

# Dr Gunnar Niels

Partner

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Languages: English, Dutch, German and Spanish



## Expertise

- Antitrust
- Antitrust Damages
- Collective and Class Actions
- Commercial Disputes and International Arbitration
- Intellectual Property
- Market Investigations
- Mergers
- Public Policy and Impact Assessment
- State Aid
- Strategy

## Sectors

- Digital
- Financial Services
- Telecoms, Media and Technology
- Transport

## Profile

Gunnar leads Oxera's work in competition policy and litigation, with more than 25 years' experience in the field covering mergers, agreements, abuse of dominance, damages and state aid. He has advised companies such as Deutsche Bahn, Liberty Global, Facebook, ConocoPhillips and Mastercard, as well as government bodies and the European Commission. Gunnar has provided expert testimony before courts in a range of jurisdictions, including the UK, the Netherlands, Belgium, Austria, Finland, Spain, Canada, South Africa and New Zealand, and has presented at oral hearings in European Commission inquiries.

Author of *Economics for Competition Lawyers* (Oxford University Press, second edition, 2016), Gunnar is on the board of *Markt en Mededinging*, has been guest editor for the *Antitrust Bulletin*, and has published in many leading journals. Before joining Oxera in 1999, Gunnar was deputy head of the Economics Directorate at Mexico's Federal Competition Commission. He is listed in *The International Who's Who of Competition Lawyers & Economists*.

## Selected expert experience

- Expert advice and testimony for the defendants in several trucks cartel damages proceedings across Europe (2018–)
- Expert testimony for the claimants in an air cargo cartel damages claim in the Amsterdam court (2017–)
- Expert testimony in the Canadian Competition Tribunal for the Competition Bureau in an abuse of dominance case against Vancouver Airport (2016–18)
- Expert testimony for Unwired Planet in IP litigation with Samsung and Huawei in the UK and Germany (2015–17)
- Expert testimony for Mastercard in the interchange fees damages claims in UK courts by various retailers (2014–17)
- Expert testimony for Arriva in the UK High Court for an abuse of dominance case against Luton Airport (2013)

## Selected professional experience

- Advice to a global bank in the European Commission investigation into information exchange in European government bond trading (2018–)
- Advice to comparethemarket.com in an Article 101 investigation by the UK Competition and Markets Authority into most-favoured-nation (MFN) clauses (2017–)
- Expert in a patent dispute before the Shenzhen Intermediate People's Court, China (2018–20)
- Expert advice to ASML in a patent dispute with Nikon in the Netherlands, Germany and other jurisdictions (2016–18)
- Court-appointed expert in an abuse of dominance case before the Court of Amsterdam involving property search websites (2015–17)
- Advice to Liberty Global on the European Commission Phase 2 inquiries into its acquisitions of Ziggo and De Vijver Media (2014–15)
- Advice to Skyscanner in its successful appeal before the UK Competition Appeal Tribunal in the online hotel bookings case (2014)
- Economic advice to Royal Bank of Scotland in the European Commission Article 101 investigation into the credit default swaps (CDS) market (2013–15)
- Court-appointed expert in an abuse of dominance case before the Austrian Cartel Court involving long-term 'take-or-pay' gas contracts (2013–15)
- Directed Oxera's study on behavioural economics and competition policy for the Netherlands Authority for Consumers and Markets (2013)
- Advice to Ryanair on Aer Lingus Phase 2 takeover inquiries by the European Commission and UK Competition Commission (2012–13)
- Expert in an arbitration case in Spain for a German manufacturing company (2012)
- Economic expert for Cardiff Bus in a damages claim before the UK Competition Appeal Tribunal, following an abuse of dominance finding (2011–12)
- Economic expert for Mars in an abuse of dominance claim by Nestlé before a Dutch court (2011–12)
- Expert testimony before the New Zealand High Court for the Commerce Commission's prosecution of the air cargo cartel (2011)

- Expert testimony for the liquidators of Nationwide Airlines in an abuse of dominance case before the Competition Tribunal in South Africa (2009)
- Led the work on Oxera's influential report for the European Commission on quantifying damages (2008–10)

## Selected publications

- Niels, G. (2019), 'Transaction versus non-transaction platforms: A false dichotomy in two-sided market definition', *Journal of Competition Law and Economics*, 15:2–3, pp 327–57.
- Niels, G., Jenkins, H. and Kavanagh, J. (2016), *Economics for Competition Lawyers*, second edition, Oxford University Press.
- Ten Kate, A. and Niels, G. (2014), 'The diversion story: Resolving the ambiguities surrounding the concept of diversion ratio', *Journal of Competition Law and Economics*, 10:2, pp. 361–74.
- Ten Kate, A. and Niels, G. (2009), 'The Relevant Market: A Concept Still in Search of a Definition', *Journal of Competition Law and Economics*, 5:2, pp. 297–333.
- Ten Kate, A. and Niels, G. (2006), 'Fulfilled-expectations Equilibria in Network Demand', *Review of Network Economics*, 5:3, pp. 320–36.
- Ten Kate, A. and Niels, G. (2005), 'To What Extent are Cost Savings Passed on to Consumers? An Oligopoly Approach', *European Journal of Law and Economics*, 20, pp. 323–37.

## Qualifications

- PhD Economics, Erasmus University Rotterdam, Netherlands
- MSc Economics, Erasmus University Rotterdam, Netherlands