

BERLIN
CENTRE FOR
CONSUMER
POLICIES

and Annual BCCP Conference

Regulatory Challenges in Digital Markets:
Algorithms and Platform Competition

June 1, 2017 WZB Berlin Social Science Center





WELCOME

It is a great pleasure to welcome you to the second BCCP Conference on *Regulatory Challenges in Digital Markets: Algorithms and Platform Competition*.

For the second year in a row, our annual event engages in topical issues brought about by digitalization, which is transforming the world at an ever increasing pace, creating not just excitement but also resistance and worries.

The tremendous growth of digital transactions has profoundly affected the way we interact and has opened vast opportunities to improve our lives. The emergence of online platforms has decreased transaction costs considerably, increased price transparency and, hence, enabled consumers to more easily compare and purchase products and services that previously were simply too costly to be developed and marketed to customers.

At the same time, network effects in platform business models have brought market power concerns back to the front stage. Academics and regulators are racing to keep pace: the workings of platform competition and the issues of algorithmic pricing are now at the forefront of international debates at the intersection of competition and consumer polices.

This conference aims to tackle these questions and discuss the need for and appropriateness of policy interventions in such quickly evolving markets. Are existing consumer protection and competition laws appropriate for addressing concerns arising on online platforms? How can the peculiarities of digital markets – such as network effects – be taken into account in competition policy? How do new digital technologies transform business models and the way firms compete? Who reaps the largest benefits and profits in super-efficient online markets: consumers, innovative firms, or established incumbent firms?

I hope you will enjoy this conference and the exciting discussions sparked by the distinguished panelists speaking today.

Tomaso Duso

Speaker



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THE BERLIN CENTRE FOR CONSUMER POLICIES **ABOUT US**

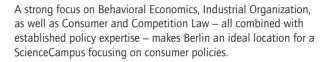
The Berlin Centre for Consumer Policies (BCCP) is a Leibniz ScienceCampus, established September 2015, and co-funded by the German Leibniz Association and its member institutions.

Leibniz ScienceCampuses promote cooperation between Leibniz institutions and universities via regional, thematic research and policy partnerships.

The Centre builds on the cooperation between two Leibniz institutes - the German Institute for Economic Research (DIW Berlin) and the Berlin Social Science Center (WZB) - and faculties of the Humboldt-University Berlin, Free University Berlin, Technical University Berlin, the European School

of Management and Technology (ESMT), and the Hertie School of

Governance.



BCCP reinforces and institutionalizes this exceptional environment to create an enduring international platform in the broad area of competition and consumer policies. This platform strengthens the academic environment, encourages interdisciplinary research, and increases the visibility of Berlin as a center of excellent academic research and evidence-informed policy advice.





AGFNDA

8:45 – 9:45 a.m. Registration

9:45 - 10:00 a.m. **Welcome**

Tomaso Duso DIW Berlin

10:00 - 12:00 p.m. Policy Roundtable: Consumer and Competition Policy in Platform Markets

The emergence of online platforms has decreased transaction costs considerably, increased price transparency and hence enabled consumers to more easily compare and purchase products and services. At the same time, platforms may achieve market power leading to undesirable market outcomes. How can the peculiarities of digital markets such as network effects be taken into account in competition policy? Are existing regulations sufficient to address the particular policy concerns arising in these markets? Is existing consumer protection law appropriate to address concerns arising on online platforms? Do and should the same laws and regulations apply to peer sellers as to professional traders?

Speakers

Andrea Coscelli Acting Chief Executive, UK Competition and Markets Authority Christian D'Cunha Policy Assistant to Giovanni Buttarelli, European Data Protection Supervisor

Konrad Ost Vice-President, German Federal Cartel Office

Moderated by Amelia Fletcher Professor of Competition Policy, Centre for Competition Policy, University of East Anglia

12:00 – 1:30 p.m. *Lunch break*

1:30 – 3:00 p.m. Platform Competition: The Sharing Economy

The sharing economy relies on online platforms to bring together providers and consumers of goods and services. How do platforms compete in these two-sided markets characterized by direct and indirect network effects? Which pricing strategies do these new online platforms adopt? How does rapid innovation ubiquitous in these markets affect competition between platforms? How do new digital technologies transform business models and the way firms compete? What will be the major future challenges for the sharing economy, regulators, and consumer policy?



Speakers

Michael Baye Bert Elwert Professor of Business Economics and Public Policy, Kellez School of Business, Indiana University

Arun Sundararajan Professor of Information, Operations and Management Sciences, Stern School of Business, New York University

Moderated by Roland Strausz Professor of Economics, Humboldt University Berlin

3:00 – 3:30 p.m. *Coffee break*

3:30 – 3:50 p.m. **BCCP Distinguished Policy Fellow Award**

Gerd Billen State Secretary, Federal Minister of Justice and Consumer Protection **Awarded by Gerhard Wagner** Professor of Law, Humboldt University Berlin

3:50 – 5:20 p.m. Algorithms and Consumer Targeting

Digital markets are characterized by consumer targeting and customization of products and services. Firms such as Amazon or Google use algorithms to increase their product quality, such as search results or the targeting of advertising. These algorithms rely on past consumer search and browsing behavior to learn and improve results in real-time. This session discusses the extent to which the use of algorithms could harm consumers by behavioral discrimination, where firms track and profile consumers to recover their willingness to pay for particular goods and services, or by sophisticated data-driven price algorithms facilitating collusion. A large controversy in the use of algorithms is the extent they could lead to bias – not only in the things we buy but also in the news and entertainment we receive – in ways which may be against the interests of society. This panel will also discuss what potential sources of bias there may be and the extent to which intervention by consumer protection or competition authorities might be warranted.

Speakers

Maurice E. Stucke Professor of Law, University of Tennessee, Knoxville Catherine Tucker Sloan Distinguished Professor of Management Science and Professor Marketing, MIT Sloan

Moderated by Oren Bar-Gill William J. Friedman and Alicia Townsend Friedman Professor of Law and Economics, Harvard University

5:20 p.m. Concluding Remarks

Hannes Ullrich DIW Berlin



SPEAKERS



Oren Bar-Gill

William J. Friedman and Alicia Townsend Friedman Professor of Law and Economics, Harvard University

Bar-Gill joined Harvard Law School in July 2014 from New York University School of Law, where he was the Evelyn and Harold Meltzer Professor of Law and Economics. Bar-Gill holds a B.A. (economics), LL.B., M.A. (law & economics) and Ph.D. (economics) from Tel-Aviv University, as well as an LL.M. and SJ.D. from Harvard Law School

Bar-Gill is the recipient of the American Law Institute's Young Scholars Medal (in 2011). He currently serves (together with Omri Ben-Shahar and Florencia Marotta-Wurgler) as Reporter for the Restatement of the Law, Consumer Contracts



Michael R. Baye

Bert Elwert Professor of Business Economics, Indiana University

Michael Baye is the Bert Elwert Professor of Business at Indiana University's Kelley School of Business.

He served as the Director of the Bureau of Economics at the US Federal Trade Commission during 2007 and 2008. Michael has won numerous awards for his outstanding teaching and research. His academic research focuses mainly on pricing strategies and their impact on consumer welfare and firm profits in both online and traditional markets.

He received his Ph.D. in 1983 and the MS in 1981 at the Purdue University and in 1980 the BS at Texas A&M University.

He has published over 75 articles and books on topics that include mergers, auctions, patents, advertising, information, game theory, online markets and other areas related to antitrust and consumer protection.





Gerd BillenState Secretary, German Federal Ministry of Justice and Consumer Protection

Gerd Billen is State Secretary at the German Federal Ministry of Justice and Consumer Protection in Berlin.

Prior to joining the Federal Ministry, he was Executive Director of the Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband), having previously headed the Environmental and Social Policies Division at the Otto Group.

From 1985 to 2005 Gerd Billen held positions at various nonprofit organisations in the field of consumer protection and environmental protection. Gerd Billen has also worked as a freelance journalist. He is a graduate of the University of Bonn.



Andrea Coscelli

Acting Chief Executive, UK Competition and Markets Authority

Andrea Coscelli is the Acting Chief Executive of the Competition & Markets Authority (CMA).

Since joining the CMA in November 2013 he has been an executive board member heading the Directorate responsible for UK merger control, the markets regime and the CMA's work in regulated sectors.

He joined the CMA from Ofcom (UK Communications Regulator) where he was a Director of Economic Analysis in the Competition Group. He previously worked at Charles Rivers Associates (CRA) in London where he was a Vice President (Partner) in the Competition Practice. He co-founded the Association of Competition Economics (ACE) in 2003. He holds a PhD in Economics from Stanford University.





Christian D'Cunha

Policy Assistant to Giovanni Buttarelli, European Data Protection Supervisor

Christian advises the European Data Protection Supervisor on legal and policy developments in the EU. He provides support on strategic planning and communications. Christian leads a project on the implications for privacy, choice and consumer welfare of big data and the digital economy and has recently set up the Digital Clearinghouse to bring together regulators to discuss cross-cutting issues like big data mergers and unfair terms, pricing and discrimination online.

Previously in the European Commission, Christian led on the internal security strategy and on the review of the data retention directive. Before moving to Brussels in 2008, he worked for several years in London as private secretary the Chairman of the Labour Party and later for the Lord Chief Justice of England and Wales on judicial appointments and constitutional reform matters



Tomaso DusoHead of the Firms and Markets Department, DIW Berlin

Tomaso Duso is the Head of the Firms and Markets Department at the Deutsches Institut für Wirtschaftsforschung (DIW Berlin), a professor of empirical industrial economics at the Düsseldorf Institute for Competition Economic (DICE) of the Heinrich-Heine University, and the speaker of the newly founded Berlin Centre for Consumer Policies (BCCP). He received his undergraduate degree from the Ca' Forscari University in Venice and his PhD from the Humboldt University Berlin. He previously worked at the Wissenschaftszentrum Berlin für

Sozialforschung (WZB), the Humboldt University Berlin, and the University of Vienna

Tomaso's research interests are in applied econometrics in the fields of industrial organization, competition policy, regulation, and management. Tomaso has advised several public bodies, such as various DGs of the European Commission, the UK Competition Commission, the Dutch Authority for Consumers and Markets, and the OECD on competition policy issues.





Amelia Fletcher Professor of Competition Policy, University of East Anglia

Since 2013. Amelia Fletcher has been Professor of Competition Policy at the Centre for Competition Policy, Universitv of East Analia. She is also a Non-Executive Director at the UK Financial Conduct Authority. Competition and Markets Authority and Payment Systems Regulator, and a member of the Enforcement Decision Panels at Ofaem and the Civil Aviation Authority. She was previously Chief Economist at the Office of Fair Tradina (2001-2013). where she led the economics work on cases across the OFT's portfolio and developed a world-leading programme of evaluation and economic research She was a member of the OFT's Executive Committee.

Amelia has written and presented widely on competition and consumer policy, and has a particular interest in hehavioral economics and online markets. Before ioining the OFT, she was an economic consultant at Frontier Economics (1999-2001) and London Economics (1993-1999). She has a DPhil and MPhil in economics from Nuffield College, Oxford, She has been on the Councils of the Royal Economic Society and the Association of Competition Economics. She was awarded an OBE for services to competition and consumer policy in the 2014 New Years Honours



Konrad Ost Vice-President, German Federal Cartel Office

Konrad Ost, Dr. jur. (Heidelberg), LL.M. (Cambridge), is since September 2015 Vice President of the Bundeskartellamt

From 2010 to 2015 he was Head of its General Policy Division, from 2008 to 2010 Head of its Litigation Service and represented the Bundeskartellamt before the German Federal Court of Justice

He has written numerous articles on antitrust procedure, private antitrust enforcement and other competition law topics.

He is also an Honorary Professor at the University of Bonn and co-editor of the German antitrust journal »Neue Zeitschrift für Kartellrecht – NZKart«.





Roland StrauszProfessor of Economics, Humboldt University Berlin

Since 2011 Prof. Dr. Roland Strausz is Professor of Economics and Chair of Institute for Economic Theory 1 at the Humboldt University in Berlin.

From 2005 to 2007 he has been Holder of the Heisenberg Stipend and afterwards he was Heisenberg-Professor for Microeconomics at the Free University of in Berlin until 2011.

From 1999 to 2005 Roland Strausz was also Assistant Professor at the Free University of Berlin, CEPR Research Fellow since 2008 and CESifo Research Fellow since 2002. Prof. Dr. Strausz holds his PhD in Economics at Free University of Berlin and his Habilitation in Economics, too.



Maurice E. StuckeProfessor of Law, University of Tennessee, Knoxville

the Data Competition Institute, a law professor at the University of Tennessee, and of counsel at the Konkurrenz Group.

Maurice F. Stucke is a co-founder of

Professor Stucke publishes and speaks regularly on competition policy in the United States, Europe, and Asia.

Professor Stucke serves as one of the United States' non-governmental advisors to the International Competition Network, as a Senior Fellow at the American Antitrust Institute, where he chaired a committee on the media industry that drafted a transition report for the incoming Obama administra-

tion, on the board of the Academic Society for Competition Law, and on advisory board of the Institute for Consumer Antitrust Studies. Professor Stucke received a number of awards including a Fulbright fellowship to teach at the China University of Political Science and Law in Beijing, and the Jerry S. Cohen Memorial Fund Writing Award for his article »Behavioral Economists at the Gate: Antitrust in the Twenty-First Century.«

He has twenty years experience handling a range of competition policy issues in both private practice and as a prosecutor at the U.S. Department of Justice.





Arun Sundarajan

Professor of Information, Operations and Management Sciences, New York University

Arun Sundararajan is Professor and the Robert L. and Dale Atkins Rosen Faculty Fellow at New York University's (NYU) Stern School of Business, an affiliated faculty member at many of NYU's interdisciplinary research centers, and author of the award-winning book, "The Sharing Economy" (MIT Press).

His scholarship has been recognized by numerous Best Paper awards, two Google Faculty awards, and a variety of other arants. Arun is a member of the World Economic Forum's Global Future Council on Technology, Values and Policy. He advises governments around the world about digital regulation and policy. He received his M.S. and Ph.D. degrees at the University of Rochester, and his B.Tech. from the Indian Institute of Technology, Madras.



Catherine Tucker

Sloan Distinguished Professor of Management, MIT

Catherine Tucker is the Sloan Distinguished Professor of Management and Professor of Marketing at MIT Sloan. She is also Chair of the MIT Sloan PhD Program.

Her research interests lie in how technology allows firms to use digital data to improve their operations and marketing, and in the challenges this poses for regulations designed to promote innovation.

She has received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for Emerging Marketing Scholar and Mentor, the Paul E. Green Award for contributions to the practice of Marketing Research and a Garfield Award for her work on electronic medical records.

She holds a PhD in economics from Stanford University, and a BA from the University of Oxford.





Hannes Ullrich

Coordinator of the Berlin Centre for Consumer Policies Research Associate in the Firms and Markets Department, DIW Berlin

Hannes Ullrich is Research Associate at the Firms and Market Department at the Deutsches Institut für Wirtschaftsforschung (DIW Berlin) and at the Department of Business Administration of the University of Zurich, and the coordinator of the Berlin Centre for Consumer Policies (BCCP).

He earned his undergraduate degree in Economics at the University of Mannheim and his PhD in Management and Economics at the University of Zurich in 2010. He was a visiting scholar at Aarhus University, the University

of Rochester, and the University of California, Berkeley, and previously employed at the Centre for European Economic Research (ZEW), Mannheim.

Hannes' research interests are in Applied Microeconomics, in particular Industrial Organization, Health Economics, and Personnel Economics. His current research focus is on the regulation of payment card fees, a platform market, and pharmaceutical prescribing under uncertainty using large-scale administrative data.



Gerhard Wagner

Professor of Law, Humboldt University Berlin

Prof. Dr. Gerhard Wagner has held the position of Professor of Civil Law, Economic Law, and Economics at Humboldt University since 2013.

He is president of the Private Law Teachers Association, member of the European Law Institute, and a corresponding member of North Rhine-Westphalian Academy of Sciences, Humanities and the Arts. In 2013, Wagner was awarded the Prize of the Academy of the Berlin-Brandenburg Academy of Sciences and Humanities. Since 2015, he has served as an External Academic Member of the Max Planck Institute for Comparative and International Private Law in Hamburg. Wagner studied in Göttingen and Munich. In 1989, he completed his PhD dissertation on the effects of public licenses on civil liability in Göttingen; in 1995, he received an LL.M. from the University of Chicago Law School. Since 1999, he served as professor at the University of Bonn. In 2003, he was a Visiting Fellow at the University College in London in 2003; and from 2010 onward, Visiting Professor of Law at the University of Chicago Law School.



SOURCES

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