

A conference jointly presented by the IBA Antitrust Section,
 IBA African Regional Forum and the Nigerian Federal
 Competition and Consumer Protection Commission



Competition Law in Africa Conference: regulatory developments and enforcement trends across the continent

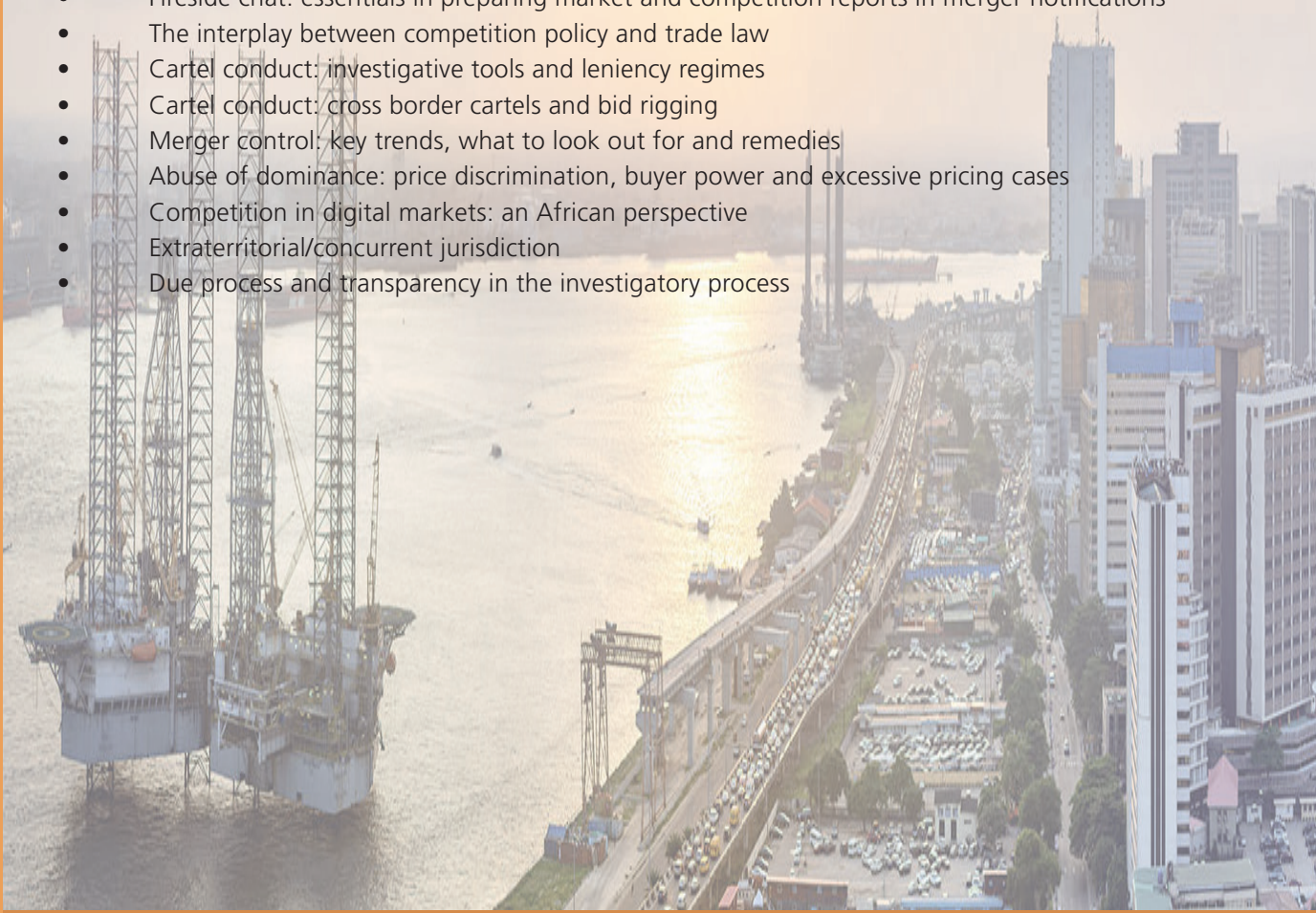


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24–25 November 2022
Federal Palace Hotel & Casino, Lagos, Nigeria

Topics include:

- ‘Competition Law Fundamentals’ workshop
- Unpacking the Nigerian Competition Act
- Unpacking the consumer welfare standard – what is the relevant benchmark?
- Interpreting and presenting evidence in competition law cases: A view from the bench
- Fireside chat: essentials in preparing market and competition reports in merger notifications
- The interplay between competition policy and trade law
- Cartel conduct: investigative tools and leniency regimes
- Cartel conduct: cross border cartels and bid rigging
- Merger control: key trends, what to look out for and remedies
- Abuse of dominance: price discrimination, buyer power and excessive pricing cases
- Competition in digital markets: an African perspective
- Extraterritorial/concurrent jurisdiction
- Due process and transparency in the investigatory process



WORKING PROGRAMME

Programme

Conference Co-Chairs

Babatunde Ajibade *SPA Ajibade & Co, Lagos; Co-Chair, IBA African Regional Forum*

Sydney Chisenga *Corpus Legal Practitioners, Lusaka; African Regional Forum Liaison Officer; IBA Antitrust Section*

Michael-James Currie *Primerio, Sandton; Regional Representative Africa, IBA Anti-Corruption Committee*

Nankunda Katangaza *Director, Hook Tangaza, London; Co-Chair, IBA African Regional Forum*

Thursday 24 November

All working sessions and lunch will take place in the External Ballroom (Ground Floor)

0900 – 1100

Workshop: 'Competition Law Fundamentals' and unpacking the Nigerian Competition Act - Part I

This workshop will be designed for external and in-house lawyers who require an introduction to competition law and basic economic principles which underpin competition law.

1. Competition law fundamentals
2. Nigerian Competition Law

1100 – 1115 **Coffee/tea break**

1115 – 1330

Workshop: 'Competition Law Fundamentals' and unpacking the Nigerian Competition Act - Part II

1330 – 1430 **Lunch**

1430 – 1530

Session one: Unpacking the consumer welfare standard – what is the relevant benchmark?

An opportunity to discuss the appropriate standard against which conduct ought to be assessed, how that standard is changing and how to balance prices, innovation, quality, incentives to invest, etc.

Moderator

Pieter Steyn *Werksmans/LEX Africa, Johannesburg; Advisory Board Member, IBA African Regional Forum*

Speakers

Professor Eleanor Fox *New York University School of Law, New York City*

Marc Reysen *Reycol, Frankfurt; Council Member, IBA Legal Practice Division*

Leonard Ugbajah *TBE Advisory, Abuja*

1530 – 1630

Session two: Interpreting and presenting evidence in competition law cases: A view from the bench

Judges will present their views on how best to present evidence in competition cases.

Moderator

Michael-James Currie *Primerio, Sandton; Regional Representative Africa, IBA Anti-Corruption Committee*

Speakers

Judge Dennis Davis *South Africa Competition Appeal Court, Cape Town*

Justice Nnamdi Dimgba *Federal High Court of Nigeria, Lagos*

1630 – 1645 **Coffee/tea break**

1645 – 1715

Session three: Fireside chat - essentials in preparing market and competition reports in merger notifications

Following from the previous panel, this session will explore certain techniques in collating, analysing and presenting economic evidence in merger proceedings.

Moderator

Andreas Stargard *Primerio, Sandton*

Speakers

Jacob Muller *RBB Economics, Johannesburg*

Willard Mwemba *COMESA Competition Commission, Lilongwe*

1715 – 1800

Session four: The interplay between competition policy and trade law

Including a discussion around state aid and dumping in the context of competition law, and how national and/or regional competition law regimes might address such concerns.

Moderator

Sydney Chisenga *Corpus Legal Practitioners, Lusaka; African Regional Forum Liaison Officer, IBA Antitrust Section*

Speakers

Vellah Kedogo Kigwiru *Technical University of Munich, Munich*

George Lipimile *Former Director and Chief Executive Officer, COMESA Competition Commission, Lilongwe*

Leonard Ugbajah *TBE Advisory, Abuja*

1900 – 2100 **Welcome cocktail reception** - Rubber Tree Deck (Ground Floor)

Headline social event sponsors



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All working sessions and lunch will take place in the External Ballroom (Ground Floor)

0900 – 0915 **Opening and welcome remarks**

Yakubo Chonoko Maikyau *Nigeria Bar Association, Abuja*
Babatunde Irukera *Federal Competition & Consumer Protection Commission, Lagos*

Sternford Moyo *Scanlen & Holderness, Harare; IBA President*

0915 – 0945 **Keynote address**

George Lipimile *Former Director and Chief Executive Officer, COMESA Competition Commission, Lilongwe*

0945 – 1100

Session five: Cartel conduct: investigative tools and leniency regimes; cross border cartels and bid rigging

The session should focus on the most effective tools to detect and prosecute cartel conduct including an effective leniency regime and the interplay between criminal and civil sanctions and effective enforcement.

Speakers will share experiences, risks and practical guidance on how to detect and manage cartel cases from different perspectives.

Moderator

John Oxenham *Primerio, Sandton*

Speakers

Florence Abebe *FCCPC, Abuja*

Ulrich Denzel *Gleiss Lutz, Stuttgart and Brussels*

Thula Kaira *CUTS, Lusaka*

Makgale Mohlala *Competition Commission South Africa, Pretoria*

1100 – 1115 **Coffee/tea break**

1115 – 1230

Session six: Merger control: key trends, what to look out for and remedies

A discussion on new and important theories of harm, the role of public interest criteria in merger assessments, and appropriate remedies to the issue.

Moderator

Folasade Olusanya *Jackson Etti & Edu, Lagos*

Speakers

Seye Ayinla *Duale Ovia Alex-Adedipe, Lagos*

Babatunde Irukera *Federal Competition & Consumer Protection Commission, Lagos*

Ikem Isiekwena *SimmonsCooper, Lagos*

Ali Kamanga *COMESA Competition Commission, Lilongwe*

1230 – 1330 **Lunch**

1330 – 1430

Session seven: Abuse of dominance: price discrimination, buyer power and excessive pricing cases

The session will focus on recent developments in the South African, Nigerian and Kenyan regimes and will also discuss recent approaches to price gouging.

Moderator

Olufolake Elias Adebawale *Udo Udoma & Belo Osagie, Lagos*

Speakers

Michael-James Currie *Primerio, Sandton; Regional Representative Africa, Anti-Corruption Committee*

Professor Eleanor Fox *New York University School of Law, New York City*

Ikem Isiekwena *SimmonsCooper, Lagos*

Jacob Muller *RBB Economics, Johannesburg*

1430 – 1515

Session eight: Competition in digital markets: an African perspective

This session will consider competition policy in digital markets.

Moderator

Folakunmi Pinheiro *University of Cambridge, Cambridge*

Speakers

Morayo Adisa *FCCPC, Abuja*

Rosemond Egbosi *Jumia Nigeria, Lagos*

Lufuno Shinwana *AblnBev, Johannesburg*

1515 – 1530 **Coffee/tea break**

1530 – 1630

Session nine: Extraterritorial/concurrent jurisdiction

Comments on overlapping jurisdiction between different competition authorities. For instance, a particular anticompetitive practice in Kenya could be subject to review by the Competition Authority of Kenya, the East African Community Competition Authority, and COMESA's Competition Commission.

Moderator

Mariam Saad *Bremer LF, Cairo*

Speakers

Boladale Adeyinka *FCCPC, Abuja*

Molly Askin *Federal Trade Commission, Washington DC*

Judge Dennis Davis *South Africa Competition Appeal Court, Cape Town*

Alexia Waweru *COMESA Competition Commission, Lilongwe*

Conference reception sponsor

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Conference luncheon sponsors



Friday continued

1630 – 1730

Session ten: Due process and transparency in the investigatory process

This panel will focus on the extent to which conduct is subject to review by local agencies, unpacking critically important aspects of due process such as: timeous access to the underlying record and opportunities to be heard by an independent decision maker; rights of parties during search and seizure operations; and practical solutions to balance competing interests.

Moderator

Funmilola Mesaiyete *SimmonsCooper, Lagos*

Speakers

Adamu Ahmed Abdulahi *FCCPC, Abuja*

Zelda Akindele *Templars, Lagos*

Okikiola Litan *Coca-Cola Hellenic Bottling Company, Lagos*

Andreas Stargard *Primerio, Sandton*

1730 – 1745 **Closing remarks**

Babatunde Ajibade *SPA Ajibade & Co, Lagos; Co-Chair, IBA African Regional Forum*

Michael-James Currie *Primerio, Sandton; Regional Representative Africa, IBA Anti-Corruption Committee*

Nankunda Katangaza *Director, Hook Tangaza, London; Co-Chair, IBA African Regional Forum*



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JEE is a full-service law firm with a sector focus, rendering legal services to Nigerian, Pan-African, and International Clients in diverse jurisdictions. With over 25 years valuable experience, our lawyers have gained extensive insight in advising and acting for clients on a wide range of subject matters as well as providing advocacy and sectoral reviews of laws towards legislative amendments, advisory, and transactional legal services.

The firm consists of eleven (11) partners, sixty (60) free earners, and over fifty (50) paralegal and support staff. The size of our dedicated team is indicative of our rich human resource base and our capacity to effectively and efficiently assist our clients to achieve their goals.



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Across the six sectors, we offer bespoke services in the following practice areas:

- Banking & Finance
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- Corporate Commercial & General
- Legal Advisory
- Corporate, Mergers & Acquisitions
- Energy & Natural Resources
- Immigration Advisory & Private
- Client Services
- Intellectual Property
- Litigation & Dispute Resolution
- Real Estate
- Regulatory & Compliance

Our objectives goes beyond the delivery of legal services. We believe that our role is to understand our clients' business and objectives, to be proactive, and to identify the commercial, financial, and political nuances which may arise in the course of our clients' transactions.



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International Bar Association

the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information, enabling them to better represent their clients' interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

Antitrust Section Overview

The Antitrust Section provides an international forum for thought leadership with respect to antitrust law developments and the profession through submissions to competition agencies, training programs/missions, developing the law through our conferences, publications, and interaction with antitrust enforcement authorities and the profession.

In addition, there is a strong commitment to bring together international practitioners to facilitate closer working relationships. The Section is increasingly relied upon by government officials and members of the private sector for its expertise and practical input into antitrust developments, including through its Working Group submissions.

African Regional Forum Overview

These are exciting times for our Forum! With the primary objective of the enhancement of the value and significance of the Forum to all members globally, we have established various Working Groups which function alongside a panel of distinguished Advisory Board members.

The problems facing African lawyers are different from those affecting lawyers in other regions. To this end, the African Regional Forum was created to identify and address these problems.

Nigerian Federal Competition and Consumer Protection Commission Overview

We work to safeguard and advance the interest and well-being of consumers. We also initiate broad based policing and review activities in Nigeria to identify and eliminate anti-competitive and restrictive practices that may distort competition or constitute an abuse of a dominant position of market power in Nigeria.

We stand to promote a fair and vibrant market while ensuring consumers are the core of, not ancillary to business. We are the foremost competition and consumer protection authority in Nigeria.

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