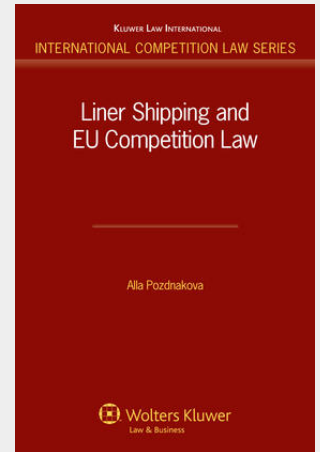


Liner Shipping and Eu Competition Law

As of October 2008, liner shipping companies lose their privileged status under EU competition law due to withdrawal of the liner conference block exemption, which generously authorized horizontal price-fixing and similar agreements between liner shipping companies. Where the liner consortia block exemption does not apply, all cooperative activity should be carefully and individually assessed under the competition provisions of the EC Treaty. Alla Pozdnakova has taken this opportunity to research and write an in-depth study of competition law problems in the liner shipping context. Her analysis is not only the first to examine the new European regime, and thus the most up-to-date study of the subject; it is in fact the first major independent study of how Articles 81 and 82 EC are construed and applied to the market conduct of liner shipping companies. In particular, the author addresses the following legal questions: • Does cooperation between liner shipping companies infringe Article 81(1) even if it does not entail hard-core restrictions of competition? • Can a cooperative arrangement between liner shipping companies claim that the efficiencies they produce outweigh the negative impact on competition (Article 81(3))? • When do certain market strategies of liner carriers become an abuse of a collective or individual dominant position (Article 82)? • Does parallel pricing behaviour infringe EC Treaty competition rules? Systematically, the author considers various market strategies of liner shipping companies and tests them as to their compatibility with EC Treaty competition provisions. In doing so, she thoroughly analyses European Commission decisions and judgments of the European courts, applying them authoritatively to the liner shipping sector. In this way, her book provides a well-structured account that clearly identifies the legal issues that liner shipping companies are likely to face once the special treatment traditionally allowed them is withdrawn. A summary of current and prospective developments in EU competition regulation and policy in liner shipping rounds up the analysis. Liner Shipping and EU Competition Law will be a unique and powerful resource for practitioners and policymakers as liner shipping companies restructure their agreements and market strategies to accommodate loss of the block exemption. It is also sure to become a definitive analysis of the legal identity of the liner shipping market sector under European competition law.



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