

## Note to the Reader

This book was written and prepared for publication prior to the entry into force of the Treaty of Lisbon. It retains the classic numbering of the provisions of the Treaty Establishing the European Community (the EC Treaty).

Although the Treaty of Lisbon amends and renames the EC Treaty – now the Treaty on the Functioning of the European Union – it does not introduce any new significant substantive content to the competition law provisions.<sup>1</sup> In short, the legal analysis in this book is not affected in any material way by the entry into force of the new Treaty.

As a matter of terminology, the Treaty amendments now require references to the *Community* to be read as *Union*, references to the *common market* as the *internal market* and references to the *Court of First Instance (CFI)* as the *General Court*.<sup>2</sup>

For the convenience of the reader, a table of equivalence for the provisions discussed or referred to in this book is provided below.<sup>3</sup>

### Treaty on the Functioning of the European Union

| Old numbering of the Treaty Establishing the European Community | New numbering of the Treaty on the Functioning of the European Union |
|---|--|
| Article 2 (repealed) <sup>4</sup>                               |  |
| Article 3, paragraph 1 (repealed) <sup>5</sup>                  |  |
| Article 3, paragraph 2  | Article 8  |
| Article 12 (repealed)   | Article 18   |
| Article 28  | Article 34   |
| Article 30  | Article 36   |
| Article 50  | Article 57   |
| Article 81  | Article 101  |
| Article 82  | Article 102  |
| Article 86  | Article 106  |
| Article 230   | Article 263  |
| Article 234   | Article 267  |

<sup>1</sup> Although Article 3(1)(g) EC, which provided for a system of undistorted competition in the internal market to facilitate the attainment of the Community objectives has now been repealed, the status of competition policy in the EU remains undiminished. According to Article 3(1)(b) TFEU, the Union retains the exclusive competence to establish the competition rules necessary for the functioning of the internal market, while the objective of maintaining undistorted competition reappears in *Protocol No 27 on the Internal Market and Competition*. The latter protocol expressly points out that the internal market set out in Article 3 of the Treaty on European Union includes a system ensuring that competition is not distorted.

<sup>2</sup> See Article 2 (2) of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

<sup>3</sup> For the complete table of equivalence, see [2008] OJ C 115/361.

<sup>4</sup> Replaced, in substance, by Article 3 TEU.

<sup>5</sup> Replaced, in substance, by Articles 3 to 6 TFEU.

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