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Jos van Doormaal

Nonlegal Sanctioning in Private Legal Systems

Limits in US Antitrust Law and EU Competition Law

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Preface

This work was accepted as a doctoral dissertation by the law faculty of the University of Bremen. The literature and case law are current to January 2020.

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Bremen, February 2021 *Jos van Doormaal*

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List of abbreviations and principal concepts

Commission	Directorate General for Competition of the European Commission
GC	General Court (constituent court of the EU which allows parties to the proceedings to lodge a complaint against a Commission decision; formerly known as the CFI before the entry into force of the Lisbon Treaty on 1 December 2009)
ECJ	European Court of Justice (constituent court of the EU which handles second level appeals by reviewing a GC judgment; before 2009 it was the appellate body to uphold, modify or reverse the findings of a CFI judgment; for reasons of clarity, court judgments before 1989 are also mentioned as coming from the ECJ in this research
CJEU	The Court of Justice of the European Union (the collective term for the judicial arm of the EU, consisting of the GC and the ECJ despite this definition dating from 2009, for the purpose of elucidation the CFI and the ECJ combined are mentioned as the CJEU in this research
CFI	Court of First Instance of the European Communities (precursor of the GC before the entry into force of the Lisbon Treaty on 1 December 2009)
PLSs	Private Legal Systems
NCAs	National Competition Authorities
Members	Member undertakings of the trade associations researched
ICA	International Cotton Association
ADB	Antwerp Diamond Bourse
DDC	Diamond Dealers Club
GAFTA	Grain and Feed Trade Association
FCC	Federation of Cocoa Commerce
LME	London Metal Exchange
FOSFA	Federation of Oils, Seeds and Fats Associations
BIMCO	Baltic and International Maritime Council

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Guidelines on Horizontal Co-operation Agreements	Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements
Guidelines on Inter-State Trade	Guidelines on the effect on trade concept contained in Articles [101 and 102 TFEU]
The Commission Recommendation on SMEs	The Commission Recommendation concerning the definition of micro, small and medium-sized enterprises or any future recommendation replacing it
The De Minimis Notice	Commission Notice on Agreements of Minor Importance which do not Appreciably Restrict Competition under Article 101 (1) TFEU
1999 White Paper	White Paper on Modernisation of the Rules implementing Articles 85 and 86 of the Treaty (now Articles 101 and 102 TFEU)
RDBER	Research & Development Block Exemption Regulation
SABER	Specialization Agreements Block Exemption Regulation
Commission's Guidance	Commission's Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty [now Article 102 TFEU] to abusive exclusionary conduct by a dominant undertaking
Discussion Paper	Commission's Discussion Paper on the application of Article 82 [now Article 102 TFEU] to exclusionary abuses
Rome Treaty/ EEC	Treaty Establishing the European Economic Community