

Evidence Standards In Eu Competition Enforcement

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EU Competition Law - Ariel
Ezrachi 2012-09-18

This book is the third edition of the highly practical guide to the leading cases of European Competition Law. It focuses primarily on Article 101 TFEU, Article 102 TFEU and the European Merger Regulation. In addition it explores the public and private enforcement of Competition Law, the intersection between Intellectual Property Rights and Competition Law and the

application of Competition Law to State action. Each chapter outlines the relevant laws, regulations and guidelines for each of the topics. Within this framework, cases are reviewed in summary form, accompanied by analysis and commentary. Endorsements 'This book should be in the library of every competition law practitioner and academic. The summary of cases is first class. But what makes it really stand out is the quality of the

commentary and the selection of the material which includes not only the most important European judgements and decision but also some of the leading cases from the US and European Member States.' Ali Nikpay, Senior Director, Cartels and Mergers, Office of Fair Trading 'The study of EU Competition law requires the analysis and understanding of a number of increasingly complex and lengthy European Commission and European Court decisions. Through the provision of case summaries, excerpts from the important passages and concise commentary linking these decisions to other key case law and Commission documents, this unique and impressive book provides the student and practitioner of EU competition law with an extremely clear and useful introduction to these leading decisions.' Dr Kathryn McMahon, Associate Professor, School of Law, University of Warwick 'The Guide is an invaluable tool for both students and practitioners. It provides a

compact overview on the fundamental cases and highlights the essential problems in a clear and sharp analysis.' Dr Christoph Voelk, Antitrust Practice Group, McDermott, Will & Emery LLP, Brussels 'This edition will be especially valuable to competition law specialists abroad who are interested in the jurisprudence and policy of the European Union and its member states. Familiarity with the European regime is essential for proficiency in competition law today, and this volume provides an excellent foundation.' William E Kovacic, Global Competition Professor of Law and Policy, George Washington University Law School, Former Chairman, US Federal Trade Commission *Spielsalons im Widerstreit der Meinungen* - 1991

European Merger Control -
Catalin Stefan Rusu
2010-01-01

Twenty years of experience have inevitably brought to light challenges and tensions in the enforcement of the European

merger control system. Some of these challenges have been faced, some have been solved and some remain latent. This very valuable study starts from the proposition that the EU has never fully acknowledged those fundamental challenges which relate to the rationale behind merger control in Europe. The author shows how the Commission's focus on adapting the rules of merger control to the economic realities of the future business environment, although designed with a view to facilitating European integration, has compromised attainment of legal certainty, transparency and welfare enhancement. In its detailed evaluation of the 'future market structure prediction process' embedded in European merger control policy, this book approaches two rock-bottom, far-reaching questions: In what ways does merger control promote consumer and societal welfare? Is the Commission able to correctly predict the outcome of any given concentration

transaction? These considerations take the reader through a deep and searching analysis that calls into question the very credibility and transparency of the system, leading to alternatives which promise a new clarity of purpose and procedure. The author describes how these recommendations can be integrated into the functioning framework of the European project. Taken fully into account along the way is a wide spectrum of relevant source material, including the following: applicable articles and chapters of the founding and subsequent European Treaties; secondary European legislation concerning competition and merger activity; domestic competition laws; guidelines, notices and action plans; competition law reviews, statements of intentions; draft legislative attempts; speeches on the enactment and purpose of merger control; Member States' views concerning European merger control as expressed during Council

negotiations; officially available concentration-related statistics; and a wide-ranging literature review covering both the legal and economic sides of merger control. Throughout, the author substantiates theoretical assertions with case law examples, clearly exposing doctrines arising from such cases as Continental Can, Phillip Morris/Rothmans and the Airtours, Schneider and Tetra Laval trilogy. A unique feature of the analysis draws on the author's personal experience while working for a Brussels competition law firm. This book is a remarkable compound of academic guide to the roots and rationales of the European Merger Control System, practical guide to the day-to-day intricacies of merger control enforcement, and 'raw' guide for decision makers and merger control law enforcers. It will be of immense value in all three contexts.

[A Step Ahead](#) - Martha Martinez Licetti 2017-06-29

Sustainable economic development has played a major role in the decline of

global poverty in the past two decades. There is no doubt that competitive markets are key drivers of economic growth and productivity. They are also valuable channels for consumer welfare. Competition policy is a powerful tool for complementing efforts to alleviate poverty and bring about shared prosperity. An effective competition policy involves measures that enable contestability and firm entry and rivalry, while ensuring the enforcement of antitrust laws and state aid control. Governments from emerging and developing economies are increasingly requesting pragmatic solutions for effective competition policy implementation, as well as recommendations for pro-competitive sectoral policies. A Step Ahead: Competition Policy for Shared Prosperity and Inclusive Growth puts forward a research agenda that advocates the importance of market competition, effective market regulation, and competition policies for achieving inclusive growth and

shared prosperity in emerging and developing economies. It is the result of a global partnership and shared commitment between the World Bank Group and the Organisation for Economic Co-operation and Development (OECD). Part I of the book brings together existing empirical evidence on the benefits of competition for household welfare. It covers the elimination of anticompetitive practices and regulations that restrict competition in key markets and highlights the effects of competition on small producers and employment. Part II of the book focuses on the distributional effects of competition policies and how enforcement can be better aligned with shared prosperity goals.

Competition Policy and Law in China, Hong Kong and Taiwan - Mark Williams
2005-09-08

A comprehensive guide to the competition regimes of China, Hong Kong and Taiwan.

Evidence Standards in EU

Competition Enforcement - Andriani Kalintiri 2019-02-07
"How is evidence assessed in EU competition enforcement? This is the question that this important new book answers by offering the first systematic and comprehensive study on the topic. The aim of the book is twofold. Firstly, it sets down the foundations for a system of evidence in EU competition law enforcement by producing a typology of rules and principles to govern its evaluation. Secondly, it analyses the role of the applicable evidence standards. In so doing it illustrates how both the rules of evidence and enforcement have been underestimated. Rigorous, analytical and engaging, this is a much needed examination of this key question in competition law proceedings"--

Economic Analysis in EU Competition Policy - Parcu, Pier L. 2021-12-10

This insightful book assesses emerging trends in the role of economic analysis in EU competition policy, exploring how it has substantially

increased in terms of both theories and methods.
EU Competition Law - Alison Jones 2019-09
The essential guide to EU competition law for students in one volume; extracts from key cases, academic works, and legislation are paired with incisive critique and commentary from an expert author team. In this fast-paced subject area, the authors carefully highlight the most important cases, legislation, and developments to allow students to navigate the breadth of legislation and case law. With their clear explanations and commentary, the authors provide invaluable support to students as they approach this complex and highly technical area of law. Extracts provide opportunities for students to understand the law in practice, and to see its relevance to business. Indispensable for undergraduate and postgraduate students alike, this is the standalone guide to the competition law of the EU. Online resources: The text is

accompanied by online resources containing: -An additional chapter on State Aid -Web links -Updates in the law
Regulation 1/2003 and EU Antitrust Enforcement - Luca Prete 2022-11-22
For nearly twenty years, EU antitrust enforcement has been governed by Regulation 1/2003, which ushered in a sweeping reform of the procedures for the application of Articles 101 and 102 TFEU. This systematic article-by-article expert commentary on the Regulation, with additional perspectives and critical views by particularly experienced and qualified authors, provides an in-depth examination of the Regulation's legal achievements, implications, and promise for the future. Analysis of each of the Regulation's articles covers such aspects as: legislative history; rationale and context; practice of the Commission and, where relevant, of the national competition authorities; case law of the Court of Justice of the European Union; international

aspects; and outstanding and problematic issues. Along with many of the article commentaries, 'boxes' have been added on specific issues of particular salience. The critical reflections of the book's second part include perspectives from members and staff of the Court of Justice of the European Union and of the European Commission's Directorate General for Competition and Legal Service, heads of national competition authorities and of national courts, counsel, economists, consumer organisations, and academics. There are also comparisons with various aspects of antitrust enforcement in France, Germany, the Netherlands, and the United States. With this unparalleled book, practitioners and in-house counsel, as well as case-handlers and policymakers, will approach any competition case before the Commission with full awareness of the applicable procedural rules. They will gain a clear understanding of the enforcer's powers and duties,

as well as of the various options available to the undertakings involved in antitrust proceedings and their rights.

[International Antitrust Law & Policy: Fordham Competition Law 2008](#) - Barry E. Hawk
2009-03-01

Every October the Fordham Competition Law Institute brings together leading figures from governmental organizations, leading international law firms and corporations and academia to examine and analyze the most important issues in international antitrust and trade policy of the United States, the EU and the world. This work is the most definitive and comprehensive annual analysis of international antitrust law and policy available anywhere. Each annual edition sets out to explore and analyze the areas of antitrust/competition law that have had the most impact in that year. Recent "hot topics" include antitrust enforcement in Asia, Latin America: competition

enforcement in the areas of telecommunications, media and information technology. All of the chapters raise questions of policy or discuss new developments and assess their significance and impact on antitrust and trade policy. The chapters are revised and updated before publication when necessary. As a result, the reader receives up-to-date practical tips and important analyses of difficult policy issues. The annual volumes are an indispensable guide through the sea of international antitrust law. The Fordham Competition Law Proceedings are acknowledged as simply the most definitive US/EC annual analyses of antitrust/competition law published.

Excessive Pricing and Competition Law

Enforcement - Yannis Katsoulacos 2018-09-12

This volume examines the controversy surrounding the use of competition law to combat excessive pricing. While high or monopolistic pricing is not regarded as an

antitrust violation in the US, employing abuse of dominance provisions in competition laws to fight excessive pricing has gained popularity in some BRICS jurisdictions and a number of EU-member states in recent years. The book begins by discussing the economic arguments for and against the prohibition of excessive or unfair prices by firms with market power. It then presents various country studies, focusing on developed countries (such as the UK and Israel) and on the BRICS countries, to highlight various practical challenges involved in recognizing excessive prices as abusive conduct on the part of dominant firms, including how to define, measure and identify excessive prices. The contributors also discuss other policy options that can be used to fight excessive prices in order to protect consumer welfare.

Market Investigations - Massimo Motta 2022-01-06
Increased concentration and rising market power require new rules. Market

investigations are necessary to complement existing regulations.

International Antitrust

Litigation - Jurgen Basedow
2012-02-03

The decentralisation of competition law enforcement and the stimulation of private damages actions in the European Union go hand in hand with the increasingly international character of antitrust proceedings. As a consequence, there is an ever-growing need for clear and workable rules to co-ordinate cross-border actions, whether they are of a judicial or administrative nature: rules on jurisdiction, applicable law and recognition as well as rules on sharing of evidence, the protection of business secrets and the interplay between administrative and judicial procedures. This book offers an in-depth analysis of these long neglected yet practically most important topics. It is the fruit of a research project funded by the European Commission, which brought together experts from academia, private

practice and policy-making from across Europe and the United States. The 16 chapters cover the relevant provisions of the Brussels I and Rome I and II Regulations, the co-operation mechanisms provided for by Regulation 1/2003 and selected issues of US procedural law (such as discovery) that are highly relevant for transatlantic damages actions. Each contribution critically analyses the existing legislative framework and formulates specific proposals to consolidate and enhance cross-border antitrust litigation in Europe and beyond.

Competition Law

Enforcement - Organisation for Economic Co-operation and Development. Committee of Experts on Restrictive Business Practices 1984

The Reform of EC Competition Law - Ioannis Kokkoris
2010-01-01

This book represents a fresh approach to EC competition law - one that is of singular value in grappling with the huge economic challenges we

face today. As a critical analysis of the law and options available to European competition authorities and legal practitioners in the field, it stands without peer. It will be greatly welcomed by lawyers, policymakers and other interested professionals in Europe and throughout the world.

Structure and Effects in EU Competition Law - Basedow
2011-01-01

During the last decade the European Commission has progressively adopted what is called a "more economic approach" toward competition policy. This approach, which draws on U.S. antitrust policy, puts greater emphasis on possible welfare effects of business practices and is less concerned with competitive market structures. Under this school of thought concentration cannot be said to impede effective competition to the extent that efficiency gains outweigh market distortions. In order to stimulate the debate on this basic reorientation, in January 2009 the Max Planck

Institute for Comparative and International Private Law at Hamburg convened economists, legal scholars, and practitioners for an exchange of views on these and "new and" methodological foundations of EU competition policy and competition law. Two especially controversial elements were chosen for in-depth discussion: the prohibition of abuses of dominant positions and the review of State aid. This book reproduces fourteen papers from this conference, representing the considered views of prominent European lawyers, economists, academics, policymakers, and enforcement officials in the competition field on matters such as: the objectives of EU competition law; the current enforcement guidelines of the EU Commission regarding Article 102 TFEU and? measuring market power; abusive low pricing strategies; the economics of competition law enforcement; recent developments in EU State aid law; economic justifications for

State aid. A critical assessment of the Commission's State aid action plan by the German Monopolies Commission is appended in English. Applying law and economics theory to competition law, this book shows that the and more economic approach is exerting a considerable impact on various sectors of competition law. The authors clearly demonstrate the progress that can be made when lawyers and economists take notice of and respect the characteristics of each other's discipline. Moreover, the authors show how new insights of economic theory may be integrated into the relevant legal analysis. The book will therefore be appreciated by academics, practitioners, and officials representing both fields.

Criminal Law Principles and the Enforcement of EU and National Competition Law - Marc Veenbrink 2019-11-20

Although Article 23(5) of EU Regulation 1/2003 provides that competition law fines 'shall not be of a criminal law

nature', this has not prevented certain criminal law principles from finding their way into European Union (EU) competition law procedures. Even more significantly, the deterrent effect of competition law fines has led courts in the Netherlands and the United Kingdom (UK), as well as the European Court of Human Rights, to conclude that competition law proceedings can lead to a criminal charge. This book offers the first book-length study of whether courts do indeed apply criminal law principles in competition law proceedings and, if so, how these principles are adapted to the needs and characteristics of competition law. Focusing on competition law developments (both legislative and judicial) over a period of twenty years in three jurisdictions - the Netherlands, the UK and the EU - the author compares how each of the following (criminal law) principles has emerged and been interpreted in each jurisdiction's proceedings: freedom from self-

incrimination; non bis in idem; burden and standard of proof; legality and legal certainty; and proportionality of sanctions.

The author offers proposals involving both legislative and judicial actions, with examples of judges invoking criminal law principles to develop an appropriate level of safeguards in competition law proceedings. The book shows that criminal law can provide a rich source of inspiration for the judiciary on the appropriate level of legal safeguards in competition law proceedings. As such, it provides an important source of information and guidance for lawyers and judges dealing with competition law matters.

EC Competition Law - Giorgio Monti 2007-08-06

Monti explores the development of EC competition law through an interdisciplinary approach, focusing on the political and economic considerations that affect the way the rules are interpreted. Written with competition law students in mind, it should also be of

interest to undergraduate and postgraduate students of EU politics and economics.

The Institutional Structure of Antitrust Enforcement - Daniel A. Crane 2011

This text provides a comprehensive and succinct treatment of the history, structure, and behaviour of the various US institutions that enforce antitrust laws. It also draws comparisons with the structure of institutional enforcement outside the US, and it considers the possibility of creating international antitrust institutions.

Civil Procedure in EU Competition Cases Before the English and Dutch Courts - George Cumming 2010-01-01

For decades it seemed clear that EC competition law was enforceable effectively at the national level, and ECJ case law has continued to bear this out. In recent years, however, the Commission has been proposing harmonization of national rules of procedure in competition cases, implying that procedural autonomy is

insufficient on its own to produce an effective enforcement system in this area. As the authors of this book clearly demonstrate, this suggests a binary system governing the enforcement of EC Articles 81 and 82: namely, that led by the Commission through directives and eventual regulations, and that built on ECJ principles in areas not dealt with by such Community instruments. This book describes and analyzes not only the specific Commission recommendations, but also the manner and extent to which these recommendations are or may be implemented in civil procedure. In particular, the authors consider changes which may be required if these recommendations are incorporated into Dutch and English rules of civil procedure. Also addressed are elements of procedure not mentioned by the Commission but which might usefully be considered in the context of ECJ principles of effectiveness, equivalence and effective

judicial protection of rights. At the heart of the study is a detailed analysis of the Commission White Paper on Damages Actions and the Commission Staff Working Paper, both issued early in 2009. The in-depth analysis ranges over procedural aspects of such elements as the following: and□standing; and□disclosure and access to evidence; and□burden of proof; and□fault/no fault and□costs of damages actions; and□injunctions; and□civil versus administrative enforcement; and□limitations; and□leniency programmes; and□collective actions; and□confidentiality; and and□forms of compensation. Anticipating as it does a looming impasse in European competition law, this remarkable book sheds defining light on the real implications of EC competition law for parties to damages actions, not only in the national systems studied but for all Member States. For practitioners and jurists it offers a particularly useful

approach to the handling of cases involving European competition law, and also serves as a guide to current trends and as a clarification of doctrine.

Datenschutz-Grundverordnung: DS-GVO - Jürgen Kühling
2017-03

Kompendium der Wirtschaftstheorie und Wirtschaftspolitik III -

Thomas Apolte 2019-04-02

Das Kompendium liefert einen umfassenden Überblick über die zentralen Bereiche der Volkswirtschaftslehre. Die einzelnen Beiträge haben jeweils die Länge eines vollständigen

Vorlesungsskripts und umfassen die wesentlichen Inhalte eines

Bachelorstudiengangs der Volkswirtschaftslehre. Alle Beiträge sind so konzipiert, dass sie unabhängig von den anderen gelesen und verstanden werden können. Gleichzeitig wird über Querverweise auf Zusammenhänge mit den anderen Themen verwiesen.

Themen sind: Mikroökonomik, Industrieökonomik, Internationaler Handel, Institutionen, Umweltökonomie, Wirtschaftskreislauf und gesamtwirtschaftliches Rechnungswesen, Makroökonomik, Instabilitäten, Wachstum und Entwicklung, Geld und Kredit, Währung und internationale Finanzmärkte, Theorie der Wirtschaftspolitik, Wettbewerbspolitik, Regulierung, Arbeitsmarkt und Sozialpolitik. Der dritte Band des Kompendiums beschäftigt sich mit dem Gebiet der Wirtschaftspolitik. Band I und Band II des Kompendiums widmen sich den Themengebieten Mikroökonomik und Makroökonomik und sind ebenfalls erhältlich.

Die Plattform-Revolution -
Geoffrey G. Parker 2017-04-24

Dawn Raids Under Challenge - Helene Andersson 2018-06-28

This book examines the European Commission's dawn raid practices in competition

cases from a fundamental rights perspective. In recent years, the Commission has adopted a new and more aggressive enforcement policy, amid a growing awareness that cartels and abuse of market power represent an economic harm and need to be punished. In response, enforcement has been strengthened by the grant of more wide-reaching powers to competition authorities. But how does this impact on the framework of fundamental rights? This study seeks to answer that question by examining the obligations imposed by the Charter and the ECHR and the response of the Luxembourg and Strasbourg Courts. It shows that where the Strasbourg Court has managed to strike a balance between efficiency concerns and the rights of undertakings, the EU courts' judicial control is not equally balanced. This book is an essential and timely examination of this important question.

Competition Policy Analysis -

Kai Hüschelrath 2008-09-08

Competition policy is an

integral and prominent part of economic policy-making in the European Union. The EU Treaty prescribes its member states to conduct economic policy 'in accordance with the principle of an open market economy with free competition'. More precisely, the goal of EU competition policy is "to defend and develop effective competition in the common market" (European Commission, 2000: 7). Under its Commissioners van Miert, Monti and, most recently, Kroes the EU Commission has stepped up its effort to pursue and achieve the aforementioned goal. A number of so-called hard-core cartels, such as the notorious "vitamin cartel" led by Roche, have been detected, tried in violation of Art. 81 of the Maastricht Accord and punished with severe fines. Also Microsoft was hit hard by the strong hand of the Commission having been severely fined for exploiting a dominant market position. Economic analysis has been playing an increasingly

significant role in the Commission's examination of competition law cases. This holds true in particular for merger control. Here, however, the Commission has had to accept some poignant defeats in court, such as the Court's reversals of Airtours-First Choice or GE- Honeywell. Among other things, the European Court of Justice found the economic analysis as conducted by the EU's Directorate General for Competition to be flawed and the conclusions drawn not to be convincing. These rejections by the courts have stirred up the scholarly debate on the conceptual foundations of European competition policy.

Modernisierung der Missbrauchsaufsicht für marktmächtige

Unternehmen - Heike Schweitzer 2018-10-31
Die Entwicklungen in der digitalen Wirtschaft, darunter die zunehmende Bedeutung von Daten als kritischer Inputressource in Produktions- und Distributionsprozessen und von digitalen Plattformen,

gehen mit neuartigen Wettbewerbsgefährdungen einher. Sie werfen die Frage auf, ob das geltende deutsche und europäische Kartellrecht gewappnet ist, diesen wirksam und rechtzeitig zu begegnen. Das Bundesministerium für Wirtschaft und Energie (BMWi) hat die Autoren beauftragt zu untersuchen, ob die kartellrechtlichen Regeln zum Schutz vor dem Missbrauch wirtschaftlicher Macht hinreichend klar und effektiv sind. Das Ergebnis dieser Untersuchung ist die vorliegende Studie, die vertiefte Analysen und Empfehlungen zum Reformbedarf der kartellrechtlichen Missbrauchsaufsicht liefert.

Neue

Wohnungsgemeinnützigkeit -

Jan Kuhnert 2017-02-21

In diesem Buch werden umsetzungsorientierte Konzepte zur Einführung einer neuen

Wohnungsgemeinnützigkeit in Deutschland auf der Grundlage der Erfahrungen in ihrer langen Geschichte (1851 bis

1989) entwickelt. Hierfür werden historische, rechtliche und politische Gesichtspunkte sowie die europarechtlichen Rahmenbedingungen aufbereitet. Anhand der Beispiele von Österreich und den Niederlanden werden auch zwei aktuelle Wege einer sozialen Wohnraumversorgung analysiert und nutzbar gemacht. Für eine neue Wohnungsgemeinnützigkeit werden schnell umsetzbare Maßnahmen sowie ein detailliertes Konzept für den Aufbau eines größeren gemeinwohlorientierten Wohnungsangebotes vorgeschlagen.

Evidence Standards in EU Competition Enforcement -

Andriani Kalintiri 2019-02-07
What rules or principles govern the assessment of evidence in EU competition enforcement? This book offers, for the first time, a comprehensive academic study on the topic. Its aim is twofold. Firstly, it produces a typology of evidence standards in competition proceedings at the EU level, thereby systemising

the guidance that is currently dispersed in the case-law of the EU Courts. Secondly, it examines the applicable evidence rules and principles with a view to better understanding their role in EU competition enforcement. In so doing, the book illustrates that evidence standards are not mere technicalities and their significance should not be underestimated. Rigorous and engaging, this work provides a much-needed analysis of a key question of EU competition enforcement.

The Historical Foundations of EU Competition Law -

Kiran Klaus Patel 2013-07-11
Shedding new light on the foundations of European competition law, this volume is a legal and historical study of the emerging law and its evolution through the 1980s. It retraces the development and critical junctures of competition law not only at the level of the European Economic Community but also at the level of major Member States of the EEC. Intensely researched and rich with insights, the chapters

in this volume reflect a close collaboration among an expert group of lawyers and historians and capitalize on previously unavailable source materials. The book examines several key themes including: the influence of national and international competition law on the development of EEC competition law; the drafting of the regulations that lead to the development of modern EU competition law; the role of the European Court of Justice in establishing the protection of competition as a central pillar of the Common Market; the internal dynamics, ideologies and tensions within the Competition Directorate General (DG IV) of the European Commission; and the role of industrial policy in European integration. Combining legal analysis with a meticulous excavation of historical evidence to reveal the forces driving key actors and the interactions among them, this volume rediscovers a past largely forgotten but essential to understanding the genesis of competition law in

Europe, its role in Europe's construction, its hybrid institutional traits, and its often unique substance.

EU Competition Law -

Bernardo Cortese 2014

Despite several decades' worth of explicit directives, green papers, white papers, proposals, and communications from the European Commission, the actual enforcement of competition law across the Member States today is rife with shifting patterns that escape a clearly bounded framework. The underlying cause of this disarray, the authors of this deeply engaged work contend, lies in a host of legal uncertainties scattered around the intersection where private enforcement encounters the mechanisms of decentralized public enforcement--an area where a number of general as well as special questions of EU competition law, even its very goals and principles, rise into prominence. In this truly authoritative book, eleven well-known European jurists and academics, all experts in

competition law, offer in-depth perspectives on these questions and reveal conflicts between EU competition law and enforcement regimes. The subjects on which they focus include the following: agreements and concerted practices; the effect on trade criterion; the quasi legislative role of the Commission; the need to preserve a central role for the preliminary ruling mechanism; burden and standard of proof issues; the role of experts; the abuse of a dominant position in the form of "margin squeeze"; the lack of transparency characterizing the European Competition Network; leniency programmes and the circulation of evidence; calculation of damages and the passing-on defence; peculiarities of antitrust enforcement in the e-communications sector; EU legislative competences in the audiovisual sector; specific features of the pharmaceutical sector; and recent enforcement in the financial services sector. A cumulative effect of the analysis and commentary

emerges: that the issues of transparency and process of law raised in this book are profoundly related to the crisis of legitimation that the European Union is currently facing. For this reason the book will be of great interest not only to practitioners, academics, jurists, and officials in competition law, but to a wider legal community as well.

International Antitrust Law & Policy: Fordham

Corporate Law 2005 - Barry E. Hawk 2006-05-01

Every October the Fordham Corporate Law Institute brings together leading figures from governmental organizations, leading international law firms and corporations and academia to examine and analyze the most important issues in international antitrust and trade policy of the United States, the EU and the world. This work is the most definitive and comprehensive annual analysis of international antitrust law and policy available anywhere. Each annual edition sets out to explore and analyze the areas

of antitrust/competition law that have had the most impact in that year. Recent "hot topics" include antitrust enforcement in Asia, Latin America: competition enforcement in the areas of telecommunications, media and information technology. None of the chapters are merely descriptive, all raise questions of policy or discuss new developments and assess their significance and impact on antitrust and trade policy. All chapters, if necessary, are revised and updated before publication. As a result, the reader receives up-to-date practical tips and important analyses of difficult policy issues. The Annuals are an indispensable guide through the sea of international antitrust law. The Fordham Corporate Law Proceedings are acknowledged as simply the most definitive US/EC annual analyses of antitrust/competition law published.

Competition Rules for the 21st Century - Ky Ewing 2006-01-01
Ky Ewing's magisterial

work on international competition law is here updated to take stock of the prodigious expansion of anti-cartel enforcement throughout the world in the intervening years. Although the book has been highly regarded as a major reconsideration of the foundations of competition law and policy, it has also proven enormously valuable for its wealth of information and practical guidance. Among its most useful features (some new to the second edition) are the following: and a vast amount of statistical and other information about public competition law enforcement agencies and their resources around the world; and in-depth analysis of the differences in competition law regimes and the various economic and legal theories from which they derive; and detailed attention to jurisprudence and legal commentary over many decades; and probing of the meaning of and low and and fair and as applied to prices; and suggestions for

carrying out re-evaluation of policies on the basis of empirical evidence; and[] formulation of a model new U.S. competition law preempting state laws; and and[] guidelines on distinguishing useful collaboration from collusive activity. Nine new appendices have been added to this edition, covering such informative material as new statistical data about U.S. enforcement, details on the dramatic cooperation now taking place among nations in anti-cartel enforcement, and suggestions on how companies and practitioners should respond to multinational investigations.

Competition Policy in the EU - Xavier Vives 2009-08-06

" ... product of a conference organized by the Public-Private Sector Research Center of IESE Business School on November 19-20, 2007 ..."-- Pref.

Jenseits der

Menschenrechte - Anne Peters 2014-04-09

Grundthese des Buches ist,

dass ein Paradigmenwechsel stattgefunden hat, der den Menschen zum primären Völkerrechtssubjekt macht. Diese These wird vor dem Hintergrund der Ideengeschichte und Dogmatik der Völkerrechtspersonlichkeit des Menschen entfaltet und auf die Rechtspraxis in zahlreichen Teilrechtsgebieten, angefangen vom Recht der internationalen Verantwortung über das Recht des bewaffneten Konflikts, das Recht der Katastrophenhilfe, das internationale Strafrecht, das internationale Umweltrecht, das Konsularrecht und das Recht des diplomatischen Schutzes, das internationale Arbeitsrecht, das Flüchtlingsrecht bis hin zum internationalen Investitionsschutzrecht gestützt. Der neue Völkerrechtsstatus des Menschen wird mit dem Begriff des subjektiven internationalen Rechts auf den Punkt gebracht.

EU Competition Law. Optimum Enforcement Methods Against EU Cartel Participants - Ronan Garvey

2020-06-17

Essay from the year 2019 in the subject Law - Civil / Private / Trade / Anti Trust Law / Business Law, grade: 82.00, University College Cork, course: LLB, language: English, abstract: This paper is concerned with optimising the enforcement of European Union Competition Law against cartels participants. A critique of Directive 2014/104 and its main shortcomings will begin this paper. Investigation then launched into role of national competition authorities in the Union, arguing that enhanced member state cooperation and full transposition of draft Directive 2019/1 (ECN+) will deter cartel activity. Final point concerns individual liability against the company agents behind cartels, how corporate fines imposed by European Commission fail to deter individuals against continued cartel participation.

Innovation Matters - Richard J. Gilbert 2022-06-07

A proposal for moving from price-centric to innovation-centric competition policy,

reviewing theory and evidence on economic incentives for innovation. Competition policy and antitrust enforcement have traditionally focused on prices rather than innovation.

Economic theory shows the ways that price competition benefits consumers, and courts, antitrust agencies, and economists have developed tools for the quantitative evaluation of price impacts. Antitrust law does not preclude interventions to encourage innovation, but over time the interpretation of the laws has raised obstacles to enforcement policies for innovation. In this book, economist Richard Gilbert proposes a shift from price-centric to innovation-centric competition policy. Antitrust enforcement should be concerned with protecting incentives for innovation and preserving opportunities for dynamic, rather than static, competition. In a high-technology economy, Gilbert argues, innovation matters. Gilbert considers both theory and available empirical

evidence on the relationships among market structure, firm behavior, and the production of new products and services. He reviews the distinctive features of the high-tech economy and why current analytical tools used by antitrust enforcers aren't up to the task of assessing innovation concerns. He considers, from the perspective of innovation competition, Kenneth Arrow's "replacement effect" and the Schumpeterian theory of market power and appropriation; discusses the effect of mergers on innovation and future price competition; and reviews the empirical literature on competition, mergers, and innovation. He describes examples of merger enforcement by US and European antitrust agencies; examines cases brought against Microsoft and Google; and discusses the risks and benefits of interoperability standards. Finally, he offers recommendations for competition policy. The open access edition of this book was made possible by generous

funding from Arcadia - a charitable fund of Lisbet Rausing and Peter Baldwin.

Market Entry and Competition Law in Latin America

- Francisco Eduardo Beneke Avila 2021-01-13

This book explores the relationship between market entry analysis in competition law and the study of the determinants of aggregate investment. Macroeconomic and social characteristics, such as widespread corruption, political instability, and low levels of education are associated with lower investment rates. Progress on these indicators on the other hand is also strongly associated with sustained growth and higher investment rates. This book analyzes the interaction between these macro variables and the market-specific analysis typical in antitrust cases. Against this background, representative decisions of four Latin American competition authorities - México, El Salvador, Colombia, and Chile - on unilateral conduct are analyzed, focusing on market

power assessment. The analysis shows that there is little to no explicit or implicit consideration of the impact of the macroeconomic environment on market dynamism and therefore on market power. This book also explores the influence that EU and US competition law have in the standards to prove ease of market entry developed by the Latin American authorities. Although most of the Latin American authorities share a lack of reliance on market forces, which is characteristic of EU competition law, this book argues that market entry analysis still needs to be adjusted to fit the socio-economic context that affects investment within the country and the degree to which each particular market is affected. Finally, the book proposes a framework on how the macro characteristics covered can be incorporated into competition law enforcement.

Competition & Antitrust ... - 2003

Hong Kong Competition Law -

Thomas K. Cheng 2021-11-04
Offers a comparative and theoretical analysis of the new cross-sector competition law regime in Hong Kong.

Challenges in the Field of Economic and Financial Crime in Europe and the US

- Katalin Ligeti 2017-02-23

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