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European Competition Law Review

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Editorial

Emden, Henry: *A Blueprint for Reform: Response by the Office of Fair Trading*

309 313

This editorial is a response to an earlier article published in this journal on the Competition Act 1998, which comes into force on March 1, 2000. It seeks to emphasise certain underlying principles which are fundamental to the operation of the new regime and also to correct a few specific points concerning the Act which might otherwise be misleading.

Articles

- Willis, Peter R.: *Procedural Nuggets from the "Klondike Clause": The Application of s. 60 of the Competition Act 1998 to the Procedures of the OFT* 314 323

Section 60 of the U.K. Competition Act 1998, the "governing principles clause", is fundamental to the new regime. Its purpose is to ensure consistency with European Case law under Articles 85 and 86. Its application of the procedural rules of the Director General of Fair Trading raises a number of questions. This article considers the impact of the DGFT's procedures of procedural safeguards developed by the ECJ, and imported under section 60.

- Winterstein, Alexander: *Nailing the Jellyfish: Social Security and Competition Law* 324 333

This article considers, on the basis of the case law of the Court of Justice, the arguments for and against the application of E.C. competition rules to the supply of social security services as well as to commercial activities in which the bodies administering social security schemes.

- Fox, Eleanor M.: *The Merger Regulation and its Territorial Reach: Gencor Ltd v. Commission* 334 336

In Gencor-Lonrho, the Court of First Instance upheld the Commission's prohibition of a merger of firms that mined platinum in South Africa, sold in a world market and made substantial sales in Japan, North America, and Western Europe. Professor Fox reviews the jurisdictional aspects of the case and poses the query: In matters of E.U. merger control, has the "implemented" test become the "effects" test?

- Korah, Valentine: *Gencor v. Commission: Collective Dominance* 337 341

Both Community Courts have accepted a concept of collective dominance under Article 82 and the merger regulation, but only where there are commercial or economic links between firms so that they act as a single unit. The Court of First Instance has recently implied that the Commission may restrain a concentration leading to a duopoly world wide, whether or not there are links between the two surviving firms. It has also accepted that the position of dependence between suppliers in a tightly concentrated market may amount to a relevant list.

- Odriozola, Miguel: *Spain Introduces Mandatory Merger Control* 342 344

As of April 19, 1999 Spain has become the twelfth E.U. Member State to introduce mandatory merger control. This article provides practical guidelines to Spanish merger rules with reference to the previous system of voluntary notification and to E.C. merger rules. It identifies open issues and makes regulatory proposals addressed to Spanish authorities.

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