A. Horizontal effects and assessment of remedies

B. Dominance

- Nature of analysis: structural
- What can market structures tell us about dominance?
- Assessment of market structures
- In bidding markets
- Analysis of market shares (including allocation of market shares of joint ventures)
- Notion of independent behaviour and analysis of HLR
- Financial strength and vertical integration
- What is competition on the merits?
- How does a dominant firm meet competition without falling foul of Art. 82?

C. Application of Tetra Laval test to non-horizontal mergers

- To what extent did CFI apply Tetra Laval test?
- Defining and assessing ability
- Defining and assessing incentives/foreclosure of rivals
- Assessment of competitive harm
- Financial strength and vertical integration
- Bundling
- Deterrent effect of Art. 82
- Standard of proof and evidence in merger case
- What evidence is required?
- CFI's examples: are these sufficient/realistic?
- Future perspectives
- What, if any, outstanding questions remain on non-horizontal mergers?
- Key messages and focus of anticipated guidelines