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*"Three Plus"*

As part of its plans for streamlining merger procedures, the Commission had favoured the so-called "3 plus" system whereby a merger case would qualify for review at the Community level whenever it was notifiable to at least three national authorities. This solution had found a lot of support within the European Parliament. However, closer analysis of the possible implications of such a system, as well as the evaluation of the feedback the Commission received in response to its Green Paper, has revealed that a "3 plus" system would have too many drawbacks, especially in the absence of harmonised national notification rules. Nevertheless, it is the Commission's understanding that the supporters of the "3 plus" idea have the same objectives as the Commission in its current proposal, in that everyone wants to optimise the allocation of merger cases between the Commission and national competition authorities in the light of the principle of subsidiarity and to reduce the number of so-called "multiple filings" as much as possible.

*Fines*

Both in legal and in financial terms, procedural law can be just as important as substantive law in competition cases; and at present this is particularly true of the procedural rules governing the imposition and level of fines for infringement of the competition rules of the European Communities. Where the fines imposed are heavy, the possibility that an appeal to the Court of First Instance may reduce the amount in question by two or three million pounds is a powerful incentive for legal advisers to be fully conversant with the procedural pitfalls and escape routes. On the face of it, the Commission's Guidelines on Fining Policy may largely answer some of the questions; but, although the Guidelines were intended to some extent to codify the case law, they themselves are giving rise to judicial interpretation. In this issue, the point is illustrated by the Lysine cartel case (see page 190), in which the members of the cartel collectively secured a reduction in fines of well over €7 million; one of the members had its fine reduced by nearly €3.5 million. (But whether the reductions were enough to pay the legal fees and the court costs is not on record.)

*Football*

It seems that there is at last closure on the question of UEFA's control over the rights to broadcast matches in the Champions League (see page 184); and the Commission's proposed decision in the Bundesliga case (see page 188) is on similar lines at the national level. However, at the time of writing, the press reports – though the Commission itself has not yet confirmed – that there is a possibility of an investigation into the broadcasting rights acquired by BSkyB. ■