PART I

COMPETITION IN SHIPPING
LINER SHIPPING, ANTITRUST AND THE REPEAL OF
REGULATION 4056/86: A NEW ERA OF GLOBAL MARITIME
CONFRONTATION?

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I. The Issues

Before October 2006, the whole shipping sector was subject to special rules: tramp shipping and cabotage were exempted from the legal regime established to implement Articles 81 and 82 EC. The Treaty provisions on antitrust might still be theoretically applied under the provisional instrument established by Article 84 EC, but in fact this never happened.

The picture was far more complicated in respect of international liner shipping: the UNCTAD Convention on a Code of Conduct for Liner Conferences had granted an antitrust exemption for liner conferences from 1974; in 1979, EC Regulation no. 954/79\(^1\) had welcomed Member States’ ratification of this international convention and, later, when finally adopting EC legislation on maritime transport implementing Article 80 EC, the Community antitrust regime for international liner shipping was consistent with the UN Code of Conduct: hence, Regulation no. 4056/86\(^2\) provided a special antitrust regime for liner shipping, and in particular established a block exemption for liner

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\(^1\) OJ 1979 L 121/1.
\(^2\) OJ 1986 L 378/5.