

# Documentation



## ESSENTIAL EU COMPETITION LAW

SEMINAR FOR MALTESE AND IRISH JUDGES\*

\*Open for participation of eligible judges from other EU Member States



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Valletta, 7-8 April 2022



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# Documentation

## ESSENTIAL EU COMPETITION LAW Seminar for Irish and Maltese Judges\*



Valletta, 7 – 8 April 2022

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### A. INTRODUCTION TO EU COMPETITION LAW

A.01	<p><a href="#"><u>THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION</u></a> (consolidated version)</p>
A.02	<p><a href="#"><u>COMMISSION NOTICE on the definition of relevant market for the purposes of Community competition law</u></a></p>
A.03	<p><a href="#"><u>COMMISSION NOTICE Guidelines on the effect on trade concept contained in Articles 81 and 82 of the Treaty</u></a></p>
A.04	<p><a href="#"><u>Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty</u></a> (consolidated version)</p>
A.05	<p><a href="#"><u>COMMISSION REGULATION (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty</u></a> (consolidated version)</p>
A.06	<p><a href="#"><u>COMMISSION NOTICE on the co-operation between the Commission and the courts of the EU Member States in the application of Articles 81 and 82 EC</u></a> (consolidated version)</p>
A.07	<p><a href="#"><u>COMMUNICATION FROM THE COMMISSION Notice on agreements of minor importance which do not appreciably restrict competition under Article 101(1) of the Treaty on the Functioning of the European Union (De Minimis Notice)</u></a></p>

A.08	<p><a href="#"><u>Commission Staff Working Document – Guidance on restrictions of competition “by object” for the purpose of defining which agreements may benefit from the De Minimis Notice</u></a>  Accompanying the document</p> <p>Communication from the Commission Notice on agreements of minor importance which do not appreciably restrict competition under Article 101(1) of the Treaty on the Functioning of the European Union (De Minimis Notice)</p>
A.09	<p><a href="#"><u>COMMUNICATION FROM THE COMMISSION Guidelines on the application of Article 81(3) of the Treaty</u></a></p>
A.10	<p><a href="#"><u>REGULATION (EEC) No 2821/71 OF THE COUNCIL of 20 December 1971 on application of Article 85 (3) of the Treaty to categories of agreements, decisions and concerted practices</u></a>  (consolidated version)</p>
A.11	<p><a href="#"><u>COMMUNICATION FROM THE COMMISSION Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements</u></a></p>
A.12	<p><a href="#"><u>COMMISSION REGULATION (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices</u></a></p>
A.13	<p><a href="#"><u>Guidelines on Vertical Restraints</u></a></p>
A.14	<p><a href="#"><u>COMMUNICATION FROM THE COMMISSION Guidance on the Commission's Enforcement Priorities in Applying Article 82 EC Treaty to Abusive Exclusionary Conduct by Dominant Undertakings</u></a></p>
A.15	<p><a href="#"><u>DIRECTIVE (EU) 2019/1 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market</u></a></p>

## B. PRIVATE ENFORCEMENT OF EU ANTITRUST LAW

B.01	<p><a href="#"><u>DIRECTIVE 2014/104/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union</u></a></p>
B.02	<p><a href="#"><u>COMMISSION STAFF WORKING DOCUMENT on the implementation of Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (14.12.2020)</u></a></p>
B.03	<p><a href="#"><u>COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS "Towards a European Horizontal Framework for Collective Redress"</u></a></p>
B.04	<p><a href="#"><u>COMMISSION STAFF WORKING DOCUMENT PRACTICAL GUIDE QUANTIFYING HARM IN ACTIONS FOR DAMAGES BASED ON BREACHES OF ARTICLE 101 OR 102 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION</u></a></p> <p>Accompanying the</p> <p><a href="#"><u>Communication from the Commission on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union</u></a></p>
B.05	<p><a href="#"><u>European Commission: Study on the passing-on of overcharges - Final report (2016)</u></a></p>

B.06	<a href="#"><u>COMMUNICATION FROM THE COMMISSION Guidelines for national courts on how to estimate the share of overcharge which was passed on to the indirect purchaser</u></a>
B.07	<a href="#"><u>COMMUNICATION FROM THE COMMISSION Communication on the protection of confidential information by national courts in proceedings for the private enforcement of EU competition law</u></a>

### C. APPLICATION OF EU STATE AID RULES BY THE NATIONAL JUDGE

C.01	<a href="#"><u>Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01)</u></a>
C.02	<a href="#"><u>COMMISSION REGULATION (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty</u></a> (consolidated version)
C.03	<a href="#"><u>COMMISSION REGULATION (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid</u></a> (consolidated version)
C.04	<a href="#"><u>Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid</u></a>
C.05	<a href="#"><u>COUNCIL REGULATION (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union</u></a>

C.06	<a href="#"><u>COMMISSION REGULATION (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union</u></a> (consolidated version)
C.07	<a href="#"><u>Code of Best Practices for the conduct of State aid control procedures</u></a> (2018/C 253/05)
C.08	<a href="#"><u>COMMUNICATION FROM THE COMMISSION Commission Notice on the enforcement of State aid rules by national courts</u></a> (2021/C 305/01)
C.09	<a href="#"><u>COMMUNICATION FROM THE COMMISSION Commission Notice on the recovery of unlawful and incompatible State aid</u></a> (2019/C 247/01)
C.10	<a href="#"><u>Study on the enforcement of state aid rules and decisions by national courts</u></a>

#### **D. National Legislation**

	<b>Maltese legislation</b>
D.01	<a href="#"><u>Competition Act</u></a>
D.02	<a href="#"><u>Control of Concentrations Regulations</u></a>

D.03	<a href="#"><u>Immunity from Penalties and Reduction of Penalties in Cartel Investigations Regulations</u></a>
D.04	<a href="#"><u>State aid Monitoring Regulations</u></a>
	<b>Irish legislation</b>
D.05	<a href="#"><u>COMPETITION ACT 2002</u></a> <a href="#"><u>(Revised act)</u></a>
D.06	<a href="#"><u>EUROPEAN UNION (ACTIONS FOR DAMAGES FOR INFRINGEMENTS OF COMPETITION LAW) REGULATIONS 2017</u></a>

### INDICATIVE LIST OF RELEVANT CASE LAW

	<b>INTRODUCTION TO EU COMPETITION LAW</b>
1.	<a href="#"><u>C-117/20</u></a> bpost (2022)
2.	<a href="#"><u>C-151/20</u></a> Nordzucker and Others (2022)
3.	<a href="#"><u>C-819/19</u></a> Stichting Cartel Compensation and Equilib Netherlands BV v Koninklijke Luchtvaart (2021)

4.	<a href="#">C-306/20</a> SIA „Visma Enterprise” v Konkurences padome (FR) (2021)
5.	<a href="#">C-595/18 P</a> The Goldman Sachs Group Inc. v European Commission (2021)
6.	<a href="#">C-308/19</a> Consiliul Concurenței v Whiteland Import Export SRL (2021)
7.	<a href="#">C-228/18</a> Gazdasági Versenyhivatal v Budapest Bank Nyrt. and Others (2020)
8.	<a href="#">C-307/18</a> Generics (UK) Ltd and Others v Competition and Markets Authority (2020)
9.	<a href="#">T-531/18</a> LL-Carpenter s. r. o. v European Commission (FR) (2020)
10.	<a href="#">C-179/16</a> F. Hoffmann-La Roche Ltd and Others v Autorità Garante della Concorrenza e del Mercato (2018)
11.	<a href="#">C-194/14 P</a> AC-Treuhand AG v European Commission (2015)
12.	<a href="#">C-286/13 P</a> Dole Food Company, Inc. and Dole Fresh Fruit Europe v European Commission (2015)
13.	<a href="#">T-587/08</a> Fresh Del Monte Produce, Inc. v European Commission (2013)
14.	<a href="#">T-588/08</a> Dole Food Company, Inc. and Dole Germany OHG v European Commission. (2013)
15.	<a href="#">C-32/11</a> Allianz Hungária Biztosító Zrt. and Others v Gazdasági Versenyhivatal (2013)



16.	<a href="#">C-226/11</a> Expedia Inc. v Autorité de la concurrence and Others (2012)
17.	<a href="#">C-8/08</a> T-Mobile Netherlands BV, KPN Mobile NV, Orange Nederland NV and Vodafone Libertel NV v Raad van bestuur van de Nederlandse Mededingingsautoriteit. (2009)
18.	<a href="#">C-209/07</a> Competition Authority v Beef Industry Development Society Ltd and Barry Brothers (Carrigmore Meats Ltd.. (2008)
19.	<a href="#">C-238/05</a> Asnef-Equifax, Servicios de Información sobre Solvencia y Crédito, SL v Asociación de Usuarios de Servicios Bancarios (Ausbanc). (2006)
20.	<a href="#">T-325/01</a> DaimlerChrysler AG v Commission of the European Communities. .(2005)
21.	<a href="#">T-41/96</a> Bayer AG v Commission of the European Communities. (2000)
22.	<a href="#">C-309/99</a> J. C. J. Wouters, J. W. Savelbergh and Price Waterhouse Belastingadviseurs BV v Algemene Raad van de Nederlandse Orde van Advocaten, interveners: Raad van de Balies van de Europese Gemeenschap. (2002)
23.	<a href="#">T-185/00</a> Métropole Télévision SA (M6) ( <a href="#">T-185/00</a> ), Antena 3 de Televisión, SA (T-216/00), Gestevisión Telecinco, SA (T-299/00) and SIC - Sociedade Independente de Comunicação, SA (T-300/00) v Commission of the European Communities. (2002)
24.	<a href="#">T-112/99</a> Métropole télévision (M6), Suez-Lyonnaise des eaux, France Télécom and Télévision française 1 SA (TF1) v Commission of the European Communities. (2001)
25.	<a href="#">C-395/96 P</a> Compagnie maritime belge transports SA ( <a href="#">C-395/96 P</a> ), Compagnie maritime belge SA ( <a href="#">C-395/96 P</a> ) and Dafra-Lines A/S (C-396/96 P) v Commission of the European Communities..

26.	<a href="#">C-359/95 P</a> Commission of the European Communities and French Republic v Ladbroke Racing Ltd.. (1997)
27.	<a href="#">C-73/95 P</a> Viho Europe BV v Commission of the European Communities.. (1997)
28.	<a href="#">C-250/92</a> Gøttrup-Klim e.a. Grovwareforeninger v Dansk Landbrugs Grovvareselskab AmbA. .(1994)
29.	<a href="#">C-89/85</a> . A. Ahlström Osakeyhtiö and others v Commission of the European Communities. (1994)
30.	<a href="#">C-234/89</a> Stergios Delimitis v Henninger Bräu AG. (1991)
31.	<a href="#">C-161/84</a> Pronuptia de Paris GmbH v Pronuptia de Paris Irmgard Schillgallis.. (1986)
32.	<a href="#">C-107/82</a> Allgemeine Elektrizitäts-Gesellschaft AEG-Telefunken AG v Commission of the European Communities. (1983)
33.	<a href="#">C-26/76</a> Metro SB-Großmärkte GmbH & Co. KG v Commission of the European Communities. (1977)
34.	<a href="#">C-48/69</a> Imperial Chemical Industries Ltd. v Commission of the European Communities.. (1972)
35.	<a href="#">C-56/64, C-58/64</a> Établissements Consten S.à.R.L. and Grundig-Verkaufs-GmbH v Commission of the European Economic Community..
36.	<a href="#">C-56/65</a> Société Technique Minière (L.T.M.) v Maschinenbau Ulm GmbH (M.B.U.). (1966)

37.	<a href="#">T-268/09 RENV</a> Intel Corporation Inc. v European Commission (2022)
38.	<a href="#">T-612/17</a> Google LLC, formerly Google Inc. and Alphabet, Inc. v European Commission (2021)
39.	<a href="#">T-93/18</a> International Skating Union v European Commission (2020)
40.	<a href="#">C-525/16</a> MEO – Serviços de Comunicações e Multimédia SA v Autoridade da Concorrência (2018)
41.	<a href="#">C-413/14 P</a> Intel Corp. v European Commission (2017)
42.	<a href="#">C-177/16</a> Autortiesību un komunikēšanās konsultāciju aģentūra / Latvijas Autoru apvienība v Konkurences padome (2017)
43.	<a href="#">C-295/12 P</a> Telefónica SA and Telefónica de España SAU v European Commission (2014)
44.	<a href="#">C-549/10 P</a> Tomra Systems ASA and Others v European Commission (2012)
45.	<a href="#">C-209/10</a> Post Danmark A/S v Konkurrencerådet (2012)
46.	<a href="#">C-457/10 P</a> AstraZeneca AB and AstraZeneca plc v European Commission (2012)
47.	<a href="#">C-109/10 P</a> Solvay SA v European Commission. (2011)

48.	<a href="#">C-52/09</a> Konkurrensverket v TeliaSonera Sverige AB. (2011)
49.	<a href="#">T-155/06</a> Tomra Systems ASA and Others v European Commission. (2010)
50.	<a href="#">C-280/08 P</a> Deutsche Telekom AG v European Commission. (2010)
51.	<a href="#">C-202/07 P</a> France Télécom SA v Commission of the European Communities. (2009)
52.	<a href="#">T-271/03</a> Deutsche Telekom AG v Commission of the European Communities. (2008)
53.	<a href="#">C-95/04 P</a> British Airways plc v Commission of the European Communities. (2007)
54.	<a href="#">T-201/04</a> Microsoft Corp. v Commission of the European Communities. (2007)
55.	<a href="#">C-62/86</a> AKZO Chemie BV v Commission of the European Communities. (1991)
56.	<a href="#">C-322/81</a> NV Nederlandsche Banden Industrie Michelin v Commission of the European Communities. (1983)
57.	<a href="#">C-85/76</a> Hoffmann-La Roche & Co. AG v Commission of the European Communities (1979)
58.	<a href="#">C-22/78</a> Hugin Kassaregister AB and Hugin Cash Registers Ltd v Commission of the European Communities. (1979)

59.	<a href="#">C-27/76</a> United Brands Company and United Brands Centinetaal BV v Commission of the European Communities. (1978)
60.	<a href="#">C-127/73</a> Belgische Radio en Televisie and société belge des auteurs, compositeurs et éditeurs v SV SABAM and NV Fonior. (1974) (
61.	<a href="#">C-6/72</a> Europemballage Corporation and Continental Can Company Inc. v Commission of the European Communities. (1973)
62.	<a href="#">C-48/69</a> Imperial Chemical Industries Ltd. v Commission of the European Communities. (1972)
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63.	<a href="#">C-882/19</a> Sumal, S.L. v Mercedes Benz Trucks España, S.L. (2021)
64.	<a href="#">C-30/20</a> RH v AB Volvo and Others (2021)
65.	<a href="#">C-451/18</a> Tibor-Trans Fuvarozó és Kereskedelmi Kft. v DAF TRUCKS N.V. (2019)
66.	<a href="#">C-617/17</a> Powszechny Zakład Ubezpieczeń na Życie S.A. v Prezes Urzędu Ochrony Konkurencji i Konsumentów (2019)
67.	<a href="#">C-637/17</a> Cogeco Communications Inc v Sport TV Portugal SA and Others (2019)
68.	<a href="#">C-724/17</a> Vantaan kaupunki v Skanska Industrial Solutions Oy and Others (2019)

69.	<a href="#">C-557/12</a> Kone AG and Others v ÖBB-Infrastruktur AG (2014)
70.	<a href="#">C-536/11</a> Bundeswettbewerbsbehörde v Donau Chemie AG and Others (2013)
71.	<a href="#">C-199/11</a> Europese Gemeenschap v Otis NV and Others (2012)
72.	<a href="#">C-360/09</a> Pfeiderer AG v Bundeskartellamt. (2011)
73.	<a href="#">T-437/08</a> CDC Hydrogene Peroxide Cartel Damage Claims (CDC Hydrogene Peroxide) v European Commission. (2011)
74.	<a href="#">C-295/04-C-298/04</a> Vincenzo Manfredi v Lloyd Adriatico Assicurazioni SpA ( <a href="#">C-295/04</a> ), Antonio Cannito v Fondiaria Sai SpA (C-296/04) and Nicolò Tricarico (C-297/04) and Pasqualina Murgolo (C-298/04) v Assitalia SpA. (2006)
75.	<a href="#">C-453/99</a> Courage Ltd v Bernard Crehan and Bernard Crehan v Courage Ltd and Others. (2001)
	<b>APPLICATION OF EU STATE AID RULES BY THE NATIONAL JUDGE</b>
76.	<a href="#">C-51/19 P</a> World Duty Free Group and Kingdom of Spain v European Commission (2021)

77.	<a href="#">C-274/14</a> Proceedings brought by Banco de Santander SA (2020)
78.	<a href="#">C-622/16 P</a> Scuola Elementare Maria Montessori Srl v European Commission, European Commission v Scuola Elementare Maria Montessori Srl and European Commission v Pietro Ferracci (2018)
79.	<a href="#">C-127/16 P</a> SNCF Mobilités, formerly Société nationale des chemins de fer français (SNCF) v European Commission (2018)
80.	<a href="#">C-579/16 P</a> European Commission v FIH Holding A/S and FIH Erhvervsbank A/S (2018)
81.	<a href="#">C-300/16 P</a> European Commission v Frucona Košice a.s. (2017)
82.	<a href="#">C-228/16 P</a> Dimosia Epicheirisi Ilektrismou AE (DEI) v European Commission (2017)
83.	<a href="#">T-219/14</a> Regione autonoma della Sardegna v European Commission (2017)
84.	<a href="#">C-415/15 P</a> Stichting Woonpunt and Others v European Commission (2017)
85.	<a href="#">C-100/16 P</a> Ellinikos Chrysos AE Metalleion kai Viomichanias Chrysou v European Commission (2017)
86.	<a href="#">T-103/14</a> Frucona Košice a.s. v European Commission (2016)

87.	<a href="#">T-233/1 - T-262/11</a> Ellinikos Chrysos v Commission (2015)
88.	<a href="#">C-63/14</a> European Commission v French Republic (2015)
89.	<a href="#">C-527/12</a> European Commission v Federal Republic of Germany (2014)
90.	<a href="#">C-284/12</a> Deutsche Lufthansa AG v Flughafen Frankfurt-Hahn GmbH (2013)
91.	<a href="#">C-287/12 P</a> Ryanair Ltd v European Commission (2013)
92.	<a href="#">C-615/11 P</a> European Commission v Ryanair Ltd (2013)
93.	<a href="#">C-610/10</a> European Commission v Kingdom of Spain (2012)
94.	<a href="#">T-88/09</a> Idromacchine Srl and Others v European Commissionkomise (2011)
95.	<a href="#">C-507/08</a> European Commission v Slovak Republic. (2010)
96.	<a href="#">C-369/07</a> Commission of the European Communities v Hellenic Republic. (2009)



97.

[C-199/06](#) Centre d'exportation du livre français (CELF) and Ministre de la Culture et de la Communication v Société internationale de diffusion et d'édition (SIDE). (2008)