Abuse of dominant position	Competition Act, 261–62, 266, 285, 287
CEE countries	evidence, 292–97
natural monopolies, 248, 253-54	experts, 290–91
predatory pricing, 247, 252	Hillsdown standard, 281–82
consumer detriment, 571, 574	merger specificity, 288-89
essential facilities doctrine, 414, 417,	productive efficiencies, 273-74
542-44	R & D efficiencies, 275
Intellectual property rights holder, by	redistributive efficiencies, 271-72
conditions, 401-02, 405	Superior Propane, 263–66, 282–87,
essential facilities, 399, 403	289–91, 294, 296–97
IMS Health case, 400-04	total surplus standard, 264-65, 283
monopoly, 414, 416	predatory pricing, 635
predatory pricing, 410, 416	Cartels
see also Predatory pricing	export, 5-9, 429-31, 450-51
tying practices (EU)	hardcore, 142, 153, 428, 433, 449
Chicago School, 232-33	international, 101-06, 409, 414-15, 428
conditions, 226	CEE countries
Microsoft, 238-44, 558-60	abuse of dominance
network effects, 234, 504-06, 508	enforcement, 247, 249-57
proportionality test, 236	predatory pricing, 252
single-product test, 511	competition laws, 245-47
technological integration, 562, 564	regulatory agencies, 248-49, 253
see also Tying	technical assistance, 246-47
American Bar Association, 434, 445	Central Europe see CEE countries
Asian financial crisis, 459, 482	Community Patent, 15
Australia	Competition authorities see National
predatory pricing, 635	competition authorities
	Competition policy
Belgium	international cooperation, 4
electricity sector, 609	trade liberalisation, 5, 10
emissions trading scheme, 33-34	Consumer protection, 16
fiscal state aid, 379-80	Consumer switching costs,
Block exemptions	bundling, 585–93
motor vehicle distribution, 145-46	cases, 575–76
sea transport, 111–23	definition, 572
Bundling, 228, 585–93	network effects, 580-82
	Pareto efficiency, 577–78
Canada	Copyrights, 403, 550, 569, 575
merger efficiencies	Cotonou Agreement, 129-32, 141
balancing weights approach, 265-66,	Court of First Instance
285–86, 294	block exemptions, 145-46

Court of First Instance, <i>continued</i> fiscal state aid, 375	Dominance definition, 186–88
inland transport services, 117	intervention threshold, 189
merger cases, 197, 340	Due process
tying, 227, 229	antitrust enforcement (US), 210
public services, 55–56	intervention, 333
workload, 317, 341–43	merger review system, 192
Democracy, 464-65, 486-88	Eastern Europe see CEE countries
Denmark	Effects doctrine, 428–29
emissions trading scheme, 32, 34–35, 47	Electricity
merger control	power exchanges, 598, 601
Community dimension, 596	transition countries, 661–62, 666
dominant position, 602–06	virtual capacity, sale of, 607–10
market share, 601	wholesale market, 597
merger regulation, 596–97	Enforcement 247 F7
partial ownership, 604–05	CEE countries, 247–57
relevant geographic market, 598–601	criminal, 101–06
relevant product market, 597–98	cooperation, 102–03
remedies, 606–10	extradition, 104–05 prison terms, 105, 412
time horizon, 610–11	decentralisation (EC)
Nordic Power Exchange, 598 Developing countries	applicable law, 322–23
capacity building, 445, 449	cooperation, 330–31, 335
competition authorities	counsel, 348–49
market regulation, 657	damages, 321, 338
personnel, 658–61	forum shopping, 326–27, 337
training priorities, 662–63	intervention, 333–35
competition law, 422, 443, 447, 460–65,	legal certainty, 317, 325, 334
654–55	national competition authorities, 317–24,
democracy, 464–65, 486–88	328–34
domestic industry, 461	national courts, 314–40
EC competition policy, 129–31	parallel procedures, 324–25
exempted sectors, 654–55	preliminary rulings, 317, 325, 338–42
export cartels, 430	procedural autonomy, 336–37
harmonisation, 665	recognition of foreign judgments, 327
multilateral trade system, 440	EC system
multinational companies, 449–50	checks and balances, 219, 221-22
regulatory agencies, 661, 664–65	costs, 221–22
Singapore issues, 420–21	decisions, 202, 204-05
TRIPS Agreement, 436	ethics, 217
DG Competition	human rights, 207-09
checks and balances, 193	investigations, 203-04
chief competition economist, 203, 205	judicial review, 220
hardcore cartels, 153	oral hearing, 203
predatory pricing, 615	peer review panels, 203, 205, 219
reorganisation, 178	prosecutorial bias, 212-20
Direct taxation, 366–96	statement of objections, 194–95, 202–05

Enforcement, continued	antitrust enforcement, 207–09, 315
fines, 412	European Court of Justice
goals, 16–17	abuse of dominance, 400-02
international trade, 5	fiscal state aid, 374–75
leniency, 75–99, 331	intellectual property rights, 401-02, 405
merger control, 194-96, 204-05	legal certainty, 325
private damages claims	predatory pricing, 618, 624, 634
class actions, 20–21	preliminary rulings, 335, 338–40
compensation, 22–23	private damages claims, 14-15, 17, 315
Regulation 1/2003, 14–15, 17–19, 196	public services, 54, 57–67
treble damages, 18, 345, 410, 429	sea transport, 113, 124
public sanctions, 17–18	tying, 229, 231, 234–35, 508
supplemental, 22	workload, 317, 341–43
Estonia, 253–54	European Union
Equal treatment, 374	antitrust lawyers, 349
European Commission	development policy, 128–34
Effect on Trade Notice, 322–23	emissions allowance trading, 26–28
efficiencies defence, 298	environmental protection, 47
electricity sector	export cartels, 6
national markets, 600	merger efficiencies
virtual capacity, sale of, 609	capital cost savings, 278
fiscal state aid, 366, 383–84	consumer surplus standard, 281
indirect network effects, 504–05	cost efficiencies, 267
	distribution efficiencies, 274
leniency programme discovery rules (US), 86–90	evidence, 292
fine reductions, 85	merger-specificity, 288, 290
	price standard, 279
full immunity, 78–80, 83, 103	promotion efficiencies, 274
hypothetical offer, 82–83	=
national courts, 331	R & D efficiencies, 276
oral evidence, 90–91	vertical restraints, 9–10
parallel proceedings, 91–95	Exclusionary conduct, 426–27, 455
partial immunity, 81, 83	Extradition agreements, 104
procedures, 82	F
transparency, 76	France
maritime transport, 111	fiscal state aid, 380
multilateral framework agreement, 420–21, 433–33	mutual assistance agreements, 104
national tax measures, 366, 378-383	General Agreement on Tariffs and Trade
Notice on National Courts	(GATT), 440–41
concurrent procedures, 325	Germany
information requests, 331-32	Federal Cartel Office, 198
intervention, 333–34	fiscal state aid, 380
regional tax measures, 384, 390-95	foreign judgments, 429
rule of reason, 508–10	Globalisation, 437–39, 456
tying, 231, 236, 505, 508, 510-12	Global welfare standard, 4, 6, 10-12
European Competition Network (ECN), 21,	Greenhouse gas emissions
314, 317, 324	companies, 51
European Convention on Human Rights	emissions allowance trading, 26-28

Greenhouse gas emissions, continued	Joint ventures, 411, 413
EU Member States	
excess emissions penalty, 29	Kyoto Protocol, 26–27
greenhouse gas permits, 27	T
National Allocation Plans, 28–51	Leniency see European Commission
Kyoto Protocol, 27, 46–47	Liner shipping industry (EU)
Gibraltar	developing countries, 131, 133–34
offshore companies, 383	liner conferences,
tax reform, 394–95	definition, 116–17
Handaara cantala 142 153 429 433 440	economic effects, 123–28
Hardcore cartels, 142, 153, 428, 433, 449 High-tech industries, 514, 521	individual exemptions, 144
	Regulation 4056/86, 111–14, 116–19, 124
Horizontal agreements, 426, 428	transport prices, 110, 117
India	liner consortia
non-discrimination principle, 436	definition, 115
WTO competition law, 435	economic effects, 123–28
Innovation, technological, 519, 553	Regulation 823/2000, 114–16, 119–22
Intellectual property rights	price stability, 136–38
abuse of dominance	reform, 141–53
conditions, 401–03, 405	regular services, 138–39
essential facilities, 399	unemployment, 139
block exemption, 361	Luxembourg
copyrights, 399, 401–04	fiscal state aid, 381–82
patents, 412–13	,
software copyright licences, 352	Maritime transport
TRIPS Agreement, 436, 439, 441	EEA fleet, 135
International cartels	global alliances, 108
criminal enforcement, 101-06, 409	liberalisation, 143
offshore damages, 414–15	Member States (EU)
International Competition Network (ICN)	antitrust enforcement, 22, 320
convergence of competition laws, 432	criminal sanctions, 95-98
merger efficiencies, 298	merger control
international cooperation, 3	multiple filings, 179
international rules, 428	system of referral, 180-84
technical assistance, 652	public services, 53, 68–72
international competition policy, 4, 419–57	tax autonomy, 366, 384–96
see also World Trade Organisation	Merger control
International Monetary Fund (IMF), 459–60,	efficiencies
468	capital cost savings, 277–78
International trade, 5, 10, 426	distribution and promotional, 274–75
Interpol, 102, 105–06	dynamic, 275
Ireland	evidence, 292–93
fiscal state aid, 381	fixed cost savings, 266–70
Japan	managerial, 276–77 merger-specificity, 288–90, 297
export cartels, 6	pecuniary, 271–72
vertical restraints, 426	productive, 272–74
vertical restraints, 720	productive, 2/2 /T

Merger control, efficiencies, continued	Microsoft case (EU)
transactional, 276	consumer detriment, 570–71, 583–85,
electricity sector, 595–612	587–94
tacit collusion, 411	essential facility doctrine, 542-44
welfare standards	interoperability, 242–43, 518–21, 540–43,
balancing weights approach, 265-66,	549–52, 569, 583–84
284–86	relevant market, 544–47, 553–57
consumer surplus standard, 280	technological innovation, 519
Hillsdown standard, 281–82	technological leveraging, 541–43, 547–49,
	553
price standard, 279	
total surplus standard, 264–65, 282–84	tying, 237–44, 503–08, 511, 558–60
Merger Regulation 139/2004	windows media player, 506–08, 519, 521,
horizontal mergers, 178, 190–91, 267, 276,	540, 553–65, 569–70, 585–92
288, 298	Motor vehicle distribution
jurisdiction	block exemptions, 145–46
appeal mechanism, 184	Multilateral framework agreement on
dominant position, 180–81	competition policy, 420–21,
multiple filings, 179	431–35
multiple transactions, 185	Multinational companies, 449, 461, 482-85
one-stop shop principle, 180-81, 184	Mutual Legal Assistance Treaties (MLAT),
referrals, 180–85	103-04
trade between Member States, 180-81	
procedure	National competition authorities
access to file, 198	cartel proceedings
ancillary restraints, 196–97	allocation principles, 92–93
breach of condition, 194–95	criminal liability, 95–98
checks and balances, 192–93, 199, 219,	leniency applications, 93–95
222	CEE countries, 246, 249–57
due process, 192	decentralisation of enforcement, 317–24,
enforcement powers, 194–96	328–34
fact-finding powers, 193	
	developing countries
investigative powers, 196	market regulation, 657
judicial review, 192, 197	personnel, 658–61
notification, 193	training priorities, 662–63
scrutiny panel, 199	merger control
statement of objections, 194–95,	referrals, 180–84
204–05	see also European Competition Network
state-of-play meetings, 198	National courts
stop the clock option, 197	EC competition law enforcement
time-limits, 193–94	assistance from Commission, 331-32
transparency, 193	conflict of laws, 321-23
substantive test	decentralisation, 314-17
dominance, 186-189	foreign judgments, 327–28
efficiencies, 190-91, 267	parallel procedures, 324–26
horizontal mergers, 186, 190–91	procedural autonomy, 336–37
intervention threshold, 189	territorial jurisdiction, 326–27
legal certainty, 188	jurisdiction, 323
oligopoly, 186–87	remedies, 13–15, 322

Netherlands	State aid
emissions trading scheme, 32-33	conditions, 367
fiscal state aid, 382	emission trading schemes
New Zealand	auctions, 37
predatory pricing, 636	discrimination, 36, 41-43
	environmental protection, 24, 31, 46, 49
Oligopoly see Dominance	exemption, 43-49, 50-51
Organisation for Economic Co-operation and	granting advantages, 34-35
Development (OECD)	notification, 28
competition issues, 4	selectivity, 39–41
effective competition policy, 462-63	State resources, 38
technical assistance, 475	national tax measures
	autonomous regions, 384, 390-95
Parallel imports, 11, 145, 469	benchmark rate, 376, 383, 393
Patents, 412–13	Code of Conduct Group, 365
Poland	criteria, 383–84
antitrust enforcement, 250-52	decentralisation, 370, 390
Portugal	discrimination, 374
fiscal state aid, 381-82, 390-94	offshore companies, 383, 395
Predatory pricing	regional tax autonomy model, 385–90
above-cost predation, 617	selective measures, 368–78, 390–91, 393
below cost test, 619-26, 633	public service obligations
defences	Advocate Generals, 58–64
meeting competition, 627–30	aviation sector, 54
net revenue, 630–33	compensation, 54–58, 66, 68–72
definition, 614	conditions, 67
incremental cost test, 622–23	effect on trade, 68
multi-product firms, 623	exemptions, 72
recoupment	local public transport, 64–65
calculation of losses v. profits, 643–46	private market investor test, 62–63
European Union, 618, 634, 641	public tender, 61, 66, 69–71
structural analysis, 637–42	selectivity, 67
United States, 618, 620, 633–34, 636–48	tax exemption, 57–58
Wanadoo case, 618, 632, 634, 647	transport sector, 59
Price discrimination, 630	State-owned enterprises, 470
Price-fixing	System competition, 524–35
running royalties, 356	T11
Public goods, 438–39	Technology transfer agreements
D oformale and Monroon D constation	Block Exemption Regulation
Referrals see Merger Regulation	blacklisted clauses, 352–53
Royalties, 356	hardcore restrictions, 354–58
Rule of law, 486–88	know-how, 358 market share ceilings, 359–61
Russian Federation, 252	royalties, 356
Slovakia, 253–54	·
Software, 521–40	software copyright licences, 352 Guidelines, 355, 357, 359–61
Spain	Telecommunications
fiscal state aid, 380	abuse of dominance, 353–54
incar state ard, 500	acase of dominance, 555 57

regulation, 248	United Kingdom
transition countries, 551-62. 666	emissions trading scheme, 32, 34-35, 47
Telemarketing, 413–14	mutual assistance agreements, 104
Thailand	predatory pricing
Alien Business Act, 482–83	Napp case, 629, 631–32
anti-monopoly provisions, 466	recoupment, 634–35, 641
Competition Act 1999	United Nations Conference on Trade and
Appeal Committee, 472	Development (UNCTAD)
cases, 476–80	development, 4
Competition commission, 469, 472–73,	domestic competition law, 435
475, 481	liner conferences, 112–13, 143
effectiveness, 488–89	United Nations Development Programme
enforcement, 471, 473, 475–76, 480, 493	(UNDP)
exemption, 470	global public goods, 438–40
sector-specific rules, 481–82, 484	United Nations Framework Convention on
Constitution, 468	Climate Change, 26
corruption, 467	United States
criminal sanctions, 466–67, 473	American Bar Association, 434, 445
democracy, 489–90	amicus briefs, 333
merger and acquisition regime, 481	cartels
price control, 466	export, 6
State intervention, 467	hardcore, 346
technical assistance, 474–75	international, 101–06, 409, 414–15
Trade liberalisation, 3–5, 10, 420, 423, 441–42	criminal enforcement
Transition countries	cooperation, 102–03
antitrust enforcement, 245–57	extradition, 104–05
competition authorities	individuals, 102, 409, 412
market regulation, 657	Department of Justice
personnel, 658–61	enforcement powers, 205-06
technical assistance, 246	negotiated settlements, 218
training priorities, 662-63	discovery rules, 87–90
competition regimes, 461–65	exclusive dealing, 411–12
exempted sectors, 654	exclusive jurisdiction, 345
functioning democracy, 486–88	Federal trade Commission
regulatory agencies, 248, 253, 256, 661,	administrative procedure, 206-07,
664–65	219–20
TRIPs, 436, 439, 441	consumer protection, 413–14
Tying	patents, 412–13
coercion, 230–31	pre-merger notification programme, 206,
distinct products, 227–30, 511	218
dominance, 226	harmonisation of competition laws, 447–49,
effect on competition, 232–34	457
justification, 235–37	joint ventures, 411
Microsoft case	=
analysis, 238–41, 503–08, 511, 558–60	leniency programme
•	cooperation, 77
remedies, 241–43, 504	criminal sanctions, 95–96
rule of reason, 508–10	fine reductions, 83, 85
technological integration, 516, 560-63	full immunity, 83, 103

United States, continued	World Bank
litigation, 221	competition agencies
merger efficiencies	capacity needs, 658-61
consumer surplus standard, 281	coordination, 666
merger specificity, 288-89	harmonisation, 665
price standard, 279	training, 662–63
R &D efficiencies, 276	international public goods, 438
merger enforcement, 410-11	shipping conferences, 110
Microsoft case, 237-38, 515-18, 520,	technical assistance, 474
552	World Trade Organization (WTO)
multilateral framework agreement, 434	competition law, 4, 422-57
predatory pricing, 410, 416, 618, 620,	developing countries, 422, 435-37, 448-49
633–34, 636–48	dispute settlement, 434, 436, 442-43
private enforcement	Doha Declaration (2001), 421, 432
class actions, 20, 345	European community, 420–23, 431–34,
compensation rules, 23	445
treble damages, 18, 345, 410, 429	export cartels, 429-31, 450-51
Sherman Act, 244	harmonisation, 427, 447-49
Supremacy doctrine, 345	intellectual property rights, 420, 436, 439,
Supreme Court	441
essential facilities doctrine, 414, 417	international cartels, 428
offshore damages, 415	liner shipping, 143
Postal Service, 414	non-discrimination principle, 436, 443,
tying	449–51
Microsoft, 237–38	Singapore issues, 419-21, 423-24
rule of reason, 237, 509, 516, 561	Working Group on Competition and trade complementarity, 424–25, 445
Vertical restraints, 9-11, 426, 455-56	trade-related restraints, 425-31