

Antitrust in the United States and the European Union – A Comparative Analysis

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concern, although it is an area where U.S. and EU competition law differ, but it does raise the specter of potentially anticompetitive conduct.

Second, a proper definition of the relevant market is usually the *sine qua non* to prevail on any antitrust claim. It is, after all, difficult to prove abuse of dominance without showing that the company in question does, in fact, have a dominant position in whichever market it operates. As

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or selling prices or other unfair trading conditions,” and “limiting production, markets or technical developments to the prejudice of consumers.” Unlike Section 2 of the Sherman Act, possessing

interprets the relevant law. As a result, the courts will be reluctant to overturn the Commission's assessment unless it is clearly defective.⁶¹

