

Editor's Note

This issue of *World Competition* provides a fascinating tour of competition enforcement issues around the globe from leading practitioners.

It is with particular pride that I inform you that the first article in this issue is a new contribution by my friend Wouter P.J. Wils, member of the Legal Service of the European Commission (see also W.P.J. Wils, “The Principle of Ne Bis in Idem in EU Antitrust Enforcement: A Legal and Economic Analysis”, (2003) W. Comp 26:2, “Should Private Antitrust Enforcement be Encouraged in Europe”, (2003) W. Comp. 26:3 and “Self-incrimination in EC Antitrust Enforcement: A Legal and Economic Analysis”, (2003) W. Comp 26:4, “The Combination of the Investigative and Prosecutorial Function and the Adjudicative Function in EC Antitrust Enforcement: A Legal and Economic Analysis”, (2004) W. Comp 27:2, “Is Criminalization of EU Competition Law the Answer?”, (2005) W. Comp. 28:2, “Powers of Investigation and Procedural Rights and Guarantees in EU Antitrust Enforcement” (2006) W. Comp 29:1). In his new article, Wouter Wils discusses the ways in which fines contribute to the competition law enforcement, in particular in the European Union. His article provides some thoughtful insights into the calculation of optimal fines in practice.

Our second contribution comes from Christopher J. Cook and provides an in-depth analysis of the new law and practice of commitment decisions in the European Union adopted under Article 9 of Regulation 1/2003. The article summarizes the procedural and substantive rules governing commitment decisions and offers some reflections on practical issues that may arise in connection with the new settlement process. Given the increasing use that the Commission is making of this new enforcement tool, we believe that the article will become a reference of great value for practitioners.

Our third contribution, by Christopher Norrall and Rony Gerits, deals with EC Competition Law aspects which are of relevance for the biotechnology field. The authors highlight some important competition law issues raised by some common contractual provisions in the field (in particular, in joint development and marketing, licensing and marketing contracts). After considering the main difficulties that the evaluation of complex agreements in the life sciences area entails, the authors argue for a need for clarification by the Commission of certain aspects of the new rules that were adopted in May 2004.

We are happy to present one of the shortlisted articles for the *1st World Competition Young Writer's Award* as the fourth contribution in this issue. Margarita Fernández Álvarez-Labrador presents a thorough study of the margin squeeze in the telecommunications sector from an economic point of view. Margarita focuses on

the conditions for the existence of margin squeeze, on the different types of margin squeeze that may take place, the adequate economic test to establish its existence and provides an analysis of the landmark cases in this area.

We move then to Asia in our fifth contribution to discover the new Competition Law in Singapore. Burton Ong takes us through the provisions of the new Act which provides Singapore with a brand new set of provisions against anti-competitive agreements and abusive conduct modelled upon the Anglo-Saxon rules. The author highlights the deliberate departures from this model and the policy choices which underlie them. The article has been shortlisted for the *1st World Competition Young Writer Award*.

Our sixth contribution takes us to another continent and outlines the competition law of Brazil. Leopoldo Ubiratan Carreiro Pagotto examines the *modus operandi* of the Brazilian competition authorities in order to determine whether the Brazilian competition authorities are being responsive. In particular, Leopoldo Pagotto bases his analysis in the so-called “benign big gun model” as a guideline for the application of responsive regulation. The article is quite original and it is the third article in this issue to be shortlisted for the *1st World Competition Young Writer Award*.

We close the June 2006 issue with a contribution by Dr. Doris Hildebrand, a member of our Editorial Board. Dr. Hildebrand analyses the use of conjoint analysis for market definition. The past years have seen a growing demand for econometric methods. The article discusses some of the issues arising in the empirical implementation of the Hypothetical Monopolist Test by econometric tools. The article also shows how a certain empirical methodology that has found broad acceptance in market research, the Conjoint Analysis, can be applied for market definition.

I wish you a pleasant read.

José Rivas
Editor
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