

Competition Law And Economics Advances In Competition Policy Enforcement In The Eu And North America

'Economic Theory and Competition Law constitutes a timely, stimulating contribution to the ongoing debate on the current trends of competition enforcement, not only in Europe but also in other jurisdictions, and especially on the impact that applying the concepts and the categories of economic theory is going to have on this activity. . . Due to its coverage and timeliness, it is very likely to have a considerable impact on the current discussion and also to be of interest to both academics and practitioners active in the field of competition law and policy.' - Arianna Andreangeli, Common Market Law Review

Although competition law and intellectual property are often interwoven, until this book there has been little guidance on how they work together in practice. As the intersection between the two fields continues to grow worldwide, both in case law and in regulation, the book's markets-based approach, focusing on sectors such as pharmaceuticals, IT, telecoms, energy and agriculture in eleven of the world's most active jurisdictions, provides a much-needed in-depth understanding of how this interplay reveals itself among the different legal systems. Written by a range of authors including judges, regulators, academics, economists and practitioners in both fields, the book provides an international comparative perspective as well as detailed analysis of specific cases, policies and proposals for change. Among the issues and topics covered are the following: – free movement of goods and the protection of intellectual property rights; – standard essential patents & injunction in patent cases; – intellectual property rights between technological development and consumer protection; – geo-blocking; – online platforms and antitrust; – excessive prices. In this context, special attention is paid throughout to the increasing dialogue among Competition Authorities and between Judges and Competition Authorities around the world. As matchless remedy for the lack of uniformity heretofore, the book's investigation of the nexus between competition law and intellectual property in different sectors and in various countries takes a giant step towards a more-balanced approach and more-levelled regulation and practices. It will be warmly appreciated by policy makers, decision makers, regulators, practitioners and academics in both competition law and intellectual property fields

This insightful book assesses emerging trends in the role of economic analysis in EU competition policy, exploring how it has substantially increased in terms of both theories and methods.

This is the first EU competition law treatise that fully integrates economic reasoning in its treatment of the decisional practice of the European Commission and the case-law of the European Court of Justice. Since the European Commission's move to a "more economic approach" to competition law reasoning and decisional practice, the use of economic argument in competition law cases has become a stricter requirement. Many national competition authorities are also increasingly moving away from a legalistic analysis of a firm's conduct to an effect-based analysis of such conduct, indeed most competition cases today involve teams composed of lawyers and industrial organisation economists. Competition law books tend to have either only cursory coverage of economics, have separate sections on economics, or indeed are far too technical in the level of economic understanding they assume. Ensuring a genuinely integrated approach to legal and economic analysis, this major new work is written by a team combining the widely recognised expertise of two competition law practitioners and a prominent economic consultant. The book contains economic reasoning throughout in accessible form, and, more pertinently for practitioners, examines economics in the light of how it is used and put to effect in the courts and decision-making institutions of the EU. A general introductory section sets EU competition law in its historical context. The second chapter goes on to explore the economics foundations of EU competition law. What follows then is an integrated treatment of each of the core substantive areas of EU competition law, including Article 101 TFEU, Article 102 TFEU, mergers, cartels and other horizontal agreements and vertical restraints.

Competition Law

The Implications of the Concept of Abuse

Economic Analysis in EU Competition Policy

Antitrust Law and Economics

Economic Principles of Law

New Challenges

Economic Principles of Law, first published in 2007, applies economics to the doctrines, rules and remedies of the common law. In plain English and using non-technical analysis, it offers an introduction and exposition of the 'economic approach' to law - one of the most exciting and vibrant fields of legal scholarship and applied economics. Beginning with a brief history of the field, it sets out the basic economic concepts useful to lawyers, and applies these to assess the core areas of the common law - property, contract, tort and crime - with particular emphasis on their doctrinal structure and remedies. This is done using leading cases drawn from the birthplace of the common law (England & Wales) and other common law jurisdictions. The book serves as a primer to the wider use of economics which has become increasingly important for law students, lawyers, legislators, regulators and those concerned with our legal system generally.

This book represents a fresh approach to EC competition law - one that is of singular value in grappling with the huge economic challenges we face today. As a critical analysis of the law and options available to European competition authorities and legal practitioners in the field, it stands without peer. It will be greatly welcomed by lawyers, policymakers and other interested professionals in Europe and throughout the world.

By examining the issue of collusion in EU and US competition law, this book suggests possible strategies for improving the antitrust enforcement against parallelism, by exploiting the most advanced achievements of economic analysis. The book contains a suggested approach to collusion, in ex ante and ex post perspectives. By moving from the analysis of the state of art, in terms of law, case law, and scholarship, Marilena Filippelli analyses inconsistencies and failures in the current antitrust enforcement toward collusion and develops a workable parameter for the issue of collective dominance. The most innovative part of this work goes beyond the analysis itself of collective dominance and involves the interference of arts. 101 and 102. The conclusion is a re-definition of the relationship between those rulesñfrom dichotomy to redundancy. Finally, the book highlights the antitrust significance of semi-collusion, as a strategy made of collusion and competition. The author considers economic models equaling, as for the effects, collusion and semi-collusion and the case law supporting the qualification of semi-collusion as a species of collusion. The analysis involves both US and EU systems, under the highly topical economic-oriented approach. It also contains an original view of European antitrust prohibitions. Because of its contents and its approach, this book will be attractive to every academic interested in antitrust law. Moreover, the well-documented research on parallelism, involving law, case law and scholarship, makes this book interesting also for competition authorities and antitrust lawyers.

This book results from a conference held in Singapore in September 2009 that brought together distinguished lawyers and economists to examine the differences and similarities in the intersection between intellectual property and competition laws in Asia. The prime focus was how best to balance these laws to improve economic welfare. Countries in Asia have different levels of development and experience with intellectual property and competition laws. Japan has the longest experience and now vigorously enforces both competition and intellectual property laws. Most other countries in Asia have only recently introduced intellectual property laws (due to the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement) and competition laws (sometimes due to the World Bank, International Monetary Fund or free trade agreements). It would be naïve to think that laws, even if similar on the surface, have the same goals or can be enforced similarly. Countries have differing degrees of acceptance of these laws, different economic circumstances and differing legal and political institutions. To set the scene, Judge Doug Ginsburg, Greg Sidak, David Teece and Bill Kovacic look at the intersection of intellectual property and competition laws in the United States. Next are country chapters on Asia, each jointly authored by a lawyer and an economist. The country chapters outline the institutional background to the intersection in each country, discuss the policy underpinnings (theoretically as well as describing actual policy initiatives), analyse the case law in the area, and make policy prescriptions.

Law and Economic Approaches to Bid Rigging

European Competition Law and Economics

The Reform of EC Competition Law

The Spectrum of Tests

Research Handbook on Methods and Models of Competition Law

Parallelism in EU and US Competition Law

This is the second edition of the acclaimed text on global antitrust law. With markets becoming increasingly global, mergers requiring approval in several different jurisdictions, cartels in one nation affecting supply in others, and countries increasingly entering into treaties with each other about the content or enforcement of competition laws, antitrust law is now a truly global phenomenon. Modern antitrust law is also different because it now reflects an increasingly economic approach to analysing antitrust and competition policy. This innovative work is the only truly comparative and economically sophisticated casebook on the market. Addressed to students from all jurisdictions having competition laws, this casebook provides an in-depth analysis of the two major global antitrust regimes in the world, as well as a summary of selected national antitrust laws. As such it will also serve as a useful reference for practitioners, competition officials and policy-makers interested in competition law. In the four years since the first edition, the increased globalization of antitrust law has continued apace. China, the world's third largest economy after the EU and US, has adopted an antitrust law and other nations have modified and modernized their antitrust regimes. The EU has adopted a new EU Treaty, new EU guidelines on abuse of dominance, new EU guidelines on non-horizontal mergers, and new EU regulations and guidelines on vertical agreements. In the US there have been important new Supreme Court cases (the 2009 Linkline and 2010 American Needle decisions) and the appearance of a new economic approach in the revised 2010 U.S. Merger Guidelines. This new edition expands and updates the pioneering approach of the first edition, addressing new developments not only in the US and EU, but also in Australia, Brazil, Canada, Israel, Japan, South Africa, and South Korea, with expanded coverage of China's new antitrust law, and the antitrust laws of Argentina, Chile, Colombia, Egypt, India, Indonesia, New Zealand, Peru, Russia, Saudi Arabia, Singapore, Taiwan, Thailand, Turkey, and Venezuela. Praise for the first edition "...worthy of considerable praise...contains a vast collection of well-chosen material taking in a wide span of both antitrust and merger law issues. It is well written and clear throughout, particularly on the economic concepts, and provides incisive commentary and questions which inspire further study.' Peter Whelan, Cambridge Law Journal 'Enlightened law professors and law schools will best serve their students not by teaching national competition law but by adopting Global Competition Law and Economics...an excellent book for introductory courses in comparative competition law at either a graduate or undergraduate level.' Okeoghene Odudu, Common Market Law Review '...the best four-and-a-half centimetres of shelf-space that I have seen devoted to competition law and policy issues for a very long time".' Yvonne van Roy, New Zealand Law Journal 'Free from the ideologically-driven perspective that can affect other antitrust casebooks, this is also the first casebook organized from inception with an eye directly on the global context...this book may be used in a classroom in Europe just as it will be used in the U.S. The result is a highly welcome contribution to the evolution of competition studies.' Judge Douglas Ginsburg '...this book is the only one on the market that is extremely well suited for use in a comparative antitrust law class...an extraordinarily teachable book that contains everything you might want to present...Finally, the comparative antitrust field has a standard textbook to use. And a wonderful standard it is.' Robert H Lande, University of Baltimore Law School

'This volume collects a number of original, cutting-edge contributions that take the reader swiftly and easily to the frontier of research on most of the current hot topics in industrial organization, antitrust and regulation. Skillfully edited by two outstanding leaders in the field, the volume will be a precious source for students, researchers and practitioners that need to figure out what research has achieved in recent years on these important policy issues.' Giancarlo Spagnolo, SITE Stockholm School of Economics and University of Tor Vergata, Sweden This state-of-the-art volume highlights important recent research contributions covering all the significant themes surrounding competition policy and regulation, including financial regulation and multisided markets. Bringing scholars and policymakers to the frontiers of research and addressing the critical issues of the day, the book presents original important new theoretical and empirical results. The distinguished contributors include: P. Agrel, K. Alexander, J. Crémer, X. Dassiou, G. Deltas, F. Etro, L. Filistrucchi, P. Fotis, M. Gilli, J. Harrington Jr, T. Huertas, M. Ivaldi, B. Jullien, V. Marques, M. Peitz, Y. Spiegel, E. Tarrantino and G. Wood. Recent Advances in the Analysis of Competition Policy and Regulation will prove insightful for academic economists, consultants and policymakers interested in these fields.

Modern antitrust law is global antitrust law. Markets are becoming increasingly global, or at least multinational. This volume examines US and EC competition law cases and decisions within a common analytical framework strongly based on economic theory.

Under Article 102 TFEU, dominant firms are allowed to compete, but only to the extent their market behaviour does not constitute an abuse. Needless to say, the wording of the article neither explains what an abusive restriction of competition is nor how such a practice can be identified. Rather than developing a one-size-fits-all test applicable to all forms of market behaviour by dominant firms, the European Court of Justice (ECJ) and the General Court (ex; Court of First Instance) have set out a system of tests for separate categories of conduct. Drawing on the full range of the EU Courts' relevant case law, this very useful book analyses the conditions that must be fulfilled for a broad range of business practices to be deemed abusive within the meaning of Article 102 TFEU, and also identifies the criteria that must be fulfilled for a practice to be 'objectively justified'. The potentially abusive practices studied here (as defined in the relevant case law) include the following: predatory pricing; margin squeezing; exclusivity agreements; loyalty rebates; refusals to supply to induce exclusivity; secondary line price discrimination; vexatious litigation; acquisitions of intellectual property rights (IPRs); refusals to supply necessary inputs; provision of storage equipment on the condition of exclusive use; selective above-cost price cuts; tying; technological integration; and refusal to license IPRs. The author also contrasts the Commission's decisional practice with the case law, assesses approaches under U.S. antitrust law to similar forms of conduct, and incorporates insights from economic theory. This study greatly enhances our understanding of the distinction between abusive conduct and lawful competition. In the course of its clarification of the EU Courts' responses to individual forms of market behaviour, an overall approach to the identification of exclusionary abuses under Article 102 TFEU begins to come into view. Apart from the important new synthesis the work offers legal scholars, there can be little doubt this book will prove a valuable asset and even an inspiration to competition lawyers.

Global Competition Law and Economics

Regulating Vertical Agreements

The Law and Economics of WTO Law

Global Food Value Chains and Competition Law

Blocking Patents in European Competition Law

A Comparative Perspective

If we can speak of the European Community's 'economic constitution', we can assert that competition rules, together with free movement rules, form its core. Notably, implementation of the competition rules enshrined in Articles 81 and 82 EC changed radically with the enactment of Regulation 1/2003, which in effect dispensed with mandatory prior notifications and allowed national authorities to apply Article 101(3) TFEU directly. Given that national legislations perceive certain types of unilateral conduct, even if adopted by a non-dominant undertaking, as a potential source of anticompetitive effects, an important question concerns the leeway enjoyed by national authorities under the exception to the convergence rule in Article 3(2) of Regulation 1/2003, and the consequent effect on both legal practice and policy issues. In this lucidly argued book, focusing on national competition provisions in Germany, France, Italy, and the United Kingdom that deal with such conduct, the author provides a detailed examination of how such considerations as the following are affected by Regulation 1/2003: - prohibition of abuse of economic dependence or superior bargaining power; - the particular susceptibility of long-term contracts; - prohibition of resale at a loss or below cost; - prohibition of boycott, unlawful pressures, threats, and other coercive tactics adopted by undertakings; and - the role of unfair competition law. The analysis follows a functional method of comparative legal analysis, reviewing the most relevant norms in the selected jurisdictions, particularly in what concerns their goals and function in the context of their respective legal systems. Special attention is paid to two specific sectors – the motor-vehicle and the retailing industries – which have most often triggered relevant legislation and case law in the jurisdictions covered. Legal scholarship in the field is also drawn upon. In its clarification of the meaning of Regulation 1/2003, this book allows practitioners to fully grasp its scope. The author's thorough, masterful analysis of the statutory framework of Article 3 of the regulation also reveals the variety of reasons why different Member States have different competition policies on the scope of the exception to the rule of convergence, and in this way provides lawyers, policymakers, and academics with welcome insights on how major EU jurisdictions apply European competition law.

During the last decade the European Commission has progressively adopted what is called a and[more economic approachand] toward competition policy. This approach, which draws on U.S. antitrust policy, puts greater emphasis on possible welfare effects of business practices and is less concerned with competitive market structures. Under this school of thought concentration cannot be said to impede effective competition to the extent that efficiency gains outweigh market distortions. In order to stimulate the debate on this basic reorientation, in January 2009 the Max Planck Institute for Comparative and International Private Law at Hamburg convened economists, legal scholars, and practitioners for an exchange of views on these and[ñewand] methodological foundations of EU competition policy and competition law. Two especially controversial elements were chosen for in-depth discussion: the prohibition of abuses of dominant positions and the review of State aid. This book reproduces fourteen papers from this conference, representing the considered views of prominent European lawyers, economists, academics, policymakers, and enforcement officials in the competition field on matters such as: the objectives of EU competition law; the current enforcement guidelines of the EU Commission regarding Article 102 TFEU and? measuring market power; abusive low pricing strategies; the economics of competition law enforcementnt; recent developments in EU State aid law; economic justifications for State aid. A critical assessment of the Commissionand[s] State aid action plan by the German Monopolies Commission is appended in English. Applying law and economics theory to competition law, this book shows that the and[more economicand] approach is exerting a considerable impact on various sectors of competition law. The authors clearly demonstrate the progress that can be made when lawyers and economists take notice of and respect the characteristics of each otherand[s] discipline. Moreover, the authors show how new insights of economic theory may be integrated into the relevant legal analysis. The book will therefore be appreciated by academics, practitioners, and officials representing both fields.

The Research Handbook on International Competition Law brings together leading academics, practitioners and competition officials to discuss the most recent developments in international competition law and policy. This comprehensive Handbook explores the dynamics of international cooperation and national enforcement. It identifies initiatives that led to the current state of collaboration and also highlights current and future challenges. The Handbook features twenty-two contributions on topical subjects including: competition in developed and developing economies, enforcement trends, advocacy and regional and multinational cooperation. In addition, selected areas of law are explored from a comparative perspective. These include intellectual property and competition law, the pharmaceutical industry, merger control worldwide and the application of competition law to agreements and dominant market position. Presenting an overview of the current state of cooperation and convergence as well as a comparative analysis of substance and procedure, this authoritative Handbook will prove an invaluable reference tool for academics, competition officials and practitioners who focus on international competition law.

Niamh Dunne undertakes a systematic exploration of the relationship between competition law and economic regulation as legal mechanisms of market control. Beginning from a theoretical assessment of these legal instruments as discrete mechanisms, the author goes on to address numerous facets of the substantive interrelationship between competition law and economic regulation. She considers, amongst other aspects, the concept of regulatory competition law; deregulation, liberalisation and 'regulation for competition'; the concurrent application of competition law in regulated markets; and relevant institutional aspects including market study procedures, the distribution of enforcement powers between competition agencies and sector regulators, and certain legal powers that demonstrate a 'hybridised' quality lying between competition law and economic regulation. Throughout her assessment, Dunne identifies and explores recurrent considerations that inform and shape the optimal relationship between these legal mechanisms within any jurisdiction.

Recent Advances in the Analysis of Competition Policy and Regulation

A Comparative Analysis of US Antitrust Law and EC Competition Law

'United (Should) We Stand?'

Studies on Exclusionary Conduct and State Aid

Law and Economics of Innovation

Health Data Pools Under European Data Protection and Competition Law

ŌThis volume is long overdue. Integrated legal and economic analysis of competition law is crucial given the nature of the sector. However to carry this off successfully, one either needs intensive editorial work to bring different teams together; or one has to rely on the few who master both economic and legal analysis to a tee. Stefan WeishaarŌs analysis not only looks at a stubborn issue in competition law. He does so in three jurisdictions, in detailed yet clear fashion, with clear insight and ditto conclusions. Over and above its relevance to academic analysis, this book can go straight into competition authoritiesŌ decision making, and therefore also in compliance and remediation advice.Ō D Geert Van Calster, University of Leuven, Belgium

Cartels, Competition and Public Procurement uses a law and economics approach to analyse whether competition and public procurement laws in Europe and Asia deal effectively with bid rigging conspiracies. Stefan Weishaar explores the ways in which economic theory can be used to mitigate the adverse effects of bid rigging cartels. The study sheds light on one of the vital issues for achieving cost-effective public procurement Œ which is itself a critical question in the context of the global financial crisis. The book comprehensively examines whether different laws deal effectively with bid rigging and the ways in which economic theory can be used to mitigate the adverse effects of such cartels. The employed industrial economics and auction theory highlights shortcomings of the law in all three jurisdictions Œ the European Union, China and Japan Œ and seeks to raise the awareness of policymakers as to when extra precautionary measures against bid rigging conspiracies should be taken. Students and researchers who have a keen interest in the relationship between law and economics, competition law and public procurement law will find this topical book invaluable. Practitioners can see how economic theory can be used to identify situations that lend themselves to bid rigging and policymakers will be informed about the shortcomings of existing legislation from a legal and economics perspective and will be inspired by approaches taken in different jurisdictions.

More than any other area of regulation, antitrust economics shapes law and policy in the United States, the Americas, Europe, and Asia. In a number of different areas of antitrust, advances in theory and empirical work have caused a fundamental reevaluation and shift of some of the assumptions behind antitrust policy. This reevaluation has profound implications for the future of the field. The Oxford Handbook of International Antitrust Economics has collected chapters from many of the leading figures in antitrust. In doing so, this two volume Handbook provides an important reference guide for scholars, teachers, and practitioners. However, it is more than a merely reference guide. Rather, it has a number of different goals. First, it takes stock of the current state of scholarship across a number of different antitrust topics. In doing so, it relies primarily upon the economics scholarship. In some situations, though, there is also coverage of legal scholarship, case law developments, and legal policies. The second goal of the Handbook is to provide some ideas about future directions of antitrust scholarship and policy. Antitrust economics has evolved over the last 60 years. It has both shaped policy and been shaped by policy. The Oxford Handbook of International Antitrust Economics will serve as a policy and research guide of next steps to consider when shaping the future of the field of antitrust.

Competition, or Antitrust, law is now a global phenomenon. It operates in more than 100 countries and the relationships among competition law systems are often complex and opaque. Competition law is also new to many countries, which creates uncertainty about how decisions will be made in these jurisdictions. This makes it critically important to understand both the similarities and differences among the systems and the relationships between them. A succinct introduction, this title breaks down the complicated and foreboding topic of competition law. Divided into four parts, this book covers the elements of competition laws, its decisions, targets, and globalization and the future of competition law. It also provides global context by looking at competition law in the US, Europe, and growing markets like Asia and Latin America. This title covers the most pressing issues of competition law in an informative and concise way. Drawing on his lifetime of global experience and research, David J. Gerber's Competition Law and Antitrust is an essential tool for anyone interested in competition or antitrust law. A key factor in the emerging relationship between law and economic globalization is how global competition now shapes economies and societies. Competition law is provided by those players that have sufficient 'power' to apply their laws transnationally. This book examines this important and controversial aspect of globalization.

Cartels, Competition and Public Procurement

Health as a Digital Business

Research Handbook on the Law and Economics of Competition Enforcement

Research Handbook on International Competition Law

Identifying Exclusionary Abuses by Dominant Undertakings under EU Competition Law

Competition Law of the EU and UK

This new casebook presents a globalized approach to antitrust law and provides an understanding of the main antitrust regimes that apply throughout the world today. Whether in business, law, or government, we can no longer content ourselves with understanding only the antitrust and competition law of one nation. The authors present a truer picture of the overall regime of competition law that now faces multinational market players through a combination of laws from varying nations in actual application. The authors have structured the book to enhance a teacher's ability to take a modular approach. Thus, depending on the assignments the teacher wishes to make out of the the book, the book can be used to either: (a) to replace the basic Antitrust course with a course fully covering the relevant US and EC laws that regulate global market conduct, (b) to teach a course that fully covers U.S. antitrust law and adds only readings on selected topics in EC competition law, or (c) to teach an advanced course in EC competition law.

The aim of this book is to explore the economic fundamentals of European competition law.

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 anti-competitive conduct that are at the core of competition law.

In practice and jurisprudence in European competition law, it is especially difficult to define the boundaries of patent abuse as an offence. In this thoroughly researched book, the author answers the question of when and how an application for a blocking patent can amount to an abuse of a dominant position under Article 102 TFEU. Drawing on legal literature and European Union (EU) case law, the presentation analyses a constellation of blocking patenting strategies and proposes potential remedies where abuse is involved. With detailed descriptions of the characteristics of potentially abusive and non-abusive behaviour regarding applications for blocking patents, the book provides the following and more: a comprehensive analysis of the case law of the EU courts on the abuse of a dominant position in cases which involve intellectual property rights; insights on how patenting strategies affect competition with a particular focus on the application of blocking patents; an overview of the developments in doctrine and practice which led to the current understanding of the seemingly conflictual goals of competition and intellectual property law; and insights on the difficulties of defining relevant markets and establishing whether an undertaking holds a dominant position. The book illustrates the mechanisms of blocking patenting strategies with examples from the pharmaceutical industry because blocking strategies have particular relevance in applying for patents in that context. A test scheme for analysing the application of a blocking patent under Article 102 TFEU is included. Additionally, the book provides an outlook on the topic of patents and shortages of supply in light of the COVID pandemic. Practitioners and policymakers requiring an understanding of the conceptual framework of the abuse concept within EU competition law and how it relates to patent strategies will welcome this invaluable book. They will not only be able to set the conduct of applying for blocking patents into the Article 102 TFEU context but also have decisive tools to approach questions on the intersection of patent law and competition law in the EU.

Advances in Competition Policy and Antitrust Enforcement

Structure and Effects in EU Competition Law

Competition Law and Economics

Collective Dominance and Collusion

Advances in Competition Policy Enforcement in the EU and North America

A Comparison with EU Competition Law's 'More Economic Approach'

Competition Law of the EU and UK is the essential introduction to competition law. Clear and accessible, without compromising on rigor, it helps students to navigate all of the technicalities of competition law. With strong coverage of the economics underpinning the law, this text leads students through the complexities of competition law and helps them to understand its principles. Designed to bring the law to life, a range of learning features aid comprehension and invite students to think about the many applications of competition law. Key cases boxes provide lively discussion, and user-friendly flow charts and visual aids offer a stimulating approach to competition law, making it an ideal introduction to the subject for undergraduates and postgraduates new to this area of law. An Online Resource Centre accompanies this book and provides: Summary maps and key cases - downloadable for ease of use Multiple choice questions - to help students to self-check progress and understanding Table of OFT decisions - for quick reference Web links - to enable students to take their learning further

The food industry is a notoriously complex economic sector that has not received the attention it deserves within legal scholarship. Production and distribution of food is complex because of its polycentric character (as it operates at the intersection of different public policies) and its dynamic evolution and transformation in the last few decades (from technological and governance perspectives). This volume introduces the global value chain approach as a useful way to analyse competition law and applies it to the operations of food chains and the challenges of their regulation. Together, the chapters not only provide a comprehensive mapping of a vast comparative field, but also shed light on the intricacies of the various policies and legal fields in operation. The book offers a conceptual and theoretical framework for competition authorities, companies and academics, and fills a massive gap in the competition policy literature dealing with global value chains and food.

This Liber Amicorum brings together the contributions of 43 authors, in honour of Roger Van den Bergh. The contributions encompass many different topics, which reflects Roger's broad research interests. They are grouped together in four parts: Competition Law and Economics, Public Law and Economics, Private Law and Economics and Developments in Law and Economics. Many of the contributions contain links to Roger's work, as well as the authors's personal reflections on the importance of Roger for their work. This personal touch makes this Liber Amicorum, truly, a Friends Book for Roger.

Mateus and Moreira present a formidable review of pressing issues in competition law and economics. Top officials, judges and experts from Europe and North America offer their insights into analytical issues, practical problems for companies, enforcers and complainants and on the state of trans-Atlantic divergence and convergence. The discussion on national champions and state aid is prescient. Throughout, the analysis is acute, cutting edge, and deep. Officials, counsel and scholars will draw from this fabulous book for years to come. Philip Marsden, British Institute of International and Comparative Law, London, UK Competition policy is at a crossroads on both sides of the Atlantic. In this insightful book, judges, enforcers and academics in law and economics look at the consensus built so far and clarify controversies surrounding the issue. There is broad consensus on the fight against cartels, with some countries criminalizing this type of agreement. However there is also wide debate on the questions of monopolization and abuse of dominant position, vividly highlighted by the recent Microsoft case. Furthermore, there are today diverging views on the interplay of business strategies and the control of market power on both a national and international scale. The book discusses the perennial issue in Europe of the conflicts between competition and industrial policies, once again bringing the theme of national champions to the fore. The contributing authors provide opinion on the efforts which have been made towards modernization in both the USA and the EU. Featuring new contributions by leading scholars and practitioners in antitrust, this book will be a great resource for antitrust enforcers, competition lawyers and practitioners and competition economists, as well as scholars and graduate students in antitrust and competition law.

New Developments in Competition Law and Economics

A Comparative Law and Economics Review of the EU and Brazil

Competition Law and Antitrust

Developments, Policies and Enforcement Trends in the US and Korea

EU Competition Law and Economics

Competition Law and Economic Regulation

In this outstanding new book Professor Keith Hylton and his collaborators examine what antitrust law has become over the past ten years, a time in which economic analysis has become its undisputed core. What has become of the old antitrust doctrine, what are the new issues for the immediate future? This book brings together the leading experts to examine the silent revolution at the core of US domestic policy. Mark Grady, UCLA School of Law, US Hylton's Antitrust Law and Economics brings together many of the best authors writing in antitrust today. Their essays range widely, covering proof of agreement under the Sherman Act, group boycotts, monopolization and essential facilities, tying and other vertical restraints, merger policy. The writing is clear, accessible but still technically sophisticated and comprehensive. This book represents the best in contemporary antitrust scholarship, by authors who understand and are able to communicate the centrality of economic analysis to antitrust. No antitrust lawyer, serious antitrust student, or antitrust economist should be without this book. Herbert Hovenkamp, University of Iowa College of Law, US This comprehensive book provides an extensive overview of the major topics of antitrust law from an economic perspective. Its in-depth treatment and analysis of both the law and economics of antitrust is presented via a collection of interconnected original essays. The contributing authors are among the most influential scholars in antitrust, with a rich diversity of backgrounds. Their entries cover, amongst other issues, predatory pricing, essential facilities, tying, vertical restraints, enforcement, mergers, market power, monopolization standards, and facilitating practices. This well-organized and substantial work will be invaluable to professors of American antitrust law and European competition law, as well as students specializing in competition law. It will also be an important reference for professors and graduate students of economics and business.

'Lawyers, post-graduate students of law and economics, as well as policy makers and judges concerned with the issues raised by class actions will find this book, with its copious footnotes, a valuable tool for further research into this emerging area of law.' - Phillip Taylor MBE and Elizabeth Taylor, the Barrister Magazine

Vertical agreements represent a variety of supply and distribution contracts involving different market players, such as suppliers of diverse inputs, manufacturers, distributors and retailers. They gain particular significance in a global economy where technological advances are dynamic and are changing all the time. Such agreements are signed among businesspeople on a daily basis, and antitrust experts around the world are often asked to advise on whether they have any negative impact on competition or whether they infringe antitrust law. Taking into consideration the complex economic impacts of these vertical alliances, and the different market conditions that firms face in a wide variety of situations, the author proposes a depth examination of the following topics: resale price-fixing; geo-blocking clauses; exclusive and selective distribution systems; the concept of 'economic efficiency' in the context of vertical restraints; self-assessment of potential anti-competitive effects and antitrust risks; ex post control of vertical restraints; digital economies and its policy impact; alternative enforcement models under various institutional frameworks; the role and influence of political pressure groups. The book offers very constructive theoretical and political insights at the frontier between the disciplines of Economics and Law. By comparing two world's leading antitrust jurisdictions, this book explores the lessons to be learned from the legal rules in European Union and in Brazil, considering their promises and drawbacks, and formulates policy recommendations.

My paper points to the structural problems in the area of antitrust lawyers' education and the necessity to recognize economics as a fundamental domain (and not as auxiliary science) in the application of competition law. Independent specialized antitrust courts should be established, and economic education should be mandatory for judges. Economics is a knowledge-intensive domain, and the acquisition of economic knowledge requires special advanced studies. It is not sufficient for lawyers to occasionally familiarize themselves with economic reports and papers. That is not serious. The appropriate response is to integrate economics in the studies of competition law and to establish independent specialized antitrust courts, which would be able to routinely study and to critically and rationally evaluate the antitrust economic and legal questions. Parallely, economists should be trained in law and support the teams of lawyers of the regulatory authorities. Economists can help courts devise, refine, and reform economic tests.On Property Rights and How to Really Merge Law & Economics Antitrust Cases, first of all, it is easy to cite (important or unimportant) works, but it is harder to think about original legal and economic solutions. In order that antitrust law & economics be at a higher level, one must make (real) learning pay off: a State and big firms should finance it adequately. Furthermore, stealing other lawyers' or other economists' work is a very easy. The strongest protection of property rights is fundamental by means of the highest financial rewards to the persons that do an original work or communicate it appropriately to the legal world. What is more, it must be observed that the current economic papers are unreadable for lawyers, as they are based on mathematical models. I propose, therefore, that a paper to be published in an economic journal be constructed in a dual way: there should be part A. A Non-technical Explanation of a Model and part B. A Mathematical Model. The same regards the presentation of economic analyses to the antitrust institutions and courts. Finally, I also postulate that business centers (concentrating big and small businessmen) should be established at every university that deals with an antitrust analysis in order to inform the legal and economic community of the real-world economic operations and to make their analyses much more powerful and utilitarian.

The Interplay Between Competition Law and Intellectual Property

The Interplay between European and National Competition Law after Regulation 1/2003

Intellectual Property, Competition Law and Economics in Asia

An International Perspective

Recent Trends at the National and EU Level

Essays Law Econo

This incisive Research Handbook identifies and assesses the emerging trends in competition enforcement, investigating how such changes impact the enforcement approach of competition authorities and the behaviour of companies in an ever-evolving business and regulatory environment. Insightful contributions from experts in the field of competition enforcement law cover anti-competitive agreements, unilateral conduct, and merger control, as well as exploring topics such as algorithmic collusion, market power and data, big data, industrial policy, consumer welfare, common ownership, and competition enforcement in digital platforms. Combining academic, practitioner, and enforcer perspectives, this expansive Handbook sheds light on topical developments concerning competition enforcement, representing an expansion of existing enforcement practices. The Handbook concludes by considering how competition authorities could address the proliferating competition enforcement challenges arising from the appearance of new markets, novel business models, and technological developments. Bringing together unique perspectives on new trends affecting competition enforcement, this timely Handbook will prove invaluable to law firms with an international competition or merger law practice, as well as to economic consultants and competition and regulatory authorities. Comprehensive and accessible, its analysis of the latest developments and perspectives in competition enforcement establish the Handbook as essential reading material for scholars of law and business across the globe.

This book explores the emerging economic reality of health data pools from the perspective of European Union policy and law. The contractual sharing of health data for research purposes is giving rise to a free movement of research data, which is strongly encouraged at European policy level within the Digital Single Market Strategy. However, it has also a strong impact on data subjects' fundamental right to data protection and smaller businesses and research entities ability to carry out research and compete in innovation markets. Accordingly the work questions under which conditions health data sharing is lawful under European data protection and competition law. For these purposes, the work addresses the following sub-questions: i) which is the emerging innovation paradigm in digital health research?; ii) how are health data pools addressed at European policy level?; iii) do European data protection and competition law promote health data-driven innovation objectives, and how?; iv) which are the limits posed by the two frameworks to the free pooling of health data? The underlying assumption of the work is that both branches of European Union law are key regulatory tools for the creation of a common European health data space as envisaged in the Commissions 2020 European strategy for data. It thus demonstrates that both European data protection law, as defined under the General Data Protection Regulation, and European competition law and policy set research enabling regimes regarding health data, provided specific normative conditions are met. From a further perspective, both regulatory frameworks place external limits to the freedom to share (or not share) research valuable data.

In this exciting new book, an international team of experts compare market structures, in both global and Korean contexts, particularly focusing on the impact of foreign competition on market concentration and ways to improve market structure. It thoroughly investigates core competition problems, including international abuses of dominance, mergers and collusion, and vertical restraints. Contributions move beyond explaining the laws and practices of enforcement agencies, offering readers an insight into the trend of an ever-increasing interdependence among national economies, complemented by analyses of recent developments in the US and Canada.

Although it is commonly assumed that consumers benefit from the application of competition law, this is not necessarily always the case. Economic efficiency is paramount; thus, competition law in Europe and antitrust law in the United States are designed primarily to protect business competitors (and in Europe to promote market integration), and it is only incidentally that such law may also serve to protect consumers. That is the essential starting point of this penetrating critique. The author explores the extent to which US antitrust law and EC competition law adequately safeguard consumer interests. Specifically, he shows how the two jurisdictions have gone about evaluating collusive practices, abusive conduct by dominant firms and merger activity, and how the policies thus formed have impacted upon the promotion of consumer interests. He argues that unless consumer interests are directly and specifically addressed in the assessment process, maximization of consumer welfare is not sufficiently achieved. Using rigorous analysis he develops legal arguments that can accomplish such goals as the following:

replace the economic theory of ‘consumer welfare’ with a principle of consumer well-being; build consumer benefits into specific areas of competition policy; assess competition cases so that income distribution effects are more beneficial to consumers; and control mergers in such a way that efficiencies are passed directly to consumers. The author argues that, in the last analysis, the promotion of consumer well-being should be the sole or at least the primary goal of any antitrust regime. Lawyers and scholars interested in the application and development and reform of competition law and policy will welcome this book. They will find not only a fresh approach to interpretation and practice in their field – comparing and contrasting two major systems of competition law – but also an extremely lucid analysis of the various economic arguments used to highlight the consumer welfare enhancing or welfare reducing effects of business practices.

The Oxford Handbook of International Antitrust Economics, Volume 1

The Oxford Handbook of International Antitrust Economics

How to Think Like an Economist - The Challenge for Antitrust Lawyers. On Property Rights and How to Really Merge Law & Economics in Antitrust Cases

Making and Managing Markets

Global Competition

Global Antitrust Law and Economics

This insightful book proposes taking inspiration from EU competition law structures to inform and implement a more economic approach in WTO law. The book provides a detailed account of the two legal systems regarding likeness, harm, and remedies, in order to draw comparisons. Taking a unique approach in synthesizing law and economics, the book considers WTO law holistically to propose a legal transplant from EU competition law to WTO law.

Everyone recognizes that competition is the process by which companies are induced to offer consumers the lowest prices and introduce innovations to earn higher profits. Antitrust enforcement should focus on real competition problems, on behaviour that has actual or likely restrictive effects on the market, and which harms consumers, and not competitors. A real revolution in the application of European competition law took place with the modernization package implemented in the last few years, involving the now-decentralized application of Articles 81 and 82 EC, new merger regulations, and the ongoing review of guidelines for the prosecution of abuses of a dominant position. The proceedings of the First Lisbon Competition Law and Economics Conference under the auspices of the Portuguese Competition Authority. It was a ground-breaking event in which leading European judges and competition enforcers, as well as some of the leading world economists and law professors on competition issues, took a critical look at the competition law system conceived to implement EC Regulation 1/2003, with a broader focus on modernization in the EU and in the USA. In wide-ranging discussions they evaluated theories of harm to competition for the most frequently-occurring types of abusive behaviour, and developed guidelines for a competition policy that offers both an economically sound and a legally enforceable tool for making rules that can be enforced effectively and with a reasonable degree of predictability. Among the many issues arising in the proceedings recorded in this book are the following: special powers of investigation; leniency programs and individual sanctions; the problem of "forum shopping" in the present merger regulation system; the impact of competition on economic growth; competition and regulatory costs; judicial review of the European Commission merger decisions; consumer welfare effects of mergers; who should apply competition law to utilities; and the link between competition and innovation and the development of a country. The book will be of immeasurable value to all those – both legal practitioners active in competition policy and enforcement, as well as to officials of European national competition authorities. Equally interested will be students of law and economics concerned with competition issues, and non-governmental organizations dealing with consumer protection and private enforcement of competition law. By giving a more economic approach to competition and efficient regulation on economic growth, this far-reaching book will help elucidate the main current topics in need of further reform and underline the importance of competition policy in modern market economies.

This book further develops both the traditional and the behavioural approach to competition law, and applies these approaches to a variety of timely issues. It discusses several fundamental questions regarding competition law and economics, and explores the applications of competition law and economics. In turn, the book analyses the impact of patents in various aspects of competition law, and investigates the impacts that developments in information technology, such as big data analytics, have on competition law. The book also discusses the impact of energy law reforms on energy markets from a competition law perspective. Competition law is a classic field of economic analysis. In competition law, competition law uses terms such as market, price, and competition and must therefore rely on economic know-how and analyses. In the United States, economic analysis has greatly influenced not just the scholarship on antitrust law, but also judicial decisions and agency enforcement. Antitrust law and economics are based on the traditional economic analysis, which relies on the assumption that the market players, i.e. consumers and producers, are rational. This approach to competition law was later received in Europe under the banner of a “more economic approach”. For the past two decades, behavioural law and economics, which seeks to generate better insights into legal phenomena by providing a more economic approach to economic models, and to offer a multitude of applications in legislation and legal adjudication, has challenged the traditional economic approach to law in general and, more recently, to competition law specifically.

Law, Markets, and Globalization

Don't Take Seriously

Economic Theory and Competition Law