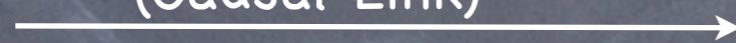


# Concerted Practice T-Mobile Flow Chart

## Meeting

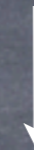
(Causal Link)



## Conduct On Market



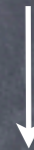
## Effect On The Market



No:

Then look to the "Object"

- Certain Conduct Implies an "Effect" on the Market
- This is similar to certain areas of US Antitrust Law
- What is the threshold % for presuming there will be an effect on the market?
- "Mere Possibility" ?



Yes:

Not the case in T-Mobile

## "Information Exchange"

- Was there a unilateral disclosure?
- Did it involve competitive information?

There is a presumption of a causal link if the undertaking remains active on the market.

### To Consider:

- 1) Was the decision to remain on the market merely a business decision and there is no "causal link"?
- 2) How can an undertaking rebut presumption?
  - Public Announcement
  - Disprove by showing action independent of information.

### Consider:

- A "Practice" is lower than an "Agreement"
- What is the connection between concentration and practice?