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Article 82 EC: Reflections on its Recent Evolution

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The European Commission's review of its approach to abuse of dominance under Article 82 of the EC Treaty has been stimulating debate for several years. In July 2005, the Commission published its consultation paper 'An economic approach to Article 82,' in which the Economic Advisory Group for Competition Policy (EAGCP) questioned the merits of the traditional formalistic approach to Article 82 EC cases. This paper advocated an effects-based approach focused on competitive harm. Then the Commission published its 'Discussion Paper on the application of Article 82 of the Treaty to exclusionary abuses' (the 'Discussion Paper'). This eagerly awaited document, although more restrictive in nature than the 'EAGCP Paper,' has been viewed by many as a first practical step toward a more economic approach to Article 82 EC. The debate over the scope and analysis of Article 82 EC has raised important questions as to its past and present application. This collection of essays by international experts explores the boundaries of Article 82 EC and considers recent developments in its application. The first four chapters look at the economics, law, and enforceability of the proposed reform. Chapters five and six consider the interaction between competition law and intellectual property rights. The seventh chapter considers the provision of remedies in cases of refusal to supply and the eighth chapter explores the other side of the abuse story, namely exploitative practices, focusing on the treatment of excessive prices.

This book will be a delight to all legal experts and policy makers who, from a professional perspective, have to take into account developments in this branch of competition law. In the book they will find a wealth of seriously developed ideas, based on different aspects of difficulties arising in this area. Pierre Bouvier *Agence Europe: Bulletin Quotidien Europe* 20th April 2010 The contributions in this book are clearly written and often thought-provoking. The chapters can be read stand-alone. This is useful for the reader who uses the book as a reference work. This book is a valuable contribution to the understanding of the latest development in art.102 TFEU. Ezrachi and the other authors did a wonderful job in explaining difficult concepts in a relatively easy way. Tjarda van der Vijver *European Competition Law* Volume 31, Issue 7 The quality of the chapters is superlative. Each is critical and perceptive. They make a considerable contribution to the debate on the enforcement of article 82. The papers have been well edited and it is handy to have 10 chapters on related matters in a single slim volume. Valentine Korah *World Competition Law and Economics* Volume 33, Issue 1, 2010 Article 82 EC ... comprises interesting, exhaustive and stimulating contributions on a number of important and still not completely resolved questions...Overall, the clear and detailed examination of the relevant economic theories along with the appraisal of the applicable legal principles make this collection a useful source of information and of stimuli for future discussions among both academics and practitioners active in the field of competition law. Arianna Andreangeli *Common Market Law* 2010 This book analyses in a coherent and well developed way different aspects of the difficulties prevalent in the enforcement of Art 102 of the Treaty on the Functioning of the European Union. The book addresses controversial issues in a systematic and detailed manner and is an important contribution to the development of the enforcement of Art 102 TFEU. The editor Dr Ariel Ezrachi has done a highly commendable job in ensuring the coherence of the argumentation throughout the book. Dr Ioannis Kokkoris *Competition Law Journal* 2010 About the Author Ariel Ezrachi is the Slaughter and May Lecturer in Competition Law at the University of Oxford and the Director of the Oxford Centre for Competition Law and Policy. He is a Fellow and Tutor in Law at Pembroke College, Oxford.