



# Global Competition Law and Economics

Einer Elhauge and Damien Geradin

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**Einer Elhauge, Damien Geradin**



## **Global Competition Law And Economics:**

Global Competition Law and Economics Einer Elhauge, Damien Geradin, 2011-08-03 This is the second edition of the acclaimed text on global antitrust law With markets becoming increasingly global mergers requiring approval in several different jurisdictions cartels in one nation affecting supply in others and countries increasingly entering into treaties with each other about the content or enforcement of competition laws antitrust law is now a truly global phenomenon Modern antitrust law is also different because it now reflects an increasingly economic approach to analysing antitrust and competition policy This innovative work is the only truly comparative and economically sophisticated casebook on the market Addressed to students from all jurisdictions having competition laws this casebook provides an in depth analysis of the two major global antitrust regimes in the world as well as a summary of selected national antitrust laws As such it will also serve as a useful reference for practitioners competition officials and policy makers interested in competition law In the four years since the first edition the increased globalization of antitrust law has continued apace China the world's third largest economy after the EU and US has adopted an antitrust law and other nations have modified and modernized their antitrust regimes The EU has adopted a new EU Treaty new EU guidelines on abuse of dominance new EU guidelines on non horizontal mergers and new EU regulations and guidelines on vertical agreements In the US there have been important new Supreme Court cases the 2009 *Linkline* and 2010 *American Needle* decisions and the appearance of a new economic approach in the revised 2010 U S Merger Guidelines This new edition expands and updates the pioneering approach of the first edition addressing new developments not only in the US and EU but also in Australia Brazil Canada Israel Japan South Africa and South Korea with expanded coverage of China's new antitrust law and the antitrust laws of Argentina Chile Colombia Egypt India Indonesia New Zealand Peru Russia Saudi Arabia Singapore Taiwan Thailand Turkey and Venezuela Praise for the first edition worthy of considerable praise contains a vast collection of well chosen material taking in a wide span of both antitrust and merger law issues It is well written and clear throughout particularly on the economic concepts and provides incisive commentary and questions which inspire further study Peter Whelan *Cambridge Law Journal* Enlightened law professors and law schools will best serve their students not by teaching national competition law but by adopting *Global Competition Law and Economics* an excellent book for introductory courses in comparative competition law at either a graduate or undergraduate level Okeoghene Odudu *Common Market Law Review* the best four and a half centimetres of shelf space that I have seen devoted to competition law and policy issues for a very long time Yvonne van Roy *New Zealand Law Journal* Free from the ideologically driven perspective that can affect other antitrust casebooks this is also the first casebook organized from inception with an eye directly on the global context this book may be used in a classroom in Europe just as it will be used in the U S The result is a highly welcome contribution to the evolution of competition studies Judge Douglas Ginsburg this book is the only one on the market that is extremely well suited for use in a comparative

antitrust law class an extraordinarily teachable book that contains everything you might want to present Finally the comparative antitrust field has a standard textbook to use And a wonderful standard it is Robert H Lande University of Baltimore Law School *Global Competition* David Gerber,2012-01-26 Global competition now shapes economies and societies in ways unimaginable only a few years ago and competition or antitrust law is a key component of the legal framework for global competition These laws are intended to protect competition from distortion and restraint and on the national level they reflect the relationships between markets their participants and those affected by them The current legal framework for the global economy is provided however by national laws and institutions This means that those few governments that have sufficient power to apply their laws to conduct outside their own territory provide the norms of global competition This has long meant that the US and more recently the EU structure global competition but China and other countries are increasingly using their economic and political leverage to apply their own competition laws to global markets The result is increasing uncertainty costs and conflicts that burden global economic development This book examines competition law on the global level and reveals its often complex and little understood dynamics It focuses on the interactions between national and international legal regimes that are central to these dynamics and a key to understanding them Part I examines the evolution of the current global system the factors that have shaped it how it operates today and recent efforts to alter that system e g by including competition law in the WTO Part II focuses on national competition law systems revealing how national laws and experiences shape global competition law dynamics and how global factors in turn shape national laws and experiences It examines the central roles of US and European law and experience and it also pays close attention to countries such as China that are playing increasingly important roles in the global competition law arena Part III analyzes current strategies for improving the legal framework for global competition and identifies the factors that may contribute to a system that more effectively supports global economic and political development This analysis also suggests a pathway for moving toward that goal *Reconciling Efficiency and Equity* Damien Gerard,Ioannis

Lianos,2019-05-09 Provides a new conceptualization of competition law as economic inequality and its interaction with efficiency become of central concern to policy and decision makers Global competition law and economics policy ,2019

**Global Food Value Chains and Competition Law** Ioannis Lianos,Alekseĭ IĭUĭr'evich Ivanov,Alexey Ivanov,Dennis Davis,2022-05-05 A comprehensive overview of the law required to regulate global food value chains and make them more accountable to society The Global Limits of Competition Law D. Daniel Sokol,Ioannis Lianos,2012-06-13 Over the last three decades the field of antitrust law has grown increasingly prominent and more than one hundred countries have enacted competition law statutes As competition law expands to jurisdictions with very different economic social cultural and institutional backgrounds the debates over its usefulness have similarly evolved This book the first in a new series on global competition law critically assesses the importance of competition law its development and modern practice and the global

limits that have emerged This volume will be a key resource to both scholars and practitioners interested in antitrust competition law economics business strategy and administrative sciences **World Competition**, 1992 *Competition Law and Development* D. Daniel Sokol, Thomas K. Cheng, Ioannis Lianos, 2013-09-11 The vast majority of the countries in the world are developing countries there are only thirty four OECD Organisation for Economic Co operation and Development countries and yet there is a serious dearth of attention to developing countries in the international and comparative law scholarship which has been preoccupied with the United States and the European Union Competition Law and Development investigates whether or not the competition law and policy transplanted from Europe and the United States can be successfully implemented in the developing world or whether the developing world experience suggests a need for a different analytical framework The political and economic environment of developing countries often differs significantly from that of developed countries in ways that may have serious implications for competition law enforcement The need to devote greater attention to developing countries is also justified by the changing global economic reality in which developing countries especially China India and Brazil have emerged as economic powerhouses Together with Russia the so called BRIC countries have accounted for thirty percent of global economic growth since the term was coined in 2001 In this sense developing countries deserve more attention not because of any justifiable differences from developed countries in competition law enforcement either in theoretical or practical terms but because of their sheer economic heft This book the second in the Global Competition Law and Economics series provides a number of viewpoints of what competition law and policy mean both in theory and practice in a development context Global Competition Policy Edward Montgomery Graham, J. David Richardson, 1997 There is growing consensus among international trade negotiators and policymakers that a prime area for future multilateral discussion is competition policy Competition policy includes antitrust policy including merger regulation and control but is often extended to include international trade measures and other policies that affect the structure conduct and performance of individual industries This study includes country studies of competition policy in Western Europe North America and the Far East with a focus on Japan in the light of increasingly globalized activities of business firms Areas where there are major differences in philosophy policy or practice are identified with emphasis on those differences that could lead to economic costs and international friction Alternatives for eliminating these costs and frictions are discussed including unilateral policy changes bilateral or multilateral harmonization of policies and creation of new international regimes to supplement or replace national or regional regimes **Global Competition** David Gerber, 2012-01-26 A key factor in the emerging relationship between law and economic globalization is how global competition now shapes economies and societies Competition law is provided by those players that have sufficient power to apply their laws transnationally This book examines this important and controversial aspect of globalization **Review of Elhauge & Geradin's Global Competition Law and Economics** John Kallaugher, 2007 Professors Einer Elhauge and Damien Geradin begin the preface

to their new casebook *Global Competition Law and Economics* by observing that no one would think of writing a casebook on Massachusetts antitrust law. They then suggest that for similar reasons an approach to antitrust law based on a single legal system is also becoming outmoded. Businessmen, lawyers and lawmakers must, according to the authors, understand not just their own system but also the other regimes that form part of the global legal framework that regulates competitive behaviour. This leads them to conclude that modern antitrust law is thus global antitrust law. While they acknowledge that significant differences remain between US antitrust law and EC competition law, they see these differences as reflecting different presumptions about how to resolve theoretical or empirical ambiguities arising in a commonly accepted analytical framework. The authors are therefore convinced that the combination of laws from varying nations in actual practice provides a truer picture of the overall regime of competition law that now faces multinational players. They present their work as a book designed to replace more parochial books on basic antitrust law by giving a more realistic sense of the range of issues and analyses relevant to modern antitrust law wherever practised. Given these bold claims, it is appropriate in reviewing this work to consider the validity of the authors' premise that modern antitrust law constitutes in some meaningful way a global legal regime. It is also appropriate to discuss the extent to which the materials as presented in the book vindicate the authors' conviction that a global approach is the best way to present basic antitrust law to students.

**More Common Ground for International Competition Law?** Josef Drexler, Warren S. Grimes, Clifford A. Jones, 2011-01-01. This volume contains many excellent chapters on some of the most cutting edge topics in competition law today. Among the contributions are assessments of new approaches to competition law analysis, analyses of central and controversial topics in the relationship between competition law and intellectual property, and explorations of new transnational developments in China and elsewhere. The chapters range from studies of specific cases to broad interpretations of major trends. I found many of them to be highly insightful and very useful. David J. Gerber, Chicago Kent College of Law, US. This fresh collection of essays by scholars from around the world lives up to its title: it stakes out more common ground for the competition law systems of nations. The chapters result from the fourth annual conference of the Academic Society for Competition Law (ASCOLA). The essays cover major issues that reverberate around the world today, including: How should we think about the economic foundations of competition law in view of new research on behavioral economics and consumer choice? What is the future of the treatment of resale price maintenance? What is the proper fit of intellectual property with competition law? And how do we promote competition law and policy across borders? The collection offers insight from law, economics, political science, business strategy and history. Eleanor Fox, New York University, US. In recent years, an impressive proliferation of competition laws has been seen around the world. Whilst this development may lead to greater diversity of approaches, economic arguments may promote convergence. The contributions to this book look at a number of most topical issues by asking whether the competition world is turning more towards convergence or diversity. These issues include, among others, the

changing role of economics in times of economic crises and political change the introduction of criminal sanctions resale price maintenance unilateral conduct and the application of competition law to intellectual property and state owned enterprises More Common Ground for International Competition Law will appeal to academics PhD students and postgraduate students law and economics members of competition agencies legal practice and international business

**The Interaction Between Competition Law and Corporate Governance** Florence Thépot, 2019-02-14 This book explores the interaction between competition law and corporate governance It will appeal to an audience of lawyers and non lawyer competition professionals in the US UK and EU as well as other jurisdictions with competition law regimes

**Competition and the State** D. Daniel Sokol, Thomas K. Cheng, Ioannis Lianos, 2014-05-21 Competition and the State analyzes the role of the state across a number of dimensions as it relates to competition law and policy across a number of dimensions This book re conceptualizes the interaction between competition law and government activities in light of the profound transformation of the conception of state action in recent years by looking to the challenges of privatization new public management and public private partnerships It then asks whether there is a substantive legal framework that might be put in place to address competition issues as they relate to the role of the state Various chapters also provide case studies of national experiences The volume also examines one of the most highly controversial policy issues within the competition and regulatory sphere the role of competition law and policy in the financial sector This book the third in the Global Competition Law and Economics series provides a number of viewpoints of what competition law and policy mean both in theory and practice in a development context

**The Law and Politics of Global Competition** Christopher Townley, Mattia Guidi, Mariana Tavares, 2022-02-02 In its own words the mission of the International Competition Network the ICN is to advocate the adoption of superior standards and procedures in competition policy around the world formulate proposals for procedural and substantive convergence and seek to facilitate effective international cooperation to the benefit of member agencies consumers and economies worldwide ICN members include nearly all competition authorities NCAs from around the world over 100 of them Since its inception the ICN has also sought to enrich its discussions and outputs through the inclusion of non governmental advisors NGAs principally large multi nationals and the legal and economic professions The ICN is a transnational network set up by its members largely without wider state input This book hypothesises that the ICN s formally neutral structures provide powerful influence mechanisms for strong NCAs and NGAs over the weak and competition experts over wider state interests discussing the legitimacy of this from a political and legal theory perspective analysing the ICN s effectiveness and efficiency and suggesting ways that the ICN can improve all three This study has important implications for the ICN itself particularly as it launches its Third Decade Project billed as a full self evaluation However the story told here is also relevant to states and the wider regulatory community due to the widespread use of transnational networks

*Comparative Competition Law and Economics* Roger J. Van den Bergh, 2017-09-29 Offering a

concise and critical comparison of EU competition law and US antitrust law from an economic perspective this is the ideal textbook for international and interdisciplinary courses combining law and economic approaches

**New Developments in Competition Law and Economics** Klaus Mathis, Avishalom Tor, 2019-03-18 This book further develops both the traditional and the behavioural approach to competition law and applies these approaches to a variety of timely issues It discusses several fundamental questions regarding competition law and economics and explores the applications of competition law and economics In turn the book analyses the interplay of intellectual property rights and patents in various aspects of competition law and investigates the impacts that developments in information technology such as big data analytics have on competition law The book also discusses the impact of energy law reforms on energy markets from a competition law perspective Competition law is a classic field of economic analysis This is largely due to the fact that competition law uses terms such as market price and competition and must therefore rely on economic know how and analyses In the United States economic analysis has greatly influenced not just the scholarship on antitrust law but also judicial decisions and agency enforcement Antitrust law and economics are based on the traditional paradigm of neoclassical economics which relies on the assumption that the market players i e consumers and producers are rational This approach to competition law was later received in Europe under the banner of a more economic approach For the past two decades behavioural law and economics which seeks to generate better insights into legal phenomena by providing more realistic psychological foundations for economic models and to offer a multitude of applications in legislation and legal adjudication has challenged the traditional economic approach to law in general and more recently to competition law specifically

Comparative Law and Economics the late Theodore Eisenberg, Giovanni B. Ramello, 2016-02-26 Contemporary law and economics has greatly expanded its scope of inquiry as well as its sphere of influence By focussing specifically on a comparative approach this Handbook offers new insights for developing current law and economics research It also provides stimuli for further research exploring the idea that the comparative method offers a valuable way to enrich law and economics scholarship With contributions from leading scholars from around the world the Handbook sets the context by examining the past present and future of comparative law and economics before addressing this approach to specific issues within the fields of intellectual property competition contracts torts judicial behaviour tax property law energy markets regulation and environmental agreements This topical Handbook will be of great interest and value to scholars and postgraduate students of law and economics looking for new directions in their research It will also be a useful reference to policymakers and those working at an institutional level

Competition Law and Economics Jay P. Choi, Wonhyuk Lim, Sang-Hyop Lee, 2020-04-24 In this exciting new book an international team of experts compare market structures in both global and Korean contexts particularly focusing on the impact of foreign competition on market concentration and ways to improve market structure It thoroughly investigates core competition problems including international abuses of dominance mergers and collusion and



vertical restraints Contributions move beyond explaining the laws and practices of enforcement agencies offering readers an insight into the trend of an ever increasing interdependence among national economies complemented by analyses of recent developments in the US and Canada

**Book Review** Jarod M. Bona, 2013 This European Competition Law Journal article reviews *The Global Limits of Competition Law* edited by Ioannis Lianos and D Daniel Sokol It is the first book in the Stanford University Press Series Global Competition Law and Economics and is inspired by Judge Frank H Easterbrook's seminal 1984 article *The Limits of Antitrust* The book a compilation of 15 separate articles has a global cast of authors writing from varied perspectives and jurisdictions That approach is a strength and the book collectively celebrates both the limits and potential of competition law I recommend it

Embark on a breathtaking journey through nature and adventure with Crafted by is mesmerizing ebook, **Global Competition Law And Economics** . This immersive experience, available for download in a PDF format ( PDF Size: \*), transports you to the heart of natural marvels and thrilling escapades. Download now and let the adventure begin!

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