Exercise 4: Consumer Protection
Lunch	
13 30-14 50	11. Market Inquiries

	<ul style="list-style-type: none"> • Role of market inquiries • Prioritization of areas of study • Process of conducting market inquiries • Scope and outcomes • Examples of inquiries in the UK, South Africa and Kenya
Tea break	
15 00-16 00	Exercise 5: Market inquiries
16 00-16 20	Exercise 5: Presentation and discussion
CLOSE OF DAY 3, HANDING OUT OF CERTIFICATES	

Programme facilitators

	<p>Associate Prof Reena das Nair is the Acting Director at CCRED and Programme Coordinator and Associate Professor in the Master of Commerce in Competition and Economic Regulation programme at the University of Johannesburg. Reena has worked for specialist economic consultancy Acacia Economics offering expertise in competition and regulatory economics. Prior to joining CCRED, Reena was Programme Manager: Industrial Policy at Trade and Industrial Policy Strategies (TIPS), a not-for-profit research organisation undertaking research for policy makers. Before TIPS, she worked as Principal Economist at the Competition Commission of South Africa. Her areas of research interest include competition dynamics in the grocery retail sector; food value chains, with a focus on barriers to entry for small and medium-sized enterprises. Reena also provides training for regulators and competition law and economics professionals in Southern and East Africa. Reena holds a Ph.D (Economics) from the University of Johannesburg and a MCom (Economics) from the University of the Witwatersrand.</p>
	<p>Ms Ninette K. Mwarania is the Manager of Planning, Policy & Research, at the Competition Authority of Kenya. The department is the central planning unit for the Authority as the output is used to initiate enforcement actions and guide advocacy programs. Ninette's main focus is to ensure that the Department produces credible economic evidence and guidance that the Authority can rely on in the cases being handled. Additionally, Ninette oversees the Authority's internal and external knowledge management strategies, guides policy development and review as well as other advocacy initiatives to support the delivery of the Authority's mandate. Currently, Ninette co-chairs the International Competition Network Advocacy Working Group and spearheads the Network's advocacy mandate.</p>



Dr Willard Mwemba is the Director and Chief Executive Officer of the COMESA Competition Commission, which regulates competition and consumer protection in the Common Market. He has over 18 years of experience in competition and consumer law enforcement, with wide experience in enforcing competition law at regional and national level as well as in the development of competition and consumer protection laws, guidelines and operational manuals in COMESA Member States and beyond. Dr Mwemba has also held the position of Head of the Mergers and Acquisitions Division at the COMESA Competition Commission and prior to that he was Director of Mergers and Monopolies at the Competition and Consumer Protection Commission in Zambia. He serves as a member of the United Nations Conference on Trade and Development Competition Training Centre for Middle East and Africa Advisory Board. Currently, he is actively involved in the development of competition laws in the middle eastern countries. Dr Mwemba has written extensively and is a guest lecturer on the subject of competition and consumer law at various universities in Africa and beyond. Dr Mwemba holds several qualifications inter alia, bachelor's degrees with specialisation in Law and Economics from the University of Zambia, a master's degree in European Union Competition Law, from Kings College-London and a PhD in Competition Law from the University of Cape Town.



Mr. Raphael Mburu is the Manager of Mergers & Acquisitions at the Competition Authority of Kenya. He possesses advanced skills in Competition Law dealing with regulation of market structure and conduct. This has been through establishing and developing broad knowledge in analysis of complex mergers and acquisitions, carrying out market inquiries and sector studies, investigation of policies, procedures and programmes of regulatory authorities to assess their effect on competition and consumer welfare and advising Government on competition matters. His knowledge and expertise in Competition Law has further been enhanced by training in Economics for Competition Law, EU Competition Law, quantitative methods for competition analysis, regulatory law for economic regulators, development of various competition tool kits such as Subsidiary rules and merger threshold guidelines and participation in International Workshops, conferences and Symposia that revolved around emerging issues and trends in mergers, private equity & venture capital, remedies in merger review and international merger enforcement and cooperation.



Mr Boniface Kamiti is the Manager of Consumer Protection at the Competition Authority of Kenya. He holds a Master of Global Competition and Consumer Law from the University of Melbourne, a Master of Arts Degree in Economic Policy and Management from the University of Nairobi and a Bachelor of Arts Degree in Social Science (Economics) from The Catholic University of Eastern Africa. He has over 10 years' experience gained while working with reputable institutions such as UN-Habitat, United National Development Programme (UNDP) and Centre for Corporate Governance amongst others in various capacities. He is widely trained on Corporate Governance, Results Based Management (RBM) and on conducting consumer related investigations. Boniface is a member of Institute of Directors of Kenya (IOD-K). He has headed the Consumer Protection Department since February 2015.



Mr. Steven Kamukama is the Director of Consumer Welfare and Advocacy at the COMESA Competition Commission, a position he has held since 2021. At the Commission he oversees investigations and assessment of conducts with cross border effects in COMESA. Since he took over the position, the Commission has investigated over 50 cases with regional dimension including over 15 recalls of unsafe products. Prior to the Commission, he worked as the Principal Commercial Officer at the Ministry of Trade, Industry and Cooperatives of Uganda for 15 years and headed the Competition and Consumer Protection Division. In 2003 he worked as Assistant Manager, Simba Telecom where he was responsible for managing retail sub dealerships for the Mobile Telecommunication Network (MTN). He holds a Masters in international business and bachelor's degree in economics.



Mr. Amenity Joel Omari is the Director of Competition & Consumer Protection at the Competition Authority of Kenya. He is a public sector legal counsel with over 15 years of experience. He is responsible for overseeing the realization of the Authority's core mandate of promoting and safeguarding competition in the national economy through availability of competitive products and services by overseeing investigation and sanctioning impediments to competition, promotion of investment and economic growth by superintending merger control and enhancing and sustaining consumer welfare through protection of consumers from unfair and misleading market conduct. Mr. Omari holds a Master's in Competition Law from the Brussels School of Competition, a Masters Degree in Law from the University of Zimbabwe, a Bachelor of Law from the University of Nairobi and a Postgraduate Diploma in Law from Kenya School of Law.



Ms Genna Robb is an Economics Director at the Competition and Markets Authority (CMA), United Kingdom. She has worked in economic analysis for competition and regulatory matters for over 10 years across a range of sectors, including telecommunications and energy. She spent four years as an economist at the Competition Commission of South Africa and has subsequently worked at the Centre for Competition, Regulation and Economic Development and as a Director at Acacia Economics, where she worked for a range of regulators, government departments, multilateral organisations and private companies in Southern Africa. Genna has provided training in the economics of competition and regulation to practitioners and published on various topics in competition economics.



Mr Arthur Khomotso Mahuma is a researcher at the Centre for Competition, Regulation and Economic Development (CCRED). He has 10 years' experience in competition economics across a range of sectors, including telecommunications, food and agro-processing, energy, and digital platforms. Prior to joining CCRED, he was a Senior Economist at the Competition Commission of South Africa. He holds a Masters in Development Economics from the University of Johannesburg