1 Cartel Statistics European Commission

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.

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.

Florence Thépot provides the first systematic account of the interaction between competition law and corporate governance. She challenges the 'black box' conception of the firm- or 'undertaking' - in competition law, as applied to increasingly complex corporate relations. The book opens the 'black box' of the firm to understand the internal drivers of collusive behaviour, and proposes a unified approach to cartel enforcement, based on the agency theory. It explores key issues including corporate compliance programmes, the attribution of liability in corporate groups, and structural links between competitors, and should be read by anyone interested in how the evolution of the corporate landscape impacts competition law.

There has a 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.

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.

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.

This edition of the Comparative Law Yearbook of International Business provides a general examination of issues vital to the world's economic recovery. In the field of company law, practitioners examine changes in Russia's corporate law and the new Ukrainian law governing joint-stock companies. In the area of competition law, lawyers review Serbia and Bulgaria's new laws on the protection of competition and the private enforcement of Articles 101 and 102 in Europe's national courts. Dispute resolution occupies two chapters, one dealing with best practices for drafting arbitration clauses and the other set aside, recognition, and enforcement of private commercial arbitration awards. A further two chapters treat employment and labor matters relating to distribution and commercial representation, indemnity upon termination, and processing personal data in the employment context of Hungary. In the area of financial services, practitioners from five jurisdictions deal with fiduciary duty, the European Commission's proposed Directive on Alternative Investment Fund Managers, Swiss disclosure

rules on significant shareholdings, restructuring and refinancing routes for mortgage-secured debt in Spain, and insurance laws and regulations in Nigeria. Foreign investment is examined by two authors, reporting on 2008 and 2009 developments in investment treaty disputes and foreign investment in Indonesia. Intellectual property issues are reviewed in chapters relating to the use of intellectual property as collateral in secured financing and intellectual property licensing in Canada. Finally, lawyers treaty a variety of other issues, including the tax law of Liechtenstein, European Union-Israel trade in the automobile sector, insolvency risk and creditors' rights in Peru, the modernizing of trust law in Hong Kong and bridging cultural differences in international Transactions.

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.

Nathalie Jalabert-Doury presents an in-depth analysis of the legal and practical aspects of competition inspections under EU law to provide lawyers with a clear understanding of the procedures involved and steps to be taken.

Article 82 EC, concerning the abuse of a dominant position, has probably never played a more prominent role in EU anti-trust policy than today. In 2009, there were high profile cases involving Microsoft, Intel, GDF Suez, and numerous others, and, at the end of 2008, the European Commission issued new guidance on enforcement priorities in applying Article 82 to abusive exclusionary conduct. In many respects, Article 82 represents probably the most rapidly evolving area of EU anti-trust law and provides for a much greater role in Community competition law enforcement for national competition authorities. This book gives a complete working guide to these new procedures, as well as a detailed examination of court jurisprudence in this complex and important area of law. It is an in-depth working guide to the application of Article 82 in practice, including the evolution in policy resulting from the important Commission Review and the economic approach to its application that is becoming the hallmark of recent Commission policy in this area. The book's contributors represent the leading authorities in this area, with wide experience within the European Commission and private practice.

Leniency has emerged as one of the main enforcement instruments used by competition authorities to combat cartels. Offering immunity from punishment is believed to destabilise already existing cartels and deter undertakings from entering into such arrangements. This book offers the first in-depth analysis of the scope of leniency in European Union (EU) competition law, considering three crucial ramifications – ensuring a leniency applicant can self-report with confidence, retaining the right to compensation of those who have suffered losses due to the cartel and furthering the objective of undistorted competition within the internal market. With thorough insight into the interaction between the Commission’s Leniency Notice and public and private enforcement, the author fully explains such aspects of the subject as the following: who is eligible for leniency; liability of an immunity recipient; the EU fining system; disclosure of leniency evidence; scope of public authorities reaching out to cartel infringers; the immunity recipient and follow-on damages claimants; the immunity recipient and subsequent

leniency applicants; effect of the Damages Directive; and the European Economic Area dimension. The author offers cogent suggestions about how the shortcomings of the Commission's leniency offer can be ameliorated and which regulatory steps should be taken to give the policy greater leverage. The author calls for increased harmonisation at national level in the EU and compares leniency practice in US antitrust law. As a comprehensive analysis of the practical application of current policy and procedure in EU cartel enforcement, the book clearly shows the ways in which the scope of leniency is manifest in the interaction between public and private enforcement, evaluating which interaction is most effective. Its practical character will be recognised and welcomed by competition law practitioners and policymakers, who will strengthen their grasp of leniency procedure and clearly discern implications for competition infringement cases.

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.

Artificial intelligence (AI) technologies are transforming economies, societies, and geopolitics. Enabled by the exponential increase of data that is collected, transmitted, and processed transnationally, these changes have important implications for international economic law (IEL). This volume examines the dynamic interplay between AI and IEL by addressing an array of critical new questions, including: How to conceptualize, categorize, and analyze AI for purposes of IEL? How is AI affecting established concepts and rubrics of IEL? Is there a need to reconfigure IEL, and if so, how? Contributors also respond to other cross-cutting issues, including digital inequality, data protection, algorithms and ethics, the regulation of AI-use cases (autonomous vehicles), and systemic shifts in e-commerce (digital trade) and industrial production (fourth industrial revolution). This title is also available as Open Access on Cambridge Core.

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.

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.
The European Union and Human Rights: Analysis, Cases, and Materials maps and critiques the EU's commitment to human rights in both internal and external affairs. The book covers the evolution as well as the current state of the EU's engagement with human rights, focusing, on the internal side, on the role of the EU law in the multi-faceted system of human rights protection and, on the external side, on the EU's efforts to bind its foreign policy to promoting himan rights. This book combines analysis of key developments with a wide range of sources, including extracts from legislation, case law, policy documents, and research of other scholars. The inclusion of both primary and secondary materials is intended to guide readers to acquire a deep understanding of EU human rights law and policy. This title devotes significant attention to explicating the fundamental concepts and systemic features of the EU's human rights protection and promotion. In addition, chapters devoted to individual topics provide more depth on a range of policy areas in both the internal and external dimension of EU affairs. Topics covered by these individual chapters include non-discrimination and competition law, migration, trade policy, and development cooperation.
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 ... '
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.
Master's Thesis from the year 2018 in the subject Economy - Theory of Competition, Competition Policy, grade: 1,0, University of Heidelberg (Alfred-Weber-Institut für Wirtschaftswissenschaften), language: English, abstract: In the thesis, the goal is to examine which determinants have life-shortening or lifeprolonging effects on cartel duration by considering an up-to-date record of 123 cartel cases convicted by European Commission. The main goal is firstly to replicate the analyses by Hellwig and Hüschelrath on cartel level and secondly to extend their analyses by incorporating new covariates related to either internal enforcement methods and demand volatility. The paper at hand is methodologically in line with previous literature since it uses several Cox proportional hazard specifications and evaluates the findings to different natural death definitions. Furthermore, it also provides nonparametric Kaplan-Meier survival estimates of all categorical variables and estimates time-varying covariates by a piecewise-constant exponential PH model. Over 28 billion Euro fines imposed by the European competition authority (ECA) in 135 decisions between 1990 and 2018, of which the majority took place after the turn of the millennial, underline that the fight against cartels is far from over. The anticompetitive practices of cartels can lead to increased consumer prices and remain an important point on the agenda of antitrust authorities. As a reaction, the competition policy of the ECA has undergone several changes in the last decades, most prominently observable by the introduction of the EU corporate leniency program in 1996 and its modification ten years later. Almost all of the current cartels are detected by leniency applications of one of their members because whistle blowing policies allow cartel members to get reductions in fines when they self-report the committed infringements. Before the implementation of these policies, the most crucial threat for internal cartel stability was strategic deviations from the cartel agreement (for example price cuts) by one of the cartel members to increase short-term profits. The risk of being undercut on the one hand and the risk of leniency applications on the other hand place today’s cartel firms in a "between-life-and-death" situation in which persistence of the cartel is equally likely as its breakdown.
Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the law covering merchants’ status and obligations – including the laws governing state intervention in economic activities – in the European Union provides quick and easy guidance on such commercial and economic matters as business assets, negotiable instruments, commercial securities, and regulation of the conditions of commercial transactions. Lawyers who handle transnational business will appreciate the explanation of local variations in terminology and the distinctive concepts that determine practice and procedure. Starting with a general description of the specifically applicable concepts and sources of commercial law, the book goes on to discuss such factors as obligations of economic operators and institutions, goodwill, broker/client relations, commercial property rights, and bankruptcy. Discussion of economic law covers the laws governing establishment, supervision of economic activities, competition law, and government taxation incentives. These details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Thorough

yet practical, this convenient volume is a valuable tool for business executives and their legal counsel with international interests. Lawyers representing parties with interests in the European Union will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative commercial and economic law.

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

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.

This edition of the Comparative Law Yearbook of International Business provides a general examination of issues vital to the world's economic recovery. In the field of company law, practitioners examine changes in Russia's corporate law and the new Ukrainian law governing joint-stock companies. In the area of competition law, lawyers review Serbia and Bulgaria's new laws on the protection of competition and the private enforcement of Articles 101 and 102 in Europe's national courts. Dispute resolution occupies two chapters, one dealing with best practices for drafting arbitration clauses and the other set aside, recognition, and enforcement of private commercial arbitration awards. A further two chapters treat employment and labor matters relating to distribution and commercial representation, indemnity upon termination, and processing personal data in the employment context of Hungary. In the area of financial services, practitioners from five jurisdictions deal with fiduciary duty, the European Commission's proposed Directive on Alternative Investment Fund Managers, Swiss disclosure rules on significant shareholdings, restructuring and refinancing routes for mortgage-secured debt in Spain, and insurance laws and regulations in Nigeria. Foreign investment is examined by two authors, reporting on 2008 and 2009 developments in investment treaty disputes and foreign investment in Indonesia. Intellectual property issues are reviewed in chapters relating to the use of intellectual property as collateral in secured financing and intellectual property licensing in Canada. Finally, lawyers treaty a variety of other issues, including the tax law of Liechtenstein, European Union-Israel trade in the automobile sector, insolvency risk and creditors' rights in Peru, the modernizing of trust law in Hong Kong and bridging cultural differences in international Transactions.

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.
Constitutionalising the EU Judicial SystemEssays in Honour of Pernilla LindhBloomsbury Publishing
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.
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.
Competition authorities are increasingly interested in understanding the impact of their activities on markets and consumers. The goal is to improve competition policy rules and decision-making practices and to get robust evidence on the benefits of competition and competition policy for society as a whole. Discussions with competition authorities, practitioners and academics have shown the need to take stock of the experience gained in this field by the European Commission and to present it in an easily accessible way. The studies collected in this volume – prepared by senior Commission officials and competition policy experts – range from the ex post evaluation of specific policy interventions to the assessment of the broader impact of competition policy. The issues and topics examined include the following: objectives and scope of evaluations by the European Commission; description of counterfactual evaluation techniques used; conditions for a successful ex post evaluation of a competition policy intervention; a wide selection of individual cases covering a variety of economic sectors; applications in merger control, antitrust and State aid; direct benefits of competition policy interventions for consumers; deterrent effects of such interventions on market participants; and macroeconomic outcomes in terms of job creation,

productivity and GDP growth. This matchless book assembles within a single volume all that is needed for competition policy analysts and practitioners to undertake ex post economic evaluations. While its collection of state-of-the-art ex post evaluation studies has a clear value for competition authorities, it is sure to be welcomed as well by competition law practitioners in the private sector, who will greatly appreciate the effort made to cast a critical eye on decisions taken in the past. Moreover, it allows for addressing some of the new challenges facing competition policymakers. Fabienne Ilzkovitz is Principal Advisor responsible for the economic evaluation of competition policy within the Directorate-General for Competition of the European Commission, and since 2014, she has coordinated various ex post evaluation projects in the Directorate-General. She is also Associate Professor of Economics in the Solvay Brussels School of Economics and Management at the Université Libre de Bruxelles, Belgium. Adriaan Dierx is Senior Expert on ex post economic evaluation within the Directorate-General for Competition of the European Commission. He has managed a number of studies aimed at assessing the economic impact of the European Commission’s competition policy interventions.

"In Due Process and Fair Trial in EU Competition Law, Cristina Teleki addresses the complex relationship between Articles 101 and 102 of the Treaty on the Functioning of the European Union and Article 6 of the European Convention on Human Rights. The book is built around the idea that big business can threaten democracy. Due process and fair trial should be central to the process of addressing bigness through competition law, by safeguarding independent decision-making and judicial review and by preventing competition authorities from growing into administrative behemoths threatening democracy from inside. To show this, the book combines a comprehensive review of the case-law of the European Court of Human Rights with insight from economics, psychology and systems theory"--

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.

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.

This book reviews progress in the fight against hard core cartels. It quantifies the harm caused by cartels and identifies improved methods of investigation. It also examines progress in strengthening sanctions against businesses and individuals.

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.

A ground breaking study of how the interaction between the European Commission and the EU Courts has shaped EU competition law.

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.

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-competitve 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 etsablished. 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 leadfing specialists combining theoretical with practical knowledge and discussing the underpinings of the application of law.

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.

ÔThis comprehensive Handbook demonstrates that academic thinking, new and old, has a role to play in shaping modern competition policy.Õ Đ 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 Đ Second Edition will be accessible to a wide audience including students of economics and law, public administrators, lawyers, consultants, and business executives.

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.

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.