

COMMON MARKET LAW REVIEW

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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.

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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

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