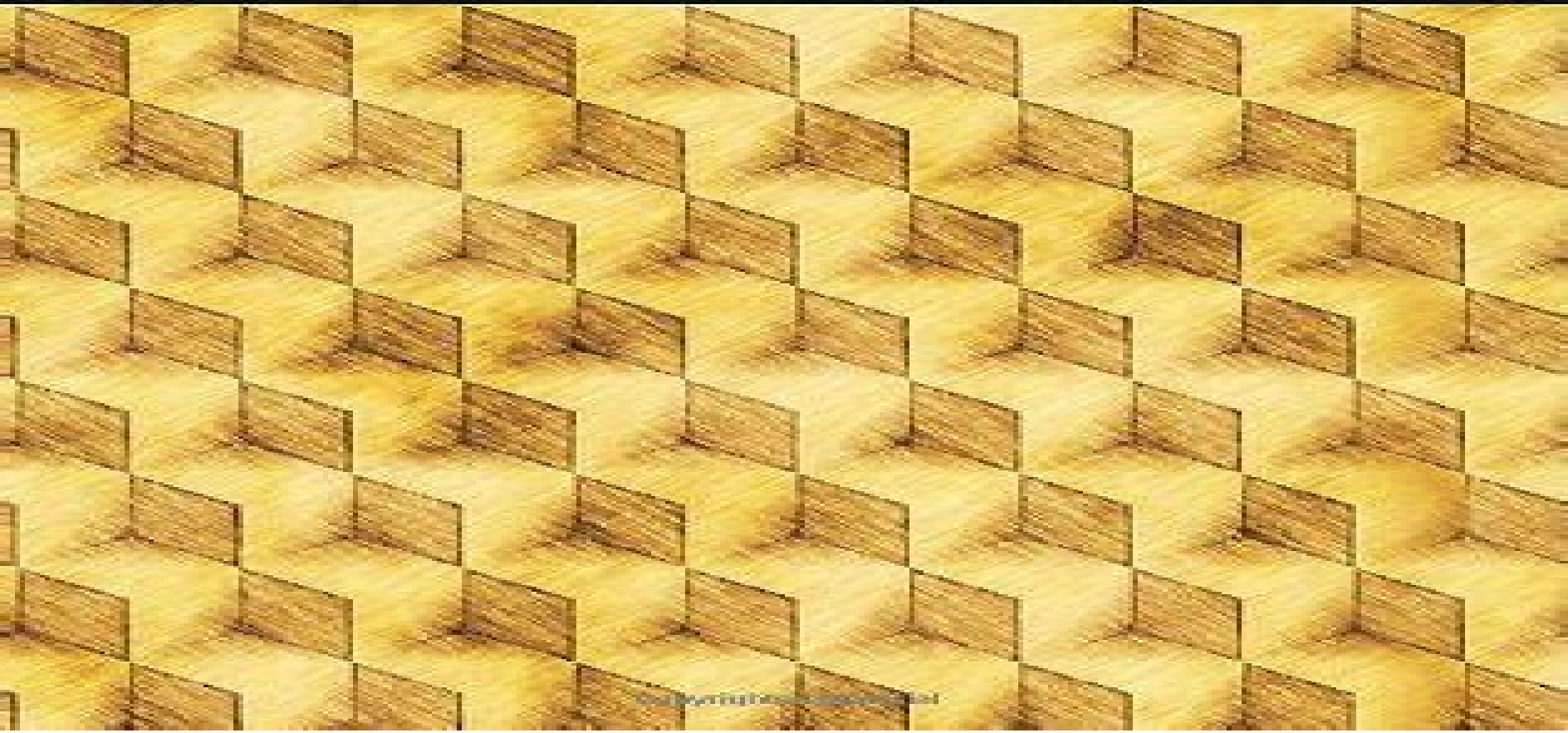




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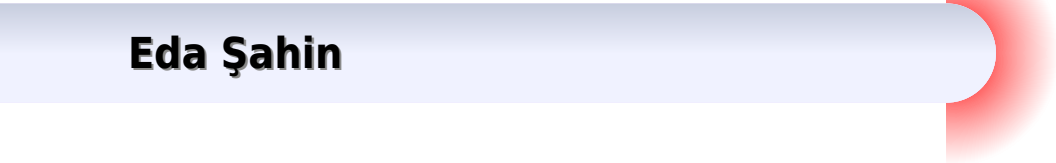
Substantive Aspects

Edited by **Ioannis Lianos** • **Damien Geradin**



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Does competitive process constitute an autonomous societal value or is it a means for achieving more meritorious goals welfare growth integration and innovation The hypothesis of The Normative Foundations of European Competition Law is that the former is the case This insightful book analyses the phenomenon of competition from philosophical legal and economic perspectives demonstrating exactly why competitive process should not be viewed only as an instrument It consolidates various normative theories of freedom market and competition and explains how exactly they can be operationalized effectively in the matrix of the EU competition policy **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 **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

Consumer Theories of Harm Paolo Siciliani, Christine Riefa, Harriet Gamper, 2019-09-19 It has long been thought that fairness in European Consumer Law would be achieved by relying on information as a remedy and expecting the average consumer to keep businesses in check by voting with their feet This monograph argues that the way consumer law operates today promises a lot but does not deliver enough It struggles to avoid harm being caused to consumers and it struggles to repair the harm after the event To achieve fairness solutions need to be found elsewhere Consumer Theories of Harm offers an alternative model to assess where and how consumer detriment may occur and solutions to prevent it It shows that a more confident use of economic theory will allow practitioners to demonstrate how a poor standard of professional diligence lies at the heart of consumer harm The book provides both theoretical and practical examples of how to combine existing law with economic theory to improve case outcomes The book shows how public enforcers can move beyond the dominant transparency paradigm to an approach where firms have a positive duty to treat consumers fairly and shape their commercial offers in a way that prevents consumers from making mistakes Over time this fairness by design approach will emerge as the only acceptable way to compete 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

Process and Procedure in EU Administration Carol Harlow Harlow KC, Richard Rawlings, 2014-11-20 This book is about the administrative procedures of the European Union which we see as the super glue holding in place the sprawling structures of the EU governance system The early chapters deal with the structures expansively defined the diverse functions of administrative procedures in the EU and the values that underpin them concentrating on the respective contributions of

the legislature and administration A separate chapter deals with the important procedural function of rights protection through the two Community Courts and the contribution of the European Ombudsman We then turn to horizontal or general procedures dealing with executive law making transparency and the regulation of government contracting A study of Commission enforcement procedure ends the section Vertical or sector specific studies in significant areas of EU administration follow including competition policy cohesion policy structural funds and financial services regulation Separate chapters deal with policing cooperation through Europol and with the interplay of international and EU institutions in the fields of environmental procedure and human rights The final chapter contains the authors reflections on current proposals for codification but ends with a general evaluation of the role and contribution of administrative procedure in the construction of the EU

Capacity Withdrawals in the Electricity Wholesale Market Panagiotis Tsangaris, 2017-08-30 This book examines the issue of capacity withdrawals in the electricity wholesale market Electricity generators can exercise market power in the wholesale market either by withdrawing generation capacity or by pricing above competitive levels in order to achieve a higher market price and thereby increase revenues After a comprehensive explanation of capacity withdrawal practices and the issues that arise when proceeding under competition law the book analyses whether an increased state of transparency as provided for in the REMIT and Regulation 543/2013 could facilitate the efficient functioning of electricity wholesale markets and the investigation of capacity withdrawal practices It also examines the effect of the prohibition of market manipulation as prescribed in the REMIT in dealing with abusive capacity withdrawals in the electricity wholesale market

The EU Leniency Policy Baskaran Balasingham, 2016-04-24 The European Union EU leniency programme is a key weapon in the Commission's fight against hard core cartels Much of the success of EU cartel enforcement depends on the continued effectiveness of the leniency policy and is especially critical in response to the growth of private enforcement This book offers a comprehensive description of the development of the policy along with a normative framework that promises to ensure the full legitimacy of the leniency programme the Commission's policy should pursue not only effectiveness but also fairness It is the first work to extensively analyse the effectiveness and fairness in the EU leniency policy Proceeding systematically from clarifying the concepts of effectiveness and fairness to addressing the tension between leniency and private actions for damages the author discusses the nature of and interrelations among such aspects as the following the theoretical model of the EU fining policy the compatibility of the EU enforcement system with fundamental rights protection the gathering and evaluation of evidence at the preliminary investigation stage the severity and foreseeability of the EU cartel fines judicial review by the EU Courts in competition matters to what extent the current policy is effective and fair and reforms brought about by the 2002 and 2006 Leniency Notices and the leniency related amendments by the 2014 Antitrust Damages Directive A key feature is the author's presentation of a normative framework to test the effectiveness deterrence and substantive fairness retribution of the EU leniency policy As a clear demonstration of how to

forestall the danger of focusing on effectiveness of leniency at the expense of fairness both in a substantive and in a procedural sense this book is a major contribution to the literature of competition law It will prove to be of great value to competition authorities antitrust practitioners and interested academics not only in Europe but also throughout the world

Algorithmic Tacit Collusion Adrian Doerr ,2025-06-11

Competition Policy and the Music Industries Jenny

Kanellopoulou,2021-11-04 This book explores the nature of the music industries before and after the digital revolution from the point of view of the consumer and explores the question of whether there is a role for competition policy intervention in the music industries Considering the historically consolidated environment of the music industries and their rapidly evolving business models in the twenty first century the author argues that there is a need for updated competition design to promote consumer welfare and competition in these markets Opening a much needed interdisciplinary dialogue across music studies business and law the book applies business model literature to antitrust law in the context of the music industries It offers a comprehensive history of encounters between the music industry and antitrust and regulatory authorities in the US UK and EU from the payola scandals of the 1950s to the merger of Live Nation and Ticketmaster in 2010 showing how even as business models in the industry have changed it has repeatedly moved towards consolidation with little regulation Drawing on this history it considers how competition policy can foster innovation and safeguard consumer interests in the music markets of the future Offering new analytical and methodological tools this book is relevant to those studying the music industries from business legal and cultural perspectives

Research Handbook on Sustainability and Competition

Law Julian Nowag,2024-07-05 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 com This Research Handbook explores the complex interplay between competition law and sustainability and also provides key insights into the role and limitations that tax environmental laws consumer laws and social laws have in promoting sustainability A distinguished array of international experts examine core principles of environmental and social sustainability delve into the economic dynamics that shape this multidimensional relationship and critically analyse how competition law and policy can both positively and negatively shape sustainability outcomes

Research Handbook on Methods and Models of Competition Law Deborah Healey,Michael

Jacobs,Rhonda L. Smith,2020-11-27 This comprehensive Handbook illuminates the objectives and economics behind competition law It takes a global comparative approach to explore competition law and policy in a range of jurisdictions with differing political economies legal systems and stages of development A set of expert international contributors examine the operation and enforcement of competition law around the world in order to globalize discussions surrounding the foundational issues of this topic In doing so they not only reveal the range of approaches to competition law but also identify certain basic economic concepts and types of anticompetitive conduct that are at the core of competition law

Competition

Policy for the New Era Tembinkosi Bonakele,Eleanor Fox,Liberty Mncube,2017-12-01 Competition law has expanded to more

than 100 jurisdictions worldwide with varying degrees of economic social and institutional development raising important questions as to what is the appropriate design of competition law regimes and the interaction between competition law and economic development This volume comprising a selection of papers from the 4th BRICS International Competition Conference written by academic and practising economists and lawyers from both developed and developing countries is distinctive in its focus on a broader view of competition policy in BRICS and developing countries It examines the role competition the application of broader public interest and national interest concerns in the analysis and influence on developing country competition authorities policy making The contributors address topics such as a broad view of competition policy making markets work for the people as a post millennium development goal some key issues concerning the further development of China s antimonopoly law remedies in BRICS countries public interest issues in cross border mergers crafting creative remedies in food markets in South Africa what are African competition authorities doing to fight cartels successes and challenges in the fight against cartels and the economics of antitrust sanctioning

Collective Redress and EU Competition Law Eda Şahin, 2018-12-07 Exploring obstacles to effective compensation of victims of competition infringements this book categorises the types of victims harmed and the types of losses arisen from these infringements to identify to what extent there is a need for enhanced private competition law enforcement in the European Union EU and the best way to address this need It shows that there is a genuine need for facilitating consumer damages actions and that consumer claims are the only claims that can be pursued in a collective redress action In order to compensate consumers and overcome barriers to effective enforcement of their right to damages it structures a collective redress action for consumers by considering the following elements i the formation of the group ii the type of representative party iii funding mechanisms and iv calculation and distribution of damages

Antitrust and Upstream Platform Power Plays A. K. von Moltke, 2023-12-20 In recent years large digital platforms have been in the doghouse of antitrust decision makers worldwide Antitrust regulators agree urgent intervention is needed Interestingly it is the plight of victimized suppliers of merchants app developers publishers platform labourers and the like who are upstream in the value chain that has topped the policy agenda prompting scrutiny of an almost unprecedented intensity Amid such anxieties Antitrust and Upstream Platform Power Plays asks a somewhat provocative question are upstream platform power plays really competition problems and ones for antitrust at that The obvious answer yes is deceptively simple for a number of reasons First it contradicts contemporary antitrust s single minded focus on consumers which has all but erased supplier exploitation in the brick and mortar economy from the policy s radar Second the wider antitrust community remains bitterly divided when it comes to judging platform practices In addition if any consensus could be had it would almost certainly confirm the long standing tenet that antitrust cannot be about supplier welfare as such These paradoxes call for a policy introspection precisely what this book provides The analysis offered in Antitrust and Upstream Platform Power Plays is altogether

normative theoretical and practical Normative because it engages in a supplier mindful soul searching exercise which advances our understanding of antitrust s foundations theoretical as it sheds multidisciplinary insights on upstream effects in the platform economy and develops new frameworks for rationalizing them and practical since it takes a deep dive into the complex antitrust machinery while staying attuned to other available levers of public action Answering a compelling question with an equally compelling answer this work will appeal to scholars and policymakers worldwide with a particular interest in platform regulation antitrust and powerful digital platforms *Interdisciplinary Research Methods in EU Law* Rossana Deplano, Giulia Gentile, Luigi Lonardo, Tobias Nowak, 2024-06-05 This comprehensive Handbook provides a critical and analytical guide to the application of interdisciplinary research methods in EU law and explores the advancement of the EU legal landscape from an interdisciplinary research perspective Venturing beyond doctrinal legal scholarship it reflects on the cognitive synergies between EU law and other disciplines and advances the debate on contemporary trends in EU law research This title contains one or more Open Access chapters

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