

FEDERAL ANTITRUST POLICY

THE LAW OF COMPETITION
AND ITS PRACTICE

Seventh Edition

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Andreas Scordamaglia-Tousis



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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

Legitimacy in EU Cartel Control Ingeborg Simonsson,2010-02-23 This book examines the law developed by the EU to control cartels The law including case law is carefully documented and analysed

The Criminalization of European Cartel Enforcement Peter Whelan,2014 The challenges facing the criminalization of cartel activity in the EU are threefold theoretical legal and practical This book analyses these crucial challenges so that the complexity of the process of European antitrust criminalization can be accurately understood

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

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

Index to Legal Periodicals & Books, 2006 [Antitrust Law Sourcebook for the United States and Europe](#) William C. Holmes, Dawn E. Holmes, 2007 [La dimension extérieure de l'espace de liberté, de sécurité et de justice de l'Union européenne après le Traité de Lisbonne](#) Catherine Flaesch-Mougin, Lucia Serena Rossi, 2013-04-03 Le présent ouvrage est le résultat d'une recherche conjointe entre les Universités de Bologne Rennes et Bruxelles sur le thème de la dimension extérieure de l'espace de liberté de sécurité et de justice de l'Union européenne ELSJ Cette recherche a été soutenue par la Commission européenne dans le cadre de l'Action Jean Monnet Il associe des professeurs et chercheurs de renom qui conjuguent leurs compétences et situent leur analyse à l'intersection des politiques en la matière et des politiques externes de l'Union européenne Les auteurs valent de manière critique l'impact du traité de Lisbonne et de la pratique de l'Union concernant la dimension extérieure de l'ELSJ Cette dimension dont l'importance ne cesse de croître oblige l'Union à concilier des impératifs parfois contradictoires entre les objectifs sécuritaires de l'ELSJ ou ceux de l'action extérieure ou encore avec les valeurs sur lesquelles elle est fondée Les auteurs tentent de répondre à différentes questions induites par le nouveau système de représentation extérieure de l'Union dans le domaine de l'ELSJ Quelles sont les retombées juridiques du nouveau système Quel est globalement son impact politique Ne risque-t-on pas une incursion croissante de la politique étrangère et de sécurité commune PESC dans les aspects sécuritaires de l'ELSJ

Current Law Index, 2007 **Handbook of Antitrust Economics** Paolo Buccirossi, 2008-03-21 Experts examine the application of economic theory to antitrust issues in both the United States and Europe discussing mergers agreements abuses of dominance and the impact of market features Over the past twenty years economic theory has begun to play a central role in antitrust matters In earlier days the application of antitrust rules was viewed almost entirely in formal terms now it is widely accepted that the proper interpretation of these rules requires an understanding of how markets work and how firms can alter their efficient functioning The Handbook of Antitrust Economics offers scholars students administrators courts companies and lawyers the economist's view of the subject describing the

application of newly developed theoretical models and improved empirical methods to antitrust and competition law in both the United States and the European Union The book uses the U S term antitrust law and the European competition law interchangeably emphasizing the commonalities between the two jurisdictions After a general discussion of the use of empirical methods in antitrust cases the Handbook covers mergers agreements abuses of dominance or unilateral conducts and market features that affect the way firms compete Chapters examine such topics as analyzing the competitive effects of both horizontal and vertical mergers detecting and preventing cartels theoretical and empirical analysis of vertical restraints state aids the relationship of competition law to the defense of intellectual property and the application of antitrust law to bidding markets network industries and two sided markets Contributors Mark Armstrong Jonathan B Baker Timothy F Bresnahan Paulo Buccirossi Nicholas Economides Hans W Friederiszick Luke M Froeb Richard J Gilbert Joseph E Harrington Jr Paul Klempner Kai Uwe Kuhn Francine Lafontaine Damien J Neven Patrick Rey Michael H Riordan Jean Charles Rochet Lars Hendrick R ller Margaret Slade Giancarlo Spagnolo Jean Tirole Thibaud Verg Vincent Verouden John Vickers Gregory J Werden **The European Legal 500** ,2005 Chambers UK 2009 Tracey Sinclair,2008-11 An independent guide to the top solicitors barristers law firms and barristers chambers in the United Kingdom *Journal of Public Policy* ,2005 International Trade and U.S. Antitrust Law Spencer Weber Waller,1992 Rev ed of International trade and U S antitrust law by Spencer Weber Waller 1992 2005 **Access to European Union** Nicolas Moussis,2005 *A Guide to European Union Law* P. S. R. F. Mathijsen,2007 The best selling textbook on Scots criminal law has now been fully revised and offers up to date coverage of the criminal law of Scotland in a compact and accessible form making it ideal for students attending criminal law classes at Scottish universities and colleges Criminal Law 4th Edition will also be of great interest to those familiar with Scots criminal law who wish a concise modern reader on the subject **Chambers Global** ,2004

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