

CONTENTS

Table of Cases	<i>page viii</i>
Table of Statutes	<i>xxx</i>
Preface	<i>xxxix</i>
1 Economic and legal foundations of EU competition law	1
A THE IDEA OF COMPETITION	1
1 The benefits of competition	1
2 The economic principles of competition	3
3 The benchmark of perfect competition	5
4 Monopoly – the other extreme	9
5 Oligopolistic competition	13
6 The competitive benchmark underlying EU competition law and the concept of effective competition	21
7 The limitations of the market mechanism	23
B THE LEGAL FOUNDATIONS OF EU COMPETITION LAW	27
1 The goal of competitive markets	27
2 The goal of market integration	28
3 Sources of EU competition law	29
4 The Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms	34
5 Scope of application of EU competition law	36
6 International applicability	39
7 The relationship between EU and national competition law	42
8 Enforcement	45
Questions on Chapter 1	60
Suggested essay topics	61
2 Key concepts of Article 101 TFEU	62
1 The scheme of Article 101 TFEU	62
2 Undertaking	66
3 Agreements, decisions and concerted practices	75

4	The object or effect of preventing, restricting or distorting competition	90
5	The examples of collusion listed in Article 101(1) TFEU	105
6	Effect on trade between Member States	111
7	<i>De minimis</i> doctrine	113
8	Article 101(2) TFEU – nullity of the agreement	114
9	Article 101(3) TFEU – legal exception	118
	Questions on Chapter 2	126
	Suggested essay topics	127
3	Possibilities for cooperation under Article 101 TFEU	128
1	Introduction	128
2	Horizontal agreements	129
3	Information exchange	135
4	R&D agreements	138
5	Specialisation agreements	146
6	Production agreements	149
7	Purchasing agreements	151
8	Commercialisation agreements	153
9	Standardisation agreements	155
10	Vertical agreements	158
11	Technology transfer agreements	178
	Questions on Chapter 3	186
	Suggested essay topics	187
4	Article 102 TFEU – abuse of a dominant position	188
1	Introduction	188
2	Elements of article 102 TFEU	189
3	Undertaking	190
4	Effects on inter-state trade	192
5	Dominant position	194
6	Substantial part of the internal market	212
7	Concept of abuse	213
8	Defences	216
9	Exploitative abuses	221
10	Exclusionary abuses	224
	Questions on Chapter 4	241
	Suggested essay topics	241
5	Merger control	242
1	Introduction	242
2	Jurisdictional scope	244

3	Relationship between EU and national merger control	256
4	Substantive appraisal	261
5	Ancillary restraints	293
6	Procedural aspects	294
7	Commitments	300
8	Investigative powers	302
9	Judicial review	303
	Questions on Chapter 5	307
	Suggested essay topics	308
6	Cartels	309
1	Introduction	309
2	Cartel prohibition under article 101 TFEU	312
3	Sanctions	331
4	Judicial review	345
5	Leniency notice	352
6	Private enforcement	361
7	Procedural aspects	367
	Questions on Chapter 6	376
	Suggested essay topics	377
	Index	378