



"Book review of François Brunet et Guy Canivet (eds), Le nouveau droit communautaire de la concurrence"

Sibony, Anne-Lise

ABSTRACT

Compte-rendu de l'ouvrage de François Brunet et Guy Canivet, *Le nouveau droit communautaire de la concurrence*

CITE THIS VERSION

Sibony, Anne-Lise. *Book review of François Brunet et Guy Canivet (eds), Le nouveau droit communautaire de la concurrence*. In: *Common Market Law Review*, Vol. 47, no.6, p. 1875-1876 (2010) <http://hdl.handle.net/2078.1/163058>

Le dépôt institutionnel DIAL est destiné au dépôt et à la diffusion de documents scientifiques émanant des membres de l'UCLouvain. Toute utilisation de ce document à des fins lucratives ou commerciales est strictement interdite. L'utilisateur s'engage à respecter les droits d'auteur liés à ce document, principalement le droit à l'intégrité de l'œuvre et le droit à la paternité. La politique complète de copyright est disponible sur la page [Copyright policy](#)

DIAL is an institutional repository for the deposit and dissemination of scientific documents from UCLouvain members. Usage of this document for profit or commercial purposes is strictly prohibited. User agrees to respect copyright about this document, mainly text integrity and source mention. Full content of copyright policy is available at [Copyright policy](#)

COMMON MARKET LAW REVIEW

CONTENTS Vol. 47 No. 6 December 2010

Editors and publishers	1587
Editorial comments: The scope of application of the general principles of Union law: An ever expanding Union?	1589–1596
Articles	
N. Nic Shuibhne, The resilience of EU market citizenship	1597–1628
K. Lenaerts and J.A. Gutiérrez-Fons, The constitutional allocation of powers and general principles of EU law	1629–1669
H. Fleischer, Supranational corporate forms in the European Union: Prolegomena to a theory on supranational forms of association	1671–1717
M. Mendez, The enforcement of EU agreements: Bolstering the effectiveness of treaty law?	1719–1756
R. Whish and D. Bailey, Regulation 330/2010: The Commission's new block exemption for vertical agreements	1757–1791
Case law	
A. Court of Justice	
Case C-58/08, <i>Vodafone Ltd and Others v. Secretary of State for Business, Enterprise and Regulatory Reform</i> , with annotation by M. Brennke	1793–1814
Case C-578/08, <i>Rhimou Chakroun v. Minister van Buitenlandse Zaken</i> , with annotation by B. Kunoy and B. Mortansson	1815–1830
Case C-135/08, <i>Janko Rottmann v. Freistaat Bayern</i> , with annotation by D. Kochenov	1831–1846
Case C-118/08, <i>Transportes Urbanos y Servicios Generales SAL v. Administración del Estado</i> , with annotation by J.M. y P. de Nanclares	1847–1860
Book reviews	1861–1890
Index	III–XVIII



Wolters Kluwer
Law & Business

Aims

The Common Market Law Review is designed to function as a medium for the understanding and implementation of Community Law within the Member States and elsewhere, and for the dissemination of legal thinking on Community Law matters. It thus aims to meet the needs of both the academic and the practitioner. For practical reasons, English is used as the language of communication.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission of the publishers.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal, 111 Eighth Avenue, 7th Floor, New York, NY 10011-5201, United States of America. E-mail: permissions@kluwerlaw.com.

Common Market Law Review is published bimonthly.

Subscription prices 2011 [Volume 48, 6 issues] including postage and handling:

Print subscription prices: EUR 720/USD 1018/GBP 529

Online subscription prices: EUR 682/USD 965/GBP 502 (covers two concurrent users)

This journal is also available online. Online and individual subscription prices are available upon request. Please contact our sales department for further information at +31(0)172 641562 or at sales@kluwerlaw.com.

Periodicals postage paid at Rahway, N.J. USPS no. 663-170.

U.S. Mailing Agent: Mercury Airfreight International Ltd., 365 Blair Road, Avenel, NJ 07001.

Published by Kluwer Law International, P.O. Box 316, 2400 AH Alphen aan den Rijn, The Netherlands

Printed on acid-free paper.

COMMON MARKET LAW REVIEW

Editors: Thomas Ackermann, Michael Dougan, Christophe Hillion, Jean-Paul Jacqu , Pieter Jan Kuijper, Sacha Prechal, Wulf-Henning Roth, Ben Smulders, Stefaan Van den Bogaert

Advisory Board:

Ulf Bernitz, Stockholm	Ole Lando, Copenhagen
Laurens J. Brinkhorst, The Hague	Miguel Poiras Maduro, Florence
Alan Dashwood, Cambridge	Pierre Pescatore†, Luxembourg
Jacqueline Dutheil de la Roch�re, Paris	Gil Carlos Rodriguez Iglesias, Madrid
Claus-Dieter Ehlermann, Brussels	Allan Rosas, Luxembourg
Giorgio Gaja, Florence	Eleanor Sharpston, Luxembourg
Walter van Gerven, Leuven	Piet Jan Slot, Amsterdam
Roger Goebel, New York	Christiaan W.A. Timmermans, Luxembourg
Daniel Halberstam, Ann Arbor	Armin von Bogdandy, Heidelberg
Gerard Hogan, Dublin	Joseph H.H. Weiler, New York
Laurence Idot, Paris	Jan A. Winter, Bloemendaal
Francis Jacobs, London	Miroslaw Wyrzykowski, Warsaw

Associate Editor: Alison McDonnell
Common Market Law Review
Europa Instituut
Steenschuur 25
2311 ES Leiden
The Netherlands
e-mail: a.m.mcdonnell@law.leidenuniv.nl

tel. + 31 71 5277549
fax + 31 71 5277600

Aims

The Common Market Law Review is designed to function as a medium for the understanding and implementation of Community Law, and for the dissemination of legal thinking on Community Law matters. It thus aims to meet the needs of both the academic and the practitioner. For practical reasons, English is used as the language of communication.

Editorial policy

The editors will consider for publication manuscripts by contributors from any country. Articles will be subjected to a review procedure. The author should ensure that the significance of the contribution will be apparent also to readers outside the specific expertise. Special terms and abbreviations should be clearly defined in the text or notes. Accepted manuscripts will be edited, if necessary, to improve the general effectiveness of communication.

If editing should be extensive, with a consequent danger of altering the meaning, the manuscript will be returned to the author for approval before type is set.

Submission of manuscripts

Manuscripts should be submitted, together with a covering letter, to the Associate Editor. At the time the manuscript is submitted, written assurance must be given that the article has not been published, submitted, or accepted elsewhere. The author will be notified of acceptance, rejection or need for revision within three to nine weeks.

Authors are requested to submit two copies of their manuscript, typed and double spaced, together with a summary of the contents. Manuscripts may range from 3,000 to 8,000 words, approximately 10-24 pages in length. The title of an article should begin with a word useful in indexing and information retrieval. Short titles are invited for use as running heads. All notes should be numbered in sequential order, as cited in the text.

The author should submit biographical data, including his or her current affiliation.

François Brunet and Guy Canivet (Eds.), *Le nouveau droit communautaire de la concurrence*. Paris: L.G.D.J., 2008. 723 pages. ISBN: 978-2-275-03308-2. EUR 57.

This French textbook offers a very comprehensive account of post modernization EU competition law. Just as English speaking readers, years ago, longed for a new edition of Richard Wish's textbook, so French speaking scholars and practitioners of competition have long hoped for a new edition of Boutard-Labarde and Canivet's *Droit français de la concurrence* (LGDJ, Paris, 1994). As time passed, such a new edition would have made less and less sense, as any new book on this topic would have had to cover both EU and French law. The book under review is the successor of this almost ancient textbook. Brunet and Canivet have edited a new textbook inviting contributions from among the best French speaking authors from various horizons, namely academia (in order of appearance: Prieto, Jenny, Rambaud, Behar-Touchais), the bar (Brunet, Winckler), the bench (Canivet, Champalaune, Jenny) and private economic consultancies (Spector, who is also an academic). Each contributor – including the editors – have written or co-written one or two chapters. Together, they cover both substantive and procedural aspects of competition law.

The first part of the book covers substantive rules: Brunet presents cartels and other horizontal agreements. Prieto presents the law on vertical restraints and technology transfer agreements and Jenny – perhaps the contributor to this volume best known of English speaking competition lawyers – covers abuse of dominant position presenting the law and discussing old and new thinking on abuse. The second part of the book deals with the institutional framework for enforcement of competition law in a fairly detailed manner. A chapter by Rambaud presents the Commission's powers of investigation. Two chapters by Winckler then describe the Commission's powers in relation, respectively, to corrective measures and sanctions and to leniency. The last two chapters of this second part of the book add a French touch. One deals

with “Decentralization: a Challenge for the French Competition Authority” (Behar-Touchais) and the other with the role of the national judge (Canivet and Champalaune). The third and last part of the book is devoted to merger control. A lawyer (Brunet) presents the legal aspects: scope, procedure, undertakings and judicial control, while an economist (Spector) discusses the substantive criteria.

This combined expertise offers a very good overview of French and EU competition law and a more in-depth analysis than other textbooks available in French. With the benefit of hindsight – which is the drawback of late reviews – the *Leitmotiv* of novelty, which infuses the title of the book and that of each part and of each chapter (all titles contain the word “new”), may not have been in the best interest of the book, precisely because the qualities of this book outlive the inevitable need for update of some chapters. This emphasis on the “new law” also sits uncomfortably with the use of “Community” terminology throughout the book and of the old numbering (still in force when the book appeared). However, this visible sign of quick ageing should not be seen as a reason to discard the book. Its added value lies with several qualities: first of all, it makes competition law very accessible. No prior knowledge is requested. In this sense, and despite what the title suggests, this is not only an update-your-knowledge book for practitioners, but also an apt teaching tool. Second, the book brings together various types of expert knowledge, not often combined in a single textbook written by academics. For example, one chapter by Prieto puts the law on vertical restraints in a rich historical and comparative perspective, while the chapter by Jenny draws on his experience as chair of OECD *Competition Committee* and presents diverging national views on the notion of competition on the merits. The same chapter contains very helpful graphic representations of possible legal tests for abuse (pp. 304–310). The chapters written by practising lawyers contain significantly less references to scholarly writings than those written by academics, but do give a wealth of references to case law and Commission decisions (which academics sometimes tend to neglect). It should also be mentioned that the one chapter written by an economist contains not a single equation and really is very understandable in addition to offering a genuine – and of course opinionated – discussion of the substance of merger law.

The one regret this book leaves the reader with concerns the editing. While the book contains an index and a general bibliography it does not contain a table of cases. Although this is standard practice of French publishers, it is still regrettable. Surely this can be fixed in the next edition.

Anne-Lise Sibony
Liège

COMMON MARKET LAW REVIEW

Subscription information

Online subscription prices for 2011 (Volume 48, 6 issues) are: EUR 682/USD 965/GBP 502 (covers two concurrent users). Print subscription prices for 2011 (Volume 48, 6 issues): EUR 720/USD 1018/GBP 529.

Personal subscription prices at a substantially reduced rate are available upon request. Please contact our sales department for further information at +31 172641562 or at sales@kluwerlaw.com.

Payments can be made by bank draft, personal cheque, international money order, or UNESCO coupons.

Subscription orders should be sent to:

All requests for further information and specimen copies should be addressed to:

Kluwer Law International
c/o Turpin Distribution Services Ltd
Stratton Business Park
Pegasus Drive
Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
e-mail: sales@kluwerlaw.com

Kluwer Law International
P.O. Box 316
2400 AH Alphen aan den Rijn
The Netherlands
fax: +31 172641515

or to any subscription agent

For advertisement rates apply to Kluwer Law International, Marketing Department, P.O. Box 316, 2400 AH Alphen aan den Rijn, The Netherlands.

Please visit the Common Market Law Review homepage at <http://www.kluwerlawonline.com> for up-to-date information, tables of contents and to view a FREE online sample copy.

Consent to publish in this journal entails the author's irrevocable and exclusive authorization of the publisher to collect any sums or considerations for copying or reproduction payable by third parties (as mentioned in Article 17, paragraph 2, of the Dutch Copyright act of 1912 and in the Royal Decree of 20 June 1974 (S.351) pursuant to Article 16b of the Dutch Copyright act of 1912) and/or to act in or out of court in connection herewith.

Microfilm and Microfiche editions of this journal are available from University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106, USA.

The Common Market Law Review is indexed/abstracted in Current Contents/Social & Behavioral Sciences; Current Legal Sociology; Data Juridica; European Access; European Legal Journals Index; IBZ-CD-ROM; IBZ-Online; IBZ-International Bibliography of Periodical literature on the Humanities and Social Sciences; Index to Foreign Legal Periodicals; International Political Science Abstracts; The ISI Alerting Services; Legal Journals Index; RAVE; Social Sciences Citation Index; Social Scisearch.