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by

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Preface

European merger control is among the most complex areas of competition law. The rapid pace of development in this area presents a further challenge: legislation and guidance documents are frequently issued and updated, and the formidable body of Court and Commission case-law continues to grow at a daunting rate.

This book provides a comprehensive treatment of European merger control law and procedure. It adopts an integrated approach that embraces both the law and economics of merger control which is necessary in order to capture the ever increasing importance of the effects-based analysis carried out by the Commission.

We have endeavored to ensure that the book is up-to-date to 1 March 2010. It thus reflects in particular the new numbering of the Treaty on the functioning of the European Union. The authors wish to acknowledge with appreciation the assistance that we received from Daniel Francis and Alexandros Papanikolaou.

List of Abbreviations

Abandonment Notice	DG Competition Information note on Art. 6(1)(c) 2nd sentence of Regulation 139/2004 (abandonment of concentrations)
ACCC	Australian Competition and Consumer Commission
Access to File Notice	Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004, OJ C 325, 22. 12. 2005, p.7
AG	Aktiengesellschaft
AktG	Aktiengesetz v. 6. 9. 1965, BGBl. I 1089 (DE: Stock Companies Act)
Ancillary Restraints Notice	Commission Notice on restrictions directly related and necessary to concentrations, OJ C 56, 5. 3. 2005, p. 24
Antitrust L. J.	Antitrust Law Journal
approx.	approximately
Art. 82 Guidance Paper	Communication from the Commission — Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings (Text with EEA relevance), OJ C 45, 24. 2. 2009, p. 7.
AWG	Außenwirtschaftsgesetz vom 28. 4. 1961, BGBl. I 481 (DE: Foreign Trade Act)
Best Practices	DG Competition Best Practices on the conduct of EC merger control proceedings, 20. 1. 2004
BGH	Bundesgerichtshof (DE: Federal Court of Justice)
BKartA	Bundeskartellamt (DE: Federal Cartel Office)
CFI	European Court of First Instance
CJ	Court of Justice of the European Union
CMLR	Common Market Law Reports (journal)
Commission	European Commission
Communication pursuant to Article 3(2) of the Implementing Regulation	Communication pursuant to Article 3(2) of Commission Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings. OJ C 139, 19. 05. 2004, p. 2
Competition Policy Newsletter	Competition Policy Newsletter (journal)
Consolidated Jurisdictional Notice/Jurisdictional Notice	Commission Consolidated Jurisdictional Notice under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, adopted 10 July 2007
Council Regulation 2988/74	Council Regulation 2988/74 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition
DG	Directorate-General
DG COMP	Directorate-General for Competition
DoJ	U.S. Department of Justice
e.g.	for example, exempli gratia
EAEC Treaty	Treaty Establishing the European Atomic Energy Community
EC	European Community
EC Treaty	Treaty Establishing the European Communities
EC Merger Regulation/ECMR	Council Regulation (EC) No. 139/2004 on the control of concentrations between undertakings, OJ L 24, 29. 1. 2004, p.1
ECA	European Competition Authorities Association
ECB	European Central Bank
ECHR	European Court of Human Rights
ECJ	European Court of Justice
ECLR/E.C.L.R.	European Competition Law Review (journal)

ECN	European Competition Network
EConvHR	European Convention of Human Rights
ECR	European Court Reports
ECSC	European Coal and Steel Community
ECSC Treaty	Treaty Establishing the European Coal and Steel Community
EEA	European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association
et seq.	and the following (et sequens)
etc.	and the others (et cetera)
EU	European Union
EUR	Euro
EuZW	Europäische Zeitschrift für Wirtschaftsrecht (journal)
FAZ	Frankfurter Allgemeine Zeitung (German newspaper)
fn.	footnote
FTC	Federal Trade Commission
F.2d	Federal Reporter, Second Supplement
GC	General Court (formerly European Court of First Instance)
GmbH	Gesellschaft mit begrenzter Haftung
GWB	Gesetz gegen Wettbewerbsbeschränkungen of 23 March 2007, bGBl. I, 2007, 2521 (DE: Law Against Restraints of Competition; Law Against Restraints of Trade; German Competition Act)
HHI	Herfindahl-Hirschman Index
Horizontal Merger Guidelines	Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings, OJ C 31, 05. 02. 2004, p. 5
ibid.	in the same place (ibidem)
ICN	International Competition Network
i.e.	that is (id est)
Implementing Regulation.	Commission Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, OJ L 133, 30. 4. 2004, p. 1 (hereinafter "Implementing Regulation"), amended by Commission Regulation (EC) No 1033/2008, OJ L 279, 22. 10. 2008, p. 3
infra.	see below
IP	intellectual property
IPR	intellectual property right
JV	joint venture
lit.	letter, littera
loc. cit.	in the place cited (loco citato)
Market Definition Notice.	Commission Notice on the definition of the relevant market for the purposes of Community competition law, OJ C 372, 9. 12. 1997, p. 5
Mio.	Million
NACE	Nomenclature statistique des activités économiques dans la Communauté européenne
NCA	National competition authority
NMa	Nederlandse Mededingingsautoriteit (The Netherlands Competition Authority)
Non-Horizontal Merger Guidelines	Guidelines on the assessment of non-horizontal mergers under the Council Regulation on the control of concentrations between undertakings, OJ C 265, 18. 10. 2008, p. 6

Notice on the Distinction between Concentrative and Co-operative Joint Ventures	Commission Notice on the Distinction between Concentrative and Co-operative Joint Ventures under Council Regulation (EEC) No. 4064/89 of 21 December 1989 on the control of concentrations between undertakings, OJ 1994 C385/1
O&D	origin & destination
OECD	Organization for Economic Cooperation and Development
OFT	Office of Fair Trading
OJ	Official Journal of the European Union/Communities
plc	publicly listed company
Referrals Notice	Commission Notice on case referral in respect of concentrations, OJ C 56, 5. 3. 2005, p. 2
Regulation 2988/74	Council Regulation 2988/74 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition
Regulation No. 17	EEC Council: Regulation No 17: First Regulation implementing Articles 85 and 86 of the Treaty, OJ 13, 21. 2. 1962, p. 204
Remedies Notice	Commission Notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004, OJ C 267, 22. 10. 2008, p. 1
resp.	respectively
SEA	Single European Act
SIEC	Significant impediment to effective competition
Simplified Procedure Notice	Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004, OJ C 56, 5. 3. 2005, p. 32
SLC	Substantial lessening of competition
SME	Small and medium-sized enterprise
SO	Statement of objections
SSNIP	Small but significant non-transitory increase in price
suppl	supplement
supra	above
TEU	Treaty Establishing the European Union
TFEU	Treaty on the Functioning of the European Union
U.S.	United States Supreme Court Reports
VAT	value added tax
Vol.	Volume
WTO	World Trade Organisation
2 d Cir.	United States Court of Appeals for the Second Circuit

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