CONTENTS

Tables of Cases			xiii
Tables of Legislation			xxix
Li	st of .	Abbreviations	xxxiii
1	Int	1	
	А.	Reasons for Mergers and Acquisitions	1.06
	Β.	Are Mergers/Acquisitions Profitable?	1.18
	C.	Purpose of Merger Legislation	1.29
2	Hi	story of Council Regulation 4064/89	15
	А.	History of Merger Control	2.01
	В.	Objectives and Welfare Standards of Merger Control	2.56
	C.	Origins of the Notion of Dominance	2.86
3	Со	uncil Regulation (EC) No. 139/2004	49
	А.	Three Seminal Cases	3.01
	B.	Substantive Reforms to Merger Regulation	3.43
	C.	Procedural Reforms	3.97
	D.	Jurisdictional Reforms	3.108
	E.	The Horizontal Merger Guidelines	3.113
	F.	The Non-Horizontal Merger Guidelines	3.163
	G.	Concluding Remarks	3.223
4	Community Jurisdiction I: Concentration and Control		117
	A.	Definition of Concentration	4.06
	B.	Concept of Control	4.19
	C.	Acquisition and Change of Control	4.21
	D.	The Concept of Single Concentration	4.65
	E.	Joint Ventures	4.82
	F.	Ancillary Restraints	4.103

C
Contents
CURRENTEDS

5	Con	nmunity Jurisdiction II: Notification and Review	155
	A.	The Community Dimension Test	5.04
	B.	Turnover	5.08
	C.	Exceptions to the Community Dimension Test	5.12
	D.	The Merger Control Process	5.43
	E.	Parallel Notifications	5.86
	F.	Derogation from Notification	5.96
	G.	Abandoned Concentrations	5.104
	H.	Internal Changes after 2004	5.108
	I.	Fines	5.113
	J.	Standard of Proof	5.117
6	Ma	rket Definition	199
	А.	Aim of Market Definition	6.01
	B.	Substitutability and the SSNIP Test	6.12
	C.	Quantitative Methods in Merger Analysis	6.26
	D.	Critical Loss Analysis	6.41
	E.	Approaches to Market Definition	6.60
7	Ho	rizontal Mergers—Non-coordinated Effects	221
	А.	Non-coordinated Effects of Horizontal Mergers	7.08
	Β.	Horizontal Mergers Leading to Non-coordinated Effects in Oligopolistic Markets	7.55
8	Ho	rizontal Mergers—Coordinated Effects	261
	A.	Background of Collective Dominance and Coordinated Effects	8.11
	B.	Development of Assessment Criteria	8.23
	C.	Nestlé/Perrier: The Development of the Criteria	8.84
	D.	The Airtours Case	8.90
	E.	Sony/BMG–Impala	8.126
	F.	Coordinated Effects of Mergers in Cartelized Industries	8.148
	G.	Illegality of Future Conducts as a Deterrence of Anticompetitive	8.174
	τT	Effects Arising from a Merger	8.197
	H.	0	8.210
	I.	Appendix	

9	No	n-Horizontal Mergers	337
	A.	Pro-competitive Nature of Non-Horizontal Mergers	9.03
	B.	Initial Era of Non-Horizontal Merger Assessment	9.15
	C.	Non-Horizontal Merger Guidelines	9.32
	D.	Assessment of Vertical Mergers	9.43
	E.	Conglomerate Merger Assessment	9.72
10	En	try and Potential Competition	379
	A.	Barriers to Entry	10.02
	В.	Potential Competition	10.53
11	Bu	yer Power	407
	A.	Buyer Power: A Boon and a Menace	11.06
	B.	A Boon: Countervailing Buyer Power	11.08
	C.	A Menace: Buyer Market Power	11.16
	D.	Some Specific Thoughts on Buyer Power	11.21
	E.	Market Definition and Buyer Power	11.45
	F.	Measures to Assess Buyer Power	11.56
	G.	Consequences of Buyer Power	11.63
	H.	Assessment of Buyer Power by Competition Authorities	11.75
	I.	Concluding Remarks	11.104
12	Eff	iciency Assessment	443
	A.	Types of Efficiencies	12.01
	B.	European Commission Approach towards Efficiencies	12.26
	C.	European Decision-making Practice	12.45
	D.	Examples of Efficiency Assessment	12.71
	E.	Seminal Case: Global/GCap	12.95
	F.	Seminal Case: European Directories/Gouden Gids	12.103
	G.	Concluding Remarks	12.108
13	Fai	ling Firm Defence	477
	A.	Failing firm defence	13.01
	B.	The European Union Perspective	13.14
	С	Derogation: Removing the Suspension	13.82

		Contents	
	D.	Reflections on Failing Firm Defence	13.105
	E.	Concluding Remarks	13.126
14	Ren	nedies	515
	A.	Principles on Remedies	14.01
	B.	Remedies and their Taxonomy	14.06
	C.	Structural Remedies	14.21
	D.	Behavioural Remedies	14.60
	E.	Quasi-structural Remedies	14.70
	F.	Monitoring Commitments	14.78
	G.		14.85
	Н.	Remedies in Periods of Crises	14.108
	I.	Concluding Remarks	14.115
15	Iuc	licial Review	559
- /	A.	Locus Standi	15.10
	В.	Standard Court Procedure	15.18
	C.	Appeals in Merger Cases	15.22
	D.		15.27
	Е.	Interim Relief	15.33
	E.	Consequences of a Successful Appeal	15.37
	1,		
In	dex	,	575