

# Prof. Dr. Frank P. Maier-Rigaud

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Prof. Dr. Maier-Rigaud is Managing Director and the Head of NERA's European Competition Economics Group. He has over 20 years of competition and litigation experience across all sectors encompassing all areas of competition economics, notably competitive effects of mergers, cartels, quantification of damages, abuse of dominance, state aid, and vertical and horizontal restraints. His research also addresses issues concerning the quantification of damage, the competitive effects of loyalty schemes/rebates and cartels, as well as behavioral and structural remedies.

He is a Full Professor in the Department of Economics and Quantitative Methods at the IÉSEG School of Management Paris and the Université Catholique de Lille, and a member of LEM-CNRS, the French Centre National de la Recherche Scientifique. He previously held academic positions at the Max Planck Institute in Bonn, Germany, the University of Bonn, Germany, at Indiana University Bloomington and at the University of California, Berkeley in the United States.

Dr. Maier-Rigaud was a Senior Economist of the Directorate General for Competition of the European Commission, where he was responsible for the review and scrutiny of hundreds of antitrust and merger decisions, the peer review panels and the sector inquiry framework. In that function he also coordinated the sector inquiries into financial services, energy, and pharmaceuticals. He led among the largest European Commission inspection teams comprised also of members of the French, German, and UK authorities on dawn raids and was involved in cases such as ENI, Intel, Prokent/Tomra, Réel/Alcan Pechiney, MasterCard, Oracle/PeopleSoft, and Sony/BMG. He appeared on behalf of the European Commission at numerous conferences, in case hearings, and before the European courts. As a Senior Economist in the Policy and Decision Scrutiny Directorate, he was involved in the Article 82 (now 102) review, the project group on services of general economic interest that laid the foundations for a more economic approach in state aid control and was the responsible economist in the early phases of the private enforcement/ damages claims initiative. He also repeatedly gave internal trainings for lawyers and economists both at DG Competition but also at national competition authorities.

Dr. Maier-Rigaud was also Senior Economist at the Competition Division of the Organisation for Economic Co-operation and Development (OECD) where he oversaw the Working Party on Competition and Regulation, the tri-annual meetings of OECD member and observer country competition authorities on technical economic and regulatory competition issues. In that function he authored several important OECD background papers for example on market definition (joint with Prof. Ulrich Schwalbe) and on excessive prices. He also worked on subsidies and state aid and held responsibility the OECD Competition Assessment Toolkit, a methodology allowing the screening of laws and regulations as to their competition impact. He also gave several presentations and one-week training sessions at various competition authorities in Asia and in Europe.

Dr. Maier-Rigaud is a frequent speaker at conferences and international seminars. Recent presentations include several two-day training sessions for German judges on the assessment and quantification of damages and abuse of dominance, a presentation at the Federal Cartel Office (Bundeskartellamt) on the European Commission's experience with the SIEC test in

merger control in the context of the introduction of the test in Germany and a presentation on buyer power at the annual meeting of the Studienstiftung Kartellrecht. Dr. Maier-Rigaud is member of the advisory board of *Wirtschaft und Wettbewerb* the oldest competition law journal in Europe. He teaches courses in Industrial Organisation, Competition Policy, Public and Regulatory Economics and Experimental Economics and publishes prolifically in these areas. Among other journals, OECD publications, and books, his work has appeared in the *Antitrust Law Journal*, *the European Competition Journal*, *the European Competition Law Review*, *the Journal of Competition Law and Economics*, *the Journal of European Competition Law and Practice*, *the Journal of Conflict Resolution*, *the Journal of Economic Behavior and Organization*, *the Journal of Institutional Economics* and *Wirtschaft und Wettbewerb*.

Prof. Dr. Maier-Rigaud is recognized as a Future Leader in *Who's Who Legal: Competition 2017* and for his expertise by *Who's Who Legal: Competition Economists 2016*, where he is famed as a "leading light in the academic field" who is now beginning to turn his significant talents to expert work." He also won the 2014 Concurrences Antitrust Writing Award in the Category Business Economics for his work on retail price maintenance.

Dr. Maier-Rigaud holds a PhD in Economics from the University of Bonn obtained under Nobel Laureate Reinhard Selten, and an MA in Political Science (obtained under Nobel Laureate Lin Ostrom) and an MA in Economics, both from Indiana University Bloomington, as well as a BA (Vordiplom) from the University of Freiburg.

A native German and French speaker, he is also fluent in English.

## Publications

### Journal Publications (refereed)

- Maier-Rigaud, Frank P. (2014) Toward a European Directive on Damages Actions, *Journal of Competition Law and Economics*, 10(2), 341-360.
- Maier-Rigaud, Frank P. (2014) The two types of Gas Network Foreclosure, *World Competition*, submitted.
- Maier-Rigaud, Frank P. (2014) Behavioural versus Structural Remedies under EU Law, *Antitrust Bulletin*, submitted.
- Inderst, Roman, Maier-Rigaud, Frank P. and Ulrich Schwalbe (2014) Umbrella Effects, *Journal of Competition Law and Economics*, forthcoming. [Nominated for the 2014 Concurrences Antitrust Writing Awards]
- Maier-Rigaud, Frank P. (2014) Umbrella Effects and the Ubiquity of Damage Resulting from Competition Law Violations, *Journal of European Competition Law and Practice*, 5 (4), 247-251.
- Arnold, Darrell and Frank P. Maier-Rigaud (2012) The Enduring Relevance of the Model Platonism Critique in Economics and Public Policy, *Journal of Institutional Economics (JOIE)*, 8(3), 289-294.
- Maier-Rigaud, Frank P. (2012) Zur Idee der Subsidiarität struktureller Maßnahmen im Europäischen Wettbewerbsrecht, *Journal of German and European Competition Law (WuW, Wirtschaft und Wettbewerb)*, 5, 487-500.
- Maier-Rigaud, Frank P., Martinsson, Peter and Gianandrea Staffiero (2010) Ostracism and the Provision of a Public Good - Experimental Evidence, *Journal of Economic Behavior and Organization (JEBO)*, 73, 387-395.
- Maier-Rigaud, Frank P. and Kay Parplies (2009) EU Merger Control 5 Years after the Introduction of the SIEC Test: What explains the drop in enforcement activity? *European Competition Law Review (ECLR)*, 11, 565-579.
- Adam, Michael and Frank P. Maier-Rigaud (2009) The Law and Economics of Article 82 EC and the Commission Guidance Paper on Exclusionary Conduct, *Journal of Competition Law (ZWeR - Zeitschrift für Wettbewerbsrecht)*, 1, 131-146.
- Hellström, Per, Maier-Rigaud, Frank P. and Friedrich Wenzel Bulst (2009) Remedies in European Antitrust Law, *Antitrust Law Journal (ALJ, Journal of the American Bar Association)*, 76, 43-63.
- Friederiszick, Hans and Frank P. Maier-Rigaud (2008) In Search of a Pro-Active Cartel Policy: Striking the Balance between Ex-Officio and Leniency Cases, *Journal of Competition Law and Economics*, 4(1), 89-113.
- Maier-Rigaud, Frank P., Wiesen, Daniel and Kay Parplies (2008) Experimental Economics and Competition Policy: Unilateral and coordinated effects in competition games, *European Competition Law Review (ECLR)*, 29(7), 408-417.
- Apesteguia, Jose and Frank P. Maier-Rigaud (2006) The Role of Rivalry: Public Goods versus Common-Pool Resources, *Journal of Conflict Resolution (JCR)*, 50(5), 646-663.
- Beckenkamp, Martin and Frank P. Maier-Rigaud (2006) An Experimental Investigation of Article 82 Rebate Schemes,

*Competition Law Review*, 2(2), 1-31.

- Maier-Rigaud, Frank P. (2006) Article 82 Rebates: Four Common Fallacies, *European Competition Journal (Special Edition on Article 82)*, 2(2), 85-100.
- Maier-Rigaud, Frank P. (2005) Switching Costs in Retroactive Rebates - What's Time got to do with It?, *European Competition Law Review (ECLR)*, 26(5), 272-276.

#### Journal Publications (non-refereed)

- Maier-Rigaud, Frank P., Gammons, Sean and George Anstey (2014) The UK Energy Market Investigation: A Desperate Search for Evidence of a Lack of Competition? *Competition Policy International (CPI)*, Europe Column, April 15.
- Maier-Rigaud, Frank P. and Ulrich Schwalbe (2013) Private Enforcement under EU Law: Abuse of Dominance and the Quantification of *Lucrum Cessans*, *CPI Antitrust Chronicle*, 11(2), 1-11.
- Font Galarza, Andres, Maier-Rigaud, Frank P. and Pablo Figueroa (2013) RPM under EU Competition Law : Some Considerations from a Business and Economic Perspective, *CPI Antitrust Chronicle*, 11(1), 1-12. [Winner of the 2014 Concurrences Antitrust Writing Award]
- Maier-Rigaud, Frank P. (2012) Traffic Management: The Respective Roles of Competition Law and Regulation, *CPI Antitrust Chronicle*, 3(2), 1-11.
- Maier-Rigaud, Frank P. and Nick Taylor (2012) Competition Work at the OECD, *mlex Magazine*, January-March, 53-57.
- Maier-Rigaud, Frank P. (2011) Competition Assessment and Competition Advocacy, *Competition Policy in Asia*, November, 1-2. (includes articles from China, Chinese Taipei, India, Indonesia, Japan, Singapore, Thailand, UK and Vietnam)
- Maier-Rigaud, Frank P. (2011) Network Neutrality: A Competition Angle, *CPI Antitrust Chronicle*, 8(2), 1-10.
- Maier-Rigaud, Frank P., Manca, Federica and Ulrich von Koppenfels (2011) Strategic underinvestment and gas network foreclosure - The ENI case, *EC Competition Policy Newsletter*, Directorate General Competition, European Commission, 1, 18-23.
- Maier-Rigaud, Frank P. and Dovile Vaigauskaite (2006) Prokent/Tomra, a textbook case? Abuse of dominance under perfect information, *EC Competition Policy Newsletter*, Directorate General Competition, European Commission, 2, 19-24.
- Maier-Rigaud, Frank P. (2001) Review of The Evolution of Austrian Economics: From Menger to Lachmann by Sandye Gloria-Palermo (Routledge: London and New York, 1999 Routledge Studies in the History of Economics 24, 208 pp.), *Review of Austrian Economics*, 14(1), 97-99.

#### Books/Chapters in Books

- Inderst, Roman, Maier-Rigaud, Frank P. and Ulrich Schwalbe (2014) Quantifizierung von Schäden durch Wettbewerbsverstöße, in: Andreas Fuchs und Andreas Weitbrecht (eds.) *Handbuch der Privaten Kartellrechtsdurchsetzung*, C.H. Beck, München.
- Maier-Rigaud, Frank P. and Ulrich Schwalbe (2013) Quantification of Antitrust Damages, in: David Ashton and David Henry (eds.) *Competition Damages Actions in the EU: Law and Practice* (with an Economic Contribution by Frank Maier-Rigaud and Ulrich Schwalbe), Edward Elgar 2013.
- Schwalbe, Ulrich and Frank P. Maier-Rigaud (2012) Market Definition, OECD Best Practice Roundtables in Competition Policy, June.
- Schwalbe, Ulrich and Frank P. Maier-Rigaud (2012) Définition du marché, Table ronde de l'OCDE sur les meilleures pratiques en matière de politique de la concurrence, juin.
- Maier-Rigaud, Frank P. (2012) On the Normative Foundations of Competition Law - Efficiency, Political Freedom and the Freedom to Compete, in: D. Zimmer (ed.) *The Goals of Competition Law (ASCOLA Competition Law Series)*, Edward Elgar, 2012, 132-168.
- Maier-Rigaud, Frank P. (2012) *Competition in Hospital Services - The Policy Dimensions*, OECD Best Practice Roundtables in Competition Policy, February.
- Maier-Rigaud, Frank P. (2012) *La concurrence dans les services hospitaliers*, Table ronde de l'OCDE sur les meilleures pratiques en matière de politique de la concurrence, février.
- Maier-Rigaud, Frank P. (2011) *Excessive Prices*, OECD Best Practice Roundtables in Competition Policy, October.

- Maier-Rigaud, Frank P. (2011) *Prix Excessifs*, Table ronde de l'OCDE sur les meilleures pratiques en matière de politique de la concurrence, octobre.
- Maier-Rigaud, Frank P. and Remi Maier-Rigaud (2009) Rüstows Konzept der Sozialen Marktwirtschaft: Sozial- und wettbewerbspolitische Dimensionen einer überwirtschaftlichen Ordnung, in: M. Aßländer, P. Ulrich (eds.), *60 Jahre Soziale Marktwirtschaft: Illusionen und Reinterpretationen einer ordnungspolitischen Integrationsformel*, Haupt Verlag, Bern/Stuttgart/Wien, p. 69-94.
- Lowe, Philip and Frank P. Maier-Rigaud (2008) Quo Vadis Antitrust Remedies, in: B. Hawk (ed.), *International Antitrust Law & Policy: Fordham Competition Law 2007*, Fordham University School of Law, chapter 20, p. 597-611, March.
- Friederiszick, Hans and Frank P. Maier-Rigaud (2008) The Role of Economics in Cartel Detection in Europe, in: D. Schmidtchen, M. Albert and S. Voigt (eds.), *The More Economic Approach in European Competition Law*, Mohr Siebeck, Tübingen, p.179-196.
- Maier-Rigaud, Frank P. and Gerhard Maier-Rigaud (2001) Das neoliberale Projekt, in: F. P. Maier-Rigaud and G. Maier-Rigaud (eds.), in: *Das Versagen des Wirtschaftsliberalismus*, Metropolis-Verlag: Marburg, p. 201-306.
- Maier-Rigaud, Frank P. and Gerhard Maier-Rigaud (2001) Alexander Rüstow: Leben und Werk, in: F. P. Maier-Rigaud and G. Maier-Rigaud (eds.), in: *Das Versagen des Wirtschaftsliberalismus*, Metropolis-Verlag: Marburg, p. 307-318.

### Translations/ Editing

- Arnold Darrell and Frank P. Maier-Rigaud (2012) Translation of "Modell-Platonismus - Der Neoklassische Stil des ökonomischen Denkens in kritischer Beleuchtung" by Hans Albert, originally published in: F. Karrenberg and Albert, H. (eds.) *Sozialwissenschaft und Gesellschaftsgestaltung, Festschrift für Gerhard Weisser*, Duncker und Humblot, 1963, p. 45-76, *Journal of Institutional Economics (JOIE)*, 8(3), 295-323.
- Maier-Rigaud, Frank P. and Gerhard Maier-Rigaud (2001) *Das Versagen des Wirtschaftsliberalismus*, by Alexander Rüstow, revised edition including a list of all publications by and a short overview of the life of A. Rüstow, a subject and name index and translations of the French, Greek and Latin passages, based on the 2nd edition from 1950, Metropolis-Verlag: Marburg, 352p.

### Education

PhD in economics, University of Bonn

MA in political science and MA in economics, Indiana University Bloomington

BA (Vordiplom), University of Freiburg

### Publications

- *The Difference-In-Differences Approach to the Estimation of Cartel Damage*
- *NERA Experts Comment on the Proposed Vodafone-Liberty Merger*
- *Damages Regimes on Both Sides of the Atlantic: An Economic Critique*
- *Behavioural versus Structural Remedies in EU Competition Law*
- *Economics of the Interconnection Data Centre (IDC) Industry*
- *Vertical Restraints and the Forgotten Function of Prices in Brand Management*
- *The UK Energy Market Investigation: A Desperate Search for Evidence of a Lack of Competition?*
- *Tantalus and Other Myths of the British Energy Market*
- *Private Enforcement Under EU Law: Abuse of Dominance and the Quantification of Lucrum Cessans*
- *RPM Under EU Competition Law: Some Considerations From a Business and Economic Perspective*

## **Practice Areas**

Antitrust and Competition  
Commercial Litigation and Damages  
Consumer Financial Services  
Energy  
Health Care  
Intellectual Property  
Regulatory Economics  
Transport  
White Collar, Investigations and Enforcement

## **Languages**

English, French, German

## **About NERA**

NERA Economic Consulting ([www.nera.com](http://www.nera.com)) is a global firm of experts dedicated to applying economic, finance, and quantitative principles to complex business and legal challenges. For over half a century, NERA's economists have been creating strategies, studies, reports, expert testimony, and policy recommendations for government authorities and the world's leading law firms and corporations. With its main office in New York City, NERA serves clients from more than 25 offices across North America, Europe, and Asia Pacific.