

Bavarian Ministry of Economic Affairs, Regional Development and Energy

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Competition Law

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EUROPEAN ANTI-TRUST REGULATION

The [European Anti-trust Regulation \(EC\) \(PDF on external server\)](#) came into force on 1st May 2004. It replaces previous regulation (EC) No. 17/62 and brings with it essential alterations to European antitrust regulation. The European antitrust regulation is directly applicable to situations with intergovernmental effect, in other words, to agreements or practices that are likely to have a noticeable effect on cross-border trade between member states. Unlike in the past, European competition law no longer allows within its scope any national deviations when cooperations are assessed from the perspective of competition law. (extended primacy of European law). Parallel to this, the modernization package comprises seven further regulatory frameworks of the Commission and these also came into effect on 1 May 2004.

In accordance with the Treaty on the Functioning of the European Union (TFEU), the extended primacy of European competition law does not apply in the case of the control of abusive practices in unilateral anti-competitive behaviour (Art. 102 TFEU or §§ 18 et seqq. ARC).