
New Commission Guidance for European Competition Law Enforcement Against Exclusionary Conduct by Dominant Firms: Towards an Effects-Based Application of Article 82 EC?

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On 3 December 2008, the European Commission unveiled its long-awaited interpretive guidance on the application of Article 82 EC to single firm conduct (Guidance). The Guidance comes almost three years after the Commission published its Article 82 EC Discussion Paper (Discussion Paper), which explored a more rigorous economic effects-based approach to the enforcement of European competition law regarding exclusionary market behavior by dominant firms. For more on the European Commission's guidance on the application of Article 82 EC, see our [recent Email Alert](#).