



COMPETITION LAW AS REGULATION

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Competition Law As Regulation Ascola Competition Law Series

Fabiana Di Porto, Rupprecht Podszun



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 *Public Procurement and the EU Competition Rules* Albert Sánchez Graells, 2015-06-25 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 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 This process of convergence between competition and public procurement law is particularly apparent in the 2014 Directives on public procurement which consolidate the principle of competition in terms very close to those advanced by the author in the first edition This second edition builds upon this approach and continues to ask how competition law principles inform and condition public procurement rules and whether the latter in their revised form are adequate to ensure that competition is not distorted The second edition also deepens the analysis of the market behaviour of the public buyer from a competition perspective Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of these rules against a standard of the proper functioning of undistorted competition in the market for public procurement It also traces the increasing relevance of competition considerations in the case law of the Court of Justice of the European Union and sets out criteria and recommendations to continue influencing the development of EU Economic Law **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 objectives 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

Competition Law and Policy in the Western Balkans Jasminka Pecotić Kaufman,Gentjan Skara,Alexandr Svetlicinii,2025-08-01 This book provides a comprehensive analysis of competition law and policy in the Western Balkans by assembling and examining reports from Albania Bosnia and Herzegovina Kosovo Montenegro North Macedonia and Serbia It explores the evolution of competition law and policy in these jurisdictions and assesses the extent to which their domestic legislation aligns with the EU competition acquis Our research takes a bottom up approach focusing on the unique challenges faced by each jurisdiction within the context of their respective legal traditions The volume includes institutional and enforcement empirical data collected and analyzed for the period 2012 2022 offering original insights into the development of competition law systems in these countries The book addresses a range of issues including the historical development of competition law and policy in the Western Balkans countries their institutional and legislative frameworks the peculiarities of the national competition law systems that significantly differ from the EU acquis the features that have been amended in the process of European integration the application of domestic and EU competition rules by national competition authorities enforcement and sanctioning statistics judicial review private enforcement of competition rules and future challenges This edited volume provides an authoritative and rigorous overview of competition law and policy in the Western Balkans making it of interest to academics students and practitioners in the field of competition law

Competition Law in Croatia Jasminka Pecotić Kaufman,Vlatka Butorac Malnar,Dubravka Akšamović,2019-07-10 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of competition law and its interpretation in the Croatia covers every aspect of the subject the various forms of restrictive agreements and abuse of dominance prohibited by law and the rules on merger control tests of illegality filing obligations administrative investigation and enforcement procedures civil remedies and criminal penalties and raising challenges to administrative decisions Lawyers who handle transnational commercial

transactions will appreciate the explanation of fundamental differences in procedure from one legal system to another as well as the international aspects of competition law Throughout the book the treatment emphasizes enforcement with relevant cases analysed where appropriate An informative introductory chapter provides detailed information on the economic legal and historical background including national and international sources scope of application an overview of substantive provisions and main notions and a comprehensive description of the enforcement system including private enforcement The book proceeds to a detailed analysis of substantive prohibitions including cartels and other horizontal agreements vertical restraints the various types of abusive conduct by the dominant firms and the appraisal of concentrations and then goes on to the administrative enforcement of competition law with a focus on the antitrust authorities powers of investigation and the right of defence of suspected companies This part also covers voluntary merger notifications and clearance decisions as well as a description of the judicial review of administrative decisions Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in the Croatia will welcome this very useful guide and academics and researchers will appreciate its value in the study of international and comparative competition law

Multi-sided Music Platforms and the Law Chijioke Ifeoma Okorie, 2019-10-28 Multi Sided Music Platforms and the Law explores the legal and regulatory frameworks surrounding copyright protection competition and privacy concerns arising from the way multi sided platforms use copyright protected content in digital advertising This book suggests how stakeholders in Africa and their advisors may ingenuously reform and apply various legal and regulatory frameworks to address these issues which arise from the manner in which multi sided platforms use copyright protected content in digital advertising The book critically engages with the regulatory efforts in other jurisdictions particularly the EU with a view to bringing an African perspective to the debate and practice It undertakes a consideration of this issue by asking how multi sided platforms may be deployed in a manner that continues innovative uses of copyright content while protecting the economic freedom of African copyright owners as small businesses Providing the first pro Africa approach to the regulation of multi sided platforms particularly with reference to music this book focuses on key aspects of digital commercial activity and highlights the main challenges and opportunities for its regulation It will be of interest to lawyers policymakers and students across Nigeria South Africa and internationally among the African Union European Union and beyond

Non-Competition Interests in EU Antitrust Law Or Brook, 2022-07-28 This book is the first to empirically study the role of non competition interests in Article 101 TFEU enforcement

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 EU Law of Competition and Trade in the Pharmaceutical Sector Pablo Figueroa,Alejandro Guerrero,2019 This book provides a systematic analysis of the law and practice of EU competition and trade in the pharmaceutical sector Authored by leading private practitioners economists scholars and high level officials at competition regulators this work provides valuable insider knowledge on the application of law and policies to the pharmaceutical industry The work contains extensive commentary on the legislation and the latest case law and administrative precedents in this sector at both EU and national level including certain significant jurisdictions e g the US China Coverage of various key developments includes the recent pay for delay antitrust investigations the perennial issues around parallel trade and an examination of mergers among pharmaceutical companies and medical devices manufacturers In addition to the legal analysis it offers vital economic and business perspectives to ensure that the reader has the full range of tools with which to prepare for cases and conduct transactions within the pharmaceutical industry *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 **Procedural Fairness**

in Competition Proceedings Paul Nihoul, Tadeusz Skoczny, 2015-09-25 How substantive competition rules are enforced plays a crucial role in achieving their goals This thoughtful book examines procedural issues that have arisen from the increased enforcement of competition law worldwide **Big Data and Competition Law** Alptekin Koksall, 2023-11-13

Recent studies on competition law and digital markets reveal that accumulating personal information through data collection and acquisition methods benefits consumers considerably Free of charge fast and personalised services and products are offered to consumers online Collected data is now an indispensable part of online businesses to the point that a new economy a data driven sector has emerged Many markets such as the social network search engine online advertising and e commerce are regarded as data driven markets in which the utilisation of Big Data is a requisite for the success of operations However the accumulation and use of data brings competition law concerns as they contribute to market power in the online world resulting in a few technology giants gaining unprecedented market power due to the Big Data accumulation indirect network effects and the creation of online ecosystems As technology giants have billions of consumers worldwide data driven markets are truly global In these data driven markets technology giants abuse their dominant positions but existing competition law tools seem ineffective in addressing market power and assessing abusive behaviour related to Big Data This book argues that a novel approach to the data driven sector must be developed through the application of competition law rules to address this It argues that current and potential conflicts can be mitigated by extending the competition law assessment beyond the current competition law tools to offer a modernised and unified approach to the Big Data related competition issues Promoting new legal tests for addressing the market power of technology giants and assessing abusive behaviour in data driven markets this book advocates for cooperation between competition and data protection authorities It will be of interest to students academics and practitioners with an interest in competition law and data protection Judicial Review of Competition Law Enforcement in the EU Member States and the UK Maciej Bernatt, Francisco Marcos, Annalies

Outhuijse, 2024-09-17 International Competition Law Series 91 Enforcement of competition law often calls for a complex economic and legal assessment and the review of those enforcement decisions usually falls to national courts In this connection however European competition law and legal scholarship have offered scant guidance on how judicial review should and does function This book the first comprehensive systematic and comparative empirical study of judicial review of competition law public enforcement in the EU and the UK provides a thorough understanding of the practical operation of

the role of judicial review in competition enforcement A country by country analysis along with a detailed introduction and an incisive comparative summary covers all publicly available judicial review judgments 5 707 in all of final public enforcement actions in relation to Articles 101 and 102 TFEU and relevant national provisions in the twenty seven EU Member States and the UK rendered between 1 May 2004 and 30 April 2021 The data presented draws on a rich database built for the purpose of this study by twenty eight national teams of competition law academics and practitioners For each jurisdiction the analysis focuses on such aspects as the following structure of the national enforcement system number of judgments rendered success rate types of appellants competition rules subject to review grounds of review use of preliminary references appeals involving leniency and or settlements and role of third parties Numerous graphs figures and tables support the presentation In the light it sheds on trends in judicial review of competition law enforcement on a comparative basis and in its data driven assessment of how the decentralised judicial review of EU competition law meets EU integration aims this important study will be of inestimable value to competition lawyers policymakers and academics in developing a confident understanding of precisely how judicial review in this area operates in each of the EU Member States and the UK In addition the book provides a significant contribution not only with respect to EU and national competition laws but also more broadly to comparative administrative law scholarship in Europe

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

The Evolving Governance of EU Competition Law in a Time of Disruptions Carlo Maria Colombo, Kathryn Wright, Mariolina Elia Antonio, 2024-02-08 This book develops a timely analysis of the complex trends and transformations emerging in EU competition law in the current turbulent times Repeated economic crises the climate emergency digitalisation and geopolitical and democratic threats are all having profound societal and economic effects on the EU In light of its fundamental role in the Treaties EU competition law has been called upon to play an important role in responding to this state of turbulence This brings about significant governance and constitutional challenges firstly by questioning how the governance of EU competition law is being transformed to respond and adapt Secondly these crisis induced transformations probe the logic and constitutional limits of EU competition law within the framework of EU law This collection brings together EU institutional and competition lawyers to reflect on the governance and constitutional challenges emerging from the post modernisation evolution of EU competition law against the backdrop of the recent multiple crises in the EU The essays focus on the substantive and procedural developments across the three main policy areas of EU competition law antitrust merger control and State aid EU constitutional and competition lawyers will be interested in this important new collection

Consumer Involvement in Private EU Competition Law Enforcement Maria Ioannidou, 2015-09-03 Despite the growing importance of consumer welfare in EU competition law debates there remains a

significant disconnect between rhetoric and reality as consumers and their interests still play only an ancillary role in this area of law Consumer Involvement in Private EU Competition Law Enforcement is the first monograph to exclusively address this highly topical and much debated subject providing a timely and wide ranging examination of the need for more active consumer participation in competition law Written by an expert in the field it sets out a comprehensive framework of policy implications and arguments for greater involvement positioning the debate in the context of a broader EU law perspective It outlines pragmatic approaches to remedial and procedural measures that would enable consumer empowerment Finally the book identifies key institutional and political obstacles to the adoption of effective measures and suggests alternative routes to enhance the role of consumers in private competition law enforcement The book s innovative approach combining normative analysis and practical solutions make it invaluable for academics policy makers and practitioners in the field

Research Handbook on Private Enforcement of Competition Law in the EU Barry J. Rodger, Miguel S. Ferro, Francisco Marcos, 2023-02-14 The Research Handbook on Private Enforcement of Competition Law in the EU provides wide ranging coverage of a key aspect of competition law enforcement which is undergoing constant and rapid growth in significance The Handbook examines the private enforcement of competition law across the EU and beyond shedding light on pertinent and underlying issues

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