



Competition Law and Economic Regulation

Making and Managing Markets

NIAMH DUNNE

CAMBRIDGE

Competition Law And Economic Regulation Making And Managing Markets

Huseyin Cagri Corlu



Competition Law And Economic Regulation Making And Managing Markets:

Competition Law and Economic Regulation Niamh Dunne, 2015 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

Competition Law and Economic Regulation Niamh Dunne, 2015-03-26 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

Making and Managing Markets Niamh Mary Dunne, 2013

Application of Anti-manipulation Law to EU Wholesale Energy Markets and Its Interplay with EU

Competition Law Huseyin Cagri Corlu, 2018-06-05 In the course of energy liberalisation electricity and natural gas contracts have been separated from physical delivery and these contracts are now traded as commodities in multilateral trading facilities Although designed to render energy trading standardised and efficient this system raises serious questions as to whether existing regulatory and antitrust provisions are sufficient to address market abuses that cause imbalances in demand and supply The European Union's EU's Regulation on Wholesale Energy Market Integrity and Transparency REMIT adopted to combat such market manipulation is still lacking in significant case law to bolster its effectiveness Addressing this gap this invaluable book provides the first in depth analysis of market manipulation in the energy sector offering a deeply informed understanding of the new anti manipulation rules and their implementation and enforcement Focusing on practices that perpetrators employ to manipulate electricity and natural gas markets and the applicability of anti manipulation rules to

combat such practices the analysis examines such issues and topics as the following factors and circumstances that determine when and what market misconduct can be subject to enforcement the European Commission's criteria to determine whether a particular market is susceptible to regulation jurisdiction of REMIT and the Market Abuse Regulation MAR with respect to the prohibitions of insider trading in financial wholesale energy markets to what extent anti manipulation rules and EU competition law may be applied concurrently and types of physical and financial instruments that market participants have employed in devising their manipulative schemes Because market manipulation is rather new in the EU context but has been prohibited and prosecuted under US law for over a century much of the case law analysis is from the United States and greatly clarifies how anti manipulation rules may be enforced A concluding chapter offers policy recommendations to mitigate legal uncertainties arising from REMIT Energy market participants such as energy producers wholesale suppliers traders transmission system operators and their counsel and legal practitioners in the field will welcome this book's extensive legal analysis and its clear demarcation of the objectives that REMIT seeks to accomplish with respect to energy market liberalisation

Market Investigations Massimo Motta, Martin Peitz, Heike Schweitzer, 2022-01-06 In many economic sectors the digital industries being first and foremost the market power of dominant firms has been steadily increasing and is rarely challenged by competitors Existing competition laws and regulations have been unable to make markets more contestable The book argues that a new competition tool is needed market investigations This tool allows authorities to intervene in markets which do not function as they should due to market features such as network effects scale economies switching costs and behavioural biases The book explains the role of market investigations assesses their use in the few jurisdictions where they exist and discusses how they should be designed In so doing it provides an invaluable and timely instrument to both practitioners and academics

Competition Law and Economic Inequality Jan Broulík, Katalin Cseres, 2022-12-15 The gap between the rich and poor is widening across the globe This book explores whether this major societal challenge of our time can be addressed by the means of competition law The primary goal of today's competition law is to ensure that market power does not lead to an inefficient production of goods and services Nevertheless even such efficiency oriented curbing of market power may arguably contribute to the reduction of differences in how much people own and earn Furthermore many competition law regimes do take into account distributive considerations too The chapters investigate the relationship between competition law and economic inequality from philosophical historical and economic perspectives Their inquiries concern the conceptual foundations of competition law and doctrinal frameworks of individual jurisdictions as well as specific problems and markets As such the book provides a novel and comprehensive overview of whether and how competition law can contribute to more equality in both developed and developing countries The book is a must read for researchers public officials judges and practitioners within the competition law community It will also appeal to anyone more broadly interested in issues of inequality and economic policy

Competition Law and Policy in Digital

Markets Maria Ioannidou, Bingwan Xiong, 2025-03-01 The advent of digital technologies has transformed markets and resulted in unprecedented levels of market concentration with a handful of digital giants controlling the provision of many goods and services Against these changing market dynamics Competition Law and Policy in Digital Markets A Comparative Analysis of the EU and China provides a critical comparative analysis of the application of competition law in digital markets in the EU and China The book deciphers how these two key competition law jurisdictions apply their respective competition laws against different digital giants and the potential impact of those applications in the evolution of digital markets This book first maps the characteristics of digital markets and the challenges they raise for competition law enforcement and second critically discusses decisional practice and policy developments in the EU and China The discussion identifies potential competition law problems in the digital economy and covers various types of anti competitive conduct at the intersection of consumer data protection and competition law It also identifies contentious cases querying whether competition law can act as a gap filler or whether other regulatory tools are better suited to address such problems Pioneering and timely Competition Law and Policy in Digital Markets examines the challenges posed to competition law enforcement by these new dynamics The similarities and divergent approaches between competition law enforcers in the EU and China are examined in a bid to contribute to a more transparent debate between the two **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 **The New EU Competition Law** Pablo Ibáñez Colomo, 2023-12-14 This book provides the first comprehensive account of the New EU Competition Law an emerging understanding of the discipline that breaks from the consensus of the early 2000s and that ventures into uncharted territories Competition law has undergone fundamental transformations in the past decade from the rise and fall of the effects based approach to the challenge of Big Tech and the growing interaction with intellectual property Making sense of these changes and fully grasping their implications can be difficult The book discusses the shift from traditional enforcement in the industrial era to the sort of intervention that a knowledge based economy demands It presents the changes that the field is undergoing policy priorities relationship with regulation and intangible assets move away from efficiency and consumer welfare and illustrates them by reference to the most significant developments The analysis includes an up to date evaluation of the Digital Markets Act and addresses the application of EU competition law to key areas including energy pharma telecommunications and online platforms Conceived as a modular book practitioners and advanced students will find it useful as a map to navigate the underlying trends and as an in depth dissection of the key case law and administrative practice of the past decade

Research Handbook on Abuse of Dominance and Monopolization Pinar Akman, Or Brook, Konstantinos Stylianou, 2023-01-20 This Research Handbook offers a comprehensive and state of the art collection on the competition law

antitrust prohibition of abuse of a dominant position and monopolization It draws from the long and influential traditions of leading jurisdictions such as the European Union and the United States to analyse applicable rules and policy in these jurisdictions It also takes a comparative approach to identify common threads and differences

Margin Squeeze in the Electronic Communications Sector Anna Renata Pisarkiewicz, 2018-06-22 Margin squeeze is a form of abuse of a dominant position in which a vertically integrated company reduces the margin between the price charged to competitors and the price charged to consumers which can have the effect of excluding a competitor from the market In the decade or so since the liberalisation of network industries margin squeeze has become a major source of concern among competition authorities and courts particularly pronounced in the electronic communications sector Because some of the adopted decisions show significant inconsistencies in approach and legal certainty remains elusive in this area this book which provides an extremely thorough analysis is both timely and of great practical value The author provides an in depth examination of margin squeeze allegations in the electronic communications sector with a view to developing a more advanced and comprehensive analysis of principles which should guide ex post assessment of margin squeeze Issues and topics covered include scope of intervention in margin squeeze cases both for national regulatory and national competition authorities conditions for sanctioning margin squeeze under Article 102 methodological and practical difficulties in identifying a margin squeeze methodology employed in margin squeeze cases and its regulatory aspects assessment of the ability and incentives of regulated firms to engage in a margin squeeze and situations when competition law is used to address the deficits of regulation and regulatory failures It also includes a critical comparison of the vertical foreclosure analysis undertaken in margin squeeze cases with the approach adopted in the EU Non Horizontal Merger Guidelines Throughout the analysis margin squeeze treatment in the European Union and its Member States is examined in light of the diverging approach adopted by the US Supreme Court The increasing complexity of the electronic communications market can only further confound an already complex assessment of price squeezes and one can expect that claims of anticompetitive margin squeeze in liberalised network industries will continue to be high on the enforcement agenda of competition authorities for years to come In light of the need for a coherent or at least predictable sentencing policy to provide relative legal certainty the research in this book proves invaluable The analysis and conclusions discussed in this book will be welcomed by policymakers regulators and lawyers working in the areas of competition law and electronic communications law

Repositioning Platforms in Digital Market Law Dušan V. Popović, Rainer Kulms, 2024-10-08 Online platforms and their ecosystems are the cornerstone of the digital economy They have brought forth positive network effects But they are also known for their information asymmetries their potential for market failures and their problematic relationship with data protection law This volume provides a detailed analysis of the current process of repositioning online platforms in the digital economy as regulators express concerns about the evolution from mere intermediaries to gatekeepers

The exclusive reliance on competition law instruments has proven to be incapable of coping with cases of platforms abusing their market power. Therefore, the book explores the European Union's new approach to digital markets consisting in the adoption or drafting of new legislative instruments such as the Digital Markets Act, Digital Services Act, Proposal of AI Act, Proposal of Data Act, Proposal of Data Governance Act. The EU's emphasis on new regulatory ex ante instruments as in the Digital Markets Act calls for an assessment of their overlap or their interface with existing supranational and national competition rules. The book transcends mere competition law thinking by exploring the status of online platforms from the perspective of trade law, rules on unfair competition, data protection rules, and intellectual property law. But in view of the global reach of online platforms, the risks of a jurisdiction-wise approach with conflicting regulatory strategies are all too clear. The volume therefore includes comparative studies on Australia and the USA. The potential impact of regulatory policy choices will also be assessed from the economic perspective. The book's message is not to be confined to researchers and academics. It is also of great importance to practitioners in the digital sector who stand to benefit from the analysis of the law of online platforms undertaken by a working group of renowned authors coming from different jurisdictions.

The Law and Regulation of Airspace Liberalisation in Brazil Delphine Defosse, 2022-05-30. The book starts from the premise that the current aviation framework in Brazil cannot sustain a full liberalisation in the long run. While the competition rules in place offer a strong framework which only requires small modifications, these rules are not enough to foster a healthy liberalisation. In fact, until recently, Brazilian airlines were operating in a homogenous market where competition was artificial. This artificial competition obtained through the imposition of a legal obligation to provide water and a snack and grant a 23kg bag allowance has resulted in a highly concentrated domestic market with very few players. Compared to other same size markets such as China or India, Brazil is far behind in terms of airlines operating at national level. Consequently, the opening of the domestic market must be closely regulated to avoid national carriers suffocating under external pressure. For this reason, state intervention during the liberalisation process is crucial. State intervention is also with regard to the protection of passengers. The other major problem is the protection framework for passengers which is much too uncertain and burdensome. In a sense, it is detrimental to the domestic market and passengers. Indeed, there is no harmonisation of passenger compensation leading to contradictory judgments and possible high moral damages which hinders legal certainty for airlines. Compared to the situation in the EU, in Brazil, airlines have a limited range of defences which are often dismissed by courts. This book therefore critically analyses the policies and regulations in place by mainly comparing the Brazilian framework to the European one. This choice has been motivated by the fact that European liberalisation is considered the best so far and as Brazil is starting this process much later, it could benefit from the European experience. This book will be of particular interest to scholars and practitioners interested in the Brazilian system.

Competition Law in the EU Johan W. van de Gronden, Catalin S. Rusu, 2024-05-02. This thoroughly revised and updated second edition provides an enhanced

understanding of EU competition law exploring significant substantive and enforcement issues relating to antitrust merger control the Digital Markets Act and state aid law While considering well established doctrines and landmark judgements the textbook also addresses recent developments such as digitalisation sustainability and globalisation and how these issues will influence future inquiry into competition law *Remedies in EU Competition Law* Damien Gerard,Assimakis Komninos,2020-07-10 By their nature remedies are central to competition law enforcement and represent the yardstick against which the efficiency of the overall system can be measured Yet very rarely have remedies been treated in a horizontal and comprehensive manner from the combined perspectives of substance process and policy The present volume developed in partnership with the College of Europe s Global Competition Law Centre GCLC provides coherent practical and authoritative commentaries by leading experts from the GCLC s incomparable network The contributions originally presented at the 2019 GCLC annual conference examine remedies to assess the overall effectiveness of competition law enforcement in merger antitrust and State aid matters The overall topic is presented under five headings objectives and limitations of remedies types of remedies in competition law enforcement implementation and process ex post assessment of remedies and policy lessons and national and international approaches The high profile and wide ranging group of authors includes the Director General of the European Commission s competition department lawyers from major international firms and well known economists and academics specialising in competition law With a sharp focus on how to make competition rules work well in today s digital environment this systematic and coherent analysis illuminates an issue that we need to fully grasp and understand in order to make sense of competition policy law and enforcement in the years and decades to come

The Regulation of Turkish Network Industries Muzaffer Eroğlu,Matthias Finger,2022-01-01 This book brings together academics and experts on Turkish network industries It provides fundamental information on the current developments regarding regulation of the different network industries in Turkey Turkey has gone through a liberalization process in most of the network industries during the past 20 years In most of them independent regulatory authorities have been established but some network industries are still remaining under the central or local government regulatory regime As a result there is now a very complicated regulatory regime in place which makes Turkey s regulatory system difficult to understand for practitioners academics lawyers researchers and investors This book offers unique insight into Turkey s regulatory regime in various network industries It also offers a historical background to regulation a description of the current regulatory regimes as well as an analysis of the foreseeable evolutions The book covers all the important network industries in Turkey No similar book is available on the market to date Moreover the book provides an extensive analysis of the current regulatory regimes in the energy the transport and the telecommunications industries This book should be of interest to anyone wishing to understand Turkish regulation and will be very helpful handbook to researchers who are interested in regulation of network industries not only in Turkey but also in other developing countries as Turkey is quite representative of other emerging

countries Readers will acquire a thorough understanding of the state of play of the Turkish network industries and their regulation

Antitrust and Upstream Platform Power Plays A. K. von Moltke, 2023 Combining legal reasoning with insights from an array of disciplines Antitrust and Upstream Platform Power Plays addresses how antitrust policy should regulate powerful digital platforms that exploit dependent suppliers upstream in the value chain providing a normative theoretical and practical analysis

Licensing and Access to Content in the European Union Sebastian Felix Schwemer, 2019-05-23 Explores the complex European regulatory landscape for multi territorial access to and licensing of copyrighted works such as music and audiovisual works

The Digital Markets Act Konstantina Bania, Damien Geradin, 2024-12-12 This book provides an in depth exploration of the Digital Markets Act DMA With an ensemble of contributors who have been involved in major antitrust cases that shaped the legislative text the book explains the rationale for the DMA introduces the reader to the digital services falling within its scope sets out the process for gatekeeper designation and provides insights into the interpretation issues and enforcement challenges that arise from the obligations it establishes Analysing the DMA in the broader legal and market context the chapters examine tensions between the DMA and other EU and national rules governing the conduct of online platforms compare the DMA to similar initiatives undertaken in other jurisdictions and bring perspectives from other disciplines such as data protection regulation A companion website reports on important developments in relation to the DMA such as the decisions designating tech giants as gatekeepers and subsequent litigation arising therefrom and provides links to analysis discussing the developments An authoritative treatment of the DMA is paired with an easy to follow writing style to make this comprehensive compendium essential reading for practitioners judges regulators and researchers working on matters relating to the digital economy

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

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