OUTLINE TABLE OF CONTENTS

Preface
Note to users
Outline table of contents
Table of contents
Table of abbreviations

PART ONE: EU COMPETITION LAW
I. Charts: EU competition law (Arts. 102 - 109 TFEU) [C-Charts]
   1. Introduction and overview
   2. Conduct of undertakings
      2.1 Art. 101 TFEU: collusive conduct
      2.2 Art. 102 TFEU: abuse of a dominant position
      2.3 Enforcement of Arts. 101 and 102 TFEU
      2.4 Merger control
      2.5 Undertakings with a special position under national law
   3. Mixed situations
   4. State aid
II. Explanatory text: EU competition law (Arts. 101 - 109 TFEU)
   1. Introduction and overview
   2. Conduct of undertakings
   3. State conduct
   4. Exercises and legal analysis [Companion website]

PART TWO: BACKGROUND AND CONTEXT: COMPETITION LAW AS PART OF THE EU LEGAL SYSTEM
I. Charts: competition law as part of the EU legal system [B-Charts]
   1. From the European Communities to the European Union
   2. The place of competition law in today's EU legal system
   3. Adoption of secondary EU competition law
   4. General elements of the enforcement of EU law
II. Explanatory text: competition law as part of the EU legal system
   1. The development of EU law
   2. The place of EU competition law in the EU legal system
   3. Enforcement of EU law

Tables
Annex: Legislative materials
Index
ESSENTIAL COMPETITION LAW IN CHARTS

<table>
<thead>
<tr>
<th>PREFACE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note to users</td>
<td>7</td>
</tr>
<tr>
<td>Outline table of contents</td>
<td>8</td>
</tr>
<tr>
<td>Table of contents</td>
<td>9</td>
</tr>
<tr>
<td>Table of abbreviations</td>
<td>12</td>
</tr>
</tbody>
</table>

**PART ONE: EU COMPETITION LAW**

1. Charts: EU Competition Law (Arts. 102 - 109 TFEU) [C-Charts]
   1. Introduction and overview
      - Free competition and distortion of competition in EU law: C1 18
      - EU competition law: an overview: C2 19
   2. Conduct of undertakings
      - What is an undertaking?: C3 20
      - Conduct of undertakings: the relevant market: C4 21
      - Comparison of Arts. 101 and 102 TFEU: C5 22
   2.1 Art. 101 TFEU: collusive conduct
      - Decision tree: collusive conduct of undertakings (Art. 101 TFEU): C6 23
      - Art. 101 TFEU: an overview: C7 24
   2.1.1 Art. 101(1) TFEU
      - Undertakings’ conduct under Art. 101(1) TFEU: C8 25
      - Effect on trade between the Member States: C9 26
      - Appreciability of the effect on trade: C10 27
      - Object or effect in relation to competition: C11 28
      - The de minimis rule regarding effect on competition: C12 29
      - Hardcore restrictions: C13 30
      - Result: two distinct issues of appreciability: C14 31
      - Examples mentioned in Art. 101(1) TFEU: C15 32
   2.1.2 Exemptions from Art. 101(1) TFEU
      - Exemptions from Art. 101(1) TFEU: C16 33
      - Block exemptions: the general pattern: C17 34
      - Block exemptions: vertical agreements: C18 35
      - Block exemptions: specialisation agreements: C19 36
      - Block exemptions: research and development agreements: C20 37
      - Block exemptions: technology transfer agreements: C21 38
      - Individual exemption under Art. 101(3) TFEU: C22 39
   2.1.3 Selected issues within the scope of Art. 101 TFEU
      - Agency agreements: C23 40
      - Franchise agreements: C24 41
      - Merger and acquisition agreements: C25 42
      - Joint venture agreements: C26 43
      - Intellectual property rights: C27 44
## 2.2 Art. 102 TFEU: abuse of a dominant position

<table>
<thead>
<tr>
<th>CHART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C28</td>
<td>45</td>
</tr>
<tr>
<td>C29</td>
<td>46</td>
</tr>
<tr>
<td>C30</td>
<td>47</td>
</tr>
<tr>
<td>C31</td>
<td>48</td>
</tr>
<tr>
<td>C32</td>
<td>49</td>
</tr>
</tbody>
</table>

### Decision tree: abuse of a dominant position (Art. 102 TFEU)

- Art. 102 TFEU: an overview
- The relevant market
- Dominance: decisive power in the relevant market
- The abuse of a dominant position

## 2.3 Enforcement of Arts. 101 and 102 TFEU

<table>
<thead>
<tr>
<th>CHART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C33</td>
<td>50</td>
</tr>
<tr>
<td>C34</td>
<td>51</td>
</tr>
<tr>
<td>C35</td>
<td>52</td>
</tr>
<tr>
<td>C36</td>
<td>53</td>
</tr>
<tr>
<td>C37</td>
<td>54</td>
</tr>
<tr>
<td>C38</td>
<td>55</td>
</tr>
</tbody>
</table>

### Enforcement of Arts. 101 and 102 TFEU

- Application of Arts. 101 and 102 TFEU: allocation of competences
- Initiatives for action by the Commission
- Powers of investigation of the Commission
- Commission proceedings
- Finding of the Commission

## 2.4 Merger control

<table>
<thead>
<tr>
<th>CHART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C39</td>
<td>56</td>
</tr>
<tr>
<td>C40</td>
<td>57</td>
</tr>
<tr>
<td>C41</td>
<td>58</td>
</tr>
<tr>
<td>C42</td>
<td>59</td>
</tr>
<tr>
<td>C43</td>
<td>60</td>
</tr>
<tr>
<td>C44</td>
<td>61</td>
</tr>
</tbody>
</table>

### Decision tree: merger control

- Scope of the Merger Regulation
- Merger control procedure
- Phase 1: examination of the notification
- Phase 2: appraisal of mergers
- Ancillary restraints

## 2.5 Undertakings with a special position under national law

<table>
<thead>
<tr>
<th>CHART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C45</td>
<td>62</td>
</tr>
<tr>
<td>C46</td>
<td>63</td>
</tr>
</tbody>
</table>

### Art. 106 TFEU: undertakings with a special position under national law

- Services of general economic interest

## 3. Mixed situations

<table>
<thead>
<tr>
<th>CHART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C47</td>
<td>64</td>
</tr>
</tbody>
</table>

### Mixed situations: Art. 4(3) TEU, Protocol No 27 and Arts. 101 or 102 TFEU

## 4. State aid

<table>
<thead>
<tr>
<th>CHART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C48</td>
<td>65</td>
</tr>
<tr>
<td>C49</td>
<td>66</td>
</tr>
<tr>
<td>C50</td>
<td>67</td>
</tr>
<tr>
<td>C51</td>
<td>68</td>
</tr>
<tr>
<td>C52</td>
<td>69</td>
</tr>
<tr>
<td>C53</td>
<td>70</td>
</tr>
<tr>
<td>C54</td>
<td>71</td>
</tr>
<tr>
<td>C55</td>
<td>72</td>
</tr>
</tbody>
</table>

### Decision tree: state aid (Art. 107 TFEU)

- Art. 107 TFEU: an overview
- The term "state aid"
- Effect on trade and on competition
- Derogations
- Compensation for public service obligations and state aid
- System of prior notification and examination of aid
- State aid control procedure

## II. Explanatory text: EU competition law (Arts. 101 - 109 TFEU)

### 1. Introduction and overview

- Conduct of undertakings
  - 2.1 General remarks
  - 2.2 Collusive conduct: Art. 101 TFEU
  - 2.3 Abuse of a dominant position: Art. 102 TFEU
  - 2.4 Enforcement of Arts. 101 and 102 TFEU
  - 2.5 Merger control under Regulation 139/2004/EC
  - 2.6 Undertakings with a special position under national law: Art. 106 TFEU

### 3. State conduct

- 3.1 Art. 4(3) TEU, Protocol No 27 and Arts. 101 or 102 TFEU
- 3.2 State aid control under Arts. 107 TFEU et seq.

### 4. Exercises and legal analysis

[Companion website] 80

---

**PART TWO: BACKGROUND AND CONTEXT: COMPETITION LAW AS PART OF THE EU LEGAL SYSTEM**

### I. Charts: competition law as part of the EU legal system [B-Charts]

- From the European Communities to the European Union
  - Three European Communities
  - The EU before the Lisbon revision
  - The Lisbon revision

10
2. The place of competition law in today’s EU legal system

Three fundamental texts of equal value
Aims and values of the European Union
The nucleus of substantive EU law
“Overarching” substantive law

3. Adoption of secondary EU competition law

Secondary measures (or legal acts) of the Union
Conferral of powers on the EU
Division of competence between the EU and its Member States
Legal basis provisions
Specifically: the consultation procedure
Specifically: the ordinary legislative procedure (codecision, Art. 294 TFEU)

4. General elements of the enforcement of EU law

National courts and the ECJ: cooperation and division of tasks
Procedures and arguments: an overview
Specifically: the action for annulment
Specifically: the preliminary ruling
Jurisdiction of the different levels of the ECJ