SHIN & KIM

Economic Analysis Center

The outcome of competition law cases turns on key issues that require economic analysis, such as relevant market definition, assessment of market power, evaluation of anticompetitive effects and efficiencies, and calculation of damages. Shin & Kim's Economic Analysis Center was established to examine these issues through the lens of economics and to provide analyses and written submissions that can be used at each stage of investigation, hearing, and litigation.

Using the methods of industrial organization, game theory, econometrics, and corporate finance and financial economics, the Center analyzes the economic issues that arise in competition law cases and corporate decision-making processes. On this basis, the Center closely combines economic analysis with legal review, comprehensively examining the facts of each case, market structure, corporate decision-making processes, and the responses of competitors and customers, to provide integrated advisory services in which legal principles and economic reasoning are coherently aligned.

Building on this integrated approach, the Center helps companies make rational decisions amid changes in the competition law landscape. Going beyond responding to individual cases, the Center analyzes how markets function, the dynamics of competition, and the economic implications of transaction structures, providing practical insights needed for corporate risk management and strategic planning.

Composition

The Center is headed by Senior Advisor In Ho Lee, a former professor in the Department of Economics at Seoul National University, and operates through close collaboration among attorneys with extensive experience handling competition law cases, advisors with prior experience at the Korea Fair Trade Commission, and professionals with economic and data analysis capabilities. Drawing on expertise spanning economics, law, and regulatory practice, the Center presents effective solutions to the complex competition law issues businesses are facing today.

Key Services

The Center provides the economic analysis required at each phase of a case, from preliminary review at the filing and review stages to responses during the investigation, hearing, and administrative litigation stages, as well as preliminary assessments aimed at preventing disputes.

1. Merger Analysis and Filing Support

Analysis of the market structure and competitive effects of mergers, from filing through review and post-review response.

- Relevant market definition and market concentration analysis
- Review of the competitive effects of horizontal, vertical, and conglomerate mergers (unilateral, coordinated, and foreclosure effects)
- Assessment of countervailing buyer power and the likelihood of price increases and market entry
- Analysis of efficiency effects and consumer welfare
- Preparation of response materials and economic analysis reports for each stage of review

2. Abuse of Dominance & Unfair Trade Practices

Analysis of the economic effects of the conduct at issue—such as refusals to deal, exclusive dealing, discriminatory treatment, tying, and abusive pricing—on markets and consumers.

- Relevant market definition and assessment of market power
- Review of the economic effects of transaction structures and contractual terms
- Analysis of exclusionary, foreclosure, and price effects and consumer welfare
- Review of cost structures, profitability, and the availability of alternative sales and purchasing channels
- Preparation of economic analysis reports for the investigation, hearing, and administrative litigation stages

3. Cartels and Information Exchange

Assessment of the existence and effects of agreements, based on economic analysis of market behavior such as prices, volumes, bids, and transaction terms.

- Quantitative analysis of price, quantity, and bidding data
- Review of the extent to which price movements are driven by changes in costs and demand
- Analysis of whether parallel conduct can be economically distinguished from agreements
- Review of the anticompetitive effects of information exchange
- Economic analysis and preparation of written submissions on damages and administrative surcharges

4. Damages and Economic Effects Analysis

Construction of a counterfactual (but-for) scenario in which the alleged violation did not occur, and assessment of the economic causal relationship between the conduct in question and the alleged harm.

- Analysis of changes in prices, volumes, and margins before and after the alleged violation
- Estimation of damages using comparator markets and comparator periods
- Review of alternative explanatory factors, such as cost increases, demand fluctuations, and business-cycle factors

- Analysis of pass-on of losses and effects at each level of the supply chain
- Preparation of expert opinions and materials responding to court-appointed expert appraisals

5. Compliance and Regulatory Risk Assessment

Assessment of competition law risk factors in advance, based on the client's business model and internal transaction data.

- Review of competition law risks in business models and transaction structures
- Analysis of the economic effects of pricing, discount, and rebate policies
- Review of the economic rationale for intra-group and affiliate transactions
- Review of risks relating to information exchange and contacts with competitors
- Compliance monitoring and support for preparing internal guidelines

6. Policy and Regulatory Analysis and Strategic Advice

Analysis of the impact of changes in the competition law landscape on industries and corporate strategy.

- Analysis of the industry-specific impact of policy and regulatory changes
- Analysis of competitive structures in key industries, including platforms, finance, distribution, manufacturing, and energy
- Review of strategic options for responding to regulatory changes
- Economic review of domestic and international competition policy trends
- Support for preparing policy papers, written submissions, and external briefing materials

Key Contacts

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