

Articles

FRANCES DETHMERS

EU merger control: out of control? 435

This article provides insights into key recent substantive and procedural changes under EU merger control. It argues that EU merger control has become stricter and more cumbersome in horizontal merger cases. In particular, the European Commission seems to have lowered the threshold for identifying concerns in the absence of single dominance, and is more focused on internal documents and market feedback.

PROFESSOR CHRISTIAN BERGQVIST

The notion of vertical alignment in Regulation 1/2003 453

Since 2004, EU Member States have been mandated and obligated to apply EU competition law parallel to national law and refrain from condemning agreements permissible under art.101. Moreover, a close co-operation forum has been established to co-ordinate decisions and secure this vertical alignment between national and EU competition law. A review of the framework has now been initiated, focusing predominantly on procedural issues and the power to adopt decisions nationally. However, the matter of vertical alignment could also merit some attention as it appears to come in shades of grey.

WOLF SAUTER AND SUSAN VAN
VELZEN

Joint purchasing of pharmaceuticals under competition law: the case of the Netherlands 458

In June 2016 Dutch competition authority ACM published guidelines setting out a safe harbour for joint purchasing of pharmaceuticals based on shared cost thresholds instead of market share, and on the possibility to accede to and to exit from such collaboration. Under EU law, collaboration below 15 per cent joint market share and between non-competitors is exempt more generally.

ANDREA LOFARO

Estimating post-merger price effects in bidding markets: lessons from GE/Alstom 465

As part of its recent assessment of General Electric's proposed acquisition of Alstom's power generation business, the European Commission estimated the likely price impact of the proposed transaction, taking into account the bidding nature of competition. This article examines the intuition behind and drawbacks of the techniques used by the Commission.

JAN KUPCIK

Why does Uber violate European competition laws? 469

Uber, unlike other services in two-sided markets, fixes the price between a driver and a customer. Drivers are not employees, but independent competitors, whose behaviour therefore represents a hard-core cartel. Based on previous decisions of the CJEU and the European Commission, Uber should be held liable for this violation.

Book Reviews

OLES ANDRIYCHUK

Economic Evidence in EU Competition Law 473

National Reports

Canada

ANTI-COMPETITIVE AGREEMENT

Automotive parts industry N-137

Ireland

GENERAL

Publication of Ireland's CCPC's first annual report N-137

Italy

ANTI-COMPETITIVE AGREEMENTS

Vending machines N-140

Sweden

GENERAL

Patent and Market Court N-141

Sweden

MERGER

Media distribution N-142

Sweden

MERGER

Pre-insulated heating pipes merger N-142

Switzerland

PROCEDURE

Swiss Competition Commission N-143

Turkey

ABUSE OF DOMINANT POSITION

Petroleum industry N-144

US

MERGER

Hedge fund investment in merging parties N-145

US

MERGER

Office Supplies N-146