Merger Remedies in American and European Union Competition Law

Edited by
François Lévêque, Professor of Law and Economics
Ecole Nationale Supérieure des Mines de Paris, France

and

Howard Shelanski, Professor of Law
School of Law, University of California at Berkeley, US

Edward Elgar
Cheltenham, UK • Northampton, MA, USA
# Contents

**Figures**  
**Tables**  
**Contributors**  
**Acknowledgments**  
**Introduction**

François Lévêque and Howard Shelanski

## PART ONE  LEGAL PRINCIPLES AND PROCEDURES

1. The Commission's Notice on Merger Remedies  
   *Mario Monti*  
   3

2. The Essential Stability of Merger Policy in the United States  
   *Thomas B. Leary*  
   13

3. Solving Competition Problems in Merger Control: The Requirements for an Effective Divestiture Remedy  
   *William J. Baer and Ronald C. Redcay*  
   48

   *Diane P. Wood*  
   67

5. Some Comments on Procedure and Remedies under EC Merger Control Rules: Something Rotten in the Kingdom of the EC Merger Control?  
   *Antoine Winckler*  
   75

## PART TWO  ECONOMIC ANALYSIS

6. Negotiation and Merger Remedies: Some Problems  
   *Joseph Farrell*  
   95

7. Merger Remedies in the European Union: An Overview  
   *Massimo Motta, Michele Polo and Helder Vasconcelos*  
   106

8. Economic Analysis and the Choice of Remedies  
   *Patrick Rey*  
   129
PART THREE CASES IN HIGH-TECH INDUSTRIES

9. Access Remedies in High-Technology Antitrust Cases 137
   Daniel L. Rubinfeld

10. Design and Implementation of Merger Remedies in High-
    Technology Industries 160
    Frédéric Jenny

11. Telecommunications Mergers in the EU and US: A Comparative
    Institutional Analysis 172
    Gilles Le Blanc and Howard Shelanski

Index 208