

COMPETITION LAW AS REGULATION

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Competition Law As Regulation Ascola Competition Law Series

Caron Beaton-Wells, Christopher Tran



Competition Law As Regulation Ascola Competition Law Series:

Competition Law as Regulation Josef Drexler, Fabiana Di Porto, 2015-10-30 To what extent should competition agencies act as market regulators Competition Law as Regulation provides numerous insights from competition scholars on new trends at the interface of competition law and sector specific regulation By relying on the experiences of a considerable number of different jurisdictions and applying a comparative approach to the topic this book constitutes an important addition to international research on the interface of competition and regulation It addresses the fundamental issues of the subject and contributes to legal theory and practice Topics discussed include foundations of the complex relationship of competition law and regulation new forms of advocacy powers of competition agencies competition law enforcement in regulated industries in general information and telecommunications markets and competition law as regulation in IP related markets Scholars in the two fields of law and economics will find the research aspects of the book to be of interest Officials in competition and regulatory agencies will benefit from the practical relevance of the book **The Evolution of European**

Competition Law Hanns Ullrich, 2006-01-01 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 Public Procurement and the EU Competition Rules Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in

Economic Law Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This new work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

Abusive Practices in Competition Law Fabiana Di Porto, Rupperecht Podszun, Abusive Practices in Competition Law tackles the difficult questions presented to competition lawyers and economists regarding abusive practices where and when is the red line crossed in competitive advances When is a company explicitly dominant How do you handle those who hold superior bargaining power over others but are not classed as dominant

The Concept of Abuse in EU Competition Law Pinar Akman, 2012-02-03 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

Legal Challenges of Big Data Joe Cannataci, Valeria Falce, Oreste Pollicino, 2020-09-25 This groundbreaking book explores the new legal and economic challenges triggered by big data and analyses the interactions

among and between intellectual property competition law free speech privacy and other fundamental rights vis vis big data analysis and algorithms

Coherence in EU Competition Law Wolf Sauter, 2016-05-27 EU competition law plays a central role in the process of European integration both as a multifaceted tool for creating and policing the internal market as well as in organising national markets Yet as a consequence of this role it is also subject to increasingly complex demands a proliferation of sectoral regimes and multiple objectives at both an EU and national level This profligacy entails risks of fragmentation and divergence which could jeopardise the proper functioning of the internal market In this examination of EU competition law Wolf Sauter discusses three main issues i what degree of coherence exists in EU competition law ii how this coherence can be explained particularly in the broader context of integration by EU law and iii how it contributes to the legitimacy and effectiveness of EU competition law Specific focus is placed on antitrust while mergers state aid control as well as the sectoral regimes for energy and electronic communications are also examined In addition the book also charts the history and framework of these competition regimes that jointly constitute EU competition law defining both its objectives and limitations

Regulating Access and Transfer of Data Björn Lundqvist, 2023-04-13 Analyzes the regulation of data access and transfer to understand how internet users can obtain the data they generate

Anti-Cartel Enforcement in a Contemporary Age Caron Beaton-Wells, Christopher Tran, 2015-09-24 Leniency policies are seen as a revolution in contemporary anti cartel law enforcement Unique to competition law these policies are regarded as essential to detecting punishing and deterring business collusion conduct that subverts competition at national and global levels Featuring contributions from leading scholars practitioners and enforcers from around the world this book probes the almost universal adoption and zealous defence of leniency policies by many competition authorities and others It charts the origins of and impetuses for the leniency movement captures key insights from academic research and practical experience relating to the operation and effectiveness of leniency policies and examines leniency from the perspectives of corporate and individual applicants advisers and authorities The book also explores debates surrounding the intersections between leniency and other crucial elements of the enforcement system such as compensation compliance and criminalisation The rich critical analysis in the book draws on the disciplines of law regulation economics and criminology It makes a substantial and distinctive contribution to the literature on a topic that is highly significant to a wide range of actors in the field of competition law and business regulation generally From the Foreword by Professor Fr d ric Jenny fundamental questions are raised and thoroughly discussed in this book which is undoubtedly the most comprehensive scholarly work on leniency policies produced so far the book should be required reading for all seeking to acquire a deeper insight into the issues related to leniency policy It is a priceless contribution

European Union Law Catherine Barnard, Steve Peers, 2020 This text offers students a relevant case focused account of EU law Under the experienced editorship of Catherine Barnard and Steve Peers it draws together a range of perspectives on EU law designed to introduce students to the key debates and case law which shape this

vast subject

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