



LUND UNIVERSITY
Faculty of Law

Competition law

Module 4

Reading materials

Lectures

- Introduction
- The European Competition Regime
- Mergers
- Application of article 101 TFEU
- Application of article 102 TFEU
- Competition procedure

Case law

Lecture: Mergers

- **T-342/99** – Airtours v. Commission [2002] ECR II-2585
- **T-210/01** – General Electric v. Commission [2005] ECR II-5575

Lecture: The application of Article 101 TFEU (previously Art 81 EC)

- **The definition of the concept of undertakings**
 - **C-41/90** – Höfner and Elser v Macrotron GmbH,
 - **C-180/98 to C-184/98**, joined cases – Pavlov
 - **C-309/99** – Wouters vs. Algemene Raad van de Nederlandsche Orde van Advocaten
- **The definition of agreement or concerted practice**
 - **T-41/96** – Bayer AG vs. Commission

- **C- 48-69** – Dyestuffs case
- **Whether an agreement or practice by its object or effect prevents or distorts competition in the internal market**
 - **T-168/01** – GlaxoSmithKline Services Unlimited v Commission.
 - **C-8/08** – T-Mobile Netherlands.
 - **C-89/85** – Ahlström Oy vs. Commission (Wood Pulp).

Lecture: The application of Article 102 TFEU (previously Art 82 EC)

- **The definition of “dominant position” and “exclusionary abuse”**
 - **C-85/76** – Hoffman-La Roche
 - **C-27/76** – United brands vs. commission
 - **C-549/10p** – Tomra and Others vs. Commission
 - **C-52/09** – Konkurrensverket v. TeliaSonera Sverige AB
 - **T-286/09** – Intel Corp. vs. Commission[2014] not yet reported
 - **C-209/10** – Post Danmark A/S v Konkurrencerådet [2012] not yet reported

Mandatory reading

Lecture: Introduction

- Commission notice on the definition of relevant market for the purposes of Community competition law [Official Journal C 372 of 9.12.1997].
[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997Y1209\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997Y1209(01)&from=EN)

Lecture: Mergers

Material to use when solving the questions (do not read all of it):

- EU Mergers Regulation (Regulation 139/2004)
<http://ec.europa.eu/competition/mergers/legislation/regulations.html>
- Guidelines on the assessment of non-horizontal mergers under the Council Regulation on the control of concentrations between undertakings (2008/C 265/07)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:265:0006:0025:en:PDF>
- Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings (2004/C 31/03)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2004:031:0005:0018:en:PDF>

- Commission Consolidated Jurisdictional Notice under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:095:0001:0048:EN:PDF>

Lecture: The application of Article 101 TFEU

- Communication from the Commission — Notice — Guidelines on the application of Article 81(3) of the Treaty (Text with EEA relevance) Official Journal C 101 , 27/04/2004 P. 0097 – 0118. (Current art. 101)
[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004XC0427\(07\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004XC0427(07)&from=EN)

Lecture: The application of Article 102 TFEU

- Guidance paper on the Commission's enforcement priorities in applying Article 82 (presently article 102 TFEU) of the EC Treaty to abusive exclusionary conduct by dominant undertakings
[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009XC0224\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009XC0224(01)&from=EN)

Lecture: Competition Procedure

- Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (presently article 101 and 102 TFEU) Official Journal L 1, 04.01.2003, p.1-25
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003R0001&from=EN>

Research Material

The Rule of Reason under Article 82 EC after Sot Lelos Kai Sia, by Tu T. Nguyen, Timo Minssen and Xavier Groussot

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1431010

Transparency and Liability in Leniency Programmes: A Question of Balancing? By Xavier Groussot and Justin Pierce

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2545011