

Editor's Note

World Competition is proud to open this new issue with the official announcement of the winner of the 2nd *World Competition Young Writer's Award*: Mr Eric Blomme, with "State Action as a Defence Against Articles 81 and 82 of the EC Treaty", 30 W. Comp. 2, 243–261. This young author has written a masterpiece. The clarity of this article is most commendable. It deals with the obscure question of up to what extent companies can be immunised from European Competition Law responsibility by relying on the influence exerted on them by the State. The Advisory Board joins me in congratulating the winner for his excellent contribution to *World Competition*.

I take this opportunity to remind you that the 3rd *World Competition Young Writer's Award* will be running in 2008. Young writers who meet the criteria laid down by the Journal are invited to submit their applications for the third edition of the award.

This second issue of *World Competition* for 2008 contains contributions of the highest quality. The June issue begins with an article from David Bailey, which revolves around the concept of public distancing in respect of cartels. In a brilliant contribution of utmost interest, David Bailey explains to us how the Commission and the Community Courts have applied Article 81(1) to participation in cartel meetings and interpreted this concept. The reasons why the law sets the bar high for proof of public distancing are explored by the author. To finish with, Mr Bailey suggests six requirements which should be met in order for a firm to publicly distance itself from a cartel and avoid liability under Article 81(1). This article has been shortlisted for the *3rd Young Writer's Competition Award*.

We move on to Australia to tackle the cartels issue again, but this time Mr Caron Beaton-Wells draws our attention to the so-called "coalition of the willing", which gathers the countries that criminalise serious cartel conducts. This movement has been led by the United States and Australia is set to become the latest member of the club. In an insightful contribution, the author first sets out the importance that this new Australian regime enjoy support from a range of stakeholders. Secondly, the findings of this analysis reveal that this support might be questionable in most cases. As a conclusion, the author suggests the need for caution about assuming the successful exportation of the American model.

Our next contributor, Fleur Herrenschmidt, in an outstanding article, focuses on the French competition authorities' analysis of the validity of various distribution policies implemented by pharmaceutical companies in France, which aimed to reduce parallel trade. The French Competition Council has regulated the relationships between the various operators in the market through several decisions. Its final

commitment decision makes the author question to what extent a competition authority should be entitled to use commitment procedures as a preventive regulatory tool. This article has been shortlisted for the *3rd Young Writer's Competition Award*.

Patrick Massey, who has contributed to *World Competition* before ("Are Sports Cartels Different? An Analysis of EU Commission Decisions Concerning Collective Selling Agreements for Football Broadcasting Rights", 30 W. Comp.1) presents us with the landmark judgment handed down on May 2007 by Ireland's Supreme Court in the arena of abuse of dominant position. In a thorough and insightful contribution, the author reveals how the judgment clarified a number of important economic issues, which are of interest in the context of the debate on the need for a more economics based approach to Article 82.

Information revelation is the key strength of private enforcement. Starting from this idea, Michael Harker and Morten Hviid provide us with a ground-breaking analysis concluding that, in terms of revealing private information, cases initiated and pursued by private litigants (*stand-alone cases*) add much more to the equation than do cases merely following on from decisions made by competition authorities (*follow-on cases*). The overriding message conveyed by the authors is that of the complexity of designing an appropriate private litigation regime, but the authors also highlight the benefits derived from it.

More than five years have elapsed since Regulation 1400/2002 of 31 July about the motor vehicle sector entered into force. In our last contribution for the June issue, Rita Aleixo Gregório provides us with an interesting review about whether the measure introduced by the Commission has achieved its goals. Furthermore, the author attempts to explain the reasons why there are still some obstacles to overcome in this field and eventually advocates the approval of another block exemption when the latter regulation expires. This article has been shortlisted for the *3rd Young Writer's Competition Award*.

I hope you all enjoy this issue.

José Rivas
Editor
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