Competition policy updates

Helena Malikova

Views expressed are solely the ones of the author and do not reflect in any way the views of any employer. In particular, the views expressed do not reflect in any way any position of the European Commission.
Microsoft: 2004 just as Kroes’ mandate starts

3 cases lost in 2002: AirTours/First Choice; Schneider/Legrand; Tetra/Laval

2001 GE / Honeywell prohibition at odds with US authority

1989 Creations of EU merger control

1978 United Brands Definition of market dominance

1973 Continental Can calls for merger control

1978 Treaty of Rome Cartels art. 101 Abuse of dominance art. 102 State aid control art.107

CECA antitrust rules incl. merger control

Early 50s creation of national competition laws in Europe, incl. Germany under influence of US

1930s cartels In Europe US occupation ≠ US long antitrust tradition

MERGER TASK FORCE

How did we get here?
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- WW2 US occupation
≠ US long antitrust tradition

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Treaty of Rome
- Cartels art. 101
- Abuse of dominance art. 102
- State aid control art. 107

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MERGER TASK FORCE
Competition dominance case

- **Dominance**
  - Market shares+, antitrust markets approach

- **Theory of Harm (or Abuse)**
  - Ability
  - Incentives
  - Effect on consumers in terms of price

- **Efficiency**
**Competition case**

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  - Effect on consumers in terms of price

- **Efficiency**

**DMA**

- **Gate keeper**
  - sales, activity, market cap…

- **Obligations & prohibitions**
  - No test in terms of effect on consumers