
EU MERGER CONTROL

A Legal and Economic Analysis

IOANNIS KOKKORIS
HOWARD SHELANSKI



OXFORD

Eu Merger Control An Economic And Legal Analysis

Sandra Marco Colino



Eu Merger Control An Economic And Legal Analysis:

EU Merger Control Ioannis Kokkoris, 2014 Economic issues play a pivotal role in competition enforcement Integrating economic and legal analysis throughout this work provides expert coverage of both the substantive and procedural law relating to merger control in the EU considering EU and national case law The key substantive and procedural issues in the US are also considered EU Merger Control Ioannis Kokkoris, Howard Shelanski, 2014-01 Economic issues play a pivotal

role in competition enforcement Integrating economic and legal analysis throughout this work provides expert coverage of both the substantive and procedural law relating to merger control in the EU considering EU and national case law The key substantive and procedural issues in the US are also considered **Law and Economics in European Merger Control**

Ulrich Schwalbe, Daniel Zimmer, 2009-10 Co written by an expert lawyer and economist this book provides a thorough guide to the economic theory behind the regulation of mergers The economic theory is then used to analyse the current state of European competition law and test the success of the European Commission's search for a more economic approach to merger regulation Does EU Merger Control Discriminate Against Small Market Companies? Mika Oinonen, 2010-01-01

Although the question posed by the title of this book has generated considerable debate the essential issue remains open and largely blurred While some believe that there is no so called small market problem others discern discrimination against small market companies i.e. companies with a strong position in their home markets but a modest position in the European and global markets and a consequent need for changes in competition law The author of this enormously helpful work here sets the stage for meaningful discussion by analysing the EC Merger Regulation's objectives economic foundations and application practice to present a reasoned view of the issues that can be considered relevant for such a discussion

Considering their effect on the small market problem the author scrutinizes such factors as the following the Commission's methodology for delineating relevant markets in merger assessments unnecessary prohibition caused by overestimation of the market power of small market mergers erroneous approval of cases that should actually be prohibited impact of the so called Harvard and Chicago schools of competition theory and their key policy implications process related alternative views of competition and new synthesizing approaches relevant criteria for a proper analysis of market power concentration measures and market shares barriers to entry price and profitability analyses and product definition v geographic definition of markets In a final chapter the author presents some tentative conclusions normative in nature concerning the problem and the relevant issues relating to it As the first in depth analysis of the issues that are actually involved with its particular diagnosis of the assessment of market power in considering the relevant issues for the problem this study brings into salience the terms of the debate on the problem and thus takes a giant step forward towards defining what needs to be done Competition lawyers policymakers and academics in Europe and elsewhere will find the discussion of great value

Competition Law of the EU and UK Sandra Marco Colino, 2019 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

European Merger Control Catalin Stefan Rusu, 2010-09-17 Twenty years of experience have inevitably brought to light challenges and tensions in the enforcement of the European merger control system Some of these challenges have been faced some have been solved and some remain latent This very valuable study starts from the proposition that the EU has never fully acknowledged those fundamental challenges which relate to the rationale behind merger control in Europe The author shows how the Commission's focus on adapting the rules of merger control to the economic realities of the future business environment although designed with a view to facilitating European integration has compromised attainment of legal certainty transparency and welfare enhancement In its detailed evaluation of the future market structure prediction process embedded in European merger control policy this book approaches two rock bottom far reaching questions In what ways does merger control promote consumer and societal welfare Is the Commission able to correctly predict the outcome of any given concentration transaction These considerations take the reader through a deep and searching analysis that calls into question the very credibility and transparency of the system leading to alternatives which promise a new clarity of purpose and procedure The author describes how these recommendations can be integrated into the functioning framework of the European project Taken fully into account along the way is a wide spectrum of relevant source material including the following applicable articles and chapters of the founding and subsequent European Treaties secondary European legislation concerning competition and merger activity domestic competition laws guidelines notices and action plans competition law reviews statements of intentions draft legislative attempts speeches on the enactment and purpose of merger control Member States views concerning European merger control as expressed during Council negotiations officially available concentration related statistics and a wide ranging literature review covering both the legal and economic sides of merger control Throughout the author substantiates theoretical assertions with case law examples clearly exposing doctrines arising from such cases as Continental Can Phillip Morris Rothmans and the Airtours Schneider and Tetra Laval trilogy A unique feature of the analysis draws on the author's personal experience while working for a Brussels competition law firm This book is a

remarkable compound of academic guide to the roots and rationales of the European Merger Control System practical guide to the day to day intricacies of merger control enforcement and raw guide for decision makers and merger control law enforcers It will be of immense value in all three contexts

Market Power in EU Antitrust Law Luis Ortiz Blanco, 2011-12-02 The notion of market power is central to antitrust law Under EU law antitrust rules refer to appreciable restrictions of competition Article 101 1 Treaty on the Functioning of the European Union TFEU ex Article 81 1 EC Treaty the elimination of competition for a substantial part of the market Article 101 3 TFEU ex Article 81 3 EC dominant positions Article 102 TFEU ex Article 82 EC and substantial impediment to effective competition in particular by creating or reinforcing a dominant position Article 2 of the EU Merger Regulation At first sight only the concept of dominant position relates to market power but it is the aim of this book to demonstrate that the other concepts are directly linked to the notion of market power This is done by reference to the case law of the EU Courts and the precedents of the European Commission The author goes on to argue that for very good reasons clarity and enforceability among others the rules should be interpreted in this way Beginning with market definition the book reviews the different rules and the different degrees of market power they incorporate Thus it analyses the notion of appreciable restriction of competition to find a moderate market power obtained by agreement among competitors to be the benchmark for the application of Article 101 TFEU ex Article 81 EC It moves on to the concept of dominance under Article 102 TFEU ex Article 82 EC which is equivalent to substantial or significant market power and then focuses on the old and new tests for EU merger control Finally it addresses the idea of elimination of competition in respect of a substantial part of the market Article 101 3 TFEU ex Article 81 3 b EC in which the last two types of market power Article 102 TFEU ex Article 82 EC and EU Merger Regulation converge To exemplify this an in depth study of the notion of collective dominance is conducted The book concludes that a paradigm of market power exists under the EU antitrust rules that both fits with past practice and provides for a useful framework of analysis for the general application of the rules by administrative and even more importantly judicial authorities in the Member States under conditions of legal certainty

Joint Ventures and EU Competition Law Luís Morais, 2014-07-18 This book examines the treatment of joint ventures JVs in EU Competition Law and at the same time provides a comparison with US law It starts with an analysis of the rather elusive concept of JV encompassing both concentrative JVs subject to merger control and non concentrative JVs Although focused on possible definitions of joint ventures in terms of competition law it also includes a broader perspective going beyond competition law on the different legal models of structuring cooperation links between undertakings At the core of the book is an attempt to build an analytical model for the assessment of JVs in terms of antitrust law especially as regards Article 101 of the TFEU The analytical model used proposes a set of sequential analytical levels taking into account structural factors and specific factors related to the main constituent elements of the functional programmes of JVs The model is applied to a substantive assessment of four main types of JVs

identified on the basis of their prevailing economic function research and development JVs production JVs commercialization JVs and purchasing JVs Also covered are particular situations of joint ownership of undertakings falling short of joint control In the concluding part of the book recent developments in JV antitrust law are put into context within the wider reform of EU Competition Law The book is also comprehensively updated with the latest developments concerning the reform of the EU framework of horizontal cooperation between undertakings that took place at the end of 2010 **The Economic**

Assessment of Mergers under European Competition Law Daniel Gore, Stephen Lewis, Andrea Lofaro, Frances

Dethmers, 2013-04-25 This concise and practical guide to the most important economic techniques and evidence employed in modern merger control draws on the authors extensive experience in advising on European merger cases It offers an introduction to the relevant economic concepts and analytical tools and stand alone chapters provide an in depth overview of the theoretical and practical issues related to market definition unilateral effects coordinated effects and non horizontal mergers Each form of economic evidence and analysis is illustrated with practical examples and an overview of key merger decisions European Merger Control Catalin Stefan Rusu, 2010-01-01 Twenty years of experience have inevitably brought to light challenges and tensions in the enforcement of the European merger control system Some of these challenges have been faced some have been solved and some remain latent This very valuable study starts from the proposition that the EU has never fully acknowledged those fundamental challenges which relate to the rationale behind merger control in Europe The author shows how the Commission s focus on adapting the rules of merger control to the economic realities of the future business environment although designed with a view to facilitating European integration has compromised attainment of legal certainty transparency and welfare enhancement In its detailed evaluation of the future market structure prediction process embedded in European merger control policy this book approaches two rock bottom far reaching questions In what ways does merger control promote consumer and societal welfare Is the Commission able to correctly predict the outcome of any given concentration transaction These considerations take the reader through a deep and searching analysis that calls into question the very credibility and transparency of the system leading to alternatives which promise a new clarity of purpose and procedure The author describes how these recommendations can be integrated into the functioning framework of the European project Taken fully into account along the way is a wide spectrum of relevant source material including the following applicable articles and chapters of the founding and subsequent European Treaties secondary European legislation concerning competition and merger activity domestic competition laws guidelines notices and action plans competition law reviews statements of intentions draft legislative attempts speeches on the enactment and purpose of merger control Member States views concerning European merger control as expressed during Council negotiations officially available concentration related statistics and a wide ranging literature review covering both the legal and economic sides of merger control Throughout the author substantiates theoretical assertions with case law examples clearly exposing doctrines arising

from such cases as Continental Can Phillip Morris Rothmans and the Airtours Schneider and Tetra Laval trilogy A unique feature of the analysis draws on the author s personal experience while working for a Brussels competition law firm This book is a remarkable compound of academic guide to the roots and rationales of the European Merger Control System practical guide to the day to day intricacies of merger control enforcement and raw guide for decision makers and merger control law enforcers It will be of immense value in all three contexts **EU Law and Economics** Armin

Steinbach,2024-12-17 The intersection between law and economics is a dynamic field of research Yet European law has so far not been the subject of comprehensive systematic economic analysis Instead issues such as the European debt crisis COVID 19 pandemic and the climate emergency have largely escaped scholarly analysis through the nexus of EU law and economics EU Law and Economics closes this gap providing an overview of the application of economics to the institutional procedural and substantive aspects of European law Drawing on various branches of the economic sciences including rational choice and game theory and institutional and behavioural economics this book goes beyond conventional methods of EU legal scholarship to expand our understanding of EU law and its effects This book devotes attention to EU Treaties and secondary law as well as their adjudicative interpretation while using economic theory to explain their core legal principles such as conferral subsidiarity and mutual recognition Systematic and original this book offers additional descriptive and normative metrics that expand our understanding of the decision making behaviour of EU institutions and member states while opening a new dialogue between two distinct disciplines This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to download from OUP and selected open access locations *Economics and the Enforcement of European Competition Law* Christopher Decker,2009-01-01 The book is well written and readable by non economists The approaches questions methodology and basis for selection of cases interviewees are clearly explained and justified This book is a valuable contribution to the literature Rhonda Smith Competition and Consumer Law Journal Recent years have seen a trend toward an economics based approach to the enforcement of European competition law But what is meant by economics based and how does this approach sit with legal and enforcement practice This book seeks to place in perspective the growing use of economics in European competition law enforcement by examining precisely how economics contributes to the enforcement activity of the European Commission and Courts Christopher Decker provides unique empirical insights as to how economic theory thinking techniques and data have featured in decision making in the area of coordinated effects The role of economics is examined throughout the entire enforcement process from the decision to initiate an investigation to the design and implementation of remedies and its conclusions are of general relevance to all areas of competition law enforcement where economics is used Utilising a broad and multifaceted conception of economics this book is essential reading for academics and students interested in European competition law EC competition lawyers applied industrial economists and enforcement officials It will also be an invaluable tool for academic libraries and institutes

government agencies law firms and economic consultancies

Killer Acquisitions in Digital Markets: An Analysis of the EU Merger Control Regime Giulia Sonderegger, 2024-06-10 In her PhD thesis Giulia Aur lie Sonderegger analyses killer acquisitions which in short are acquisitions that aim to pre empt potential future competition at an early stage While this phenomenon was originally discovered in pharmaceutical markets this thesis exclusively discusses killer acquisitions in the context of digital markets thereby primarily focusing on the current European Merger Control Regulation EUMR The main research question is whether the EUMR is appropriate to tackle killer acquisitions occurring in digital markets and if not in what ways it needs to be amended to better address the challenges in the future To tackle this question the author assesses both the economic and legal effects of killer acquisitions on merger control in digital markets and based on her findings suggests amendments to the current European merger control regime For a more comprehensive analysis this thesis also includes an assessment of the recently enacted Digital Markets Act DMA to ascertain whether this regulation may serve as an additional tool to remedy such transactions

EU Competition Law and the Information and Communication Technology Network Industries Andrej Fatur, 2012-03-08 Competition policies have long been based on a scholarly tradition focused on static models and static analysis of industrial organisation However recent developments in industrial organisation literature have led to significant advances moving beyond traditional static models and a preoccupation with price competition to consider the organisation of industries in a dynamic context This is especially important in the field of information and communication technology ICT network industries where competition centres on network effects innovation and intellectual property rights and where the key driver of consumer benefit is technological progress Consequently when an antitrust intervention is contemplated a number of considerations that arise out of the specific nature of the ICT sector have to be taken into account to ensure improved consumer welfare This book considers the adequacy of existing EU competition policy in the area of the ICT industries in the light of the findings of modern economic theory Particular attention is given to the implications of these dynamic markets for the competitive assessment and treatment of the most common competitive harms in this area such as non price predatory practices tying and bundling co operative standard setting platform joint ventures and co operative R D

European Union Law Alina Kaczorowska-Ireland, 2016-05-26 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 m moire

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

The Multinational Enterprise and Legal Control Cynthia Day Wallace, 2021-10-18 This long awaited new book from Cynthia Day Wallace picks up the thread of her best selling *Legal Control of the Multinational Enterprise National Regulatory Techniques and the Prospects for International Controls* In the present work she applies herself to legal and pragmatic aspects of control surrounding MNE operations The primary focus is on legal and administrative techniques and measures practised by host states to control transparently or less so foreign MNE activity within their territories or even extraterritorially when effects are felt within national boundaries The primary geographic focus is the six most investment intensive industrialized states namely Canada France Germany Japan the United States and the United Kingdom At the same time an important message of the present study is precisely the implication for the developing countries as well as for the emerging market economies of central and eastern Europe and even Asian nations besides Japan because it is the sharing of this very experience of years that can best serve to facilitate a fuller participation on the part of the up and coming economies in the same global market place

Public and Private Enforcement of Competition Law in Europe Kai Hüscherlath, Heike Schweitzer, 2014-08-01 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

Competition Policy in the EU Xavier Vives, 2009-08-06 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 competitive 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 established. 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 leading specialists combining theoretical with practical knowledge and discussing the underpinnings of the application of law.

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 Policy in the European Union Michelle Cini, Lee McGowan, 2008-10-30. 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.

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