Antitrust And The Bounds Of Power By Giuliano Amato

Since it first came into existence, antitrust law has become progressively more technical both in its form and in its manner of enforcement. Yet technicalities and doctrines give covert and not neutral solutions to a crucial dilemma which is of fundamental importance: how much private power is needed to preserve economic freedom from the intrusion of public power, and how much public power is needed to prevent private power becoming a threat to the freedom of others? In this lucidly written and challenging book, Giuliano Amato draws on his wide experience to examine the character of this dilemma and the way in which it has been addressed by legislatures and courts in the US and in Europe. His observations on the history and the doctrines of antitrust law and his conclusions as to how successfully the dilemma is being managed by the super economies of Europe and the US challenge conventional thinking. They will also stimulate economists and lawyers as well as business and lay people to consider more closely the future of antitrust laws across the globe.

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Niamh Dunne undertakes a systematic exploration of the relationship between competition law and economic regulation as legal mechanisms of market control. Beginning from a theoretical assessment of these legal instruments as discrete mechanisms, the author goes on to address numerous facets of the substantive interrelationship between competition law and economic regulation. She considers, amongst other aspects, the concept of regulatory competition law; deregulation, liberalisation and 'regulation for competition'; the concurrent application of competition law in regulated markets; and relevant institutional aspects including market study procedures, the distribution of enforcement powers between competition agencies and sector regulators, and certain legal powers that demonstrate a 'hybridised' quality lying between competition law and economic regulation. Throughout her assessment, Dunne identifies and explores recurrent considerations that inform and shape the optimal relationship between these legal mechanisms within any jurisdiction.

Examines dilemmas surrounding antitrust law and public and private power and the ways in which these problems have been addressed by legislatures and courts in the US and in Europe. Offers sometimes controversial obserations on the history and doctrines of antitrust law, and conclusions as to how successfully the dilemma is being managed by the economies of the US and Europe. Amato is head of the Italian Antitrust Authority, a professor of law at the European University Institute in Florence, Italy, and a former Prime Minister of Italy.

In recent years European Community (EC) competition law has come under fire. Continued criticism of all aspects of the means by which EC competition law is enforced has brought to light ineffectiveness of the present system. Consequently the European Commission has responded by issuing the “White Paper on Modernisation”,which sets out its vision on the future of EC competition law. This new book takes a step back, and tries to understand the current challenges to EC competition policy by examining the origins of the Community's competition law system. In the first part of the book the author sketches the development of Community competition law enforcement between the European Economic Community, established in 1958, and the European Union of today. Taking this dynamic perspective on EC competition law, the second part of the book addresses topical problems of EC competition policy; the pertinent objectives, the institutional framework, the division of jurisdiction between the Community and Member States, and decentralised enforcement of Community law. Notably, the author's conclusions diverge considerably from the analysis found in the Commission White Paper on Modernisation. The author proposes various alternative solutions to the existing problems which, arguably, fit better within the overall constitutional development of the Community than the solutions offered by the Commission. The book will be of interest to competition lawyers as well as to all those interested in the constitutional development of the European Community.

The objective(s) of Article 102 TFEU, what exactly makes a practice abusive and the standard of harm under Article 102 TFEU have not yet been settled. This lack of clarity creates uncertainty for businesses and, coupled with the current state of economics in this area, raises an important question of legitimacy. Using law and economic approaches, this book inquires into the possible objectives of Article 102 TFEU and proposes a modern approach to interpreting 'abuse'. In doing so, this book establishes an overarching concept of 'abuse' that conforms to the historical roots of the provision, to the text of the provision itself, and to modern economic thinking on unilateral conduct. This book therefore inquires into what Article 102 TFEU is about, what it can be about and what it should be about regarding both objectives and scope. The book demonstrates that the separation of exploitative abuse from exclusionary abuse is artificial and unsound. It examines the roots of Article 102 TFEU and the historical context of the adoption of the Treaty, the case law, policy and literature on exploitative abuses and, where relevant, on exclusionary abuses. The book investigates potential objectives, such as fairness and welfare, as well as the potential conflict between such objectives. Finally, it critically assesses the European Commission's modernisation of Article 102 TFEU, before proposing a reformed approach to 'abuse' which is centred on three necessary and sufficient conditions: exploitation, exclusion and a lack of an increase in efficiency.

This unique book provides a comprehensive account of the patent misuse doctrine and its relationship with antitrust law. Created to remedy and discourage misconduct by patent owners a century ago, its proper role today is debated more than ever before.

This book explores the wave of liberalization reforms experienced by OECD network industries. Focusing on the telecommunications sector, the authors analyze the latest data available on liberalization and privatization, and following a political economics approach, they integrate standard economic analysis with the most recent studies of the political determinants of market-oriented policies. The book presents new econometric evidence on several policy issues, including institutional complementarities dynamics, the problem of policy sequencing and the role of government political ideology. The detailed and comprehensive discussion offers insights into how so many countries adopting similar reforms actually differ in their policy “bundling”, intensity and implementation of liberalization and privatization.

The most controversial area in competition policy is that of exclusionary practices, where actions are taken by dominant firms to deter competitors from challenging their market positions. Economists have been struggling to explain such conduct and to guide policy-makers in designing sensible enforcement rules. In this book, authors Chiara Fumagalli, Massimo Motta, and Claudio Calcagno explore predatory pricing, rebates, exclusive dealing, tying, and vertical foreclosure, through a blend of theory and practice. They develop a general framework which builds on and extends existing economic theories, drawing upon case law, discussions of cases and other practical considerations to identify workable criteria that can guide competition authorities to assess exclusionary practices. Along with analyses of policy implications and insights applied to case studies, the book provides

practitioners with non-technical discussions of the issues at hand, while guiding economics students with dedicated technical sections with rigorous formal models.

This work offers a critical evaluation of the Chicago approach to antitrust. The authors discuss the economic foundations of competition policy and the different ways in which both American and European competition law does - or does not - take account of economic insights.

Competition Law of the EU and UK is the essential introduction to competition law. Clear and accessible, without compromising on rigor, it helps students to navigate all of the technicalities of competition law. With strong coverage of the economics underpinning the law, this text leads students through the complexities of competition law and helps them to understand its principles. Designed to bring the law to life, a range of learning features aid comprehension and invite students to think about the many applications of competition law. Key cases boxes provide lively discussion, and user-friendly flow charts and visual aids offer a stimulating approach to competition law, making it an ideal introduction to the subject for undergraduates and postgraduates new to this area of law. An Online Resource Centre accompanies this book and provides: Summary maps and key cases - downloadable for ease of use Multiple choice questions - to help students to self-check progress and understanding Table of OFT decisions - for quick reference Web links - to enable students to take their learning further

More than five hundred alphabetically arranged entries cover issues of importance to economic life in the United States.

Despite the growing importance of 'consumer welfare' in EU competition law debates, there remains a significant disconnect between rhetoric and reality, as consumers and their interests still play only an ancillary role in this area of law. Consumer Involvement in Private EU Competition Law Enforcement is the first monograph to exclusively address this highly topical and much debated subject, providing a timely and wide-ranging examination of the need for more active consumer participation in competition law. Written by an expert in the field, it sets out a comprehensive framework of policy implications and arguments for greater involvement, positioning the debate in the context of a broader EU law perspective. It outlines pragmatic approaches to remedial and procedural measures that would enable consumer empowerment. Finally, the book identifies key institutional and political obstacles to the adoption of effective measures, and suggests alternative routes to enhance the role of consumers in private competition law enforcement. The book's innovative approach, combining normative analysis and practical solutions, make it invaluable for academics, policy-makers, and practitioners in the field.

Chronicles the historical development of the United States from an economic perspective.

Competition law, at both the EC and UK levels, plays an important and ever increasing role in regulating the conduct of businesses. Competition law can affect business contracts, take-overs and mergers, co-ordinated actions, pricing behaviour and, also, S

This volume contains papers presented at the 17th Annual EU Competition Law and Policy Workshop, organized by Philip Lowe and Mel Marquis and held at the European University Institute on 13-14 July 2012. From a variety of angles the book explores the themes of competition, regulation and certain public policies; their interactions; and, in some cases, their mutual tensions. The authors of the various chapters consider legal and economic issues relating to network industries, industrial, environmental and trade policies, and intellectual property and innovation policies, among others. Comparative views and the views of judges from different jurisdictions are provided, and techniques for mediating among different policy objectives and frameworks are discussed. Authors contributing to this book include: Rafael Allendesalazar, Robert D Anderson, Marco Boccaccio, Ginevra Bruzzone, Cristina Caffarra, Alexandre de Streel, Ian Forrester, Douglas Ginsburg, Geert Goeteyn, Calvin Goldman, Daniel Haar, Küllike Jürimäe, Suzanne Kingston, Lars Kjølbye, Paul Lugard, Mel Marquis, Veljko Milutinovic, Giorgio Monti, Anna Caroline Müller, Rosa Perna, Anthony Pygram, Philip Lowe, Pierre Régibeau and Jon Stern.

As the preferred choice of both teachers and students, this textbook offers an unrivalled combination of expertise, accessibility and comprehensive coverage. The new edition reflects the way the economic crisis has impacted the shape and nature of European Union law. Materials from case law, legislation and academic literature are integrated throughout to expose the student to the broadest range of views. Additional online material on the application of EU law in non member states and on rulings on the Fiscal Compact ensures the material is completely current. The new edition includes a timeline which charts the evolution of the EU project. Written in a way which encourages sophisticated analysis, the book ensures the student's full engagement with sometimes complex material. More importantly, it offers the clarity which is essential to understanding. A required text for all interested in European Union law.

One of the fundamental challenges currently facing the EU is that of reconciling its economic and environmental policies. Nevertheless, the role of environmental protection in EU competition law and policy has often been overlooked. Recent years have witnessed a shift in environmental regulation from reliance on command and control to an increased use of market-based environmental policy instruments such as environmental taxes, green subsidies, emissions trading and the encouragement of voluntary corporate green initiatives. By bringing the market into environmental policy, such instruments raise a host of issues that competition law must address. This interdisciplinary treatment of the interaction between these key EU policy areas challenges the view that EU competition policy is a special case, insulated from environmental concerns by the overriding efficiency imperative, and puts forward practical proposals for achieving genuine integration.

Antitrust policy nominally plays an instrumental public interest role. The generally accepted notion is that it is a government instrument designed to intervene in relatively unregulated markets in order to preserve rivalry among independent buyers and sellers. Competition authorities are supposed to restrain business conduct that exercises monopoly power aimed at excluding competitors or exploiting consumers and clients. Thus it can be said – although few pro-market theorists make the insight explicit – that antitrust provisions reveal mistrust of the capacity of markets to promote social welfare. The inner logic, enforcement mechanisms, and practical outcomes of antitrust provisions are all intrinsically contradictory to the natural dynamic course of market functioning. In Dr. De Leon’s challenging thesis, this mistrust of the market lies at the root of antitrust policy, giving rise always to a preference towards ‘predicting’ the result of impersonal market forces rather than interpreting the entrepreneurial behaviour which creates those forces. And it is in Latin America that he finds the powerful evidence he needs to support his case. From the formative years of Latin American economic institutions, during the Spanish Empire, economic regulations – far from being driven by the pursuit of promoting free trade and economic freedom – have been conceived, enacted and implemented in the context of deeply anti-market public policies, trade mercantilism and government dirigisme. The so-called “neoliberal” revolution of the 1990s triggered by the Washington Consensus did not really change the interventionist innuendo of these

policies, but merely restated the social welfare goal to be achieved: the pursuit of economic efficiency. Dr. De Leon presents his case against the assumption that consumer welfare orientated policies such as antitrust do really promote entrepreneurship and market goals. Paradoxically, antitrust enforcement has undermined the transparency of market institutions, in the name of promoting market competition. The author's provocative analysis marshals several sets of facts in support of his thesis, including the actual functioning of antitrust policy as reflected in case law in various Latin American countries, the preference of merger control over other less intrusive forms of market surveillance, the constrained role of competition advocacy against government acts, and the ineffective institutional structure created to apply the policy. Among the many specific topics treated are the following: government immunity; strategic industries; state-owned enterprises; politically influential groups; measurement of market concentration; the burden of proof of social welfare benefits; the role of joint trade associations and professional guilds; institutional arrangements that favour collusion; selective distribution; sector regulation; erosion of property rights; marginal role of courts in the antitrust system; leniency programs; and privatized public utilities. The growing significance of Latin America in the context of economic globalization endows this book with huge international interest. Written by a leading authority on the topic, this is the first book that presents a detailed description of Latin American antitrust law and policy as it has been developed through numerous judicial opinions. A wide variety of audiences around the world will find it of extraordinary value: competition law specialists, scholars and students of the subject, policymakers and politicians in Latin America, as well as all interested lawyers, jurists, and economists.

The widespread move towards more market-driven models of political economy combined with the expanding internationalisation of business and commerce has led to a series of proposals for global competition rules. To date these proposals have been hotly contested. The purpose of this book is to investigate in some depth whether there is a rational foundation for pursuing international competition rules, and what form these laws should take. The book takes examples from existing competition laws around the world, in particular the US and the EU both of which have a long history of enforcing established competition rules.

The impact of antitrust law on sports is in the news all the time, especially when there is labor conflict between players and owners, or when a team wants to move to a new city. And if the majority of Americans have only the vaguest sense of what antitrust law is, most know one thing about it-that baseball is exempt. In The Baseball Trust, legal historian Stuart Banner illuminates the series of court rulings that resulted in one of the most curious features of our legal system-baseball's exemption from antitrust law. A serious baseball fan, Banner provides a thoroughly entertaining history of the game as seen through the prism of an extraordinary series of courtroom battles, ranging from 1890 to the present. The book looks at such pivotal cases as the 1922 Supreme Court case which held that federal antitrust laws did not apply to baseball; the 1972 Flood v. Kuhn decision that declared that baseball is exempt even from state antitrust laws; and several cases from the 1950s, one involving boxing and the other football, that made clear that the exemption is only for baseball, not for sports in general. Banner reveals that for all the well-documented foibles of major league owners, baseball has consistently received and followed antitrust advice from leading lawyers, shrewd legal advice that eventually won for baseball a protected legal status enjoyed by no other industry in America. As Banner tells this fascinating story, he also provides an important reminder of the path-dependent nature of the American legal system. At each step, judges and legislators made decisions that were perfectly sensible when considered one at a time, but that in total yielded an outcome-baseball's exemption from antitrust law-that makes no sense at all.

Competition and intellectual property rights (IPRs) are both necessary for a market to work efficiently and to promote consumer welfare. Properly applied, intellectual property rules define a legal framework which allows undertakings to profit from their inventions. This in turn encourages competition among firms and enhances dynamic efficiency, to the benefit of consumer welfare. Standard setting represents one of the fields where the interaction between competition law and IPRs clearly comes to light. The collaborative goal of standard setting organizations (SSOs) is to adopt and promote standards that either do not conflict with anyone's right or, if they do, are developed under condition that patents are licensed under defined terms. This book examines the tension between IPRs and competition in the standard setting field which can arise when innovators over-exploit the rights they have been granted and hold up an entire industry. The book compares EU and U.S. jurisdictions with a particular focus on the IT and telecommunication sectors. It scrutinizes those practices which could harm standard setting and its goals, looking at misleading conducts by SSOs' members which may lead to breach the EU and U.S. antitrust provisions on abuse of market power. Recent developments in EU and U.S. standard setting are analysed highlighting the differences in enforcement approaches. The book considers how the optimal balance between IPRs and industry standards can be struck, suggesting a policy model which takes into account both innovators' interests and SSOs' goals.

The European Competition Law Annual 2003 is the eighth in a series of volumes following the annual workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University in Florence. The volume reproduces the materials of the roundtable debate that took place at the eighth Workshop and is dedicated to the question What is an Abuse of a Dominant Position?. It contains the usual mix of expert discussion and expert papers presented by the participants at this annual gathering of leading EU and international experts on competition law.

In Antitrust Law and Intellectual Property Rights: Cases and Materials, Christopher R. Leslie describes how patents, copyrights, and trademarks confer exclusionary rights on their owners, and how firms sometimes exercise this exclusionary power in ways that exceed the legitimate bounds of their intellectual property rights. Leslie explains that while substantive intellectual property law defines the scope of the exclusionary rights, antitrust law often provides the most important consequences when owners of intellectual property misuse their rights in a way that harms consumers or illegitimately excludes competitors. Antitrust law defines the limits of what intellectual property owners can do with their IP rights. In this book, Leslie explores what conduct firms can and cannot engage in while acquiring and exploiting their intellectual property rights, and surveys those aspects of antitrust law that are necessary for both antitrust practitioners and intellectual property attorneys to understand. This book is ideal for an advanced antitrust course in a JD program. In addition to building on basic antitrust concepts, it fills in a gap that is often missing in basic antitrust courses yet critical for an intellectual property lawyer: the intersection of intellectual property and antitrust law. The relationship between intellectual property and antitrust is particularly valuable as an increasing number of law schools offer specializations and LLMs in intellectual property. This book also provides meaningful material for both undergraduate and graduate business schools programs because it explains how antitrust law limits the marshalling of intellectual property rights. Professor Ullrich is thoughtful and attracted star scholars from many countries, so the papers and discussion are provocative and introduce recent economic thinking, although many are written by lawyers. . . The text is lucid and interesting, the thought

innovative and anyone seriously interested in competition policy should read these papers and the comments with pleasure. Valentine Korah, World Competition This collection of papers and comments deserves to be widely read, and it should appeal to academics and practitioners alike. The great mix of topics and the variety of views offered make this a very stimulating contribution to the discussion of the new paradigm of EC competition law, the more economic approach, and its implications for the application and interpretation of the various EU antitrust rules. Thomas Eilmansberger, European Law Journal The editor should be congratulated for bringing together this diverse group of scholars whose spirited disagreements remind one of the many challenges faced in exploring the role and function of competition law. Giorgio Monti, European Review of Contract Law With contributions from leading scholars from all over Europe and the US, this book covers the major areas of substantive competition law from an evolutionary perspective. The leitmotiv of the book has been to assess the dividing line between safeguarding and regulating competition, which it does by reviewing the following subjects: foundations of competition policy in the EU and the US strategic competition policy the evolution of European competition law from a national (Italian) perspective the block exemption of vertical agreements after four years the new Technology Transfer Block Exemption cooperative networking mergers in the media sector abuse of market power concepts of competition in sector specific regulation competition, regulation and systems coherence efficiency claims in EU competition law and sector specific regulation. The Evolution of European Competition Law will be of great interest to lawyers, economists, academics, judges and public officials working in the fields of competition law and policy.

This book reviews recent progress in the theory of oligopoly and market leadership and provides new results on the theory of Stackelberg competition and Nash competition with strategic investment under endogenous entry. These theories are applied to models of competition in quantities, prices and to patent races. The results are used to propose a new approach to competition policy and issues of the abuse of dominance.

The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions. These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws. The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law, conflict of laws, contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes. He identifies the normative foundation of contract law as an important determinant in this process, contending that contract law is essentially neutral and underpinned by the concept of corrective justice, while economic regulations are mainly prompted by distributive justice. Applying this corrective/distributive justice dichotomy to international contracts, the author critically assesses major conflict of laws approaches such as `proper law', `the Rome Convention' and `governmental interest analysis', which could disregard either public interest or private rights. The author, taking these theories into account, proposes an alternative two-dimensional interest analysis approach. He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration. In adopting this approach arbitrators would take into account both corrective and distributive justice, and to the extent that corrective justice prevails, would be able to avert a total failure of the contract.

If we can speak of the European Community's 'economic constitution', we can assert that competition rules, together with free movement rules, form its core. Notably, implementation of the competition rules enshrined in Articles 81 and 82 EC changed radically with the enactment of Regulation 1/2003, which in effect dispensed with mandatory prior notifications and allowed national authorities to apply Article 101(3) TFEU directly. Given that national legislations perceive certain types of unilateral conduct, even if adopted by a non-dominant undertaking, as a potential source of anticompetitive effects, an important question concerns the leeway enjoyed by national authorities under the exception to the convergence rule in Article 3(2) of Regulation 1/2003, and the consequent effect on both legal practice and policy issues. In this lucidly argued book, focusing on national competition provisions in Germany, France, Italy, and the United Kingdom that deal with such conduct, the author provides a detailed examination of how such considerations as the following are affected by Regulation 1/2003: - prohibition of abuse of economic dependence or superior bargaining power; - the particular susceptibility of long-term contracts; - prohibition of resale at a loss or below cost; - prohibition of boycott, unlawful pressures, threats, and other coercive tactics adopted by undertakings; and - the role of unfair competition law. The analysis follows a functional method of comparative legal analysis, reviewing the most relevant norms in the selected jurisdictions, particularly in what concerns their goals and function in the context of their respective legal systems. Special attention is paid to two specific sectors – the motor-vehicle and the retailing industries – which have most often triggered relevant legislation and case law in the jurisdictions covered. Legal scholarship in the field is also drawn upon. In its clarification of the meaning of Regulation 1/2003, this book allows practitioners to fully grasp its scope. The author's thorough, masterful analysis of the statutory framework of Article 3 of the regulation also reveals the variety of reasons why different Member States have different competition policies on the scope of the exception to the rule of convergence, and in this way provides lawyers, policymakers, and academics with welcome insights on how major EU jurisdictions apply European competition law.

Business Law and Economics for Civil Law Systems highlights the relevance of economic analysis of business law from a civilian perspective. It integrates a comparative approach (common law and civil law) to economic analysis using tools and illustrations to assist in conducting critical economic analysis of rules in the field of business law. This book is a valuable contribution to the reflection on the place and meaning of value creation and accountability as goals for business law. It will be of great value to academics interested in business law, competition law, comparative law and legal theory, students studying law, business and economics, and to policy makers and regulators.

This is the twelfth in a series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence. The volume reproduces the written contributions and transcripts in connection with a roundtable debate which examined the EU's enforcement policy as regards the abuse of a dominant position under Article 82 EC. The workshop participants included: senior enforcement officials and policy makers from the European Commission, from the national competition authorities of certain EU Member States and from the US Department of Justice and Federal Trade Commission; and renowned international academics, legal practitioners and professional economists. In an intense, intimate environment, this group of experts debated a number of legal and economic issues structured according to three broad lines of discussion: 1) comparisons of the concept of monopolization under Section 2 of the Sherman Act with that of abuse of dominance under Article 82 EC; 2) a reformed approach to exclusionary unilateral conduct; and 3) exploitative unilateral conduct and related remedies.

Professor Ghidini has long since made himself a worldwide reputation as a leading scholar. He is a profound critic of intellectual

property protection that follows rigid property logic, and favours the functionalist competition/innovation logic. Innovation, Competition and Consumer Welfare in Intellectual Property Law is truly enriching reading. Hanns Ullrich, College of Europe, Bruges, Belgium We in the United States have much to learn not only from Gustavo Ghidini s careful analysis of modern trends in the European IP regime but also from his thoughtful development of the thesis that free competition should be understood as the overarching principle guiding both IP protection and what we call antitrust law. Rudolph J.R. Peritz, New York Law School, US and author of Competition Policy in America This authoritative book provides a comprehensive critical overview of the basic IP paradigms, such as patents, trademarks and copyrights. Their intersection with competition law and their impacts on the exercise of social welfare are analysed from an evolutionary perspective. The analyses and proposals presented encompass the features and rationales of a legal field in constant evolution, and relate them to increasingly rapid technological, economic, social and geo-political developments. Gustavo Ghidini highlights the emerging trends that challenge the traditional all-exclusionary vision of IP law and its application. The author expertly combines holistic, evolutionary and constitutionally oriented approaches, with the search for a rebalancing of the IP rights holders positions with citizens and users rights. This book will appeal to academics, scholars and lawyers specializing in the realm of intellectual property, competition and comparative law.

Dedicated to the men of the Antitrust Division of the Department of Justice, this powerful book was written by Thurman W. Arnold in 1940, when he was Assistant Attorney General of the United States. Under his astute and vigorous leadership, the Division prosecuted 230 companies for monopoly practices in violation of the Sherman Antitrust Act. Mr. Arnold saw the Act as an instrument to clear the restraint of trade. His anti-trust purpose, he said at the time, was not to destroy the big corporations but to keep them within bounds. The book provides an enlightening analysis of some of the principal cases of the time.

The internationalisation of antitrust policy is a topic of great contemporary significance and debate. Dr Dabbah provides an inquiry that is at once clearly stated, original and empirical, setting out the relevant issues in the context of law, economics and politics. He draws on the decisional practice of antitrust authorities, actions and statements of political bodies, as well as the decisions of law courts. Providing a detailed examination of the experiences of the European Community and the United States, Dr Dabbah includes a comprehensive examination of central concepts and ideas related to antitrust law and practice. The book concludes by looking forward to potential developments in the landscape and suggests an approach to the internationalisation of antitrust policy. This will be of interest to antitrust officials, as well as international organisations, members of the business community, academics, researchers and policy-makers who are involved in antitrust law and policy.

The essential guide to EU competition law for students in one volume; extracts from key cases, academic works, and legislation are paired with incisive critique and commentary from an expert author team. In this fast-paced subject area, the authors carefully highlight the most important cases, legislation, and developments to allow students to navigate the breadth of legislation and case law. With their clear explanations and commentary, the authors provide invaluable support to students as they approach this complex and highly technical area of law. Extracts provide opportunities for students to understand the law in practice, and to see its relevance to business. Indispensable for undergraduate and postgraduate students alike, this is the standalone guide to the competition law of the EU. Online resources: The text is accompanied by online resources containing: -An additional chapter on State Aid -Web links -Updates in the law

The major problem associated with the regulation of transnational mergers, which affect several national markets, is the allocation of jurisdiction. Each country concerned may wish to exert jurisdiction and apply its national competition law to regulate the anti-competitive effects a merger may have in its territory. However, this approach may lead to risks of inconsistent decisions regarding the legality of mergers. Indeed, the national competition laws applied by the regulating authorities may diverge in several aspects, which raise the likelihood of inconsistency. Therefore it is desirable to opt for regulatory approaches which are more sensitive to the transnational nature of mergers and which allow cooperation between competition authorities. A possible solution may be bilateral cooperation agreements through which two countries coordinate the enforcement activities of their national competition authorities. However, the benefits of these agreements are enjoyed only by the signatory parties. The sole reliance upon bilateral agreements does not appear to be the optimal regulatory approach towards transnational mergers.

Antitrust and the Bounds of PowerThe Dilemma of Liberal Democracy in the History of the MarketBloomsbury 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.

This unique book is not an introduction to European Law. It provides an understanding of methodology, objectives and principles of EU law. It tries to explain its legal peculiarities, particularly with regard to the concept of internal market. It takes as starting point its liberal roots enshrined in the free movement, competition and autonomy provisions, but focuses equally on the development of countervailing principles about citizenship, adequate standards, and governance. It refers selectively to important secondary law, in particular directives, and to leading cases of the European Court of Justice. It is directed at all law scholars, students, practitioners, political scientists, in the old and new Member countries of the EU as well as third countries who want to understand what EU law is all about. It will allow the reader a first orientation, without suffocating him or her in too much detail.