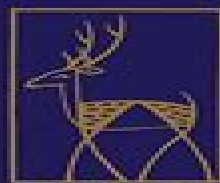


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# Joint Ventures And Eu Competition Law Hart Studies In Competition Law

**Paul Nihoul, Pieter Van Cleynenbreugel**

## **Joint Ventures And Eu Competition Law Hart Studies In Competition Law:**

*Joint Ventures and EU Competition Law* Luis Morais, 2013      **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      *Joint Ventures and EU Competition Law* Luís Morais, 2013-11-01 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      **Joint Research and Development under US Antitrust and EU Competition Law** Björn Lundqvist, 2015-04-30 This fascinating new book dissects from a Competition law perspective

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**Evidence Standards in EU Competition Enforcement** Andriani Kalintiri, 2019-02-07 What rules or principles govern the assessment of evidence in EU competition enforcement This book offers for the first time a comprehensive academic study on the topic Its aim is twofold Firstly it produces a typology of evidence standards in competition proceedings at the EU level thereby systemising the guidance that is currently dispersed in the case law of the EU Courts Secondly it examines the applicable evidence rules and principles with a view to better understanding their role in EU competition enforcement In so doing the book illustrates that evidence standards are not mere technicalities and their significance should not be underestimated Rigorous and engaging this work provides a much needed analysis of a key question of EU competition enforcement

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Hancher, Ignacio Herrera Anchustegui, 2024-10-03. The Research Handbook on EU Competition Law and the Energy Transition comprehensively analyses key topics in the field covering both traditional and emerging antitrust, state aid and policy issues related to energy transformation, increased sustainability goals and the functioning of European energy markets.

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Burke, 2018-03-22. A Critical Account of Article 106(2) TFEU. Government Failure in Public Service Provision offers a sceptical perspective on how EU law applies to public services. Article 106(2) provides that other Treaty rules may be disapplied in

order to sustain a Service of General Economic Interest SGEI The rhetorical presentation of Article 106 2 is as a strict exception As a result Article 106 2 is often presented as a threat to Europe s public service tradition This book challenges those shibboleths by using the concept of government failure It is concerned with instances of government intervention that are unnecessary generate avoidable inefficiencies or that can be bettered so as to realise general interest goals more efficaciously As an element of the government failure critique a market feasibility test incorporating the concept of market failure is used to expose laxity in the review of general interests under Article 106 2 Complementing that the process of disapplying other Treaty rules under Article 106 2 is shown to have evolved from being strict to being highly indulgent of SGEI providers with a relatively recent but only partial correction post Altmark Overall the strict exception label for Article 106 2 does not hold Moreover it is contingent and presents no legitimate general interest related threat to the organisation and delivery of public services A comprehensive re orientation of Article 106 2 on issues of proof is required as is greater reliance on market counterfactuals and much more careful separation of objectives and means in SGEI operation and design Through these measures the toleration of government failure can be stemmed and Article 106 2 s contingency reduced

**Standardization under EU Competition Rules and US Antitrust Laws** Björn Lundqvist, 2014-05-30 Offering in depth analysis of the case law currently being written in courtrooms all over the world under the so called patent war the book puts forward a new method for applying competition law to standards and standard setting \_ in both its collus     Research Handbook on Competition and Corporate Law Florence Thépot, Anna Tzanaki, 2025-07-15 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 Lund University Library This Research Handbook adopts an interdisciplinary approach to examine the nexus between competition law and corporate law engaging with legal systems across the Americas Asia and Europe It explores topical issues at the intersection of these subjects such as the purposes underpinning competition and corporate law the boundaries of the firm corporate organisation and its effects on competition and the interplay between corporate governance compliance and antitrust enforcement     **The Role of Competitors in the Enforcement of State Aid Law** Fernando Pastor-Merchante, 2017-04-20 This book explores the tools that the European rules on State aid place in the hands of competitors when it comes to fighting subsidies and other state measures of financial assistance to firms In order to do so the book scrutinises the means of redress available to competitors before national courts private enforcement as well as the opportunities that they have to make their voice heard in the course of the European Commission s enforcement procedures public enforcement The insights provided by the book lead to a better understanding of the rights of private parties under the rules and practices that govern the enforcement of State aid 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

**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 *Causation in Competition Law Damages*

*Actions* Claudio Lombardi,2020-01-02 Elucidates the concept of causation in competition law damages and outlines its practical implications through relevant case law **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

**Parental Liability in EU Competition Law** Peter Whelan,2023-08-10 In enforcing EU competition law the Commission employs a unique doctrine of parental antitrust liability it imposes fines on the parent company of an infringing subsidiary in cases where the parent exercises decisive influence over the subsidiary s commercial policy Critics of this contentious aspect

of EU competition law believe that the doctrine is unfair ineffective obscure disproportionate contrary to due process and based upon a dubious if not extremely flimsy justificatory foundation Such criticism raises serious and unanswered questions about the legitimacy of the Commission s efforts to enforce competition law Parental Liability in EU Competition Law A Legitimacy Focused Approach is the first monograph to be dedicated to this controversial topic Written by Professor Peter Whelan the book contends that although the general concept of parental liability can be justified in principle the current EU level doctrine of parental antitrust liability in fact suffers from a distinct and problematic lack of legitimacy More specifically the said doctrine displays significant deficiencies with respect to effectiveness fairness and legality Given this undesirable state of affairs Parental Liability in EU Competition Law offers a fully rationalised reformulated approach to parental antitrust liability for EU competition law violations that is built around the notion of parental fault That approach provides a solid normative account of how to impose parental antitrust liability in a manner that is theoretically robust effective in practice fair in substance and legally sound



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