



UNIVERSITEIT VAN AMSTERDAM
Amsterdam Center for Law & Economics

The Amsterdam Center for Law & Economics (ACLE) organizes its fifth annual Competition & Regulation Meeting on the specialty topic of

To Enforce and Comply: Incentives inside Corporations and Agencies

March 5-6, 2009

De Industriële Groote Club and University of Amsterdam Faculty of Law
Amsterdam

Conference Program

Thursday March 5 (Industriële Groote Club)

8.30 - Registration

9.00 – 9.15 Opening by Maarten Pieter Schinkel (chair)

Plenary session I: Key notes

9.15 – 10.00 Jonathan Karpoff (University of Washington), *Trust and Reputation*

10.00 – 10.30 William Blumenthal (Clifford Chance), *Incentives and Institutional Design: What Lessons can be gleaned from Decisional Failure?*

10.30 – 11.00 Coffee, tea and pastries

Plenary session II: Inside the Antitrust Agency

11.00 – 11.45 Joseph E. Harrington, Jr. (Johns Hopkins University), *Evaluating and Understanding a Competition Authority*

11.45 – 12.45 Panel: Martijn Snoep (De Brauw Blackstone Westbroek), Bill Bishop (CRA International), Andrea Appella (OFT)

12.45 – 14.30 Lunch

Plenary session III: Incentives in Financial Markets Regulation I

14.30 – 15.15 Xavier Vives (IESE Business School), *Competition and Stability in Banking: A New World for Competition Policy?*

15.15 – 15.45 Coffee, tea and pastries

Plenary session IV: Inside the Cartel

- 15.45 – 16.30 Giancarlo Spagnolo (University of Rome “Tor Vergata”), *Corporate Governance, Managerial Incentives and the Deterrence of Collusive Behavior*
- 16.30 – 17.30 Panel: Barry Rodger (University of Strathclyde), Robert Porter (Northwestern University), Christof Swaak (Stibbe)
- 21.00 - Evening program at the Tuschinski Theatre

Viewing of “The Dutch Construction Cartel” a compilation of documentary films produced by the current affairs program Zembla. The first 2001 Zembla report exposed a large construction cartel in the Netherlands and led to a parliamentary inquiry (2002-2003). Over 1400 companies were sanctioned by the Netherlands Competition Authority (NMa) in relation to this cartel case. After the viewing, there will be room for plenary discussion in the presence of director Jos van Dongen.

Friday March 6 (Law Faculty)

Plenary session V: Incentives in Financial Markets Regulation II

- 9.30 – 9.45 Welcome by Joseph McCahery (chair)
- 9.45 – 10.30 Douglas Cumming (York University), *Exchange Trading Rules*
- 10.30 – 11.00 Coffee, tea and pastries

Parallel contributed paper sessions (see below for the papers)

- 11.00 – 12.30 Parallel sessions I
- 12.30 – 14.00 Lunch
- 14.00 – 15.30 Parallel sessions II
- 15.30 – 16.00 Coffee, tea and pastries

Plenary session VI: Closing notes

- 16.00 – 17.00 William Kovacic (Federal Trade Commission), *Short-Term Agents, Long-Term Investments, and the Quality of Competition Authorities*
- 17.00 - Drinks and dinner buffet at In De Waag

Parallel Sessions I (Friday 6 March, 11.00-12.30 hours)

Ia. Managerial Incentives

Chair: Cécile Aubert

Eduard Alonso-Paulí (Universidad Pablo Olavide) and David Pérez-Castrillo (Universitat Autònoma de Barcelona), Codes of Best Practice in Competitive Markets for Managers

Caspar Siegert (Ludwig-Maximilians-Universität), Pushing for Compliance: On the Emergence of “Extreme” Incentives

Cécile Aubert (University of Bordeaux (GREThA) and Toulouse School of Economics(LERNA)), Managerial Effort Incentives and Market Collusion

Ib. Enforcement Design

Chair: Sharon Oded

Francisco Marcos (Madrid Autonomous Community and IE Law School), Negative Effects for Deterrence of Mistaken Antitrust Settlements and Misguided Competition Advocacy

Joseph A. Clougherty (WZB and CEPR) and **Jo Seldeslachts** (WZB), Deterrence of Horizontal Mergers: Empirical Evidence from U.S. Industries

Sharon Oded (Erasmus University Rotterdam), Inducing Corporate Compliance through an Optimal Enforcement Policy

Ic. Incentives in Regulation

Chair: Annetje Ottow

Carmine Guerriero (University of Cambridge), The Political Economy of Incentive Regulation: Theory and Evidence from US States

Patrick F.E. Beschorner (Centre for European Economic Research (ZEW)), Ex post Regulation Facilitates Collusion

Annetje Ottow (University of Utrecht), Enforcement by Regulators through Self Regulation and Compliance Programs

Id. Incentives in Financial Markets Oversight I

Chair: Geert van der Klis

Dirk Zetzsche (University of Dusseldorf), Efficient Enforcement of Shareholder Transparency Rules - Lessons from Antitrust Leniency Programs

Hans Degryse (Tilburg University and TILEC), Frank de Jong (Tilburg University), **Jérémié Lefebvre** (Tilburg University and TILEC), *An Empirical Analysis of Legal Insider Trading in the Netherlands*

Geert van der Klis (Clifford Chance), Pier Posthuma de Boer (Clifford Chance) and Frans Muller (Clifford Chance), An Evaluation of Competition Enforcement in the Dutch Financial Markets

Parallel Sessions II (Friday 6 March, 14.00-15.30 hours)

IIa. Compliance Programs

Chair: Kai-Uwe Kühn

Barry Rodger (University of Strathclyde), A Study of Compliance post-OFT Infringement Action

Kai Hüschelrath (Centre for European Economic Research (ZEW)), Comply or Die? The Economics of Antitrust Compliance Programs

Kai-Uwe Kühn (University of Michigan), Antitrust Compliance Programs and the Incentive Effects of Antitrust Policies

IIb. Antitrust Effects and Priorities

Chair: Pierluigi Sabbatini

Paolo Buccirossi (LEAR), Lorenzo Ciari (European University Institute and LEAR), **Tomaso Duso** (Humboldt University and WZB), Giancarlo Spagnolo (University of Rome Tor Vergata, Stockholm School of Economics & CEPR) and Christiana Vitale (LEAR), Competition Policy and Productivity Growth: An Empirical Analysis

Andreea Cosnita-Langlais (Université Paris Ouest Nanterre) and Jean-Philippe Tropeano (Université de Grenoble-Pierre), Fight Cartels or Control Mergers? On the Optimal Allocation of Enforcement Efforts within Competition Policy

Pierluigi Sabbatini (Italian Competition Authority), Funding the Budget of a Competition Authority with the Fines it imposes

IIc. Leniency

Chair: Evgenia Motchenkova

Marie Goppelsröder (University of Amsterdam), Maarten Pieter Schinkel (University of Amsterdam) and Jan Tuinstra (University of Amsterdam), Corporate Leniency Programs in the Cartel Lifecycle: ‘Cleaning out the Closet’

Harold Houba (VU University Amsterdam and Tinbergen Institute), **Evgenia Motchenkova** (VU University Amsterdam) and Quan Wen (Vanderbilt University), Maximal Cartel Pricing and Leniency Programs

IId. Damages and Litigation

Chair: Claudio Calcagno

Arad Reisberg (UCL Centre for Law & Economics) and **Florian Wagner-Von Papp** (UCL Centre for Law & Economics), Suing the suits – Derivative Shareholder Actions to Bring Home the Message of Antitrust

Martijn Han (University of Amsterdam), Maarten Pieter Schinkel (University of Amsterdam) and Jan Tuinstra (University of Amsterdam), On the Overcharge Method as a Measure for Antitrust Damages”

Claudio Calcagno (European University Institute), Do Stand-alone Private Antitrust Damages Improve Welfare?

IIe. Incentives in Financial Markets Oversight II

Chair: Rene Smits

Ludovic Moreau (Université Paris Ouest Nanterre), Whither Credit Ratings Regulation? A Case for Regulatory Monitoring

Gerard Hertig (ETH, Zurich), Ruben Lee (Oxford Finance Group), and **Joseph McCahery** (University of Amsterdam), Empowering the ECB to Supervise Banks: A Choice-Based Approach

René Smits (University of Amsterdam), Lender of Last Resort: Issues of Competence and Competition