

ELGAR COMMENTARIES

EUROPEAN COMPETITION LAW

A Case Commentary



Edited by

Weijer VerLoren van Themaat

Berend Reuder



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BEREND REUDER

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PREFACE

There are probably few rules that have provoked so much thought, arguments and, ultimately, judgments as the European Treaty rules on competition. This book aims to explain those rules by presenting them and the related European (human rights) legislation together with case extracts from the most important Commission decisions and court cases pertaining to those provisions.

The book is divided into two parts. Part 1 deals with the competition provisions of the EU Treaties and the main EU regulations on competition. Part 2 discusses the relevant provisions of the Charter of Fundamental Rights of the EU and the European Convention on Human Rights.

The case extracts were selected for their interpretative value for the relevant provision. The extracts originate mostly from decisions of the European Commission and judgments of the Court of Justice of the European Union and the European Court of Human Rights. Although most come from landmark cases, some have been taken from decisions or judgments that are less well known but shed new light on the interpretation of the Treaty or that otherwise fill a gap of some kind. In all instances, however, it is the extract that explains the law, rather than the authors of this book. To that end, the ambition of the authors is to present a compilation of concise extracts that are both objective and comprehensible. For the convenience of the reader, the references in the case extracts to the articles of the various treaties have been renumbered so that they are in accordance with the Lisbon Treaty. The new numbering has been placed between brackets.

This work builds upon the book 'European Competition Law' as previously published by Kluwer and made by (largely) the same contributors and the same editors. The documents and case extracts reproduced in this book are current up to and including 31 August 2013, although in some instances it has been possible to include more recent material. Our intention is to update the book at least every two years.

The scope of European competition law and the volume of the case law require a large team to keep track of all the developments. We wish to acknowledge the invaluable contributions of the following contributors:

- Rick Cornelissen on vertical restraints;
- Jacques Derenne on state aid;
- Greetje van Heezik on agriculture;
- Mats Johnsson on Articles 3 and 4 TEU and Regulation 1/2003;
- Karsten Metzlaß and Peter Stauber on merger control;
- Edmon Oude Elferink on horizontal restraints;

- Alvaro Pliego Selie on abuse of dominance and public undertakings;
- Herman Speyart on human rights.

The final editing was ours. We welcome any suggestions for amendments or improvements. Please send these to us by e-mail at weijer@verlorenvanthemaat.com.

Weijer VerLoren van Themaat and Berend Reuder
Amsterdam, 18 March 2014.

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