The Antitrust Writing Awards’ goal is to promote antitrust scholarship and competition advocacy by recognizing and awarding the best articles published in the antitrust law and law & economics fields in the last 12 months.

The Awards feature two different categories of articles: Academic and Business. The Academic Articles category comprises articles published in academic journals, whereas the Business Articles category features articles published in professional magazines or newsletters.

The 2012 jury consisted of a Board – Alexander Italianer, Fred Jenny, Bill Kovacic and Jon Leibowitz - an Academic and a Business Steering Committees composed of 25 leading academics and counsels. Readers contributed to the selection process by voting for articles.

We are most thankful to the jury members who spent valuable time to read and review the 100 selected articles and to sponsors who made these Awards possible.

As stated by the FTC Chairman Leibowitz, we expect over time that these Awards will have a real impact on the way agencies and practitioners think about competition matter around the world.

We trust that this first edition of the Antitrust Writing Awards will stimulate academic and professional writing and promote excellence.
The 2012 Jury comprised the Board, the Academic and Business Steering Committees, the Editorial Committee and the Readers. Each of these contributed to the selection process (see Appendix Rules). The Editorial Committee first selected a pool of around 100 articles based on suggestions made from Steering Committees members. Then, both steering Committees members and the Readers shortlisted their favourite articles. The Board members finally selected the award-winning articles among the short lists resulting from the Steering Committees and the Readers vote.

Academic Steering Committee
- Christian BOVET, Geneva University
- Harry FIRST, New York University
- Eleanor FOX, New York University
- Andrew GAVIL, Kent College of Law, Chicago University
- Laurence IDOT, University of Panthéon-Assas, Paris II
- Clifford A. JONES, University of Florida
- Ioannis LIANOS, University College London
- Janusz ORDOVER, New York University
- Nicolas PETIT, Institute for European Legal Studies, Liege
- Howard SHELANSKI, Georgetown University
- Daniel SOKOL, University of Florida
- Andreas STEPHAN, University of East Anglia
- Richard WHISH, King's College London
- Joshua WRIGHT, George Mason University

Business Steering Committee
- Jean-Yves ART, Deputy General Counsel, Microsoft
- Steve CERNAK, Competition Counsel, General Motors
- Mathew HEIM, General Counsel, Qualcomm
- Isabelle HOEPFNER-LEGER, General Counsel, L'Oréal
- Michael JUNGE, Executive Vice President & Group General Counsel, SAP
- Gabriel MCGANN, Chief Antitrust Counsel, Coca-Cola
- Deborah MAJORAS, General Counsel, Proctor & Gamble
- James MURRAY, Associate General Counsel & Chief Antitrust Counsel, Intel
- Patrick NOONAN, Group General Counsel, Secretary General, Nexans
- Anne RILEY, Associate General Counsel Antitrust, Shell International Limited
- Ron A. STERN, Vice President and Senior Competition Counsel, General Electric
- Vanessa TURNER, General Counsel, Visa Europe
- Suzanne E. WACHSTOCK, VP & Chief Antitrust Counsel, American Express
- Kevin YINGLING, Chief Antitrust Counsel, Google
- Gary ZANFAGNA, Chief Antitrust Counsel, Honeywell
AWARDS WINNING ARTICLES

These articles are available in free access on the Antitrust Writing Awards 2012 website: awards.concurrences.com.

ACADEMIC ARTICLES

Best General Antitrust Academic Article

US and EU antitrust enforcement: What role in a more heavily regulated financial sector?
Todd Fishman, David Gabathuler, Olivier Fréget
Competition Policy International Journal, Fall 2011, Vol. 7, No. 2

In this article, the authors sought to explore the role of antitrust enforcement in the more heavily regulated banking and financial sector which emerged after the 2008 global crisis. The article discusses the legal principles governing the application of competition law to the financial sector in the US and EU, the impact of the decisions in Credit Suisse v Billing and Deutsche Telekom and whether competition law is best positioned to address some of the perceived regulatory failures in that sector.

Best Anticompetitive Practices Academic Article

Has the European Commission become more severe in punishing cartels? Effects of the 2006 Guidelines
John M. Connor

The uniquely transparent EC 2006 Fining Guidelines' allow precise computation of defendants' affected sales. The severity of recent cartel fines is five times higher than those under the 1998 Guidelines - high enough to regularly disgorge the monopoly profits of cartelists.

Best Unilateral Conduct Academic Article

Credit Rating Agencies, the Sovereign Debt Crisis and Competition Law
Nicolas Petit

The so-called "sovereign debt crisis" has brought to light the existence of a possible competition problem within the credit rating oligopoly. Against this background, this paper explores the possibility of remedial intervention against the credit rating oligopoly under the competition rules. Following an overview of the credit rating industry, it demonstrates that there is a possible economic case for antitrust intervention against the credit rating agencies. Turning to the doctrines of competition law that could be applied against CRAs, it finds that under a somewhat novel interpretation of Article 102 TFEU, competition agencies can apply remedies to foster competition in the credit rating oligopoly.

Best Mergers Academic Article

Industrial Policy and European Merger Control: A Reassessment
Damien Geradin, Ianis Girgenson

This paper discusses the relationship between industrial policy and European merger control. The authors are in favor of carefully selected industrial policies, including policies that support European champions such as Airbus. However, they don't think that merger control should be relaxed to facilitate the creation of large conglomerates. On the contrary, they argue that merger control rules improve the efficiency of industrial policies. This paper was submitted as part of the Fordham conference last year.

Best Economics Academic Article

The determination of optimal fines in cartel cases: Theory and practice
Marcel Boyer, Marie-Laure Allain, Jean-Pierre Ponssard
Concurrences, N°4-2011, n°39887, pp. 32-40

The determination of cartel-deterrent fines is a major objective of competition policy. Several authors have suggested that current fine levels are too low. Using an appropriate dynamic framework of cartel formation and continuation, we conclude that recent fines are adequately dissuasive.

Best Readers Award Academic Article

“Tally-Ho!”, UPP and the 2010 horizontal merger guidelines
James A. Keyte, Kenneth B. Schwartz

This article questions whether UPP is consistent with Section 7 case law both as to market definition and unilateral effects. It also questions whether UPP’s simplified arithmetic justifies any express or implied presumption of anticompetitive effects – it doesn’t.
Best General Antitrust Business Article

New Limits on Exchanging Price Information Data
Steven Levitsky, David Turestsky
Dewey & LeBoeuf Antitrust News in Five Minutes, February 15, 2011

Providing information through technology such as online quotation systems for car insurance can be pro-competitive. But, where it enabled companies to derive much of their competitors’ pricing information, U.K. enforcers acted. This article explains the action and how to comply with U.K. and U.S. information sharing law.

Best Anticompetitive Practices Business Article

AG Sharpston voices opinion on the standard of judicial review over fines in cartel cases
Ian Forrester Q.C., Mark Powell, and Axel Schulz
White & Case Client Alert, February 2011

The article discusses an opinion by Advocate General Sharpston of the European Court of Justice on the influence of the European Convention of Human Rights on the review to be carried out by the General Court of the European Union when exercising its unlimited jurisdiction over fines in cartel cases.

Best Unilateral Conduct Business Article

EU Court of Justice Provides Guidance on Abusive Margin Squeezes
Alexandre G. Verheyden, Serge Clerckx
Jones Day Antitrust Alert, February 2011

The article provides a clear, on-point, and comprehensive overview of the valuable guidance provided by the European Court of Justice in its recent TeliaSonera and Deutsche Telekom rulings on the application of margin squeeze as a standalone abuse under EU competition law.

Best Mergers Business Article

EU and US Antitrust Authorities Update: Best Practices on Cooperation in Merger Investigations
Götz Drauz, Michael Rosenthal, Charles E. Biggio, Scott A. Sher
WSGR Alert, November 2011

The article discusses the pros and cons of merging firms’ adopting the new timing and information sharing recommendations proposed by the DOJ, FTC and DG Competition in the revised merger investigation “best practices on cooperation” guidelines issued in the Fall of 2011.

Best Economics Business Article

European developments impacting dominant, vertically integrated operators - the TeliaSonera judgment
David Henry, Martina Maier, Philipp Werner
McDermott Antitrust Newsletter, March 10, 2011

The article discusses how the ECJ, in TeliaSonera, developed EU law on margin squeeze by dominant, vertically integrated companies: it is an independent form of abuse, it is not exclusive to regulated industries, and potential exclusion of an as efficient competitor suffices to show anticompetitive effects.

Readers Award Business Article

Plaintiff Victory in Chinese Unfair Competition Case
Matthew I. Bachrack, James R. Modrall, Shan Hu
CGSH Alert Memo, May 2, 2011

This article discussed a plaintiff’s victory in a Chinese case where anti-competitive behavior was treated as “commercial disparagement”. The case led the Chinese telecommunications regulator to issue broad rules on competition among Chinese Internet companies, illustrating the fluid boundaries between antitrust and other laws in China.
It was an insightful exercise to read so many well written articles covering a wide range of topics ranging from US and EU antitrust & merger laws to the Chinese leniency program.”

Alexander Italianer, DG COMP Director General

The Antitrust Writing Awards are the right event, on the right issue, at the right time. I thank George Washington University Law School and the Institute of Competition Law for launching this initiative.”

Frederic Jenny, OECD Competition Committee Chairman

The Antitrust Writing Awards are a welcome initiative to stimulate academic and professional writing and promote excellence.”

Bill Kovacic, GWULS Professor

These Awards recognize excellence in antitrust writing, and we expect over time they will have a real impact on the way agencies and practitioners think about competition matter around the world.”

Jon Leibowitz, FTC Chairman

This was an inspired event. I shall look forward to many more years of rewarding excellence in antitrust writing.”

Eleanor Fox, NYU, Professor

The Antitrust Writing Awards represent a very valuable project that will encourage and support excellence in antitrust writing.”

David Gerber, Chicago University, Kent College of Law, Professor

There is a great deal of writing in the area of antitrust, ranging from lengthy scholarly articles to short, timely notes on key cases. The Antitrust Writing Awards uniquely embrace and celebrate that scope for the benefit of all workers in the field.”

Janusz Ordover, NYU, Professor

The writing process provided exposure to a number of very interesting articles and client alerts. I applaud Concurrences for bringing these works to the attention of a broad group of practitioners.”

Daniel Sokol, Florida University, Professor

All the Business articles which the Institute of Competition Law and George Washington University Law School selected for the Antitrust Writing Awards provide practical information on topical antitrust law developments. Thanks to their quality and conciseness as well as the experience and knowledge which their authors are sharing, these articles are of great use to corporate lawyers. Many thanks to the organizers for launching this initiative which hopefully they will repeat for many years.”

Jean-Yves Art, Microsoft, Deputy General Counsel

The Antitrust Writing Awards are a welcome addition to the antitrust community because they reward excellence among the many practical articles of use to antitrust counselors.”

Steve Cernak, General Motors, Competition Counsel

What I found to be most encouraging about the Antitrust Writing Awards is that they value – and hopefully incent - short-form articles that offer important information and practical advice for antitrust practitioners who can quickly absorb the messages and then move on to the dozens of other issues in front of them.”

Deborah P. Majoras, The Procter & Gamble Company, Chief Legal Officer & Secretary
The aim of the Antitrust Writing Awards is to promote competition scholarship, and more generally, to contribute to competition advocacy.

1. Eligibility

Papers eligible must have been published in print or electronic format and made freely available on the (SSRN, academic or professional websites...). Papers must have been released in 2011 and can be co-authored. Authors eligible are individuals. Papers are classified in Academic and Business categories. The Academic category comprises articles published or accepted for publication in academic journals, whereas the Business category comprises articles published in professional journals or newsletters. Each of these categories is sub-divided as follows:

- General (including cross-over topics and procedural issues)
- Anticompetitive practices (including criminal cartel enforcement, civil federal, state, and private enforcement, treatment of joint ventures, vertical restrictions)
- Unilateral conducts (including monopolization, attempted monopolization and invitations to collude)
- Economics (including economic theories, models, and statistical tools used in the antitrust field)

2. Selection procedure

The Editorial Committee of the Institute of Competition Law selects a pool of around 100 articles based on Steering Committee members suggestions. The Steering Committee members than make a short list of the most interesting articles. The Board members finally select the award-winning articles among the short list provided by the Steering Committees, taking into account readers' votes (vote is open until 1st March 2012). The Editorial Committee, the Steering Committees and the Board members are collectively referred as the Jury. Papers are judged according to writing, scholarship, originality, practical relevance and their contribution to competition advocacy. There is a winning award paper for each of the sub-categories mentioned at 1. above, for each of the Academic and Business categories. However, the Board reserves the right to award fewer Awards than planned if the papers under consideration do not meet the high standards of the Awards.

3. Prizes

Prizes consist of:
- Invitations to the Awards ceremony in Washington DC
- For sponsors, opportunity to give a public lecture at GWULS
- For academics, opportunity to hold an in-house client seminar
- For students, cash prizes.

4. Management

The Awards are managed by the Institute of Competition Law, the publisher of the Concurrences journal and the e-Competitions bulletin, both peer-reviewed publications. The Institute, acting as the event manager, works to ensure that a sufficient number of quality contributions are submitted, checks eligibility and organizes the Awards ceremony.

5. Date and location

The 2012 Awards ceremony will take place on Tuesday 27 March, the day before the ABA Antitrust Spring Meeting in Washington DC. Attendance is on invitation only.

6. Miscellaneous

Any unexpected issues will be dealt with by the Editorial Committee of the Institute of Competition Law.

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Concurrences is a quarterly peer reviewed journal dedicated to EU and national competition laws. It has been launched in 2004 as the flagship of the Institute of Competition Law in order to provide a forum for academics, practitioners and enforcers.

In a few years, its articles and research programs have influenced legal theory and practice, occasionally affecting change in public policy or specific cases. The Institute’s influence and expertise has garnered interviews with such figures as Christine Lagarde, Bill Kovacic and Nicolas Sarkozy.

The International Committee actively promotes Concurrences outside Europe by seeking non-European authors and organizing conferences, workshops and in-house seminars abroad.

**Format**

In order to balance academic contributions with opinions or legal practice notes, Concurrences provides its insight and analysis in a number of formats:

- Forewords: Opinions by leading academics or enforcers
- Interviews: Interviews of antitrust experts
- Trends: 4 to 6 short papers on hot issues
- Law & Economics: Short papers written by economists for a legal audience
- Doctrines: Long academic papers
- Case Summaries: Case commentary on EU and French case law
- Legal Practice: Short papers for in-house counsels
- International: Medium size papers on international policies
- Books Review: Summaries of recent antitrust books
- Articles Review: Summaries of leading articles published in 45 antitrust journals

**Contents**

Since 2004, Concurrences has published 3,500 articles, print and/or online. Quarterly issues provide current coverage with contributions from the EU or national or foreign countries thanks to more than 900 authors in Europe and abroad.

Approximately 25% of the contributions are published in English, 75% in French, as the official language of the General Court of Justice of the EU. All contributions have English abstracts.

**Jurisdictions**

45 jurisdictions covered, including EU law. This international network makes it possible to search worldwide for any given antitrust issue.

**Subscribers**

As of 15th March 2012, there were 22,000 subscribers with an average of 35,000 monthly visits to the website. Visits arise from 165 countries, the top 4 being the USA, UK, Benelux and France (source: Google Analytics). Analysis of e-Competitions registered users by occupation and localization is as follows:

- Private practice lawyers 30%
- In-house counsels 25%
- Enforcers 20%
- Economists 10%
- Academics 10%
- Europe 45%
- Asia 10%
- America 40%

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Antitrust Writing Awards 2012

Read all articles online
www.awards.concurrences.com

88 nominated articles
12 winning articles