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European Competition Policy and Globalization -
Chad Damro 2016-04-08

This book examines the domestic and international dimensions of European Union (EU) competition policy, particularly mergers, anti-competitive practices and state aids. The authors argue that important changes in EU competition policy are having profound effects on the global political economy, and these

changes are best understood as European Commission responses to new domestic and international pressures. Using a two-level game analytical framework that is both intra-EU and global in scope, Damro and Guay investigate a wide variety of domestic and foreign public and private actors that interact in crucial ways to determine the development and implementation of EU competition policy. They address this

broad question: In what ways do changing external and internal factors affect the evolution of the EU's competition policy and the role that the Commission plays in it? Among the conclusions is that the EU - and particularly the European Commission - has become a leading global regulator.

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

A volume that takes stock and looks ahead on the development and implementation of competition policy in the European Union fifty years after the Treaty of Rome. Competition policy has emerged as a key policy in the EU with competition acting as the driving force for economic efficiency and the welfare of citizens. Case law has been established to control and prevent anti-competitive behavior, state aid control has consolidated and evolved towards a more economic approach, and the authority of the EC and the judicial review of the Court of the First Instance (CFI) and the European Court of

Justice (ECJ) are firmly established. The book provides an economic approach to competition policy and reflects the main areas of interest, open issues and progress in the area. The volume examines the design of competition policy institutions, the evolution of the implementation of competition policy and its convergence or divergence with US practice, restrictive practices, cartels, abuse of dominance, merger control and state aids. The volume also analyses the interaction of competition policy and regulation, and studies its application to telecoms, banking and energy sectors. All chapters are written by leading specialists combining theoretical with practical knowledge and discussing the underpinnings of the application of law.

SOCTA 2013 - 2013

This strategic report is Europol's flagship product providing information to Europe's law enforcement community and decision-makers about the threat of serious and organised crime

to the EU. The SOCTA is the cornerstone of the multiannual policy cycle established by the EU in 2010. This cycle ensures effective cooperation between national law enforcement agencies, EU institutions, EU agencies and other relevant partners in the fight against serious and organised crime. Building on the work of successive EU organised crime threat assessments (OCTA), produced between 2006 and 2011, and in line with a new methodology developed in 2011 and 2012, this is the inaugural edition of the SOCTA.

The Impact of Cartels on National Economy and Competitiveness - Jurgita Bruneckienė

2015-06-09

The book presents theoretical and empirical research on the integrated assessment of cartels' effects on national economies. The empirical analysis is based on three cases in Lithuania, a country chosen because it corresponds to the features of a small economy with a developing culture of competition. An

integrated assessment of a cartel's impact by measuring the net economic effect created by its operations on the market is extremely important at the scale of national economies. If a cartel's true impact is not identified and evaluated, it is impossible to make important strategic decisions, for the whole economy instead of individual affected parties and to establish an optimum baseline for mitigating the harm done to the economy. Thus, an integrated cartel impact assessment can help to more proactively combat cartel agreements on the market and improve the economic welfare of the respective country.

Economic Efficiency - Ben Van Rompuy

2012-08-01

Over the past decade, we have witnessed an apparent convergence of views among competition agency officials in the European Union and the United States on the appropriate goals of competition law enforcement. Antitrust policy, it is now suggested, should focus on

enhancing economic efficiency, which we are to believe will promote consumer welfare. Recent EU Commission Guidelines on the application of Article 101 TFEU appear to banish considerations that cannot be construed as having an economic efficiency value – such as the environment, cultural policy, employment, public health, and consumer protection – from the application of Article 101 TFEU. Arguing that the professed adoption of an exclusive efficiency approach to Article 101 TFEU does not preclude, but rather obfuscates the role of non-efficiency considerations, the author of this timely contribution accomplishes the following objectives: traces the genesis of the shift to an efficiency orientation in EU and US antitrust policy and dispels several ingrained misconceptions that underpin it; demonstrates the close interrelationship between evolving images of the purpose of antitrust, the development of related enforcement norms, and enforcement output; provides in-depth analyses

of a number of analytically rich cases in the audiovisual sector (and particularly those related to sports rights); and explores what the role of non-efficiency considerations in the application of Article 101 TFEU could and should be under the modernized enforcement regime.

The Routledge Handbook of White-Collar and Corporate Crime in Europe - Judith van Erp
2015-04-10

The study of white-collar crime remains a central concern for criminologists around the world and research concentrates on its nature, prevalence, causes and responses. However, most books on white-collar crime tend to focus on Anglo-American examples, which is surprising given the amount of rich data and research taking place in mainland Europe. This new handbook seeks to reset the balance and, for the first time, presents an overview of state-of-the-art research on white-collar crime in Europe. Adding to the existing Anglo-American body of knowledge, the Handbook will discuss

specific European topics and typical European features of white-collar crime. The Routledge Handbook of White-Collar and Corporate Crime in Europe consists of more than thirty chapters on topics ranging from the Icelandic Banking Crisis, to the origins of the study of white collar crime, to contemporary topics, such as white-collar crime in countries post-transition from communist regimes; the illegal e-waste trade and white-collar crime in professional football. Furthermore, the book contains extensive case study analyses of landmark European cases of white-collar crime. The editors have gathered together the leading voices in the field and a final section offers commentaries on white-collar crime in Europe from eminent criminologists David Friedrichs and Hazel Croall. This Handbook will thus serve as a work of reference for all scholars and students engaged in the study of corporate and white-collar crime and will also set out directions for new research in the future.

Anti-Cartel Enforcement in a Contemporary Age
- Caron Beaton-Wells 2015-09-24

Leniency policies are seen as a revolution in contemporary anti-cartel law enforcement. Unique to competition law, these policies are regarded as essential to detecting, punishing and deterring business collusion – conduct that subverts competition at national and global levels. Featuring contributions from leading scholars, practitioners and enforcers from around the world, this book probes the almost universal adoption and zealous defence of leniency policies by many competition authorities and others. It charts the origins of and impetuses for the leniency movement, captures key insights from academic research and practical experience relating to the operation and effectiveness of leniency policies and examines leniency from the perspectives of corporate and individual applicants, advisers and authorities. The book also explores debates surrounding the intersections between leniency

and other crucial elements of the enforcement system such as compensation, compliance and criminalisation. The rich critical analysis in the book draws on the disciplines of law, regulation, economics and criminology. It makes a substantial and distinctive contribution to the literature on a topic that is highly significant to a wide range of actors in the field of competition law and business regulation generally. From the Foreword by Professor Frédéric Jenny ' ... fundamental questions are raised and thoroughly discussed in this book which is undoubtedly the most comprehensive scholarly work on leniency policies produced so far ... [the] book should be required reading for all seeking to acquire a deeper insight into the issues related to leniency policy. It is a priceless contribution ... '

European Union Law - Damian Chalmers

2019-09-12

The most current, contextual and authoritative EU law text, including Brexit, the euro, and the

migration crisis.

Presumption of Innocence in EU Anti-Cartel Enforcement - Aistè Mickonytè 2018-12-03

In this book the author examines the compliance of the European anti-cartel enforcement procedure with the presumption of innocence under Article 6(2) of the European Convention on Human Rights.

Commercial and Economic Law in the European Union - Jules Stuyck 2022-03-21

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the structure, competence, and management of European Union provides substantial and readily accessible information for lawyers, academics, and policymakers likely to have dealings with its activities and data. No other book gives such a clear, uncomplicated description of the organization's role, its rules and how they are applied, its place in the framework of international law, or its relations with other organizations. The monograph

proceeds logically from the organization's genesis and historical development to the structure of its membership, its various organs and their mandates, its role in intergovernmental cooperation, and its interaction with decisions taken at the national level. Its competence, its financial management, and the nature and applicability of its data and publications are fully described. Systematic in presentation, this valuable time-saving resource offers the quickest, easiest way to acquire a sound understanding of the workings of European Union for all interested parties. Students and teachers of international law will find it especially valuable as an essential component of the rapidly growing and changing global legal milieu.

Regulating Cartels in India - Sudhanshu Kumar 2022-11-23

This book presents a comprehensive assessment of anti-cartel enforcement and investigative procedures in India. It makes a case for

enhanced sanctions for cartel conduct in India. Cartels are considered the most pernicious violation of competition law, referred to as "cancer to the free market economy". While competition laws in most jurisdictions prescribe strict sanctions against cartels, Indian Competition Law provides only civil penalties, with an upper ceiling for proven cartel conduct. This volume assesses the effectiveness of anti-cartel enforcement of the Competition Commission of India (CCI). It explores investigative procedures of the CCI through multiple qualitative and quantitative indicators and the extent to which enforcement of anti-cartel laws in India has led to cartel deterrence. Further, it also examines the priorities and processes of the CCI in terms of anti-cartel enforcement, their sanctioning mechanism and their dependency of computation of penalty on varied factors. Featuring detailed case law studies and engaging data, this book will be an essential read for students and researchers of

law and legal studies, competition law, corporate law, intellectual property law, and business law.

Cartels, Competition and Public Procurement -

Stefan Weishaar 2013-01-01

ÔThis volume is long overdue. Integrated legal and economic analysis of competition law is crucial given the nature of the sector. However to carry this off successfully, one either needs intensive editorial work to bring different teams together; or one has to rely on the few who master both economic and legal analysis to a tee. Stefan WeishaarÔs analysis not only looks at a stubborn issue in competition law. He does so in three jurisdictions, in detailed yet clear fashion, with clear insight and ditto conclusions. Over and above its relevance to academic analysis, this book can go straight into competition authoritiesÔ decision making, and therefore also in compliance and remediation advice.Ô Ð Geert Van Calster, University of Leuven, Belgium *Cartels, Competition and Public Procurement* uses a law and economics

approach to analyse whether competition and public procurement laws in Europe and Asia deal effectively with bid rigging conspiracies. Stefan Weishaar explores the ways in which economic theory can be used to mitigate the adverse effects of bid rigging cartels. The study sheds light on one of the vital issues for achieving cost-effective public procurement Ð which is itself a critical question in the context of the global financial crisis. The book comprehensively examines whether different laws deal effectively with bid rigging and the ways in which economic theory can be used to mitigate the adverse effects of such cartels. The employed industrial economics and auction theory highlights shortcomings of the law in all three jurisdictions Ð the European Union, China and Japan Ð and seeks to raise the awareness of policymakers as to when extra precautionary measures against bid rigging conspiracies should be taken. Students and researchers who have a keen interest in the relationship between law and

economics, competition law and public procurement law will find this topical book invaluable. Practitioners can see how economic theory can be used to identify situations that lend themselves to bid rigging and policymakers will be informed about the shortcomings of existing legislation from a legal and economics perspective and will be inspired by approaches taken in different jurisdictions.

Competition Law Compliance Programmes -
Johannes Paha 2016-10-12

This book reviews and presents antitrust law compliance programmes from different angles. These programmes have been increasingly implemented and refined by firms over recent years, and various aspects of this topic have been researched. The contributions in this book extend beyond the treatment of legal issues and show how lawyers, economists, psychologists, and business scholars can help design antitrust law compliance programmes more effectively and run them more efficiently.

Competition Policy in the European Union -
Michelle Cini 2008-10-30

Competition Policy in the European Union provides a comprehensive introduction to the European Union's policies on restrictive practices, mergers monopolies and state aid. The authors offer a wide ranging analysis of the evolution, operation and regulation of one of the EU's most important policies in a clear and accessible format.

Competition Law 2020 - Beatrice Roxburgh
2020-02-01

Competition, or anti-trust, law concerns the regulation of competition and is designed to ensure that the competitive dynamic on a market is maintained. Given the rise in market based economies, the jurisdictions which have adopted competition law regimes have expanded significantly over the last decade.

European Competition Law Annual 2006 -
Claus-Dieter Ehlermann 2007-11-16
This is the eleventh in the series on EU

Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence. The volume reproduces the materials of the roundtable debate which examined the enforcement of the prohibition on cartels. The workshop participants - senior representatives of the Commission and the national competition authorities of some EC Member States, renowned international academics and legal practitioners - discussed the economic and legal issues that arise in this particular area, including: 1) unearthing cartels: the evidence; 2) the institutional framework and 3) tools of enforcement.

The EU Charter of Fundamental Rights as a Binding Instrument - Sybe de Vries 2015-12-03
The entry into force of the Treaty of Lisbon in 2009 caused the EU's Charter of Fundamental Rights to be granted binding effect. This raised a host of intriguing questions. Would this transform the EU's commitment to fundamental

rights? Should it transform that commitment? How, if at all, can we balance competing rights and principles? (The interaction of the social and the economic spheres offers a particular challenge). How deeply does the EU conception of fundamental rights reach into and bind national law and practice? How deeply does it affect private parties? How much flexibility has been left to the Court in making these interpretative choices? What is the likely effect of another of the reforms achieved by the Lisbon Treaty, the commitment of the EU to accede to the ECHR? This book addresses all of these questions in the light of five years of practice under the Charter as a binding instrument.
European Union Competition Policy versus Industrial Competitiveness - Hikaru Yoshizawa 2021-11-10

The book examines whether EU competition policy is applied fairly and consistently to EU and non-EU firms despite persistent political pressure from member states for a relaxation of

the rules and deals with the dilemma of regional organisations in the global political economy. Focussing on the EU's desire to achieve balance between the promotion of market competition and the enhancement of international competitiveness, the book explores the validity of its attempts successfully to ensure a 'stringent competition policy' which is nationality-blind and comparatively strict. Finally, it shows that the competition-competitiveness dilemma remains unresolved because the EU's capability to set global regulatory standards is constrained by competition and the need to engage in multilateral forums, such as the WTO and the International Competition Network. This book will be of key interest to scholars and students of European Union studies, EU competition law and policy, EU external action and more broadly to global governance, international political economy and international relations.

Access and Cartel Cases - Helene Andersson
2021-01-14

This book examines the legislative patchwork surrounding access to the European Commission's cartel case files. Recent legislative changes have increased the value of the files and have also highlighted the inherent tension between a number of competing interests affecting their accessibility. The Commission is undoubtedly caught between a rock and a hard place, charged with the task to ensure due process, transparency and effectiveness while at the same time promoting both public and private enforcement of the EU competition rules. The author considers how best to ensure a proper balance between the legitimate, but often diverging interests of parties, third parties and national competition authorities in these cases. The book provides a unique and comprehensive presentation of the EU legislation and case law surrounding access to the Commission's cartel case files. The author examines the question of accessibility from three different perspectives: that of the parties under investigation, cartel

victims, and national competition authorities. The author also considers the EU leniency system and whether any legislative changes could make the attractiveness of the system less dependent on the possibilities of cartel victims to access the evidence contained in the Commission's case files.

Constitutionalising the EU Judicial System - Pascal Cardonnel 2012-08-20

These essays, written in honour of retired ECJ judge Pernilla Lindh, reflect on the development of courts and judging in the EU since the founding of the Union. In particular they focus on recent reforms and proposals aimed at further increasing public confidence and democratic accountability throughout the EU judicial system.

Criminal and Quasi-criminal Enforcement Mechanisms in Europe - Vanessa Franssen 2022-02-24

This book looks at the interplay between criminal and other branches of public law

pursuing similar objectives (referred to as 'quasi-criminal law'). The need for clarifying the concepts and the interlink between criminal and quasi-criminal enforcement is a topic attracting a lot of discussion and debate both in academia and practice across Europe (and beyond). This volume adds to this debate by bringing to light the substantive and procedural problems stemming from the current parallel or dual use of the different enforcement systems. The collection draws on expertise from academia, practice and policy; its high-quality analysis will appeal to scholars, practitioners and policymakers alike.

Annual Review of Antitrust Law Developments 2008 - American Bar Association 2010-05

The European Union - Kristin Archick 2019-09-15

The European Union (EU) is a political and economic partnership that represents a unique form of cooperation among sovereign countries.

The EU is the latest stage in a process of integration begun after World War II, initially by six Western European countries, to foster interdependence and make another war in Europe unthinkable. The EU currently consists of 28 member states, including most of the countries of Central and Eastern Europe, and has helped to promote peace, stability, and economic prosperity throughout the European continent. The EU has been built through a series of binding treaties. Over the years, EU member states have sought to harmonize laws and adopt common policies on an increasing number of economic, social, and political issues. EU member states share a customs union; a single market in which capital, goods, services, and people move freely; a common trade policy; and a common agricultural policy. Nineteen EU member states use a common currency (the euro), and 22 member states participate in the Schengen area of free movement in which internal border controls have been eliminated. In

addition, the EU has been developing a Common Foreign and Security Policy (CFSP), which includes a Common Security and Defense Policy (CSDP), and pursuing cooperation in the area of Justice and Home Affairs (JHA) to forge common internal security measures. Member states work together through several EU institutions to set policy and to promote their collective interests. In recent years, however, the EU has faced a number of internal and external crises. Most notably, in a June 2016 public referendum, voters in the United Kingdom (UK) backed leaving the EU. The pending British exit from the EU (dubbed "Brexit") comes amid multiple other challenges, including the rise of populist and to some extent anti-EU political parties, concerns about democratic backsliding in some member states (including Poland and Hungary), ongoing pressures related to migration, a heightened terrorism threat, and a resurgent Russia. The United States has supported the European integration project since its inception

in the 1950s as a means to prevent another catastrophic conflict on the European continent and foster democratic allies and strong trading partners. Today, the United States and the EU have a dynamic political partnership and share a huge trade and investment relationship. Despite periodic tensions in U.S.-EU relations over the years, U.S. and EU policymakers alike have viewed the partnership as serving both sides' overall strategic and economic interests. EU leaders are anxious about the Trump Administration's commitment to the EU project, the transatlantic partnership, and an open international trading system-especially amid the Administration's imposition of tariffs on EU steel and aluminum products since 2018 and the prospects of future auto tariffs. In July 2018, President Trump reportedly called the EU a "foe" on trade but the Administration subsequently sought to de-escalate U.S.-EU tensions and signaled its intention to launch new U.S.-EU trade negotiations. Concerns also linger

in Brussels about the implications of the Trump Administration's "America First" foreign policy and its positions on a range of international issues, including Russia, Iran, the Israeli-Palestinian conflict, climate change, and the role of multilateral institutions. This report serves as a primer on the EU. Despite the UK's vote to leave the EU, the UK remains a full member of the bloc until it officially exits the EU (which is scheduled to occur by October 31, 2019, but may be further delayed). As such, this report largely addresses the EU and its institutions as they currently exist. It also briefly describes U.S.-EU political and economic relations that may be of interest.

European Union Law - Alina Kaczorowska-Ireland 2016-05-26

The fourth edition of this well established and highly regarded work on EU law maintains its character by combining comprehensive yet accessible coverage with in-depth analysis of the law and student-friendly pedagogy. It is fully up

to date so encompassing critical examination of new important judgments of EU and national courts and developments in institutional, constitutional and substantive EU Law. The book keeps its unique style in that it is both a textbook and a casebook. Case summaries are highlighted in colour-tinted boxes for ease of reference, and are accompanied by key facts and critical analysis, often in the light of subsequent developments. The student-friendly approach is enhanced by market-driven pedagogical features, including: Concise outlines, at the beginning of each chapter describing its content and assisting in revision; An aide-mémoire, often presented in diagrammatic form, at the end of each chapter to highlight and reinforce key points; End of chapter recommended reading lists to encourage and facilitate further research; End of chapter problem and essay questions testing the students' ability to apply what they have learnt; Cross-references to show how topics are interrelated; and A map

identifying EU Member States, candidate States; and, potential candidate States. The book's companion website offers a range of teaching and learning resources including an interactive timeline of the EU, useful web links, self-test questions and much more. This book is essential reading for those studying EU law on both undergraduate and postgraduate courses and will be of interest to students of political science, social science and business studies.

Competition Law - Richard Whish 2015
Clear, authoritative, and comprehensive; the definitive resource on competition law for students and practitioners, written by the leading academics in the field. The eighth edition addresses key developments, including the Enterprise and Regulatory Reform Act 2013, with an increased emphasis on intellectual property.

[Antitrust in Data Driven Markets & Legal Framework for Influencers, Native Advertising and Control Over the Use of AI in Marketing](#) -

Bruce Kilpatrick 2023

This book gathers contributions from a broad range of jurisdictions, written by practitioners and academics alike, and offers an unparalleled comparative view of key issues in competition law, intellectual property and unfair competition law, with a specific focus on the use of personal data. The first part focuses on the role of competition law in shaping the digital economy. It discusses the use of personal data, the market power of platforms, the assessment of free services, and more broadly the responsibility of dominant companies in the smooth functioning of the digital economy. In turn, the second part sheds light on how the conduct of influencers, native advertising and the use of AI for marketing purposes can be controlled by the law, focusing on the use of personal data and the impact of behavioral advertising on consumers. In this regard, the book brings together the current legal responses across a number of European and other countries, all summarized

and elaborated on in the form of two international reports. The LIDC is a long-standing international association that focuses on the interface between competition law and intellectual property law, including unfair competition issues.

The EU Leniency Policy - Baskaran Balasingham
2016-04-24

The European Union (EU) leniency programme is a key weapon in the Commission's fight against hard-core cartels. Much of the success of EU cartel enforcement depends on the continued effectiveness of the leniency policy and is especially critical in response to the growth of private enforcement. This book offers a comprehensive description of the development of the policy, along with a normative framework that promises to ensure the full legitimacy of the leniency programme: the Commission's policy should pursue not only effectiveness but also fairness. It is the first work to extensively analyse the effectiveness and fairness in the EU

leniency policy. Proceeding systematically from clarifying the concepts of 'effectiveness' and 'fairness' to addressing the tension between leniency and private actions for damages, the author discusses the nature of, and interrelations among, such aspects as the following: - the theoretical model of the EU fining policy; - the compatibility of the EU enforcement system with fundamental rights protection; - the gathering and evaluation of evidence at the preliminary investigation stage; - the severity and foreseeability of the EU cartel fines; - judicial review by the EU Courts in competition matters; - to what extent the current policy is effective and fair; and - reforms brought about by the 2002 and 2006 Leniency Notices and the leniency-related amendments by the 2014 Antitrust Damages Directive. A key feature is the author's presentation of a normative framework to test the effectiveness (deterrence) and substantive fairness (retribution) of the EU leniency policy. As a clear

demonstration of how to forestall the danger of focusing on effectiveness of leniency at the expense of fairness, both in a substantive and in a procedural sense, this book is a major contribution to the literature of competition law. It will prove to be of great value to competition authorities, antitrust practitioners and interested academics not only in Europe but also throughout the world.

Efficiency and Justice in European Antitrust Enforcement - Wouter Wils 2008-02-14

In the last few years, the public enforcement of Articles 81 and 82 EC has been thoroughly transformed: the competition authorities of the EU Member States have become active enforcers within the European Competition Network, the European Commission has imposed more and higher fines than ever before, leniency has become a major instrument of cartel detection, and some Member States have introduced criminal penalties. The overall trend towards more and stronger enforcement of

Articles 81 and 82 EC has also rekindled discussion on the old question of how to strike the right balance between efficient enforcement and adequate protection of the rights of the defence. This book brings together six essays which analyse from both a legal and an economic perspective the powers of investigation of the European Commission and the competition authorities of the Member States, and the corresponding procedural rights and guarantees, the use of settlements, the theory and practice of fines and of leniency, and the criminalization of European antitrust enforcement.

Competition Law 2021 - Roxburgh 2021-01-18
Competition, or anti-trust, law concerns the regulation of competition and is designed to ensure that the competitive dynamic on a market is maintained. Given the rise in market based economies, the jurisdictions which have adopted competition law regimes have expanded significantly over the last decade. In this way

competition law can be seen as the combination of law, policy and economics. This book considers the competition regimes operated by the European Union, the United States and the United Kingdom. It focuses on three broad areas of regulation within these jurisdictions: anti-competitive agreements, abuse of dominance and merger control. Within these broad categories other important issues are considered, such as the enforcement of competition rules, the relationship with intellectual property rights and the underlying economic and commercial considerations on which the law is based.

The More Economic Approach to EU Antitrust Law - Anne C Witt 2016-11-17

In the late 1990s, the European Commission embarked on a long process of introducing a 'more economic approach' to EU Antitrust law. One by one, it reviewed its approach to all three pillars of EU Antitrust Law, starting with Article 101 TFEU, moving on to EU merger control and

concluding the process with Article 102 TFEU. Its aim was to make EU antitrust law more compatible with contemporary economic thinking. On the basis of an extensive empirical analysis of the Commission's main enforcement tools, this book establishes the changes that the more economic approach has made to the Commission's enforcement practice over the past fifteen years. It demonstrates that the more economic approach not only introduced modern economic assessment tools to the Commission's analyses, but fundamentally changed the Commission's interpretation of the law. Emulating one of the key credos of the US Antitrust Revolution thirty years earlier, the Commission reinterpreted the EU antitrust rules as aiming at the enhancement of economic consumer welfare only, and amended its understanding of key legal concepts accordingly. This book argues that the Commission's new understanding of the law has many benefits. Its key principles are logical, translate well into

workable legal concepts and promise a great degree of accuracy. However, it also has a number of serious drawbacks as it stands. Most worryingly, its revised interpretation of the law is to large extents incompatible with the case law of the European Court of Justice, which has not been swayed by the exclusive consumer welfare aim. This situation is undesirable from the point of view of legal certainty and the rule of law.

Cartels and Anti-Competitive Agreements -
Sandra Marco Colino 2017-03-02
Antitrust is fast becoming a 'trending topic', with over 120 countries having already adopted some form of competition legislation. This volume brings together carefully selected articles which reflect the evolution and progression of the regulation of joint conduct under competition law on both sides of the Atlantic, and which discuss principles of fundamental importance for antitrust law. The articles focus on various kinds of joint conduct

between companies which might bear negative effects on competition, in particular on horizontal cartels and collusion between competitors. Attention is also paid to the debate surrounding the most adequate approach for vertical agreements, which take place between firms operating at different levels of production. Their effects on competition have traditionally been one of the most disputed issues in modern antitrust, and tend to divide the principal schools of thought that have influenced the evolution of competition policy around the world. The articles look primarily at two of the most established antitrust jurisdictions, namely the United States and the European Union. They discuss the general theoretical framework that has influenced the evolution of the law and policy; cover the most relevant practical developments; provide contrasting doctrinal views and pay particular attention to the main schools of thought that have influenced antitrust in the US and the EU; and are representative of

the leading discussions in the course of antitrust history.

The Cambridge Handbook of Competition Law Sanctions - Tihamer Tóth 2022-06-23

This handbook brings together an international roster of competition law scholars and practitioners to address the issue of sanctions in competition law from all angles. Covering nineteen jurisdictions around the world, the book analyzes the theoretical foundations and practice of sanctioning competition law infringements and, most importantly, cartels. Contributors include a range of experts drawing on criminal law, company law, labor law, human rights, and law and economics, to determine what sanctions are available as a matter of positive law against corporations and individuals, including fines and other criminal, administrative, and civil law sanctions; whether law enforcers are using these sanctions effectively; and if new sanctions - including individual sanctions - should be introduced.

2009 Annual Review of Antitrust Law Developments - American Bar Association

2011-07-16

For over 37 years, Antitrust Law Developments and its annual supplements have been recognized as the single most authoritative and comprehensive set of research tools for antitrust practitioners. The 2009 Annual Review of Antitrust Law Developments summarizes developments during 2009 in the courts, at the agencies, and in Congress.

Law and Corporate Behaviour - Christopher Hodges 2015-10-22

This book examines the theories and practice of how to control corporate behaviour through legal techniques. The principal theories examined are deterrence, economic rational acting, responsive regulation, and the findings of behavioural psychology. Leading examples of the various approaches are given in order to illustrate the models: private enforcement of law through litigation in the USA, public

enforcement of competition law by the European Commission, and the recent reform of policies on public enforcement of regulatory law in the United Kingdom. Noting that behavioural psychology has as yet had only limited application in legal and regulatory theory, the book then analyses various European regulatory structures where behavioural techniques can be seen or could be applied. Sectors examined include financial services, civil aviation, pharmaceuticals, and workplace health & safety. Key findings are that 'enforcement' has to focus on identifying the causes of non-compliance, so as to be able to support improved performance, rather than be based on fear motivating complete compliance. Systems in which reporting is essential for safety only function with a no-blame culture. The book concludes by proposing an holistic model for maximising compliance within large organisations, combining public regulatory and criminal controls with internal corporate systems and

external influences by stakeholders, held together by a unified core of ethical principles. Hence, the book proposes a new theory of ethical regulation.

European Competition Law Annual 2011 - Philip Lowe 2014-11-01

This volume contains papers presented at the 16th Annual EU Competition Law and Policy Workshop, held at the European University Institute on 17-18 June 2011. This edition of the Workshop examined the emerging and increasingly important use of private rights of action before national courts, and the prospects for legislation and soft law initiatives at the level of the EU. The book has been updated and reflects the European Commission's private enforcement package of June 2013.

Furthermore, the experiences of various national jurisdictions are discussed, both within Europe and in the US and Canada. As a whole, the volume explores how public and private enforcement might function harmoniously, as an

'integrated' system, to promote the public interest while ensuring that individual rights created in this field by the EU competition rules are vindicated. The contributors have, however, devoted significant analysis to the tensions between those two modes of enforcement.

Authors contributing to this book include: Enno Ahlenstiel Donald Baker Jochen Burreichter Horst Butz Scott Campbell Brian Facey Tristan Feunteun Ian Forrester Andrew Foster Andrew Gavil Barry Hawk James Keyte Assimakis Komninos Bruno Lasserre Frédéric Louis Mel Marquis Veljko Milutinovic Luis Silva Morais Tom Ottervanger Silvia Pietrini Mark Powell John Ratliff J Thomas Rosch David Rosner Mario Siragusa James Venit

Public and Private Enforcement of Competition Law in Europe - Kai Hüschelrath 2014-08-01

Over the past fifteen years, the optimal enforcement of EU competition law has become a major concern. This book contains a unique collection of articles by lawyers and economists

on current issues in the public and private enforcement of competition law. Public enforcement has been strengthened in numerous ways - for example, through the introduction of a leniency programme and a substantial increase in fines for competition law violations. At the same time the EU Commission has been promoting private enforcement - for example, by developing a legal framework that grants victims of EU antitrust law infringements access to compensation. The contributions in this book address a range of topics in the area of competition law enforcement, including the role of fines and leniency programmes in public enforcement; access to evidence and the quantification of damages in private enforcement; and the interaction between public and private enforcement of competition law in Europe.

The International Handbook of Competition -

Manfred Neumann 2013-01-01

ÔThis comprehensive Handbook demonstrates

that academic thinking, new and old, has a role to play in shaping modern competition policy.Õ
Ð Gunnar Niels, Oxera This indispensable Handbook examines the interface of competition policy, competition law and industrial economics. The book aims to further our understanding of how economic reasoning and legal expertise complement each other in defining the fundamental issues and principles in competition policy. In specially commissioned chapters the book provides a scholarly review of economic theory, empirical evidence and standards of legal evaluation with respect to monopolization of markets, exploitation of market power and mergers, among other issues. The International Handbook of Competition Ð Second Edition will be accessible to a wide audience including students of economics and law, public administrators, lawyers, consultants, and business executives.

EU Cartel Enforcement - Andreas Scordamaglia-Tousis 2013-08-01

There has been a long-standing debate on the compatibility of EU competition law with fundamental rights protection, particularly as the latter is enshrined in the due process requirements of the European Convention on Human Rights (ECHR). This book, a signal contribution to that debate, assesses two questions of paramount concern: first, whether the current level of fundamental rights protection in cartel enforcement falls within the accepted ECHR standards; and second, how the often conflicting objectives of effectiveness and adequate protection of fundamental rights could optimally be achieved. Following a detailed survey of relevant EU institutional, substantive, and procedural law rules, the author offers a set of persuasive normative responses to both questions. Proceeding from an in-depth analysis of the pertinent rights and legal nature of competition proceedings under EU and ECHR law, the author goes on to examine such elements of the perceived incompatibility as the

following: investigatory powers vested in competition authorities; the privilege against self-incrimination; right to privacy; “fair trial” probatory requirements; degree of use of presumptions in EU practice; Article 6 ECHR guarantees pertaining to the presumption of innocence; proving coordination of competitive behaviour; proving restriction of competition; admissibility of evidence before EU Courts and the Commission; assessment of the attribution of liability rules; EU fining rules; judicial review of cartel decisions by EU Courts; and national sanctioning rules. The author’s extraordinarily thorough presentation is rounded off with a remarkably comprehensive bibliography that lists (in addition to books and articles) newspaper articles, EU regulations and directives, soft-law guidelines and “best practices”, EU and ECtHR case law, EU Advocate General opinions, European Commission decisions, and European Ombudsman decisions. General conclusions

stress the necessity of introducing further reforms to enhance the effectiveness and legitimacy of fundamental rights in the context of competition proceedings. Few books have taken such a thorough and far-reaching approach to the reconciliation of “effective public enforcement” and “fundamental rights”, or of “effective deterrence” with the principles of legality, non-retroactivity, presumption of innocence, and ne bis in idem. In the depth of its appraisal of the entire spectrum of enforcement components from a fundamental rights perspective, the book is without peers. It will be warmly welcomed by any parties interested in the intersection of competition law and human rights.

Economics of Regulation and Antitrust, fifth edition - W. Kip Viscusi 2018-08-14

A thoroughly revised and updated edition of the leading textbook on government and business policy, presenting the key principles underlying sound regulatory and antitrust policy.

Regulation and antitrust are key elements of government policy. This new edition of the leading textbook on government and business policy explains how the latest theoretical and empirical economic tools can be employed to analyze pressing regulatory and antitrust issues. The book departs from the common emphasis on institutions, focusing instead on the relevant underlying economic issues, using state-of-the-art analysis to assess the appropriate design of regulatory and antitrust policy. Extensive case studies illustrate fundamental principles and provide insight on key issues in regulation and antitrust policy. This fifth edition has been thoroughly revised and updated, reflecting both the latest developments in economic analysis and recent economic events. The text examines regulatory practices through the end of the Obama and beginning of the Trump administrations. New material includes coverage of global competition and the activities of the European Commission; recent mergers,

including Comcast-NBC Universal; antitrust in the new economy, including investigations into Microsoft and Google; the financial crisis of 2007–2008 and the Dodd-Frank Act; the FDA approval process; climate change policies; and behavioral economics as a tool for designing regulatory strategies.

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.