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## VIDEREFØRING AV UIBs OG FAKULTETETS FINANSIERING AV BECCLE

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### Bakgrunn

Universitetsstyret vedtok i sak 45/11 å opprette BECCLE (Bergen Center for Competition Law and Economics) for en 5-årsperiode fra 1. juli 2011, se vedlegg 1. Senteret er et samarbeid mellom Det samfunnsvitenskapelige fakultet, Institutt for økonomi, Det juridiske fakultet, og Norges Handelshøyskole (NHH), se en presentasjon av senteret på [hjemmesiden](#).

Senterets styre består av én representant fra dekanatet ved SV-fakultetet, én representant fra dekanatet ved Det juridiske fakultet og ett utpekt medlem fra NHH. Senteret holder til i lokaler på Det juridiske fakultet, finansiert av den særskilte driftsbevilgningen fra Universitetet i Bergen (UiB). Senteret administreres fra Institutt for økonomi. Senteret har en ledergruppe med representanter fra de deltakende institusjonene. Fra Det juridiske fakultet har Ronny Gjendemsjø og Ingrid M. H. Barlund vært medlem av ledergruppen siden mars 2022. Senteret har et nært samarbeid med Konkurransetilsynet, som tidligere også støttet senterets drift gjennom en årlig bevilgning. Denne finansielle støtten har senere falt bort.

Senteret er senere forlenget, jf. Universitetsstyresak 16/16 og 22/21, og alle gangene har det vært gjennomført en faglig evaluering innen utløpet av femårsperioden. Det juridiske fakultet vedtok i sak 82/20 å videreføre satsingen på BECCLE med inntil kr 150 000-200.000, årlig i perioden 2020-2024, se vedlegg 1.

### Den seneste evalueringen

Det foreligger en evalueringsrapport fra eksterne fagfeller (udatert, levert i desember 2024).. Som skriftlig grunnlag fikk den eksterne komiteen tilsendt egnevaluering fra ledergruppen i BECCLE, årsmeldingene fra BECCLE for perioden 2023 og 2024 (pr oktober 2024). Det ble også gjennomført et digitalt møte med ledergruppen, der ledergruppen presenterte senteret og dets aktiviteter, og der komiteen hadde anledning til å stille spørsmål.

Komiteen ga følgende evaluering:

“BECCLE's goal is to be a meeting place for faculty, including postdocs and PhDs, from UiB and NHH who conduct research within the centre's area of research, and to

facilitates research, conferences, and seminars to promote discussion and knowledge development in the fields of competition law and economics.

This Committee's assignment has been to evaluate to what extent BECCLE has succeeded in reaching these main objectives. In addition, the Committee has also assessed BECCLE's efforts to secure long term funding.

For the evaluation period, the Committee finds that the BECCLE management has been highly successful in reaching the objectives behind its operations.

First of all, the Committee is very impressed by the quality of research, in particular in economics.

The quantity of research is also at a very good level.

BECCLE brings together academic lawyers and economists interested in competition policy-related questions. The Committee concludes that BECCLE has undoubtedly fulfilled its goal to serve as a joint platform for researchers from UiB and NHH who conduct research in the area of competition law and economics during the period under review.

Also, the Committee finds that BECCLE has been very active in terms of conferences and organization of various seminars.

Moreover, the Committee notes that BECCLE has improved integration of the research environments at UiB and NHH. BECCLE has also succeeded in increasing its visibility on social media, but the

Committee notes that there still is room for improvement in its digital presence.

As regards funding, the Committee notes that the management of the Centre is very lean.

Regardless, BECCLE is still to a large degree dependent on various forms of basic support from parent institutions, and the current funding situations implies that some important activities might have to be scaled back. Considering that the results of the BECCLE activities are highly beneficial for the parent institutions, the Committee supports efforts to have a constructive dialogue to find models that secure BECCLE a more significant part of this added value. The Committee also encourages the management to explore possibilities related to external funding sources."

Styret for Beccle gjorde i sak 01/25 følgende vedtak:

"Styret registrerer at den eksterne evalueringskomiteen konkluderer med at «the BECCLE management has been highly successful in reaching the objectives behind its operations». På bakgrunn av dette ber styret ledelsen ved BECCLE om å oversende intern og ekstern evaluering til rektoratene ved UiB og NHH, med en anmodning om videreføring av BECCLE for en ny periode på fem år fra og med 1. 1. 2026. I følgebrevet bør hovedkonklusjonene i den eksterne evalueringen trekkes frem, og det bør i tråd med den eksterne evalueringen anmodes om at finansiering

videreføres på minst samme nivå samtidig som BECCLE aktivt søker eksterne midler i tråd med det som foreslås i intern og ekstern evaluering.”

### **Dekanen og fakultetsdirektørens kommentarer**

Det juridiske fakultet var en pådriver da BECCLE ble opprettet som en sentral satsing på UiB i 2011. Det nære samarbeidet med Konkurransetilsynet og tilsynets overflytting til Bergen var en sterk foranledning til at senteret ble opprettet. Samarbeidet har vist seg å være svært vellykket, og senteret har hatt høy aktivitet i perioden, se egenevalueringen i vedlegg 2. Muligheten for opprettelsen av senteret var også en viktig grunn til at fakultetet valgte å satse på EU/EØS, og konkurranserett i sin strategiplan for 2011-2015. Satsingen ble videreført i strategiplanen for 2016-2022. Strategien for den inneværende perioden for 2023-2030 har fått en annen innretning, men et engasjement i BECCLE vil fortsatt underbygge de målsettingene fakultetet har for sin forskning.

Kostnadene til senteret finansieres i hovedsak gjennom driftsmidler. Deltakerne i senteret er de forskerne som til enhver tid jobber innenfor fagfeltet ved de to fakultetene på UiB og ved NHH. Rekruttering til senteret skjer gjennom institusjonenes eventuelle øremerking til fagfeltene ved utlysning av stillinger. Det juridiske fakultet har tidligere finansiert en professor II stilling, og finansierer for tiden en universitetslektor II i et deltidsengasjement.

Styret ved BECCLE fremmer nå en ny søknad overfor universitetsstyret om ytterligere finansiering for en ny 5 års periode, se vedlegg 2 brev til rektorene ved UiB og NHH.

Finansiering av driften skjer for øvrig ved driftstilskudd fra de ulike enheten som er involvert i senteret. UiB blant annet dekker husleie. NHH har bevilget et årlig driftstilskudd, og Institutt for økonomi på UiB likeså.

Dersom Universitetsstyret vedtar å videreføre senteret, vil nok finansieringsmodellen for senteret bli gjennomgått på nytt. Dette i lys av den stramme økonomiske situasjonen blant de samarbeidende partene.

Sett i lys av resultatene som senteret har oppnådd i hele finansieringsperioden, ønske fra forskerne på fakultetet som i dag er knyttet til senteret, den rekruttering er oppnådd og dermed varige resultater for fakultetet, er dekan og direktør positiv til at fakultetet støtter satsingen videre. Som nevnt foran har fakultetet historisk bidratt til finansiering av senterets drift ved et årlig tilskudd på kr 150 000 finansiert over grunnbevilgningen. Forutsatt at den forhandles frem en finansiell løsning for senteret for hele den foreslåtte perioden, foreslår dekan og direktør at senteret støttes videreføres i fem nye år i størrelsesorden kr 150 000 til kr 200 000 hvert år. Det eksakte beløp for hvert år vedtas i forbindelse med den årlige budsjettbehandlingen. Vi kan imidlertid ikke se at det er grunnlag for at fakultetet øker støtten ut over dette.

På denne bakgrunn framsettes følgende

forslag til vedtak:

*Det juridiske fakultet er positive til å videreføre BECCLE. Om universitetsstyret vedtar å fortsette satsingen, vil fakultet støtte BECCLE med inntil kr 150 000-200.000 årlig i perioden 2026-2031.*

Karl Harald Søvig  
dekan

Øystein L. Iversen  
fakultetsdirektør

27.01.2025  
ØLI

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# BECCLE

## PROTOKOLL SAK 01 2025

### (SENDT PÅ SIRKULASJON)

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Sak sendt:	17 01 2025
Avsender:	Tommy S. Gabrielsen
Mottakere:	Kurt R. Brekke, Ragna Aarli, Malin Arve
På kopi:	Lars Sjørgard, Marianne Bø Larsen, Ronny Gjendemsjø. Ingrid M. H. Halvorsen, Bjørn O. Johansen

#### I. Saker

##### 01/25

##### VEDTAK:

Styret registrerer at den eksterne evalueringskomiteen konkluderer med at *«the BECCLE management has been highly successful in reaching the objectives behind its operations»*. På bakgrunn av dette ber styret ledelsen ved BECCLE om å oversende intern og ekstern evaluering til rektoratene ved UiB og NHH, med en anmodning om videreføring av BECCLE for en ny periode på fem år fra og med 1. 1. 2026. I følgebrevet bør hovedkonklusjonene i den eksterne evalueringen trekkes frem, og det bør i tråd med den eksterne evalueringen anmodes om at finansiering videreføres på minst samme nivå samtidig som BECCLE aktivt søker eksterne midler i tråd med det som foreslås i intern og ekstern evaluering.

Ragna Aarli

Malin Arve

Kurt Brekke

Tommy Staahl Gabrielsen

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## Videreføring av Bergen Center for Competition Law and Economics (BECCLE)

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Universitetsstyret vedtok i sak 45/11 å opprette Bergen Center for Competition Law and Economics, BECCLE, som et samarbeid mellom UiB og NHH. Senteret ble i styresak 16/16 videreført for perioden 2016 – 2020, og styresak 22/21 videreført for perioden 2021-2025, og det ble da også bestemt at det skulle gjennomføres en ny faglig evaluering innen utløpet av femårsperioden.

Saken ble behandlet i styret for BECCLE i møte 11. september 2024 (sak 02/24). Styret støttet forslag til prosess for evaluering av BECCLE. Ledelsen ved BECCLE tok kontakt med styrets ønskede evalueringskomite, og alle svarte ja til å ta på seg oppdraget. Evalueringskomiteen fikk tilsendt mandat for arbeidet og leverte sin rapport høsten 2024. Grunnlaget for evalueringen var BECCLEs egenevaluering, årsrapporter for 2023 og 2024, og komiteen gjennomførte også et digitalt møte med ledergruppen 23. oktober 2024.

Evalueringskomiteén la høsten 2024 fram sin rapport om senteret. Hovedkonklusjonen er at senteret har oppnådd gode faglige resultater innenfor de målsettinger som er satt.

### Forslag til vedtak:

Styret registrerer at den eksterne evalueringskomiteen konkluderer med at *'the BECCLE management has been highly successful in reaching the objectives behind its operations.'* På bakgrunn av dette ber styret ledelsen ved BECCLE om å oversende intern og ekstern evaluering til rektoratene ved UiB og NHH, med en anmodning om videreføring av BECCLE for en ny periode på fem år fra og med 1.1.2026. I følgebrevet bør hovedkonklusjonene i den eksterne evalueringen trekkes frem, og det bør i tråd den eksterne evalueringen anmodes om at finansiering videreføres på minst samme nivå samtidig som BECCLE aktivt søker eksterne midler i tråd med det som foreslås i intern og ekstern evaluering.'

Tommy Staahl Gabrielsen  
styreleder

Marianne Bø Larsen  
administrasjonssjef

Vedlegg:

- Rapport fra evalueringskomiteén
- Egenevaluering
- presentasjon til evalueringskomiteen

Date: September 26 2024

From: BECCLE (general management)

To: External evaluation committee of BECCLE

## **INTERNAL EVALUATION OF BECCLE – 2024**

### **Background and the goals**

For more than twenty years ago it was decided by the Parliament (Stortinget) that the Norwegian Competition Authority (the NCA) should move from Oslo to Bergen. The NCA has been in full operation in Bergen since 2006. At that time both the University of Bergen (UiB) and the Norwegian School of Economics (NHH) had many researchers working on competition policy, especially within economics. A working group consisting of members from both UiB, NHH and NCA submitted a report in October 2010 to the leadership at UiB and NHH, respectively. They proposed to establish Bergen Center for Competition Law and Economics (BECCLE). NHH and UiB supported the idea and asked the working group to specify more details about costs and financing. In September 2011 NHH and UiB decided to establish BECCLE as a center jointly owned by NHH and UiB for a five years' period.

The objective of this cooperation is to strengthen and further develop the expertise in competition law and economics. The centre's main activity is research within the fields of competition law and economics.

BECCLE will be a meeting place for faculty, including postdocs and PhDs, from UiB and NHH who conduct research within the fields mentioned above.

In cooperation with the Norwegian Competition Authority and other relevant stakeholders, the parties should continue the effort to secure long term external funding for the center.

To assess to what extent BECCLE had succeeded in contributing to these objectives, the Board of the University of Bergen and the Board for the Norwegian School of Economics has decided that the Center should be evaluated every fifth years of operations.

In September 2024, the BECCLE Board decided to appoint an evaluation committee ("the Committee") consisting of:

- Professor of economics Otto Toivanen, the Department of Economics, Aalto University
- Professor of law Anne Witt, EDHEC Business School
- Director External Relations Kjell Jostein Sunnevåg, the Norwegian Competition Authority

The Committee's assignment is to evaluate the center according to the objectives outlined above by the end of December 2024.

As documentation for the Committee, the BECCLE management will deliver a self-assessment report (internal evaluation) and its annual reports. In addition, the BECCLE management is available for a meeting with the Committee if the Committee so wishes, where the management presents the center's activities, and the Committee has the opportunity to ask questions.

Both in 2015 and in 2020 the evaluation consisted of an internal as well as an external evaluation. This third time we follow the same procedure. This document is the internal evaluation, done by the management of BECCLE (Lars Sjørgard, Bjørn Olav Johansen, Ingrid M. H. Barlund and Ronny Gjendemsjø).

Note that Covid-19 reduced the activity considerably for the years 2020 and 2021, and this was indeed a large challenge for BECCLE since a lot of the activity is based on physical meetings, seminars and conferences. Normally we publish an annual report each year, but because of Covid-19 we have no annual report neither for 2020 nor for 2021. The annual report for 2022 summarizes some of the activities also in 2020 and 2021. Enclosed you will therefore find only two annual reports this time, from 2022 and 2023. The annual report for 2024 is not yet ready, but we will in our internal evaluation refer to some of the activities this year as well.

To strengthen and develop the expertise in competition law and economics, and to succeed with research in this field, it is a need for a broad approach concerning activities. There is a need for an interplay with international researchers in this field, but also with various stakeholders such as competition agencies and private parties. Organizing seminars, conferences and taking part in the public debate are therefore activities that contribute in broad terms to the overall goal of BECCLE. There is also an interplay with teaching, since research can be triggered by relevant teaching and teaching should be research based. Finally, for recruitment it is of large importance to stimulate master and PhD students within this field. We will also discuss the funding of BECCLE, ref the goal to continue the effort to secure long term funding for the center

## Activities in the relevant time period

### (1) Research and recruitment

#### *Articles in journals*

If we consider both competition law and economics, we see that for the four years 2020-23 it was published in total 64 articles in scientific journals. This is more than for the five years 2015-2019. 49 of these articles are published in economics journals and remaining 24 in law journals. 21 of the articles are in level 2 journals in Norway, which demonstrates high quality of the submitted works. In addition, there are published 10 books or chapters in books, and 9 out of 10 of them are in law.

Here are some examples of publications:

- Dubois, Pierre, and Morten Sæthre. "On the effect of parallel trade on manufacturers' and retailers' profits in the pharmaceutical sector." *Econometrica* 88(6) (2020): 2503-2545.
- Friberg, R., F. Steen and S. A. Ulsaker, 'Hump-shaped cross-price effects and the extensive margin in cross-border shopping', *American Economic Journal: Microeconomics*, 14(2), 2022, 408-438.
- Cosnita-Langlais, Andreea, Bjørn Olav Johansen, and Lars Sjørgard. "Upward pricing pressure in two-sided markets: Incorporating rebalancing effects." *International Journal of Industrial Organization* 74 (2021): 102692.
- Gabrielsen, T. S., B. O. Johansen and O. R. Straume. "National pricing with local quality competition", *Journal of Economics & Management Strategy*, (2022), 1-27.
- Ingrid Margrethe Halvorsen Barlund, *Leniency in EU Competition Law*, Wolters Kluwer 2020 (ISBN:9789403517223).



- Ronny Gjendemsjø and Ignacio Herrera Anchustegui, “Regulating the food supply chain in Europe and the Unfair Trading Practices Directive”, *Revue Européenne de Droit de la Consommation*, (Vol 2020 (2), p. 165-188.

#### *PhD dissertations and candidates*

There are several PhD candidates affiliated with BECCLE, and the following defended their PhD in 2020 or later:

- Timothy Wyndham (2020): Essays on Industrial Organization, department of Economics, Norwegian School of Economics.
- Kristian Strømsnes (2020): Uten virkning, Faculty of Law, University of Bergen
- Håvard Mork Sandvik (2021): Exclusion and discrimination in vertical markets, Department of Economics, University of Bergen
- Andreas Jørgensen Tveito (2022): Price Coordination and Consumer Behavior, Department of Economics, University of Bergen
- Linda Midttun (2022): Offentlige anskaffelser – håndtering av avvikende og uklare tilbud’, Faculty of Law, University of Bergen
- Alina Ozhegova (2024): Essays in Industrial Organization of Spatially Differentiated Markets, department of Economics, Norwegian School of Economics.

One of these candidates (Tveito) was on leave from the Norwegian Competition Authority when he wrote his PhD, and the PhD was financed through ‘public sector PhD’ and thereby a cooperation between the Norwegian Competition Authority and the University of Bergen/BECCLE.

In addition, there are currently 6 PhD candidates affiliated with BECCLE:

- Emil Mathias Strøm Halseth, Department of Economics, Norwegian School of Economics
- Marte Dahl Reisæter, Faculty of Law, University of Bergen
- Paula Navarro Sarmiento, Department of Economics, Norwegian School of Economics
- John Sæten Lilletvedt, Department of Economics, University of Bergen
- Ole Kristian Dyskeland, Department of Business and Management Science, Norwegian School of Economics
- Joséphine Thorson, Faculty of Law, University of Bergen

The PhD candidates write the thesis in either law or economics, but since law and economics is so integrated in competition policy BECCLE constitutes a forum where they meet and learn from each other’s disciplines. One of the candidates in law (Thorson), is jointly supervised by a lawyer (Barlund) and an economist (Sørgard).

#### *Recruitment to home institutions*

Several of those persons that were affiliated with BECCLE as PhD candidates and/or post docs have in this time period qualified for a permanent position at their home institution:

- Ignacio Herrera Anchustegui, Professor of Law, Faculty of Law, University of Bergen
- Malgorzata Agnieszka Cyndecka, Associate Professor, Faculty of Law, University of Bergen
- Teis Lunde Lømo, Associate Professor, Department of Economics, University of Bergen
- Ingrid M. H. Barlund, Associate Professor, Faculty of Law, University of Bergen
- Morten Sæthre, Associate Professor, Department of Economics, Norwegian School of Economics

Note that Kristian Strømsnes and Linda Midttun are still employed by the Faculty of Law, University of Bergen as Postdoctoral Research Fellows.

### *Research projects*

Many of the researchers have received research grants from external sources. Since BECCLE is not formally organizing research projects, those projects have been administered through the home institutions research centers, such as SNF at NHH and NORCE at UiB. Here are some examples from recent years:

- 'Distributional effects of environmental policy: DEEP'. ERC Starting grant to Morten Sæthre at NHH from ERC (European research Council)
- 'Cartel Policy in Nordic Countries'. Project leader Lars Sørgard, and project members Ingrid Barlund and Joseph Harrington. Funded by the Norwegian Competition Authority.
- 'Strategic barriers to entry and expansion in grocery retailing'. Project leader Morten Sæthre and project member Alina Ozhegova. Funded by the Norwegian Competition Authority.
- 'Methods for detecting illegal cooperation and abuse of dominance applied to the pharmaceutical market'. Project leader Kurt Brekke, and project members Odd Rune Straume and Tor Helge Holmås. Funded by The Norwegian Competition Authority.
- 'Gjelder det et skjerpet beviskrav for utmålingsmomenter som inngår i fastsettelsen av administrative reaksjoner? Jf. Høyesteretts dom i Rt-2012-1556 (Brosaken) avsnittene 35 og 60'. Project leader Tore Lunde. Funded by The Norwegian Competition Authority.
- 'Between predation and bid rigging: Competition issues in procurement markets'. Ronny Gjendemsjø and Malin Arve. Funded by the Norwegian Competition Authority

### *Professor II*

There are several international researchers that have been affiliated with BECCLE. Typically, they are funded 50 % by BECCLE and 50 % by the home institutions (Department of Economics at UiB or NHH or Faculty of Law at UiB). They visit Bergen several times a year and have guest offices at their disposal both at BECCLE and the home institution. They have an important role in supervising PhD candidates, taking active part in the annual BECCLE Conference and other teaching obligations, conferences or seminars when they are visiting Bergen. Since 2020 we have had the following researchers in professor II positions at BECCLE:

- Professor Thibaud Verge, CREST in Paris and Department of Economics at University of Bergen (until 2023)
- Professor Greg Shaffer, University of Rochester and Department of Economics at Norwegian School of Economics (until 2023)
- Professor Joseph E. Harrington jr., Wharton School of University of Pennsylvania and Norwegian School of Economics (until 2023)
- Associate professor Özlem Bedre-Defolie, ESMT Berlin and Department of Economics at University of Bergen (until summer 2024)
- Professor Odd Rune Straume, University of Minho, Braga (until 2024)
- Professor Natalia Fabra, University Carlos III and Department of Economics, Norwegian School of Economics (since 2023)
- Professor Tommaso Valletti, Imperial College London and Department of Economics, Norwegian School of Economics (since 2023)
- Assistant Professor Thomas Vinje, chairman emeritus at Clifford Chance (since 2023)

Note that Professor of Law, Lars Henriksson, from the Stockholm School of Economics is in the process of becoming a Professor II at BECCLE.

## **(2) Teaching and supervision**

### *Teaching*

It has for many years been several courses at NHH and UiB that cover topics such as competition economics and competition law. This has been the case also in recent years. At Norwegian School of Economics there are courses in industrial organization both at bachelor - and master levels. At master level the course Konkurranserett (Competition Law) is taught by an economist (Sørgard at NHH) and a lawyer (Hjelmeng at University of Oslo and NHH). In three of the master courses at NHH (Konkurransestrategi, Competitive Strategy and Konkurranserett) Thomas Vinje has been a guest lecture on the issue of abuse of dominance in digital markets, illustrating how a person affiliated with BECCLE through Faculty of Law at UiB has been involved in teaching at NHH.

There are also several relevant courses at University of Bergen. Department of Economics are offering courses on Industrial Organization at both bachelor - and master levels, both focusing on competition policy; 'Industrial Organisation and Competition Policy' on bachelor level and 'Strategic Firm Behaviour and Market Power' on the master level. At the Faculty of Law the course Competition Law is offered at both bachelor - and master levels.

In addition, there have also been offered doctoral courses. Unfortunately, courses in 2020 and 2021 were cancelled due to Covid-19 (for example a planned course by Shaffer and Özlem-Bedre, both with a Professor II position at BECCLE). In 2024 there were held two courses related to competition economics:

- 'Firms, Markets and Economics' by Chad Syverson, University of Chicago
- 'Energy Market design' by Natalia Fabra, Carlos III University of Madrid and BECCLE

An agreement between the Department of Economics at UiB and NHH makes it possible for master students to take courses at both institutions, for example 'Konkurranserett' at NHH.

There is the possibility for even more cooperation between lawyers and economists concerning teaching. However, that would only be possible if we scale down the present teaching in competition law and economics. This could be problematic, given the fair number of students on the existing courses.

### *Supervision and grants*

BECCLE has actively promoted competition policy as a topic for master theses, both at UiB and NHH. To do so, we have awarded a master's grant prize to those that write within these topics and that receives a good grade (either A or B). In the years 2020-23 there were 28 master theses that received grants, and they are all listed on the BECCLE home page. 10 of these are on competition law, illustrating that both competition law and competition economics is well covered amongst the master theses.

The system with grants for students writing on competition policy has been important for recruitment. We see that many of those that continue with a doctoral degree have received such a grant, and a large amount of those writing their master thesis in this area has been hired by the Norwegian Competition Authority or continued to pursue a career within competition law or economics in private consultancy firms or law firms.

### **(3) Conferences, seminars and debates**

An important mission for BECCLE from the start was to stimulate debates on competition policy in Norway as well as to take part in the international debates. We have done that in various ways.

#### *Annual BECCLE conference*

The first BECCLE Conference was held in 2015. It has been held every year since, except for 2020 and 2021 due to Covid-19. The conference covers both competition policy issues within economics and law. It combines keynote lectures with invited sessions on specific topics, as well as contributed sessions with presentation of scientific papers. The contributed papers are selected among submitted papers. Each year there have been 2-3 keynote lectures, 2-4 invited sessions, and 25-30 presentations of contributed papers. Every year we have had a substantially larger number of submissions than available slots for contributed papers. This has led to a high quality of the papers presented at the conference each year.

Each year we have invited well known international researchers to give keynote speeches. For the years 2022-24 the keynote speakers were Volker Nocke, Massimo Motta, Natalia Fabra and Frank Verboven on competition economics and Pinar Akman, Heike Schweitzer and Thibault Schrepel on competition law. For the 2025 BECCLE Conference we have already booked Fiona Scott Morton (economist) and Herbert Hovenkamp (law) as the keynote speakers. For the invited session we have covered topical issues, as for example the future of Article 102, merger policy, competition policy and the labor market, competition policy and sustainability, and legal standards in antitrust enforcement.

The BECCLE conference has become an internationally highly ranked conference amongst academics and practitioners working with competition law – and economics. Not only does it attract people working in important positions in Norway and in the Nordic countries (such as executive staff working in the NCAs), but also academics and practitioners working throughout Europe (for example in the European Commission and at the European University Institute). The conference also attracts academics and practitioners from the US.

#### *External Seminars*

BECCLE also arrange seminars, both directed at a national audience as well as an international audience. Due to Covid-19 there were no seminars in 2020 and 2021. In 2022-23 there were in total 15 seminars. Some were targeted towards the ongoing competition policy debate in Norway, such as:

- Should input prices in the grocery sector be regulated?
- Is the merger control [in Norway] too strict?
- Market investigation tool in Norway?

The seminars are typically held physically at the Faculty of Law, in addition to being streamed. The audience varies from 10 to 40-50, and in addition a substantial number of people attend digitally.

BECCLE has also organized longer hybrid seminars (for a half a day or more) covering more broad topics, and allowing for more in-depth discussions:

- From bid rigging to zero pricing
- Cartel policy in the Nordic countries
- Towards a more active administrative enforcement of competition law?

In addition, BECCLE was a co-host for the bi-annual conference in industrial organization between University of Berkeley and NHH/UiB on a Peder Sather workshop. It was held at June 8-9 at NHH.

#### *Internal seminars*

Last fall we started to have internal seminars on Thursdays. The idea was to have an informal lunch some of the days when both lawyers and economists are present. We then invite people to talk very informally about a topic, for example we have had talks about labour market and merger control, the mandate for the committee revising the competition law and the guidelines for vertical restraints. It is also an offer to our junior researchers to raise issues they are currently working on in a friendly environment. This promotes a further integration between lawyers and economists that are affiliated with BECCLE, since it leads to a physical meeting place where you meet up with colleagues in an informal setting.

#### *Public debate*

Several of the members of BECCLE have been involved in the public debate through appointments to public committees that have submitted white papers (NOU – Norges Offentlige Utredning) to a ministry. Recently it was appointed a public committee that will revise the Norwegian Competition Act, and three of the members are employed by the Norwegian School of Economics or the Faculty of Law at University of Bergen (Ingrid E. H. Barlund UiB, Malgorzata Cyndecka UiB and Linda Orvedal NHH). This illustrates the important role of Bergen and BECCLE in the Norwegian debate on competition policy.

Finally, four of the members of BECCLE are appointed members of The Competition Appeal Tribunal (Konkurranseskjennemnd): Tore Lunde and Ronny Gjendemsjø at the Faculty of Law, University of Bergen, Teis Lunde Lømo at Department of Economics , University of Bergen and Frode Steen at Department of Economics at Norwegian School of Economics.

### **(4) Organization and funding**

BECCLE has from the start had a physical meeting place at the University of Bergen. First years BECCLE had offices in Parkveien, but after 2013 the physical meeting place has been at the Faculty of Law at the University of Bergen (Juss II building). This means that the meeting place is fully integrated with the lawyers at the Faculty of Law working on competition law. In 2023 it was a relocation in Juss II, which meant that BECCLE's meeting place is not only integrated with the BECCLE people at the Faculty of Law, but also with lawyers affiliated to the Centre on the Europeanisation of Norwegian law (CENTENOL). This is a center working on different legal areas under the umbrella of EU - and EEA law, and many of them work in areas that are close to what is of interest to BECCLE. The economists from both the Department of Economics at University of Bergen and from the Norwegian School of Economics have their office spaces at BECCLE 1-2 days a week. The rest of the week the economists are sitting at their home institutions, but the BECCLE offices are at the disposal notably for junior researchers affiliated to BECCLE the entire week.

Although BECCLE is independent from the Norwegian Competition Authority, we have close relations with them. As mentioned above, one person was on leave from NCA and then wrote his PhD at the University of Bergen in competition economics (empirical study of the petrol market). In 2022 the ICN (International Competition Network) had its annual workshop for chief economists in Bergen, back-to-back with the BECCLE conference. Lars Sørsgard from BECCLE was one of the keynote speakers at the ICN workshop, and by having this workshop back-to-

back with the BECCLE Conference more people attended both the workshop (the open part of it) and the BECCLE Conference.

It is a challenge that the physical meeting place is at University of Bergen and not the Norwegian School of Economics. To mitigate this challenge, the BECCLE Conference is typically every second year at NHH (both in 2022 and 2024), and some of the seminars are physically located at NHH.

The general management has since March 2022 consisted of four persons: Lars Sørsgard from the Department of Economics at the NHH (leader), Ingrid E. H. Barlund and Ronny Gjendemsjø from the Faculty of Law at the University of Bergen, and Bjørn Olav Johansen from the Department of Economics at the University of Bergen. They have regular meetings where they plan for seminars and other activities each semester.

The BECCLE Conference has been organized with a scientific committee consisting of professor IIs and some BECCLE members, and a local committee that organizes all the practical matters. In the local committees we have PhD students from both the Norwegian School of Economics and the University working on competition law and economics. This has turned out to be a valuable meeting place for PhD students across these two institutions.

The financing of BECCLE started out with a grant from the Ministry of Fisheries and Industry in 2011. After that BECCLE has received annual general grants from both the University of Bergen and the Norwegian School of Economics. In addition, BECCLE has received funding for the BECCLE Conference both from the University of Bergen, the Norwegian School of Economics and SNF (the research center fund). In many years BECCLE also had some support from a research fund at the Norwegian Competition Authority, but after the fund was reorganized they no longer give grants to such activities.

So far BECCLE has had a satisfactory financial situation. The budget is at a rather low level, since all wages (except for professor IIs) are paid by the home institutions and there is no direct payment by BECCLE for the offices used at the Faculty of Law. Low activity during Covid-19 led to a surplus, but after the reopening in 2022 we see that we have to scale down the activity somewhat unless we receive some additional funding. The reason is that we no longer get any annual support from the research fund at the Norwegian Competition Authority, since they no longer give any general support to infrastructure. In Figure 1 we have shown revenues and costs in 2023, and compared that with a steady state where we have a small surplus.

	Revenue	Cost		
U of Bergen centrally	137 000			
U of Bergen social science fac	137 000			
NHH centrally	200 000			
U of Bergen Faculty of Law	150 000			
SNF support conference	50 000			
NHH support conference	50 000			
Fac. Of Law support conference	50 000			
		Steady State	2023	Change to steady state:
Professor II		200000	377 000	Only two professor II positions
Master grants		170000	230 000	Reduced with 60000
Support to guests			0	
General support		60000	82 602	Reduced with 22000
Equipment and IT		30000	153 558	Reduced due to investments 2023
Travelling		20000	21 114	
BECCLE Conference		250000	254 293	
seminar		40000	38 341	
TOTALLY	774 000	770000	1158930	
SURPLUS STEADY STATE		4 000	-384 930	
Balance 1.1.24	486810			

Figure 1: Revenues and costs 2023 versus steady state

To balance revenue and costs in steady state with the existing annual revenues, we need to have lower costs than in 2023. There were some extraordinary costs in 2023 (among other things IT investments). In addition, we plan for fewer professor II positions, and to be more selective with the grants to master students. If we succeed with additional funding (see below) then we can consider to reverse the reduction in activity that is reported in Figure 1.

## **Are the goals achieved?**

The goals of BECCLE can be summarized as follows (from the mandate to the external evaluation committee):

- Strengthen and further develop the expertise in competition law and economics.
- The centre's main activity is research within the fields of competition law and economics.
- BECCLE will be a meeting place for faculty, including postdocs and PhDs, from UiB and NHH who conduct research within the fields mentioned above.

Finally, in cooperation with the Norwegian Competition Authority and other relevant stakeholders, the parties should continue the effort to secure long term funding for the center.

Based on the annual reports as well as what is reported above, the activity at BECCLE has been high. We see that publications are at the same level as previously, and members of BECCLE have been active in the public debate. One illustration of this is that three of the members in the public committee that will revise the competition law is from the University of Bergen or the Norwegian School of Economics. We also want to highlight BECCLE's contribution to recruitment in both competition economics and law. Several of the persons that were part of BECCLE already in their early career are now in permanent positions at the home institutions. For the first time there are three PhD candidates working on competition law (and a fourth candidate now applying). Our Professor II positions have also been important, since we through the split with the home institutions contribute to the building of competence in competition law and economics both at BECCLE and the respective home institutions. In our view, BECCLE has to a large degree achieved this goal.

Although Covid-19 dampened the activity quite considerably in 2020 and 2021, we see that the activity quickly picked up again after Covid-19. The annual BECCLE Conference has upheld its position as a well-respected meeting place for international researchers that works on competition law and economics, and it has also attracted more people than before working in the NCA in Norway as well as other NCAs in Europe.

There are still many students that write a master thesis within this field. It has been important for recruitment, since some of them continue on a PhD and after some time a permanent position at our home institutions, and many of them start working at the Norwegian Competition Authority.

In addition to the annual BECCLE Conference, BECCLE has continued with organizing seminars on specific topics and half day workshops on broader topics. We have the last two years had workshops back-to-back with the BECCLE Conference (ICN workshop in 2023 and cartel conference in 2024) and we see that this had a positive impact on the number of people attending the BECCLE Conference. We therefore plan to have a back-to-back conference right before BECCLE also in 2025, this time the yearly Nordic Academic Competition Law Network

Conference. The internal seminar one day a week has become an important meeting place where we give the chance for all the people affiliated with BECCLE to be present.

All in all, after Covid-19 the activity picked up again and it has been high and on some areas we have expanded compared to earlier.

## **Potential for improvements**

We have concluded that BECCLE, in our view, has reached its goals also in the last period it has been in operation. But, as always, there is scope for improvement. Let us mention those areas we find most important to focus on.

Firstly, the external funding can be improved. BECCLE is a low-cost organization that builds on the resources of the home institutions at the University of Bergen and the Norwegian School of Economics. This model is based on the idea that BECCLE can generate large synergies by joining forces across the institutions and promote various activities and various building of competences that also favors the home institutions.

The home institutions have asked us to find alternative external funding. This is something BECCLE is continuously working on, and researchers at BECCLE are inter alia planning to send an application for funding to the Norwegian Research Council in March 2025.

As explained above, however, we are involved in several research projects already. Important to bear in mind is that it is not possible to locate these projects to BECCLE based on our staff capacity today. Instead, it is important for BECCLE to have the home institution's research centers as the location of these types of projects. To improve our funding somewhat, we suggest that BECCLE should receive a cutoff of these fundings since it is generated by researchers at BECCLE. By doing so we could expand our annual funding.

Additionally, there are some basic activities at BECCLE that are important to maintain and that are not necessarily directly the result of research projects. In our view, the present funding from UiB and NHH has generated much value for a limited amount of money. Therefore, it is crucial for BECCLE to continue receiving basic funding from UiB and NHH at the same level as today. Secondly, the potential for direct collaboration between competition lawyers and competition economists can be improved. Compared to earlier time periods, there are fewer articles written jointly by lawyers and economists. We believe that the physical meeting place at BECCLE is crucial for the startup of such work. Covid-19 led to no physical meetings, and this could for a while explain the lack of joint work. Now it is picking up, we have several ongoing works in progress where a lawyer and an economist are writing together. We will try to stimulate such collaborations further, and a key to that is to stimulate joint physical activities such as the internal seminar. In addition, we will encourage both younger and more experienced competition economists to spend more time at BECCLE and thereby strengthen it as a physical meeting place further.

Thirdly, we can be more targeted concerning the grants given to master students. As explained above, it is important with master students for succeeding with recruitment. But given the tight budget in the future, we must prioritize and be more selective and reduce the number of grants. Then we can make sure that we target the most talented master students in competition law and economics, still recruiting the best candidates as we have done in the past, and at the same time limit the total amount paid on this type of grants.



## **Overall assessment**

As shown in this report, the activity dropped for natural reasons due to Covid-19 but then picked up again and came back to the level before Covid-19. BECCLE is a center that generates a lot of activities compared to the rather limited budget. In our view, BECCLE generated much for a limited amount of money this last period. The quantity and quality of research is high also in this period.

BECCLE has clearly contributed to secure that Bergen is the main hub in the Nordic countries for competition policy, with many active researchers, which in our view undoubtedly demonstrates the need for the continuation of BECCLE.

# BECCLE

NHH



UNIVERSITY OF BERGEN



Presentation for the external evaluation committee  
October 30 2024

# Today's topic

1. General presentation of BECCLE and its activities (in the evaluation period)
  2. A presentation of main points in the BECCLE internal self-assessment
  3. Steps taken by BECCLE in relation to suggestions in last external assessment
  4. Q&A
- We discuss jointly point 1 and 2, then discuss point 3

# Background

- Established in 2011
  - Strong Industrial Organization group in Bergen since 90s
  - Norwegian Competition Authority moved to Bergen in 2006
  - Jointly owned by University of Bergen and Norwegian School of Economics
- The following initial objectives:
  - Strengthen competition law and economics for well guided competition policy in Norway
  - Joint platform for discussion, interaction and recruitment
  - Gather national expertise which is independent
  - Framework for business that supports growth and employment
- Reformulated objectives in last period
  - Strengthen and develop expertise in competition law and economics
  - Main activity is research within the mentioned fields
  - A meeting place for faculty, including postdocs and PhDs

# Who are we

## General Management



Lars Sørsgard

Professor and Director of BECCLE

Department of Economics, NHH, and  
BECCLE



Ingrid Margrethe Halvorsen  
Barlund

Associate Professor

Faculty of Law, UoB, and BECCLE



Ronny Gjendemsjø

Professor

Faculty of Law, UoB, and BECCLE



Bjørn Olav Johansen

Associate Professor

Department of Economics, UoB, and  
BECCLE



- General Management have regular meetings to plan the activities
- BECCLE has a board with members from UoB and NHH, and they meet twice a year (leader: Professor Tommy S. Gabrielsen, Dept of Ecs at UoB)

# BECCLE and its activities

- Meeting places
  - Physical meeting place at Faculty of Law
  - (External and internal) seminars and conferences
- Research
  - Competition lawyers and competition economists
  - Joint research projects
- Competition policy
  - Seminars where academics meet agencies and private parties
  - Teaching and speeches
  - Public debate

# Meeting places

- Internal meeting place at Faculty of Law
  - Lawyers there every day, economists at least one day a week
- Example I – lunch seminars
  - Internal lunch seminars, with lawyers and economists
    - Economists and lawyers
    - Ongoing research, as well as policy debates
- Example II – PhDs
  - PhDs at UoB and NHH, both economists and lawyers, meet at BECCLEs premises
  - Local Organising Committee for BECCLE conference



# Meeting places cont.

- External meeting place – seminars
  - Example I: Research seminars
    - Tomaso Duso on merger control held at NHH
    - Tommaso Valletti on net book agreement in Italy held at NHH
  - Example II: Regular policy seminars
    - Input price discrimination on groceries (UoB)
    - Market investigation tool in Norway? (UoB)
    - The information exchange decision in the book market (UoB)
  - Example III: Half day policy seminars
    - From bid rigging to zero pricing (NHH)
    - Towards a stronger administrative enforcement? (UoB)



# Meeting places cont.

- External meeting place – conferences
  - Example I: Annual BECCLE Conference
    - Keynotes, invited and contributed sessions each year
    - Next year H. Hovenkamp and F. Scott Morton as keynotes
    - Back-to-back conferences
      - In 2023: ICN chief economist conference
      - In 2024 cartel policy in Nordic countries
      - Next year Nordic Academic Competition Law Network Conference
    - Every second year at NHH and UoB
  - Example II: Other conferences
    - Peder Sather conference on Industrial Organization (IO people at Berkeley and in Bergen) in June 2023 at NHH
- External meeting places – international network
  - Member of CLEEN (Comp. Law and Economics European Network)
  - Two presentations on CLEEN at Tilburg University in October 2024
  - Next year BECCLE will host their annual meeting

# Research

- Some research projects – Funded by ministry/NCA
  - Some examples:
    - ‘Between predation and bid rigging: Competition issues in procurement markets’. Ronny Gjendemsjø and Malin Arve.
      - Joint publications, for example: ‘The value of screening tools in cartel cases’, *European Competition Journal*, forthcoming
    - ‘Gjelder det et skjerpet beviskrav for utmålingsmomenter som inngår i fastsettelsen av administrative reaksjoner? Jf. Høyesteretts dom i Rt-2012-1556 (Brosaken) avsnittene 35 og 60’. Project leader Tore Lunde.
    - ‘Cartel Policy in Nordic Countries’. Project leader Lars Sørgard, and project members Ingrid Barlund and Joseph Harrington. (ongoing)
      - Joint publication in progress: ‘Public Enforcement of cartels in Nordic Countries’
    - ‘Methods for detecting illegal cooperation and abuse of dominance applied to the pharmaceutical market’. Project leader Kurt Brekke, and project members Odd Rune Straume and Tor Helge Holmås. (Ongoing)
    - ‘Strategic barriers to entry and expansion in grocery retailing’. Project leader Morten Sæthre and project member Alina Ozhegova. (Ongoing)

# Research cont.

- Other examples of project applications
  - ‘Distributional effects of environmental policy: DEEP’. ERC Starting grant to Morten Sæthre at NHH from ERC (European research Council)
  - ‘The law and economics of discrimination and business’, submitted to Norwegian Research Council, 2022, not accepted.
  - ‘Antitrust and environmental concerns in farmed salmon industry’, Ronny Gjendemsjø, Lars Sørgard and others, Norwegian Research Council 2024, not accepted.
  - Network support to Competition Law and Public Procurement from Norwegian Research Council in 2023
    - Follow up application will be submitted in March 2025 to Norwegian Research Council
- Example of organic cooperation
  - External seminar on labour market and merger control October 3 2024 with Ronny Gjendemsjø and Lars Sørgard
  - A trigger for a joint article in English, which is work in progress

# Research output – examples

- Dubois, Pierre, and Morten Sæthre. “On the effect of parallel trade on manufacturers’ and retailers’ profits in the pharmaceutical sector.” *Econometrica* 88(6) (2020): 2503– 2545.
- Friberg, R., F. Steen and S. A. Ulsaker, ‘Hump-shaped cross-price effects and the extensive margin in cross-border shopping’, *American Economic Journal: Microeconomics*, 14(2), 2022, 408–438.
- Cosnita-Langlais, Andreea, Bjørn Olav Johansen, and Lars Sörgard. “Upward pricing pressure in two-sided markets: Incorporating rebalancing effects.” *International Journal of Industrial Organization* 74 (2021): 102692.
- Gabrielsen, T. S., B. O. Johansen and O. R. Straume. “National pricing with local quality competition”, *Journal of Economics & Management Strategy*, (2022), 1–27.
- Ingrid Margrethe Halvorsen Barlund, Leniency in EU Competition Law, Wolters Kluwer 2020.
- Erling Hjelmeng and Jørn Jacobsen: ‘Skyldkravet i konkurranseretten – mot et objektivt ansvar for systemsvikt?’, *Tidsskrift for Rettsvitenskap* 134 (1), 2021.
- Ronny Gjendemsjø: ‘Skyldkravet i konkurranseretten: Hva skal forsettet dekke?’ *Tidsskrift for forretningsjuss*, 27(2), 2021.
- Ronny Gjendemsjø (2024): Sustainability agreements and Article 101(3) TFEU, in L. Hancher and I. Anchustegui (ed.): *Research Handbook on EU Competition Law and the Energy Transition*, Edward Elgar, 2024.
- Josephine Thorson (2024): ‘Balance of harms’ after CK Telecoms’, *Journal of European Competition Law & Practice*, 2024, 1–7.
- Bjørn Olav Johansen, Tommy S. Gabrielsen and Odd Rune Straume (2024), ‘Merger Control in markets with National Pricing’, *Journal of Law and Economics*, forthcoming.
- Eeva Mäuring (2024): ‘Search and Price Discrimination Online’, *Journal of Political Economy Microeconomics*, forthcoming.

# Recruitment I – PhD

## Finished

- Timothy Wyndham, NHH
- Kristian Strømsnes, UoB (Law)
- Håvard M. Sandvik, UoB (Economics)
- Andreas J. Tveito, UoB/NCA (Economics )
- Linda Midttun, UoB (Law)
- Alina Ozhegova, NHH

## Candidates

- Emil Halseth, NHH
- Marte D. Reisæter, UoB (Law)
- Paula Navarro, NHH
- John. S. Lilletvedt, UoB (Economics)
- Ole K. Dyskeland, NHH
- Josèphine Thorson, UoB (Law)
- Øyvind E. Villanger, UoB (Law)
- Karianne Frønsdal, NHH
- Bengisu Bas, NHH

# Recruitment II – permanent positions

- At our home institutions
  - Ignacio Herrera Anchustegui, Professor of Law, Faculty of Law, University of Bergen
    - Our first PhD in competition law (on buyer power), started in 2013
  - Malgorzata Agnieszka Cyndecka, Associate Professor, Faculty of Law, University of Bergen
  - Teis Lunde Lømo, Associate Professor, Department of Economics, University of Bergen
  - Ingrid M. H. Barlund, Associate Professor, Faculty of Law, University of Bergen
  - Morten Sæthre, Associate Professor, Department of Economics, Norwegian School of Economics
  - Simen Ulsaker, Associate Professor II at NHH (now Ass. Prof. at OsloMet)
- At competition authorities and private practice
  - Many of our master candidates working with competition law and economics

# Professor IIs

- Jointly at BECCLE and at the home institution in Bergen
  - Supervising PhD candidates
  - Some of them **joint work** with BECCLE researchers
  - Taking part in BECCLE Conference, seminars and other activities
- Since 2020
  - Expired
    - Thibaud Verge (Ecs UoB)
    - Greg Shaffer (Ecs NHH)
    - Joe Harrington (Ecs NHH)
    - Özlem Bedre-Defolie (Ecs UoB)
    - Odd Rune Straume (Ecs UoB)
  - Present
    - Natalia Fabra (Ecs NHH)
    - Tommaso Valletti (Ecs NHH)
    - Thomas Vinje (Law UoB)
- Planned for 2025
  - Tommaso Valletti renewed
  - Thomas Vinje renewed
  - Lars Henriksson (Law UoB) in the process of being hired
- If less financial constraints, will consider additional hirings

# Teaching and supervision

- Several courses, both NHH and UoB
  - At bachelor, master and PhD levels
    - Ex. 1: ‘Strategic firm behaviour and market power’ on master level given by dept of economics at UoB
    - Ex. 2: ‘Competition law’ a master level given by Faculty of Law at UoB
    - Ex. 3: Master course ‘Konkurranserett’ at NHH given by an economist and a lawyer
    - Ex. 4: PhD course ‘Electricity Market Design’ by Natalia Fabra in October 2024
- Stimulating master thesis in competition law and economics
  - 28 master thesis that received grants in the period 2020-23, in which 10 in competition law
  - Several of them either continues on PhD, or hired by the Norwegian Competition Authority
  - Several also recruited to law firms



# Public debate and policy work

- Many BECCLE affiliates member of public committees, such as NOUs (white papers submitted to a ministry)
  - Ex.: Public committee to revise the competition law recently appointed
    - Ingrid Barlund (UoB), Malgorzata Cyndecka (UoB) and Linda Orvedal (NHH) as members
- BECCLE affiliates are appointed members of The Competition Appeal Tribunal (Konkurransesklagenemnda)
  - Tore Lunde, Faculty of Law at UoB
  - Ronny Gjendemsjø, Faculty of Law at UoB
  - Teis Lunde Lømo, Department of Economics at UoB
  - Frode Steen, Department of Economics at NHH
  - Linda Orvedal, Department of Economics at NHH (until 2021)

# Funding

- Started out with a grant from the ministry
- After that annual grants from
  - University of Bergen, both centrally and Faculty of Law and Faculty of Social Sciences
  - Norwegian School of Economics
  - In addition, special support to the BECCLE Conference
    - From NHH, UoB and SNF (research centre at NHH)
  - Had network support from the Ministry/Norwegian Competition Authority, but no longer after the funding was reorganized
- Low activity during covid-19, so a surplus 2020-21
  - A balance of almost half a million
- But since loss of network support, after covid-19 annual deficit 2022-23
- Have to scale down some activities to balance the budget
  - For the moment fewer professor IIs
  - More restrictive with grants for master thesis

# Funding cont.

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TOTALLY	774 000	770000	1158930				
SURPLUS STEADY STATE		4 000	-384 930				
Balance 1.1.24	486810						

*Figure 1: Revenues and costs 2023 versus steady state*

- In 2024 we will have a small deficit

# Strengths and weaknesses

## Strengths

- Long run recruitment
  - Several in permanent positions in competition law and economics
  - Three PhD candidates in law, and six in economics
  - Many master theses, recruitment to agencies and private practice
- Publishing in well respected journals/books
- Network with professor IIs
- BECCLE Conference further developed
  - Back-to-back with others
  - More policy invited sessions
- Meeting places developed
  - Seminars/conferences both at NHH and UoB
  - Internal lunch seminars
- Takes part in public debate
  - 3 members of competition law committee
  - Topical policy issues on seminars

## Potential for improvement

- Can improve the funding
  - Steady state funding now lower than satisfactory
  - BECCLE will try to receive a cut of research grants from SNF etc
- More joint work
  - Hit by Covid-19, but now examples of new initiatives
- Better connection with NHH
  - Internal lunch seminars sometimes at NHH
- Professor II in law
  - In the process of hiring a new professor II (L. Henriksson)
- More targeted grants
  - More selective in master thesis receiving grants

# Internal self-assessment – overall

- Covid-19 hit BECCLE hard, so low activity in 2020-21 (and beginning of 2022)
- But picked up again during 2022
  - Meeting places
  - Research output
  - Seminars and conferences
  - Recruitment and supervision
  - Public debate
- Has achieved the objective, when looking at the total picture:
  - *Strengthen and further develop the expertise in competition law and economics*
- A good return to owners given the limited budget

# Suggestions in last external report

- *More strategic management to achieve goals*
  - Regular meetings in general management
    - Seminar program for next semester
    - See what works well, and adjustments
    - Ex.: Improve meeting places, especially for juniors
      - Internal lunch seminar to strengthen the meeting place
      - Involve juniors in activities, such as BECCLE Conference
- *More visibility at NHH and involvement*
  - BECCLE meeting place at Faculty of Law is well functioning, space limitations at NHH
  - Several seminars, and BECCLE Conference every second year, at NHH
  - Targeted young people to come to BECCLE meeting place, such as PhDs, post doc and Tenure Track (see the internal lunch seminar series)
  - Involve PhDs and others from NHH in BECCLE Conference work
- *Better communication of achievements, for example in annual report*
  - Active on for example LinkedIn, have Newsletter, can improve web page
  - But resource constraints (no dedicated communication staff)

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# Evaluation of the Bergen Center for Competition Law & Economics (BECCLE) 2021-2024

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## 1. Background

The University Board at the University of Bergen (UiB) decided to establish the Bergen Center for Competition Law and Economics (BECCLE) together with the Norwegian School of Economics (NHH) as of 1 July 2011.

In February 2021, UiB and NHH concluded an agreement to continue the cooperation concerning the operations of BECCLE until July 31<sup>st</sup>, 2025. The agreement can be renewed for a new five year period after an assessment of BECCLEs activities.

In September 2024, the Board for BECCLE decided to appoint an evaluation committee consisting of:

- Professor of economics Otto Toivanen, the Department of Economics, Aalto University
- Professor of law Anne Witt, EDHEC Business School
- Director external relations Kjell Jostein Sunnevåg, the Norwegian Competition Authority (referred to as “the Committee” hereafter).

The Committee’s assignment is to evaluate Bergen Center for Competition Law and Economics (BECCLE) by end of December 2024 according to main objectives outlined in the assignment letter, ie.:

- to strengthen and further develop the expertise in competition law and economics;
- to maintain a meeting place for faculty, including postdocs and PhDs, from UiB and NHH who conduct research within competition law and economics;
- continue the effort to secure long term funding.

As input for the Committee’s evaluation, the BECCLE management has prepared a self-assessment report. The Committee received the self-assessment report together with annual reports for the periods 2023 and 2024 in October 2024.

As part of the external evaluation, the Committee had a virtual meeting with the BECCLE management on October 23. Here, the management of BECCLE presented the Center and its activities, and the committee had the opportunity to ask questions.

In accordance with our assignment we, the Committee, hereby submit the findings of the evaluation.

## 2. Operations of BECCLE

The general management of BECCLE consists of a general manager and a management group consisting of three persons. The management is appointed by the board and consist of one person from NHH and three people from UiB; one from the Department of Economics and two from the Faculty of Law.

The board of BECCLE consists of four persons, two from UiB and two from NHH.

BECCLE has its offices at the Faculty of Law at UiB, Bergen. The rental costs are covered by UiB. UiB and NHH contribute, by further agreement, to the centre's funding based on their own resources. However, it is an expressed objective to obtain long-term external financing for the centre.

### 3. Findings and recommendations of the 2020 external evaluation

In the agreement to continue the operations of BECCLE for the period 2021-2025, it is referred to the assessment of the external committee which presented their report in 2020.

In its report, the external committee concluded that BECCLE clearly had succeeded in meeting the aims and objectives outlined in the steering documents. The committee also found that BECCLE has an organizational model that supports and is well suited for reaching the aims and objectives outlined in the steering documents.

Moreover, the committee found that the funding for BECCLE is well motivated and that support at existing levels is warranted and highly recommended. The committee was of the impression that the parent institutions get a very good return on their investment in BECCLE.

However, the committee also has some recommendations that could improve and target BECCLE's activities better in relation to goals, namely:

- more conscious strategic management
- improve visibility and interaction with NHH
- strengthen communication of its accomplishments

To what extent these focal areas for improvement has been considered and followed up, has also been considered by this Committee.

### 4. Achievement of goals

The objectives behind establishing BECCLE are, as described above, threefold: i) to strengthen the knowledge base for competition law and economics, ii) to provide a joint platform for discussion and interaction for law and economics, and iii) to continue the effort to secure long term funding.

To what extent the external evaluation committee considers the activities at BECCLE to have contributed to achieve these objectives in the evaluation period is presented below.

In addition, the evaluation also covers the committee's assessment of the current organizational structure and other operational and management issues the committee finds relevant to highlight.

#### I. The knowledge base

##### a) Research and recruitment

BECCLE brings together academic lawyers and economists interested in competition policy-related questions. One of the objectives is to thereby enhance the quality and quantity of research, and the recruitment potential of the participating units.

In terms of quantity of research, the material provided to the committee can be summarized in table 1 below:



Table 1. BECCLE research output

	Articles		Book chapters & monographs		MSc theses	
	Law	Economics	Law	Economics	Law	Economics
2023	1	17	0	1	NA	NA
2022	1	10	1	0	3	5
2021	7	12	1	0	1	1
2020	9	10	1	0	3	12

Notes: Data from BECCLE annual reports 2022 and 2023.

The quantity of research is at a very good level with the yearly fluctuations quite normal given the relatively small size of BECCLE.

The table conceals an important fact though: The committee is very impressed by the quality of research, in particular in economics. The research published by BECCLE-affiliated researchers is published in good journals in general, and, in the domain of economics, quite regularly in some of the best journals. BECCLE researchers have published in American Economic Review, American Economic Journal: Policy and AEJ:Microeconomics, as well as Management Science, Journal of the European Economic Association and Econometrica. In 2022 and 2023, there were significantly fewer outputs in law than in economics. However, these were also published in good journals (e.g., *The Journal of Competition Law & Economics*) and with recognised publishers (e.g., Wolters Kluwer and Edward Elgar).

There is no direct data on recruitment of faculty, but the above publication data strongly suggests that the departments behind BECCLE have been able to hire, retain and train very talented researchers. There is however data on Professor II appointments, the lists of which can be found in the BECCLE annual reports in 2022 and 2023. It is clear to the committee that BECCLE – affiliated departments have been able to hire researchers at the forefront of competition policy into Professor II positions.

#### b) Teaching

While the BECCLE annual reports do not provide information on teaching except for listing the number of MSc theses written (see table 1) and the number of PhD students working on competition policy – related topics, the BECCLE website offers some information: BECCLE faculty teach

- 3 MSc level courses in economics of competition policy
- 1 BSc level course in economics of competition policy
- 4 Law courses in competition policy related law

BECCLE is well placed to organize short (PhD) level courses on competition policy and there is a history of BECCLE doing so. The best way for (economics) students to benefit from such courses would be that they had access to more standard PhD level Industrial Organization courses. The committee encourages BECCLE to think of ways of providing the relatively small number of PhD students at BECCLE access to such courses. One possible solution would be cooperation with economics departments of other (Nordic) universities.

### c) Conferences, seminars and other dissemination activities

Obviously, these activities have been affected by COVID-19 and its aftermath. Taking that into account, the committee finds that BECCLE is very active in terms of conference and seminar organization. Besides the annual BECCLE conference which has established itself as one of the important competition policy conferences not only in Europe but more widely, there is an active seminar series. BECCLE organized 6 seminars in 2023 and 8 in 2022. In addition, BECCLE hosted the Peder Sather Conference in Industrial Organization in June of 2023. This conference brings together economists from BECCLE and UC Berkeley who work on competition policy.

## II. Joint platform

The second goal of BECCLE is to serve as a joint platform for researchers from UiB and NHH who conduct research in the area of competition law and economics.

The Committee concludes that BECCLE has undoubtedly fulfilled this goal during the period under review.

BECCLE encompasses researchers in competition law and economics, including PhD students and post-doctoral researchers, from both UiB and NHH. Its management board is composed of members from both institutions, with an equal distribution of lawyers and economists.

BECCLE provides a regular meeting place for BECCLE members at UiB Faculty of Law, where lawyers are present every day, and economists at least once a week. Like most research centres, face-to-face interaction at BECCLE significantly suffered during Covid. To reencourage regular in-person meetings, BECCLE has lately been organizing regular weekly lunch seminars, in which members present ongoing research and discuss current policy developments. These meetings are also meant to promote further interaction between lawyers and economists affiliated with BECCLE, and offer junior researchers the opportunity to raise issues they are currently working on in a friendly and informal environment. Based on the feedback received during the Q&A session with the BECCLE management, this measure appears to have met with success, and seminars are well attended.

PhD students from both institutions, and from both disciplines, also regularly meet at BECCLE's premises and form part of the local Organising Committee for the annual BECCLE conference.

BECCLE members further use the BECCLE platform to organize numerous joint events addressed to a broader public in Norway and the international competition law and economic community, which extends well beyond the two institutions involved. The annual BECCLE Conference, in particular, brings together many outstanding international scholars from law and economics. Importantly, this flagship conference takes place in rotation at NHH and UiB.

Despite the inherent difficulties of interinstitutional cooperation, BECCLE therefore manages to ensure that there is regular exchange and cooperation between its members from UiB and NHH. In addition to the regularly internal meetings and external events, this is also reflected in multiple joint publications by BECCLE members from the two institutions.

### III. Funding

The BECCLE-activities are funded based on grants from various sources. For 2023, the centre received annual grants from the UiB, both centrally and from the Faculty of Law and the Faculty of Social Sciences as well as a grant from NHH. In addition, the centre received support NHH, UiB and SNF for specific events. Total funding for 2023 was 774.000 NOK.

A break-down of sources of income and sources of expenditures has been provided by the BECCLE-management to the evaluation committee. The numbers have been compared to the break-down of funding from the 2020 evaluation, as provided below:

Sources of income (in '000)	2019	2023
Grant from UiB	120	137
Grant from NHH	150	200
Grant from Faculty of Law	150	150
Support from UiB Social Science Faculty		137
Grant from SNF - support for events	45	50
Grant from NHH – support for evens		50
Grant Faculty of Law – support for evens		50
Support from Institute of economics, UiB	150	
Grants from fund managed by Konkurransetilsynet	485	
Project funds from Norce	313	
<b>Sum sources of financing</b>	<b>1 413</b>	<b>774</b>

The evaluation committee notes that total funding for 2023 is lower than the level of support available for 2019. The reduction in total income amounts to 639.000. The reduction in grants from Konkurransetilsynet and project funds from Norce amount to a total of 798.000,-

Expenditures	2019	2023
Payment/wage (professor II, student, visitor scholarships and master grants)	836	607
Operations (rent/energy, general operations, equipment and website, travel expenditures)	171	257
Activities (conferences and seminars)	368	293
<b>Sum expenses</b>	<b>1 375</b>	<b>1 157</b>

According to the self-assessment<sup>1</sup>, BECCLE has so far had a satisfactory financial situation. Notably, the budget is at a rather low level, since all wages (except for professor IIs) are paid by the home institutions and there is no direct payment by BECCLE for the offices used at the Faculty of Law.

As can be concluded by comparing the tables above, BECCLE runs at a deficit in 2023. The low activity during Covid-19 led to a surplus, with buildup of funds which is now used to finance the deficit.

BECCLE will according to the self-assessment have to scale down the activity somewhat unless the centre receives some additional funding. In practice, a reduced activity with fewer professor II positions, and more selectivity regarding grants to master students.

The committee is of the view that scaling down the activity level will not only have a negative impact on BECCLE itself, but also the wider academic community concerned with competition policy as well as other beneficiaries of the knowledge generated by BECCLE activities.

The committee notes that the centre is dependent on basic support from parent institutions in addition to external funding. The Committee agrees with BECCLE management that the parent institutions could consider transferring a part of the project revenue generated by BECCLE researchers to fund BECCLE-activities.

In the last evaluation of BECCLE, it was noted that several research projects in economics, law and law and economics had received grants from "Det alminnelige prisreguleringsfond" managed by the Norwegian Competition Authority. This source of funding for projects has been discontinued.

Regardless, even though the statutes for the funds allocated by the Norwegian Competition Authority has been altered and the funds allocated are at a lower level, it should be explored whether the revised statutes allow for applications for funding the type of activity the BECCLE management consider to reduce, ie. professor II positions and grants to master students.

## 5. Organization

The organization of BECCLE is quite lean, with a board of four professors and a management team of also four professors. Naturally, all of them do this on the side of their other responsibilities. As BECCLE is performing well, there seems little reason to change this structure. That notwithstanding, the committee notes that the current board and management would do wisely if they planned ahead in terms of replacement. It is the experience of the members of this committee that having rotation in tasks such as running BECCLE is a way to spread ownership and to empower faculty at large.

The committee enquired to what extent BECCLE is using or can use the communications resources of the universities. It seems that such cooperation has been attempted in the past, but with at best mixed success. The current solution is that MSc students are hired to help with e.g. maintaining the website.

As BECCLE is producing excellent material and bringing in external researchers with deep knowledge, there seems to be more that could be done in terms of societal outreach. Such efforts would require coordination and cooperation with the universities as such activities are not naturally within the comparative advantage of professors.

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<sup>1</sup> Internal Evaluation of BECLLE – 2024

The committee also notes that to the extent that running the administration of BECCLE takes anything but an inconsiderable amount of time, a reduction in other administrative or teaching duties may be in order.

## 6. Other evaluation issues

After the last external review, the evaluation committee had made several recommendations in its report, namely:

- more conscious strategic management
- improving the visibility and interaction with NHH, and
- strengthening communication of BECCLE's accomplishments

The Committee notes that BECCLE has acted on these recommendations and has taken appropriate measures to implement the above suggestions.

General Management now have regular meetings to plan BECCLE activities in light of its goals, discuss what works well and make adjustments if necessary. The introduction of the internal lunch seminar programme to reinvigorate the uptake of face-to-face meetings after Covid is an example of a strategic measure resulting from such a meeting.

Despite BECCLE's meeting premises remaining at UiB because of space limitations at NHH, BECCLE has taken steps to ensure greater integration of NHH. Several BECCLE seminars now take place at NHH, and the BECCLE conference is hosted by NHH every second year. The management now also ensures that PhDs from NHH are involved the organisation of the BECCLE Conference.

BECCLE has significant resource constraints when it comes to improving its visibility and engage in more PR. In particular, it has no dedicated PR staff. Nonetheless, it is noticeable that BECCLE have increased their visibility on LinkedIn by regularly posting about internal and external BECCLE events. The Committee applauds these efforts, but nonetheless recommends that the management ensures that the BECCLE website is kept up to date, and that BECCLE is listed more prominently amongst UiB and NHH's research centres (or at least include a hyperlink that allows users to navigate to the BECCLE webpage).

## 7. Summary of findings of the committee

BECCLE's goal is to be a meeting place for faculty, including postdocs and PhDs, from UiB and NHH who conduct research within the centre's area of research, and to facilitates research, conferences, and seminars to promote discussion and knowledge development in the fields of competition law and economics.

This Committee's assignment has been to evaluate to what extent BECCLE has succeeded in reaching these main objectives. In addition, the Committee has also assessed BECCLE's efforts to secure long term funding.

For the evaluation period, the Committee finds that the BECCLE management has been highly successful in reaching the objectives behind its operations.

First of all, the Committee is very impressed by the quality of research, in particular in economics. The quantity of research is also at a very good level.

BECCLE brings together academic lawyers and economists interested in competition policy-related questions. The Committee concludes that BECCLE has undoubtedly fulfilled its goal to serve as a joint platform for researchers from UiB and NHH who conduct research in the area of competition law and economics during the period under review.

Also, the Committee finds that BECCLE has been very active in terms of conferences and organization of various seminars.

Moreover, the Committee notes that BECCLE has improved integration of the research environments at UiB and NHH. BECCLE has also succeeded in increasing its visibility on social media, but the Committee notes that there still is room for improvement in its digital presence.

As regards funding, the Committee notes that the management of the Centre is very lean. Regardless, BECCLE is still to a large degree dependent on various forms of basic support from parent institutions, and the current funding situations implies that some important activities might have to be scaled back. Considering that the results of the BECCLE activities are highly beneficial for the parent institutions, the Committee supports efforts to have a constructive dialogue to find models that secure BECCLE a more significant part of this added value. The Committee also encourages the management to explore possibilities related to external funding sources.



**Styre:** Fakultetsstyret ved Det juridiske fakultet  
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## VIDEREFØRING AV UiBs OG FAKULTETETS FINANSIERING AV BECCLE

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### Bakgrunn

Universitetsstyret vedtok i sak 45/11 å opprette BECCLE for en 5-årsperiode fra 1. juli 2011, se vedlegg 1. Senteret er et samarbeid mellom Det samfunnsvitenskapelige fakultet, Institutt for økonomi, Det juridiske fakultet, og Norges Handelshøyskole (NHH), se en presentasjon av senteret på [hjemmesiden](#).

Senterets styre består av én representant fra dekanatet ved SV-fakultetet, én representant fra dekanatet ved Det juridiske fakultet og ett utpekt medlem fra NHH. Senteret holder til i lokaler på Det juridiske fakultet, finansiert av den særskilte driftsbevilgningen fra Universitetet i Bergen (UiB). Senteret administreres fra institutt for økonomi. Senteret har en ledergruppe med representanter fra de deltakende institusjonene. Fra det juridiske fakultet har Halvard Haukeland Fredriksen, Ronny Gjendemsjø og Ignacio Herrera vært medlem av ledergruppen siden 2011. Senteret har et nært samarbeid med Konkurransetilsynet, som også støtter senterets drift gjennom en årlig bevilgning.

Etter en evaluering i det fjerde driftsåret, fattet universitetsstyret vedtak om videreføring av senteret i fem nye år, jf. vedlegg 2. Universitetsstyret fattet samtidig vedtak om at senteret skulle evalueres på ny før utløpet av den nye femårsperioden. I samforståelse med universitetsledelsen ble en sak om evaluering fremmet for styret for BECCLE i mars 2020. Saken ble behandlet i styret for BECCLE i møte 13. mars 2020 (sak 02/20), og styret fattet følgende vedtak:

«Styret fremmer følgende forslag til hvordan evalueringen kan gjennomføres:

1. Ledelsen ved BECCLE gjennomfører en egenevaluering av senteret fra 31.12.2014 og frem til d.d. Denne gjennomføres innen 01.05.2020.
2. Det utnevnes en evalueringskomite bestående av: a. Førsteamanuensis Anette Boom, Copenhagen Business School b. Universitetslektor Björn Lundqvist, University of Stockholm c. Avdelingsdirektør Kjell Sunnevåg, Konkurransetilsynet
3. Komiteen får i oppdrag å evaluere senteret i henhold til de målsettingene som ble satt for senteret slik de framgår av styrevedtakene på UiB og NHH.
4. Komiteen bes også om å evaluere senterets finansieringsmodell og organisasjonsstruktur.
5. Komiteen får oversendt BECCLEs egenevaluering i forkant.
6. Komiteen får i oppdrag å utarbeide en skriftlig rapport innen 1. september 2020.

7. Dersom noen av de foreslåtte personene takker nei til oppdraget gis ledelsen ved BECCLE fullmakt til å utpeke en erstatter. Komiteen må inneholde minst én kvinne og én mann».

De forespurte fagpersonene takket ja til evalueringsoppdraget. Evalueringskomiteen fikk tilsendt mandat for arbeidet 19. juni 2020, og leverte sin rapport 24. august 2020, se vedlegg 3. Grunnlaget for evalueringen var BECCLEs egevaluering, årsrapporter for 2015, 2016 og 2017, 2018 og 2019, styresak 45/11 fra møte i universitetsstyret der senteret ble etablert, samt universitetsstyresak 16/16 der vedtak om videreføring ble fattet. Evalueringskomiteen har ellers hatt tilgang til BECCLEs hjemmesider, og gjennomførte også et intervju med ledergruppen i Bergen i juni 2020.

På bakgrunn av evalueringsrapporten fattet styret i senteret i møte 14. september 2020 følgende vedtak:

«Styret tar evalueringsrapporten av BECCLE til etterretning. Styret ber om at rapporten oversendes eierne (rektorene ved UiB og NHH), med anmodning om videre finansiering av senteret på dagens nivå for en ny periode på 5 år regnet fra 01.01.2021.»

#### **Dekanen og fakultetsdirektørens kommentarer**

Det juridiske fakultet var en pådriver da BECCLE ble opprettet som en sentral satsing på UiB i 2011. Det nære samarbeidet med Konkurransetilsynet og tilsynets overflytting til Bergen var en sterk foranledning til at senteret ble opprettet. Samarbeidet har vist seg å være svært vellykket, og senteret har hatt høy aktivitet i perioden, se egevalueringen i vedlegg 4. Muligheten for opprettelsen av senteret var også en viktig grunn til at fakultetet valgte å satse på EU/EØS, og konkurranserett i sin strategiplan for 2011-2015. Satsingen er videreført i strategiplanen for 2016-2022.

Kostnadene til senteret finansieres i hovedsak gjennom driftsmidler. Deltakerne i senteret er de forskerne som til enhver tid jobber innenfor fagfeltet ved de to fakultetene på UiB og ved NHH. Rekruttering til senteret skjer gjennom institusjonenes øremerking til fagfeltene ved utlysning av stillinger. I tillegg finansierer driftsbevilgningen deler av utgiftene til professor II stillinger, som knyttes til senteret. NHH og SV-fakultetet har i nokså stor grad benyttet denne muligheten, og har i foregående periode hatt to professor II stillinger hver i økonomi tilknyttet senteret. Det juridiske fakultet har selv finansiert en professor II stilling. Professor Caroline Heide-Jørgensen, København universitet, var knyttet til fakultetet og senteret i perioden 01.01.2014-31.12.2019. Hun bidro først og fremst med veiledning av ph.d.-kandidater knyttet til senteret og enkelte bedømmelser. BECCLE har åpnet for og forutsatt at fakultetet kunne benytte senterets midler til ytterligere én professor II stilling. Det har imidlertid ikke lyktes å få frem ytterligere aktuelle kandidater i den foregående perioden.

Styret ved BECCLE ønsker nå å fremme ny søknad overfor universitetsstyret om ytterligere finansiering for en ny 5 års periode, se vedlegg 5 brev til rektorene ved UiB og NHH.

Finansiering av driften skjer for øvrig ved et driftstilskudd på kr 130 000 fra UiB, som blant annet dekker husleie. NHH har bevilget kr 150 000 i årlig driftstilskudd. Institutt for økonomi på UiB har bevilget kr 150 000 i årlig tilskudd, og finansierer også frikjøp til daglig leder med 50 prosent av undervisningsplikten i en fast førsteamanuensistilling. Konkurransetilsynet har



bevilget beløp i størrelsesorden kr 100 000 – 200 000 til en rekke seminarer og konferanser, samt en grunnbevilgning ved senterets oppstart på kr 300 000. Det meste av Konkurransetilsynets bevilgninger har skjedd gjennom det alminnelige prisreguleringsfondet. Det har kommet signaler om at dette fondet vil avvikles.

BECCLE bruker det vesentligste av midlene til å arrangere konferanser, og særlig den årlige BECCLE-konferansen som har blitt en kjent størrelse i Europa på det tverrfaglige feltet. BECCLE har også finansiert en rekke studentstipend for studenter som skriver store masteroppgaver, og flere av disse studentene har i ettertid søkt stipendiatstilling, blant annet på vårt fakultet, se for øvrig årsrapport fra 2019 i vedlegg 6, som eksempel på aktiviteten ved BECCLE.

Sett i lys av resultatene som senteret har oppnådd i hele finansieringsperioden, ønske fra forskerne på fakultetet som i dag er knyttet til senteret, den rekruttering er oppnådd og dermed varige resultater for fakultetet, anbefaler dekan og direktør at fakultetet støtter satsingen videre. Fakultetet har historisk bidratt til finansiering av senterets drift ved et årlig tilskudd på kr 150 000 finansiert over grunnbevilgningen. Dekan og direktør foreslår at støttes videreføres i fem nye år i størrelsesorden kr 150 000 til kr 200 000 hvert år. Det eksakte beløp for hvert år vedtas i forbindelse med den årlige budsjettbehandlingen.

På denne bakgrunn framsettes følgende

forslag til **vedtak**:

*Det juridiske fakultet viderefører satsingen på BECCLE med inntil kr 150 000-200.000, årlig i perioden 2020-2024.*

Karl Harald Søvig  
dekan

Øystein L. Iversen  
fakultetsdirektør

Vedlegg:

Vedlegg 1: [Universitetsstyresak 45/11 opprettelse av BECCLE](#)

Vedlegg 2: [Universitetsstyresak 16/16 Videreføring av BECCLE](#)

Vedlegg 3: Evaluering av BECCLE 2020

Vedlegg 4: Egenevaluering 2020

Vedlegg 5: Brev til rektorene ved UiB og NHH

Vedlegg 6: Årsrapport for BECCLE 2019

6.10.2020

AF/ØLI

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# Evaluation of the Bergen Center for Competition Law & Economics, BECCLE

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## 1. Background

The University Board at the University of Bergen (UiB) decided to establish the Bergen Center for Competition Law and Economics (BECCLE) together with the Norwegian School of Economics as of 1 July 2011.

By establishing BECCLE, the founding institutions pursued the following objectives:

- to strengthen competencies in competition law and economics as a basis for an informed and well guided competition policy in Norway;
- to be a joint platform for professional discussion, interaction and recruitment of the academic institutions (UiB/NHH/UiO) and the competition authority in Norway;
- to gather national expertise on competition policy which is independent of private interests and public authorities;
- to contribute to creating a general framework for Norwegian business and industry that supports future growth and employment.

To assess to what extent BECCLE had succeeded in contributing to these objectives, the Board of the University of Bergen and the Board for the Norwegian School of Economics also decided that the Center should be evaluated in its fourth year of operations. In this regard, an evaluation committee was appointed.

This committee submitted its report in 2015 and concluded that the Center to a large extent had achieved its goals.

On the basis of the evaluation, it was decided that the Center should continue its operations for five new years, and that the Center should be evaluated before expiry of this period.

In March 2020, the Board for BECCLE decided to appoint an evaluation committee consisting of:

- Associate professor Anette Boom, Copenhagen Business School
- Associate Professor Björn Lundqvist, University of Stockholm
- Director external relations Kjell Jostein Sunnevåg, Norwegian Competition Authority

(referred to as “the Committee” hereafter).

The Committee’s assignment is to evaluate Bergen Center for Competition Law and Economics (BECCLE) by 1 September 2020 according to the aims and objectives outlined in the steering documents jointly agreed upon by the University of Bergen (UiB) and the Norwegian School of Economics (NHH). The committee shall also evaluate the financing model and organizational structure of the Center.

Thus, the subject-matter of the evaluation essentially covers whether BECCLE has succeeded in fulfilling the objectives and if the current organizational structure as well as the financing model are adequate and sustainable.

As input for the Committee's evaluation, the BECCLE management has prepared a self-assessment report. The Committee received the self-assessment report together with annual reports for the periods 2015-2019 on May 7, 2020. The Committee also had a virtual meeting with the BECCLE management on June 23. Here, the management of BECCLE presented the Center and its activities, and the committee had the opportunity to ask questions.

In accordance with our assignment we, the Committee, hereby submit the findings of the evaluation.

## 2. Overall findings of the committee

Overall, the Committee concludes that BECCLE clearly has succeeded in meeting the aims and objectives outlined in the steering documents. BECCLE has become an exceptional platform for cross-disciplinary discussion, interaction and recruitment of academic experts of competition law, economics and policy to the benefit of the competition community in Bergen, inter alia the academic institutions, the Norwegian Competition Authority in Bergen (including the complaint tribunal for competition law cases) and the Court of Appeal handling contested competition law cases.

The research output, the conferences and the seminars that BECCLE provides are of a high international academic standard, while the associated researchers deliver high level teaching to the academic institutions of Bergen.

BECCLE represents a Norwegian cluster unique in a Nordic setting with independent national experts and international academic representation, which evidently has strengthened the competencies in competition law and economics and benefited the Norwegian economy by assisting in creating a competition policy and legal framework in the competition community in Bergen.

We find that BECCLE has an organizational model that supports and is well suited for reaching the aims and objectives outlined in the steering documents. The Committee also finds that the funding for BECCLE is well motivated and that support at existing levels is warranted and highly recommended.

## 3. Achievement of goals

The objectives behind establishing BECCLE are to strengthen the knowledge base for competition law and economics, to provide a joint platform for discussion and interaction for law and economics, build independent national expertise and to promote a framework for competition, promoting growth.

The Committee has considered three basic areas separately as to whether the activities at BECCLE have contributed to achieve these objectives in the evaluation period:

- Research,
- Teaching,
- Conferences, Seminars and other forms of dissemination.

In addition, the evaluation also covers whether the current organizational structure as well as financing model for BECCLE are adequate and sustainable. The Committee's assessment in these regards are presented in Chapters 4 and 5, respectively.

### a) Research and recruitment

Research at BECCLE is primarily done through the commitment to research embedded in the associates' position. In addition, BECCLE-members apply for funding for research projects, which

provide the opportunity to spend additional time on research and to obtain funding for building international networks (inviting researchers and going on research stays abroad). Several research projects in economics, law and law and economics have received grants from "Det alminnelige prisreguleringsfond" managed by the Norwegian Competition Authority.

The Committee notes that since the last evaluation of 2015, BECCLE's associates have continued to publish in leading journals in the researchers' own disciplines, and been able to conduct research and publish on topical issues important for competition law and policy development, nationally and internationally.

In the evaluation report presented in 2015, the importance of keeping a balance between legal scholars and economists connected to BECCLE was underlined. At that time, economists dominated the research output. The former Committee emphasized the importance to maintain focus on building a strong research group in competition law at BECCLE.

This Committee notes that the legal researchers and the economists now have almost equal number of publications, implying that BECCLE has been able to build a strong research team consisting of both lawyers and economists.

According to the self-assessment report, the BECCLE-members have published 59 scientific papers in the period 2015-2019, thereof 29 in law journals and 30 in economics journals. Notably, 50 papers have been published in international scientific journals. Here, 25 papers have been published in "Level 2" journals, which is reserved for the internationally most prestigious journals and publishers.

Moreover, the Committee also notes that senior researchers from the Department of Economics at UiB and NHH continue to publish their research in high quality field journals, like the IJIO and the JIE, but also in other high quality field journals with a different focus (for example in the highly respected Journal of Public Economics, or in the Journal of Health Economics) or in excellent general interest journals, like The Economic Journal or The American Economic Journal: Microeconomics, or in other general interest journals (like The Scandinavian Journal of Economics, Empirical Economics, The Oxford Bulletin of Economics and Statistics) of high quality. This is impressive and a clear sign that BECCLE is a lively and fruitful research environment and that it manages to collect the Norwegian economists who are experts in the fields relevant for competition policy.

A large number of PhD students have been affiliated with BECCLE since 2010. Since 2015, 7 PhD students have received their doctoral diplomas. 8 PhD students are still working on their thesis on topics closely related to BECCLE's focal areas. One of the PhD-students is employed at the Norwegian Competition Authority, and is working on his doctorate as part of the "Public sector Ph.D."-scheme. The collaboration with a university under this scheme expands research competency and knowledge for the doctoral candidate and the public sector body as a whole. In addition, 4 postdocs are associated with BECCLE.

In reference to law, BECCLE has continued since the last evaluation of 2015 to publish articles in leading journals (such as the European Competition Law Review), and to publish well received books and monographs on topical issues important for competition law and policy development, nationally and internationally. The Committee notes that several prizes for excellent PhD theses in Law have been rewarded to scholars associated with BECCLE, where Herrera Anchustegui sticks out as a young legal scholar with significant research output and publication record. The graduates from the PhD programme have generally stayed in academia as post docs and moving on as Assistant Professors, while their research has benefited the academic community by being published as monographs.

In addition, several of BECCLE's PhD students in Economics from the last five years have gained positions as either Post-Docs or Assistant Professors and have managed to publish in high level journals (see e.g. Teis Lunde Lømo, Simen A. Ulsaker and Timothy Wyndham).

Thus, BECCLE has succeeded in creating national expertise in economic and law fields which are highly relevant for competition policy.

In the last evaluation report presented in 2015, it was advised to strengthen female representation both with respect to BECCLE's members and among the master students and PhD students. This Committee observes with satisfaction that BECCLE has managed to increase the share of female PhD students in Economics from zero of four in 2015 to two of five in 2019. In reference to law, the share has increased from one of three in 2015 to one of two in 2019.

Over time, BECCLE has also built a reputation that allows it to recruit and retain Professor IIs at an internationally high level in the field of competition law and economics. According to the self-assessment, the BECCLE-center currently has 5 Professor IIs at BECCLE (in cooperation with NHH/UiB). These play a prominent and important role in the various BECCLE activities. In addition, they contribute with a wide international network. All associated members of BECCLE are employed at their respective faculties and departments at NHH/SNF, UiB/NORCE and UiO. There are around 30 associated members coming from these institutions.

#### b) Teaching

BECCLE's ambition has since the beginning been to stimulate the collaboration between legal scholars and economists.

BECCLE's education program consists of courses in competition policy and competition law at UiB and NHH. NHH has a joint law and economics course, "Konkurranserett" (Erling Hjelmeng, Frode Steen). There is also a cooperative agreement between NHH and the Department of Economics at UiB, allowing students to take courses at both institutions. Since 2017 BECCLE is actively providing topical PhD courses (once every year, only 2020 needed to be canceled due to COVID19), often in cooperation with their Professor IIs or other renowned scholars in the field.

In terms of teaching NHH still provides an interdisciplinary master course in competition policy and competition law, whereas at the University of Bergen the former course on competition policy has been transformed into a course in industrial economics. Whereas the former course in competition policy was structured around the different concepts in competition law, the current one emphasizes much more the indispensable toolbox, economists need in order to successfully model competition policy issues.

Overall, the Committee concludes that the Center has succeeded in stimulating interdisciplinary collaboration between law and economics in reference to teaching activities. Several teaching activities are conducted at both the academic institutions in Bergen, while including both senior, junior researchers and leading scholars such as Professor Erling Hjelmeng from the University of Oslo. BECCLE has furthermore a well-developed system for supervising master thesis students, and being able to identify and chaperon potential PhD students going in to academia.

The Committee notes that the BECCLE management admits that there is potential for more cooperation between law and economics in teaching. The Committee concurs with the BECCLE management that realizing the full potential would require more resources (or redistribution of teaching capacity).

The Committee also observes that during the evaluation period there has been a considerable interest in writing a master thesis on topics in competition policy at the department of economics at UiB and NHH in cooperation with BECCLE (5 in Economics 2019, versus 8 in Economics in 2016). This continuing interest points into the direction that the offered courses at NHH and UiB together with the grant programme are successful in motivating master students to carry out their first small research projects in the area of competition policy and law. BECCLE associates supervise and encourage master students who want to write about competition policy, competition law, competition economics. To stimulate students, BECCLE allocates grants to students who receive the grades A or B on their thesis. As of December 2019, 36 master thesis students have qualified for BECCLE grants. Notably, according to the BECCLE management, there is a positive trend, with 11 theses in 2019 (5 economics, 6 law). The number of law students receiving these grants has increased dramatically in 2019 compared to previous years, where around one law student each year received a BECCLE thesis grant.

The committee concludes that the Center has not only succeeded in stimulating interdisciplinary collaboration between law and economics in reference to teaching activities, but also contributed to the education of future researchers in the field and this way secures the production of expertise on these issues in Norway.

#### c) Conferences, seminars and other dissemination activities

BECCLE arranges a large number of seminars, small conferences and workshops open for the public.

The Committee is impressed that for the evaluation period, BECCLE has arranged 46 seminars, workshops in addition to half- and full day conferences, focusing on topical issues of relevance for competition policy and scholars in the field of competition law and economics. Most seminars are streamed online. A large number of the seminars are open for the public. Attendance at these events varies from 10 to 50 people.

The annual BECCLE conference was arranged for the first time in the spring 2015. In the last five years it developed into a great platform for both lawyers and economists to interact, disseminate research and knowledge.

Notably, the annual BECCLE-conference has established itself as a major event and international brand among legal and economic scholars and practitioners working in the field. Each year, renowned international researchers from both fields are invited to address topical issues related to competition law and economics.

The BECCLE conference is unique with the ability to draw both economic and legal scholars with this focus. Other conferences on competition policy are either organized by certain interested parties (like the US American Chamber of Commerce who invites regularly US firm representatives to a conference on the EU competition policy and law) lacking any research focus, concentrate on competition cases like the annual conference of ACE (the Association for Competition Economics), or focus mainly on competition law or on competition economics.

The Committee would like to highlight that the impact of the annual BECCLE conference in a Nordic setting should not be underestimated.

In addition, the Committee notes that the annual BECCLE conference has become instrumental in building the BECCLE "brand".

For 2020, the conference was planned back-to-back with an international workshop for chief and senior economists at competition agencies, arranged by the International Competition Network

(ICN). The Norwegian School of Economics was supposed to be the physical venue for both events. Cooperation between the BECCLE management, the Norwegian Competition Authority and the ICN in planning and arranging these events would most likely have provided valuable synergetic effects. Due to the Covid-19 situation, both events needed to be postponed to 2021.

BECCLE is also involved as a partner with the Peder Sather center at the University of Berkeley. In 2016 two Peder Sather workshops were arranged in Bergen at the Norwegian School of Economics. Workshops planned for 2020 were cancelled due to the Covid-19 situation. BECCLE is also part of CLEEN – Competition Law and Economics Network. However, this network has not been active in recent years.

Two members of BECCLE, Tore Lunde and Ronny Gjendemsjø, are also members of the Norwegian Competition Complaints Board.

BECCLE researchers are active in the public Norwegian policy debate on competition policy issues not only via contributions in the media, but also as prominent members or chairs of government appointed committees. The reports which originated from these committees have been important contributions to the policy decision-making process. In addition, BECCLE members are also invited as experts outside of Norway and their research articles are quoted in European competition policy fora.

The Committee notes that BECCLE management members have had prominent roles and providing research based input and knowledge on competition policy aspects to the government's work on the sharing economy, to ensure equal terms between private and public firms, and not the least, to stimulate competition in the groceries sector. Combined with topical seminars, these activities have contributed to BECCLE's fourth goal, i.e. to contribute to creating a general framework for Norwegian business and industry that supports future growth and employment

As noted above, BECCLE also organized a significant amount of smaller and well received events focusing on particular Norwegian competition policy issues where they invite international speakers, and, thus, increase the Norwegian knowledge base through these debates considerably.

The Committee also concurs with the BECCLE management, that these activities have contributed to fortify the BECCLE brand in Norway as well as internationally.

## 4. Organisation

BECCLE is located at the Faculty of Law at UiB. The location allows members to meet and work, both legal scholars and economists. The offices are physically integrated with the law environment at the Faculty. Lawyers at the Faculty of Law working on competition law have permanent offices at the BECCLE facilities. Economists are working at the offices 1-2 days a week. The BECCLE management states in its self-assessment that this is a satisfactory arrangement, allowing lawyers and economists to physically meet to discuss current activities and future plans in an effective and productive manner.

The Committee agrees that the current arrangement provides fertile ground for reaching the BECCLE goals. The Committee also agrees with the management that the physical proximity to the Norwegian Competition Authority is favorable on many dimensions. In this regard, the Committee notes that BECCLE has signed a cooperative agreement with the Norwegian Competition Authority to facilitate exchange of personnel.

A significant part of the BECCLE activities take place at the Faculty of Law premises. According to the BECCLE management this represents a challenge with respect to visibility at NHH. To some extent, this has been alleviated by having seminars and the BECCLE-conference at NHH in 2015, 2017 and 2020 (postponed to 2021).

The management group consists of the most active researchers at BECCLE and has grown over the last five years. It now consists of five members (Johansen, Gjendemsjø, Gabrielsen, Anchustegui and Ulsaker) and is mainly concerned with organizing activities (the conferences, the seminars, etc.) BECCLE has also a Board of four persons, two from NHH and two from UiB.

BECCLE has no staff, only associates. Thus, BECCLE does not recruit independently of its home institutions (the economics departments at UiB and NHH and the law department at UiB).

Among the associated members, around 30 come from these institutions. The parent institutions contributes with recruitment positions (PhDs and postdocs), with partly financing Professor II positions, in addition to providing annual grants which finance rent and daily operations.

All BECCLE associates and PhD students are employed by the three departments which leads to relatively low costs of running BECCLE. In reference to recruiting, BECCLE's pure existence makes Bergen very attractive to researchers in competition policy and law and related fields.

This Committee notes that this organizational structure provides for a flexible organisation that harbours several benefits. BECCLE represents a cluster for lawyers and economists that may primarily focus on research in the area of competition law and economics, unique in a Nordic setting, that has over the last five years reached a critical mass with a well-balanced structure of junior and senior researchers, and between economists and lawyers.

It should also be mentioned that the flexible structure allows for researchers to take part in the larger competition community in Bergen. Several researchers have moved to or are partly active with the Norwegian Competition Authority or the Competition Complaints Board. The current Director General of the authority, as well as former economists of the authority originate from the BECCLE environment.



## 5. Funding

A break-down of sources of income and sources of expenditures provided by the BECCLE-management to the evaluation committee is provided below:

Sources of income (in '000)	2019
Grant from UiB	120
Grant from NHH	150
Grant from JUSS	150
Grant from SNF - support for events (workshops and seminars)	45
Rent and energy support from UiB	455
Support operations from Institute of economics, UiB	150
Grants from fund managed by Konkuransetilsynet	485
Project funds from Norce	313
<b>Sum sources of financing</b>	<b>1 868</b>

Expenditures	2019
Payment/wage (professor II, student and visitor scholarships)	836
Operations (rent/energy, general operations, equipment and website, travel expenditures)	626
Activities (conferences and seminars)	368
<b>Sum expenses</b>	<b>1 830</b>

BECCLE is about to lose part of their funding due to the dissolution of the “alminnelige prisreguleringsfond”. The Committee notes that BECCLE’s management nevertheless is optimistic that they can access new funds to continue financing their yearly conference and their part of the Professor II positions.

Nevertheless, the Committee notes that BECCLE currently is seeking external funding, and has submitted a joint law and economics application to the Norwegian research Council (NRC) for NOK 12 mill in May 2020. The application revolves around research in reference to discrimination committed by large firms, for example tech platform, and by public entities.

Success with regard to this application might compensate for the lost funding. However, if BECCLE does not succeed, the financial stability of BECCLE would be in danger and it most likely needs to cut down on its activities.

This would clearly be a misfortune because BECCLE is not only unique in a Nordic setting, but also in the larger European context. There are very few other academic centres in Europe which are concerned with competition policy, like the Centre for Competition Policy (CPR) at the University of East Anglia. It is the Committee's perception that the BECCLE researchers score well with respect to academic publishing compared to their CPR counterparts.

In addition, BECCLE is unique in the sense that it provides a hub surrounded by a spoke consisting of academia (e.g. NHH/UiB/UiO) and practitioners at the Norwegian Competition Authority as well as law and consulting firms in and outside of Bergen.

The BECCLE management emphasizes that funding is needed for organising conferences and to fund master thesis students, while the parent institutions provide the infrastructure in reference to offices and expendables. BECCLE is furthermore not a stand-alone institution, and does not directly employ researchers.

The Committee wants to highlight that the BECCLE set-up is very flexible and makes it possible to focus on research and dissemination and supports reaching the aims and objectives outlined in the steering documents. Yet, as applies for all academic centres, the centre is dependent on basic support from parent institutions as well as external funding.

## 6. Concluding comments

The Committee concludes that that BECCLE has succeeded in reaching the main goals behind establishing the Center. The Committee will, however, also provide some points that can be considered to improve the future operations and management of BECCLE.

The objectives behind establishing BECCLE are ambitious, and the track record for BECCLE for the evaluation period is certainly impressive. The organization of BECCLE with infrastructure services financed by the parent institutions, BECCLE's physical location at the Faculty of Law providing offices and a meeting place where lawyers and economists meet, and an enthusiastic management team, meeting frequently, are important contributing factors to the success. In the meeting with the Committee, the management underlined that they consider it important to keep the Center active. To this end, they have regular meetings where they generate for example ideas for new activities and seminars, coordinate the use of the Center's professor II and discuss how to make good use of their time, and joint research and funding opportunities.

Nevertheless, the Committee is of the impression that conscious strategic management would improve and target BECCLE's activities in relation to goals even more. Strategic management involves setting specific objectives in accordance with overall goals, evaluating strategies, and ensuring that the management implement the strategies across the organization. Thus, the Committee would advise the BECCLE management to a larger extent than today to focus on strategic management of the BECCLE activities. To set strategic goals for the BECCLE activities for a specified planning period, and to follow up and assess to what extent strategic goals are reached.

The BECCLE Board has half of its members from NHH. Regardless, the Committee notes that in its self-assessment, the BECCLE management states that the physical location of the BECCLE-center at the faculty of law is a challenge relating to visibility at the NHH. Low visibility may have negative impact on the degree of involvement by NHH researchers in BECCLE activities, and on the extent to which BECCLE maximizes its potential along its main goals. Even though the management argues that low visibility to some extent has been alleviated by having some activities at NHH, the Committee

would advise that the BECCLE management considers, in discussions with the Board, other measures to improve the interaction with NHH, not the least the industrial organization environment at NHH.

Moreover, the Committee is impressed with BECCLE's achievements for the evaluation period. However, BECCLE has not been particularly good in communicating its accomplishments to the outside world. Their homepage and their yearly reports do not necessarily give a consistent picture and the yearly reports have improvement potential when it comes to inspiring the reader and highlighting BECCLE's impact and importance. They seem to focus mainly on counting articles, master theses (and are not always very good at it), PhD students, courses and report always in the same way about their yearly conference. It would be great if BECCLE could, besides reporting consistently on their activities, also spotlight particular topics which were important in a particular year and explain why they were important and in which way BECCLE contributed to the debate about these topics, etc.

The Committee is of the clear impression that in relation to its moderate budgets, the parent institutions get a very good return on the investment by the parent institutions on many dimensions beyond achieving goals and building the BECCLE brand. BECCLE has for instance been instrumental in building interaction between academia and practitioners of competition policy and law as well as increasing the attractiveness and the reputation of the parent institutions.

In its internal report, the BECCLE management concludes that thus far, BECCLE has had a satisfactory funding. The management underlines that to succeed in the future, it is important to recruit new PhDs, postdocs, and at least one additional professor II in law, and that BECCLE members succeed in financing new competition law and economics related research projects.

Concurring, the Committee will also underline the importance of continued infrastructure and operations support to safeguard BECCLE's ability to build long term commitments and attract current and potential associates.

# Egenevaluering av BECCLE 2020

## Bakgrunnen og målsettingene for BECCLE

BECCLE ble etablert i september 2011. Initiativet til å starte et slikt senter kom våren 2010. En utredning fra en arbeidsgruppe ble lagt frem for rektoratet ved henholdsvis NHH og UiB i oktober 2010. De var positive til ideen, og gav arbeidsgruppen i oppgave å utrede ytterligere spørsmål knyttet til kostnader, finansiering og samspill med fagmiljøer.

Formålet med BECCLE ble formulert som følger i utredningen fra oktober 2010 (side 5):

*Gjennom å opprette et senter for konkurransepolitikk vil vi bidra til å:*

- *Styrke den konkurransepolitiske kompetansen i Norge og dermed kunnskapsgrunnlaget for konkurransepolitikken*
- *Sikre at fagmiljøene (UiB/NHH/KT/UiO) har en plattform for faglig diskusjon, interaksjon og rekruttering*
- *Samle den nasjonale kompetansen på dette fagfeltet som kan opptre uavhengig av private interesser og myndigheter.*
- *Skape rammevilkår for norsk næringsliv som sikrer vekst og sysselsetting.*

*Hvis vi lykkes med dette vil vi skape et nasjonalt senter forkonkurransepolitikk i Norge, som også vil bli unikt i nordisk sammenheng.*

Det ble skissert at samarbeidet skulle skje på tre områder:

- Forskning
- Undervisning
- Konferanser, seminarer og debatt

I utredningen som ble overlevert i januar 2011 ble det pekt på utfordringer knyttet til samspillet med fagmiljøene. En var særlig bekymret for at senterets aktivitet ville utarme fagmiljøene og da særlig Samfunnsøkonomisk Institutt ved NHH og Institutt for Økonomi ved UiB. Det ble også pekt på utfordringer knyttet til ekstern finansiering.

Fire år etter oppstarten ble det gjort en evaluering av BECCLE i 2015. Ledergruppen til BECCLE, som den gang var Tommy Staahl Gabrielsen (leder), Ronny Gjendemsjø og Lars Sjørgard, leverte en egnevaluering av senteret. Denne egnevalueringen ble overlevert til en ekstern evalueringskomite, som deretter leverte sin evaluering i juli 2015. Evalueringen konkluderte med at senteret i stor grad hadde oppnådd sine målsettinger og videre finansiering ble anbefalt.

I det følgende vil vi drøfte hva BECCLE har oppnådd i løpet av de siste 5 årene siden 2015. Det aller meste av aktiviteter er utførlig presentert i de fem årsrapportene for 2015-2019. Disse er vedlagt denne rapporten som en del av egnevalueringen. Vi drøfter derfor her hva vi mener vi har oppnådd på hver av de tre områdene nevnt over, og i tillegg drøfter vi organisering, finansiering og samspillet med fagmiljøene. Til slutt oppsummerer vi ved å se erfaringene med BECCLE som vi har skissert i lys av de fire målsettingene som ble satt ved etableringen av BECCLE.

## (1) Forskning og forskerrekruttering

Konkurransesepolitik er et felt som består av både juss og økonomi, og det er derfor viktig å stimulere begge feltene i miljøet til å publisere. Dette har vi lyktes godt med. For de fem årene 2015-2019 er det publisert 59 artikler i vitenskapelige tidsskrifter, 29 av artiklene i juss-tidsskrifter og 30 i økonomitidsskrifter. Hele 50 av artiklene er i internasjonale engelskspråklige tidsskrifter, og 25 av disse er i såkalt nivå 2 tidsskrifter i Norge, hvilket er et tegn på høy kvalitet. Her noen eksempler:

- Herrera Anchustegui, Ignacio (2015). EFTA Court case E-24/13 Casino Admiral AG v Wolfgang Egger: the obligation of transparency and consequences of its breach when awarding service concessions, *The Public Procurement Law Review*, 2015 (1), pgs. NA1-NA9.
- Fredriksen, Halvard Haukeland; Franklin, Christian (2015). Of pragmatism and principles: The EEA agreement 20 years on. *Common market law review*. 52: 629-684.
- Gabrielsen, Tommy Staahl and Bjørn Olav Johansen (2017). "Resale Price Maintenance with Secret Contracts and Retail Service Externalities," *American Economic Journal: Microeconomics*.
- Hyytinen, Ari, Frode Steen, and Otto Toivanen (2018). "An Anatomy of Cartel Contracts," *The Economic Journal*.
- Hyytinen, Ari, Frode Steen og Otto Toivanen (2018). "Cartels uncovered," *American Economic Journal: Microeconomics*.

Det har vært en rekke doktorgradsstudenter som har vært tilknyttet BECCLE. I 2015 eller senere er det 7 personer som har disputert:

- Malgorzata A. Cyndecka (jus, 2015)
- Morten Sæthre (økonomi, 2015)
- Simen Aardal Ulsaker (økonomi, 2016)
- Teis Lunde Lømo (økonomi, 2017)
- Ignacio Herrera Anchustegui (jus, 2017)
- Ingrid M. Halvorsen Barlund (jus, 2019)
- Timothy Wyndham (økonomi, 2020)

Cyndecka fikk i 2016 prisen til «European State Aid Quarterly» for beste avhandling om statsstøtte siden 2012. Herrera Anchustegui fikk i 2017 prisen til Concurrences for beste avhandling om konkurranserett og mottok samtidig 'Scholar-In-Residence Program award' utdelt av Den amerikanske advokatforeningen (ABA). I 2018 mottok Herrera Anchustegui også [Meltzerprisen for yngre forskere](#).

Det er 8 doktorgradsstudenter som fremdeles arbeider med sin avhandling, og alle arbeider med tema som er nært knyttet opp mot BECCLE:

- Håvard Ormberg (jus, UiB)
- Linda Midtun (jus, UiB)
- Kristian Strømsnes (jus, UiB)
- Ana Beatriz Luís (økonomi, UiB)
- Håvard Mork Sandvik (økonomi, UiB)
- Andreas Jørgensen Tveito (økonomi, UiB)
- Alina Ozhegova (økonomi, NHH)

- Emil Mathias Strøm Halseth (økonomi, NHH)

En av våre stipendiater, Andreas Jørgensen Tveito, er ansatt i Konkurransetilsynet og tar sin doktorgrad ved UiB som en del av ordningen «Offentlig sektor-ph.d.» Virksomheter i offentlig sektor kan gjennom denne ordningen søke om støtte for en ansatt som ønsker å ta en doktorgrad. En Offentlig sektor-ph.d. er på denne måten et samarbeid mellom tre parter: den offentlige virksomheten (Konkurransetilsynet), et gradsgivende universitet (UiB) og kandidaten selv. Doktorgradsprosjektet skal være relevant for virksomhetens ansvarsområde og bygge kunnskap og kompetanse som er relevant og anvendbar for den offentlige virksomheten. I doktorgradsprosjektet sitt studerer Tveito konkurransen i det norske bensinmarkedet. Veiledere er Bjørn Olav Johansen (UiB, hovedveileder) og Morten Sæthre (NHH).

Det er også 4 postdoktorer tilknyttet BECCLE:

- Teis Lunde Lømo (økonomi, UiB)
- Simen Aardal Ulsaker (økonomi, NHH)
- Ingrid M. Halvorsen Barlund (jus, UiB)
- Moren Sæthre (økonomi, NHH)

Personene tilknyttet BECCLE er ansatt i sine moderinstitusjoner, henholdsvis NHH og UiB, og forskningen skjer gjennom den forpliktelse til forskning som er innbakt i den stillingen. I tillegg søkes det om forskningsprosjekter, som gir mulighet for å bruke ytterligere tid på forskning og å få midler til oppbygging av internasjonale nettverk (invitere forskere og selv reise på forskningsopphold). Flere av forskerne på BECCLE har eller har hatt forskningsprosjekter som er lagt til forskningssentrene tilknyttet henholdsvis NHH (SNF) og UiB (NORCE). Siden 2015 har søkt om støtte til flere forskningsprosjekter der både jurister og økonomer ved BECCLE deltar. Her er noen eksempler (ikke uttømmende) finansiert av Det alminnelige prisreguleringsfond, administrert av Konkurransetilsynet:

- «Between predation and bid rigging: Competition issues in procurement markets,» (Gjendemsjø, Arve og Herrera Anchustegui)
- «Ikke-pris effekter av fusjoner – implikasjoner for fusjonskontrollen» (Gabrielsen, Johansen og Straume)
- «Handheving av kartell i EU konkurranseretten» (Barlund)
- «Prissignalisering» (Gjendemsjø og Gabrielsen)
- «The law and economics of exclusion» (Gabrielsen, Johansen, Shaffer, Ulsaker, ...)
- «Web portals» (Johansen og Vergé)

Professor II:

BECCLE har knyttet til seg en gruppe utenlandske forskere i bistillinger som vi selv er meget godt fornøyde med. Disse personene spiller en viktig rolle når det gjelder veiledning av doktorgradsstudenter, deltakelse på BECCLEs årlige konferanser og på seminarer og workshops, og når det gjelder deltakelse i felles forskningsprosjekter (se over).

Caroline Heide Jørgensen (Universitetet i København) startet i stillingen ved Det juridisk fakultet (UiB) i 2014 og hun har vært med oss helt til slutten av 2019. Caroline er en ekspert på konkurranserett og har vært nestformann i det danske Konkurrencerådet. Thibaud Vergé, (ENSAE, CREST) og Greg

Shaffer (University of Rochester), startet begge sine bistillinger på BECCLE i 2013 og er fremdeles aktive hos oss. Stillingen til Vergé er delt med Institutt for økonomi (UiB), mens stillingen til Shaffer er delt med NHH. Begge er eksperter på næringsøkonomi og konkurransepolitikk (med et spesielt fokus på vertikale avtaler).

Özlem Bedre-Defolie (ESMT Berlin) og Joseph Harrington (University of Pennsylvania) startet begge sine bistillinger hos BECCLE i 2018 og er fremdeles aktive. Stillingen til Bedre-Defolie er delt med Institutt for økonomi (UiB), mens stillingen til Harrington er delt med NHH. Bedre-Defolie og Harrington er begge eksperter på næringsøkonomi og konkurransepolitikk; Bedre-Defolie har særlig kompetanse på tosidige markeder, plattformer og vertikale avtaler, mens Harringtons er en av verdens fremste eksperter på karteller/ collusion.

Odd Rune Straume (University of Minho) er det nyeste tilskuddet til BECCLE. Han startet sin bistilling på BECCLE i 2019 og er fremdeles aktiv. Stillingen hans er delt med Institutt for økonomi (UiB). Straume er ekspert på næringsøkonomi med spesielt fokus på regulering og konkurranse i helse- og arbeidsmarkedet.

Vi er selv meget godt fornøyd med aktiviteten når det gjelder forskning og forskerrekruttering, og vi mener at vi langt på vei har lyktes med målsettingene vi satt oss da senteret ble etablert.

## **(2) Undervisning og utdanning**

Utdanning vil i stor grad omhandle undervisning og masterstudenter som fullfører sin masteravhandling.

Både på UiB og NHH er det kurs innenfor fagfeltet konkurransepolitikk/konkurranserett. På NHH er det masterkurs både i Konkurransepolitikk og Konkurranserett. Det sistnevnte er gitt sammen av en jurist (Hjelmeng) og en økonom (Steen), og er ideelt sett ut fra målsettingen til BECCLE. Ved UiB på Institutt for økonomi tilbys det kurs i generell næringsøkonomi på både bachelor- og masternivå. Begge disse kursene har et spesielt fokus på problemstillinger som er relevante for konkurransepolitikken. På juridisk fakultet tilbys konkurranserett på masternivå.

Det har også vært avholdt doktorgradskurs i regi av BECCLE. Disse er formelt sett avholdt ved NHH/UiB, men de har vært avholdt i tilknytning til BECCLEs lokaler, og/eller med personer i bistillinger på BECCLE som forelesere, og/eller med BECCLE som økonomisk støttespiller. Noen eksempler på kurs vi har vært med å organisere siden 2015:

2017: «The Economics of Exclusion» med Greg Shaffer

2018: «Productivity: Firms, Markets, and Economies» med Chad Syverson

2019: «Dynamic Theories of Price and Investment in Markets with Imperfect Competition» med Frode Steen og Joseph Harrington

I 2020 var det planlagt enda ett PhD-kurs: «Exclusive Contracts and Digital Platforms» med Greg Shaffer og Özlem Bedre-Defolie. Dette kurset måtte vi dessverre avlyse på grunn av koronautbruddet.

Det er fremdeles et potensial for å utvide samarbeidet mellom jus og økonomi på undervisningssiden, kanskje særlig på UiB. Men dette krever undervisningsressurser, og vil derfor bety (om vi ikke får økt våre undervisningsressurser) at vi må ta bort eller redusere omfanget av kurs vi allerede tilbyr. Dette er noe vi i dag ikke ønsker å gjøre. Takket være en samarbeidsavtale mellom Institutt for økonomi (UiB) og NHH på undervisningssiden, så er det i dag mulig for masterstudenter ved Institutt for økonomi ved UiB å ta masterkurs ved NHH, og omvendt. Dette gir et utvidet undervisningstilbud til studentene ved begge institusjonene og betyr for eksempel at det er mulig for økonomistudenter ved UiB å følge Hjelmeng og Steens kurs i konkurranserett på NHH, om de ønsker det.

Det har vært arbeidet aktivt for å få studenter til å skrive sin masteroppgave innenfor fagfeltet konkurransepolitikk. For å stimulere til at flere velger dette tema for sin masteroppgave, deler BECCLE ut stipender hvert år til studenter som skriver masteroppgavene sine innenfor temaene konkurranserett eller konkurranseøkonomi, og som får karakteren B eller A på oppgaven. I løpet av perioden 2015-2019 er det hele 36 masteroppgaver som har blitt skrevet innenfor konkurranserett og konkurranseøkonomi. I 2019 var det hele 11 oppgaver som kvalifiserte til BECCLE-stipend, 5 økonomioppgaver og 6 jusoppgaver. Dette illustrerer også at det i dag er en god balanse mellom jus og økonomi. Alle oppgavene er publisert på hjemmesiden til BECCLE.

Ordningen med masterstipender synes å ha vært viktig for rekrutteringen til doktorgradsstudiet både på jus og økonomi. Hele fem av våre tidligere og nåværende doktorgradsstudenter (Lømo, Ulsaker, Ormberg, Barlund, Sandvik) har fått tildelt masterstipender for sine oppgaver innenfor temaene konkurranserett og konkurranseøkonomi. I tillegg har flere av de som har fått BECCLE-stipender, senere fått jobb i Konkurransetilsynet.

Vi er godt fornøyd med utdanningsaktiviteten vår, og mener denne har vært viktig for å motivere antallet studenter som er interessert i fagfeltet. Vi mener at dette har bidratt til et bedre rekrutteringsgrunnlag både for PhD-programmene på NHH og UiB, og for Konkurransetilsynet.

### **(3) Konferanser, seminarer og debatt**

Siden 2015 har mye tid og ressurser gått med til å arrangere BECCLEs årlige konferanse. 2019 var det femte året konferansen ble arrangert, og den ble da arrangert på UiB (Det juridiske fakultet). Konferansen ble planlagt på nytt for 2020 på NHH den 23. og 24. april, men vi måtte dessverre avlyse denne på grunn av koronautbruddet.

BECCLE-konferansen må kunne betraktes som en stor suksess. Konferansen har blitt et internasjonalt merkenavn blant de som er interesserte i temaet konkurransepolitikk (både praktikere og akademikere). Hvert år sender mange jurister og økonomer inn vitenskapelige arbeider som de ønsker å presentere på konferansen. Både for 2019 og 2020 hadde vi mellom 50 og 60 innsendte artikler. Med plass til 27 presentasjoner på programmet, så har det derfor vært tøff konkurranse om å komme med, og kvaliteten har vært høy.

Vi inviterer hvert år internasjonalt ledende forskere til konferansen for å snakke om aktuelle konkurransepolitiske temaer. Konferansen i fjor hadde de dagsaktuelle temaene algoritmeprising og diskriminerende innkjøpspriser på programmet, og keynotes var Dr. Daniel O'Brien (Compass Lexecon), professor Joseph Harrington (U Pennsylvania og NHH/BECCLE), og professor Ariel Ezrachi



(University of Oxford). Mange kom for å høre på, vi talte over 100 personer som var innom konferansen i løpet av de to dagene.

BECCLE arrangerer også jevnlig seminarer, workshops og mindre konferanser med aktuelle temaer innenfor konkurransepolitikk. Siden det har gått en del tid og ressurser til å arrangere den årlige konferansen, så har vi skalert litt tilbake på den vanlige seminaraktiviteten. Totalt har BECCLE arrangert 46 seminarer (både mindre seminarer og større halv- og heldagsseminarer) i perioden 2015-2019. Dette har vært en blanding av arrangementer rettet mot forskere og mer policy-orienterte arrangementer. Ofte har det vært dagsaktuelle temaer som har blitt diskutert, her er tre eksempler:

- Seminaret «Dagligvareportalen – til gunst for norske forbrukere?» i 2015 med direktør Randi Flesland i Forbrukerrådet m.fl.
- Seminaret «Delingsøkonomi – muligheter og utfordringer» i 2017 med delingsøkonomiutvalget.
- Seminaret «Konkurranse på like vilkår?» i 2018 med arbeidsgruppen som stod bak rapporten «Like konkurransevilkår for offentlige og private aktører», som på oppdrag fra Kommunal- og moderniseringsdepartementet vurderte tiltak som kunne være aktuelle for å sikre like konkurransevilkår mellom offentlig og privat virksomhet.

Det har vært uttrykt ønske, særlig fra miljøer utenfor Bergen, at seminarene strømmes. Mange av seminarene har derfor blitt strømmet. Det fysiske oppmøtet på seminarene har variert betydelig, fra om lag 10 personer til 40-50 personer.

BECCLE har vært involvert som en partner i samarbeidet med University of Berkeley og Peder Sather center. I november 2013 deltok flere økonomer fra BECCLE på to workshops på Berkeley, der temaene var henholdsvis næringsøkonomi og helseøkonomi. I 2016 ble tilsvarende workshops arrangert i Bergen (NHH) med to økonomer fra BECCLE på programmet (Sæthre og Johansen). Det var planlagt to nye Peder-Sather-workshops i Bergen våren 2020, igjen med BECCLE som en sentral støttespiller, men disse måtte dessverre avlyses på grunn av koronautbruddet.

BECCLE-medlemmer har også vært aktive i den offentlige debatten. Vi har registret 39 debattinnlegg og medieoppslag i pressen for årene 2015, 2016, 2017 og 2019. Året 2018 mangler vi dessverre tall for, noe som betyr at det reelle antallet presseoppslag nok ligger nærmere 50 for hele perioden. I tillegg har flere forskere på BECCLE deltatt i policy-orienterte utredninger. Noen eksempler på temaer:

- **Delingsøkonomien.** Gabrielsen var leder for Delingsøkonomiutvalget oppnevnt av regjeringen Solberg i 2016.
- **Like konkurransevilkår mellom offentlige og private foretak.** Hjelmeng (leder) og Cyndecka var medlemmer av en regjeringsoppnevnt arbeidsgruppe (Hjelmengutvalget) som leverte sin rapport i 2018, og Gabrielsen og Lommerud skrev rapport senere samme året, på oppdrag fra kommunesektorens organisasjon, KS.
- **Diskriminerende innkjøpspriser i dagligvaremarkedet.** Johansen og Straume skrev rapport i 2019 på oppdrag for Konkurransetilsynet, og Nilssen (leder) og Gabrielsen var medlemmer av en regjeringsoppnevnt ekspertgruppe som skulle vurdere behovet for et særskilt forbud mot diskriminerende innkjøpspriser (ekspertgruppen leverte sin rapport i januar 2020).

Til slutt kan vi nevne at to av BECCLEs medlemmer, Tore Lunde og Ronny Gjendemsjø ved Det juridiske fakultet, i dag er medlemmer av Konkurranseskjennemnda, som behandler klager på vedtak gjort av Konkurransetilsynet. Konkurranseskjennemnda ble oppnevnt i 2017.

Vi mener selv at vi – ved hjelp av den årlige BECCLE-konferansen og BECCLEs andre seminarer, gjennom oppdrag som vi har gjort for offentlige myndigheter, og gjennom vår deltakelse i avisspalter og på radio eller TV – har lyktes med å markere BECCLE i den offentlige debatten innenfor det konkurransepolitiske feltet. Gjennom aktivitetene beskrevet over har BECCLE klart å opparbeide seg et enda sterkere merkenavn de siste fem årene.

#### **(4) Organisering, finansiering og samspeillet med fagmiljøene**

BECCLE har helt siden etableringen hatt egne fysiske lokaler, der økonomer og jurister kan møtes. Frem til 2013 var lokalene i Parkveien, og deretter i Juss II-bygget i tilknytning til det juridiske fakultet ved UiB. Ved flytting til Juss II-bygget ble BECCLE godt fysisk integrert med juristmiljøet. Nå sitter juristene som arbeider med konkurranserett permanent i BECCLEs lokaler. Økonomer sitter der typisk 1-2 dager i uken, og resten av uken i sine respektive fagmiljøer. Dette fungerer tilfredsstillende. De økonomene som har vært mest aktiv hva angår å sitte på BECCLE er Gabrielsen (UiB), Sørgard (NHH) og Brekke (NHH) før de begynte i sine stillinger i Konkurransetilsynet i 2015 og 2016, Johansen (UiB), Ulsaker (NHH), Lømo (UiB), Tveito (UiB), Sandvik (UiB), og i perioder Steen (NHH) og Arve (NHH). Det er et mål at flest mulig samles på en eller to faste dager hver uke. Den fysiske avstanden mellom økonommiljøene på NHH og UiB har alltid vært en utfordring, men vi jobber kontinuerlig med å skape attraktive rammebetingelser slik at mange føler de kan bruke lokalene til BECCLE.

Vår nære tilknytning til Konkurransetilsynet (både fysisk og faglig) er en fordel både for senteret og for tilsynet. Som nevnt over, det nære samspeillet mellom BECCLE og Konkurransetilsynet har gjort det mulig for en av Konkurransetilsynets ansatte å ta sin doktorgrad ved UiB. I 2020 skulle Konkurransetilsynet også være vert for ICNs (International Competition Network) årlige workshop for sjefsøkonomer, og i den forbindelse hadde vi planlagt sammen med Konkurransetilsynet å koordinere BECCLEs årlige konferanse og ICNs workshop. Planen var å la disse arrangementene gå etter hverandre den 21.-24. april, med mulighet for deltakere på BECCLE-konferansen å besøke ICNs workshop og vice versa. Dessverre måtte disse planene legges på is, som en følge av koronautbruddet.

Mye av aktiviteten til BECCLE foregår på jus-bygget på UiB. Det er en utfordring når det gjelder synlighet av BECCLE på NHH. Vi bøter delvis på dette ved at noen av BECCLEs seminarer har gått på NHH, og ved at BECCLEs årlige konferanse har blitt arrangert på NHH noen av årene, 2015, 2017 og 2020 (planlagt).

Ledergruppen til BECCLE består i dag av fem personer (Gjendemsjø, Gabrielsen, Herrera Anchustegui, Johansen og Ulsaker) hvorav en er leder (Johansen). Sammen legger de planer for seminarer, konferanser og andre aktiviteter. Det fungerer på en tilfredsstillende måte. Det er et styre bestående av to personer fra NHH og to fra UiB, og det har og fungert tilfredsstillende.

Så langt har BECCLE vært sikret en tilfredsstillende finansiering. Senteret fikk et beløp på en halv million fra Fornyings- og Administrasjonsdepartementet til oppstart, og har vært finansiert av

henholdsvis NHH og UiB gjennom generelle rammebevilgninger. Men NHH og UiB har tidligere ytret ønske om at BECCLE skal skaffe seg ekstern finansiering. Utfordringen knyttet til dette er at det først og fremst er tale om støtte til infrastruktur. BECCLE kan ikke motta forskningsmidler direkte, de må gå via forskningsstiftelsene ved hhv NHH og UiB. BECCLE har hvert år siden 2015 fått støtte fra Det alminnelige prisreguleringsfond (administrert av Konkurransetilsynet), men disse midlene er øremerket seminarer, studentstipender og BECCLEs årlige konferanse. BECCLE har behov for støtte til grunnleggende infrastruktur, som kontorer etc., og det vil være naturlig for NHH og UiB å gi noe støtte til den type infrastruktur gitt at de ønsker å opprettholde BECCLE. BECCLE har ingen andre større kostnader, og kostnadene er derfor samlet sett veldig små, særlig tatt i betraktning alt det senteret har tilført miljøene.

Medlemmer på BECCLE har ambisjoner om å hente inn flere eksterne forskningsmidler. En tverrfaglig gruppe av jurister og økonomer ved UiB jobber i dag med en søknad til Norges forskningsråd (NFR) som vi håper kan resultere i tilførsel av midler og nye stipendiater til BECCLE-miljøet enten neste år eller senere. Søknaden inkluderer to stipendiatstillinger, en stipendiatstilling ved Det samfunnsvitenskapelige fakultet (Institutt for økonomi) og en stipendiatstilling ved Det juridiske fakultet. Søknaden var ment å være en søknad til utlysingen Stort, tverrfaglig Forskerprosjekt (Fellesløftet), men denne utlysingen ble dessverre kansellert tidligere i vår. Søknaden vil derfor gå som en FRIPRO-søknad i år.

Det var en bekymring da BECCLE ble startet opp for at BECCLE kunne dra bort ressurser fra fagmiljøene. Dette synes ikke å være et problem. Ved å lokalisere BECCLE på Jus II er det sikret en god integrering mot juristmiljøet. Hva angår økonomi, sikrer en god kontakt med fagmiljøene gjennom at en sitter kun noen dager på BECCLE. BECCLE bidrar til at det er mulig med flere professor-II-stillinger i økonomi, henholdsvis ved NHH og UiB (BECCLE finansierer 50% av disse stillingene). Dette er til nytte for hele fagmiljøet. For eksempel skriver Shaffer, Vergé og Straume sammen med forskere både ved UiB og NHH og benytter besøkene i Bergen til å arbeide sammen med disse.

## **Er målsettingene oppfylt?**

Da BECCLE ble etablert, var det som nevnt over skissert fire målsettinger. La oss i lys av gjennomgangen over kort kommentere hver av de fire målsettingene:

1. Styrke den konkurransepolitiske kompetansen i Norge og dermed kunnskapsgrunnlaget for Konkurranspolitikken

Gjennomgangen over samt vedlagte årsmeldinger viser at det har vært stor aktivitet i regi av BECCLE. Det har vært utført betydelig forskning, vist gjennom publisering i internasjonale tidsskrifter. Samtidig har forskere ved BECCLE tatt aktivt del i samfunnsdebatten, både gjennom debattinnlegg og utredninger på aktuelle områder. Dermed har BECCLE etter langt på vei oppfylt den første målsettingen.

2. Sikre at fagmiljøene (UiB/NHH/KT/UiO) har en plattform for faglig diskusjon, interaksjon og rekruttering

Det har som vist over vært høy aktivitet hva angår seminarer, workshops, konferanser og doktorgradskurs. Seminarene og BECCLEs årlige konferanse har vist seg å være en møteplass for

forskere fra NHH og UiB samt Konkurransetilsynet, og til en viss grad personer fra konkurransejuristmiljøene i Oslo. En rekke studenter har blitt oppmuntret til å skrive masteroppgave innenfor dette feltet, og noen av dem har blitt rekruttert til å starte med doktorgrad innenfor feltet og andre har blant annet begynt i Konkurransetilsynet. Det er positivt at vi har hatt en god rekruttering til både jus og økonomi i form av doktorgradsstudenter, hvilket bidrar til å styrke fagmiljøene fremover. BECCLE synes å ha lyktes med å oppfylle denne målsettingen.

3. Samle den nasjonale kompetansen på dette fagfeltet som kan opptre uavhengig av private interesser og myndigheter.

BECCLE har knyttet til seg ikke bare de aktuelle fagpersonene på NHH og ved UiB, men har også knyttet til seg personer fra Oslo. Det er særlig grunn til å nevne professor Hjelmeng ved Universitetet i Oslo, den fremste akademiske konkurransejuristen i Norge. Det finnes ingen samling av den type kompetanse i andre norske byer. Det er dessuten eid i fellesskap av NHH og UiB, og har ingen formell tilknytning til norske konkurransemyndigheter. Følgelig er også denne målsettingen langt på vei oppfylt.

4. Skape rammevilkår for norsk næringsliv som sikrer vekst og sysselsetting.

Dette er en svært generell målsetting, og vanskelig å kunne dokumentere om BECCLE har bidratt til å oppfylle denne målsettingen. Uansett vil dette være en mer langsiktig målsetting. Dersom BECCLE lykkes med de tre målsettingene over, vil det ventelig på lang sikt bidra til at også denne målsettingen oppfylles.

Norges Handelshøyskole  
Universitetet i Bergen

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Vår ref

Dato

## Rektorene ved UiB og NHH

Universitetsstyret vedtok i sak 45/11 å opprette BECCLE for en 5-årsperiode fra 1. juli 2011. Etter evaluering i det fjerde driftsåret ble det fattet vedtak om videreføring i nye fem år, jf. Sak 16/16. Man fattet samtidig vedtak om at senteret skulle evalueres på ny før utløpet av den nye fem-årsperioden. I samforståelse med universitetsledelsen ble sak om evaluering fremmet for styret for BECCLE i mars 2020.

Evalueringene er nå gjennomført, og den eksterne evalueringen ble overlevert BECCLE den 24.08.2020. Både egenevaluering og ekstern evalueringsrapport er vedlagt. Styret i BECCLE behandlet saken i sitt møte 14.09.2020 (sak 6/20).

BECCLEs styre fattet følgende vedtak:

*“Styret uttrykker tilfredshet med den eksterne evalueringen. Styret ber ledelsen ved BECCLE om å oversende evalueringene til rektoratene på UiB og NHH samt utforme et følgebrev der hovedkonklusjonene i den eksterne evalueringen trekkes frem, og med anmodning om videre finansiering av senteret for en ny periode på 5 år regnet fra 01.01.2021. I følgebrevet bør det anmodes om at finansieringen til senteret økes noe sammenlignet med dagens nivå, for å sikre den fremtidige finansiering av den årlige BECCLE-konferansen. Brevet bes forelagt styret før oversending slik at endelig følgebrev har styrets fulle støtte.”*

Under følger en gjennomgang og oppsummering av evalueringene og hvilke føringer disse antyder for BECCLEs videre drift og organisering. Vi vil ikke gå igjennom alle konklusjonene i evalueringsrapporten, men kun peke på de forhold som er særlig relevante for eierne, og der det kreves beslutninger fra disse når det gjelder videre drift av senteret. Primært fokuserer vi dermed på tre forhold, hvordan videre organisering- (i) og finansiering (ii) av senteret skal foregå, samt hvordan rekruttering og langsiktighet for fagmiljøene skal ivaretas (iii). Oppsummeringen ender ut i tre konkrete anbefalinger til eierne av BECCLE.

## Hovedkonklusjon

Den eksterne evalueringen gir BECCLE svært god omtale på alle punkter. Senterledelsen og styret er godt fornøyd med dette. Vi synes selv at vi har fått til mye med relativt liten ressursinnsats. Vi mener at BECCLEs aktiviteter har gitt positive ringvirkninger for de involverte institusjonene og fagmiljøene, og for brukermiljøene (Konkurransetilsynet, KOFA, konkurranseklagenemnden, m.fl.), og at disse anerkjenner dette. Dette kommer også til uttrykk i evalueringsrapporten. Den eksterne komiteen skriver følgende (kapittel 2):

*“BECCLE has become an exceptional platform for cross-disciplinary discussion, interaction and recruitment of academic experts of competition law, economics and policy to the benefit of the competition community in Bergen, inter alia the academic institutions, the Norwegian Competition Authority in Bergen (including the complaint tribunal for competition law cases) and the Court of Appeal handling contested competition law cases.*

*The research output, the conferences and the seminars that BECCLE provides are of a high international academic standard, while the associated researchers deliver high level teaching to the academic institutions of Bergen.*

*BECCLE represents a Norwegian cluster unique in a Nordic setting with independent national experts and international academic representation, which evidently has strengthened the competencies in competition law and economics and benefited the Norwegian economy by assisting in creating a competition policy and legal framework in the competition community in Bergen.”*

## Organisering og drift av BECCLE (i)

Den eksterne evalueringskomiteen ble eksplisitt bedt om å vurdere både senterets organisasjonsstruktur og finansieringsmodell. Generelt er den eksterne evalueringskomiteen positive til drifts- og organiseringsmodellen. Komiteen skriver følgende om organisasjonsstrukturen (kapittel 2 og 4):

*“We find that BECCLE has an organizational model that supports and is well suited for reaching the aims and objectives outlined in the steering documents.” (kap. 2)*

*“[The] organizational structure provides for a flexible organisation that harbours several benefits. BECCLE represents a cluster for lawyers and economists that may primarily focus on research in the area of competition law and economics, unique in a Nordic setting, that has over the last five years reached a critical mass with a well-balanced structure of junior and senior researchers, and between economists and lawyers.” (kap. 4)*

*“It should also be mentioned that the flexible structure allows for researchers to take part in the larger competition community in Bergen. Several researchers have moved to or are partly active with the Norwegian Competition Authority or the Competition*

*Complaints Board. The current Director General of the authority, as well as former economists of the authority originate from the BECCLE environment.” (kap. 4)*

Slik vi leser dette vil vi tilstrebe å fortsette med dagens drift og organisasjonsmodell.

#### **Anbefaling (i)**

I tråd med dette anbefaler vi i dag ikke å gjøre endringer i senterets organisasjonsstruktur.

#### **Finansieringssituasjonen til BECCLE (ii)**

Finansieringen av BECCLE har så langt vært basert på både langsiktige (støtte til infrastruktur) og kortsiktige bidrag fra eiere og eksterne instanser (støtte til arrangementer og årlige bidrag til drift).

BECCLE har de siste årene, som det fremgår av senterets egevaluering (vedlagt), lyktes med å få inn eksterne forskningsprosjekter – blant annet flere prosjekter med støtte fra Det alminnelige prisreguleringsfond (nevnt under), men også to større prosjekter fra Finansmarkedsfondet: “Towards more stability, competitiveness and predictability in the financial sector” (tildelt 3,2 millioner) og “EØS-finanstilsyn – en rettsvitenskapelig analyse om Norges tilknytning til EUs tilsynssystem for finansmarkedene” (tildelt 2,7 millioner). Begge prosjektene har finansiert postdoktor-stillinger ved Det juridiske fakultet, og begge postdoktorene har vært tilknyttet BECCLE.

BECCLE har ambisjoner om å hente inn enda flere eksterne forskningsmidler fremover. Dette er viktig for å rekruttere nye stipendiater og postdoktorer til BECCLE-miljøet. En tverrfaglig gruppe av jurister og økonomer ved UiB har i år sendt inn en søknad til Norges forskningsråd, som vi håper kan resultere i tilførsel av midler og nye stipendiater til BECCLE-miljøet enten neste år eller senere. Søknaden inkluderer to stipendiatstillinger, en stipendiatstilling ved Det samfunnsvitenskapelige fakultet (Institutt for økonomi) og en stipendiatstilling ved Det juridiske fakultet. Søknaden var ment å være en søknad til utlysingen Stort, tverrfaglig Forskerprosjekt (Fellesløftet), men denne utlysingen ble dessverre kansellert tidligere i vår. Søknaden ble derfor sendt som en FRIPRO-søknad.

Det er viktig for BECCLEs videre drift at man har gode og forutsigbare ordninger når det kommer til finansiering og daglig drift av senteret. Eksterne forskningsprosjekter kan bare i begrenset grad nyttes til drift av senteret. Det alminnelige prisreguleringsfond, som har vært administrert av Konkurransetilsynet, har de siste årene vært en viktig bidragsyter til BECCLEs årlige aktiviteter (seminarer, masterstipender og BECCLE-konferansen). Dersom dette fondet blir avvirket (slik det har kommet signaler om), må BECCLE finne alternative finansieringskilder for å sikre den fremtidige finansiering av de årlige aktivitetene, for eksempel BECCLE-konferansen (som har et budsjett på vel 300.000 kroner).

Den eksterne komiteen skriver følgende om finansieringssituasjonen til BECCLE.

*“Success with regard to this application [NFR-søknaden omtalt over] might compensate for the lost funding [avvikling av Det alminnelige prisreguleringsfond]. However, if BECCLE does not succeed, the financial stability of BECCLE would be in danger and it most likely needs to cut down on*

*its activities. This would clearly be a misfortune because BECCLE is not only unique in a Nordic setting, but also in the larger European context.” (kap. 5)*

*“The Committee is of the clear impression that in relation to its moderate budgets, the parent institutions get a very good return on the investment by the parent institutions on many dimensions beyond achieving goals and building the BECCLE brand.” (kap. 6)*

*“[T]he Committee will also underline the importance of continued infrastructure and operations support to safeguard BECCLE's ability to build long term commitments and attract current and potential associates.” (kap. 6)*

*“The Committee also finds that the funding for BECCLE is well motivated and that support at existing levels is warranted and highly recommended.” (kap. 2)*

### **Anbefaling (ii)**

I tråd med dette ber vi i om en solidarisk garanti fra NHH og UiB om grunnfinansiering på et litt høyere nivå enn det vi har hatt opp til nå, for fem nye år regnet fra 01.01.2021 – for å oppnå sikkerhet rundt videre drift av BECCLE, og for å sikre finansieringen av den årlige BECCLE-konferansen.

### **BECCLEs ambisjoner fremover – og hvordan sikre langsiktighet for fagmiljøene (iii)**

Ledelsen og styret er enige med den eksterne evalueringskomiteen at BECCLE i veldig stor grad har lyktes med å oppnå målsettingene skissert i 2010-utredningen. Senteret er i dag unikt i nordisk sammenheng og er ett av bare noen få tilsvarende tverrfaglige sentre i Europa. Ledelsen og styret mener derfor at det naturlige neste steget for BECCLE er å bli det ledende tverrfaglige miljøet i Europa på området konkurranserett og -økonomi. For å klare dette, er det viktig både å sikre rekruttering til fagmiljøene (blant annet ved å få inn eksterne forskningsprosjekter) og sikre at senteret har en stabil grunnfinansiering fra eierne i årene fremover, som nevnt over.

Samtidig er det helt nødvendig, om vi skal nå målene våre, at de involverte fagmiljøene får tilgang til faste stillinger. Når Konkurransetilsynet i sin tid ble etablert i Bergen, var de etablerte sterke fagmiljøene i jus og konkurranseøkonomi et sterkt argument. Regjeringen trakk også fram de sterke fagmiljøene i Bergen da de bestemte at klagenemda for konkurransesaker skulle legges til Bergen. Som vi påpekte i 2015, er det derfor svært viktig at vi vedlikeholder disse fagmiljøene og at det sikres muligheter for rekrutter til å gå inn i faste stillinger ved UiB og NHH. Sterke og bærekraftige fagmiljøer i konkurranserett og konkurranseøkonomi er viktige for eierne når det kommer til forskning og undervisning, og tilsvarende også for brukermiljøene (først og fremst Konkurransetilsynet, KOFA og klagenemda for konkurransesaker). De involverte fagmiljøene er også viktige for at Bergen skal tiltrekke seg nye statlige arbeidsplasser, og som ringvirkninger av dette også private bedrifter (som for eksempel advokatkontor med ekspertise på konkurransepolitikk).

### **Anbefaling (iii)**

Vi ber om at eierne så langt som mulig legger til rette for at grunnmiljøene kan rekruttere lovende kandidater inn i faste stillinger i både konkurranseøkonomi og konkurranserett.



Med hilsen

Eirik Gaard Kristiansen (styreleder)

Bjørn Olav Johansen (daglig leder)

# BECCLE

## BERGEN CENTER FOR COMPETITION LAW AND ECONOMICS

### ANNUAL REPORT 2019

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#### About BECCLE

The Norwegian School of Economics (NHH) and the University of Bergen (UoB) established BECCLE in 2011 following an initiative by a group of researchers in competition policy headed by Professor Tommy Staahl Gabrielsen at UoB and Professor Lars Sørsgard at NHH.

BECCLE is a unique collaboration scheme between the two main academic institutions in Bergen. NHH and the UoB have joint ownership in BECCLE and provide basic funding to the center. BECCLE's offices are located at the Faculty of Law at UoB, which offers excellent facilities to the researchers affiliated with the center. Our visiting address is Jekteviksbakken 31, Bergen.

The general management group of BECCLE includes Associate Professor Bjørn Olav Johansen at UoB (director), Associate Professor Ronny Gjendemsjø at UoB (deputy director), Assistant Professor Simen Ulsaker at NHH, Professor Tommy Staahl Gabrielsen at UoB, and Associate Professor Ignacio Herrera Anchustegui at UoB.



#### Key Ambition

BECCLE's ambition is to improve competition policy by stimulating research in competition law and economics, and provide a meeting place for lawyers and economists interested in the field.

To achieve this BECCLE organizes conferences, seminars and policy debates; funds participation at conferences and workshops for affiliated researchers; sponsors master thesis on competition law and economics; funds visiting and adjunct professors; provides office space for affiliated and visiting researchers; etc.

In February 2016, the UoB and NHH (BECCLE's parent institutions) decided to extend BECCLE's funding for another five years. The decision was based on an evaluation of BECCLE by an external committee delivered in 2015. The evaluation report was very favorable and concluded that the center had been highly successful in stimulating research on competition policy and providing a meeting place for lawyers and economists.

#### Main Events in 2019

The year 2019 was the eight year of BECCLE as an independent research center, and it has proved to be an exciting year for us.

We organized the 5th BECCLE Competition Policy Conference on April 25-26, with the participation of international experts on competition policy as speakers. The conference was successful in terms of both quality and attendance.

BECCLE organized several interesting seminars during 2019, among these was the seminar organized in October dealing with the questions of how and why the authorities should incentivize small and medium-sized firms to participate in public procurement processes. Among the speakers were economist and Associate Professor Malin Arve (NHH and BECCLE) and legal consultant Ragnhild Kristina Ølstad (Inventura).

This annual report will describe the activity of BECCLE in 2019, including the main events.

#### 5th BECCLE conference on competition policy



Keynote speakers at the 2019 BECCLE conference: Joseph Harrington, Daniel O'Brien and Ariel Ezrachi.

BECCLE organized the 5th annual conference on competition policy on April 25-26 2019. The conference was a great success both in terms of quality and attendance. The conference program comprised presentations by

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invited top international experts on competition policy, including Dr. Daniel O'Brien (Compass Lexecon), Professor Joseph Harrington (U Pennsylvania and NHH/BECCLE), and Professor Ariel Ezrachi (University of Oxford).

Dr. O'Brien's keynote speech, "Price Discrimination Policy in Intermediate Markets," was accompanied by an invited session on input price discrimination, with Claire Chambolle (INRA ALISS) and Hugo Molina (U Leuven).

Professor Harrington's keynote speech, "Competition Law and Pricing Algorithms," and Professor Ezrachi's keynote speech, "I can't believe it's not butter – The tale of digitalisation, competition and misconception," were accompanied by an invited session on algorithms and markets, with Gabriele Rovigatti (Bank of Italy), Timo Klein (U Amsterdam), and Giacomo Calzolari (EUI).

The full program can be downloaded at the following address: <https://beccle.no/event/bergen-competition-policy-conference-25-26-april-2019/>.

## Professor IIs at BECCLE

BECCLE has had the pleasure of hosting an impressive list of Professor IIs in 2019. Professor Caroline Heide Jørgensen, University of Copenhagen, started her part time position at BECCLE in and the Faculty of Law, UiB in 2014. Caroline is an expert on EU Competition Law and the deputy chairman of the Danish Competition Council. At the end of 2016 her position was renewed for 3 more years until the end of 2019.

Professor Thibaud Vergé, ENSAE/CREST in Paris, and Professor Greg Shaffer, University of Rochester in the US, both started their part time position at BECCLE in 2013 and are still active. Shaffer's position is shared with Department of Economics at NHH (from January 2018) while Vergé's position is shared with the Department of Economics at UoB (also from January 2018). They are both experts on industrial organization and competition policy, with a particular focus on the economics of vertical restraints.

Özlem Bedre-Defolie, ESMT Berlin, and Joseph Harrington, University of Pennsylvania, both accepted to start part time positions at BECCLE from January 2018 onwards. Bedre-Defolie's position is shared with the Department of Economics at UoB, while Harrington's position is shared with the Department of Economics at NHH. Like Shaffer and



Professor IIs at BECCLE in 2019, from left to right: Greg Shaffer, Caroline Heide Jørgensen, Thibaud Vergé, Joseph Harrington, Özlem Bedre-Defolie, Odd Rune Straume.

Vergé, Bedre-Defolie and Harrington are both experts on industrial organization and competition policy – but with a particular focus on two-sided markets and vertical restraints (Bedre-Defolie), and cartels/collusion (Harrington).

Professor Odd Rune Straume, University of Minho, is the most recent addition to the BECCLE team. Straume accepted a part time position at BECCLE, shared with the Department of Economics at UoB, that started in January 2019. Straume is also an expert on industrial organization, with a special focus on competition and regulation in health care and labor markets.

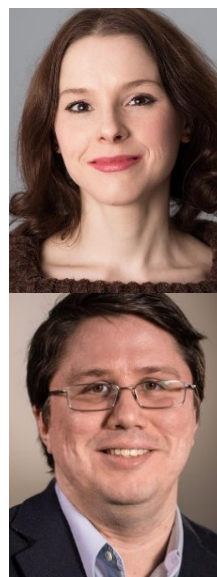
## BECCLE's Özlem Bedre-Defolie awarded prestigious ERC Starting Grant

The economist Özlem Bedre-Defolie has been awarded the prestigious Starting Grant from the European Research Council. The grant is awarded to promising young researchers, who have excelled in their research and who got their PhD over the past two to seven years.

Bedre-Defolie is today an Associate Professor ESMT Berlin, and has been a BECCLE affiliate since January 2018.

Bedre-Defolie's project "Digital Platforms: Pricing, Variety, and Quality Provision" (DIPVAR) will receive €1.49 million between 2020 and 2024. This includes funding of several new positions for post-doctoral researchers and PhD candidates.

## New Associate Professors at the Faculty of Law: BECCLE's Malgorzata Cyndecka and Ignacio Herrera-Anchustegui



Malgorzata Cyndecka (top) and Ignacio Herrera-Anchustegui.

BECCLE's Malgorzata Cyndecka and Ignacio Herrera-Anchustegui were both promoted to Associate Professors at the Faculty of Law last year. Cyndecka has been with the Faculty of Law since 2009, first as a PhD Research fellow and later as a Postdoctoral Researcher, and has been an active member of BECCLE. She defended her PhD from UiB in 2015, and received the European State Aid Quarterly's award for best PhD dissertation since 2012 within the field of state aid law.

Herrera-Anchustegui has been with the Faculty of Law since 2012, first as a PhD Research fellow and later as a Researcher, and has been an active member at BECCLE for several years. He defended his PhD from UiB in 2017, and received Concurrence's prize for best doctoral thesis of the year in Competition Law and Economics.

## BECCLE associate Malgorzata Cyndecka accepted to the Young Academy of Norway

BECCLE associate Malgorzata Cyndecka has been accepted to the Young Academy of Norway (Akademiet for yngre forskere).

The Young Academy of Norway consists of talented, junior researchers from all disciplines, with a demonstrated commitment to science policy and innovative research dissemination. Members have been selected through an application process involving a scientific review process followed by interviews, and have membership for four years.

Cyndecka is Associate Professor at the Faculty of Law, and she is the only researcher from UoB to be accepted to the Young Academy of Norway in 2019.

## BECCLE associates appointed to committee evaluating the need to regulate groceries



Professor Tommy Staahl Gabrielsen (top) and Professor Tore Nilssen.

In October 2019 The Norwegian Ministry of Trade, Industry and Fisheries appointed **BECCLE's Professor Tore Nilssen (University of Oslo) and Professor Tommy Staahl Gabrielsen (UoB)** to a committee with the task of evaluating the need to adopt a ban on input price discrimination in the Norwegian grocery industry. Professor Espen Rasmus Moen (Norwegian Business School) was appointed as the third and final member of the committee. Professor Nilssen acted as the leader of the committee.

There has been an active policy debate in Norway over the past few years about input prices in the Norwegian grocery market. Some of the industry players have argued that the extent of input price discrimination in Norway is hurting the competition at the retail level, by making it hard for the smaller chains to compete

against market leader NorgesGruppen. Several reports have been written on the topic over the past few years. In June 2019 **BECCLE's Bjørn Olav Johansen and Odd Rune Straume** submitted a report on the welfare consequences of input price discrimination commissioned by the Norwegian Competition Authority. The report advises against a ban on input price discrimination.

In January 2020, after having reviewed the various reports that had already been produced on the topic, professors Nilssen, Gabrielsen and Moen concluded that the Norwegian Competition Act has sufficient protections against anti-competitive input price discrimination, and that there is a risk that additional regulations may harm consumers. The committee therefore recommended against a restriction on input price discrimination in the Norwegian grocery industry.

## Doctoral defense on leniency and cartel enforcement within EU Competition Law

BECCLE's Ingrid Margrethe Halvorsen Barlund defended her PhD thesis "A Legal Analysis of Leniency in the Interaction of Public and Private Cartel Enforcement within EU Competition Law" on the 25th of January 2019 at the Faculty of Law, University of Bergen. She held her trial lecture on "The role of commitment decisions in the design of the enforcement system – with a particular focus on the impact on private enforcement" on the 24th of January 2019.

Her evaluation committee consisted of Professor Christian Franklin at the University of Bergen, Professor Erling Hjelmeng at the University of Oslo and Professor Pernille Wegener Jessen at Aarhus University. She has been supervised by Professor Caroline Heide-Jørgensen at the University of Copenhagen, and Associate Professor Ronny Gjendemsjø at the University of Bergen.

In her thesis, Barlund examines how the Commission can assure the detection and deterrence of cartels by using leniency. Barlund is now working as a Postdoctoral fellow at the Faculty of Law.

## Doctoral students

BECCLE hosted eight affiliated doctoral students in 2019. Three were law students, and five were economics students:

- Håvard Ormberg, Linda Midtun and Kristian Strømsnes at the Faculty of Law, UoB;
- Andreas Tveito, Håvard M. Sandvik and Ana Beatriz Mateus Davó Luis at Department of Economics, UoB;
- Alina Ozhegova and Emil Mathias Strøm Halseth at the Department of Economics, NHH.

## Seminars, workshops, small conferences (2019)

BECCLE has hosted the following seminars, workshops and small conferences on competition law and economics in 2019:

- **January 14-15**, [Conference on Developments in Energy Markets](#), with various speakers.
- **March 12**, [Guest lecture: State aid and tender procedures](#), with Cees Dekker (Nysingh).
- **May 20**, [The Competitiveness and Regulation of Offshore Wind Electricity](#), with various speakers.
- **August 22**, [Case Resolution Mechanisms under Articles 101 and 102 TFEU](#), with Katharina Voss (Swedish Competition Authority).
- **September 10**, [Lunchtime lecture on the "Fosen Line" saga](#), with Ragnhild Kristina Ølstad (Inventura AS).
- **October 2**, [Extraterritorial Effects of EU Economic Law: EU Law Beyond the Union](#), with Nuno Cunha Rodrigues (University of Lisbon).
- **October 16**, [Seminar on EU state aid regulation](#), with Linda Nyberg (Lund University).
- **October 17**, [Seminar om hvorfor og hvordan man kan stimulere til lokal deltagelse i anskaffelsesprosesser](#), with Malin Arve (NHH/BECCLE) and Ragnhild Kristina Ølstad (Inventura).



## Publications (2019)

### Selected articles:

Arve, Malin. "Plattformøkonomi og finans." *Magma*.

Brekke, Kurt Richard, Tor Helge Holmås, Karin Monstad, and Odd Rune Straume. "Competition and physician behaviour: Does the competitive environment affect the propensity to issue sickness certificates?" *Journal of Health Economics*.

Brekke, Kurt Richard, Lars Sjørgard, and Andreas Tveito. "Effekter av konkurransereglene for norske forbrukere." *Samfunnsøkonomen*.

Cyndecka, Malgorzata Agnieszka. "State Aid in the Form of Tax Exemptions – Some Thoughts from Norway." *European State Aid Law Quarterly*.

Cyndecka, Malgorzata Agnieszka. "The MEOP in the Larko Case · Case T-423/14 Larko Geniki." *European State Aid Law Quarterly*.

Cyndecka, Malgorzata Agnieszka, Jose Luis Buendia, and Caroline Buts. "Review of EU Case Law on State Aid – 2018." *European State Aid Law Quarterly*.

Fjell, Kenneth, and Debashis Pal. "On repeated myopic use of the inverse elasticity pricing rule." *Economics Letters*.

Gjendemsjø, Ronny, and Ignacio Herrera Anchustegui. "Unfair trading practices in the food supply chain - On-Topic Special Issue". *Concurrences*.

Herrera Anchustegui, Ignacio, and Tina Hunter. "Oil as Currency: Venezuela's Petro, a New 'Oil Pattern'?" In: *Oil, Gas and Energy Law*.

Sá, Luís, Luigi Siciliani, and Odd Rune Straume. "Dynamic hospital competition under rationing by waiting times." *Journal of Health Economics*.

Siciliani, Luigi, and Odd Rune Straume. "Competition and equity in health care markets." *Journal of Health Economics*.

Steen, Frode, and Simen A. Ulsaker. "Sukkeravgiften» skal øke statens inntekter og redusere sukkerforbruket – men virker den?" *Praktisk økonomi & finans*.

### Books, chapters in books and monographs

Askeland, Bjarte, Malgorzata Agnieszka Cyndecka, Eirik Holmøyvik, Berte-Elen R Konow, Ernst Nordtveit, and Sigrd Eskeland Schütz. "Klimaretslege utfordringer for rettsvitenskapen." In: *Rett i Vest. Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen*. Fagbokforlaget 2019 ISBN 9788245027945. s. 177-196.

Barlund, Ingrid H. "Criminalisation of Cartels within EU Competition Law." In: *Rett i Vest - Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen*. Fagbokforlaget 2019 ISBN 9788245027945. s. 225-236.

Cyndecka, Malgorzata Agnieszka. "Om anvendelsen av EØS-regler om offentlig støtte i den norske universitets- og høyskolesektoren." In: *Rett i Vest. Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen*. Fagbokforlaget 2019 ISBN 9788245027945. s. 275-292.

Eriksen, Christoffer Conrad, and Halvard Haukeland Fredriksen. "Norges europeiske forvaltningsrett - EØS-avtalens krav til norske forvaltningsorganers organisering og saksbehandling." *Universitetsforlaget 2019* (ISBN 9788215030098).

Fredriksen, Halvard Haukeland, and Gjermund Mathisen. "EU-rett som norsk rettskilde." In: *Juridisk metode og tenkemåte*. Universitetsforlaget 2019 ISBN 9788215028354. s. 386-419.

Fredriksen, Halvard Haukeland, and Magne Strandberg. "Ex Officio Application of EU Consumer Protection Law in Norwegian Courts." In: *Civil Procedure and Harmonisation of Law*. Intersentia 2019 ISBN 9781780686936. s. 171-191

Gjendemsjø, Ronny, and Ignacio Herrera Anchustegui. "The Scope for National Regulation of Unfair Trading Practices." In: *Rett i Vest - Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen*. Fagbokforlaget 2019 ISBN 9788245027945. s. 293-316.

Herrera Anchustegui, Ignacio. "Acceso a las Redes de Transmisión de Electricidad y Separación Efectiva: Una Perspectiva Transatlántica" (Third Party Access and Effective Unbundling: A Transatlantic Perspective). In: *Competencia en mercados con recursos esenciales compartidos: telecomunicaciones y energía*. Thomson 2019 ISBN 9788491779469. s. 91-128.

Herrera Anchustegui, Ignacio. "Collaborative Centralized Cross-Border Public Procurement: A Feasibility and Comparative Implementation Analysis." In: *Centralização e Agregação de Compras Públicas- Reflexões Sobre uma Tendência Actual da Contratação Pública*. Livraria Almedina 2019 ISBN 9789724079141. s. 337-372.

Kielland, Torger, Tore Lunde, and Knut Martin Tande. "Immaterialrettens europeisering." In: *Rett i Vest. Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen*. Fagbokforlaget 2019 ISBN 9788245027945. s. 395-418.

Lunde, Tore. "Det juridiske fakultet og konkurranseretten." In: *Rett i Vest - Festskrift til 50-årsjubileet for jurist-utdanningen ved Universitetet i Bergen*. Fagbokforlaget 2019 ISBN 9788245027945. s. 435-448.

Lunde, Tore. "§ 95 Noen hovedlinjer i markedsføringsretten og § 96 Generalklausulen." In: *Knophs oversikt over Norges rett*. Universitetsforlaget 2019 ISBN 978-82-15-03193-4. s. 537-548.

Lunde, Tore. "Konkurranseretten i møte med grunnleggende prosessuelle rettar og prinsipp." In: *Integritet og ære: festskrift*

til Henry John Mæland, Gyldendal Norsk Forlag A/S 2019  
ISBN 9788205509436. s. 401-411.

Lunde, Tore, Anders Bratholm, and Birger Stuevold Lassen.  
“Personlighetens rettsvern.” In: Knophs oversikt over Norges  
rett, Universitetsforlaget 2019 ISBN 978-82-15-03193-4. s.  
110-122.

Lunde, Tore, Terje Lundby Michaelsen.  
“Markedsføringsloven med kommentarer, 3. utgave.”  
Gyldendal Akademisk 2019 ISBN 9788205506589.

Lunde, Tore, Birger Stuevold Lassen. “§ 94  
Konkurransbegrensningsrett.” In: Knophs oversikt over  
Norges rett. Universitetsforlaget 2019 ISBN 9788215031934.  
s. 532-537.

## Media (2019)

People associated with BECCLE are active in the public  
debate. One example of this is opinion pieces written in the  
press:

Arve, Malin. “Permanent pengebruk på tynt grunnlag.”  
Dagens Næringsliv.

Arve, Malin. “Gode innkjøp – eller bare billigere telefoni?”  
Dagens Næringsliv.

Arve, Malin, and Gunnar S. Eskeland. “Elbuss-satsing kan  
koste oss fremtidens løsninger.” Dagens Næringsliv.

Arve, Malin, and Ignacio Herrera Anchustegui. “La små  
bedrifter få konkurrere på like vilkår.” Bergens Tidende.

Foros, Øystein, and Frode Steen. “Kundene får ikke vite når  
bensinprisen er lavest.” Dagens Næringsliv.

Fredriksen, Halvard Haukeland. “Fosen-saken til  
Høyesterett: Håp om reell rettsavklaring?” Rett24.no.

Fredriksen, Halvard Haukeland. “Polsk trøbbel for EØS-  
avtalen?” Rett24.no.

Hjelmeng, Erling. “Er problemet misbruk av kjøpermakt  
eller av selgermakt?” Dagens Næringsliv.

Hjelmeng, Erling, and Tina Søreide. “For lett å kjøpe seg ut  
av konkurranse.” Dagens Næringsliv.

Johansen, Bjørn Olav, and Odd Rune Straume. “Bør få bruke  
makt til å presse prisene.” Dagens Næringsliv.

Johansen, Bjørn Olav, and Odd Rune Straume. “Galt å  
skremme med duopol i dagligvaremarkedet.” Dagens  
Næringsliv.

Johansen, Bjørn Olav, and Odd Rune Straume. “Uredelig  
debattstil.” Dagens Næringsliv.

## Master theses (2019)

Nilsen, P. K., “Velferdseffekter av et forbud mot  
prisdiskriminering i lys av egne merkevarer,” Master thesis,  
Department of Economics, University of Bergen, June 2019.

Orlova, L., “Kan et forbud mot prisdiskriminering fremme  
etablering av nettaktører i dagligvaremarkedet?” Master  
thesis, Department of Economics, University of Bergen,  
June 2019.

Havsgård, K. N., “Lojalitetsprogram og deres innvirkning på  
konkurransen i drivstoffmarkedet,” Master thesis,  
Department of Economics, University of Bergen, June 2019.

Ragnhildstveit, M. og Silver, C., “The Effect of Credit  
Portfolio Diversification and Ownership on Banks’ Risk  
Exposure,” Master thesis, Norwegian School of Economics,  
June 2019.

Gangstøe, S. H., “Hemmelige kontrakter i  
dagligvaremarkedet,” Master thesis, Department of  
Economics, University of Bergen, June 2019.

Fossli, A., “Hva innebærer et prisdiskrimineringsforbud, og  
er det hensiktsmessig?” Master thesis, Faculty of Law,  
University of Bergen, June 2019.

Hjelle, A., “Commitment Decisions in EU Competition Law:  
When is Article 9 of Regulation 1/2003 Applicable?” Master  
thesis, Faculty of Law, University of Bergen, June 2019.

Bakke, H. G., “Commitment Decisions Under Article 9 of  
Council Regulation (EC) No 1/2003,” Master thesis, Faculty  
of Law, University of Bergen, June 2019.

Nes, L., “Joint Bidding under Competition Law,” Master  
thesis, Faculty of Law, University of Bergen, June 2019.

Nyborg, M., “Er MFN-klausuler i avtaler mellom hoteller og  
OTAer i strid med konkurranseloven § 10?” Master thesis,  
Faculty of Law, University of Bergen, June 2019.

Dahl, S. T., “Forholdet mellom gjennomføringsforbudet i  
konkurranseloven § 19 og fusjonskontrollforordningen  
artikkel 7 (1),” Master thesis, Faculty of Law, University of  
Bergen, June 2019.

## Research projects with external funding (2019)

Arve, Malin, and Ronny Gjendemsjø. “Between predation  
and bid rigging: Competition issues in procurement  
markets.” Det alminnelige prisreguleringsfond, NOK  
1.400.000.

Barlund, Ingrid H. “Handheving av kartell i EU  
konkurranseretten.” Det alminnelige prisreguleringsfond,  
NOK 246.000.

Gabrielsen, Tommy Staahl, Bjørn Olav Johansen, and Odd  
Rune Straume. “Ikke-pris effekter av fusjoner –

implikasjoner for fusjonskontrollen.” Det alminnelige prisreguleringsfond, NOK 1.319.000.

Hjelmeng, Erling, and Tina Søreide. “Skyldkravet i konkurranseretten og alternative håndhevelsesformer.” Det alminnelige prisreguleringsfond, NOK 1.437.000.

## Members of committees and boards

On April 1<sup>st</sup> 2017 the Complaint board for competition was established. Two of the members of the board are BECCLE associates, namely Ronny Gjendemsjø and Tore Lunde.

In October 2019 Tore Nilssen (leader) and Tommy Staahl Gabrielsen became members of a government appointed committee responsible for evaluating the need to legally restrict input price discrimination in the Norwegian grocery industry. The committee submitted its final report in January 2020.

## BECCLE

Bergen Center for Competition Law and Economics (BECCLE) was [established](#) in 2011, and it is a center jointly owned by Norwegian School of Economics and the University of Bergen. It is a meeting place for economists and lawyers interested in competition policy questions. The center is located in [Jekteviksbakken 31](#) in the centre of Bergen.

In 2012 BECCLE joined a European network of research institutions with a similar focus: [CLEEN](#) (Competition Law and Economics European Network).

The general management of BECCLE consists of five academics. They are Associate Professor Bjørn Olav Johansen from Department of Economics at University of Bergen (leader), Associate Professor Ronny Gjendemsjø from Faculty of Law at University of Bergen (deputy leader), post doc Simen Ulsaker from Department of Economics at Norwegian School of Economics, Associate Professor Ignacio Herrera Anchustegui from Faculty of Law at University of Bergen and Professor Tommy Staahl Gabrielsen from Department of Economics at University of Bergen.



The general management, from left to right: Bjørn Olav Johansen, Ronny Gjendemsjø, Simen Ulsaker, Ignacio Herrera Anchustegui and Tommy Staahl Gabrielsen.

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