



Article 82 EC: Reflections on its Recent Evolution (Studies of the Oxford Institute of European and Comparative Law)

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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.

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