

EUROPEAN COMPETITION LAW: A PRACTITIONER'S GUIDE

THIRD EDITION

LENNART RUTTER W. DAVID BRAUN

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European Competition Law A Practitioners Guide

**Claus-Dieter Ehlermann, Isabela
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European Competition Law A Practitioners Guide:

European Competition Law Lennart Ritter,W. David Braun,2004-01-01 As the European Union continues to sort itself out it has been making rapid and significant changes in the rules of competition This edition includes the latest decisions as of 1 May 2004 and is written for those who must immediately apply them to their businesses Primary topics include the fundamentals of EC competition law and examinations of **European Competition Law:A Practitioner's Guide** Lennart Ritter,2000-01-11 EC competition law is in a steady process of evolution Many important changes in legislation and enforcement emphasis have occurred since the First Edition appeared in 1991 These changes include the amendment of the merger control regulation the harmonization and simplification of the procedural rules the liberalization of hitherto monopolized markets the coordinated application of the competition rules by the Commission national authorities and national courts a reappraisal of how to deal with vertical restraints in the Commission s Green Paper The Council s first response and finally the Commission s White Paper on Modernization of the Rules Implementing Article 81 and 82 of the EC Treaty as renumbered by the Amsterdam Treaty Even more fundamental changes in the structure of the Community And The dynamic forces of competition have caused a broader rethinking about competition rules which is ongoing as this Second Edition goes to press The enlargement of the Community monetary union The new tasks attributed by the Maastricht And The Amsterdam Treaties The continuing integration of national markets The globalization of the economy and increasing international cooperation among antitrust authorities are new challenges and opportunities which call for a modernization of competition rules and enforcement procedures To prepare a Second Edition of the Practitioner s Guide in such a period of change was a challenge a risk and a necessity The practitioner needs to be informed about how the EC competition rules are currently being applied in order to render meaningful practical advice to firms whose agreements transactions and conduct in the market place are governed by the competition rules The Second Edition attempts to meet this need **European Competition Law** Lennart Ritter,W. David Braun,2005-01-01 No branch of European law has been as subject to expansion and change as competition law Between the enormous forces of globalisation technology and EU enlargement the Commission and national competition authorities have been compelled to keep rethinking their practices and procedures and issuing new regulations Now in the wake of its highly acclaimed predecessors the new Third Edition of European Competition Law offers the practitioner everything required to act in accordance with the latest developments in the field Along with the thorough guide to continuing practice that its readers have come to expect European Competition Law in its Third Edition fully covers such areas as the following the Commission s new assessment of distribution practices and vertical restraints in particular the block exemptions granted by Regulations 2790 1999 and 1400 2002 procedure before national competition authorities and national courts for enforcement of European rules under Regulation 1 2003 the new Merger Control Regulation in force as of 1 May 2004 the new Transfer of Technology Regulation and the increased fines for hard

core cartel practices or abuse of dominant market position The Third Edition is remarkable in that it actually previews the substantive and procedural rules that will be coming into effect during 2004 and subsequent years And like prior editions the work has no peer in its coverage of past administrative practice and the case law of the Court of Justice All in all European Competition Law Third Edition will be of immeasurable value to practitioners who need to keep informed about how EC competition laws are applied so they can continue to render practical meaningful advice to firms whose agreements transactions and conduct in the marketplace are governed by competition rules *EC Competition Law* Giorgio Monti, 2007-08-06 Monti explores the development of EC competition law through an interdisciplinary approach focusing on the political and economic considerations that affect the way the rules are interpreted Written with competition law students in mind it should also be of interest to undergraduate and postgraduate students of EU politics and economics **European Competition Law** Lorenzo Federico Pace, 2011-01-01 This timely book with contributions from prominent experts including Luis Ortiz Blanco Valentine Korah Ernst Joachim Mestm cker Lorenzo F Pace and Richard Whish examines the novel aspects of the 2009 Guidance on Article 102 They present a critical assessment of the Guidance that could be relevant to the result of the ongoing Commission investigations for example the opened procedure against Google Moreover the contributing authors identify the differences between the Guidance and the prohibition of exclusionary abuses in some member states including France Germany Great Britain Italy and Spain and reveal the ways in which the relevant national laws treat exclusionary abuses and assess how they differ from the approach of the Guidance They also reveal the history and development of the relevant national legislation on prohibitions of unilateral conduct **Handbook of EU Competition Law** Walter Frenz, 2015-12-18 This handbook offers detailed descriptions of EU competition law including mergers and public authorities Above all it analyzes and discusses recent decisions of the ECJ and the General Court Presenting systematically structured and theoretically founded content the book also includes recommendations for practitioners Special attention is paid to the scope of penalties and the influence on fundamental rights Rounding out the book the conflict between safeguarding confidential information and the effectiveness of private and public enforcement is discussed intensively in the context of the new Directive 2014 104 EU **Handbook on European Competition Law** Ioannis Lianos, Damien Geradin, 2013-10-31 This Handbook will be an indispensable reference work for practitioners and scholars as well as for those in an enforcement environment A Practitioner's Guide to European Patent Law Paul England, 2022-09-08 This new edition is a comprehensive and practical guide to European patent law a ius commune The book highlights the areas of consistency and difference between the most influential European patent law jurisdictions the European Patent Office England and Wales France Germany and the Netherlands The book also draws insights from further afield with contributions from other very active patent jurisdictions including Italy Sweden Denmark and Switzerland Uniquely the book addresses European patent law by subject matter area assessing the key national and EPO approaches together rather than nation by

nation Each chapter outlines the common ground between the national approaches and provides a guide for the possible application of European patent law in national courts and the UPC in the future In addition to featuring content on new countries the second edition includes new chapters dedicated to the substantive aspects of FRAND declarations and evidence There is also an expanded commentary on construction including common terms used in patent claims A must read for anyone working in the field of European patent law *European Competition Law Annual 2006* Claus-Dieter

Ehlermann, Isabela Atanasiu, 2007-11-16 This is the eleventh in the series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the materials of the roundtable debate which examined the enforcement of the prohibition on cartels The workshop participants senior representatives of the Commission and the national competition authorities of some EC Member States renowned international academics and legal practitioners discussed the economic and legal issues that arise in this particular area including 1 unearthing cartels the evidence 2 the institutional framework and 3 tools of enforcement **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 Non-Competition Interests in EU Antitrust Law Or Brook, 2022-07-28 This book is the first to empirically

examine the role of non competition interests public policy in the enforcement of the EU's prohibition on anti competitive agreements Based on an original quantitative and qualitative database of over 3 100 cases this book records all of the public enforcement actions of Article 101 TFEU taken by the Commission EU Courts and the national competition authorities and courts of five representative Member States France Germany Hungary the Netherlands and the UK The book not only exposes explicit tools in which non competition interests played a role but also sheds light on the dark matter of balancing

namely invisible forms of balancing triggered by the institutional and procedural setup of the competition enforcers Moreover it contributes to the empirical legal study of various other aspects of EU competition law enforcement such as its objectives the more economic approach decentralized enforcement and the functioning and success of Regulation 1 2003

European Competition Law and Economics Roger van den Bergh, Peter D. Camesasca, 2001 The aim of this book is to explore the economic fundamentals of European competition law *EU and US Competition Law: Divided in Unity?* Csongor István Nagy, 2016-04-22 This book examines the structure of the rule on restrictive agreements in the context of vertical intra brand price and territorial restraints analysing comparing and evaluating their treatment in US antitrust and EU competition law It examines the concept of agreement as the threshold question of the rule on restrictive agreements the structure and focus of antitrust competition law analysis the treatment of vertical intra brand price and territorial restrictions and their place in the test of antitrust competition law The treatment of vertical intra brand restraints is one of the most controversial issues of contemporary competition law and policy and there are substantial differences between the world's two leading regimes in this regard In the US resale price fixing merits an effects analysis while in the EU it is prohibited almost outright Likewise territorial protection is treated laxly in the US while in the EU absolute territorial protection due to the single market imperative is strictly prohibited Using a novel approach of legal analysis this book will be of interest to academics and scholars of business and commercial law international and comparative law

The Law and Regulation of Franchising in the EU Mark Abell, 2013 Mark Abell's book argues that the European franchising market fails to reach its potential as it remains unregulated He supports this by analysing the historical legal and economic basics and risk attraction profiles of franchising to franchisors and franchisee compares the European situation to the highly developed regulatory regimes in the USA and Australia and moves through to proposing and drafting a new EU directive to bring greater certainty and stability to cross border franchising in the EU Comprehensively researched and very detailed this book is a worthy contribution to the literature on the subject Graham Cunningham Barrister Hardwicke Key features of this detailed and insightful work include Practical analysis from a leading authority in the field of franchising Examination of the impact of both franchise specific and general commercial law upon use of franchising in the EU Comparative legal analysis of the law of England Germany France the US and Australia Carefully constructed proposals for a franchise directive in the EU based on the vast experience of the author A draft text for the proposed directive The Law and Regulation of Franchising in the EU provides an in depth analysis of the regulatory environment for franchising in the EU Franchising in the EU comprises nearly 10 000 franchised brands and over 215 billion US 300 billion turnover per annum However compared to its scale in the US and Australia franchising is not realising its full potential in the EU and the author points to the lack of homogeneity across members states as a large part of the problem The book concludes by arguing for the adoption of a draft directive and proposes a draft directive which promotes market confidence in franchising provides pre contractual hygiene and imposes a mandatory taxonomy of rights

and obligations This highly topical and comprehensive work will appeal to franchise lawyers and franchise academics as this is the first book that analyses the impact of EU and member state law upon the use of franchising in the EU *The adaption of competition rules in new and future member states to European Union Law (V)* Peter Behrens, 2015-02-13 Die Angleichung der Wettbewerbsregeln an das Unionsrecht sowie die Schaffung geeigneter Verwaltungsstrukturen ist für die Länder Zentral und Osteuropas nach langen Jahren der Planwirtschaft eine besondere Herausforderung im Rahmen des Beitrittsprozesses bzw der Nachbarschaftspolitik der EU Die Untersuchung ist der Angleichung des türkischen Kartellrechts an das Unionsrecht auf der Basis der Assoziationsvereinbarungen zwischen der Türkei und der EU gewidmet Vergleichend analysiert werden das Kartellverbot das Verbot des Missbrauchs einer marktbeherrschenden Stellung sowie die Zusammenschlusskontrolle einschließlich der Anwendungspraxis und deren Vereinbarkeit mit dem Unionsregeln wie sie von der Kommission und dem EUGH interpretiert werden Es handelt sich um eine umfassende wissenschaftliche Studie zum türkischen Kartellrecht auf dem aktuellen Stand der Rechtsentwicklung Sie ist hervorragend geeignet auch der Praxis als wichtige Informationsquelle zu dienen In englischer Sprache **European Competition Law Annual 2007** Claus-Dieter Ehlermann, Mel Marquis, 2008-11-28 This is the twelfth in a series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the written contributions and transcripts in connection with a roundtable debate which examined the EU's enforcement policy as regards the abuse of a dominant position under Article 82 EC The workshop participants included senior enforcement officials and policy makers from the European Commission from the national competition authorities of certain EU Member States and from the US Department of Justice and Federal Trade Commission and renowned international academics legal practitioners and professional economists In an intense intimate environment this group of experts debated a number of legal and economic issues structured according to three broad lines of discussion 1 comparisons of the concept of monopolization under Section 2 of the Sherman Act with that of abuse of dominance under Article 82 EC 2 a reformed approach to exclusionary unilateral conduct and 3 exploitative unilateral conduct and related remedies **EU Cartel Enforcement** Andreas Scordamaglia-Tousis, 2013-08-01 There has been a long standing debate on the compatibility of EU competition law with fundamental rights protection particularly as the latter is enshrined in the due process requirements of the European Convention on Human Rights ECHR This book a signal contribution to that debate assesses two questions of paramount concern first whether the current level of fundamental rights protection in cartel enforcement falls within the accepted ECHR standards and second how the often conflicting objectives of effectiveness and adequate protection of fundamental rights could optimally be achieved Following a detailed survey of relevant EU institutional substantive and procedural law rules the author offers a set of persuasive normative responses to both questions Proceeding from an in depth analysis of the pertinent rights and legal nature of competition proceedings under EU and ECHR law the author goes on to examine such

elements of the perceived incompatibility as the following investigatory powers vested in competition authorities the privilege against self incrimination right to privacy fair trial probatory requirements degree of use of presumptions in EU practice Article 6 ECHR guarantees pertaining to the presumption of innocence proving coordination of competitive behaviour proving restriction of competition admissibility of evidence before EU Courts and the Commission assessment of the attribution of liability rules EU fining rules judicial review of cartel decisions by EU Courts and national sanctioning rules The author s extraordinarily thorough presentation is rounded off with a remarkably comprehensive bibliography that lists in addition to books and articles newspaper articles EU regulations and directives soft law guidelines and best practices EU and ECtHR case law EU Advocate General opinions European Commission decisions and European Ombudsman decisions General conclusions stress the necessity of introducing further reforms to enhance the effectiveness and legitimacy of fundamental rights in the context of competition proceedings Few books have taken such a thorough and far reaching approach to the reconciliation of effective public enforcement and fundamental rights or of effective deterrence with the principles of legality non retroactivity presumption of innocence and ne bis in idem In the depth of its appraisal of the entire spectrum of enforcement components from a fundamental rights perspective the book is without peers It will be warmly welcomed by any parties interested in the intersection of competition law and human rights

European Commission Decisions on Competition Francesco Russo, Maarten Pieter Schinkel, Andrea Günster, Martin Carree, 2010-07-08 European Commission Decisions on Competition provides a comprehensive economic classification and analysis of all European Commission decisions adopted pursuant to Articles 101 102 and 106 of the FEU Treaty from 1962 to 2009 It also includes a sample of landmark European merger cases The decisions are organised according to the principal economic theory applied in the case For each economic category the seminal Commission decision that became a reference point for that type of anticompetitive behaviour is described For this a fixed template format is used throughout the book All subsequent decisions in which the same economic principle was applied are listed chronologically It complements the most widely used textbooks in industrial organisation competition economics and competition law to which detailed references are offered The book contains source material for teachers and students scholars of competition law and economics as well as practising competition lawyers and officials

The Conceptual Structure of EU Competition Law Csongor I. Nagy, 2024-10-03 This is an Open Access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline thanks to generous funding support from the Ministry of Culture and Innovation of Hungary and the National Research Development and Innovation Fund The Conceptual Structure of EU Competition Law provides a systematic overview of the key theoretical issues of restrictive agreements by means of doctrinal analysis and comparative law Engaging in both positivist and evaluative approaches Csongor Istvan Nagy conceptualizes case law in practical terms outlining its paradigmatic changes and apparent contradictions

Legal Professional Privilege in EU Competition Investigations Etsuko

Kameoka, 2023-07-01 Setting out the current rules on legal professional privilege LPP with specific attention to their relevance in competition investigations this comprehensive book analyses the practice of LPP by the European Commission and its current interpretations in the European Courts It also compares this to practice in the EU Member States as well as other jurisdictions including Japan the UK and the US

Reviewing **European Competition Law A Practitioners Guide**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**European Competition Law A Practitioners Guide**," an enthralling opus penned by a very acclaimed wordsmith, readers attempt an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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