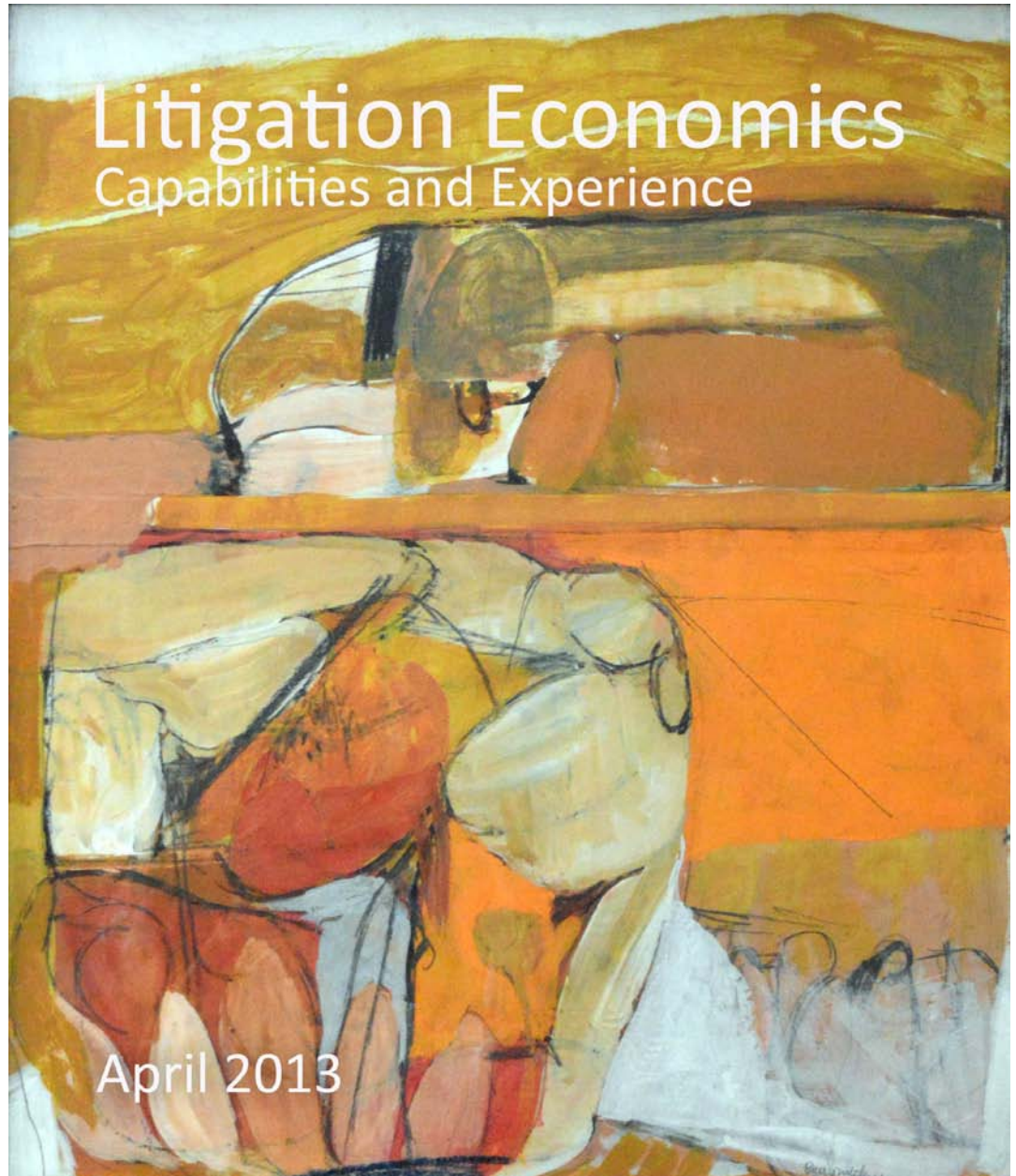




CASE ASSOCIATES

competition, litigation and regulation economics

[www.casecon.com](http://www.casecon.com)



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ECONOMICS 20



**CASE has an experienced litigation economics practice specialized in competition, regulatory and commercial litigation, and other disputes involving an economic aspect such as tax disputes and investment treaty obligations.**

CASE has been continuously rated since 2006 as one of *Global Competition Review's* "GCR Economics 20" leading competition economics consultancies worldwide.

Dr Cento Veljanovski (Managing Partner and Head of the Litigation Economics) is consistently ranked in the GCR's and Euromoney's annual peer reviews of the world's leading competition economists.

### **Well Established Practice**

We have supported litigation since the 1980s - *BBC v BSB* World Cup copyright infringement and *Camera Care* negligence actions in Europe; and the landmark *Telecom New Zealand v Clear* (1994) case. In the UK, Case economists have acted as expert witnesses in the first competition cases of their type - *Hendry v WPBSA* (2002) the first standalone action; *Deans/BCL* (2004) the first settled follow-on damage action, and the landmark *Crehan* (2003) and *Devenish* (2007) cases.

### **Covering Many Sectors**

We have given evidence on competition and economic issues in the transport, airlines, energy, water, telecommunications, satellite, credit/store cards, banking, property, postal, paint, intellectual property, sports, Internet, tax, air cargo, ports, packaging, insurance, pay TV and movies sectors/industries.

### **Quantifying Damages**

We specialise in quantifying damages and overcharges particularly in cartel and exclusionary abuse cases.

### **International Experience**

Our economists have appeared as expert witnesses in cases before the English High Court, Scottish Court of Sessions, Irish High Court, Federal Court of Australia, New Zealand High Court, Den Haag District Court, Finnish Higher Administrative Court, Hong Kong Telecommunications Appeal Board, UK Competition Appeal Tribunal and UK Tax Appeal Tribunal.

### **Hot Tub Experience**

We have participated in concurrent evidence (hot tub) procedure in Australia and New Zealand, which has now been introduced in the UK.

## **SOME RECENT ASSIGNMENTS**

Case has recently assisted in settlements or at trial in the following areas:

### **Cartel Actions**

We have provided economic evidence and damage quantification in cartel actions in European and the Asia Pacific regions. We have acted for alleged cartelists, damage claimants, or the prosecuting authorities in the LCD, Cardboard Box, Marine Hoses, Vitamins and Air Cargo cartels. We have also assisted in appeals against European Commission's fines before the European Court of First Instance.

### **Competition Actions**

We have been retained in standalone Articles 101 and 102 TFEU and similar national cases in the UK (sports and chemicals sectors); Ireland (telecoms); New Zealand (energy, airlines), Australia (credit cards, telecoms, pay TV, airlines); and Hong Kong (telecoms). These involved market definition, competitive assessments, empirical analysis and damages quantification. These included an AUD1 billion damage claim against Telstra where our assessment of future damages was instrumental in gaining a favourable settlement for our client.

### **Regulatory Appeals**

We have assisted telecommunications operators, energy companies, and credit card companies in the UK, Ireland, Netherlands, Finland, Hong Kong, Indonesia, Australia, and New Zealand in appeals and court actions against price controls, depreciation allowances, access terms and interconnection arrangements.

### **Commercial Disputes**

We have provided economic analysis, empirical analysis, and damage quantification in commercial disputes including negligence and contract cases. Recently we assisted a client suing for professional negligence, several major public corporations in dispute with their insurer over an escalation clause following a major natural disaster, banks in relation to unauthorised bank charges, a major fraud case, VAT prosecution, and others.

### **Arbitration**

Case economists have appeared as expert witnesses in arbitral proceedings between a European cable operator and the Hollywood film studios (2004); and for the Government of the Czech Republic in a damage claim by a frustrated foreign investor (2003).

## SELECTED CASES

*Fonterra v Amcor*, High Court, New Zealand, 2012-

*ACCC v. Air New Zealand*, Federal Court, Australia, 2012.

*SmarTone v. Telecommunications Authority*, Telecommunications Appeal Board, Hong Kong, 2012.

*Commerce Commission v. Cathay Pacific, Singapore, Thai, Korean, Air New Zealand, Malaysia, Japan & Emirates*, High Court, New Zealand, 2011.

*ACCC v. Singapore Airlines*, Federal Court, Australia, 2010 (advisory to ACCC).

*Todd Energy v. Shell and OVM*, High Court, New Zealand, 2010.

*BASE & Mobistar v. Belgacom Mobile*, Commercial Court, Brussels, 2009-2011.

*Moy Park v. Hoffman la Roche, Aventis*, High Court, England & Wales, 2009.

*PCCW v. Telecommunications Authority*, Telecommunications Appeal Board, Hong Kong, 2009.

*Seven Network v. News*, Full Federal Court, Australia, 2009.

*Devenish Nutrition v. Sanofi-Aventis*, High Court, England & Wales, 2007.

*Ineos Vinyls v. Huntsman Petrochemicals*, High Court, England & Wales, 2006.

*Barclays Bank v. Port of Rotterdam*, High Court, England & Wales, 2006.

*BCL v. Aventis, Hoffman-La Roche*, Competition Appeal Tribunal, 2004.

*Deans Foods v. Roche, Hoffman-La Roche & Aventis*, Competition Appeal Tribunal, 2004.

*KPN Telecom v. NL Tree & Easynet Group*, Den Haag District Court, Netherlands, 2006.

*MasterCard International & Visa v. Reserve Bank of Australia*, Federal Court, Australia, 2003.

*Crehan v. Intreprenur/Courage*, High Court, England & Wales, 2003.

*Sonera v. Finnish Competition Authority*, Supreme Administrative Court, Finland, 2003.

*Hendry v. World Professional Billiards & Snooker Association*, High Court, England & Wales, 2002.

*Optus v. Telstra*, Federal Court, Australia, 2001.

*Clear v. Telecom New Zealand* High Court, New Zealand, 1992.

# DR. CENTO VELJANOVSKI

**BEC (Hons), MEd, DPhil, ACI Arb**

Dr Veljanovski is Managing Partner of Case Associates, IEA Fellow in Law & Economics, Adjunct Senior Research Fellow, Centre for Regulation and Market Analysis (CRMA), University of South Australia. He is a well-known economist with over thirty-five years' experience as an adviser to companies on competition, regulatory and communications economics. He has been a director of several management and economics consulting firms, on the Board of listed public companies, a director of an economics research institute, and held a range of academic appointments in economics and law faculties in the UK, Australia and North America.



Cento has been continuously selected as one of the 'most highly regarded' competition economists globally by successive *Global Competition Review* peer reviews. He regularly acts as an expert witness in competition law, commercial and damage litigation. Cento has recently acted as expert witness in the English & Wales High Court, Scottish Court of Sessions, Irish High Court, Federal Court of Australia, New Zealand High Court, Den Haag District Court, Finnish Higher Administrative Court, Hong Kong Telecommunications' (competition Provisions) Appeals Board, UK Competition Appeal Tribunal, and the International Court of Arbitration. He has been an expert witness in landmark competition cases (*Clear v. Telecom, Crehan, Hendry, Devenish*) and follow-on damage claims against members of the 'international vitamins' cartel' (*Deans/BCL, Devenish, Moy Park, Grampian/Vion*). He has a wide experience of different industries including telecommunications, media (cable, TV, newspapers, music etc.), transport, energy, water, credit/store cards, property, banking, insurance, postal, paint, sport, Internet, tax packaging, electronics, and movies sectors/industries.

Cento has had a distinguished academic career. He was educated in Australia and the United Kingdom, holding several degrees in law and economics (BEC (Hons), MEd, DPhil.). After a short period at the Australian Federal Treasury he held a research fellowship at the Centre for Socio-Legal Studies, Oxford University. He was then appointed the first economist to a law school in the UK at University College London where he developed law and economics courses, and taught law (tort, contract, financial regulation). He then became Research & Editorial Director of the Institute of Economic Affairs (IEA), an influential economics think tank at the forefront of debate on economic and industrial policies in the UK and Europe. Cento has held academic posts at Monash University (Australia), York University (UK); Visiting Professorships at the Universities of Toronto, New York, and Miami; and adjunct positions with the Australian Law Reform Commission, Centre for Economic Policy Research (UK), and Centre for Policy Studies (Australia). He has written over 100 books and articles on industrial and competition law economics, law and economics, and regulation including *The Economics of Law* (IEA, 2006) and *Economic Principles of Law* (CUP, 2007). He is on the editorial board of the *UK Competition Law Reports* and the *Journal of Network Industries*. Cento is a member of the International Bar Association and an Associate Member of the Chartered Institute of Arbitrators.

## RESEARCH

Case has undertaken original research on litigation and related areas such as cartel prosecutions including:

[Quantifying Competition Law Damages](#), *forthcoming*.

[CAT Awards Triple Damages, Well not Really](#), *European Competition Law Review*, 2013.

[Third Party Litigation Funding in Europe](#), *Journal of Law, Economics & Policy*, 2012.

[Deterrence, Recidivism and European Cartel Fines](#), *Journal of Competition Law & Economics*, 2011.

[Cartel Fines in Europe - Law, practice and deterrence](#), *World Competition*, 2007.

[Penalties For Price-Fixers - An analysis of fines imposed on 39 cartels by the EU Commission](#), *European Competition Law Review*, 2006.

[Economics of Cartels](#), *Finnish Competition Yearbook 2006*.

Casenotes available at [www.casecon.com](http://www.casecon.com)

[Price Wars and Cartel Damages](#). *Casenote*, August 2013

[CAT Awards Triple Damages; well not really](#), *Casenote*, August 2012.

[Cartel Damage Pass-Through](#), *Casenote*, Sept. 2008.

[The New EU Penalty Notice](#), *Casenote*, July 2006.

[Deterring Price-fixers](#), *Casenote*, June 2006.

[Penalties for Price-fixers](#), *Casenote*, May 2006.

[Cartel Damages](#), *Casenote*, March 2005.

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General information on Case's services and experience is available at [www.casecon.com](http://www.casecon.com)