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CONTENTS

151 COMMENT

The International Competition Network
Essential facilities

152 DISTRIBUTION ARRANGEMENTS (STICKERS)

The Topps Case

154 MERGERS (DAIRY PRODUCTS)

The Arla Case

156 ACQUISITIONS (PUBLISHING)

The Vivendi Case

158 STATE AIDS (SHIPBUILDING)

Commission Statement

159 EXCLUSIVITY (TELECOMMUNICATIONS)

The Luxembourg Case

167 COMPLAINTS (PORT SERVICES)

The French Tax Case

MISCELLANEOUS

The Austrian Electricity Case *155*
The Belgian Tax Scheme *157*
The DP / Securicor Case *166*

The International Competition Network

At the end of their second annual conference held in Merida, Mexico, members of the International Competition Network (ICN) adopted a series of recommended practices and presented reports aimed at improving merger review, competition advocacy, and capacity building throughout the world. As a consensus-based organisation, the 80-strong ICN has already contributed significantly to an effective dissemination of sound competition principles, with the ultimate purpose of promoting consumer welfare and job creation. At the same time the ICN is working to reduce costs and burdens on industry, in particular those associated with having to seek merger clearance in a multiplicity of jurisdictions.

ICN members have adopted seven recommended practices according to which authorities should:

- examine a deal only if it has a real impact in their national market;
- adopt clear and objective notification thresholds;
- allow for flexibility in the timing of notification;
- require only the information strictly necessary for a proper assessment;
- ensure that investigation timetables are predictable and no longer than necessary;
- provide for transparency in their laws, procedures and individual decisions;
- periodically review their merger control systems.

As part of its periodic review of the European Community's Merger Regulation, the Commission of the European Communities has proposed to Member States of the European Community that the one-week deadline for notification of a deal and the requirement that filing must be based upon a binding agreement should be abandoned. This would bring the European Community's merger control regime fully into line with the recommendations of the ICN.

Essential facilities

In this issue, two separate and quite different cases raise the question, how far the rules on competition can guarantee that a trader may gain access to facilities necessary to his business. Much depends on whether legislation already provides, either directly or indirectly, some form of access; and, failing that, whether the general principles of law, laid down by the Court of Justice in the *Bronner* case, may help the trader in question. Coditel's difficulties in securing access to a telecommunications network were at issue in the *Luxembourg case* (on page 159), while CCL's difficulties in securing access to a particular dock in the Port of Ancona were the subject of proceedings in the *CCL* case (on page 167). ■