



NEW COMPETITION JURISDICTIONS

Shaping Policies and Building Institutions

Edited by

**RICHARD WHISH
CHRISTOPHER TOWNLEY**



ascola
Academic Society for Competition Law

New Competition Jurisdictions

Shaping Policies and Building Institutions

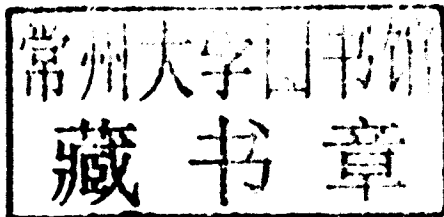
Edited by

Richard Whish

King's College London, UK

Christopher Townley

King's College London, UK



ASCOLA COMPETITION LAW

Edward Elgar

Cheltenham, UK • Northampton, MA, USA

© The Editors and Contributors Severally 2012

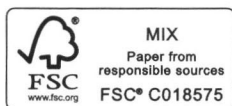
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical or photocopying, recording, or otherwise without the prior permission of the publisher.

Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book
is available from the British Library

Library of Congress Control Number: 2012935309



ISBN 978 0 85793 951 7

Typeset by Servis Filmsetting Ltd, Stockport, Cheshire
Printed and bound by MPG Books Group, UK

Contributors

Manish Agarwal is a Research Fellow at the Centre for Regulation and Market Analysis (CRMA), School of Commerce, University of South Australia (UniSA). He is currently working on contract research undertaken by the CRMA in the area of harbour towage services in Australian ports, and is assisting in the CRMA project on the history of cartels in Australia in the 20th century. Manish received his BCom from the University of Calcutta, an MA and an MPhil in Economics from the University of Delhi, and a PhD from UniSA. Manish has worked at the CUTS Centre for Competition, Investment & Economic Regulation in India, and at the Centre for Good Governance, State Government of Andhra Pradesh, India. Manish has been involved as a researcher in projects funded by government and non-government supported agencies such as the Government of India, the British High Commission in New Delhi, the UK Department for International Development, Canada's International Development Research Centre, the Agence Francaise de Developpement in Paris and the National Stock Exchange of India. Manish's broad research interests include competition policy and law, merger regulation and economic regulation; he has authored and co-authored several papers in academic journals and edited books on the topics of mergers and acquisitions, merger regulation, insider trading and capital market regulation, cartels, auditing and accounting services markets, and competition in web search engines.

Marco Botta is currently working with the Institute for European Integration Research of the Austrian Academy of Sciences in Vienna. He received his BA in International Relations from Turin University, LLM in European Business Law from Leiden University, and PhD in Law from the European University Institute. His research interest focuses on competition law in the emerging economies, with a geographic interest in Latin America and South-East Europe. In order to conduct research for his PhD thesis, he was visiting researcher at the Universidad San Andrés in Buenos Aires (April–July 2008). His PhD thesis, entitled *Merger Control in Emerging Economies. Case Study on Brazil and Argentina*, was published as a monograph by Kluwer Law International in January 2011. Marco Botta has worked as a research assistant in the Florence School of Regulation; he cooperated with

the legal database Caselex (2008–10); he gained a teaching experience in EU Law at Utrecht University (April–July 2010), and internship experience with the European Commission in Brussels and the Italian diplomatic mission to the Organization for Security and Cooperation in Europe (OSCE) in Vienna.

Michelle Chowdhury received a BA in Philosophy, Politics and Economics from Oxford University. She completed the Graduate Diploma in Law at Nottingham Law School and the Legal Practice Course at the College of Law, and received an LLM from Georgetown University Law Centre in May 2011. Michelle is a solicitor of England and Wales, having worked for two years at Allen & Overy LLP in London and Brussels. Michelle is a Research Fellow with the American Antitrust Institute, and has worked with the Institute of Economic Affairs in Nairobi, Kenya, and the International Finance Corporation in Washington, DC.

John Davies is an economist specializing in competition and regulation. He is Head of the Competition Division at the Organization for Economic Co-operation and Development (OECD) in Paris. He received a BA in Economics from the University of Cambridge in 1989 and an MPhil in Economics from the University of Oxford in 1992. He worked as a consulting economist for ten years, joined the economics team at the Competition Commission (CC) in the UK, where he was Chief Economist from 2005 to 2009. During this time, the CC carried out some of its largest ever investigations, including those relating to Groceries and BAA Airports, and also started the process of revising its merger guidelines, jointly working with the Office of Fair Trading. He then worked for the Government of Mauritius for two years from 2009, establishing the Competition Commission of Mauritius, before joining the OECD in 2011.

Michal S. Gal (LLB, LLM, SJD) is Vice Dean, Director of Graduate Studies and Director of the Forum on Law and Markets at the Faculty of Law, University of Haifa, Israel. She was a Visiting Professor at NYU, Georgetown, National University of Singapore, the University of Melbourne and the Catholic University of Lisbon. Professor Gal is the author of *Competition Policy for Small Market Economies* (Harvard University Press, 2003) and the main author and co-editor of *The Law and Economics of Israeli Competition Law* (Nevo, 2008). She has also published scholarly articles on competition law issues and has won prizes for her research and for her teaching. She was chosen as one of the ten most promising young legal scholars in Israel (Globes). Professor Gal has served as a consultant to several international organizations (including the OECD and UNCTAD) on issues of competition law in small and developing economies

and is a non-governmental adviser to the International Competition Network (ICN). She has also advised several small economies on the framing of their competition laws. She is a board member of several international antitrust organizations, including the American Antitrust Institute (AAI), the Antitrust Consumer Institute, the Asian Competition Law and Economics Center (ACLEC), and the Academic Society for Competition Law (ASCOLA).

David J. Gerber is University Distinguished Professor of Law at Chicago-Kent College of Law, Illinois Institute of Technology. He received his BA from Trinity College (Conn.), his MA from Yale and his JD from the University of Chicago. He has been a visiting professor at the law schools of the University of Pennsylvania, Northwestern University and Washington University in the United States as well as the law faculties in Munich and Freiburg in Germany, Stockholm in Sweden, and the International University College, Turin in Italy. He has also been a visiting fellow at the Woodrow Wilson School of Public and International Affairs at Princeton University, the Max Planck Institute for Research on Collective Goods in Bonn, Germany, Uppsala University in Sweden, and Meiji University in Japan. Before beginning his teaching career, Professor Gerber practised law in New York and in Europe. He writes and teaches primarily in the areas of competition law, comparative law and European Union law. He is a member of the International Academy of Comparative Law, the executive editorial board of the American Journal of Comparative Law and, among others, the editorial boards of the Journal of International Economic Law and Concurrences (France). In 1998 he published *Law and Competition in Twentieth Century Europe: Protecting Prometheus* (Oxford: Clarendon Press, 2001). His most recent book is *Global Competition: Law, Competition and Global Markets* (Oxford University Press, 2010).

Clifford A. Jones joined the University of Florida's Levin College of Law in 2001 as Lecturer and Associate in Law Research in the Center for Governmental Responsibility. He received his PhD in Law from King's College, University of Cambridge in 1997, his MPhil in European Studies from Wolfson College, University of Cambridge in 1995, and his JD from the University of Oklahoma College of Law in 1977. He has previously taught at the University of Oklahoma College of Law and Oklahoma City University School of Law. Prior to his return to academia at Cambridge, he practised law in Oklahoma City for 17 years, where he primarily engaged in antitrust and other complex litigation in Federal Courts. His teaching and research interests include European Union law, election and campaign finance law, and US, EU and international competition and antitrust law. He has authored or edited three books and over 50 journal articles and

book chapters. He has twice been Fulbright Scholar (Johannes Gutenberg University of Mainz, 1998, and the Max Planck Institute for Intellectual Property and Competition Law, Munich, 2007). In 2011, he visited the European Court of Justice as a visiting scholar in the cabinet of Advocate General Sharpston. His book, *Private Antitrust Litigation in the European Union: A Comparative Analysis* (Oxford University Press) is in preparation for 2012–13.

William E. Kovacic is Global Competition Professor of Law and Policy at George Washington University School of Law. He was General Counsel of the US Federal Trade Commission (June 2001 to December 2004), a member of the Commission (January 2006 to October 2011), and the Commission's Chairman (March 2008 to March 2009).

David Lewis is a professor at the Gordon Institute of Business Science, University of Pretoria, South Africa. He was Chairman of the South African National Competition Authority.

Claudia Schatan is an economist who worked from December 1989 until July 2011 with the Economic Commission for Latin America and the Caribbean in Mexico City. For the last ten years she was in charge of the International Trade and Industry Unit. She has a BA in Economics from the Universidad de Chile and an MA in Economics from the University of Cambridge, UK. Claudia has carried out research on competition policy. She has co-edited two books on comparative analysis of competition policy in several Latin American countries: *Competition Policies in Emerging Economies: Lessons and Challenges from Central America and Mexico* (ECLAC, IDRC & Springer, 2008; which is also published in Spanish by ECLAC) and *Condiciones y Políticas de Competencia; Economías Pequeñas de Centroamérica y El Caribe* (Fondo de Cultura Económica and ECLAC, 2006). She has also written a number of working papers and organized several workshops and conferences on this topic as the Director of the project 'Strengthening Competition in the Central American Isthmus (2004–2007)', financed by the International Development Research Centre (IDRC) and implemented by ECLAC, Mexico. Among other activities, she has also been a Visiting Researcher at the Harvard Institute for International Development and a researcher and lecturer at the Department of Economics, Research and Teaching Centre in Economics, Mexico City.

Ulla Schwager joined the Competition and Consumer Policies Branch of UNCTAD Division for International Trade in Goods, Services and Commodities in 2008 as an associate expert. She is in charge of carrying out technical assistance and capacity building in the field of competition law and policy, as well as substantively preparing and organizing

intergovernmental meetings in this field. Previously, Ulla worked as a German-qualified competition lawyer in the Brussels office of Freshfields Bruckhaus Deringer LLP. She received an LLM from the University of Cologne, a *Maîtrise en Droit* from the University of Paris 1 Panthéon-Sorbonne, and passed the first and the second German legal state exams in Berlin.

Heba Shahein (LLM and PhD from the London School of Economics and Political Sciences) is an Adjunct Professor at the American University of Cairo (AUC), the Chair's Consultant at the Egyptian Competition Authority (ECA), and of Counsel at the Shalakany Law Firm in Cairo, Egypt. Her special interest is the use of the economic and legal context to determine the development of competition policy in developing countries. Prior to joining the ECA, she worked as the executive in-house lawyer for the Egyptian Kuwait Holding Company in Egypt and as a legal adviser for the Shell International Petroleum Company in the Netherlands. She has been a member of the Egyptian Bar Association since 1995 and is a Founding Member of the Egyptian Franchise Association.

Javier Tapia is Head of the Research and International Division at the Fiscalía Nacional Económica (FNE), the Chilean Competition Agency. He is about to receive his PhD from University College London (UCL), holds an MSc in Regulation of Network Industries from the London School of Economics and Political Sciences (LSE), a certificate in Economics from the Universidad de Chile where he also received his law degree. His main research interests include comparative competition law, institutional and behavioural economics, law and economics, and economic regulation (mainly of public utilities). Javier has been an academic with Universidad de Chile and UCL (Faculty of Laws and School of Public Policy) and has acted as a consultant for several public and private bodies. Javier has published a variety of articles on competition law and utilities regulation.

Christopher Townley joined King's College London as a lecturer in competition law in 2007. He received his BA in Law from Durham University, an LLM from the College of Europe, Bruges, and a PhD from the European University Institute, Florence. Previously, Chris worked as a solicitor with Clifford Chance LLP and then as a Principal Case Officer with the Office of Fair Trading. Since joining King's, Chris has acted as a consultant for several bodies, including the Office of Fair Trading, the NHS and Ofcom. Chris has published a variety of articles on UK and EU competition law and is the author of *Article 81 EC and Public Policy* (Hart Publishing, 2009).

Keith Weeks joined the South African Competition Commission in 2009 as the head of the Enforcement and Exemptions Division, the position which

he currently holds. Prior to that he was the general manager of Markets and Competition with the Independent Communications Authority of South Africa. Keith has previously been employed as the technical team leader of a market enquiry into competition issues in banking in South Africa and has been a senior case investigator with the South African Competition Commission responsible for investigations of prohibited practices in areas which included telecommunications and healthcare. He has worked in the competition law department of Deneys Reitz Attorneys (now Norton Rose), and began his career as a lecturer and researcher in the department of economics at the University of Johannesburg Soweto Campus. Keith holds a Master's degree in Economics and a BComm Honours in Economics and Econometrics.

Richard Whish has been Professor of Law at King's College London since January 1991; before then he taught at the University of Bristol. He is a qualified solicitor and was a partner with Watson, Farley and Williams from 1989 to 1998. He acts as a consultant to a variety of companies and regulatory agencies, and was, from April 2003 to March 2009, a non-executive director of the Office of Fair Trading; he was a member of the Board of the Singaporean Energy Market Authority from 2005 to 2011. He is the author of or contributor to various books on competition law, including *Competition Law*, 6th edition (2008); Volume 47 of *Halsbury's Laws of England* (with Ian Smith); the Competition Law chapter in *Chitty on Contracts*; the Competition Law chapter in the *Stair Memorial Encyclopædia of the Laws of Scotland* (with Ian Flint); *The Competition Act 1998* (with Peter Freeman); *Merger Cases in the Real World: A Study of Merger Control Procedures* (with Diane Wood). He is co-consultant editor, with Peter Freeman, of *Butterworths Competition Law*.

Abbreviations

AA	antitrust authority
AAI	American Antitrust Institute
ACF	African Competition Forum
ACLEC	Asian Competition Law and Economics Center
ACP	African Caribbean and Pacific
AML	Antimonopoly Law (of China)
APRO	Agreement to Preserve the Reversibility of the Transaction
ASCOLA	Academic Society for Competition Law
AUC	American University of Cairo
BEE	Black Economic Empowerment
CADE	Conselho Administrativo de Defesa Econômica
CARICOM	Caribbean Community
CCI	Competition Commission of India
CCM	Competition Commission of Mauritius
CCS	Competition Commission of Singapore
CFC	Federal Competition Commission
CLDP	Commercial Law Development Program
CLP	corporate leniency policy
COMESA	Common Market for Eastern and Southern Africa
CRMA	Centre for Regulation and Market Analysis
DFID	Department for International Development
DoJ	Department of Justice (US)
ECLAC	Economic Commission for Latin America and the Caribbean
ECMR	European Commission Merger Regulation
EEA	European Economic Area
EFTA	European Free Trade Association
EPA	Economic Partnership Agreement
ERC	European Research Council
EU	European Union
FCC	Federal Communications Commission
FDI	foreign direct investment
FE	fixed effects
FTC	Federal Trade Commission (US)

GDP	gross domestic product
GNI	gross national income
IBA	International Bar Association
ICE	Electricity and Telecommunications Institute (of Costa Rica)
ICN	International Competition Network
IDB	Inter-American Development Bank
IDRC	International Development Research Centre
IMD	Institute for Management Development
IMF	International Monetary Fund
KPPU	Komisi Pengawas Persaingan Usaha
LDC	least developed country
LSE	London School of Economics and Political Sciences
M&A	mergers and acquisitions
MOFCOM	Ministry of Commerce (China)
NCA	national competition authority
NAFTA	North American Free Trade Agreement
OECD	Organization for Economic Co-operation and Development
PPP	purchasing power parity
RE	random effects
S&P100	Standard & Poor's Global 100 Index
SACC	South African Competition Commission
SDE	Secretaria de Direito Econômico (Chapter 9 only)
SDE	small developing economy
SEAE	Secretaria de Acompanhamento Econômico
SME	small and medium-sized enterprises
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UNCTAD	United Nations Conference on Trade and Development
UniSA	University of South Australia
US	United States
USAID	US Agency for International Development

Legal tables

TABLE OF CASES

Brazil

- Case Corporation, New Holland NV, AC n. 08012.004901/1999-93 **275–7**
- General Motors Corporation, The News Corporation Ltd, Hughes Electronics Corporation, AC n.53500.002423/2003 and 53500.029160/2004 **277, 279–80**
- Owens Corning, Compagnie de Saint Gobain, AC n. 08012.001885/2007-11 **271–2, 274, 281, 284**

European Union

- Burns Tractors Ltd v Sperry New Holland [1985] OJ L 376/21, [1988] 4 CMLR 306 (Commission) **151**
- Courage v Crehan [2001] ECR I-6297, Case C-453/99 (ECJ) **177**
- Fisher-Price/Quaker Oats Ltd-Toyco, Re [1988] OJ L49/19, [1989] 4 CMLR 553 (Commission) **151**
- Groupe Danone v Commission (Belgian Beer) [2005] ECR II-4407, Case T-38/02 (CFI) **150**

- Hasselblad [1982] OJ L161/18, [1982] 2 CMLR 233 (Commission) **151**
- Manfredi [2006] ECR I-6619, Joined Cases C-295/04 to C-298/04 (ECJ) **177**
- Michelin (II) [2002] 5 CMLR 338 (Commission) **55**
- Musique Diffusion Française v Commission [1983] ECR 1825, Cases 100-103/80 (ECJ) **152**
- Nestle/Perrier [1993] 4 CMLR M17 (Commission) **55**
- New Holland/Case, COMP/M.1571, 28 October 1999 (Commission) **276**
- Owens Corning/Saint Gobain Vetrotex, COMP/M.4828, 26 October 2007 (Commission) **271, 274, 280**
- Van Gend en Loos v Netherlands Inland Revenue Administration [1963] ECR 5, Case 26/62 (ECJ) **177**
- Wood Pulp [1985] OJ L85/1, [1985] 3 CMLR 474 (Commission) **151**
- ### South Africa
- Competition Commission v Aveng (Africa) Ltd Case No. 24/CRFeb09 **190**

Competition Commission v Board
of Healthcare Funders (BHF)

Case No. 07/CR/Feb05 **188**

Competition Commission v
Federal Mogul Aftermarket
[2003] 2 CPLR **203–4**

Competition Commission v
Pioneer Foods (Pty) Ltd, Case
No. 15/CR/Feb07 and 50/CR/
May 08 **205**

Competition Commission v South
African Airways (Pty) Ltd, Case
No. 18/CR/Mar 01 **204–5**

Competition Commission
v Southern Pipeline
Contractors and Conrite Walls
(Pty) Ltd, Case No. 23/ CR/
Feb09 **206–7**

Competition Commission v Tiger
Consumer Brands (Pty) Ltd
Case No. 15/CR/Feb07 **190**

Harmony Gold Mining Ltd,
Durban Roodepoort Deep Ltd
v Mittal Steel South Africa
Ltd, Macsteel International
Holdings BV Case No. 13/CR/
Feb04 **198, 203**

Hospital Association of South
Africa (HASA) Case No. 24CR/
Apr 04 **188**

Pretoria Portland Cement
Company Ltd. and Another v
Competition Commission and
Others (64/2001) [2002] ZASCA
63 (31 May 2002) **188**

South African Medical Association
(SAMA) Case No. 23/CR/Apr
04 **188**

United Kingdom

Crehan v Inntrepreneur Pub
Company CPC [2004] EWCA
637 (CA) **181**

United States

Bigelow v RKO Radio Pictures
(1946) 327 U.S. 251 reh'g denied,
(1946) 327 U.S. 817 **181**

Dow-Diamond Shamrock, 1982,
FTC **19, 23–4**

General Motors Corporation and
Hughes Electronics Corporation
(Transferors), and The News
Corporation Ltd (Transferee),
Docket 03-124, FCC decision
adopted on 19 December
2003 **278–80**

Gulf-Cities Service, 1982,
FTC **19–20, 23–4**

J. Truett Payne Co. v Chrysler
Motors Corp. (1981) 451 U.S.
557, 566 **181**

Mobil-Marathon, 1981–1982,
FTC **17–20, 23–4**

Owens Corning, 26 October 2007,
FTC No. 0610281 **271, 274**

United States v Fiat SpA, Fiat
Acquisition Corp., New
Holland NV, New Holland
North America, Inc. and Case
Corporation, DoJ, Competitive
Impact Assessment **276**

TABLE OF LEGISLATION

European Union

- Merger Regulation 1990 **250–51, 259**
 Regulation 139/2004 **48**
 Treaty on European Union
 Art 82 (former) **44**
 Treaty on the Functioning
 of the European Union
 (TFEU) **46–8, 58, 171**
 Art 101 **48, 52, 178**
 Art 102 **44, 46–8, 52, 54–5**

Bilateral/Multilateral

- EC–CARIFORUM Economic
 Partnership Agreement **42–3**
 EC–Turkey Association Council,
 Decision 1/95 **47**
 Art 39 **47**
 EU–Brazil Memorandum of
 Understanding 2009 **274**
 EU–Turkey Customs Union
 Agreement
 Art 41 **47**
 European Economic Area (EEA)
 Agreement **250–51, 259**
 Free Trade Agreement between
 the United States, five
 Central American countries
 and Dominican Republic
 (2004) **108**
 North American Free Trade
 Agreement (NAFTA) **41–2**
 Art 1501(1) **42**
 US–Brazil Agreement of
 Cooperation between
 Competition Authorities
 1999 **273**
 Art II(2)(c) **274**

Art VI 274

- US–Chile Free Trade Agreement
 Ch 16 **42**
 US–Colombia Trade Promotion
 Agreement
 Ch 13 **42**
 US–Costa Rica Free Trade
 Agreement 2004 **100**
 US–Peru Trade Promotion
 Agreement
 Ch 13 **42**
 US–Singapore Free Trade
 Agreement
 Ch 12 **42**

National**Brazil**

- Competition Law 4137/62 **265**
 Art 8 **266**
 Competition Law 8884/94 **264,**
 266–9
 Art 3 **266**
 Art 13 **266**
 Art 54 **268**
 Art 54(3) **266**
 Art 54(4) **266**
 Art 54(5) **266**
 Art 54(6) **268**
 Competition Law
 12529/2011 **268, 285**
 Art 4 **269**
 Art 5 **269**
 Art 19 **269**
 Art 53(1) **269**
 Art 56 **269**
 Art 88(2) **269**

China

- Antimonopoly Law 2008 **51–2,**
 65
 Art 13 **52**

- Art 15 **52–3**
 Arts 32–37 **52**
- Costa Rica**
 Law for the Competition
 Promotion and the Effective
 Defense of the Consumer
 No. 7472, 19 December
 1994 **101–2, 112**
 Art 9 **108**
- El Salvador**
 Law on Competition, Legislative
 Decree No. 528, 26 November
 2004 **101–2**
- Germany**
 Act against Restraints of
 Competition **52**
- Honduras**
 Law for the Defense and
 Competition Promotion,
 Decree 357-2005, 29
 December 2005 **101–2**
 Art 4 **111**
 Resolution 32-CDPC-2008 on the
 threshold to notify mergers
 2008 **102**
- India**
 Monopolies and Restrictive Trade
 Practices Act 1969 **238**
- Indonesia**
 Competition Law No. 5 1999 **61,**
 123, 237
 Art 3 **61**
 Art 3(a) **62**
 Art 3(b) and (c) **62**
 Art 6 **123**
 Art 9 **123**
- Art 20 **61**
 Art 22 **62, 123**
 Art 50 **61–2**
 Art 51(i) **62**
- Israel**
 Restrictive Trade Practices Law
 1988 **46**
 Art 29A **46–7**
- Japan**
 Antimonopoly and Maintenance
 of Fair Trade Act **52**
- Korea**
 Monopoly Regulation and Fair
 Trade Act **52**
- Mauritius**
 Competition Act 2003 **212**
 Competition Act 2007 **212,**
 215–16
 Fair Trading Act 1979 **212**
 Presidential decree 2009 **213**
- Mexico**
 Competition Act **148**
 Art 254 bis **163–4**
- Nicaragua**
 Law 688 (amending Law 601)
 2008 **102**
 Law for Competition Promotion
 601 2006 **101–2**
 Art 4 **105, 108**
- Panama**
 Law Decree No. 9 2006 **102**
 Law No. 29 1996 **101**
 Law No. 45 2007 **102**
 Art 3 **111**

Singapore

Competition Act 2004 65
 s 47 53–4
 s 47(3) 55

South Africa

Competition Act 1998 57–60,
 185–7, 208
 s 2 58
 s 2(e) and (f) 58–9
 s 4(1)(b) 189, 203
 s 5(2) 203
 s 8(a) 203
 s 8(b) 203
 s 8(d) 203
 s 10 60
 s 12A(1)(a)(ii) 60
 s 21(1)(d) 60
 s 49D 202
 s 59 202
 s 59(1) 203
 s 59(3) 203

Taiwan

Fair Trade Act 1992 52

Turkey

Communiqué No. 1997/1 on
 Mergers and Acquisitions 48
 Communiqué No. 2010/4 on
 Mergers 48
 Law No. 4054 on the Protection of
 Competition 47–8
 Art 4 48

Art 6 48

Art 7 48

Law No. 6015 on the Monitoring
 and Control of State Aids 49

United Kingdom

Company Directors
 Disqualification Act 1986
 ss 9A to 9E 165
 Enterprise Act 2002 165, 214

United States

Bipartisan Trade Promotion
 Authority's Act 2002 42
 Civil Rights Act 1964 15
 Clayton Act 13, 19
 §7A 10
 False Claim Act, 31 U.S.C. §3729
 et seq. 162
 Federal Rules of Civil
 Procedure 179
 Hart-Scott-Rodino Antitrust
 Improvements Act 1976 10,
 11–16, 21–4, 26
 Title I 11
 Title II 12
 Title III 12
 Robinson-Patman Act 58
 Sherman Act 1890 41, 155, 168,
 178
 Telecommunications Act
 1996 278
 s 157 278
 Voting Rights Act 1965 15

Contents

<i>List of contributors</i>	vii
<i>List of abbreviations</i>	xiii
<i>Legal tables</i>	xv
Introduction	1
<i>Christopher Townley and Richard Whish</i>	
1. HSR at 35: the early US premerger notification experience and its meaning for new systems of competition law	9
<i>William E. Kovacic</i>	
PART ONE CHALLENGES AND OBSTACLES TO ADOPTING COMPETITION LAWS	
<i>David Lewis (Chair)</i>	
2. Designing competition laws in new jurisdictions: three models to follow	35
<i>Heba Shahein</i>	
3. The political economy of competition law reform in new jurisdictions	67
<i>Michelle Chowdhury</i>	
4. The dynamics of competition policies in small developing economies: the Central American countries' experience	91
<i>Claudia Schatan</i>	
Commentary on Part One chapters	119
<i>Ulla Schwager</i>	
PART TWO INSTITUTIONAL CHALLENGES AND CHOICES: DETERRENCE	
<i>Michal S. Gal (Chair)</i>	
5. Increasing deterrence in Latin American competition law enforcement regimes	139
<i>Javier Tapia</i>	