

Editor's Note

World Competition is proud to open this new issue with the official announcement of the winner of the *1st World Competition Young Writer's Award: Enrico Leonardo Camilli*. The Advisory Board joins me in congratulating the winner for his excellent contribution to World Competition.

I take this opportunity to remind that the *2nd World Competition Young Writer's Award* will be running in 2007. Young writers who meet the criteria laid down by the Journal are invited to submit their applications for the second edition of the award.

As Editor of World Competition, it is a great pleasure to introduce the June 2007 issue full of high quality contributions. Our first article is written by my friend Wouter Wils who is a member of the Advisory Board of this Journal and habitual contributor. This is the tenth time he writes in World Competition. In a most interesting article and with the clarity that characterises Wouter, he analyses the calculation method and purpose of the European Commission 2006 Guidelines on Antitrust fines. This in-depth and enlightening piece presents the evolution in the settling of the amount of fines by the Commission in light of its past practice, the case-law of the Community Courts and the theory on optimal fines. Finally, it addresses the question of the convenience of the full predictability of the amount of Antitrust fines for adequate deterrence and enforcement effects.

Our second submission discusses the alleged anticompetitive effects of information exchanges in oligopolistic markets. François Lévêque (F. Lévêque "Innovation, Leveraging and Essential Facilities: Interoperability Licensing in the EU Microsoft Case", (2005) World Comp 28:1) examines John Deere's precedent on information exchanges from an economic standpoint and its application to two recent cases by France's competition authority. An insufficient economic basis for penalizing information exchanges is identified in this precedent. Further criteria is provided to demonstrate the potential procompetitive effects of those exchanges in the absence of another concerted practice.

Further on, Eric Blomme discusses the extent to which private undertakings are capable of shielding their behaviour from competition responsibility by abiding to Member State's regulatory or non-regulatory actions. A careful analysis of the criteria used by the European Court of Justice to determine their immunity is undertaken. This article follows one of Fernando Castillo de la Torre on this topic published in World Competition (2005) 28:4.

In the fourth contribution, Daniel Wilsher proposes methods for improving the executive system of competition enforcement in the United Kingdom with a view to ensure conformity to high standards of public administration. Judicial review can

correct administrative errors and lead to better executive decision-making. Later the author analyses whether this could provide an example to other countries' or even European competition law.

The issue of parallel imports in the pharmaceutical sector is dealt with by Valerie Junod. The Court of First Instance ruled in *GlaxoSmithKline Services v. Commission* that dual pricing agreements in pharmaceutical sector were not anticompetitive *per se*. This holding is viewed to have potentially major implications on EU competition law and on the sector in particular. The author analyses in depth the reasoning of the CFI in its application of Articles 81(1) and 81(3) of the EC Treaty.

With our next submission to this issue we go to the United States. Firat Cengiz proposes a model of analysis of the federal merger regime of the US based on the theory of regulatory competition alongside the theory of policy networks in order to solve the anomalies of its enforcement. The author regards the current regime as lacking cooperation and coordination mechanisms between authorities stemming from bad network structuring. Improved information sharing would address these drawbacks. Against this background, an assessment of the options put forward by the US Antitrust Modernization Commission is also presented.

This issue contains two complementary submissions dealing with China. Maher M. Dabbah presents the Chinese current legislative framework with competition relevance as well as its deficiencies to later embark in a detailed analysis of the June 2005 version of the proposed Anti-Monopoly Law evaluating its ability to address these deficiencies.

Mark Furse argues that future Chinese competition law should not be a mere reflection of those applicable in more mature regimes and that a sensitivity to the current state of the Chinese economy is important. A heterogeneous amalgam of political and industrial agendas had been included in the November 2005 draft of the Law. This fact spurs the fears of an eventual conflict between these goals leading to a non-effective application of the law.

We conclude this issue with a contribution by Yevgeniy Stotyka. His submission analyzes the dynamic market for mobile communications in Ukraine and the interesting recent developments in it. The article finds that despite the presence of two main mobile operators that cover most of the market, factors such as the rapid decrease of prices and the quick growth of other entrants suggest that they are not a collective dominant entity.

I wish you all an enjoyable read.

José Rivas
Editor