EJTN Administrative Law Project
Judicial Training on EU Competition Law

Competition Law and Sector-Specific Regulation: Issues and Judicial Review
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Objectives

The purpose of the seminar is to provide you with an advance understanding of the interplay between Competition law and Sector-Specific Regulation. Traditionally, competition law and regulation were considered two opposing categories. This view was sustained in the common statement that sector-specific regulation is an *ex ante* mechanism for market intervention, whilst competition law applies *ex post* to cure observable impediments to competition or infringement of law. Eventually, the boundaries between competition and regulation vanished, as regulated markets have gone through major processes of reform the last 30 years that have altered both structures and legal frameworks. Therefore, an industry today is considered ‘regulated’ or ‘unregulated’, depending on the degree to which firms are left ‘free’ to operate in a market. We shall focus on the implications of this transformation for the enforcement of competition law. Our inquiry will revolve around the following two questions:

1. Can competition law apply in parallel with sector-specific regulation? Is it appropriate? (Concurrency issue)
2. Can competition law apply in a regulatory fashion? Is it appropriate? What are the implications for judicial review? (Regulatory Antitrust issue).
Background Reading

Legislation

- Article 4 (3) TEU
- Article 101 TFEU
- Article 102 TFEU
- Article 106 (2) TFEU

Articles


Cases

C-198/01, Consorzio Industrie Fiammiferi (CIF) v Autorità Garante della Concorrenza e del Mercato, Judgment of the Court of 9 September 2003

C-94/04, Cipolla and Others, Judgment of the Court (Grand Chamber) of 5 December 2006

Case C-185/91, Bundesanstalt für den Güterfernverkehr v Gebrüder Reiff GmbH & Co. KG, Judgment of the Court 17 November 1993

Case C-280/08, P Deutsche Telekom AG v European Commission, Judgment of 14 October 2010

Case C-52/09, *Konkurrensverket v TeliaSonera Scerige AB*

Memos on Slovak Telekom case
