

# The application of EC competition law to air transport services

*New Delhi – 24 April 2008*

*Emilie Baronnat*

# Introduction

A decorative graphic at the top of the slide consists of two rows of circles. The top row has a solid light purple circle on the left and an outlined light purple circle on the right. The bottom row has a solid light purple circle on the left, an outlined light purple circle in the middle, and a solid light purple circle on the right.

- Context
- Process of deregulation
- Purpose of competition policy
- Competition rules:
  - Article 81 of EC Treaty → prohibition of restrictive agreements
  - Article 82 of EC Treaty → prohibition of abuse of dominant position
  - The « EC Merger regulation » on the control of concentrations between companies

# Introduction



- Scope → the EC laws
  - Significance of the EC market
  - A comprehensive competition law system
  - The « effect » doctrine

# I – Authority responsible for enforcing EC competition laws

- The Directorate General for Competition
- Extended powers of the Commission
- Normalisation process

## II – Application of competition rules

- Prohibitions of restrictive agreements and cartels
- Examples:
  - Suspected cartel in the provision of airfreight services (December 2007)
  - Inspections carried out in the international airline passenger sector (March 2008)

## II – Application of competition rules

→ International airline alliances:

- Definition
- Competitive concerns resulting from alliances
- The approval of alliances raising competition concerns:
  - Exemption
  - Remedies

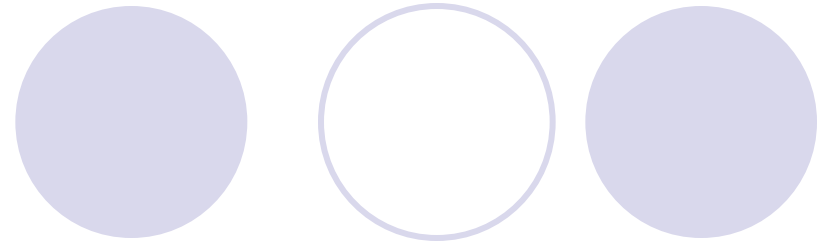
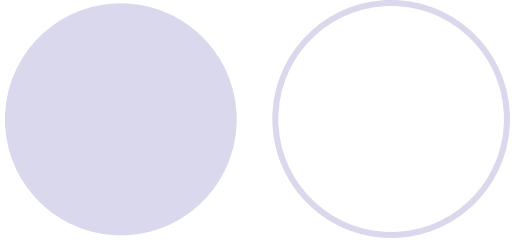
# III – Concerns raised by the application of competition laws of different countries

- Problems:

- Legal uncertainty
- Additional work expenses
- Time consuming

- Solutions:

- Harmonisation ?
- Cooperation? → The example of the EU/US Open Skies agreement



Thank you