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**HEADLINE:** **Sony BMG ruling** not only one of its kind annulled

**BYLINE:** By SVEN VOLCKER

**BODY:**

From Mr Sven Volcker .

Sir, In your report on Iberdrola challenging Eon's takeover of Endesa (August 2) you state that the recent Sony BMG case marked the first time a European Commission clearance decision had been annulled.

This is a widely held perception even among anti-trust practitioners, but it is false.

The European courts have annulled Commission clearance decisions on three previous occasions - Kali+Salz/MdK, RAG/Saarbergwerke and SEB/Moulinex. In each case, the Commission's re-examination led to a clearance decision on terms that were either identical or more favourable to the merging parties than the original decision.

This should be kept in mind both for the Commission's re-examination of Sony BMG and for plainly unmeritorious copycat challenges such as Iberdrola's.

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