COMPETITION LAW & POLICY DEBATE

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Competition Law & Policy Debate (CLPD) is a quarterly journal focusing on major developments in Mergers, Cartels, Antitrust (Art.101/102 other than cartels) and State Aid. CLPD contains articles of academic value but written in an approachable style to address practical questions and suggest solutions to new issues. Its focus will be on dissecting, analyzing and criticizing the most recent and important legislation and case law, as well as on discussing questions faced by enforcers and practitioners but neglected in the existing literature. The idea is for CLPD to become an important platform for lawyers and economists to express conflicting views and, in particular, encourage the debate on new developments in all areas of competition law. In this way the journal wants to contribute to debates on policy – or even start them.

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Dear Reader,

Welcome to the first issue of our new journal, Competition Law and Policy Debate (CLPD)!

You may be wondering why, in times where your inbox is overflowing with links to information, blogs and articles about every aspect of competition law in jurisdictions spanning the globe and where the “to be read” pile of articles has become so high you can hide behind it, there are people crazy enough to found yet another journal. A good question really - and one that the publisher and said crazy people on the board have discussed extensively.

Interestingly, when we asked ourselves what we would like a new journal to achieve we all came up with very similar views: We would like to create a forum that helps shape the development of competition law by facilitating the dialogue between officials in the authorities, judges, academics and practitioners and that includes, from the start, both lawyers and economists. In order to accomplish that, we want each volume of the journal to focus on one particular question, uniting articles from authors with different backgrounds and points of view. The articles should go beyond the repetition of known opinions and, while sufficiently thorough to make a serious contribution to the debate, they should not resemble the conclusions of PhD thesis (in the hope that they get read rather than ending up on the abovementioned pile). To the extent possible the articles should also give practical advice going beyond a “dos and don’ts” list – or use real-life situations to demonstrate what needs to be clarified or changed if we want to improve compliance with competition rules.

For our first issue we agreed that the fallout from the General Court’s Intel judgment is clearly a topic that needs being looked at from different angles, that leaves companies wondering whether their behavior is lawful or not and where the rules are in dire need of further clarification. So Lars Kjolbye, Jorge Padilla and Robbert Snelders put together a symposium on “The meaning of Intel” with articles from a truly impressive team of authors. They take a look at questions ranging from the fundamental (what is the goal of competition law?) to the practical (what are companies to do if they do not want their rebate schemes to be found illegal?) and examine the legal and economic context of the various questions at stake.

While we believe that the articles in this volume make a significant contribution to the debate, we are aware that they cannot say everything there is to say. That is why we very much hope that our readers will rise to the challenge and contribute to the debate. Please write to us. Tell us what aspects you believe the authors missed, what you agree or disagree with and what you think needs to happen in future. Alternatively, send us questions to which you would like an answer (even if you have dared to ask them before). We are leaving space in the second issue to include readers’ contributions.

In addition to symposia on important questions, there will be another recurring theme in CLPD. While we expect all readers to be involved in the practice of competition law in some fashion, not all of us have as much exposure to state aid or antitrust procedures as to cartels and mergers (or vice versa). Therefore, each issue of the journal will also include an analytic overview of the most important developments in one particular area of competition law over the last year for those who do not have the time to “read it all”. As you can see, in our first issue we start with an article by John Ratliff and Cormac O’Daly that highlights the most important developments in merger review between November 1, 2013 and October 31, 2014.

Finally, we want to be open to publish individual interesting articles on “hot topics.” In this issue we are very glad to be able to include an article by Bo Vesterdorf on the Commission’s ongoing investigation into Google: Theories of self-preferencing and duty to deal – Two sides of the same coin? For the next issues we are counting on you for proposals of topics you would like to read about or even of articles to be published. We hope you enjoy reading the first issue of CLPD and look forward to hearing from you!

Annette Schild
on behalf of the board of editors