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Dušan Popović, *Le droit communautaire de la concurrence et les communications électroniques*, L.G.D.J., Paris 2009, p. 330.

The sector of communications has tremendously evolved over the last decades. The technological development had to be followed by setting up an appropriate legal framework for telecommunication services, since new and improved tools and methods of communications naturally required adequate systems of regulation. Surprisingly, in spite of proliferation of rules on electronic communications, scholarly writings in this field are rather scarce. The present study attempts to fill in this gap.

Le droit communautaire de la concurrence et les communications électroniques is based on the doctoral thesis prepared and defended with the highest marks by Dušan Popović at the University of Paris Nanterre in December 2007. The research of Dr. Popović was dedicated to the analysis of a highly delicate topic which stands at the intersection of technology, economics and law – the regulation of electronic communications markets. Therefore, the work on this study required a vast knowledge and profound understanding of organizational, economic and regulatory specificities of the telecommunications sector. Despite the complexity of this matter, the book before us combines the discussion of difficult theoretical issues with analyses of practical problems in an easy-to-grasp manner.

Pursuant to the requirements of French methodology of legal writing, the book has a bipartite structure. The first part analyzes the characteristics of the markets of electronic communications from the standpoint of competition rules and standards, while the second part examines the practices of the operators in these markets.

The author begins his study by explaining the genesis of the regulation of telecommunications and depicting the transformation of the telecommunications sector from state monopoly to an open market of services. This change of concept came as a result of the measures aimed at liberalization and harmonization of the telecommunications sector, intro-

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duced on the basis of Articles 86 and 95 of the Treaty establishing the European Community. However, the lack of coordination between the Member States and the resistance of deep-rooted practices of protectionism and favoring certain operators caused difficulties in achieving the proclaimed goals, so the European Community had to conceive new regulatory measures. After having analyzed these measures in detail, Dr. Popović concludes that their aim – the self-regulation of the telecommunications markets – seems difficult to be reached and that the performance of certain services must be imposed by the pertinent legislation.

In order to perform a comprehensive analysis of the telecommunications markets, the author moves on to define relevant markets both in terms of standards of the European regulatory framework for electronic communications and in terms of competition rules. This task appears to be particularly challenging, due to the specific nature of this sector of services and the interdependence of relations among the providers on one hand, and between the providers and consumers on the other.

The analysis of the markets of electronic communications would not have been complete without the examination of the practices of operators. In first place, the concept of significant market power had to be adapted to the particularities of the markets of electronic communications. The analysis of the regulatory framework and case-law of the Court of First Instance and the European Court of Justice led the author to the conclusion that there is an identity between the concept of significant market power in the electronic communications sector, the concept of dominance assessed from a prospective point of view and the absence of effective competition. Even though the understanding of dominant position may be enlarged by the concepts of collective dominant position and connected markets, Dr. Popović suggests that these notions should not be construed too widely so that they do not lose their inherent flexibility.

However, the existence of sector-specific rules in this field does not exclude the application of EU competition rules in the matter. A particular attention is given to the application of competition rules with respect to the infrastructure sharing agreements, standard roaming agreements, predatory pricing and merger control. In case of anti-competitive behaviour, operators of electronic communications may be subjected to corrective measures, which, again, show some particularities due to the specific field in which they are applied. These measures may be imposed both by general competition law and electronic communications law.

The conclusions made by Dr. Popović show that the regulation of electronic communications markets in the European Union is still an ongoing project. The evolution of the regulatory framework must follow the constant technological development in this sector and respect the specificities of this domain. It is particularly worth mentioning that some of

the ideas developed by Dr. Popović have already seen the daylight, as they appeared in the modifications of the regulatory framework introduced after the publication of this book. *Le droit communautaire de la concurrence et les communications électroniques* therefore represents a valuable contribution to the research of principles and mechanism of regulation of electronic communications markets.