

CURRICULUM VITAE

NAME:	Miguel Sousa Ferro
E-MAIL:	miguel.ferro@sousaferro.pt miguelferro@fd.ulisboa.pt
DATE OF BIRTH:	07/07/1982

WORK EXPERIENCE

Nov. 2019...	Managing Partner of Sousa Ferro & Associados , specialising in Competition Law, EU Law and Regulatory Law
2008/2009 and 2012...	Professor (previously Guest Lecturer and Guest Professor) at the University of Lisbon Law School (lecturing or having lectured: European Union Law, Competition Law, Economic Law, Energy Regulation, Economic and Monetary Union, Introduction to Microeconomics, International Economy)
Sep. 2015...	Professor at the European University (Lisbon, Laureate Group; lecturing or having lectured Introduction to Economics, Tourism Law, Legal English and Moot Court)
Sep. 2019...	Board Member of Stichting Diesel Emissions Justice (Netherlands)
2014-2018	Legal Adviser at the Portuguese Regulatory Commission for the Safety of Nuclear Installations
2013-2019	Counsel at Eduardo Paz Ferreira & Associados , specialising in EU Law, Competition Law and Regulatory Law
2010-2013	External Counsel at Sérvulo & Associados , in the field of EU Law and Competition Law
2011	Guest Lecturer at the National University of Timor-Leste, under a cooperation agreement with the Foundation of Portuguese Universities (Criminal Law and Family Law)

- 2009 **Researcher** at the International Law Institute and the Centre for Global Governance Studies of the **Katholieke Universiteit Leuven**
- 2007/2010 **Legal adviser** at the **Independent Commission for Radiological Protection and Nuclear Safety**, conducting an overall codification and legal study of the nuclear sector in Portugal and preparing a reform package including the creation of an independent regulator
- 2006/2007 **Trainee Lawyer** at **Uría & Menendez (Brussels)**, in the field of EU Law and Competition Law
- 2006 **Trainee** at the **Court of First Instance of the European Communities**, Cabinet of **Judge Martins Ribeiro**
- 2004/2005 **“Researcher”** at **Vieira de Almeida & Associados**, in the field of Competition Law
- 2004/2007 Volunteer translator for the NGO “Avocats Sans Frontières”, East-Timor Project
- 2004 **“Summer Associate”** at the Brussels office of **Cleary, Gottlieb, Steen & Hamilton**, in the field of Competition Law
- 2004 **Summer trainee** at **Vieira de Almeida & Associados**, in the field of Competition Law
- 1998/2001 Independent service provider for GFC – Gestão e Formação Consultores, Lda., in the field of training and evaluation of training (data processing and organisation of activities)

EDUCATION AND TRAINING

- 2010-2014 **Doctor in Law (PhD)** by the **University of Lisbon Law School**, *summa cum laude*, in the field of Competition Law (Thesis: “Defining the relevant market in European and Portuguese competition law: theory and practice”; Advisor: Professor Eduardo Paz Ferreira)
- 2005/2006 **Masters (LL.M) in European Studies – Law**, at the **College of Europe, Bruges** (“Very Good”) (Thesis: “Popular legislative initiative in the European Union”)
- 2005 **Diploma in International Nuclear Law** with honours, awarded by the OECD Nuclear Energy Agency and the

2000/2005	University of Montpellier, France (Thesis: “Right of innocent passage of ships carrying ultra-hazardous cargoes”) “Licenciatura” in Law – Specialisation in International and Community Law, at the University of Lisbon Law School (Final average: 16)
2003/2004	Erasmus at the Université Libre de Bruxelles (Faculté de Droit et Institut d’Études Européens)
2001/2003	Summer courses organised by the University of Lisbon Law School : “Community Litigation Law”, “New directions of Competition Law”, “The new Administrative Litigation Law”, “Community Law and Integration Law”
Nov. 2000	“Diploma in Translation – English into Portuguese” , by the Institute of Linguists Educational Trust, London (“Distinction” and “Merit”)
Jul. 2000	Concluded high-school education at Escola Secundária de Ferreira Dias, Cacém, Portugal (Final average: 17)
Jun. 2000	“Cambridge English Proficiency Diploma” (A)

LANGUAGE SKILLS

Portuguese (native); **English** and **French** (fluent); **Spanish, Romanian** and **Italian** (passive)

MEMBERSHIP

Portuguese Bar Association (No. 53286L)

Member of the Board of

- European Institute of the University of Lisbon Law School;
- Institute for Economic, Financial and Tax Law of the University of Lisbon Law School;
- Portuguese Competition Observatory;
- Stichting Diesel Emissions Justice (Netherlands).

Co-Director of the “Revista de Concorrência e Regulação” (Portuguese Competition and Regulation Journal)

Member of the Editorial Board of the Lisbon Law Review (2015 / 2018)

Member of the Academic Society for Competition Law

Member of the Board of the English Speaking Union – Portugal

Peer reviewer and national correspondent for several international journals relating to Competition Law

PUBLISHED WORK

- **“Independence in the enforcement of EU Competition Law: thoughts on institutional reform and coherence”**, in *Richard Whish Liber Amicorum*, Concurrences, 2020 [forthcoming]
- **“Otis: another great judgment on private enforcement from the CJEU... but it could be better”**, (2020) *Competition Policy International* (co-authorship with Guilherme Oliveira e Costa)
- **“Member States’ prohibitions of sales at a loss: the living-dead”**, (2019) 10(6) *Journal of European Competition Law & Practice* 349 (co-authorship with Anna Piszcz)
- **“Antitrust Private Enforcement and the Binding Effect of Public Enforcement Decisions”**, (2019) 3(2) *Market and Competition Law Review* 51
- **“Uber Court: a look at recent sharing economy cases before the CJEU”**, (2019) 5(1) *UNIO - EU Law Journal* 68-75
- **“The playful state of antitrust damages claims in the EU”**, (2019) *Competition Policy International – Europe*, available at: <https://www.competitionpolicyinternational.com/the-playful-state-of-antitrust-damages-claims-in-the-eu/>
- **“Editorial: The Antitrust Damages Directive: Facilitating Private Damages Actions in the EU?”**, (2019) 1 *Journal of European Competition Law and Practice* [co-authorship with Barry Rodger and Francisco Marcos]
- **“What to expect from Cogeco: temporal scope, time-barring and the binding effect of NCA decisions”**, (March 2019) *Competition Law Insight* (co-authorship with Evelyne Ameye]
- *Market Definition in EU Competition Law*, Edward Elgar, 2019
- **“Business Secrets, Access and Rights of the Defence: A Look at Recent Developments in Portugal”**, (2019) 3(1) *Global Competition Litigation Review* 48 (co-authorship with Inês Neves)
- **“Crédit Agricole: rejection of attempt to (further) delay publication of Commission cartel decision”**, (2019) *Journal of European Competition Law & Practice* (<https://doi.org/10.1093/jeclap/lpy087>)
- **“Transposition of the Antitrust Damages Directive: Critical Observations”**, (2019-1) *Competition Policy International*, available at <https://www.competitionpolicyinternational.com/transposition-of-the-antitrust-damages-directive-critical-observations/> (co-authorship with Barry Rodger and Francisco Marcos)

- **“Comércio (Regime das Práticas Individuais Restritivas do)”** [Trade (Regime of Individual Practices in Restriction of)] and **“Inspeção Regional das Atividades Económicas”** [Regional Inspection of Economic Activities], in José Eduardo Franco (org.), *Grande Dicionário Enciclopédico da Madeira*, INCM, 2019
- RODGER, B., SOUSA FERRO, M. & MARCOS, F., M. (eds.), *The EU Antitrust Damages Directive: Transposition in the Member States*, Oxford University Press, 2018, including:
 - “Damages Actions in the Enforcement of EU Competition Law” (co-authored with RODGER, B. & MARCOS, F.)
 - “Promotion and Harmonization of Antitrust Damages Claims by Directive 2014/104/EU?” (co-authored with RODGER, B. & MARCOS, F.)
 - “Portugal”
 - “Transposition Context, Processes, Measures and Scope” (co-authored with RODGER, B. & MARCOS, F.)
 - “Transposition: Key Issues and Controversies” (co-authored with RODGER, B. & MARCOS, F.)
 - “Concluding Remarks” (co-authored with RODGER, B. & MARCOS, F.)
- “Book review: Nazzini’s Competition Enforcement and Procedure, 2nd edition”, (2018) 41(4) *World Competition* 627
- **“Apple (C-595/17): ECJ on jurisdiction clauses and private enforcement: «Multinationals, go ahead and abuse your distributors»?”**, (October 2018) *Competition Policy International – EU News*, available at: <https://www.competitionpolicyinternational.com/apple-c-59517-ecj-on-jurisdiction-clauses-and-private-enforcement-multinationals-go-ahead-and-abuse-your-distributors/>
- **“As vendas com prejuízo morreram – Parte II: o TJUE matou-as”** [Sales at loss are dead – Parte II: the CJEU killed them] (co-authorship with Rodrigo da Rocha Correia), *Julgar Online*, April 2018
- **“A panacea for Competition Law Damages Actions in the EU? A comparative view of the implementation of the EU Antitrust Damages Directive in Sixteen Member States”**, (2019) 26(4) *Maastricht Journal of European and Comparative Law* 480 (co-authorship with Barry Rodger and Francisco Marcos)
- **“Auxílios de Estado”** [State aid], in PAZ FERREIRA, E. (coord.), *Integração e Direito Económico Europeu*, AAFDL, 2018, pp. 283-320.

- **“Private Enforcement of Competition Law: Economic Rationality and the Portuguese Judicial System”**, 2018(1) *Revista Jurídica Luso Brasileira* 1123, available at: http://www.cidp.pt/publicacoes/revistas/rjlb/2018/1/2018_01_1123_1150.pdf
- **Annotations to articles 17 and 24**, in GORJÃO-HENRIQUES, M. (dir.), *Lei da Concorrência: Comentário Conimbricense*, Almedina, 2^a ed., 2018 (co-authorship with Miguel Gorjão-Henriques), pp. 304-312 and 381-390.
- **“Institutional Design of National Competition Authorities: EU Requirements”**, (2018) 13(2) *Competition Law Review* 109
- **“The Portuguese ‘Sausage Gap’: Parent Company Liability for Antitrust Infringements Not Yet Assured in Portugal”**, 1(3) (2017) *European Competition and Regulatory Law Review* 266
- **“Tribunal da Concorrência, Regulação e Supervisão: uma análise jurídico-económica no seu 5.º aniversário”** [Competition, Regulation and Supervision Court: a legal-economic analysis on its 5th anniversary], (2017) 30 *Revista de Concorrência e Regulação* 143
- **“As vendas com prejuízo morreram. Vivam as vendas com prejuízo?”** [Sales at loss are dead. Long live sales at loss?], *Julgar Online*, July 2017, available at <http://julgar.pt/as-vendas-com-prejuizo-morreram-vivam-as-vendas-com-prejuizo/>
- **“De Gratis Non Curat Lex: Abuse of Dominance in Online Free Services”**, 12(2) (2017) *Competition Law Review* 153
- **“Comunidade Europeia da Energia Atómica”** [European Atomic Energy Community], in CUNHA, A. (coord.), *Os capítulos da adesão*, Assembleia da República, 2017
- **“Antitrust Private Enforcement in Portugal and the EU: the Tortuous Topic of Tort”**, (2016) 4 *Global Competition Litigation Review* 140
- **“Euratom Law on Radioactive Waste: ius specialis?”**, in POST, H. H. G., RACCAH, A., *Radioactive waste management in international and European legal perspective*, Eleven International Publishing, 2016, p. 23
- **“Deepening EU integration through State aid rules: some thoughts”**, in PAZ FERREIRA, E., *União Europeia: reforma ou declínio*, Nova Vega, 2016, p. 208
- **“Leniency in the Iberian Peninsula: Two Worlds Apart”**, (2016) 12(1) *Competition Law Review* 95 (co-authorship with Evelyne Ameye)
- **“Workshop consultivo sobre o anteprojeto de transposição da Diretiva 2014/104/UE – Relatório Síntese”**, (2016) 26 *Revista de Concorrência e Regulação* 51

- **“Jurisprudência de «Private Enforcement»** [Portuguese private enforcement case-law], CIDEEFF Working Paper, 2016, available at: http://www.cideeff.pt/xms/files/Projeto_4_grupo_III/Jurisprudencia_de_Private_Enforcement.pdf
- **“Portugal”**, in MONTI, G. (ed.), *EU law and interest on damages for infringements of competition law – a comparative report*, EUI Working Paper 2016/11, available at: http://cadmus.eui.eu/bitstream/handle/1814/40464/LAW_2016_11.pdf?sequence=3&isAllowed=y
- **“Anotação ao Acórdão do Tribunal de Justiça (Segunda Secção) de 25 de junho de 2014, Comissão Europeia c. Portugal, proc. C-76/13”**, (2014/2015) *Anuário Português de Direito Internacional*
- **“O «Private Enforcement» do direito da concorrência e o acesso a elementos de prova”** [Private enforcement of competition law and access to evidence], (2015) 22 *Revista de Concorrência e Regulação* 131 (co-authorship with Leonor Rossi)
- **Editorial “Collective redress: Will Portugal show the way?”**, (2015) 6 *Journal of European Competition Law & Practice* 299-300
- **“« Ceci n’est pas un marché »: Gratuity and competition law”**, (2015) 1 *Concurrences*
- ***A definição de mercados relevantes no Direito europeu e português da concorrência: teoria e prática*** [Defining the relevant market in European and Portuguese competition law: theory and practice], Almedina, 2015
- **“Judicial Review: Do European Courts Care about Market Definition?”**, (2015) 6(6) *Journal of European Competition Law & Practice* 400
- ***O novo regime das práticas restritivas do comércio - Decreto-Lei n.º 166/2013*** [The new regime on practices in restriction of trade – Decree-Law no. 166/2013], AAFDL, 2014
- **“A Portuguese point of view”**, in JANKOWITSCH-PREVOR, O., MICHEL, Q., PAILE-CALVO, S. (eds.), *Modelling Dual-Use Trade Control Systems*, P.I.E. Peter Lang, Brussels, 2014, p. 243
- **“Acidentes nucleares”** [Nuclear accidents], in AMADO GOMES, C. (coord.), *Direito(s) dos riscos tecnológicos*, AAFDL, 2014, p. 191
- **“Movimento transfronteiriço de resíduos radioativos: uma introdução jurídica”** [Crossborder movement of radioactive waste: a legal introduction], in MIRANDA, J., CUNHA MARQUES, R., GUIMARÃES, A. L., KIRKBY, M. (coord.), *Direito dos Resíduos*, ERSAR, 2014, p. 337

- **“Portuguese Report on European Economic and Monetary Policy”**, FIDE Congress 2014, available at: <http://fide2014.eu/pdf/FINAL-Topic-1-on-the-EMU.pdf> (co-authorship with Eduardo Paz Ferreira and Nuno Cunha Rodrigues)
- **“Private enforcement of competition law in Portugal – virtues and shortcomings of the *actio popularis*”**, in BENACCHIO, G. A., CARPAGNANO, M. (eds.), *L’applicazione delle regole di concorrenza in Italia e nell’Unione Europea – Atti del IV Convegno biennale Antitrust (Trento, 18-19 aprile 2013)*, Editoriale Scientifica, 2014, p. 263 (co-authorship with Leonor Rossi)
- **“Private enforcement of competition law in Portugal (II): *actio popularis* – facts, fictions and dreams”**, 4(1) (2013) *Revista de Concorrência e Regulação* 35 (co-authorship with Leonor Rossi)
- **“O setor empresarial do Estado após a crise: reflexões sobre o decreto-lei n.º 133/2013”** [The public business sector after the crisis: reflections on Decree-Law 133/2013], (2013) 3 *Revista de Direito das Sociedades* 465 (co-authorship with Eduardo Paz Ferreira and Ana Perestrelo de Oliveira)
- **Portuguese report** in RODGER, B. (org.), *Competition Law – Comparative Private Enforcement & Consumer Redress in the EU*, 2013, available at <http://www.clcpecreu.co.uk/> (co-authorship with Leonor Rossi)
- **Annotations of articles 8, 17, 24 and 56 of the Portuguese Competition Act**, in GORJÃO-HENRIQUES, M. (dir.), *Lei da Concorrência: Comentário Conimbricense*, Almedina, 2013, pp. 73-81, 199-204, 273-282 and 570-576 (co-authorship with Miguel Gorjão-Henriques)
- **“Amor em tempos de austeridade”** [Love in times of austerity], in PAZ FERREIRA, E. (coord.), *A austeridade cura? A austeridade mata?*, AAFDL, 2013, p. 1173
- Co-coordinator of PAZ FERREIRA, E., DUARTE, M. L., SOUSA FERRO, M. (coords.), *Jurisprudência Cunha Rodrigues – Comentários*, AAFDL, 2013
- **“Candolin”**, in PAZ FERREIRA, E., DUARTE, M. L., SOUSA FERRO, M. (coords.), *Jurisprudência Cunha Rodrigues – Comentários*, AAFDL, 2013, p. 285
- **“Portugal and Spain”**, in JANKOWITSCH-PREVOR, O., MICHEL, Q. (eds.), *European Dual-Use Trade Controls: Beyond Materiality and Borders*, P.I.E. Peter Lang, Brussels, 2013, p. 135
- **“Nuclear law at the European Court in the 21st century”**, 3(11/12) (2012) *Revista da Concorrência e Regulação* 55

- **“Private enforcement of competition law in Portugal (I): an overview of case-law”**, 3(2) (2012) *Revista de Concorrência e Regulação* 91 (co-authorship with Leonor Rossi)
- **European Nuclear Law**, SSRN Working Paper Series, 2012, available at: <http://ssrn.com/abstract=2103202>
- **“Risk capital as state aid: revising the Commission’s market failure approach”**, 10(3) (2011) *European State Aid Law Quarterly* 425 (co-authorship with Luís D. S. Morais)
- **“Portugal”**, in MICHEL, Q. (ed.), *Sensitive Trade: The perspective of European States*, P.I.E. Peter Lang, Brussels, 2011, p. 151
- **“Práticas restritivas da concorrência: súmula orientada para a prática judicial”** [Anticompetitive practices: summary aimed at judicial practice], E-book of the Training Course for National Judges on Competition Law, European Institute of the Lisbon Law School, 2010, available at: <http://www.institutoeuropeu.eu/images/stories/E-book.pdf>
- **“Portuguese Competition Law”**, in *Competition Law in Western Europe and the USA*, Suppl. 316, Wolters Kluwer, December 2010 (co-authorship with Miguel Gorjão-Henriques)
- **“The latest reform of EU Competition Law on vertical restraints”**, 1(4) (2010) *Revista de Concorrência e Regulação* 111 (co-authorship with Miguel Gorjão-Henriques)
- **“The sins of the son: parent company liability for competition law infringements”**, 1(3) (2010) *Revista de Concorrência e Regulação* 53 (co-authorship with Ana Perestrelo de Oliveira)
- **“Competition Law and the nuclear sector: an EU outlook”**, 85 (2010/2) *Nuclear Law Bulletin* 13
- **Portugal** in *The International Comparative Legal Guide to: Competition Litigation 2011 – a practical cross-border insight into competition litigation work*, Global Legal Group, 2010 (co-authorship with Miguel Gorjão-Henriques)
- **“Energia nuclear: uma alternativa?”** [Nuclear energy: an alternative?], in AMADO GOMES, C., ANTUNES, T., *Ambiente & Energia: actas do colóquio na Faculdade de Direito da Universidade de Lisboa, 20-21 Outubro 2010*, available at: <http://www.icjp.pt/publicacoes>, p. 75.
- **Consolidação do Direito Nuclear Português** [Consolidation of Portuguese Nuclear Law], Sérvulo & Associados, 2010

- **“Directive 2009/71/Euratom: the long lost battle against discrimination and protection of sovereignty”**, 2(4) (2010) *International Journal of Nuclear Law* 295
- **“Um regulador independente para a segurança radiológica e nuclear: uma obrigação e uma necessidade”** [The obligation and necessity of an independent regulator for radiological and nuclear safety], (2009) 2 *Revista de Direito Público e Regulação* 135 (available at: http://www.fd.uc.pt/cedipre/revista/revista_2.pdf)
- **“Responsabilidade civil no sector nuclear”** [Liability in the nuclear sector], in PAZ FERREIRA, E., SILVA MORAIS, L., ANASTÁCIO, G. (ed.), *Regulação em Portugal: novos tempos, novo modelo?*, Almedina, Coimbra, 2009, pp. 393-420
- **“The Principle of Continuity of Legal Structures in European Law – The Missed Opportunity in the Reinforcing Bars Case (T-27/03 et al)”**, 4(2) (2008) *Revista de Estudos Europeus* 87, and in Menezes Cordeiro, A., Miranda, J., Paz Ferreira, E., Duarte Nogueira, J. (eds.), *Estudos em Homenagem ao Professor Doutor Paulo de Pitta e Cunha*, Volume I, Almedina, 2010
- **“The Future of the Regulation of Nuclear Safety in the EU”**, 2(2) (2008) *International Journal of Nuclear Law* 149
- **“Criminal Nuclear Law: International Obligations and their Implementation in the EU”**, in *Proceedings of the International Nuclear Law Association Congress (Inter Jura) 2007*, Bruylant, 2008, p. 1125, and in 2(2) (2008) *International Journal of Nuclear Law* 120
- **“Popular legislative initiative in the E.U.”**, 26 (2007) *Yearbook of European Law* 355-385
- **“Reassessing Borders Between Agreements and Unilateral Practices after Volkswagen II (Case C-74/04)”**, 28(3) (2007) *European Competition Law Review* 205-209
- **“A obrigatoriedade de aplicação do Direito Comunitário da Concorrência pelas autoridades nacionais”** [The mandatory enforcement of Community Competition Law by national authorities], (2007) *Revista da Faculdade de Direito de Lisboa* 271-351
- **“Right of innocent passage of ships carrying ultra-hazardous cargoes”**, 78 (2006/2) *Nuclear Law Bulletin* 5-18
- **“Acórdão C-176/03 do TJCE: a comunitarização das competências penais?”** [ECJ Judgement C-176/03: the communitarisation of criminal competences?], in *Estudos em homenagem ao Professor Doutor Marcello Caetano: no centenário*

do seu nascimento, Lisbon, 2006, Vol. 2, p. 383, and in 107 (2006) *Revista do Ministério Público* 189

- “**Committing to Commitment Decisions – Unanswered Questions on Article 9 Decisions**”, 26(8) (2005) *European Competition Law Review* 451-459
- “**A iniciativa legislativa popular**” [Popular legislative initiative], (2002) *Revista da Faculdade de Direito de Lisboa* 611-686
- Main translation works: “The Criminal Code of East Timor” [from Portuguese into English, for Avocats Sans Frontières], 2006; “Family and Succession Law in the Portuguese Civil Code of 1867: A XXIst Century Approach” [from Portuguese into English, for the University of Lisbon Law School], 2007/2008.

PARTICIPATION IN INTERNATIONAL AND NATIONAL STUDIES (NON-EXHAUSTIVE)

- Member of research team in Research Project “**Estudo sobre o Estado-regulador em Portugal – evolução e desempenho**” [Study on the State as a regulator in Portugal – evolution and performance], coordinated by Prof. Ana Lourenço (Universidade Católica Portuguesa), funded by Fundação Francisco Manuel dos Santos
- Co-coordinator and Portuguese rapporteur for the book RODGER, B., SOUSA FERRO, M., MARCOS, F. (coords.), *Transposition of EU Law across the EU Member States: the EU Antitrust Damages Directive*, Oxford University Press, 2018
- Co-Coordinator of the Research Project “**Jurisprudência Portuguesa de Direito da Concorrência**” [Portuguese competition case-law], CIDEEFF, described in: <http://www.cideeff.pt/pt/projectos/Grupo-III-Falhas-de-Mercado-numa-Economia-Globalizada-Perspetiva-Institucional/78/> (together with Eduardo Paz Ferreira)
- Portuguese Rapporteur for the book ASHTON, D. (coord.), *Competition damages action in the EU: law and practice*, 2nd ed., Edward Elgar, 2017
- Member of the **Working Group** which advised the Portuguese Competition Authority in the drafting of the proposal for **transposition of Directive 2014/104/EU**
- Portuguese Rapporteur for the “**Research Study on Interest on Damages due to Infringements of EU Competition Law**”, coordinated by Giorgio Monti, European University Institute, 2015/2016

- Portuguese Rapporteur (co-authorship with Miguel Gorjão-Henriques) for the Study on “*Collective redress in antitrust*”, carried out for the European Parliament by Michele Carpagano *et al*, 2012
- Portuguese Rapporteur (co-authorship with Leonor Rossi) for the Study “*Competition law: comparative private enforcement and collective redress in the EU, 1999*”, coordinated by Prof. Barry Rodger, 2012
- Portuguese Rapporteur for the *Study on the impact of national rules on unilateral conduct that diverge from Article 102 of the Treaty on the Functioning of the European Union*, carried out for European Commission by the College of Europe and by the Centre for European Policy Studies, 2010