Lineral Shipping and EU Competition Law

by Alla Pozdnakova

As of October 2008, liner shipping companies lose their privileged status under EU competition law due to withdrawal of the liner conference block exemption, which generously authorized horizontal price-fixing and similar agreements between liner shipping companies. Where the liner consortia block exemption does not apply, all cooperative activity should be carefully and individually assessed under the competition provisions of the EC Treaty.

Alla Pozdnakova has taken this opportunity to research and write an in-depth study of competition law problems in the liner shipping context. Her analysis is not only the first to examine the new European regime, and thus the most up-to-date study of the subject; it is in fact the first major independent study of how Articles 81 and 82 EC are construed and applied to the market conduct of liner shipping companies. In particular, the author addresses the following legal questions:

• Does cooperation between liner shipping companies infringe Article 81(1) even if it does not entail hardcore restrictions of competition?
• Can a cooperative arrangement between liner shipping companies claim that the efficiencies they produce outweigh the negative impact on competition (Article 81(3))?  
• When do certain market strategies of liner carriers become an abuse of a collective or individual dominant position (Article 82)?
• Does parallel pricing behaviour infringe EC Treaty competition rules?

May 2008, 492 pp., hardbound
ISBN: 9789041127174
Price: EUR 125.00/ USD 165.00/ GBP 85.00

Competition Problems in Liberalized Telecommunications

Regulatory Solutions to Promote Effective Competition

by Milena Stoyanova

This innovative study of the role of competition law in the telecommunications industry starts from a classic perspective: While, in principle, regulation benefits social welfare and efficient allocation of resources, past regulatory experience shows that regulation can be flawed and lead to welfare harm rather than good. In the telecommunications industry specifically, inappropriately designed sector-specific remedies and regulatory delays in the introduction of new telecommunications services can hold up the development of the market towards effective competition and could incur considerable welfare losses. In addition, conventional antitrust analysis still lags behind the dynamic nature of the electronic communications markets.

Milena Stoyanova sets out to establish a new understanding of the role of sector-specific regulation and competition law enforcement in the electronic communications sector, addressing such questions as the following:
• Why a new regulatory framework?
• Are sectoral regulation and competition law enforcement mutually exclusive or complementary?
• Why should electronic communications markets be regulated to conform to competition law principles?
• What does competition law add to sector-specific regulation?
• What is the relationship or proportion between regulation and competition law enforcement?

Effective competition in the electronic communications market is crucial for securing the dynamic role of the entire information and communications technologies sector, of which electronic communications form the largest segment. The sound and well-informed recommendations in this book ably address common and persistent problems, making Competition Problems in Liberalized Telecommunications a forward-looking mainstay for practitioners and other professionals involved in all aspects of the field.

May 2008, 352 pp., hardbound
ISBN: 9789041127365
Price: EUR 160.00/ USD 211.00/ GBP 109.00

VOLUME 36

EC State Aid Law
Liber Amicorum in Honour Francisco Santaolalla

A uniquely important contribution to the debate on EC State aid, this book captures the direct knowledge and experience of twenty-six current and former Commission State aid litigators, offering detailed ‘insider’ analysis of EC State aid court cases, as well as related internal legal issues, between 1994 and 2008. The book brings together both legal and economic analysis, with detailed reflections on aspects of both substantive legal rules and procedural law. It also offers, over and above the specific interest of the contributions it contains, invaluable insights into the working methods of the Commission Legal Service.

This collaborative work was conceived and realized by its authors as a mark of recognition, and a gesture of respect and friendship, for Francisco Santaolalla, on the occasion of his retirement from the Commission after fourteen years’ service as Director of the State aid team.

Among the many legal and economic forces affecting State aid litigation, the authors focus on such factors as the following:

• exports;
• private investment;
• role of economic analysis;
• ecotaxes;
• privatization;
• remedies;
• existing aid;
• third parties;
• actions against State aid decisions;
• national court decisions;
• fiscal discipline; and
• WTO subsidies law.

In illuminating the underlying issues, and describing how they are handled by the Commission Legal Service, the authors shed light on the likely future development of State aid law. The book will be of particular interest to antitrust practitioners as well as academics.

October 2008, 508 pp., hardbound
ISBN: 9789041127747
Price: EUR 211.00/ USD 160.00/ GBP 109.00
This immensely useful book is a quick source of reference for practitioners working with EC State aid matters. Following a highly organized sequence of subject headings, it presents extracts from all relevant judgements and orders of both the European Court of Justice and the Court of First Instance on the EC Treaty rules on State aid (Articles 87-89). Each subject heading starts with extracts having a more general meaning, followed by extracts relating to specific points or situations. Under each extract or summary, the judgements and orders are referred to by case number in ascending order. The articles of the EC Treaty are cited according to the method of citation pursuant to the renumbering of the articles of that treaty brought about by the Treaty of Amsterdam. The book covers all the case law of both courts until March 2008.

With this book practitioners will quickly find relevant paragraphs and full citations regarding all issues raised by Articles 87-89 EC, including the following and much more:

- territorial scope of State aids;
- Article 87(1) EC and WTO agreements;
- conditions for categorizing a national measure as State aid;
- free movement of goods;
- common agricultural policy;
- powers and discretion of the Commission;
- undertakings;
- private vs. public investment;
- justification of selective measures;
- aid liable to affect trade and to distort competition;
- the Altmark conditions for public service aid;
- restructuring aids;
- administrative procedure;
- locus standi of trade associations; and
- scope, nature, and limits to the Council’s power under Article 88(2) EC.

In many areas, the extracts in this book relate to points of the judgements which are not or only partially treated in official summaries.

For accessibility of this case law, this book has no peers. Practitioners in the field of EC State aid law will find it indispensable.

October 2008, 578 pp., hardbound
ISBN: 9789041127327
Price: EUR 200.00/ USD 264.00/ GBP 136.00
EC Competition and Telecommunications Law
Second Edition

edited by Christian Koenig, Andreas Bartosch, Jens-Daniel Braun and Marion Romes

This new volume updates the groundbreaking analysis of its first edition in 2002, when the EC common regulatory framework for electronic communications networks and services had just entered into force. So much has changed in the intervening years that that this new edition bears little resemblance to its predecessor, with every chapter either extensively altered or entirely new. It remains, however, the most detailed and comprehensive overview available of the application of the EC Treaty’s competition rules in the markets for telecommunications and audiovisual media, and of the applicable regulatory framework.

In thirteen chapters, each contributed by one or more noted legal authorities in the field, the second edition of EC Competition and Telecommunications Law covers the full range of EC telecommunications law across all major areas of both institutional and substantive law, both on the international and EC levels, including the following:

• State aid;
• the merger control regulation;
• justification for sector-specific regulation in EC competition law;
• network access;
• authorizations and privileges; and
• mobile telephony.

Relevant EC media and communications law and relevant aspects of EC competition law are dealt with in detail. While some chapters focus on competition law, others deal primarily with sector-specific regulation. There is practical guidance throughout on procedural matters, alongside analysis of the substantive provisions.

Well-known in its first edition, this thoroughly revised and updated version continue to be vital reading for practitioners, in particular those specializing in European competition law and for company and in-house lawyers who are seeking advice on how European law affects their business. As a detailed analysis of the basic legislative and regulatory framework of European telecommunications law, it will be an invaluable reference work for lawyers, judges, regulators, and policymakers in all the EC Member States, as well as for students and teachers of European law.

March 2009, 725 pp., hardbound
ISBN: 9789041125644
Price: EUR 199.00/ USD 263.00/ GBP 159.00
## Order Form

**ORDER FORM – Please Complete**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Title</th>
<th>ISBN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Prices in Euro are definite for customers outside the United Kingdom (GBP) and North, Central & South America (USD). Shipping & Handling is not included. Please visit [www.kluwerlaw.com](http://www.kluwerlaw.com) for more information.

- Yes, register me as a subscriber to International Competition Law Series starting with volume __________

Subscribing entitles me to 20% discount on all current and forthcoming volumes. Prices are subject to change without notice.

### Delivery Details

Please enter details in BLOCK CAPITALS

- Mr  Mrs  Miss  Ms  Dr  Prof  Other

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Family Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Title:</th>
<th>Company:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>Post/Zip Code:</th>
<th>City:</th>
<th>Country:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Fax:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email:</th>
<th>Website:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For companies resident in EU member states, please quote your VAT/TVA/IVA/MWSt/BTW/MOMS number

### Payment Options

- I enclose a cheque for EUR/GBP/USD __________ Made payable to Kluwer Law International (Please see website for address details)

- Bill my account: (Account number required):

- Credit Cards / Charge Cards:

  - Please Debit EUR / USD / GBP __________ from my card: □ Visa □ Master Card □ American Express

  - Card Account Number: ____________________________

  - Expiry date: __________ Date __________

  - Name of cardholder: ____________________________

  - Signature ____________________________

  - Registered cardholder’s name and address – If different from delivery address

- Bank Transfers:

  For information on bank transfers please contact telephone +31 (0)172 641 562

**Important Notes**

- Please ensure that you quote your company and the products ordered when instructing your bank.
- Please enclose a copy of your instructions to the bank with your order.

Please tick this box if you do not wish to receive offers and information on new products from Kluwer Law International.

As a service to our clients, we occasionally make our subscriber lists available to organisations whose products or services we feel may be of interest. If you do not wish to receive such mailing, please tick the box.

Complete your order today, then:

[www.kluwerlaw.com](http://www.kluwerlaw.com) (Enter Priority Code below)

**Online**

Fax: +44 (0)845 009 5880

Phone: (+44) 1767 604 958

U.S. and Latin American Customers:

Phone: +1 (800) 638-8437

Fax: +1 (301) 644-3550

E-mail: buckeyestownsales@aspenpublishers.com

Email: Kluwerlaw@turpin-distribution.com

When placing your order don't forget to quote the order code below

Order your copy at [www.kluwerlaw.com](http://www.kluwerlaw.com)

KLI1040