

European Competition Law Review

2013 Volume 34 Issue 1
ISSN: 0144-3054

Table of Contents

Articles

ADRIAN BROWN AND MORRIS
SCHONBERG

Widening the Net: The General Court Extends the Principle of Successor Liability in EU Competition Law 1

Given that there may often be a significant time-lag between the end of a cartel and the date it is actually penalised by the European Commission, the rules governing succession to liability for EU competition law infringements have proven significant in practice. However, two recent General Court judgments have arguably extended the scope of succession to breaking point. This article provides an overview of the existing principles and then considers the judgments and the potential problems they raise.

FRÉDÉRIC MANIN, RAINER VELTE,
GUSTAF DUHS AND GONÇALO
ANASTÁCIO

Competition Law Compliance across Europe: a Multi-jurisdictional Challenge 6

The authors summarise some key differences in relation to competition law compliance in France, Germany, the United Kingdom and at EU level. The aim is to identify the pitfalls and to provide food for thought to companies and their advisers when considering how to assess risk and maximise the effectiveness of such programmes for multi-national or global businesses.

SINÉAD BREATHNACH

Sweetening the Carrot: The Role of Leniency Programmes in the Fight against Cartels 12

Discovering and dismantling cartels is quite an arduous task and in order to assist in this endeavour many jurisdictions have introduced corporate leniency programmes. The aim of these programmes is to encourage the self-reporting of anti-competitive activity by cartel members and although first introduced in the United States, leniency programmes are now in place in the European Union and the majority of its Member States, including Ireland.

ROB VAN DER LAAN

About dogs and barking: Jersey Competition Regulatory Authority Decision C793/11 Jersey Telecom Limited 17

In February 2012, the Jersey Competition Regulatory Authority issued its first decision concluding that there had been an infringement of art.8(1) of the Competition (Jersey) Law 2005. In this article we discuss various aspects in relation to the fine and the link between competition law in Jersey and the European Union.

DR NIKOLAOS E. ZEYGOLIS

Resale Price Maintenance (RPM) in European Competition Law: Legal certainty Versus Economic theory? 25

Basic principle of European competition law is that every enterprise must define independently, i.e. autonomously, its trade (economic) policy. Consequently, for reasons of legal certainty only a modification of the per se approach for RPM and in the form of exemption could be accepted, recognising at the same time that systematic economic analysis is necessary for the rationalisation of competition law.

KAI HÜSCHEL RATH, ULRICH
LAITENBERGER AND FLORIAN
SMUDA

Cartel Enforcement in the European Union: Determinants of the Duration of Investigations 33

We provide an empirical assessment of EC cartel enforcement decisions between 2000 and 2011. Following an initial characterisation of our dataset, we especially investigate the determinants of the duration of cartel investigations. We are able to identify several key drivers of investigation length such as the Commission's speed of cartel detection, the type of cartel agreement, the affected industry or the existence of a chief witness.

Analysis

ELISABETTA ROTONDO

The Application of the Proposed European Standardisation Regulation in Practice 40

On September 11, 2012, the European Parliament adopted the final text of the proposed European Standardisation Regulation. The Standardisation Regulation identifies parameters within which industry, public authorities and other interested parties can voluntarily set standards in order to reduce technical barriers to cross-border trade. This will be achieved by harmonising national and often conflicting standards policies in different Member States for certain areas of public procurement.

Book Reviews

DR N. AYSE ODMAN BOZTOSUN

European Competition Law: The Impact of the Commission's Guidance on Article 102 44

National Reports

European Institutions

MERGER REGULATIONS

Prior notifications of concentrations N-1

Denmark

MERGERS

Alcoholic beverages N-4

Denmark

ANTI-COMPETITIVE AGREEMENTS

School teachers' association N-4

Estonia

ABUSE OF DOMINANT POSITION

Wholesale magazines N-5

Netherlands

GENERAL

Competition authority N-6

Portugal

ABUSE OF DOMINANT POSITION

Telecommunications N-7

Portugal

TELECOMMUNICATIONS

Call origination N-8

Portugal

ANTI-COMPETITIVE AGREEMENTS

Distribution N-8

Portugal

PROCEDURE

Competition authority N-9

United Kingdom

PROCEDURE

Penalties N-9

United Kingdom

ANTI-COMPETITIVE AGREEMENTS

Price relationship agreements N-10

United Kingdom

MERGERS

Air transport N-11

United States

ANTI-COMPETITIVE AGREEMENTS

Electronic publishing N-11

United States

ANTI-COMPETITIVE AGREEMENTS

Cartels N-13