

Contents

<i>The Nature of this Book</i>	v
<i>Outline Contents</i>	vii
<i>Table of Cases</i>	xxix

1 The Concept of Undertakings 1

a The Functional Approach

IV/33.384 etc	<i>The distribution of package tours during the 1990 World Cup</i>	3
---------------	--	---

b The Relativity of the Concept

C-41/90	<i>Hofner and Elser v Macrotron GmbH</i>	4
C-364/92	<i>SAT v Eurocontrol</i>	5
C-159/91 etc	<i>Poucet v Assurances Générales de France</i>	6
C-343/95	<i>Cali & Figli v Servizi ecologici porto di Genova SpA</i>	7
T-319/99	<i>FENIN v Commission (CFI)</i>	8
C-205/03	<i>FENIN v Commission (ECJ)</i>	9
C-309/99	<i>Wouters</i>	11
C-264/01 etc	<i>AOK-Bundesverband</i>	12
C-67/96	<i>Albany v Stichting Bedrijfspensioenfonds Textielindustrie</i>	14
C-113/07	<i>SELEX Sistemi Integrati SpA v Commission</i>	15

Including the following summary references:

C-244/94	<i>Federation Francaise des Societes d'Assurance</i>	6, 12
C-475/99	<i>Ambulanz Glöckner v Landkreis Sudwestpfalz</i>	7, 10
C-157/99	<i>Smits and Peerbooms</i>	9
1006/2/1/01	<i>BetterCare v The Director General of Fair Trading</i>	10
C-218/00	<i>Cisal di Battistello Venanzio & Co Sas</i>	13
C-22/98	<i>Jean Claude Becu</i>	14

c Single Economic Entity

107/82	<i>AEG-Telefunken v Commission</i>	18
C-73/95 P	<i>Viho Europe BV v Commission</i>	19
IV/32.732	<i>IJsselcentrale and others</i>	20
C-189/02 P etc	<i>Dansk Rørindustri and others v Commission</i>	21
2002/470	<i>Provimi Ltd v Aventis Animal Nutrition SA and others</i>	22
1072/1/1/06	<i>Sepia Logistics Ltd v OFT</i>	23
C-97/08	<i>Akzo Nobel v Commission</i>	24

Including the following summary references:

C-286/98 P	<i>Stora Kopparbergs Bergslags v Commission</i>	18, 21
170/83	<i>Hydrotherm v Compact</i>	19
T-68/89 etc	<i>SIV and others v Commission</i>	19
22/71	<i>Beguelin Import Co v SAGL Import Export</i>	19

T-301/04	<i>Clearstream v Commission</i>	21
T-314/01	<i>Avebe v Commission</i>	21
2002 WL 31413939	<i>Suretrack Rail Services Limited v Infracore JNP Limited</i>	23
T-185/05	<i>Arkema SA v Commission</i>	24

2 Market Definition 25

a Product and Geographical Markets

27/76	<i>United Brands v Commission</i>	28
85/76	<i>Hoffmann-La Roche & Co v Commission</i>	30
6/72	<i>Europemballage Corp & Continental Can v Commission</i>	31
322/81	<i>Nederlandsche Banden Industrie Michelin v Commission</i>	32
T-219/99	<i>British Airways v Commission</i>	34
T-340/03	<i>France Télécom SA v Commission</i>	36

Including the following summary reference:

07-5276	<i>FTC v Whole Foods Market</i>	37
---------	---------------------------------	----

b One-way Substitution

COMP/M.2420	<i>Mitsui/CVRD/Caemi</i>	38
COMP/M.3178	<i>Bertelsmann/Springer/JV</i>	38

c Markets for Spare Parts

22/78	<i>Hugin v Commission</i>	39
-------	---------------------------	----

d Narrow Markets

22/78	<i>Hugin v Commission</i>	39
T-30/89	<i>Hilti AG v Commission</i>	40

Including the following summary references:

C-333/94	<i>Tetra Pak International SA v Commission</i>	40
T-83/91	<i>Tetra Pak International SA v Commission</i>	40

e Switching Costs

COMP/35.587 etc	<i>PO Video Games (Nintendo)</i>	41
-----------------	----------------------------------	----

f Markets for Raw Materials

6/73	<i>Commercial Solvents v Commission</i>	42
------	---	----

Judicial review

T-301/04	<i>Clearstream v Commission</i>	43
----------	---------------------------------	----

3 Article 101 TFEU (ex Article 81 EC) 44

a Agreement between Undertakings

107/82	<i>AEG – Telefunken v Commission</i>	51
25 & 26/84	<i>Ford v Commission</i>	52
T-41/96	<i>Bayer v Commission</i>	53
T-208/01	<i>Volkswagen v Commission</i>	55
C-74/04	<i>Volkswagen v Commission</i>	56

Including the following summary references:

277/87	<i>Sandoz Prodotti Farmaceutici SpA v Commission</i>	51, 54
41/69	<i>ACF Chemiefarma NV v Commission</i>	52
C-279/87	<i>Tipp-Ex v Commission</i>	54
C-338/00 P	<i>Volkswagen v Commission</i>	55

b Concerted Practice

48/69	<i>ICI v Commission (Dyestuffs)</i>	57
40/73 etc	<i>Suiker Unie and others v Commission</i>	58
89/85 etc	<i>A Ahlström Osakeyhtiö and others v Commission (Wood Pulp Cartel)</i>	60
C-199/92	<i>Hüls AG v Commission</i>	61
C-204/00 etc	<i>Aalborg Portland A/S and others v Commission</i>	63

Including the following summary references:

IV/37.614/F3	<i>PO/Interbrew and Alken-Maes</i>	62
T-25/95 etc	<i>Cimenteries CBR SA v Commission</i>	62

c Joint Classification and Single Overall Agreement

C-204/00 etc	<i>Aalborg Portland A/S and others v Commission</i>	63
T-305/94 etc	<i>Limburgse Vinyl Maatschappij NV and others v Commission</i>	64, 65
T-101/05 etc	<i>BASF AG and UCB SA v Commission</i>	66
T-99/04	<i>AC-Treuhand AG v Commission</i>	68

Including the following summary references:

C-49/92 P	<i>Commission v Anic Partecipazioni SpA</i>	64
IV/37.614/F3	<i>PO/Interbrew and Alken-Maes</i>	64

d Decision by an Association

T-325/01	<i>Daimler Chrysler AG v Commission</i>	70
96/82	<i>IAZ International Belgium NV v Commission</i>	71
C-309/99	<i>Wouters</i>	95

Including the following summary references:

209/78 etc	<i>Van Landewyck and others v Commission</i>	70
8/72	<i>Cementhandelaren v Commission</i>	71
45/85	<i>Verband der Sachversicherer v Commission</i>	71

e Object or Effect

56/65	<i>Societe Technique Miniere v Maschinenbau Ulm GmbH</i>	72
56/64 etc	<i>Consten & Grundig v Commission</i>	73
23/67	<i>SA Brasserie de Haecht v Consorts Wilkin-Janssen</i>	76
T-374/94 etc	<i>European Night Services v Commission</i>	77
C-234/89	<i>Stergios Delimitis v Henninger Bräu AG</i>	78
C-209/07	<i>Competition Authority v Beef Industry Development Society</i>	80
C-8/08	<i>T-Mobile Netherlands and Others</i>	81
C-501/06 etc	<i>GlaxoSmithKline Services Unlimited v Commission</i>	83
T-328/03	<i>O2 (Germany) GmbH & Co OHG v Commission</i>	85

Including the following summary reference:

T-17/93	<i>Matra Hachette v Commission</i>	84
---------	------------------------------------	----

f Scope of Analysis under Article 101(1) TFEU and the 'Rule of Reason'

T-328/03	<i>O2 (Germany) GmbH & Co OHG v Commission</i>	85
T-112/99	<i>Métropole Télévision (M6) v Commission</i>	87
C-519/04 P	<i>Meca-Medina and Majcen v Commission</i>	89

Including the following summary references:

T-17/93	<i>Matra Hachette v Commission</i>	88
C-309/99	<i>Wouters</i>	88

g Ancillary Restraints

42/84	<i>Remia BV v Commission</i>	90
C-250/92	<i>Gottrup-Klim v Dansk Landbrugs Grovvarereselskab AmbA</i>	91
T-112/99	<i>Metropole Television (M6) v Commission</i>	93
C-309/99	<i>Wouters</i>	95

h Appreciable Effect (de minimis)

5/69	<i>Franz Volk v SPRL Est J Vervaecke</i>	97
T-7/93	<i>Langnese-Iglo GmbH v Commission</i>	97
T-374/94 etc	<i>European Night Services Ltd and others v Commission</i>	97

i Effect on Trade between Member States

56/65	<i>Société Technique Minière v Maschinenbau Ulm GmbH</i>	98
56/64 etc	<i>Consten & Grundig v Commission</i>	98
8/72	<i>Vereeniging van Cementhandelaren v Commission</i>	98
23/67	<i>SA Brasserie de Haecht v Consorts Wilkin-Janssen</i>	99
107/82	<i>AEG – Telefunken v Commission</i>	99

j Article 101(2) TFEU

56/64 etc	<i>Consten & Grundig v Commission</i>	100
-----------	---	-----

Including the following summary references:

56/65	<i>Societe Technique Miniere v Maschinenbau Ulm GmbH</i>	100
T-9/99	<i>HFB Holding and others v Commission</i>	100
English CA	<i>David John Passmore v Morland and others</i>	100

k Article 101(3) TFEU

56/64 etc	<i>Consten and Grundig v Commission</i>	101
26/76	<i>Metro v Commission</i>	102
C-360/92 P	<i>Publishers Association v Commission</i>	103
T-168/01	<i>GlaxoSmithKline Services Unlimited v Commission</i>	104, 108
COMP/29.373	<i>Visa International – Multilateral Interchange Fee</i>	106

Including the following summary references:

T-528/93	<i>Métropole Télévision SA v Commission</i>	102, 109
T-17/93	<i>Matra Hachette SA v Commission</i>	102
T-131/99	<i>Michael Hamilton Shaw others v Commission</i>	103
C-501/06	<i>GlaxoSmithKline Services Unlimited v Commission</i>	105
T-17/93	<i>Matra Hachette v Commission</i>	107
Case IV/36.748	<i>Reims II</i>	107
26/76	<i>Metro SB-Großmarkte GmbH & Co KG v Commission</i>	109

4. Horizontal and Vertical Agreements 110**a Cartel Agreements**

T-202/98 etc	<i>Tate & Lyle plc and others v Commission</i>	117
T-28/99	<i>Sigma Tecnologie di Rivestimento Srl v Commission</i>	118
T-99/04	<i>AC-Treuhand AG v Commission</i>	120

Including the following summary references:

C-204/00 etc	<i>Aalborg Portland A/S and others v Commission</i>	118
40/73 etc	<i>Suiker Unie and others v Commission</i>	119
C-199/92	<i>Huls AG v Commission</i>	119
T-305/94 etc	<i>Limburgse Vinyl Maatschappij NV and others v Commission</i>	119
T-325/01	<i>Daimler Chrysler AG v Commission</i>	119
T-303/02	<i>Westfallen Gassen Nederland v Commission</i>	119
C-97/08	<i>Akzo Nobel and others v Commission</i>	119
T-99/04	<i>AC-Treuhand AG v Commission</i>	119

b Price Fixing

2005/1071 etc	<i>Argos, Littlewoods and others v Office of Fair Trading</i>	121
123/83	<i>BNIC v Guy Clair (Cognac)</i>	123
8/72	<i>Vereiniging Van Cementhandelaren v Commission</i>	123
246/86	<i>BELASCO SC v Commission (Roofing Felt)</i>	123

Including the following summary references:

12/1981	<i>Camera Care v Victor Hasselblad AB</i>	122
COMP/29.373	<i>Visa International – Multilateral Interchange Fee</i>	122

c Market Sharing

IV/30.907	<i>Peroxygen products</i>	124
41/69	<i>ACF Chemie farma NV v Commission</i>	125
C-468/06 etc	<i>Sot. Lélos kai Sia EE and Others v GlaxoSmithKline AEVE</i>	125

Including the following summary references:

COMP/37.978	<i>Methylglucamine</i>	124
-------------	------------------------	-----

d Collusive Tendering

1061/1/1/06	<i>Makers UK Ltd v Office of Fair Trading</i>	126
-------------	---	-----

Including the following summary references:

2005/1071 etc	<i>Argos, Littlewoods and others v Office of Fair Trading</i>	126
IV/26 918	<i>European Sugar Industry</i>	126
IV/35.691.E-4	<i>Pre-Insulated Pipe Cartel</i>	126

e Information Exchange Arrangements

T-34/92	<i>Fiatagri UK Ltd and New Holland Ford Ltd v Commission</i>	127
T-35/92	<i>John Deere v Commission</i>	128
C-89/85	<i>A Ahlström Osakeyhtiö and others v Commission</i>	129
C-8/08	<i>T-Mobile Netherlands BV and others</i>	130

Including the following summary references:

T-141/94	<i>Thyssen Stahl AG v Commission</i>	128
T-25/95	<i>Cimenteries CBR and others v Commission</i>	128

48/69	<i>Imperial Chemical Industries v Commission</i>	129
C-238/05	<i>Asnef-Equifax v Ausbanc</i>	130

f Export Bans

19/77	<i>Miller International Schallplatten GmbH v Commission</i>	131
31/85	<i>ETA Fabriques d'Ebauches v SA DK Investment and others</i>	133

Including the following summary references:

56/64 etc	<i>Consten & Grundig v Commission</i>	131
C-279/87	<i>Tipp-Ex v Commission</i>	131
COMP/35.587	<i>PO Video Games (Nintendo)</i>	132
C-478/06	<i>Sot.Lélos kai Sia and Others v GlaxoSmithKline</i>	132
C-501/06	<i>GlaxoSmithKline Services Unlimited v Commission</i>	132
C-306/96	<i>Javico v Yves St Laurent</i>	132

g Exclusive Distribution Agreements

03/2005	<i>Sarl Kitch Moto v SA Suzuki France</i>	134
---------	---	-----

Including the following summary references:

56/64 etc	<i>Consten & Grundig v Commission</i>	134
56/65	<i>Societe Technique Miniere v Maschinenbau Ulm GmbH</i>	134

h Selective Distribution Agreements

26/76	<i>Metro SB-Großmarkte GmbH & Co KG v Commission</i>	135
-------	--	-----

Including the following summary references:

31/85	<i>ETA Fabriques d'Ebauches v SA DK Investment and others</i>	136
243/85	<i>SA Binon & Cie v SA Agence et Messageries de la Press</i>	136
75/84	<i>Metro SB-Großmarkte GmbH & Co KG v Commission</i>	136
T-88/92	<i>Groupement d'achat Edouard Leclerc v Commission</i>	136
IV/33.542	<i>Parfums Givenchy system of selective distribution</i>	136

i Single Branding Agreements

T-65/98	<i>Van den Bergh Foods Ltd v Commission</i>	137
---------	---	-----

Including the following summary references:

T-7/93	<i>Langnese-Iglo v Commission</i>	137
C-234/89	<i>Stergios Delimitis v Henninger Brau AG</i>	138

j Franchise Agreements

161/84	<i>Pronuptia de Paris GmbH v Pronuptia de Paris Irmgard Schillgallis</i>	139
--------	--	-----

Including the following summary references:

56/64 etc	<i>Consten and Grundig v Commission</i>	140
IV/31.697	<i>Charles Jourdan</i>	140
IV/31.428 etc	<i>Yves Rocher</i>	140

k Resale Price Maintenance

243/83	<i>SA Binon & Cie v SA Agence et Messageries de la Press</i>	141
--------	--	-----

Including the following summary references:

161/84	<i>Pronuptia de Paris GmbH v Pronuptia de Paris Irmgard Schillgallis</i>	142
--------	--	-----

26/76	<i>Metro SB-Großmarkte GmbH & Co KG v Commission</i>	142
IV/30.658	<i>Polistil/Arbois</i>	142
06-480	<i>Leegin Creative Leather Products, Inc. v PSKS, Inc.</i>	142

1 Agency Agreements

T-325/01	<i>DaimlerChrysler AG v Commission</i>	143
C-217/05	<i>Confederación Española de Empresarios de Estaciones de Servicio v Compañía de Petróleos SA</i>	145

Including the following summary references:

40/73 etc	<i>Suiker Unie and others v Commission</i>	144
C-266/93	<i>Bundeskartellamt v Volkswagen AG and VAG Leasing GmbH</i>	144

5 Article 102 TFEU (ex Article 82 EC) 147

a Dominance

27/76	<i>United Brands v Commission</i>	157
85/76	<i>Hoffmann-La Roche v Commission</i>	159
C-62/86	<i>AKZO Chemie BV v Commission</i>	160
22/78	<i>Hugin v Commission</i>	161
322/81	<i>Nederlandsche Banden Industrie Michelin v Commission</i>	162
IV/33.384	<i>Soda Ash-Solvay</i>	163
IV/30.787	<i>Eurofix-Bauco/Hilti</i>	164
77/77	<i>BP and others v Commission</i>	165
T-125/97	<i>The Coca-Cola Company v Commission</i>	166

Including the following summary references:

COMP/34.780	<i>Virgin/British Airways</i>	160
27/76	<i>United Brands v Commission</i>	160
C-68/94	<i>France v Commission</i>	160
T-170/06	<i>Alrosa Company Ltd v Commission</i>	162
IV/M.190	<i>Nestlé/Perrier</i>	163

b Dominant Position within the Common Market or in a Substantial Part of it

40/73	<i>Suiker Unie and others v Commission</i>	167
IV/34.689	<i>Sea Containers v Stena Sealink</i>	168
IV/35.703	<i>Portuguese Airports</i>	168

c Predatory Pricing

C-62/86	<i>AKZO Chemie BV v Commission</i>	169
C-333/94 P	<i>Tetra Pak International SA v Commission</i>	171
T-340/03	<i>France Telecom SA v Commission</i>	172
C-202/07 P	<i>France Telecom SA v Commission</i>	175

Including the following summary references:

07-D-09	<i>GlaxoSmithKline France</i>	171
COMP/38.233	<i>Wanadoo Interactive</i>	172
No. 92-466	<i>Brooke Group Ltd v Brown & Williamson Tobacco Corp</i>	174
No. 05-381	<i>Weyerhaeuser Co v Ross-Simmons Hardwood Lumber Co Inc</i>	174

d Selective Price Cuts

C-395/96 etc	<i>Compagnie Maritime Belge Transports v Commission</i>	176
--------------	---	-----

Including the following summary references:

IV/30.787 etc	<i>Eurofix-Bauco v Hilti</i>	176
T-288/97	<i>Irish Sugar v Commission</i>	176

e Price Alignment

IP/97/868	<i>Digital Equipment Corporation</i>	177
T-228/97	<i>Irish Sugar v Commission</i>	235

Including the following summary references:

27/76	<i>United Brands v Commission</i>	177
T-228/97	<i>Irish Sugar v Commission</i>	177
T-340/03	<i>France Telecom SA v Commission</i>	177

f Price Discrimination

27/76	<i>United Brands v Commission</i>	178
T-301/04	<i>Clearstream v Commission</i>	180

Including the following summary references:

C-18/93	<i>Corsica Ferries Italia Srl v Corpo dei Piloti del Porto di Genova</i>	179
C-95/04	<i>British Airways v Commission</i>	180

g Rebates

85/76	<i>Hoffmann-La Roche & Co v Commission</i>	181
322/81	<i>Nederlandsche Banden Industrie Michelin v Commission</i>	183
T-203/01	<i>Manufacture Française des pneumatiques Michelin v Commission</i>	185
T-219/99	<i>British Airways v Commission</i>	188
C-95/04	<i>British Airways v Commission</i>	190
COMP/E-1/38.113	<i>Prokent/Tomra</i>	192
COMP/37.990	<i>Intel Corporation</i>	194

Including the following summary references:

C-163/99	<i>Portuguese Republic v Commission</i>	182
T-228/97	<i>Irish Sugar plc v Commission</i>	184
27/76	<i>United Brands v Commission</i>	191
C-18/93	<i>Corsica Ferries Italia Srl v Corpo dei Piloti del Porto di Genova</i>	191

h Margin Squeeze

T-271/03	<i>Deutsche Telekom AG v Commission</i>	197
1016/1/1/03	<i>Genzyme Limited v Office of Fair Trading</i>	200
COMP/38.784	<i>Wanadoo España v Telefónica</i>	201

Including the following summary references:

02-682	<i>Verizon Communications Inc v Law Offices of Curtis v Trinko LLP</i>	199
07-512	<i>Pacific Bell Telephone Co v linkLine Communications, Inc.</i>	199
IV/30.178	<i>Napier Brown/British Sugar</i>	199
CA98/20/2002	<i>BSkyB</i>	200
T-5/97	<i>Industrie des Poudres Sphériques v Commission</i>	202

i Excessive Pricing

26/75	<i>General Motors v Commission</i>	203
27/76	<i>United Brands v Commission</i>	204
COMP/C-1/36.915	<i>Deutsche Post AG</i>	205
HC05C00510	<i>British Horseracing Board v Victor Chandler International</i>	206
A3/2006/0126	<i>At the Races v The British Horse Racing Limits and others</i>	208

Including the following summary references:

395/87	<i>Ministere Public v Jean-Louis Tournier</i>	204
30/87	<i>Corinne Bodson v SA Pompes Funebres des Regions Liberees</i>	204
110/88	<i>Lucazeau v SACEM</i>	205
COMP/A.36.568D3	<i>Scandlines Svergie AB v Port of Helsingborg Case</i>	209

j Refusal to Supply

6/73	<i>Commercial Solvents v Commission</i>	210
77/77	<i>BP and others v Commission</i>	211
IV/32.279	<i>BBI and others v Boosey & Hawkes plc</i>	212
IV/34.689	<i>Sea Containers Ltd/Stena Sealink</i>	213
C-241/91P etc	<i>RTE & ITP v Commission (The Magill case)</i>	214
C-7/97	<i>Oscar Bronner GmbH Co KG v Mediaprint</i>	215
T-504/93	<i>Tiercé Ladbroke SA v Commission</i>	216
C-418/01	<i>IMS Health GmbH & Co OHG v NDC Health GmbH KG</i>	217
A3/2002/1380 etc	<i>Intel Corp v Via Technologies Inc</i>	219
T-201/04	<i>Microsoft Corp v Commission</i>	220
C-468/06 etc	<i>Sot Léllos kai Sia EE and others v GlaxoSmithKline AEVE</i>	223
T-301/04	<i>Clearstream v Commission</i>	226

Including the following summary references:

311/84	<i>Télémarketing</i>	210
IV/34.174	<i>Sealink/B&I Holyhead</i>	213
No. 02-682	<i>Verizon Communications Inc v Trinko LLP</i>	218

k Tying and Bundling

C-333/94 P	<i>Tetra Pak International SA v Commission</i>	228
T-201/04	<i>Microsoft Corp v Commission</i>	229
COMP/39.530	<i>Microsoft (Tying)</i>	232

Including the following summary references:

T-30/89	<i>Hilti AG v Commission</i>	228
---------	------------------------------	-----

l Other forms of Exclusion

T-151/01	<i>Duales System Deutschland v Commission</i>	233
24/67	<i>Parke, Davis & Co v Probel</i>	234

Including the following summary references:

T-51/89	<i>Tetra Pak Rausing v Commission</i>	234
---------	---------------------------------------	-----

m Objective Justification and Efficiency Defence

T-228/97	<i>Irish Sugar v Commission</i>	235
T-30/89	<i>Hilti v Commission</i>	237
T-191/98	<i>Atlantic Container Line AB and others v Commission</i>	238

T-340/03	<i>France Télécom SA v Commission</i>	238
C-95/04 P	<i>British Airways v Commission</i>	238
T-228/97	<i>Irish Sugar plc v Commission</i>	238
COMP/37.990	<i>Intel Corporation</i>	238

Including the following summary references:

T 83/91	<i>Tetra Pak International SA v Commission</i>	236
27/76	<i>United Brands v Commission</i>	236
T-201/04	<i>Microsoft Corp v Commission</i>	236
193/83	<i>Windsurfing International v Commission</i>	237
226/84	<i>British Leyland v Commission</i>	237
IV/30.787	<i>Eurofix-Bauco v Hilti</i>	237

n Effect on Trade between Member States

T-228/97	<i>Irish Sugar v Commission</i>	239
322/81	<i>Nederlandsche Banden Industrie Michelin v Commission</i>	239
C-241/91 P etc	<i>RTE & ITP v Commission (The Magill case)</i>	239
T-24/93	<i>Compagnie Maritime Belge v Commission</i>	239

o Nullity and Severance

2006/1338	<i>English Welsh & Scottish Railway Limited v E.ON UK plc</i>	240
-----------	---	-----

6 Collective Dominance 242

a Article 102 TFEU

T-68/89 etc	<i>Società Italiana Vetro SpA and others v Commission</i>	245
C-395/96 P etc	<i>Compagnie Maritime Belge Transports v Commission</i>	247
T-228/97	<i>Irish Sugar v Commission</i>	249
T-193/02	<i>Laurent Piau v Commission</i>	250

Including the following summary references:

C-393/92	<i>Municipality of Amelo and others v NV Energiebedrijf Ijsselmij</i>	246
C-140/94 etc	<i>DIP SpA v Comune di Bassano del Grappa</i>	246
C-309/99	<i>Wouters</i>	248
C-68/94 etc	<i>France and others v Commission</i>	248

b The European Merger Regulation

C-68/94 etc	<i>French Republic and others v Commission</i>	251
T-102/96	<i>Gencor v Commission</i>	252
T-324/99	<i>Airtours plc v Commission</i>	253
T-464/04	<i>IMPALA v Commission</i>	255
C-413/06 P	<i>Bertelsmann and Sony v IMPALA</i>	258

7 Competition Law and the State 261

a Article 4(3) Treaty on European Union (TEU) (ex Article 10 EC)

C-94/04	<i>Federico Cipolla v Rosaria Fazari</i>	263
C-198/01	<i>CIF v Autorità Garante della Concorrenza e del Mercato</i>	265

Including the following summary references:

C-35/99	<i>Arduino</i>	263
136/86	<i>Aubert</i>	264
C 5/96	<i>Commission v Italy</i>	264
C 50/03	<i>Mauri</i>	264
C-2/91	<i>Meng</i>	266
311/85	<i>Vzw Vereniging van Vlaamse Reisbureaus v VZW Sociale Dienst</i>	266

b Article 106(1) TFEU (ex Article 86(1) EC)

C-41/90	<i>Klaus Höfner and Fritz Elser v Macrotron GmbH</i>	267
C-260/89	<i>ERT and others v DEP and others</i>	269
C-179/90	<i>Merci v Siderurgica Gabrielle SpA</i>	270
C-18/88	<i>RTT v GB-Inno-BM SA</i>	271
C-320/91	<i>Paul Corbeau</i>	272
C-266/96	<i>Corsica Ferries France SA v Porto di Genova</i>	274
C-67/96	<i>Albany Int BV v Stichting Bedrijfspensioenfonds Textielindustrie</i>	277
C-147/97 etc	<i>Deutsche Post AG</i>	278

Including the following summary references:

188/80 etc	<i>France, Italy and the UK v Commission</i>	268
66/86	<i>Ahmed Saeed Flugreisen and others</i>	276

c Article 106(2) TFEU (ex Article 86(2) EC)

C-41/90	<i>Klaus Höfner and Fritz Elser v Macrotron GmbH</i>	267
C-320/91	<i>Paul Corbeau</i>	272
C-266/96	<i>Corsica Ferries France SA v Porto di Genova</i>	274
C-475/99	<i>Firma Ambulanz Glöckner v Landkreis Südwestpfalz</i>	275
C-67/96	<i>Albany Int BV v Stichting Bedrijfspensioenfonds Textielindustrie</i>	277
C-147/97 etc	<i>Deutsche Post AG</i>	278
C-162/06	<i>International Mail Spain SL v Administración del Estado and Correos</i>	280

d Article 106(3) TFEU (ex Article 86(3) EC)

C-202/88	<i>French Republic v Commission</i>	281
----------	-------------------------------------	-----

8 Competition Law and Intellectual Property Rights 282**a Article 101 TFEU (ex Article 81 EC) and Licensing of Intellectual Property Rights**

258/78	<i>Nungesser v EC Commission (the Maize Seeds case)</i>	285
IV/31.043	<i>Tetra Pak I (BTG Licence)</i>	287
27/87	<i>Erauw-Jacquery v La Hesbignonne</i>	288
262/81	<i>Coditel v SA Cine Vog Films (Coditel II)</i>	289
IV/171 etc	<i>Re the Agreement of Davide-Campari Milano SpA</i>	291
IV/32.736	<i>Moosehead/Whitbread</i>	294
193/83	<i>Windsurfing International Inc v Commission</i>	296

Including the following summary references:

IV/4.204	<i>Velcro/Aplix</i>	286
IV/31.734	<i>Film Purchases by German Television Stations</i>	290

b Standard Setting Bodies, FRAND Licensing and Article 102 TFEU (ex Article 82 EC)

T-201/04	<i>Microsoft</i>	299
COMP/38.636	<i>Rambus</i>	300
COMP/39.247	<i>Texas Instruments /Qualcomm</i>	301
COMP/M.3998	<i>Axalto /Gemplus</i>	302

Including the following summary reference:

COMP/M.4214	<i>Alcatel/Lucent Technologies</i>	302
-------------	------------------------------------	-----

c Intellectual Property Rights, Market Power and Article 102 TFEU (ex Article 82 EC)

24/67	<i>Parke, Davis & Co v Probel</i>	303
T-51/89	<i>Tetra Pak Rausing v Commission</i>	303
C-418/01	<i>IMS Health GmbH & Co OHG v NDC Health GmbH & Co KG</i>	304

Including the following summary references:

C-241/91P etc	<i>RTE & ITP v Commission (The Magill case)</i>	305
C-7/97	<i>Oscar Bronner GmbH Co KG v Mediaprint</i>	305
T-504/93	<i>Tierce Ladbroke SA v Commission</i>	305
A3/2002/1380	<i>Intel Corporation v Via Technologies Inc</i>	306
T-201/04	<i>Microsoft Corp v Commission</i>	306

d Pharmaceutical Sector

T-321/05	<i>AstraZeneca v Commission</i>	307
----------	---------------------------------	-----

9 Mergers and Acquisitions 308**a Concentrations**

M.2208	<i>Chevron/Texas</i>	319
IV/M.2824	<i>Ernst & Young/Andersen Germany</i>	320
IV/M.0025	<i>Arjomari-Prioux-SA/Wiggins Teape Appleton plc</i>	321
T-2/93	<i>France v Commission</i>	322
COMP/ JV.55	<i>Hutchison/RCPM/ECT</i>	323
IV/M.023	<i>ICI/Tioxide</i>	324
T-282/02	<i>Cementbouw v Commission</i>	325

Including the following summary references:

IV/M.2510	<i>Cendant/Galileo</i>	319
IV/M.1016	<i>Price Waterhouse/Coopers & Lybrand</i>	320
IV/M.754	<i>Anglo American Corporation/Lonrho</i>	321
IV/M.613	<i>Jefferson Smurfit Group PLC/Munksjo AB</i>	321
IV/M.159	<i>Mediobanca/Generali</i>	321
COMP/M.2567	<i>Nordbanken/Postgiro</i>	321
C-202/06	<i>Cementbouw v Commission</i>	326

b Community (Union) Dimension

C-202/06	<i>Cementbouw v Commission</i>	327
T-417/05	<i>Endesa v Commission</i>	328

c Mandatory notification and suspension

IV/M.920	<i>Samsung/AST Research Inc</i>	329
----------	---------------------------------	-----

IV/M.969	<i>A P Møller</i>	331
COMP/M.2624	<i>Deutsch BP/Erdölchemie</i>	332

Including the following summary references:

IV/M.1157	<i>Skanska/Scancem</i>	331
IV/M.993	<i>Bertelsmann/Kirch/Premiere</i>	331
IV/M.4994	<i>Electrabel/CNR</i>	331

d Referrals to and from member states

M.2698	<i>Promatech/Sulzer</i>	334
M.2738	<i>GE/Unison</i>	334
M.3136	<i>GE/AGFA NDT</i>	334
T-119/02	<i>Royal Philips Electronics NV v Commission</i>	335
IV/M.423	<i>Newspaper Publishing</i>	337

Including the following summary references:

IV/M.567	<i>Lyonnaise des Eaux SA/Northumbrian Water Group</i>	337
M.1346	<i>EDF/London Electricity</i>	337

e Investigation

COMP/M.1634	<i>Mitsubishi Heavy Industries</i>	338
T-145/06	<i>Omya v Commission</i>	339
T-251/00	<i>Lagardère SCA v Commission</i>	341

Including the following summary references:

COMP/ M.3216	<i>Oracle/People Soft</i>	340
COMP/M.1397	<i>Sanofi/Synthélabo</i>	341

f Horizontal Mergers

T-102/96	<i>Gencor v Commission</i>	342
T-282/06	<i>Sun Chemical Group BV and others v Commission</i>	344
IV/M.53	<i>Aerospatiale-Alenia/De Havilland</i>	346
COMP/M.2187	<i>CVC/Lenzing</i>	349
M.3916	<i>T-Mobile/tele.ring</i>	351
IV/M.1630	<i>Air Liquide/BOC</i>	353
COMP/M.1225	<i>Enso/Stora</i>	355
IV/M.833	<i>The Coca-Cola Company/Carlsberg A/S</i>	357

Including the following summary references:

COMP/M.1806	<i>Astra Zeneca/Novartis</i>	343
IV/M.1846	<i>Glaxo Wellcome/SmithKline Beecham</i>	343
IV/M.1383	<i>Exxon Mobil</i>	345
IV/M.986	<i>Agfa Gevaert/DuPont</i>	347
T-22/97	<i>Kesko v Commission</i>	350
T-114/02	<i>Babyliss SA v Commission (SEB/Moulinex)</i>	350
IV/M.877	<i>Boeing/McDonnell Douglas</i>	352
IV/M.1439	<i>Telia/Telenor</i>	354
T-282/06	<i>Sun Chemical Group</i>	356
IV/M.774	<i>Saint-Gobain/Wacker-Chemie</i>	358
IV/M.1157	<i>Skanska/Scancem</i>	358

g Vertical Mergers

COMP/M.4403	<i>Thales/Finmeccanica/Alcatel Alenia Space/Telespazio</i>	359
COMP/M.4389	<i>WLR/BST</i>	361
COMP/M.1845	<i>AOL/Time Warner</i>	362

Including the following summary references:

COMP/M.4300	<i>Philips/Intermagetics</i>	360
COMP/M.1879	<i>Boeing/Hughes</i>	361

h Conglomerate Mergers

IV/M.938	<i>Guinness/Grand Metropolitan</i>	364
COMP/M.3304	<i>GE/Amersham</i>	366
C-12/03 P	<i>Commission v Tetra Laval BV</i>	368
T-210/01	<i>General Electric v Commission</i>	371

Including the following summary reference:

COMP/M.2608	<i>INA/FAG</i>	365
-------------	----------------	-----

i Efficiencies

COMP/M.4000	<i>Inco/Falconbridge</i>	373
COMP/M.4057	<i>Korsnäs/AssiDomän Cartonboard</i>	375

j Failing Firm Defence

C-68/94 & 30/95	<i>French Republic and others v Commission (Kali und Salz)</i>	376
IV/M.2314	<i>BASF/Pantochim/Eurodiol</i>	378
IV/M.2876	<i>NewsCorp/Telepiù</i>	379

k Commitments

T-210/01	<i>General Electric v Commission</i>	381
T-87/05	<i>EDP v Commission</i>	383
T-177/04	<i>easyJet v Commission</i>	385
T-102/96	<i>Gencor v Commission</i>	387
C-12/03 P	<i>Commission v Tetra Laval BV</i>	388
T-119/02	<i>Royal Philips Electronics NV v Commission</i>	390

Including the following summary reference:

C-202/06	<i>Cementbouw v Commission</i>	384
----------	--------------------------------	-----

l Full Function Joint Ventures

IV/M.527	<i>Thomson CSF/Deutsche Aerospace</i>	391
M.3003	<i>Energia Italia/Interpower</i>	393
COMP/M.2903	<i>DaimlerChrysler/Deutsche Telekom</i>	394
JV.15	<i>BT/AT&T</i>	395

Including the following summary references:

IV/M.560	<i>EDS/Lufthansa</i>	391
M.551	<i>ATR/BAe</i>	392
IV/M.556	<i>Zeneca/Vanderhave</i>	393

m Judicial Review

C-12/03	<i>Commission v Tetra Laval</i>	396
---------	---------------------------------	-----

T-282/06	<i>Sun Chemical Group BV and others v Commission</i>	396
C-440/07	<i>Commission v Schneider Electric SA</i>	397
Including the following summary reference:		
T-212/03	<i>MyTravel Group plc v Commission</i>	398
n Transactions falling short of concentration – passive investments		
142/84 & 156/84	<i>British American Tobacco Company Limited and RJ Reynolds Industries Inc v Commission</i>	399
IV/33.440	<i>Warner-Lambert/Gillette and Others</i>	401
Including the following summary references:		
IV/34.857	<i>BT/MCI</i>	400
T-411/07	<i>Aer Lingus Group plc v Commission</i>	400
10 Enforcement – The European Commission		402
a Prioritisation of enforcement		
C-119/97 P	<i>Ufex and others v Commission</i>	410
Including the following summary references:		
T-24/90	<i>Automec Srl v Commission</i>	411
T-229/05	<i>AEPI v Commission</i>	411
T-99/04	<i>Treuhand AG v Commission</i>	411
b Inspection Powers		
COMP/F/38.456	<i>Bitumen</i>	412
46/87 etc	<i>Hoechst AG v Commission</i>	413
C-94/00	<i>Roquette Frères v Directeur Général de la Concurrence</i>	415
COMP/B-1/39.326	<i>E.ON Energie AG</i>	418
Including the following summary references:		
COMP/38.432	<i>Professional videotapes</i>	412
136/79	<i>National Panasonic (UK) Ltd v Commission</i>	417
46/87 etc	<i>Hoechst AG v Commission</i>	417
c Request for Information		
374/87	<i>Orkem v Commission</i>	419
T-39/90	<i>SEP v Commission</i>	420
Including the following summary reference:		
IV/30.735	<i>Deutsche Castrol</i>	420
d Statement of Objections and Access to File		
C-51/92P	<i>Hercules Chemicals NV v Commission</i>	421
C-204/00 etc	<i>Aalborg Portland and others v Commission</i>	422
Including the following summary references:		
142/84 etc	<i>BAT and Reynolds v Commission</i>	421
100/80 etc	<i>Musique Diffusion Française and others v Commission</i>	421
T-30/91	<i>Solvay SA v Commission</i>	423

e Professional Secrecy

53/85	<i>AKZO Chemie BV and AKZO Chemie UK Ltd v Commission</i>	424
-------	---	-----

Including the following summary references:

85/76	<i>Hoffmann-La Roche & Co AG v Commission</i>	425
C-36/92	<i>SEP v Commission</i>	425

f Limited Right against Self-incrimination

374/87	<i>Orkem v Commission</i>	426
T-112/98	<i>Mannesmannröhren-Werke AG v Commission</i>	428

Including the following summary references:

C-238/99	<i>Limburgse Vinyl Maatschappij NV and others v Commission</i>	427
T-34/93	<i>Societe Generale v Commission</i>	427
C-301/04 P	<i>Commission v SGL Carbon</i>	428

g Professional Legal Privilege

155/79	<i>AM & S Europe Ltd v Commission</i>	429
T-30/89	<i>Hilti AG v Commission</i>	431
T-125/03 R etc	<i>Akzo Nobel Chemicals Ltd v Commission</i>	432

Including the following summary references:

IV/30.809	<i>Re John Deere Tractors</i>	431
IV/35.733	<i>Volkswagen AG and others</i>	431
1971/2393	<i>Crompton v Customs and Excise Commissioners</i>	434

h Interim Measures

T-44/90	<i>La Cinq v Commission</i>	435
---------	-----------------------------	-----

Including the following summary references:

T-41/96 R	<i>Bayer v Commission</i>	436
-----------	---------------------------	-----

i Finding and Termination of Infringement – Remedies

T-24/90	<i>Automec v Commission (Automec II)</i>	437
---------	--	-----

Including the following summary reference:

6/73	<i>Istituto Chemioterapico Italiano SpA and others v Commission</i>	437
------	---	-----

j Commitments

C-441/07 P	<i>Alrosa Company Ltd v Commission</i>	438
COMP/38.173	<i>FA Premier League</i>	440
COMP/39.116	<i>Coca Cola</i>	440
COMP/39.388	<i>German Electricity Wholesale Market</i>	440

k Fines

100/80 etc	<i>Musique Diffusion Francaise SA v Commission</i>	441
C-189/02 P etc	<i>Dansk Rørindustri A/S and others v Commission</i>	441
T-101/05 etc	<i>BASF AG v Commission</i>	446

l Recovery of fine from employees and directors

2009 FOLIO 881	<i>Safeway Stores Ltd & Others v Twigger & Others</i>	442
----------------	---	-----

m Limitation Periods

COMP/39406	<i>Marine Hoses</i>	443
------------	---------------------	-----

Including the following summary references:

T-279/02	<i>Degussa v Commission</i>	444
COMP/F/38.121	<i>Fittings</i>	444
COMP/IV/30.064	<i>Cast iron and steel rolls</i>	444

n Judicial Review

42/84	<i>Remia BV and others v Commission</i>	445
C-7/95P	<i>John Deere v Commission</i>	445
T-201/04	<i>Microsoft Corp v Commission</i>	445

o Leniency Programme

T-101/05 etc	<i>BASF AG v Commission</i>	446
--------------	-----------------------------	-----

11 Enforcement – The National Court 448**a Direct Effect of Articles 101 and 102 TFEU**

127/73	<i>Belgische Radio en Televisie v SABAM</i>	455
--------	---	-----

Including the following summary references:

C-282/95	<i>Guerin Automobiles v Commission</i>	455
C-453/99	<i>Courage Ltd v Bernard Crehan</i>	455
C-234/89	<i>Stergios Delimitis v Henninger Brau AG</i>	455

b Actions for Damages

C-453/99	<i>Courage Ltd v Bernard Crehan</i>	456
C-295/04	<i>Vincenzo Manfredi v Lloyd Adriatico Assicurazioni</i>	458
C-242/95	<i>GT-Link A/S v De Danske Statsbaner</i>	459

Including the following summary references:

127/73	<i>BRT v SABAM</i>	457
C-282/95	<i>Guérin Automobiles v Commission</i>	457
HC05C00468	<i>Devenish Nutrition Limited v Sanofi-Aventis SA (France)</i>	458

c The Measure of Damages

C-295/04	<i>Vincenzo Manfredi v Lloyd Adriatico Assicurazioni</i>	458
A3/2008/0080	<i>Devenish Nutrition Ltd v Sanofi-Aventis SA (France) and others</i>	460
CH 1998 C801	<i>Bernard Crehan v Innentrepreneur Pub Company and another</i>	462

Including the following summary references:

C-192/95	<i>Société Comateb v Directeur général des douanes et droits indirects</i>	461
C-271/91	<i>M Helen Marshall v Southampton and others</i>	462

d Euro Defence

A3 2002/1380 etc	<i>Intel Corporation v Via Technologies Inc</i>	463
A3 2005/2316	<i>Sportswear SpA v Stonestyle Ltd</i>	464

Including the following summary reference:

08/1996	<i>Oakdale (Richmond) Ltd v National Westminster Bank Plc</i>	464
---------	---	-----

e Interim Relief

C-213/89	<i>R v Secretary of State for Transport ex parte Factortame Ltd</i>	465
----------	---	-----

Including the following summary reference:

C-432/05	<i>Unibet (London) Ltd v Justitiekanslern</i>	465
----------	---	-----

f Early Disposal of Competition Claims

A3 2002/1380 etc	<i>Intel Corporation v Via Technologies Inc</i>	463
A3 2005/2316	<i>Sportswear SpA v Stonestyle Ltd</i>	464

Including the following summary reference:

08/1996	<i>Oakdale (Richmond) Ltd v National Westminster Bank Plc</i>	464
---------	---	-----

g Burden and Standard of Proof in Competition Cases

C-204/00 etc	<i>Aalborg Portland and others v Commission</i>	466
--------------	---	-----

h Standing and Passing on Defence

A3/2008/0080	<i>Devenish Nutrition Ltd v Sanofi-Aventis SA (France) and others</i>	460
--------------	---	-----

Including the following summary reference:

C-192/95	<i>Société Comateb and others v Directeur général des douanes</i>	461
----------	---	-----

i Uniform Application of Competition Laws

C-344/98	<i>Masterfoods Ltd v HB Ice Cream Ltd</i>	467
2005-06	<i>Inntrepreneur Pub Company v Crehan</i>	469
C-53/03	<i>Syfait and others v GlaxoSmithKline</i>	470

Including the following summary references:

C-234/89	<i>Stergios Delimitis v Henninger Brau AG</i>	468
C-552/03 P	<i>Unilever Bestfoods (Ireland) Ltd v Commission</i>	468

j Cooperation between National Courts and Commission

T-353/94	<i>Postbank v Commission</i>	471
----------	------------------------------	-----

Including the following summary references:

C-234/89	<i>Stergios Delimitis v Henninger Brau AG</i>	472
C-2/88	<i>JJ Zwartveld and others</i>	472

k Jurisdiction and Applicable Law

HC06C03489	<i>Sandisk Corporation v Koninklijke Philips Electronics NV</i>	473
C-386/05	<i>Color Drack GmbH v Lexx International Vertriebs GmbH</i>	475
2007/1676	<i>Cooper Tire and Rubber Company v Shell Chemicals UK</i>	477

Including the following summary references:

C-97/08	<i>Akzo Nobel and Others v Commission</i>	477
2002/470	<i>Provimi Limited v Roche Products</i>	477

12 Extraterritoriality 478**a The Implementation Doctrine**

89/95 etc	<i>A Ahlström Osakeyhtiö v Commission (Wood pulp)</i>	480
-----------	---	-----

T-102/96	<i>Gencor Limited v Commission</i>	482
Including the following summary references:		
IV/M.877	<i>Boeing/McDonnell Douglas</i>	483
COMP/M.2220	<i>General Electric/Honeywell</i>	483
b The Single Economic Entity Doctrine		
Case C-48/69	<i>Imperial Chemical Industries Ltd v Commission</i>	484
<i>Index</i>		485