

The basis of EC telecommunications law after liberalization

Citation for published version (APA):

Larouche, P. (2000). *The basis of EC telecommunications law after liberalization*. [Doctoral Thesis, Maastricht University]. Universiteit Maastricht. <https://doi.org/10.26481/dis.20000323pl>

Document status and date:

Published: 01/01/2000

DOI:

[10.26481/dis.20000323pl](https://doi.org/10.26481/dis.20000323pl)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain.
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

www.umlib.nl/taverne-license

Take down policy

If you believe that this document breaches copyright please contact us at:

repository@maastrichtuniversity.nl

providing details and we will investigate your claim.

STELLINGEN

Stellingen behorende bij het proefschrift "The Bases of EC Telecommunications Law After Liberalization" van Pierre Larouche, Universiteit Maastricht

1. There is a long-term role for sector-specific economic regulation in the telecommunications sector.
2. A part of the antitrust law of the United States, such as the Essential Facilities Doctrine, cannot be imported into EC competition law without looking at the broader relationship between the two laws.
3. The traditional approach to relevant market definition under EC competition law must be modified when dealing with network-based industries.
4. Through the application of EC competition law, the European Commission has positioned itself as a substitute for an European Regulatory Agency for telecommunications.
5. The case-law of the ECJ and the ECHR make it difficult to uphold *a priori* exclusionary rules in the law of tort/delict.
6. Efforts aimed at bringing about the emergence of a European *ius commune* through the codification of private law at EU level cannot succeed without a mechanism to ensure the circulation of the case law of national courts throughout the EU.

7. If applied in the Canadian context, the constitutional model of the EU would result in significant decentralization.
8. The replacement of the Canadian Senate by a body modelled on the Council of the European Union would improve the functioning of the Canadian federation.
9. North Americans are more European than Europeans.
10. There are common points between a *doctoral dissertation* and apple pie.