



Complete EU Law: Text, Cases, and Materials (5th edn)

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## p. 631 15. Enforcement of EU competition law

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### Abstract

Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. This chapter discusses the enforcement of EU competition law. It covers the enforcement regime; burden of proof; the relationship between Articles 101 and 102 TFEU, and national competition laws; cooperation with national authorities; cooperation with national courts; the powers of the competition authorities of the Member States; the European Commission's powers; safeguards for undertakings; the 2006 Leniency Notice; and private enforcement, as well as the impact of Brexit on the enforcement of EU competition law.

**Keywords:** EU law, competition law, enforcement, Article 101 TFEU, Article 102 TFEU, European Commission, Regulation 1/2003, Brexit

## Key Points

By the end of this chapter, you should be able to:

- explain the enforcement regime of EU competition law;
- understand the system of cooperation between the Commission, national competition authorities (NCAs), and national courts;
- understand the relevant provisions of the Treaty on the Functioning of the European Union (TFEU) and other relevant EU legislation (especially Regulation 1/2003); and
- appreciate the impact of Brexit on the enforcement of EU competition law.

## Introduction

It is important to recognize that, in order to be effective, competition requires both that undertakings act independently of each other and that they are also subject to the competitive pressure exerted by each other. The EU legislation concerning competition law under Articles 101 and 102 TFEU addresses these issues and prohibits anti-competitive business practices. The European Commission, national competition authorities (NCAs), and national courts enforce Articles 101 and 102 TFEU in a system of cooperation under powers conferred by Article 105 TFEU and 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, OJ 2003 L1/1.

## 15.1 The enforcement regime

Article 105 TFEU provides as follows.

### Article 105 TFEU

- (1) ... the Commission shall ensure the application of the principles laid down in Articles 101 and 102. On application by a Member State or on its own initiative, and in co-operation with the competent authorities in the Member State, which shall give it their assistance, the Commission shall investigate cases of suspected infringement of these principles. If it finds that there has been an infringement, it shall propose the appropriate measures to bring it to an end.

[...]

p. 632   ← Article 105 therefore makes the Commission responsible for the enforcement of Articles 101 and 102 TFEU, subject to the concurrent jurisdiction of the Member States.

It is Regulation 1/2003 that provides the detail of the enforcement regime. The basis of this is a system of cooperation between the European Commission, national courts, and the NCAs. The European Commission and the NCAs are empowered to investigate alleged infringements of Articles 101 and 102 TFEU, issue decisions, and impose fines. Allocation and reallocation of cases is determined as set out in the Commission Notice on cooperation within the Network of Competition Authorities, OJ 2004 C101/43.

## 15.2 The burden of proof

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It is clear from Regulation 1/2003 that, in any national or EU proceedings concerning application of Articles 101 and 102 TFEU, the burden of proving an infringement of EU competition law rests on the party or authority alleging the infringement (Article 2 of Regulation 1/2003).

## 15.3 The relationship between Articles 101 and 102 TFEU and national competition laws

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Article 3 of the Regulation provides that where Member State NCAs or national courts apply national competition law to matters that would fall within Article 101 and/or 102 TFEU, they must also apply the relevant EU Treaty Article. Furthermore, national competition law may not prohibit agreements, decisions by associations of undertakings, or concerted practices that would not restrict competition within the meaning of Article 101(1) TFEU or which would be exempted under Article 101(3) TFEU. However, as regards Article 102 TFEU, Regulation 1/2003 does not preclude a Member State from adopting and applying stricter national law that prohibits or sanctions unilateral conduct engaged in by undertakings.

## 15.4 Cooperation with national authorities

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To ensure consistency and effectiveness, Regulation 1/2003 requires close cooperation between the NCAs and the Commission, and between the NCAs themselves, including, for instance, the exchange of information. Details of this cooperation are set out in Articles 11 (cooperation) and 12 (exchange of information) of the Regulation.

## **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, OJ 2003 L1/1**

### **Article 11**

[...]

2. The Commission shall transmit to the competition authorities of the Member States copies of the most important documents it has collected ... At the request of the competition authority of a Member State, the Commission shall provide it with a copy of other existing documents necessary for the assessment of the case.
3. The competition authorities of the Member States shall, when acting under Article 81 or Article 82 [101 or 102 TFEU] of the Treaty, inform the Commission in writing before or without delay after commencing the first formal investigative measure. This information may also be made available to the competition authorities of the other Member States.
4. No later than 30 days before the adoption of a decision requiring that an infringement be brought to an end, accepting commitments or withdrawing the benefit of a block exemption Regulation, the competition authorities of the Member States shall inform the Commission. To that effect, they shall provide the Commission with a summary of the case, the envisaged decision or, in the absence thereof, any other document indicating the proposed course of action. This information may also be made available to the competition authorities of the other Member States. At the request of the Commission, the acting competition authority shall make available to the Commission other documents it holds which are necessary for the assessment of the case. The information supplied to the Commission may be made available to the competition authorities of the other Member States. National competition authorities may also exchange between themselves information necessary for the assessment of a case that they are dealing with under Article 81 or Article 82 [101 or 102] of the Treaty.
5. The competition authorities of the Member States may consult the Commission on any case involving the application of Community [Union] law.

## Article 12

1. For the purpose of applying Articles 81 and 82 [101 and 102] of the Treaty the Commission and the competition authorities of the Member States shall have the power to provide one another with and use in evidence any matter of fact or of law, including confidential information.
- [...]

## 15.5 Cooperation with national courts

p. 634 Articles 101 and 102 TFEU are directly effective, and so they may be relied on in national proceedings. National courts can request information or advice from the Commission and ↩ may refer questions of interpretation to the Court of Justice under the preliminary rulings procedure. National court proceedings and Commission proceedings may run in parallel, and a national court may consider a case on which the Commission has already taken a decision. Regulation 1/2003 requires national courts to avoid judgments that conflict with Commission decisions.

*Cross-Reference*

On direct effect see 4.1.

*Cross-Reference*

On preliminary rulings see 6.1.

## 15.6 The powers of the competition authorities of the Member States

Article 5 of Regulation 1/2003 provides that, acting on their own or following a complaint, NCAs may take decisions:

- requiring that an infringement is brought to an end;
- ordering interim measures;
- accepting commitments; and
- imposing fines, periodic penalty payments, or any other penalty provided for in their domestic law.

## 15.7 The European Commission's powers

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The European Commission's powers are more extensive than those of the NCAs. Regulation 1/2003 empowers it to:

- investigate alleged infringements;
- require undertakings to terminate infringements;
- order interim measures; and
- impose fines and penalties where breaches are established.

Article 7 of Regulation 1/2003 provides that the Commission may, by Decision, impose behavioural remedies (which regulate future conduct) or structural remedies (which change the structure of the market, e.g. by way of asset transfer) that are proportionate to the infringement and necessary to bring the infringement effectively to an end. Examples of extensive behavioural remedies can be seen in the Commission's 2004 *Microsoft* Decision, concerning what was then the largest individual fine ever imposed on one undertaking in respect of a serious breach of Article 102 TFEU. The behavioural remedies awarded by the Court of Justice were as follows.

**Commission Decision 2007/53/EC of 24 May 2004 relating to a proceeding pursuant to Article 82 of the EC Treaty and Article 54 of the EEA Agreement against Microsoft Corporation (Case COMP/C-3/37.792—*Microsoft*), OJ 2004 L32/23**

5. As regards the abuse referred to in Article 2(a) [refusing to supply interoperability information and allow its use for the purpose of developing and distributing work group server operating system products]:
- (a) Microsoft Corporation shall, within 120 days of the date of notification of this Decision, make the Interoperability Information available to any undertaking having an interest in developing and distributing work group server operating system products and shall, on reasonable and non-discriminatory terms, allow the use of the Interoperability Information by such undertakings for the purpose of developing and distributing work group server operating system products;
  - (b) Microsoft Corporation shall ensure that the Interoperability Information made available is kept updated on an ongoing basis and in a Timely Manner;
  - (c) Microsoft Corporation shall, within 120 days of the date of notification of this Decision, set up an evaluation mechanism that will give interested undertakings a workable possibility of informing themselves about the scope and terms of use of the Interoperability Information; as regards this evaluation mechanism, Microsoft Corporation may impose reasonable and non-discriminatory conditions to ensure that access to the Interoperability Information is granted for evaluation purposes only;
  - (d) Microsoft Corporation shall, within 60 days of the date of notification of this Decision, communicate to the Commission all the measures that it intends to take under points (a), (b) and (c); that communication shall be sufficiently detailed to enable the Commission to make a preliminary assessment as to whether the said measures will ensure effective compliance with the Decision; in particular, Microsoft Corporation shall outline in detail the terms under which it will allow the use of the Interoperability Information;
  - (e) Microsoft Corporation shall, within 120 days of the date of notification of this Decision, communicate to the Commission all the measures that it has taken under points (a), (b) and (c).

**Article 6**

As regards the abuse referred to in Article 2 (b) [making the availability of the Windows Client PC Operating System conditional on the simultaneous acquisition of Windows Media Player]:

- (a) Microsoft Corporation shall, within 90 days of the date of notification of this Decision, offer a full-functioning version of the Windows Client PC Operating System which does not incorporate Windows Media Player; Microsoft Corporation retains the right to offer a bundle of the Windows Client PC Operating System and Windows Media Player;
- (b) Microsoft Corporation shall within 90 days of the date of notification of this Decision communicate to the Commission all the measures it has taken to implement point (a).

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## Thinking Point

Why are behavioural remedies awarded in conjunction with, and indeed even in the absence of, financial penalties?

The power to impose structural remedies will be appropriate only in exceptional cases, such as where it is necessary to break up dominant undertakings under Article 102 TFEU.

Article 9 of Regulation 1/2003 allows the Commission to accept commitments from undertakings as to action to be taken by them to meet the Commission's concerns. The Commission may also, by Decision, make an undertaking's commitment binding such that it acts as a poised trigger should such action not be taken.

The Commission has (under Chapter V of Regulation 1/2003) significant powers of investigation. These investigatory powers permit the Commission to request information from national governments and NCAs, to request or require undertakings to supply information, to interview individuals concerning its inquiries, and to inspect business premises. Inspections may be voluntary, conducted with an undertaking's agreement, or mandatory, the latter often being referred to as 'dawn raids'. Whilst the Commission has no power of forcible entry, it may require the necessary assistance from national authorities (Article 20(6) of Regulation 1/2003)—usually, the issue of a search warrant.



## **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, OJ 2003 L1/1**

### **Article 20**

#### **The Commission's powers of inspection**

1. In order to carry out the duties assigned to it by this Regulation, the Commission may conduct all necessary inspections of undertakings and associations of undertakings.
2. The officials and other accompanying persons authorised by the Commission to conduct an inspection are empowered:
  - (a) to enter any premises, land and means of transport of undertakings and associations of undertakings;
  - (b) to examine the books and other records related to the business, irrespective of the medium on which they are stored;
  - (c) to take or obtain in any form copies of or extracts from such books or records;
  - (d) to seal any business premises and books or records for the period and to the extent necessary for the inspection;
  - (e) to ask any representative or member of staff of the undertaking or association of undertakings for explanations on facts or documents relating to the subject-matter and purpose of the inspection and to record the answers.
3. The officials and other accompanying persons authorised by the Commission to conduct an inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the penalties provided for in Article 23 in case the production of the required books or other records related to the business is incomplete or where the answers to questions asked under paragraph 2 of the present Article are incorrect or misleading. In good time before the inspection, the Commission shall give notice of the inspection to the competition authority of the Member State in whose territory it is to be conducted.
4. Undertakings and associations of undertakings are required to submit to inspections ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the inspection, appoint the date on which it is to begin and indicate the penalties provided for in Articles 23 and 24 and the right to have the decision reviewed by the Court of Justice. The Commission shall take such decisions after consulting the competition authority of the Member State in whose territory the inspection is to be conducted.

5. Officials of as well as those authorised or appointed by the competition authority of the Member State in whose territory the inspection is to be conducted shall, at the request of that authority or of the Commission, actively assist the officials and other accompanying persons authorised by the Commission. To this end, they shall enjoy the powers specified in paragraph 2.
6. Where the officials and other accompanying persons authorised by the Commission find that an undertaking opposes an inspection ordered pursuant to this Article, the Member State concerned shall afford them the necessary assistance, requesting where appropriate the assistance of the police or of an equivalent enforcement authority, so as to enable them to conduct their inspection.
7. If the assistance provided for in paragraph 6 requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for. Such authorisation may also be applied for as a precautionary measure.
8. Where authorisation as referred to in paragraph 7 is applied for, the national judicial authority shall control that the Commission decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In its control of the proportionality of the coercive measures, the national judicial authority may ask the Commission, directly or through the Member State competition authority, for detailed explanations in particular on the grounds the Commission has for suspecting infringement of Articles 81 and 82 [101 and 102] of the Treaty, as well as on the seriousness of the suspected infringement and on the nature of the involvement of the undertaking concerned. However, the national judicial authority may not call into question the necessity for the inspection nor demand that it be provided with the information in the Commission's file. The lawfulness of the Commission decision shall be subject to review only by the Court of Justice.

## Article 21

### Inspection of other premises

1. If a reasonable suspicion exists that books or other records related to the business and to the subject matter of the inspection, which may be relevant to prove a serious violation of Article 81 [101] or Article 82 [102] of the Treaty, are being kept in any other premises, land and means of transport, including the homes of directors, managers and other members of staff of the undertakings and associations of undertakings concerned, the Commission can by decision order an inspection to be conducted in such other premises, land and means of transport.
2. The decision shall specify the subject matter and purpose of the inspection, appoint the date on which it is to begin and indicate the right to have the decision reviewed by the Court of Justice. It shall in particular state the reasons that have led the Commission to conclude that a suspicion in the sense of paragraph 1 exists. The Commission shall take such decisions after consulting the competition authority of the Member State in whose territory the inspection is to be conducted.

As stated in the Commission's Press Release concerning Coca-Cola's alleged abuse of a dominant position in the market (Commission Press Release of 22 June 2005, IP/05/775), the Commission may levy substantial fines and daily penalties for infringements of Articles 101 and 102 TFEU (up to 10 per cent of the previous year's worldwide turnover *plus* daily penalties of up to 5 per cent of daily turnover for continuing infringements), for supplying incorrect or misleading information (up to 1 per cent of the previous year's turnover), or for failure to comply with a request for information (up to 5 per cent of the previous year's turnover).

An illustration of just how large the amounts involved can get, can be found in the Commission decisions against Google. The commission fined Google in three separate decisions between 2010–19, totaling €8.25 billion with the largest individual fine amounting to €4.34 billion.

## 15.8 Safeguards for undertakings

There are a number of procedural safeguards in place. Information collected pursuant to Regulation 1/2003 may be used only for the purpose for which it was acquired and the Commission must have regard to the legitimate interests of undertakings in the protection of their business secrets, for instance when it publishes Decisions.

## 15.9 The Commission's 2006 Leniency Notice

The Commission Notice on immunity from fines and reduction of fines in cartel cases, OJ 2006 C298/11 ('2006 Leniency Notice'), provides incentives for undertakings involved in horizontal cartels contrary to Article 101(1) TFEU to come forward voluntarily to reveal information.

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### Thinking Point

What is it about the very nature of a cartel that may require such a leniency notice to be in place to ensure that Article 101 TFEU can be upheld by the enforcement provisions?

The reasoning for the approach is clear from paras 3–5 of the 2006 Leniency Notice.

### Commission Notice on immunity from fines and reduction of fines in cartel cases, OJ 2006 C298/11

- (3) By their very nature, secret cartels are often difficult to detect and investigate without the cooperation of undertakings or individuals implicated in them. Therefore, the Commission considers that it is in the Community [Union] interest to reward undertakings involved in this type of illegal practices which are willing to put an end to their participation and co-operate in the Commission's investigation, independently of the rest of the undertakings involved in the cartel. The interests of consumers and citizens in ensuring that secret cartels are detected and punished outweigh the interest in fining those undertakings that enable the Commission to detect and prohibit such practices.
- (4) The Commission considers that the collaboration of an undertaking in the detection of the existence of a cartel has an intrinsic value. A decisive contribution to the opening of an investigation or to the finding of an infringement may justify the granting of immunity from any fine to the undertaking in question, on condition that certain additional requirements are fulfilled.
- (5) Moreover, co-operation by one or more undertakings may justify a reduction of a fine by the Commission. Any reduction of a fine must reflect an undertaking's actual contribution, in terms of quality and timing, to the Commission's establishment of the infringement. Reductions are to be limited to those undertakings that provide the Commission with evidence that adds significant value to that already in the Commission's possession.

NOTE that a distinction is drawn between acquiring immunity from fines and merely being in receipt of a reduction in a fine.

## **Commission Notice on immunity from fines and reduction of fines in cartel cases, OJ 2006 C298/11**

### **II. Immunity From Fines**

#### **A. Requirements to qualify for immunity from fines**

- (8) The Commission will grant immunity from any fine which would otherwise have been imposed to an undertaking disclosing its participation in an alleged cartel affecting the Community [Union] if that undertaking is the first to submit information and evidence which in the Commission's view will enable it to:

- (a) carry out a targeted inspection in connection with the alleged cartel; or
- (b) find an infringement of Article 81 EC in connection with the alleged cartel.

Where an undertaking has taken steps to coerce others to join or remain in a cartel, it is ineligible for immunity but may still qualify for a reduction (para 13).

[...]

### III. Reduction of a Fine

#### A. Requirements to qualify for reduction of a fine

- (23) Undertakings disclosing their participation in an alleged cartel affecting the Community [Union] that do not meet the conditions under section II above may be eligible to benefit from a reduction of any fine that would otherwise have been imposed.
- (24) In order to qualify, an undertaking must provide the Commission with evidence of the alleged infringement which represents significant added value with respect to the evidence already in the Commission's possession and must meet the cumulative conditions set out in points (12)(a) to (12)(c) above.
- (25) The concept of 'added value' refers to the extent to which the evidence provided strengthens, by its very nature and/or its level of detail, the Commission's ability to prove the alleged cartel. In this assessment, the Commission will generally consider written evidence originating from the period of time to which the facts pertain to have a greater value than evidence subsequently established. Incriminating evidence directly relevant to the facts in question will generally be considered to have a greater value than that with only indirect relevance. Similarly, the degree of corroboration from other sources required for the evidence submitted to be relied upon against other undertakings involved in the case will have an impact on the value of that evidence, so that compelling evidence will be attributed a greater value than evidence such as statements which require corroboration if contested.

## 15.10 Private enforcement

It should be noted that Articles 101 and 102 TFEU are directly effective, and can be relied upon by individuals in national courts. Indeed, there are a number of advantages should a complainant choose to pursue this course of action rather than an action before the Commission, as set out in para 16 of the Commission Notice on the handling of complaints by the Commission, OJ 2004 C101/05.

## Commission Notice on the handling of complaints by the Commission, OJ 2004 C101/05

- National courts may award damages for loss suffered as a result of an infringement of Article 81 or 82 [EC, now Articles 101 or 102 TFEU].
- National courts may rule on claims for payment or contractual obligations based on an agreement that they examine under Article 81.

It is for the national courts to apply the civil sanction of nullity of Article 81(2) [EC, now Article 101(2) TFEU] in contractual relationships between individuals. They can in particular assess, in the light of the applicable national law, the scope and consequences of the nullity of certain contractual provisions under Article 81(2), with particular regard to all the other matters covered by the agreement.

- National courts are usually better placed than the Commission to adopt interim measures.
- Before national courts, it is possible to combine a claim under Community [Union] competition law with other claims under national law.
- Courts normally have the power to award legal costs to the successful applicant. This is never possible in an administrative procedure before the Commission.

Case C-453/99 *Courage Ltd v Crehan* [2001] ECR I-6297 provides an example of such an action. Crehan was a tenant of two public houses under a standard lease that required him to purchase beer from Courage Ltd (known as a beer-tie clause) (see 4.3.2). Crehan alleged that the beer-tie clause was anti-competitive as it obliged tied tenants to purchase a fixed minimum quantity of beer at a set price from the landlord's (Courage Ltd's) choice of supplier. This therefore made it more difficult for other suppliers of beer to compete with Courage and also made it very difficult for tied tenants to compete with other publicans on price. The central question referred was whether it was possible for a party to an agreement, which breached Article 101 TFEU, to recover damages from another party to the agreement. The Court of Justice held as follows.

## Case C-453/99 *Courage Ltd v Crehan* [2001] ECR I-6297

1. A party to a contract liable to restrict or distort competition within the meaning of Article 85 of the EC Treaty (now Article 81 EC) [now Article 101 TFEU] can rely on the breach of that provision to obtain relief from the other contracting party.
2. Article 85 of the Treaty precludes a rule of national law under which a party to a contract liable to restrict or distort competition within the meaning of that provision is barred from claiming damages for loss caused by performance of that contract on the sole ground that the claimant is a party to that contract.
3. Community [Union] law does not preclude a rule of national law barring a party to a contract liable to restrict or distort competition from relying on his own unlawful actions to obtain damages where it is established that that party bears significant responsibility for the distortion of competition.

Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union, OJ 2014 L349/1, now makes it easier for private applicants, addressing, amongst other things, the national procedural obstacles that often stood in the way of successful claims for damages. Detailed consideration is outside the scope of this text.

### p. 642 15.11 Enforcement of EU competition law post Brexit

Following the end of the transition period on 31 December 2020, EU competition law no longer applies in the UK and the Commission no longer has powers to enforce competition law within the UK. This means UK national competition authorities are free to deal with matters that were previously dealt with by the Commission and they can do so taking into account developments and case law in EU competition law or they can choose to ignore these and develop their own regime. That being said, they can only enforce domestic competition law now because, as mentioned, EU competition law no longer applies. It is important to mention, however, that EU competition law continues to apply to UK companies when they conduct business within the EU and the Commission continues to have jurisdiction to investigate UK companies for alleged anti-competitive conduct within the EU.

## Summary

- Article 105 TFEU makes the Commission responsible for the enforcement of Articles 101 and 102 TFEU, subject to the concurrent jurisdiction of the Member States.
- Regulation 1/2003 provides the detail of the enforcement regime.



- The basis of this is a system of cooperation between the European Commission, the national courts, and the national competition authorities (NCAs).
- The European Commission and NCAs are empowered to investigate alleged infringements of Articles 101 and 102 TFEU, issue decisions, and impose fines.
- Article 5 of Regulation 1/2003 provides that, acting on their own or following a complaint, NCAs may take decisions requiring that an infringement is brought to an end, ordering interim measures, accepting commitments, and imposing fines, periodic penalty payments, or any other penalty provided for in domestic law.
- Regulation 1/2003 empowers the European Commission to investigate alleged infringements, to require undertakings to terminate infringements, to order interim measures, and to impose fines and penalties where breaches are established.
- The Commission has significant powers of investigation under Chapter V of Regulation 1/2003.
- The Commission may levy substantial fines and daily penalties for infringements of Articles 101 and 102 TFEU.
- The 2006 Leniency Notice provides incentives for undertakings involved in horizontal cartels to come forward voluntarily to reveal information.
- Articles 101 and 102 TFEU are directly effective, and can be relied upon by individuals in national courts.

## Brexit

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- Following Brexit, competition law in the UK is enforced by UK competition authorities as the Commission no longer has the power to do so. UK businesses can still be investigated by the Commission for their conduct within the EU however.

## p. 643 Further Reading

### Articles

**CS Kerse, 'The Complainant in Competition Cases: A Progress Report' (1997) 34 CML Rev 213**

A useful summary of key case-law developments in this area.

**A Komnino, 'New Prospects for Private Enforcement of EC Competition Law' (2002) 39 CML Rev 447**

Further analysis of *Courage v Crehan*.

**B Rodger, 'Private Enforcement of Competition Law, the Hidden Story: Competition Litigation Settlements in the United Kingdom, 2000–2005' (2008) 29 ECL Rev 96**

A consideration of private enforcement cases that never reached trial.

**C Veljanovski, 'Cartel Fines in Europe' (2007) 30 World Competition 65**

A consideration of Commission cartel fines and practice.

## Books

**C Graham, *EU and UK Competition Law*, 2nd edn (London: Pearson, 2013)**

Specialist, but accessible, competition law text, covering both public and private enforcement.

**L Ortiz Blanco, *EC Competition Procedure*, 3rd edn (Oxford: Oxford University Press, 2013)**

Comprehensive work and key analytical commentary on EU competition procedures.

## Question

‘The Commission’s enforcement powers could be regarded as excessive.’ Critically discuss.

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