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Objective justification and Prima Facie anti-competitive unilateral conduct: an exploration of EU Law and beyond

Vijver, T.D.O. van der

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Author: Vijver, Tjarda Desiderius Oscar van der

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E. FOREWORD

Prof. Tom Ottervanger and I met early 2010. I had started working at the Netherlands Competition Authority a couple of months earlier, and was contemplating writing a PhD dissertation on competition law. The person instrumental for bringing us together was prof. Rick Lawson, who had long encouraged me to further my academic interests at Leiden Law School.

The meeting with prof. Ottervanger invigorated me to go ahead. After discussing several potential topics, we finally opted for the concept of ‘objective justification’ of otherwise illegal unilateral conduct. We both felt that it was an intriguing topic. The subject is relatively well defined, but also touches upon many of the broader debates within competition law. In addition, we believed that the topic could be interesting both for academics and for competition practice.

Prof. Ottervanger provided invaluable guidance and support throughout the project. He gave me the liberty that I needed, and also intervened precisely at the moments that my research plans risked swaying too much away from the core. Prof. Ottervanger’s influence on me does not cease after this PhD: his vast experience as a solicitor inspired me to further my career in the same field, which I have started in September 2013.

Prof. Marco Bronckers, who had already commented earlier upon my work, joined as a second supervisor in early 2013. Right from the start, he showed great commitment and enthusiasm. He read the materials that I had written up to that point with remarkable speed, and gave spot-on comments. Both prof. Bronckers and prof. Ottervanger helped me to make the dissertation interesting not only for academics, but also for practitioners.

My gratitude also goes out to prof. Stefaan Van den Bogaert, prof. Alison Jones, prof. Jacques Steenbergen and dr. Philip Marsden for their willingness to become a member of the PhD committee and for providing spot-on remarks.

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I also wish to thank the rest of my family and my friends. I hope to make up for my considerable absenteeism, both mentally and physically. My friends were understandably vocal in their disapproval when I was, yet again, the first one to leave the pub or – worse still – the one who drank mostly non-alcoholic beverages throughout the evening. I fear that my newly found identity as 'Mr. Sparkling Water' will stick to me for the rest of my life.

Tjarda van der Vijver

Amsterdam, April 2014

