Abstract

This article offers an overview of the main EU Competition Law developments that occurred in 2015 at the level of the European Commission (« Commission ») and the Court of Justice of the European Union (including both the General Court and the Court of Justice), through a selection of relevant cases in relation to the application of Articles 101 and 102 of the Treaty on the Functioning of the European Union (« TFEU »), EU merger control rules, State aid provisions and procedural issues.

Keywords:
Cartels; horizontal agreements; vertical agreements; abuses of dominant positions; merger control; State aids; antitrust policy. max 5 parole chiave

JEL Classification:
K21 — Antitrust Law; K42 — Illegal Behavior and the Enforcement of Law.


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1. Article 101 TFEU.

1.1. Cartels.

1.1.1. Developments in the Commission’s fight against cartels.

In 2015, the Commission issued five cartel decisions, imposing a grand total of €364,531,000 in fines (1).

Both the number of cartel decisions and the amount of the overall fines has decreased in comparison with 2014 (2).

Several cartel proceedings are still pending and the Commission has also launched a significant number of new investigations. Indeed, in 2015, the Commission carried out inspections and confirmed ongoing cartel investigations in several sectors, including: oil and biofuel markets (case AT/40054 — Ethanol benchmarks; see Commission Press Release IP/15/6259 of December 7, 2015); electrolytic capacitors (case AT/40136 — Capacitors; see Commission Press Release IP/15/5980 of November 4, 2015); car battery recycling (case AT/40018 — Car battery recycling; see Commission Press Release IP/15/5254 of June 24, 2015); and canned mushrooms (case AT/39965 — Mushrooms; see Commission Press Release IP/15/5065 of May 28, 2015).

1.1.2. Selection of judgments in cartel cases.

The General Court and the Court of Justice rendered several judgments concerning cartels. A brief description of the most relevant judgments is provided below.

1.1.2.1. LG Display and InnoLux Corp (value of sales).

On April 23, 2015, the Court of Justice dismissed an appeal brought by LG Display and its subsidiary LG Display Taiwan (together, « LG Display ») (3) against the General

(1) See Commission decisions: (i)AT/39639 — Optical Disk Drives, October 21, 2015 (total fine of €116,377,000), not yet published; (ii) AT/40098 — Blocktrains, July 15, 2015 (total fine of €49,154,000), OJ 2015 C 351/06; (iii) AT/39563 — Retail food packaging, June 24, 2015 (total fine of €115,865,000) OJ 2015 C 402/08; (iv) AT/40055 — Parking heaters, June 17, 2015 (total fine of €68,175,000) OJ 2015 C 425/09; (v) AT/39861 — Yen interest rate derivatives (YIRD), February 4, 2015 (total fine of €14,960,000), not yet published.

(2) In 2014, the Commission issued nine cartel decisions, imposing a grand total of €1,689,497,000 in fines.

(3) See Judgment in case C-227/14 P — LG Display Co. Ltd and LG Display Taiwan Co. Ltd v Commission, April 23, 2015, ECLI:EU:C:2015:258.