

## Phil Alves

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## EDUCATION

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|------------------------|-------------------------------|
| M. Phil, Economics     | University of Cape Town, 2006 |
| B. Social Science, PPE | University of Cape Town, 2002 |

## PROFESSIONAL CAREER

BRG, Associate Director, September 2020 – present  
BRG, Senior Managing Consultant, June 2018 – August 2020  
Genesis Analytics, Senior Associate, Manager, Principle, 2012 – 2018  
Competition Commission of South Africa, Senior Investigator, 2008 – 2012  
South African Institute of International Affairs, Economist, 2005 – 2008

## PROFESSIONAL PROFILE

Phil Alves is a competition and regulatory economist with about 17 years of experience in competition law, sector regulation, litigation, and international trade. He spent four years working for the South African competition authority before transitioning to private consulting in 2012. Mr. Alves has advised on a wide array of competition matters in South Africa and the southern African region including mergers in several sectors, pricing abuses in telecommunications and other industries, market inquiries before the competition authorities and the communications regulator in South Africa, restrictive horizontal agreements, and the competition aspects of licensing matters in the gaming industry and, more recently, postal and courier services. He has also been engaged in preparing economic analyses of the impact of tariffs and international trade policies.

## SELECTED PROJECTS (CONSULTING ONLY)

### *Competition law*

- **Payments complaint:** Part of team assisting a payments company responding to an exclusionary abuse of dominance complaint.
- **UP-NS Class 1 railroad merger (USA):** Contributing to various economic analyses of the first Class 1 railroad in the USA in over 20 years.
- **Steel complaint (South Africa):** Providing economic advice for complaint of exclusionary abuse of dominance.
- **Merger intervention (South Africa):** Co-led advice to global resources company that intervened in a merger involving its competitors in South Africa.

- **Long term insurance (South Africa):** Contributing to expert report analysing information exchange and related cartel allegations.
- **Digital platform (South Africa):** Led advice on proposed market inquiry remedies.
- **Cartel characterisation (South Africa):** Contributing to an expert report assessing cartel allegations in bricks production and distribution.
- **Cartel characterisation (South Africa):** Contributing to an expert report assessing cartel allegations in roll-on roll-off deep sea shipping.
- **Pathology lab (South Africa):** Leading work on an excessive pricing dispute and related damages claim.
- **Merger intervention (South Africa):** Lead a team advising on gold mining companies' intervention in a merger affecting one of their key inputs.
- **Commercial banking (South Africa):** Leading a team advising a one of the major South African banks on abuse of dominance allegations.
- **Excessive pricing in pharmaceuticals (South Africa):** Contributing to economic assessment of two excessive pricing cases in the pharmaceuticals sector.
- **Gibraltar Telecom (Gibraltar):** Co-lead economic analysis of various abuse of dominance allegations and an associated damages claim lodged against Gibraltar Telecom.
- **eMedia (South Africa):** Contributions to urgent application to the Competition Tribunal concerning conduct by a pay TV provider.
- **Anglo American (South Africa):** Contributions to analysis of various disputes concerning the price of iron ore including a Competition Commission excessive pricing investigation.
- **Pathology lab (South Africa):** Contributions to engagements with Competition Commission excessive pricing investigations into COVID-19-related pricing.
- **Telkom South Africa:** Contributions to a series of Competition Tribunal applications to have certain network sharing agreements between competitors reviewed as mergers.
- **Telkom South Africa:** Advised client on excessive pricing investigation by the competition authority.
- **Sprint – T-Mobile merger (USA):** Advised clients on selected questions relating to spectrum, debt, and capital expenditure.
- **World Bank (Angola):** Contributed to the development of Angola's first policy and regulatory reform 'roadmap' for the telecommunications sector. Included advice on market interventions, policy development, and regulatory capacity building.
- **Telkom South Africa:** Advising client and compiling submissions for several rounds of engagement with a Competition Authority Market Inquiry into data services.
- **Bill and Melinda Gates Foundation (multiple countries):** Led project assessing competition problems in digital financial services in Kenya, Nigeria, Bangladesh, and India.
- **Siyazisiza Trust (South Africa):** Advised client on its defence against bid-rigging and related restrictive horizontal practice allegations and findings made against it by the South African competition authority.
- **Cement merger (confidential, South Africa):** Assisted two large South African cement producers to develop a deal structure that would be commercially acceptable and also obtain competition law approval.
- **Zambia Sugar (Zambia):** Defence of an abuse of dominance case brought against Zambia Sugar by the Zambian Competition and Consumer Protection Commission (excessive pricing, price discrimination, unfair pricing).
- **Sun International (South Africa):** Led analysis of relevant markets, competitive dynamics and competitive effects of proposed merger with Peermont in the South African casino industry.

- **Coca-Cola bottling mergers (sub-Saharan Africa):** Led work on relevant markets, competition dynamics, and competitive effects of three-way merger involving the Coca-Cola Company, SABMiller (now ABInbev) and Gutsche Family Investments in South Africa and several other African jurisdictions.
- **Competition Commission South Africa:** Assisted preparation for trial against Telkom South Africa for abuse of dominance in managed data services markets.
- **Two mergers in the fast-moving consumer goods sector, one in dry goods, and one in canned food (both confidential, South Africa).** Led the analysis of relevant markets, competition dynamics, and the likely competitive effects of these mergers.
- **Merger in the fertilizer industry (confidential, South Africa).** Led the analysis of relevant markets, relevant regulatory constraints, and the likely competitive effects of this merger.
- **Merger involving two leading apparel and accessories, homeware and cosmetics retailers (confidential, South Africa).** Led the analysis of the competitive effects of this merger in apparel retail and supported the analysis of homeware and cosmetics retail.

### **Sector regulation**

- **Broadcasting:** Analysis of competitive effects of a global merger affecting control of a firm holding an electronic communications licence in South Africa.
- **Healthcare:** Led work analysing the financial sustainability challenges of the National Health Insurance Act in South Africa, which formed part of a major Constitutional Court challenge.
- **Telkom South Africa:** Contributions to court challenge on spectrum auction.
- **Telkom South Africa:** Contributions to client advice on selected issues concerning spectrum.
- **South African Post Office:** Economic evidence relating to dispute over interpretation of reserved services.
- **Telkom South Africa:** Advising client on several rounds of engagement with the sector regulator concerning a market inquiry into mobile broadband.
- **Telkom South Africa:** Contributions to client's engagements with telecommunications regulator on call termination rate regulation including preparation for litigation.
- **Telkom South Africa:** Contributions to various submissions to telecommunications regulator on process for deciding which telecommunications markets to prioritise for pro-competitive regulation.
- **Independent Communications Authority of South Africa:** Contributed to development of call termination rates for fixed and mobile in South Africa.
- **Independent Communications Authority of South Africa:** Contributed to defence of call termination rates for fixed and mobile in South Africa against legal challenge from an operator.
- **Client (financial services, South Africa):** Advised client on various price regulation issues in selected payment services as part of its engagement with the regulator
- **Casino Association of South Africa:** Opposing the Gauteng Provincial Government's proposed amendments to the Gauteng casino tax regime.
- **Sun International:** Led competition economics analysis to oppose proposed licensing of new casino and other gambling operations in South Africa and Botswana.
- **Legacy Hotels:** Led competition economics analysis to oppose licensing of new casino in Namibia.

### **Disputes**

- **Gibraltar Telecom (Gibraltar):** Led quantification of damages claim for Gibraltar Telecom.

- **Commercial software (South Africa):** Contributed to expert report for a dispute involving South African authorities.
- **Barnes Fencing Industries:** Advice on quantum and related economic evidence for client's cartel damages claim in the High Court.
- **Investor-state dispute (South Sudan):** Contributed to the development of damages claim against South Sudanese government on behalf of a wireless operator formerly active in South Sudan.
- **Pick 'n Pay:** Exclusive lease agreement disputes for major South African supermarket chain.

### **International trade**

- **Cement import tariff:** Contributed to calculation of cement import tariff level required to justify new investment into a processing plant in Lesotho by a major South African cement producer. Led the drafting of the report.
- **International Trade Administration Commission:** Devised and carried out an economic impact assessment of an export control policy that was applied to exports of scrap metal in 2013.
- **South African Poultry Association:**
  - Led work assessing the case for safeguards to be introduced on imports of specific poultry products from the EU, under the Trade, Development and Cooperation Agreement, and later the SADC-EU Economic Partnership Agreement.
  - Led work assessing the benefits of the African Growth and Opportunity Act to South Africa. Assisted on various anti-dumping disputes.
  - Led work assisting the South African Poultry Association in responding to various objections raised against its application to the International Trade Administration Commission to increase tariffs on most-favoured nation imports of certain poultry products.
- **Economic Development Department:** Led work responding to two rounds of objections in the High Court to the Economic Development Department's policy in respect of scrap metal exports.
- **South African Sugar Association:** Led work assisting the South African Sugar Association in responding to various objections raised against its application to the International Trade Administration Commission to increase tariffs on most-favoured nation imports of sugar.

### **Advisory**

- **Multichoice:** Advice on cost, financial, and business model sustainability of a wholly owned subsidiary.
- **Telkom South Africa:** Advised client's wholesale fixed business on product costing and pricing including commercial, regulatory and strategy considerations.
- **Client (Uganda):** Assessed impacts of and possible alternatives to an excise tax on the usage of over-the-top messaging and social media services in Uganda.

### **JOURNAL ARTICLES**

- (1) Alves, P (2007). "India and South Africa: Shifting Priorities?" South African Journal of International Affairs, vol. 14., no. 2.
- (2) Alves P., and L. Edwards (2006), "South Africa's export performance: determinants of export supply." South African Journal of Economics, Volume 74, Issue 3, pages 473–500, September 2006.

## BOOKS AND MONOGRAPHS

- (1) Alves P., P. Draper, and R. Sally (eds.) (2009). *The Political Economy of Trade Reform in Emerging Markets: Crisis or Opportunity?* Cheltenham, Edward Elgar, 2009
- (2) Alves, P. and P. Draper (eds.) (2009). *Trade Reform in Southern Africa: Vision 2014?* Johannesburg, Jacana Media, 2009