



European Antitrust Law

Prohibitions, Merger Control and Procedures



Lorenzo Federico Pace

European Antitrust Law Prohibitions Merger Control And Procedures

Anne C Witt



European Antitrust Law Prohibitions Merger Control And Procedures:

European Antitrust Law Lorenzo Federico Pace, 2007 The recent modification of the European Antitrust Law system which concerns both the substance of the prohibitions and the system of enforcement called for a thorough re examination of this sector Against this background this book offers a new and coherent organisation of the subject It takes into consideration the changes not only to the interpretation of Articles 81 and 82 EC but also to the procedural aspects related to Reg 1 03 In this context the reform of Reg 139 04 on European merger control is also fully taken into consideration European Antitrust Law places current EC antitrust and merger control rules in their historical context considering both the economic foundations and guiding principles of the law It will therefore be an invaluable and stimulating guide to EC antitrust for scholars students and practitioners alike

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

Regulation 1/2003 and EU Antitrust Enforcement Luca Prete, Kris Dekeyser, Celine Gauer, Johannes Laitenberger, Nils Wahl, 2022-11-22 For nearly twenty years EU antitrust enforcement has been governed by Regulation 1 2003 which ushered in a sweeping reform of the procedures for the application of Articles 101 and 102 TFEU This systematic article by article expert commentary on the Regulation with additional perspectives and critical views by particularly experienced and qualified authors provides an in depth examination of the Regulation s legal achievements implications and promise for the future Analysis of each of the Regulation s articles covers such aspects as legislative history rationale and context practice of the Commission and where relevant of the national competition authorities case law of the Court of Justice of the European Union international aspects and outstanding and problematic issues Along with many of the article commentaries boxes have been added on specific issues of particular salience The critical reflections of the book s second part include perspectives from members and staff of the Court of Justice of the European Union and of the European Commission s Directorate General for Competition and Legal Service heads of national competition authorities and of national courts counsel economists consumer organisations and academics There are also comparisons with various aspects of antitrust enforcement in France Germany the Netherlands and the United States With this unparalleled book practitioners

and in house counsel as well as case handlers and policymakers will approach any competition case before the Commission with full awareness of the applicable procedural rules They will gain a clear understanding of the enforcer's powers and duties as well as of the various options available to the undertakings involved in antitrust proceedings and their rights

Public Procurement and the EU Competition Rules Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law 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 new 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 In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

International Antitrust Law & Policy: Fordham Corporate Law 2001 Barry Hawk, Editor, 2001-06-01 This volume contains articles and panel discussions delivered during the Thirty Ninth Annual Fordham Competition Law Institute Conference on International Antitrust Law Policy About the Proceedings Every October the Fordham Competition Law Institute brings together leading figures from governmental organizations leading international law firms and corporations and academia to examine and analyze the most important issues in international antitrust and trade policy of the United States the EU and the world This work is the most definitive and comprehensive annual analysis of international antitrust law and policy available anywhere The chapters are revised and updated before publication where necessary As a result the reader receives up to date practical tips and important analyses of difficult policy issues The annual volumes are an indispensable guide through the sea of international antitrust law The Fordham Competition Law Proceedings are acknowledged as simply the most definitive US EC annual analyses of antitrust competition law published Each annual edition sets out to explore and analyze the areas of antitrust competition law that have had the most impact in that year Recent hot topics include antitrust enforcement in Asia Latin America competition enforcement in the areas of telecommunications media and information technology All of the chapters raise questions of policy or discuss new developments and assess their significance and impact on antitrust and trade policy

Commercial Law of the European Union Gabriël Moens, John Trone, 2010-04-23 The Hon Michael Kirby AC CMG This splendid book

performs the heroic task of introducing readers to the large canvas of the commercial law of the European Union EU The EU began as an economic community of six nations but has grown into 27 member states sharing a significant political social and legal cohesion and serving almost 500 million citizens It generates approximately 30% of the nominal gross world product The EU is a remarkable achievement of trans national co operation given the history including recent history of national racial ethnic and religious hatred and conflict preceding its creation Although as the book recounts the institutions of the EU grew directly out of those of the European Economic Community created in 1957 1 20 the genesis of the EU can be traced to the sufferings of the Second World War and to the disclosure of the barbarous atrocities of the Holocaust Out of the chaos and ruins of historical enmities and the shattered cities and peoples that survived those terrible events arose an astonishing pan European Movement

EC Private Antitrust Enforcement Assimakis Komninos, 2008-02-22 This book written by an academic cum practitioner with substantial experience in the field of antitrust enforcement presents the rise of private enforcement of competition law in Europe especially in the context of the recent modernisation and decentralisation of EC competition law enforcement In particular the study examines the role of courts in the application of the EC competition rules and views that role in the broader system of antitrust enforcement The author starts from the premise of private enforcement's independence of public enforcement and after examining the new institutional position of national courts and their relationship with the Court of Justice the Commission and public enforcement in general proceeds to deal with the detailed substantive and procedural law framework of private antitrust actions in Europe The author describes the current post decentralisation state of affairs but also refers to the latest proposals to enhance private antitrust enforcement in Europe both at the Community level where reference is made to the December 2005 Commission Green Paper on Damages Actions and its aftermath and at the national level where reference is made to recent and forthcoming relevant initiatives

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

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

The More Economic Approach to EU Antitrust Law Anne C Witt, 2016-11-17 In the late 1990s the European Commission embarked on a long process of introducing a more economic approach to EU Antitrust law One by one it reviewed its approach to all three pillars of EU Antitrust Law starting with Article 101 TFEU moving on to EU merger control and concluding the process with Article 102 TFEU Its aim was to make EU antitrust law more compatible with contemporary economic thinking On the basis of an extensive empirical analysis of the Commission's main enforcement tools this book establishes the changes that the more economic approach has made to the Commission's enforcement practice over the past fifteen years It demonstrates that the more economic approach not only introduced modern economic assessment tools to the Commission's analyses but fundamentally changed the Commission's interpretation of the law Emulating one of the key credos of the US Antitrust Revolution thirty years earlier the Commission reinterpreted the EU antitrust rules as aiming at the enhancement of economic consumer welfare only and amended its understanding of key legal concepts accordingly This book argues that the Commission's new understanding of the law has many benefits Its key principles are logical translate well into workable legal concepts and promise a great degree of accuracy However it also has a number of serious drawbacks as it stands Most worryingly its revised interpretation of the law is to large extents incompatible with the case law of the European Court of Justice which has not been swayed by the exclusive consumer welfare aim This situation is undesirable from the point of view of legal certainty and the rule of law

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

Merger Control in the European Union Edurne Navarro Varona, 2005 This second edition of Merger Control in the EU provides the reader with an exhaustive analysis of the European Community rules relating to merger control including the new EC Merger Regulation 139/2004 of 20 January 2004 which entered into force on 1 May 2004 and the latest interpretive notices adopted by the European Commission A brand new addition to the book is the companion website which will maintain the currency of the main work after publication a service that is free of charge to all who own a copy of the book The European Commission has exclusive competence to authorise or prohibit concentrations which have a Community dimension Bearing in mind the economic relevance of these operations decisions made by the Commission have an extraordinary market impact This work is an invaluable and precise instrument for legal practitioners and economists as well as for those undertakings involved in merger operations or acquisitions It will enable them to become acquainted with the Commission's policy in this field and to guide themselves through the complex procedure of notification in Brussels It will also be useful for those merger operations which are required to follow the procedure of notification to the national competition authorities in EU Member States since the Commission's guidelines inspire to a large extent the acts and decisions of the national authorities in this field This book

analyses the issues related to merger control not only from a legal standpoint but also from an economic one It is a product of the authors knowledge and experience in Brussels as officials of DG Competition in the Commission and as lawyers defending the interests of undertakings involved in the notification procedure *Antitrust Law Sourcebook for the United States and Europe* William C. Holmes,Dawn E. Holmes,2007 **Annual Proceedings of the Fordham Corporate Law Institute** ,2002 Issues in Competition Law and Policy: Mergers and acquisitions (continued) ,2008 Book Review Index - 2009 Cumulation Dana Ferguson,2009-08 Book Review Index provides quick access to reviews of books periodicals books on tape and electronic media representing a wide range of popular academic and professional interests The up to date coverage wide scope and inclusion of citations for both newly published and older materials make Book Review Index an exceptionally useful reference tool More than 600 publications are indexed including journals and national general interest publications and newspapers Book Review Index is available in a three issue subscription covering the current year or as an annual cumulation covering the past year *Competition Law of the European Community* ,2010 Commission and EC Courts this authoritative new edition of a classic work stands alone Like its predecessors it will be of immeasurable value to both businesspersons and their legal advisers *Current Publications in Legal and Related Fields* ,2008 **Competition & Antitrust ...** ,2003 International Trade and U.S. Antitrust Law Spencer Weber Waller,1992 Rev ed of International trade and U S antitrust law by Spencer Weber Waller 1992 2005

Reviewing **European Antitrust Law Prohibitions Merger Control And Procedures**: 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 really astonishing. Within the pages of "**European Antitrust Law Prohibitions Merger Control And Procedures**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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