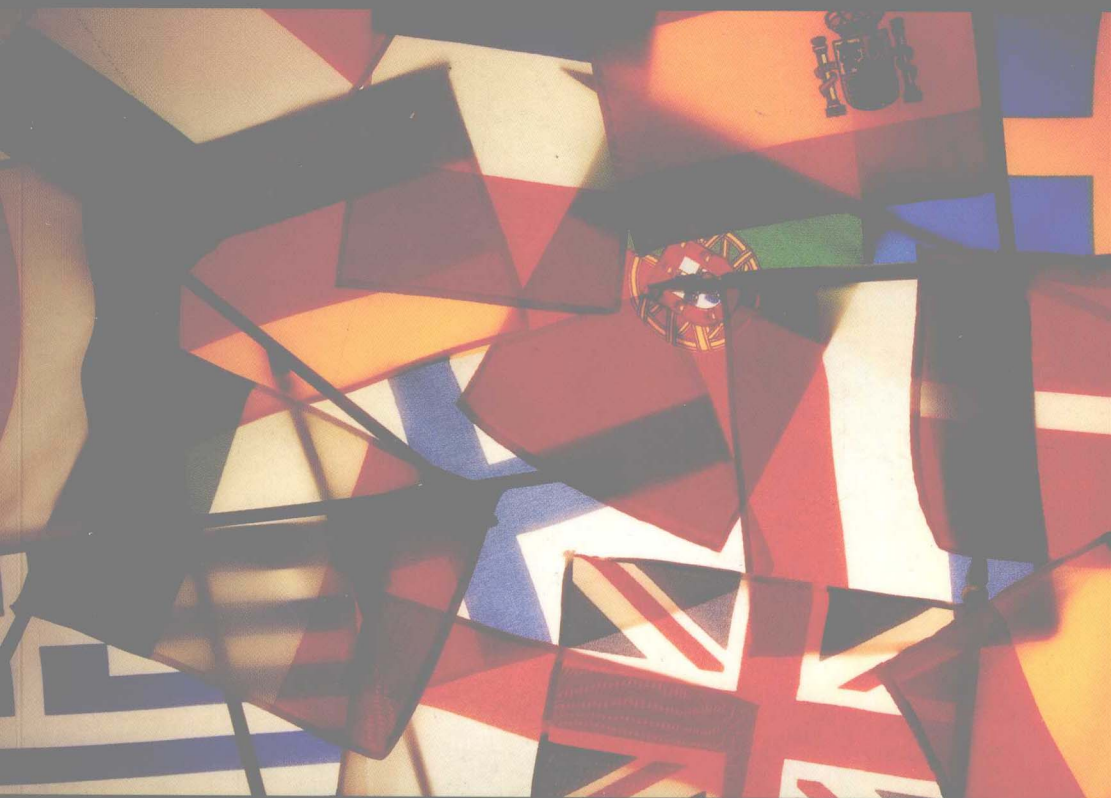


OXFORD



Competition Law of the EC and UK

FOURTH EDITION

MARK FURSE

Competition Law of the EC and UK

Fourth Edition

Mark Furse

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide in

Oxford New York

Auckland Bangkok Buenos Aires Cape Town Chennai
Dar es Salaam Delhi Hong Kong Istanbul Karachi Kolkata
Kuala Lumpur Madrid Melbourne Mexico City Mumbai Nairobi
São Paulo Shanghai Taipei Tokyo Toronto

Oxford is a registered trade mark of Oxford University Press
in the UK and in certain other countries

Published in the United States
by Oxford University Press Inc., New York

© Mark Furse 2004

The moral rights of the author have been asserted

Database right Oxford University Press (maker)

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,
without the prior permission in writing of Oxford University Press,
or as expressly permitted by law, or under terms agreed with the appropriate
reprographics rights organizations. Enquiries concerning reproduction
outside the scope of the above should be sent to the Rights Department,
Oxford University Press, at the address above

You must not circulate this book in any other binding or cover
and you must impose this same condition on any acquirer

British Library Cataloguing in Publication Data

Data available

Library of Congress Cataloging in Publication Data

Data available

ISBN 0-19-925880-5

1 3 5 7 9 10 8 6 4 2

Typeset in ITC Stone Serif and ITC Stone Sans
by RefineCatch Limited, Bungay, Suffolk
Printed in Great Britain by
Ashford Colour Press Ltd,
Gosport, Hampshire

Competition Law of the EC and UK

PREFACE

Never put anything in writing, its highly illegal and it could bite you right in the arse!!!!
(email sent by Mike Brighty, a Sales Director at Hasbro, to a colleague)

After changes upon changes, we are more or less the same.
(Paul Simon, *The Boxer*)

In May 2002, in the preface to the third edition of this work, I wrote that I intended to be working on the new edition within a year. At that time it was anticipated that a substantial reform of the way in which competition law was applied within the EC would be completed in early 2003. It is now May 2004, and that reform process is just coming to fruition, the EC Commission having published all relevant Community material, although the Office of Fair Trading in the UK has been particularly slow to produce promised new materials. It remains to be seen whether these extensive changes will in fact result in a fundamental difference in the application of competition law in the future, and my suspicion is that they will not.

The changes in competition law over the past two years have been numerous. From the top down, the EC has fundamentally redefined the relationship between Community and national law (a development dealt with here in Chapter 3—and reflected in the change in title of the book). As part of this process the application of the law relating to agreements has been substantially changed, the investigative procedure has been updated, and new rules have been introduced in relation to the penalties and remedies. A new EC Merger Control regulation has been produced, and other instruments, including the block exemption regulation of technology transfer, have been revised. All of these developments are dealt with here. In the UK the Competition Act 1998 has begun to bite, and there have been a number of decisions and appeals, some of which have received substantial publicity. At the time of writing the OFT is engaged in a high-profile investigation of alleged price fixing within the private schools sector. In 2002 the Enterprise Act 2002 was enacted (a move only presaged in the last edition of this book). This has resulted in changes to some aspects of the Competition Act, and to the institutional structure of competition law enforcement in the UK. It also brought into place new regimes in relation to merger control, and to the investigation of markets wherein competitive failures might be identified. More controversially a new cartel offence has been created, and for the first time in the modern era people may be imprisoned for anti-competitive activity implemented in the UK.

All of these developments have necessitated substantial rewriting of much of this book. There are two entirely new chapters, and merger control has been expanded and split into two chapters, both of which are in effect also new. Another six chapters have been substantially rewritten and some of the material has been reordered. The scheme of the book now is to deal with basic issues and jurisdiction

in the first four chapters. This means that international issues are dealt with earlier than has been the case before, although this seems to be their logical position in the text. Procedural matters are dealt with in Chapters 5 through 8, and the 'new Regulation 17', Regulation 1/2003, is prominently dealt with here. Agreements, including the cartel offence, are dealt with in Chapters 8–12, while Chapters 13–17 deal with dominance, and market failure. Merger control is dealt with in Chapters 18–20, and finally the common law of competition in England and Wales is discussed in Chapter 21. In each of the three substantive areas discussion of the law is preceded by an introduction of some of the relevant economics. My guiding principle throughout the preparation of this new edition has been to present a picture of the law as it is today, not a full historical discourse. This book is, as has always been the case, designed primarily for those coming to competition law for the first time, and is not intended to be the final word in any area, although I hope that it is more than sufficient for the purposes of undergraduate students or those committed to private study of this vibrant area of law. I hope also that the emphasis on economics, an understanding of which I believe to be essential for those studying the subject, will not be off-putting to students of law.

I owe thanks to a number of people, and to three groups in particular. First, to former colleagues and students at the University of Westminster where I worked from 1986 to 2002, and the Nicolas Copernicus University, Torun, Poland, where I was employed in 2003, and in particular Dr Malgorzata Nesterowicz. Professor Susan Nash has contributed indirectly to Chapter 12, which deals with the new cartel offence, and her generosity in sharing expertise is much appreciated. In the village of Ebrington, my home in the Cotswolds, I must thank for their fellowship over the last two years Jeromy, Colin, Andy, Lynn, Joan, and Graham—thanks guys. Finally I am happy to acknowledge the support of my new colleagues at the University of Glasgow, and the exceptional students with whom I have been privileged to share my first year of what I hope will be many here. While it is unfair to single out some to the exclusion of others I must in particular acknowledge the help, support, and companionship of Professor Noreen Burrows, and Maria Fletcher. Both have read parts of this book and their comments have improved it. Jonathan Galloway has improved Chapter 4 with his comments on an earlier draft. The staff at OUP have been exceptionally patient, and, as usual, helpful and professional. As is always the case, any errors and omissions are my sole responsibility. I would welcome comments on the text in this book, which may be addressed to me at: m.furse@law.gla.ac.uk.

All author royalties from this edition are being paid to the Saraswati Project, which is based in Bhaktapur in Nepal. As well as being breathtakingly beautiful, Nepal is desperately poor, and has been ravaged by a long-running insurgency. The last time I returned from the country I was fortunate to meet, during the course of a long delay, Ms Gerd Baetens, a Belgian teacher, who in the best tradition of individual charity has established a programme to assist in particular children, by giving them, and their parents, a chance to study, supporting their educational needs and where necessary providing assistance with food, shelter, and healthcare.

As with the best of such programmes the ultimate aim is to provide recipients with the skills to live independently.

The law in this edition is intended to be up to date as at 1 May 2004.

Mark Furse
The University of Glasgow
May 2004

TABLE OF CASES

Combined table of cases (UK, EC AND US)

- Aberdeen Journals v Director General of Fair Trading [2002] CompAR 167 ... 266, 276
- Ahlstrom (A) OY v Commission (C-89/85) [1993] 4 CMLR 407 ... 34, 59, 148
- Ahmed Saeed Flugreisen v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV (C-66/86) [1990] 4 CMLR 102 ... 232
- Airtours plc v Commission (T-342/99) 5 CMLR 7 ... 296, 332
- AKZO Chemie BV v Commission (53/85) [1987] 1 CMLR 231 ... 33, 90, 91
- AKZO Chemie BV v Commission (C-62/86) [1993] 5 CMLR 215 ... 236, 244, 272
- Alfred Compton Amusement Machines Ltd v Customs and Excise Comrs (No.2) [1974] AC 405 ... 100
- Allen v Flood [1898] AC 1 ... 372
- AM&S Europe v Commission (155/79) [1982] 2 CMLR 264 ... 86, 92, 100
- American Banana Co. v United Fruit Co. 213 US 347 (1909) ... 59
- American Cyanimid Co. v Ethicon Ltd [1975] AC 396, HL ... 127
- Aquavitae (UK) Ltd v Director General of Water Services [2004] CompAR 117 ... 129
- Archer Daniels Midland v Commission (T-224/00) [2003] 5 CMLR 12 ... 167
- Arduino v Compagnia Assicuratrice RAS SpA (C-35/99) [2002] 4 CMLR 25 ... 22
- Associated Provincial Picture Houses Ltd v Wednesbury Corp. [1948] 1 KB 223 ... 102, 298
- Atlantic Container Line AB v Commission (T-395/94) [2002] 4 CMLR 28 ... 178
- Automec srl v Commission (T-24/90) [1992] 5 CMLR 431 ... 34, 121
- BASF AG v Commission (T-24/90) [1995] ECR II-729 ... 34
- BASF Coating AG v Commission (T-175/95) [2000] 4 CMLR 33 ... 164
- BAT Ltd and RJ Reynolds Industries Inc. v Commission (142 & 156/84) [1988] 4 CMLR 24 ... 321
- Baustahlgewebe GmbH v Commission (T-145/89) ... 94
- Bayer AG v Commission (T-41/96) [2001] 4 CMLR 4 ... 143, 154, 164
- BBC v Commission (T-70/89) 4 CMLR 669 ... 240
- Beguelin Import Co. v GL Import Export SA (22/71) [1972] CMLR 81 ... 174
- Belgische Radio en Televiste (BRT) v Societe Belge des Auteurs, Compositeurs et Editeurs (SABAM) (127/73) [1974] 2 CMLR 238 ... 123
- Bettercare Group Ltd v Director General of Fair Trading [2002] CompAR 226 ... 22, 128
- Bosch v De Geus (13/61) [1962] 1 CMLR 1 ... 158
- BP v Commission (77/77) [1978] 3 CMLR 174 ... 241
- BPB Industries plc and British Gypsum Ltd v Commission (C-310/93P) [1997] 4 CMLR 238 ... 33
- British Airways v Commission (T-219/99) December 17, 2003 ... 252, 259
- British Leyland plc v Commission (226/84) [1987] 1 CMLR 185 ... 240
- Broad v Jolyffe (1620) Cro Jac 596 ... 363, 365
- Brooke Group Ltd v Brown & Williamson Tobacco Corp. 113 S. Ct 2578 (1993) ... 272
- BSC v Granada TV [1981] AC 1096 ... 92
- Bundesverband der Arzneimittel Importeure eV v Bayer AG (C-2/01 P); Bayer AG v Commission of the European Communities (C-3/01 P) [2004] 4 CMLR 13 ... 164
- Bureau Europeen des Medias et de l'Industrie Musicale (BENIM) v Commission (T-114/92) [1996] 4 CMLR 305 ... 121
- Camera Care Ltd v Commission (792/79R) [1980] 1 CMLR 334 ... 80, 321
- Cargill Inc. v Montfort of Colorado Inc. 479 US 104 ... 272
- Cascades SA v Commission (T-308/94) [2002] 4 CMLR 33 ... 143
- Centre Belge d'Etudes de Marche-Telemarketing SA v Compagnie Luxembourgeoise de Telediffusion SA (311/84) [1986] 2 CMLR 558 ... 257
- Chemidus Wavin Ltd v Societe pour la Transformation et l'Exploitation des Resines Industrielles SA [1978] 3 CMLR 514 ... 174
- Chicago Board of Trade v United States (1918) 246 US 231 ... 183

- Christiani & Nielson, Re (69/165/EEC) [1969] CMLR D36 ... 20
- CICCE v Commission (298/83) [1986] 1 CMLR 486 ... 33
- Cimenteries CBR SA v Commission (T-25-26/95) [2000] 5 CMLR 204 ... 90, 147
- Cisal di Battistello Venanzio & Co Sas v Istituto Nazionale Per L'Assicurazione Contro Gli Infortuni Sul Lavoro (INAIL) (C-218/00) [2002] 4 CMLR 24 ... 21
- Claritas Computer Services (UK) Ltd v Post Office and Postal Preference Service Ltd [2001] UKCLR 2 ... 130
- Coca-Cola v Commission (T-125/79) [2000] All ER (EC) 460 ... 265
- Colgate v Bachele (1602) Cro Eliz 872 ... 362
- Comite Central d'Entreprise de la Societe Anonyme Vittel v Commission (T-12/93) [1995] ECR II-1247 ... 334
- Commission v Tetra Laval (C-12-13/03P) ... 341
- Compagnie Maritime Belge SA v Commission (C-395-396/96P) [2000] 4 CMLR 1076 ... 248, 249
- Cooke v Secretary of State for Social Security [2002] All ER 279 ... 41
- Coöperatieve Vereniging Suiker Unie UA v Commission of the European Communities (40/73) [1976] 1 CMLR 295 ... 146, 250
- Costa v ENEL (6/64) [1964] CMLR 425 ... 36, 43
- Courage Ltd v Crehan (C-453/99) [2002] UKCLR 171 ... 175
- Crehan v Courage Ltd [1999] UKCLR 110 ... 175
- Crehan v Intrepeneur Pub Co. and Brewman Group Ltd [2003] EWHC 1510 (Ch); [2003] UKCLR 834 ... 175, 177
- Crofter Hand Woven Harris Tweed v Veitch [1942] AC 435, HL ... 370
- Daily Mirror Newspapers v Gardner [1968] 2 QB 762 ... 371
- Darcy v Allin (1602) 11 Co Rep 84b ... 5
- Days Medical Aids v Pihsiang Machinery Manufacturing Co. Ltd [2004] EWHC 44 ... 47, 369
- DC Thomson and Co. v Deakin [1952] Ch 646 ... 372
- De Norre v NV Brouwerij Concordia (47/76) [1977] 1 CMLR 378 ... 188
- Defrenne v Sabena (No.2) (43/75) [1976] 2 CMLR 98 ... 37, 123
- Deutsche Bahn AG v Commission (C-436/97P) [1999] 5 CMLR 775 ... 32
- Domed Stadium Hotel Inc. v Holiday Inns Inc. 732 F.2d 480 ... 224
- Donald B. Rice Tire Co. v Michelin Tire Corp. 483 F. Supp. 750 (D. Md. 1980) ... 236
- Dow Benelux NV v Commission (85/87) [1991] 4 CMLR 410 ... 91
- East India Company v Sandys (1685) 10 St Tr 371 ... 5
- Eastham v Newcastle United Football Club Ltd [1964] Ch 413 ... 368
- Eastman Kodak Co. v Image Technical Services Inc. 504 US 451 (1992) ... 238
- Eco Swiss China Time Ltd v Benetton International NV (C-126/97) [2000] 5 CMLR 816 ... 6
- Empagran S.A. v Hoffman-La Roche Ltd 315 F.3d 338 (District of Columbia Circuit) 2003 ... 72
- Endemol Entertainment Holding NV v Commission (T-221/95) [1999] 5 CMLR 611 ... 339
- Environment Protection Agency v Caltex Refining Co. Pty Ltd (1993) 118 ALR 392 ... 92
- Esso Petroleum Co. Ltd v Harper's Garage (Stourport) Ltd [1968] AC 269 ... 365, 366
- Etablissements Consten SA RL and Grundig Verkaufs-GmbH v Commission (56, 58/64) [1966] 1 CMLR 418 ... 28, 188
- Etablissements Consten Sarl v Commission; (C-56/64) Grundig-Verkaufs GmbH v Commission (C58/64) ... 157, 162, 163
- European Night Services v Commission (T-374/94) [1998] ECR II-3141 ... 155, 169, 292
- Europemballage Corp. and Continental Can Co Inc. v Commission (6/72) [1973] CMLR 199 ... 232, 236, 242, 252, 321
- Federacion Nacional de Empresas de Instrumentacion Cientifica, Medica, Tecnica y Dental (FENIN) v Commission (T-319/99) [2003] 5 CMLR 1 ... 20
- Firma J Nold KG v Commission (4/73) [1974] 2 CMLR 338 ... 92
- France v Commission (C-327/91) [1994] 5 CMLR 517 ... 67
- France v Commission (C-68/94) ... 330
- Francovich v Italian Republic (C-6, 9/90) [1993] 2 CMLR 66 ... 37, 123
- Franz Volk v Ets Vervaecke SPRL (5/69) [1969] CMLR 273 ... 181
- Freeserve.com plc v Director of Telecommunications [2003] CompAR 1 ... 128
- Funke v France (1993) 16 EHRR 297 ... 94
- Garden Cottage Foods Ltd v Milk Marketing Board [1983] 2 All ER 770, HL ... 37, 123, 124, 127

- GB-INNO-BM NV v Vereniging van de Kleinhandelaars in Tabak (13/77) [1978] 1 CMLR 283 ... 44
- GEMA v Commission (125/78) [1980] 2 CMLR 177 ... 35
- Gencor v Commission (T-102/96 [1999] 4 CMLR 971 ... 65, 324, 331
- Genzyme Ltd v OFT [2004] CAT 4 ... 285
- Getmapping plc v Ordnance Survey [2002] UKCLR 410 ... 131
- Gottrup-Klim v Dansk Landbrugs Grovvareselskab AMBA (C-250/92) [1994] ECR I-5641 ... 154
- Greig v Insole [1978] 1 WLR 302 ... 368
- Guerin Automobiles v Commission (C-282/95P) [1997] 5 CMLR 447 ... 122
- H. Morris Ltd v Saxelby [1916] 1 AC 688 ... 362, 365, 366
- Hartford Fire Ins. Co. v California 113 S. Ct 2891 (1993) ... 63, 64, 68
- Hendry and Others v World Professional Billiards and Snooker Association Ltd [2002] UKCLR 5 ... 131
- Hercules Chemicals NV v Commission (T-7/89) [1992] 4 CMLR 84 ... 90
- Hilti AG v Commission (C-53/92P) [1994] 4 CMLR 614 ... 32
- Hilti AG v Commission (T-30/89A [1990] 4 CMLR 602, [1992] 4 CMLR 16 ... 86, 237, 238
- Hoechst AG v Commission (46/87, 227/88) [1991] 4 CMLR 410 ... 88, 92
- Hoffmann-La Roche & Co. AG v Commission (85/76) [1979] 3 CMLR 211 ... 89, 232, 233, 234, 244, 245, 247, 252, 253, 263
- Hofner and Elser v Macrotron GmbH (C-41/90) [1993] 4 CMLR 306 ... 19
- Hollis & Co. v Mark Richard Stocks [2000] UKCLR 658 ... 368
- Hoover plc v George Hulme (Stockport) Ltd [1982] FSR 565 ... 175
- Horner v Graves (1831) 131 ER 284 ... 4, 363
- Hugin Kassaregister AB and Hugin Cash Registers Ltd v Commission (22/78) [1979] 3 CMLR 345, ... 48, 237, 238, 287
- Huls v Commission (C-199/92P) [1999] 5 CMLR 1016 ... 153
- IBA Health Ltd v OFT [2003] CAT 27 ... 351
- IBM v Commission (60/81) [1981] 3 CMLR 635 ... 33
- ICI v Commission (48/69) ("Dyestuffs") [1972] CMLR 557 ... 62, 109, 146
- IMS Health GmbH & Co. KG v Mediaprint Zeitungs-und Zeitschriftenverlag GmbH & CO KG (C-7/97) [1999] 4 CMLR 112 ... 262, 291, 308
- IMS Health Inc. v Commission (T-184/01 RI) [2002] 4 CMLR 1 ... 261
- IMS Health Inc. v Commission (T-184/01 RII) [2002] 4 CMLR 2 ... 261
- Institute of Independent Insurance Brokers v Director General of Fair Trading [2001] CompAR 62, [2002] CompAR 141 ... 22, 96, 128
- Instituto Chemioterapico Italiano and Commercial Solvents v Commission (6-7/73) [1974] 1 CMLR 309 ... 261, 286
- Interbrew SA and Interbrew UK Holdings Ltd v The Competition Commission and the Secretary of State for Trade and Industry [2001] UKCLR 954 ... 102
- Internationale Handelsgesellschaft mbH (11/70) [1972] 1 CMLR 255 ... 36
- Irish Sugar v Commission (C-497/99 R) [2001] 5 CMLR 29 ... 274
- Irish Sugar v Commission (T-228/97) [1999] 5 CMLR 1300 ... 249-250, 258, 274
- JCB Service v Commission (T-67/01) [2004] 4 CMLR 24 ... 192
- Jobserve Ltd v Network Multimedia Television [2001] UKCLR 184 ... 131
- John Dyer's Case (1414) YB 2 Hen 5 ... 4, 362
- Kish Glass & Co. Ltd v Commission (T-65/96) [2000] 5 CMLR 229 ... 123
- La Technique Miniere v Maschinenbau Ulm GmbH (56/65) [1966] 1 CMLR 357; [1966] ECR 235 ... 36, 49, 142, 152, 174
- Laker Airways v Sabena, Belgian World Airlines 7311 F. 2d 909 (1984) ... 63
- Landing Fees at Portuguese Airports v Commission (C-163/99) [2002] 4 CMLR 31 ... 282
- Laphorne v Eurofi Ltd [2001] UKCLR 996 ... 368
- LC Nungesser and Kurt Eisele v Commission (258/78) [1983] 1 CMLR 278 ... 195
- Limburgse Vinyl Maatschappij NV v Commission (C-238/99P) [2003] 4 CMLR 10 ... 90
- Limburgse Vinyl Maatschappij NV v Commission (T-305-307/94) [1999] 5 CMLR 303 ... 90
- Lonhro Ltd v Shell Petroleum Co. (No.2) [1982] AC 173, HL ... 371

- Lonhro plc v Fayed [1990] 2 QB 479; [1992] 1 AC 448, HL ... 371, 372
- LR AF 1998 A/s v Commission (T-23/99) [2002] 5 CMLR 10 ... 167
- Mannesmannrohren Werke AG v Commission (T-112/98) [2001] 5 CMLR 1 ... 93
- Mannington Mills Inc. v Congoleum Corp. 595 F.2d 1287 (3rd Cir. 1979) ... 63, 64
- Manufacture Francaise des Pneumatiques Michelin v Commission (T-219/99) ... 252, 255
- Mason v Provident Clothing and Supply Co. Ltd [1913] AC 724 ... 364
- Masterfoods Ltd v HB Ice Cream Ltd; HB Ice Cream Ltd v Masterfoods Ltd (C-344/98) [2001] 4 CMLR 14 ... 31, 45
- Matsushita Electric Industrial Co. v Zenith Radio Corp. 475 US 574 (1986) ... 271, 272
- MCI Communications Corp. and MCI telecommunications Corp. v American Telephone and Telegraph Co. 708 F.2d 1081 (1983) ... 288
- Metro SB-Grossmarkte GmbH & Co. KG v Commission (26/76) [1978] 2 CMLR 1 ... 12, 162
- Metropole Television (M6) and Others v Commission (T-112/99) September 18, 2001 ... 184
- Micro Leader Business v Commission (T-77/95) [2000] 4 CMLR 886 ... 122
- Miller International Schallplatten GmbH v Commission (19/77) [1978] 2 CMLR 334 ... 106
- Mitchell v Reynolds (1711) 1 P. Wms 181 ... 362
- Mo Och Domsjo AB v Commission (C-283/98P) [2001] 4 CMLR 322 ... 108
- Mogul SS Co. Ltd v McGregor Gow & Co. [1892] AC 25; (1889) 28 QBD 598 ... 4, 362, 370, 371
- MTV v BMG Records (UK) Ltd, unreported, July 17, 1995, CA ... 126
- Musique Diffusion Francaise v Commission (100-103/80) [1983] 3 CMLR 221 ... 50, 108, 110
- Nagle v Feilden [1966] 2 QB 633 ... 368
- Napp Pharmaceutical Holdings Ltd v Director General of Fair Trading [2001] CompAR 1 [2002] CompAR 13; [2002] EWCA Civ 796; [2002] UKCLR 726, CA ... 18, 41, 113, 115, 267, 275, 277, 279, 283
- National Panasonic (UK) Ltd v Commission (136/79) [1980] 3 CMLR 160 ... 87, 92
- National Society of Professional Engineers v United States (1978) 435 US 679 ... 183
- NDC Health Corp. v IMS Health Inc. and Commission (C-481/01 P(R) [2002] 5 CMLR 1 ... 262
- Nederlandsche Banden Industrie Michelin NV v Commission (322/81) [1985] 1 CMLR 282 ... 232, 235, 240, 252
- Nordenfelt v Maxim Nordenfelt Guns and Ammunition Co. Ltd [1984] AC 535 ... 363, 364, 367
- NV Algemene Transport-en Expeditie Onderneming van Gend en Loos v Nederlandse Administratie der Belastingen (26/62) [1963] 1 CMLR 105 ... 24, 37, 123
- OFT v IBA Health Ltd [2004] EWCA Civ 142 ... 352
- Orkem SA v Commission (374/87) [1991] 4 CMLR 502 ... 93
- Oscar Bronner GmbH & Co KG v Mediaprint Zeitungs und Zeitschriftenverlag GmbH & Co KG (C-7/97) [1999] 4 CMLR 112 ... 262, 291, 308
- Otter Tail Power Co. v United States 410 US 366 (1973); USSCR 35 L Ed 2d 359 ... 289
- Otto v Postbank (C-60/92) [1993] ECR I-5683 ... 93
- Pavlov v Stichting Pensioenfonds Medische Specialisten (C-180/98-184/98) [2000] ECR I-6451 ... 21
- Pernod Ricard SA and Campbell Distillers Ltd v OFT [2004] CompAR 181 ... 129
- Petrofina (Great Britain) Ltd v Martin [1966] Ch 146 ... 362, 367
- Pharmaceutical Society of Great Britain v Dickson [1970] AC 403 ... 368
- Provimi Ltd v Aventis Animal Nutrition SA [2003] EWHC 961 ... 73, 125
- Quinn v Leathem [1901] AC 495 ... 371
- R (on the application of Kent Pharmaceuticals Ltd) v Director of the Serious Fraud Office [2003] EWHC 3002 (Admin); [2003] All ER (D) 298 ... 212
- R v Ghosh [1982] 2 All ER 689 ... 216
- R v MMC, ex p. Matthew Brown plc [1987] 1 WLR 1235 ... 102
- R v Secretary of State for Trade and Industry, ex p. Thomson Holidays [2000] UKCLR 189 ... 102
- R v Secretary of State for Transport ex p. Factortame Ltd (C-213/89) [1990] 3 CMLR 1 ... 36, 44

- Remia v Commission (42/84) [1987]
1 CMLR 1 ... 34, 155, 181
- Rogers v Parrey (1613) 80 ER 1012 ... 4
- Roquette Freres SA v Directeur General de la
Concurrence de la Consommation et de la
Repression des Fraudes (C-94/00) [2003]
4 CMLR 1 ... 85–86
- RTE and Independent Television Productions v
Commission (C-241–242/91P) [1995] 4 CMLR
418 ... 260
- RTE v Commission (T-69/89) [1991] 4 CMLR 586
... 240
- Schoolmasters of Gloucester (1410) YB 11 Hen IV
... 370
- Schroeder Music Publishing Co. Ltd v Macaulay
[1974] 3 All ER 617, HL ... 362
- Schweppes Ltd Agreement, Re [1965] 1 All ER
195 ... 62
- Secretary of State for Trade and Industry v
Hoffmann-La Roche & Co. AG [1975]
AC 295 ... 102
- SEP v Commission (T-39/90) [1992]
5 CMLR 33 ... 84
- Sirena v Eda (40/70) [1971] ECR 69 ... 260
- Societe Commercial des Potasses et de L'Azote
(SCPA) and Entreprise Miniere et Chimique
(EMC) v Commission (C-30/95) [1998] 4
CMLR 829 ... 330
- Societe de Vente de Ciments et Betons de L'Est SA
v Kerpen & Kerpen GmbH & Co KG (C-319/82)
[1985] 1 CMLR 511 ... 174
- Societe Stenuit v France (1992) 14 EHRR 509 ...
108
- Sockel GmbH v The Body Shop International plc
[2000] UKCLR 262 ... 237
- Sorrell v Smith [1925] AC 700 ... 371
- Spijker Kwasten v Commission (231/82) [1984]
2 CMLR 284 ... 35
- Standard Oil Co. of New Jersey v US (1911) 221
US 1 ... 4, 7, 183, 271
- Stergio Delimitis v Henninger Brau (C-234/89)
[1992] 5 CMLR 210 ... 45
- Stichting Certificatie Kraanverhuurbedrijf
(SCK)(T-213/95); Federatie van Nederlandse
Kraanverhuurbedrijven (FNK) v Commission
(T18/96) [1998] 4 CMLR 259 ... 94
- Stoke-on-Trent City Council v B & Q plc [1990]
3 CMLR 31 ... 44
- Stora Bergslags AB v Commission (T-354/94)
[2002] 4 CMLR 34 ... 143
- Suretrack Rail Services Ltd v Infraco JNP Ltd
[2002] EWHC 1316 ... 131
- Synstar Computer Services (UK) Ltd v ICL
(Sorbus) Ltd and International Computers Ltd
[2001] UKCLR 585 ... 130
- Tate and Lyle plc, British Sugar plc, Napier Brown
plc v Commission (T-202/98) [2001] 5 CMLR
22 ... 147
- Tetra Laval BV v Commission (I) (T-5/02) [2002]
5 CMLR 28 ... 341
- Tetra Laval BV v Commission (II) (T-80/02)
[2002] 5 CMLR 29 ... 341
- Tetra Pak International SA v Commission
(T-83/91) [1992] 4 CMLR 76 ... 237
- Tetra Pak Rausing v Commission (T-51/89)
[1991] 4 CMLR 334 ... 7, 181, 263
- Tetra Pak v Commission (No.2) (C-333/94P)
[1997] 4 CMLR 662 ... 249, 273
- Texaco Ltd v Mulberry Filling Station Ltd [1972]
1 All ER 513 ... 367
- Timberlane Lumber Co. v Bank of America 549
F.2d 1287 (9th Cir.1976) ... 63
- Timex Corporation v EC Council and
Commission (264/82) [1985] 3 CMLR 550 ...
34, 122
- Torquay Hotel Co. Ltd v Cousins [1969] 2 Ch 106
... 373
- Tunis Bros Co. v Ford Motor Co. (1991) 952 F.2d
715 ... 184
- Union Francaise de l'Express (UFEX) v
Commission (T-77/95) [2001] 4 CMLR 35 ...
122
- Union Royale Belge des Societes de Football
Association ASBL v Jean-Marc Bosman
(C-415/93) [1995] ECR I-4921 ... 156
- United Brands Co. v Commission (27/76) [1978]
1 CMLR 429 ... 8, 26, 233, 234, 235, 239, 242,
266, 278, 281, 287
- United States v Aluminium Co. of America
(ALCOA) 148 E2d 416 (2nd Cir. 1945) ... 58
- United States v American Tobacco Co. 221 US
106 (1911) ... 271
- United States v E I duPont 351 US 377 (1956) ...
16
- United States v Grinnel Corp. (1966) 384 US 563
... 7, 232
- United States v Microsoft Corpn. 56 F.3d 1448
(DC Cir. 1995) ... 81
- United States v Nippon Paper Indus. Co. 109 F.3d
(1st Cir. 1997) ... 63
- United States v Terminal Railroad Association
224 US 383 (1912); USSCR 56 L Ed 810 ... 288
- United States v Trans-Missouri Freight
Association 166 US 290 (1897) ... 133

- UPS Europe SA v Commission (T-127/98) [2000] 4 CMLR 94 ... 122
- Van Den Bergh Foods v Commission (T-65/98R) [1998] 5 CMLR 475 ... 45
- Verband der Sachversicherer Ev v Commission (45/85) [1988] 4 CMLR 264 ... 145
- Vereeniging Ter Bevordering Van De Belangen Des Boekhandels (VBBB) and Vereeniging Ter Bevordering Van Het Vlaamsche Boekwezen (VBVB) v Commission (43/82, 63/82) ... 179
- Vereniging van Samenwerkende Prijsregelende Organisaties in de Bouwnijverheid v Commission (T-29/92) [1995] ECR-II 289 ... 45, 134, 179
- Viho Europe BV v Commission (T-102/92) [1995] 4 CMLR 299 ... 20
- Volkswagon AG v Commission (C-338/00P) [2004] 4 CMLR 7 ... 165
- Volkswagon AG v Commission (T-208/01) [2004] 4 CMLR 14 ... 154, 156, 165
- Volkswagon AG v Commission (T-62/98) [2000] 5 CMLR 853 ... 110, 165
- Volvo AB v Erik Veng (UK) Ltd (238/87) [1989] 4 CMLR 122 ... 237
- Watson v Prager [1991] 3 All ER 487; [1993] EMLR 275 ... 365, 368
- Wilhelm v Bundeskartellamt (14/68) [1969] CMLR 100 ... 36, 44
- William Goldman Theatres Inc. v Loew's Inc 150 F.2d 738, 743n. 15 (3rd Cir.1945) ... 146
- Wouters, Savelbergh and Price Waterhouse Belastingadviseurs BV v Algemene Raad Van de Nederlandse Orde Van Advocaten (C-309/99) [2002] 4 CMLR 27 ... 21, 173
- WWF and World Wildlife Fund Inc. v World Wrestling Federation [2002] UKCLR 388 ... 368, 369
- UK Cases**
- Aberdeen Journals v Director General of Fair Trading [2002] CompAR 167 ... 266, 276
- Alfred Compton Amusement Machines Ltd v Customs and Excise Comrs (No.2) [1974] AC 405 ... 100
- Allen v Flood [1898] AC 1 ... 372
- American Cyanimid Co. v Ethicon Ltd [1975] AC 396, HL ... 127
- Aquavitae (UK) Ltd v Director General of Water Services [2004] CompAR 117 ... 129
- Associated Provincial Picture Houses Ltd v Wednesbury Corp. [1948] 1 KB 223 ... 102, 298
- Bettercare Group Ltd v Director General of Fair Trading [2002] CompAR 226 ... 22, 128
- Broad v Jolyffe (1620) Cro Jac 596 ... 363, 365
- BSC v Granada TV [1981] AC 1096 ... 92
- Claritas Computer Services (UK) Ltd v Post Office and Postal Preference Service Ltd [2001] UKCLR 2 ... 130
- Colgate v Bacher (1602) Cro Eliz 872 ... 362
- Cooke v Secretary of State for Social Security [2002] All ER 279 ... 41
- Crehan v Courage Ltd [1999] UKCLR 110 ... 175
- Crehan v Innpreneur Pub Co. and Brewman Group Ltd [2003] EWHC 1510 (Ch); [2003] UKCLR 834 ... 175, 177
- Crofter Hand Woven Harris Tweed v Veitch [1942] AC 435, HL ... 370
- Daily Mirror Newspapers v Gardner [1968] 2 QB 762 ... 371
- Darcy v Allin (1602) 11 Co Rep 84b ... 5
- Days Medical Aids v Pihsiang Machinery Manufacturing Co. Ltd [2004] EWHC 44 ... 47, 369
- DC Thomson and Co. v Deakin [1952] Ch 646 ... 372
- East India Company v Sandys (1685) 10 St Tr 371 ... 5
- Eastham v Newcastle United Football Club Ltd [1964] Ch 413 ... 368
- Environment Protection Agency v Caltex Refining Co. Pty Ltd (1993) 118 ALR 392 ... 92
- Esso Petroleum Co. Ltd v Harper's Garage (Stourport) Ltd [1968] AC 269 ... 365, 366
- Freestore.com plc v Director of Telecommunications [2003] CompAR 1 ... 128
- Garden Cottage Foods Ltd v Milk Marketing Board [1983] 2 All ER 770, HL ... 37, 123, 124, 127
- Genzyme Ltd v OFT [2004] CAT 4 ... 285
- Getmapping plc v Ordnance Survey [2002] UKCLR 410 ... 131
- Greig v Insole [1978] 1 WLR 302 ... 368
- H. Morris Ltd v Saxelby [1916] 1 AC 688 ... 362, 365, 366
- Hendry and Others v World Professional Billiards and Snooker Association Ltd [2002] UKCLR 5 ... 131
- Hollis & Co. v Mark Richard Stocks [2000] UKCLR 658 ... 368
- Hoover plc v George Hulme (Stockport) Ltd [1982] FSR 565 ... 175

- Horner v Graves (1831) 131 ER 284 ... 4, 363
- IBA Health Ltd v OFT [2003] CAT 27 ... 351
- Institute of Independent Insurance Brokers v Director General of Fair Trading [2001] CompAR 62 ... 22
- Institute of Independent Insurance Brokers v Director General of Fair Trading [2002] CompAR 141 ... 96, 128
- Interbrew SA and Interbrew UK Holdings Ltd v The Competition Commission and the Secretary of State for Trade and Industry [2001] UKCLR 954 ... 102
- Jobserve Ltd v Network Multimedia Television [2001] UKCLR 184 ... 131
- John Dyer's Case (1414) YB 2 Hen 5 ... 4, 362
- Laphorne v Eurofi Ltd [2001] UKCLR 996 ... 368
- Lonhro Ltd v Shell Petroleum Co. (No.2) [1982] AC 173, HL ... 371
- Lonhro plc v Fayed [1990] 2 QB 479; [1992] 1 AC 448, HL ... 371, 372
- Mason v Provident Clothing and Supply Co. Ltd [1913] AC 724 ... 364
- Micro Leader Business v Commission (T-77/95) [2000] 4 CMLR 886 ... 122
- Mitchell v Reynolds (1711) 1 P. Wms 181 ... 362
- Mogul SS Co. Ltd v McGregor Gow & Co. [1892] AC 25; (1889) 28 QBD 598 ... 4, 362, 370, 371
- MTV v BMG Records (UK) Ltd, unreported, July 17, 1995, CA ... 126
- Nagle v Feilden [1966] 2 QB 633 ... 368
- Napp Pharmaceutical Holdings Ltd v Director General of Fair Trading [2001] CompAR 1 [2002] CompAR 13; [2002] EWCA Civ 796; [2002] UKCLR 726, CA ... 18, 41, 113, 115, 267, 275, 277, 279, 283
- Nordenfelt v Maxim Nordenfelt Guns and Ammunition Co. Ltd [1984] AC 535 ... 363, 364, 367
- OFT v IBA Health Ltd [2004] EWCA Civ 142 ... 352
- Pernod Ricard SA and Campbell Distillers Ltd v OFT [2004] CompAR 181 ... 129
- Petrofina (Great Britain) Ltd v Martin [1966] Ch 146 ... 362, 367
- Pharmaceutical Society of Great Britain v Dickson [1970] AC 403 ... 368
- Provimi Ltd v Aventis Animal Nutrition SA [2003] EWHC 961 ... 73, 125
- Quinn v Leathem [1901] AC 495 ... 371
- R (on the application of Kent Pharmaceuticals Ltd) v Director of the Serious Fraud Office [2003] EWHC 3002 (Admin); [2003] All ER (D) 298 ... 212
- R v Ghosh [1982] 2 All ER 689 ... 216
- R v MMC, ex p. Matthew Brown plc [1987] 1 WLR 1235 ... 102
- R v Secretary of State for Trade and Industry, ex p. Thomson Holidays [2000] UKCLR 189 ... 102
- Rogers v Parrey (1613) 80 ER 1012 ... 4
- Schoolmasters of Gloucester (1410) YB 11 Hen IV ... 370
- Schroeder Music Publishing Co. Ltd v Macaulay [1974] 3 All ER 617, HL ... 362
- Schweppes Ltd Agreement, Re [1965] 1 All ER 195 ... 62
- Secretary of State for Trade and Industry v Hoffmann-La Roche & Co. AG [1975] AC 295 ... 102
- Sockel GmbH v The Body Shop International plc [2000] UKCLR 262 ... 237
- Sorrell v Smith [1925] AC 700 ... 371
- Stoke-on-Trent City Council v B & Q plc [1990] 3 CMLR 31 ... 44
- Suretrack Rail Services Ltd v Infracore JNP Ltd [2002] EWHC 1316 ... 131
- Synstar Computer Services (UK) Ltd v ICL (Sorbus) Ltd and International Computers Ltd [2001] UKCLR 585 ... 130
- Texaco Ltd v Mulberry Filling Station Ltd [1972] 1 All ER 513 ... 367
- Torquay Hotel Co. Ltd v Cousins [1969] 2 Ch 106 ... 373
- Watson v Prager [1991] 3 All ER 487; [1993] EMLR 275 ... 365, 368
- WWF and World Wildlife Fund Inc. v World Wrestling Federation [2002] UKCLR 388 ... 368, 369

EC Cases

- AEG-Telefunken v Commission (107/82) [1984] 3 CMLR 325 ... 154
- Aerports de Paris v Commission (C-82/01) [2003] 4 CMLR 609 ... 282
- Ahlstrom (A) OY v Commission (C-89/85) [1993] 4 CMLR 407 ... 34, 59, 148
- Ahmed Saeed Flugreisen v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV (C-66/86) [1990] 4 CMLR 102 ... 232

- Airtours plc v Commission (T-342/99) 5 CMLR 7 ... 296, 332
- AKZO Chemie BV v Commission (53/85) [1987] 1 CMLR 231 ... 33, 90, 91
- AKZO Chemie BV v Commission (C-62/86) [1993] 5 CMLR 215 ... 236, 244, 272
- AM&S Europe v Commission (155/79) [1982] 2 CMLR 264 ... 86, 92, 100
- Archer Daniels Midland v Commission (T-224/00) [2003] 5 CMLR 12 ... 167
- Arduino v Compagnia Assicuratrice RAS SpA (C-35/99) [2002] 4 CMLR 25 ... 22
- Atlantic Container Line AB v Commission (T-395/94) [2002] 4 CMLR 28 ... 178
- Automec srl v Commission (T-24/90) [1992] 5 CMLR 431 ... 34, 121
- BASF AG v Commission (T-24/90) [1995] ECR II-729 ... 34
- BASF Coating AG v Commission (T-175/95) [2000] 4 CMLR 33 ... 164
- BAT Ltd and RJ Reynolds Industries Inc. v Commission (142 & 156/84) [1988] 4 CMLR 24 ... 321
- Baustahlgewebe GmbH v Commission (T-145/89) ... 94
- Bayer AG v Commission (T-41/96) [2001] 4 CMLR 4 ... 143, 154, 164
- BBC v Commission (T-70/89) 4 CMLR 669 ... 240
- Beguelin Import Co. v GL Import Export SA (22/71) [1972] CMLR 81 ... 174
- Belgische Radio en Televisie (BRT) v Societe Belge des Auteurs, Compositeurs et Editeurs (SABAM) (127/73) [1974] 2 CMLR 238 ... 123
- Bosch v De Geus (13/61) [1962] 1 CMLR 1 ... 158
- BP v Commission (77/77) [1978] 3 CMLR 174 ... 241
- BPB Industries plc and British Gypsum Ltd v Commission (C-310/93P) [1997] 4 CMLR 238 ... 33
- British Airways v Commission (T-219/99) December 17, 2003 ... 252, 259
- British Leyland plc v Commission (226/84) [1987] 1 CMLR 185 ... 240
- Bundesverband der Arzneimittel Importeure eV v Bayer AG (C-2/01 P); Bayer AG v Commission of the European Communities (C-3/01 P) [2004] 4 CMLR 13 ... 164
- Bureau Europeen des Medias et de l'Industrie Musicale (BENIM) v Commission (T-114/92) [1996] 4 CMLR 305 ... 121
- Camera Care Ltd v Commission (792/79R) [1980] 1 CMLR 334 ... 80, 321
- Cascades SA v Commission (T-308/94) [2002] 4 CMLR 33 ... 143
- Centre Belge d'Etudes de Marche-Telemarketing SA v Compagnie Luxembourgeoise de Telediffusion SA (311/84) [1986] 2 CMLR 558 ... 257
- Chemidus Wavin Ltd v Societe pour la Transformation et l'Exploitation des Resines Industrielles SA [1978] 3 CMLR 514 ... 174
- Christiani & Nielson, Re (69/165/EEC) [1969] CMLR D36 ... 20
- CICCE v Commission (298/83) [1986] 1 CMLR 486 ... 33
- Cimenteries CBR SA v Commission (T-25-26/95) [2000] 5 CMLR 204 ... 90, 147
- Cisal di Battistello Venanzio & Co Sas v Istituto Nazionale Per l'Assicurazione Contro Gli Infortuni Sul Lavoro (INAIL) (C-218/00) [2002] 4 CMLR 24 ... 21
- Coca-Cola v Commission (T-125/79) [2000] All ER (EC) 460 ... 265
- Comite Central d'Entreprise de la Societe Anonyme Vittel v Commission (T-12/93) [1995] ECR II-1247 ... 334
- Commission v Tetra Laval (C-12-13/03P) ... 341
- Compagnie Maritime Belge SA v Commission (C-395-396/96P) [2000] 4 CMLR 1076 ... 248, 249
- Cooperatieve Vereniging Suiker Unie UA v Commission of the European Communities (40/73) [1976] 1 CMLR 295 ... 146, 250
- Costa v ENEL (6/64) [1964] CMLR 425 ... 36, 43
- Courage Ltd v Crehan (C-453/99) [2002] UKCLR 171 ... 175
- De Norre v NV Brouwerij Concordia (47/76) [1977] 1 CMLR 378 ... 188
- Defrenne v Sabena (No.2) (43/75) [1976] 2 CMLR 98 ... 37, 123
- Deutsche Bahn AG v Commission (C-436/97P) [1999] 5 CMLR 775 ... 32
- Dow Benelux NV v Commission (85/87) [1991] 4 CMLR 410 ... 91
- Eco Swiss China Time Ltd v Benetton International NV (C-126/97) [2000] 5 CMLR 816 ... 6
- Endemol Entertainment Holding NV v Commission (T-221/95) [1999] 5 CMLR 611 ... 339
- Etablissements Consten SA RL and Grundig Verkaufs-GmbH v Commission (56, 58/64) [1966] 1 CMLR 418 ... 28, 188

- Etablissements Consten Sarl v Commission;
(C-56/64) Grundig-Verkaufs GmbH v
Commission (C58/64) ... 157, 162, 163
- European Night Services v Commission
(T-374/94) [1998] ECR II-3141 ... 155, 169, 292
- Europemballage Corp. and Continental Can Co
Inc. v Commission (6/72) [1973] CMLR 199 ...
232, 236, 242, 252, 321
- Federacion Nacional de Empresas de
Instrumentacion Cientifica, Medica, Tecnica y
Dental (FENIN) v Commission (T-319/99)
[2003] 5 CMLR 1 ... 20
- Firma J Nold KG v Commission (4/73) [1974]
2 CMLR 338 ... 92
- France v Commission (C-327/91) [1994] 5 CMLR
517 ... 67
- France v Commission (C-68/94) ... 330
- Francovich v Italian Republic (C-6, 9/90) [1993]
2 CMLR 66 ... 37, 123
- Franz Volk v Ets Vervaecke SPRL (5/69) [1969]
CMLR 273 ... 181
- Funke v France (1993) 16 EHRR 297 ... 94
- GB-INNO-BM NV v Vereniging van de
Kleinhandelaars in Tabak (13/77) [1978]
1 CMLR 283 ... 44
- GEMA v Commission (125/78) [1980] 2 CMLR
177 ... 35
- Gencor v Commission (T-102/96 [1999] 4 CMLR
971 ... 65, 324, 331
- Gottrup-Klim v Dansk Landbrugs
Grovvareselskab AMBA (C-250/92) [1994] ECR
I-5641 ... 154
- Guerin Automobiles v Commission (C-282/95P)
[1997] 5 CMLR 447 ... 122
- Hercules Chemicals NV v Commission (T-7/89)
[1992] 4 CMLR 84 ... 90
- Hilti AG v Commission (C-53/92P) [1994]
4 CMLR 614 ... 32
- Hilti AG v Commission (T-30/89A [1990]
4 CMLR 602, [1992] 4 CMLR 16 ... 86, 237, 238
- Hoechst AG v Commission (46/87, 227/88)
[1991] 4 CMLR 410 ... 88, 92
- Hoffmann-La Roche & Co. AG v Commission
(85/76) [1979] 3 CMLR 211 ... 89, 232, 233,
234, 244, 245, 247, 252, 253, 263
- Hofner and Elser v Macrotron GmbH (C-41/90)
[1993] 4 CMLR 306 ... 19
- Hugin Kassaregister AB and Hugin Cash Registers
Ltd v Commission (22/78) [1979] 3 CMLR 345
... 48, 237, 238, 287
- Huls v Commission (C-199/92P) [1999] 5 CMLR
1016 ... 153
- IBM v Commission (60/81) [1981] 3 CMLR 635
... 33
- ICI v Commission (48/69) ("Dyestuffs") [1972]
CMLR 557 ... 62, 109, 146
- IMS Health GmbH & Co. KG v Mediaprint
Zeitungs-und Zeitschriftenverlag GmbH & CO
KG (C-7/97) [1999] 4 CMLR 112 ... 262, 291,
308
- IMS Health Inc. v Commission (T-184/01 RI)
[2002] 4 CMLR 1 ... 261
- IMS Health Inc. v Commission (T-184/01 RII)
[2002] 4 CMLR 2 ... 261
- Instituto Chemioterapico Italiano and
Commercial Solvents v Commission (6-7/73)
[1974] 1 CMLR 309 ... 261, 286
- Internationale Handelsgesellschaft mbH (11/70)
[1972] 1 CMLR 255 ... 36
- Irish Sugar v Commission (C-497/99 R) [2001]
5 CMLR 29 ... 274
- Irish Sugar v Commission (T-228/97) [1999]
5 CMLR 1300 ... 249-250, 258, 274
- JCB Service v Commission (T-67/01) [2004]
4 CMLR 24 ... 192
- Kish Glass & Co. Ltd v Commission (T-65/96)
[2000] 5 CMLR 229 ... 123
- La Technique Miniere v Maschinenbau Ulm
GmbH (56/65) [1966] 1 CMLR 357; [1966]
ECR 235 ... 36, 49, 142, 152, 174
- Landing Fees at Portuguese Airports v
Commission (C-163/99) [2002] 4 CMLR 31 ...
282
- LC Nungesser and Kurt Eisele v Commission
(258/78) [1983] 1 CMLR 278 ... 195
- Limburgse Vinyl Maatschappij NV v
Commission (C-238/99P) [2003] 4 CMLR 10 ...
90
- Limburgse Vinyl Maatschappij NV v
Commission (T-305-307/94) [1999] 5 CMLR
303 ... 90
- LR AF 1998 A/s v Commission (T-23/99) [2002]
5 CMLR 10 ... 167
- Mannesmannrohren Werke AG v Commission
(T-112/98) [2001] 5 CMLR 1 ... 93
- Manufacture Francaise des Pneumatiques
Michelin v Commission (T-219/99) ... 252,
255

- Masterfoods Ltd v HB Ice Cream Ltd; HB Ice Cream Ltd v Masterfoods Ltd (C-344/98) [2001] 4 CLMR 14 ... 31, 45
- Metro SB-Grossmarkte GmbH & Co. KG v Commission (26/76) [1978] 2 CMLR 1 ... 12, 162
- Metropole Television (M6) and Others v Commission (T-112/99) September 18, 2001 ... 184
- Miller International Schallplatten GmbH v Commission (19/77) [1978] 2 CLMR 334 ... 106
- Mo Och Domsjö AB v Commission (C-283/98P) [2001] 4 CMLR 322 ... 108
- Musique Diffusion Française v Commission (100–103/80) [1983] 3 CMLR 221 ... 50, 108, 110
- National Panasonic (UK) Ltd v Commission (136/79) [1980] 3 CMLR 160 ... 87, 92
- NDC Health Corp. v IMS Health Inc. and Commission (C-481/01 P(R)) [2002] 5 CMLR 1 ... 262
- Nederlandsche Banden Industrie Michelin NV v Commission (322/81) [1985] 1 CMLR 282 ... 232, 235, 240, 252
- NV Algemene Transport-en Expeditie Onderneming van Gend en Loos v Nederlandse Administratie der Belastingen (26/62) [1963] 1 CMLR 105 ... 24, 37, 123
- Orkem SA v Commission (374/87) [1991] 4 CMLR 502 ... 93
- Oscar Bronner GmbH & Co KG v Mediaprint Zeitungs und Zeitschriftenverlag GmbH & Co KG (C-7/97) [1999] 4 CMLR 112 ... 262, 291, 308
- Otto v Postbank (C-60/92) [1993] ECR I-5683 ... 93
- Pavlov v Stichting Pensioenfonds Medische Specialisten (C-180/98–184/98) [2000] ECR I-6451 ... 21
- R v Secretary of State for Transport ex p. Factortame Ltd (C-213/89) [1990] 3 CMLR 1 ... 36, 44
- Remia v Commission (42/84) [1987] 1 CMLR 1 ... 34, 155, 181
- Roquette Freres SA v Directeur General de la Concurrence de la Consommation et de la Repression des Fraudes (C-94/00) [2003] 4 CMLR 1 ... 85–86
- RTE and Independent Television Productions v Commission (C-241–242/91P) [1995] 4 CMLR 418 ... 260
- RTE v Commission (T-69/89) [1991] 4 CMLR 586 ... 240
- SEP v Commission (T-39/90) [1992] 5 CMLR 33 ... 84
- Sirena v Eda (40/70) [1971] ECR 69 ... 260
- Societe Commercial des Potasses et de L'Azote (SCPA) and Entreprise Miniere et Chimique (EMC) v Commission (C-30/95) [1998] 4 CMLR 829 ... 330
- Societe de Vente de Ciments et Betons de L'Est SA v Kerpen & Kerpen GmbH & Co KG (C-319/82) [1985] 1 CMLR 511 ... 174
- Societe Stenuit v France (1992) 14 EHRR 509 ... 108
- Spijker Kwasten v Commission (231/82) [1984] 2 CMLR 284 ... 35
- Stergio Delimitis v Henninger Brau (C-234/89) [1992] 5 CMLR 210 ... 45
- Stichting Certificatie Kraanverhuurbedrijf (SCK(T-213/95); Federatie van Nederlandse Kraanverhuurbedrijven (FNK) v Commission (T18/96) [1998] 4 CMLR 259 ... 94
- Stora Bergslags AB v Commission (T-354/94) [2002] 4 CMLR 34 ... 143
- Tate and Lyle plc, British Sugar plc, Napier Brown plc v Commission (T-202/98) [2001] 5 CMLR 22 ... 147
- Tetra Laval BV v Commission (I) (T-5/02) [2002] 5 CMLR 28 ... 341
- Tetra Laval BV v Commission (II) (T-80/02) [2002] 5 CMLR 29 ... 341
- Tetra Pak International SA v Commission (T-83/91) [1992] 4 CMLR 76 ... 237
- Tetra Pak Rausing v Commission (T-51/89) [1991] 4 CMLR 334 ... 7, 181, 263
- Tetra Pak v Commission (No.2) (C-333/94P) [1997] 4 CMLR 662 ... 249, 273
- Timex Corporation v EC Council and Commission (264/82) [1985] 3 CMLR 550 ... 34, 122
- Union Francaise de l'Express (UFEX) v Commission (T-77/95) [2001] 4 CMLR 35 ... 122
- Union Royale Belge des Societes de Football Association ASBL v Jean-Marc Bosman (C-415/93) [1995] ECR I-4921 ... 156
- United Brands Co. v Commission (27/76) [1978] 1 CMLR 429 ... 8, 26, 233, 234, 235, 239, 242, 266, 278, 281, 287
- UPS Europe SA v Commission (T-127/98) [2000] 4 CMLR 94 ... 122