

Cambridge University Press 978-0-521-70075-7 - EC Competition Law Giorgio Monti Table of Contents More information

Contents

	,	oage ix
	Table of cases	xiii
	Table of legislation	xxviii
1	Competition law: policy perspectives	1
	1 Introduction	1
	2 A case study: the <i>de Havilland</i> decision of the European Commission	n 6
	3 The demands of a workable competition policy	15
	4 Conclusion	18
2	The core values of EC competition law in flux	20
	1 Introduction	20
	2 Competition as economic freedom	22
	3 The single market	39
	4 Economic efficiency	44
	5 The changing relationship among core values	48
	6 The transformation thesis so far	51
3	Economics and competition law	53
	1 Introduction	53
	2 Shared premises	55
	3 The Structure–Conduct–Performance paradigm	57
	4 The Chicago School	63
	5 The post-Chicago paradigm	68
	6 The effect of economics on law in US antitrust: a synthesis	73
	7 European competition policy and economics	79
	8 Economics in competition law: opportunities and limitations	87
4	Competition law and public policy	89
	1 Introduction	89
	2 Environmental policy	91
	3 Industrial policy	94
	4 Employment policy	96



Cambridge University Press 978-0-521-70075-7 - EC Competition Law Giorgio Monti Table of Contents More information

vi Contents

	5 Consumer policy	99
	6 Culture	102
	7 National interests	110
	8 Placing competition policy in the context of EU policies	113
	9 The future of public policy considerations	122
5	Market power	124
•	1 Four concepts of market power	124
	2 Dominance in EC competition law	127
	3 Measuring market power	130
	4 Market power in aftermarkets	148
	5 Product differentiation and market power: the irrelevance of	
	market definition	150
	6 Market power in Article 81	153
	7 From commercial power to market power	157
6	Abuse of a dominant position: anticompetitive exclusion	159
	1 Introduction	160
	2 Why penalise the abuse of a dominant position?	
	BA/Virgin as a case study	162
	3 Excluding rivals	173
	4 Harm to other market participants	195
	5 Market-partitioning abuses	198
	6 Defences	203
	7 Conclusion: Article 82 redux	211
7	Abuse of a dominant position: from competition policy to	
	sector-specific regulation	216
	1 Introduction	216
	2 Exploitative abuse	217
	3 Refusal to cooperate with competitors	223
	4 Regulatory competition law	243
8	Merger policy	245
	1 Introduction	246
	2 Horizontal mergers: single-firm dominance	250
	3 Market power without dominance?	256
	4 Vertical mergers	264
	5 Conglomerate mergers	271
	6 Merger remedies	283
	7 Widening the aims of merger policy?	291
	8 A European merger policy?	300



Cambridge University Press 978-0-521-70075-7 - EC Competition Law Giorgio Monti Table of Contents More information

vii Contents

9	Oligopoly markets	308
7	1 Introduction	308
	2 Merger control	311
	3 Express collusion	324
	4 Tacit collusion	334
	5 Conclusion: unenforceable competition	344
10	Distribution agreements	346
	1 Introduction	347
	2 The economic debate	348
	3 Community policy towards vertical restraints	357
	4 Market integration in the regulation of distribution agreements	363
	5 Individual appraisal under Article 81	366
	6 Distributors' power	372
	7 The politics of distribution: the car sector	384
	8 Conclusion	390
11	Institutions: who enforces competition law?	392
	1 Introduction	392
	2 The background to modernisation	395
	3 The new enforcement structure	409
	4 Side effects	419
	5 Private enforcement	424
	6 The challenges of institutional resettlement	438
12	Competition law and liberalisation	440
	1 Introduction	441
	2 Initiating liberalisation	442
	3 Introducing competition in network industries	451
	4 Re-regulation	463
	5 Sector-specific competition law	474
	6 Public services	485
	7 More markets, more law	494
13	Conclusions	497
	1 Institutions	497
	2 Economics	500
	3 Politics	503
	Index	506