

## The Single Economic Entity Doctrine And Corporate Group Responsibility In European Antitrust Law International Competition Law Series

*This book is the leading reference on Indonesian private international law in English. The chapters systematically cover the whole of Indonesian private international law including commercial matters, family law, succession, cross-border insolvency, intellectual property, competition (antitrust), and environmental disputes. The chapters do not merely cover the traditional conflict of law areas of jurisdiction, applicable law (choice of law), and enforcement. The chapters also look into conflict of law questions arising in arbitration and assess Indonesian involvement in the harmonisation of private international law globally and regionally within ASEAN. Similarly to the other volumes in the Studies in Private International Law – Asia series, this book presents the Indonesian conflict of laws through a combination of common and civil law analytical techniques and perspectives, providing readers worldwide with a more profound and comprehensive understanding of the subject.*

*Ideal for students taking a course on competition law in its European context, this book guides students through a wide range of carefully selected cases and materials with exceptional analysis and comment. The selection of writings has been chosen to present the most important perspectives onthe subject as well as the broader socio-economic context of EC competition law. This third edition has been fully updated with all the recent developments within EC Competition Law since 2004, including coverage of the review of Article 82 and the green paper on damages, as well as further information on US anti-trust law. Each chapter now begins with a 'central issues'section which helps students to focus and direct their learning. Editions are kept up-to-date via an accompanying Online Resource Centre which also contains relevant weblinks and material including an additional chapter on State Aids.Combining the strengths of a modern textbook and traditional materials book, Cases and Materials on EC Competition Law provides a wide-ranging and thorough guide to the study of Competition Law, enabling students to engage with both legal and economic aspects and making it ideal for both under and postgraduate courses on EC Competition Law.*

*During the past decade, private enforcement of competition law has slowly taken off in Europe. However, major differences still exist among Member States. By harmonizing a number of procedural rules, the Damages Directive aimed to establish a level playing field among EU Member States. This timely book represents the first assessment of the implementation of the Damages Directive. Offering a comparative perspective, key chapters provide an up-to-date account of the emerging trends in private enforcement of competition law in Europe.*

*The fourth edition of this well established and highly regarded work on EU law maintains its character by combining comprehensive yet accessible coverage with in-depth analysis of the law and student-friendly pedagogy. It is fully up to date so encompassing critical examination of new important judgments of EU and national courts and developments in institutional, constitutional and substantive EU Law. The book keeps its unique style in that it is both a textbook and a casebook. Case summaries are highlighted in colour-tinted boxes for ease of reference, and are accompanied by key facts and critical analysis, often in the light of subsequent developments. The student-friendly approach is enhanced by market-driven pedagogical features, including: Concise outlines, at the beginning of each chapter describing its content and assisting in revision; An aide-mémoire, often presented in diagrammatic form, at the end of each chapter to highlight and reinforce key points; End of chapter recommended reading lists to encourage and facilitate further research; End of chapter problem and essay questions testing the students’ ability to apply what they have learnt; Cross-references to show how topics are interrelated; and A map identifying EU Member States, candidate States; and, potential candidate States. The book’s companion website offers a range of teaching and learning resources including an interactive timeline of the EU, useful web links, self-test questions and much more. This book is essential reading for those studying EU law on both undergraduate and postgraduate courses and will be of interest to students of political science, social science and business studies.*

*The Law and Policy of New Eurasian Regionalization*

*About Parents, Daughters, Sisters and Half-sisters*

*Model Rules of Professional Conduct*

*Chinese Private International Law*

*An Analytical Guide to the Leading Cases*

*Competition Law in Croatia*

The book examines whether EU competition policy is applied fairly and consistently to EU and non-EU firms despite persistent political pressure from member states for a relaxation of the rules and deals with the dilemma of regional organisations in the global political economy. Focussing on the EU’s desire to achieve balance between the promotion of market competition and the enhancement of consumer welfare, it successfully to ensure a ‘stringent competition policy’ which is nationally-blind and comparatively strict. Finally, it shows that the competition-competitiveness dilemma remains unresolved because the EU’s capability to set global regulatory standards is constrained by competition and the need to engage in multilateral forums, such as the WTO and the International Competition Network. This book also studies, EU competition law and policy, EU external action and more broadly to global governance, international political economy and international relations.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of competition law and its interpretation in Zambia covers every aspect of the subject – the various forms of restrictive agreements and abuse of dominance prohibited by law and the rules on merger control; tests of illegality; filing obligations; administrative investigation and enforcement procedures; administrative decisions. Lawyers who handle transnational commercial transactions will appreciate the explanation of fundamental differences in procedure from one legal system to another, as well as the international aspects of competition law. Throughout the book, the treatment emphasizes enforcement, with relevant cases analysed where appropriate. An informative introductory chapter provides background, including national and international sources, scope of application, an overview of substantive provisions and main notions, and a comprehensive description of the enforcement system including private enforcement. The book proceeds to a detailed analysis of substantive prohibitions, including cartels and other horizontal agreements, vertical restraints, the various types of abusive conduct, and goes on to the administrative enforcement of competition law, with a focus on the antitrust authorities’ powers of investigation and the right of defence of suspected companies. This part also covers voluntary merger notifications and clearance decisions, as well as a description of the judicial review of administrative decisions. Its succinct yet scholarly nature, as well as the practical quality of its analysis, makes it an essential reference work for business and legal professionals alike. Lawyers representing parties with interests in Zambia will welcome this very useful guide, and academics and researchers will appreciate its value in the study of international and comparative competition law.

Providing a detailed and practical analysis of the entire scope of the law relating to vertical agreements, including the new general block exemption regulations and the Vertical Guidelines, this book is an indispensable tool for all practitioners active in the drafting or reviewing of vertical agreements.

Der Band schlägt ein Konzept des transnationalen Konzerns für das Völkerstrafrecht vor. Die Analyse von Völkerrecht, EU-Kartellrecht, US- und englischem Recht sowie ökonomischer Theorien zeigt den Konzern als ökonomische Einheit, wenn Kontrollmacht und tatsächliche Kontrollausübung vorliegen. Das Buch ergänzt die strafrechtliche Debatte um einen bis jetzt vernachlässigten gesellschaftsrechtlichen Konzernbegriff und untersucht die Konturen und notwendigen Elemente des transnationalen Konzerns. Die Kriterien entspringen einer gründlichen Analyse transnationaler, übergreifender Strukturmerkmale des Konzerns in den untersuchten Rechtsordnungen. Das Hauptaugenmerk liegt dabei auf der tatsächlichen Kontrollausübung und ihren verschiedenen Formen. Als Ergebnis der Synthese steht ein detailliertes und ökonomisch abgeleitetes Adressat völkerstrafrechtlicher Normen in Betracht kommt.

Indonesian Private International Law

Turkey

Stringent Regulation and its External Implications

Competition Law in Zambia

The Obligations of the European Home States

Conceptualising Transnational Corporate Groups for International Criminal Law

Private Enforcement of European Competition and State Aid Law Current Challenges and the Way Forward Edited by: Ferdinand Wollenschläger, Wolfgang Wurmnest & Thomas M.J. Möllers The overlapping European Union (EU) regimes of competition law and State aid law both provide mechanisms allowing private plaintiffs to claim compensation for losses or damages. It is thus of significant practical value to provide, as this book does, analysis and guidance on achieving enforcement of such claims, written by renowned authorities in the two fields. The book examines the two areas of law both from an EU perspective and from the perspectives of private enforcement in France, Germany, Italy, the Netherlands, Spain and the United Kingdom. In country reports for these major jurisdictions, as well as in more general and comparative chapters, the authors focus on such issues as the following: impediments to private enforcement; which entity is liable for damages; binding effect of decisions of competition authorities; limitation of actions; collective actions and pooling of claims; enforcement of the standstill obligation (Article 108(3) TFEU); remedies and information deficits; cooperation and coordination between national courts and the European Commission; transposition of the so-called Damages Directive (Directive 2014/104/EU) by the EU Member States; extent to which the strengthening of private enforcement of competition law has a spillover effect on State aid law; and prospects for harmonisation of State aid law. A concluding section identifies enforcement deficits and proposes ways to improve the existing legal framework. As an in-depth assessment of key obstacles and best practices in private enforcement actions, this highly informative and practical volume facilitates choice of the best forum for competition and State aid law cases. Academics and practitioners engaged with this important area of European law will appreciate the authors’ awareness of the economic need and legal particularities which could generate an effective European system of private enforcement of legitimate claims under EU competition and State aid law.

In light of a changing corporate culture, the European institutions have been faced with interpretative questions that were not contemplated by the original statutory schemes of European antitrust enforcement. One of these issues is the application of the European antitrust provisions to the relationship between a parent and a subsidiary company and has led the Commission and the ECJ to develop the concept of a single economic entity for the purpose of applying the antitrust provisions to corporate groups. However, both the Commission and the Court have regularly refrained from a detailed analysis of the specific circumstances of consideration for this legal concept; and as a result the assessment of legally independent but economically affiliated companies is one of the most contentiously debated issues of European antitrust law."

The first comprehensive analysis of contribution claims in EU competition law, a controversial but little studied topic.

Comparative Competition Law examines the key global issues facing competition law and policy. This volume’s specially commissioned chapters by leading writers from the United States, Europe, Asia, South America, and Australia provide a synthesis of how these current issues are addressed by drawing on the approaches taken in different jurisdictions around the world. Expert contributors examine the regulation of core competitive conduct by comparing substantive law approaches in the US and the EU. The book then explores issues of enforcement – such as the regulator’s powers, whether to criminalize anti-competitive conduct, the degree to which private enforcement ought to be encouraged, and the extraterritorial scope of domestic laws. Finally, the book discusses how competition law is being implemented in a variety of countries, including Japan, China, Brazil, Chile, and Colombia. This scholarly analysis of the key substantive, procedural, and remedial challenges facing global competition law policymakers offers a comparative framework to facilitate a better understanding of relevant policies. This collection of global perspectives will be of great interest to scholars and students of competition law, microeconomics, and regulatory studies. Competition law regulators, policy makers, and law practitioners will also find this book an invaluable resource.

Attribution of Liability Between Parent and Subsidiary Within a Single Economic Entity

Current Challenges and the Way Forward

An Economic Analysis of the Single Economic Entity Doctrine in EU Competition Law

International and European Legal Perspectives

A Comparative Perspective

The Consistent Application of EU Competition Law

The third edition of European Business is published at a time of turbulence in Europe. This uncertainty puts Europe’s unique business environment at risk. Key features of the new edition include: assessments of how individual member states affect the integration process and bring diversity to European business; new material on the links between Europe and the World’s other main regions, including emerging economies; new case studies on topics such as the rise of the BRICs, the energy crisis, enlargement and the Euro. The book retains popular pedagogical features to help students make sense of a confusing and complex environment. A unique and accessible text, the book is ideal reading for students of European and International Business and important additional reading for those interested in European politics and economics.

Drawing on international, transnational, and comparative legal scholarship, The Law and Policy of New Eurasian Regionalization: Economic Integration, Trade, and Investment in the Post-Soviet and Greater Eurasian Space, additionally offers the insights of a plethora of leading international scholars in economics, institutional theory, area studies, international relations, global political economy, political science, and sociology. The contributors come from four corners of the globe, including Asia, Europe, and North America.

Reverse payment settlements or “pay-for-delay agreements” between originators and generic drug manufacturers create heated debates regarding the balance between competition and intellectual property law. These settlements touch upon sensitive issues such as timely generic entry and access to affordable pharmaceuticals and also the need to preserve innovation incentives for originators and to strengthen the pipeline of life-saving pharmaceuticals. This book is one of the first to critically and comparatively analyse how such patent settlements and various other strategies employed by the pharmaceutical industry are scrutinised by both United States (US) and European courts and enforcement authorities, and to discuss the applicable legal tests and the main criteria used for their assessment. The book’s ultimate objective is to provide guidance to the pharmaceutical industry regarding the types of patent settlements, strategies and conduct which may be problematic from US antitrust and European Union (EU) competition law perspectives and to assist practitioners in structuring settlements which are both efficient and compliant. To this end, an exhaustive legal analysis of some of the most controversial issues regarding pharmaceutical patent settlements is provided, including: – the lengthy split among US Circuit Courts on the issue of pay-for-delay settlements, its resolution by the US Supreme Court in *FTC v. Actavis* and subsequent jurisprudence; – the decision of *Lundbeck v. Commission* by the European General Court and the *Servier* decision of the European Commission; – the *Roche/Novartis* decision of the European Court of Justice and the most important decisions by National Competition Authorities on pharma patent settlements in the EU; – an overview of other types of strategies such as product-hopping and product reformulations, no-authorised generic commitments, problematic side-deals, mechanisms affecting generic substitution; – the rejection of the “scope of the patent” test in both the US and the EU and the balancing of patent law and antitrust law considerations in the prevailing applicable tests; – the benefits of settlements and the main criteria for assessing their legitimacy under US antitrust and EU competition law. The analysis provides concrete examples of both illegitimate and legitimate settlements and strategies, emphasising on conduct that falls within a grey zone and on the circumstances and criteria under which such conduct could be deemed problematic from an antitrust perspective. This book will serve as a valuable guide for pharmaceutical companies wishing to minimise the risk of engaging in conduct that could potentially infringe US antitrust and EU competition law. It further aims to save courts and enforcement agencies and also practitioners and academics considerable time and resources by providing an exhaustive analysis of the relevant case law, with the ultimate goal to increase legal certainty on the most controversial aspects of patent settlements in the pharmaceutical industry.

This book charts the evolution of EU law (both internal market and institutional law) through the jurisprudence of one of its leading jurists. Few have as close an eye-witness view of the evolution of European Union law as judges at the ECJ. They not only observe, however, but actively work towards its development.

This collection assesses the momentous contribution to European Union law made by José Luis da Cruz Vilaça. Taking those areas of law which were directly shaped by his judgments (institutional law/internal market/free movement of persons and judicial review), leading scholars assess his legacy. Through this prism, the story of EU law can be charted.

Economic Integration, Trade, and Investment in the Post-Soviet and Greater Eurasian Space

European Union Law

The Single Economic Entity Doctrine in South African Competition Law and Its Application to Administrative Penalties

Extraterritoriality of EU Economic Law

European Union Competition Policy versus Industrial Competitiveness

Opening the ‘Black Box’

This online course will give you insights into important compliance topics.

Competition law principles in Singapore provide that a company may be liable for the conduct of another company if they belong to a single economic entity, even though they each have a separate legal personality. The CCS has used this doctrine to hold parent companies liable for the actions of their subsidiaries, and vice versa. This article discusses this process of attribution, and proposes several clarifications that may be helpful to strengthen the doctrine.

Written with the assistance of a team of lecturers at the Shanghai University of Political Science and Law, this book is the leading reference on Chinese private international law in English. The chapters systematically cover the whole of Chinese private international law, not just questions likely to arise in commercial matters, but also in family, succession, cross-border insolvency, intellectual property, competition (antitrust), and environmental disputes. The chapters do not merely cover the traditional conflict of law areas of jurisdiction, applicable law (choice of law), and enforcement. They also look into conflict of law questions arising in arbitration and assess China’s involvement in the harmonisation of private international law globally and regionally within the Belt and Road Initiative. Similarly to the Japanese and Indonesian volumes in the Series, this book presents Chinese conflict of laws through a combination of common and civil law analytical techniques and perspectives, providing readers worldwide with a more profound and comprehensive understanding of Chinese private international law.

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.

European Business

Vertical Agreements in EU Competition Law

Groups of Companies

Patent Settlements in the Pharmaceutical Industry under US Antitrust and EU Competition Law

The Application of the Single Economic Entity Doctrine in South Africa and Europe

Text, Cases & Materials

This book sheds new light on the potential application of EU law to situations arising outside EU territory, and its consequences. In today’s globalized world, EU law and the ECJ’s decisions have been calling for exceptions and defining new connecting elements that make the traditional approach of EU law, based on the territoriality principle, less straightforward. This is the case with e.g. the effects doctrine in the context of EU competition law, as was fully recognized after the ECJ’s Intel case. Moreover, recently approved rules concerning the EU’s internal market, EU environmental law and EU data protection law have made it more difficult to define the application of EU law in terms of a pure link to the territoriality principle. The book examines these and other problems from the perspectives of various branches of EU economic law. With regard to EU competition law it presents, among others, studies on the evolution of the effects doctrine in the US and the EU; extraterritoriality of competition law; global cartels; merger control; state aid and cooperation between NCAs. Furthermore, it includes several studies concerning extraterritorial issues in trade relations between the EU and China; EU screening regulation of foreign direct investments; EU trade agreements; EU investment law and EU financial services. The twenty-one contributing authors are internationally respected experts on EU law.

White collar crime has expanded significantly over the course of the past two decades. Yet, not only as the amount of national and international legislation in the field grown, but it has also endured changes driving it away from the classic criminal law. These trends have been reflected in changes to national legislation, not infrequently prompted by supranational law, for example, in the financial or the environmental sector. New punishing regimes have emerged, such as UN blacklisting, smart sanctions, civil asset forfeiture, financial supervisory powers, compliance law, and anti-money laundering laws. Furthermore, the role of administrative sanctioning law has been growing as well as the role of private actors in the enforcement of punitive sanctions. The aim of this volume is to examine how various national criminal justice systems across Europe deal with the aforementioned challenges. In the first part, it takes a closer look at the following national systems: France, Germany, Poland and Sweden. Furthermore, it compares the European approach with the American one as a source of inspiration for unresolved difficulties and future developments. Further still, the authors explore those challenging issues regarding the field of economic and financial crime, including the Senior Managers Regime, corporate criminal liability, and whistle-blowers’ protection. Timely and pertinent, this is an important new work in a

fast-moving field.

The article analyzes the recent judgement of the Court of Justice of the European Union (CJEU) in Skanska Industrial. In its preliminary ruling, the CJEU recognized for the first time the so-called “economic succession doctrine” in damage claims concerning a breach of EU competition rules. In the judgement, the CJEU relied on its well-established case law. From this point of view, the ruling is “nothing extraordinary”. Nevertheless, the judgement represents an important milestone that contributes to the development of damage claims in Europe. The article first discusses the origins of the economic succession doctrine, which derives from the broad concept of “undertaking” developed by the CJEU case law and the so-called “single economic entity” doctrine. Afterwards, the article discusses the Skanska Industrial case, in particular by comparing the opinion of Advocate General (AG) Wahl with the CJEU ruling in the case. The article concludes by discussing the potential consequences of the CJEU ruling in Skanska Industrial on private enforcement of EU competition law, as well as the questions that remain open after the judgement. After Skanska Industrial, it remains unclear how the disclosure of evidence will take place in practice in the context of a damage claim following a corporate re-structuring. Secondly, the limits of the economic succession doctrine remain still unclear: it is unclear when a corporate re-structuring indeed leads to the establishment of a “new” undertaking, free from the antitrust liability acquired by its predecessor. Finally, it is remains unclear whether Skanska Industrial case law could also be extended to other remedies besides damage claims, such as actions requesting a court injunction, compensation for unjust enrichment, declaration that a contract is null and void. The article argues that in the coming years the CJEU will probably be called to clarify Skanska Industrial case law, in order to answer these remaining questions.

Succinct and concise, this textbook covers all the procedural and substantive aspects of EU competition law. It explores primary and secondary law through the prism of ECJ case law. Abuse of a dominant position and merger control are discussed and a separate chapter on cartels ensures the student receives the broadest possible perspective on the subject. In addition, the book’s consistent structure aids understanding: section summaries underline key principles, questions reinforce learning and essay discussion topics encourage further exploration. By setting out the economic principles which underpin the subject, the author allows the student to engage with the complexity of competition law with confidence. Integrated examples and an uncluttered writing style make this required reading for all students of the subject.

EU Competition Law

Competition Law in the BRICS Countries

Competition Law in the CARICOM Single Market and Economy

EC Competition Law

Building the European Union

Companies around the world and their advisors have realized, over the past few years, that they must be very aware of merger control and antitrust enforcement developments in Brasilia, Moscow, New Delhi, Beijing, and Pretoria. When one appreciates the extent of enforcement by the competition authorities of the powerful emerging economies of Brazil, Russia, India, China, and South Africa, it becomes clear that a fundamental change in the focus of international antitrust enforcement has occurred. Under the auspices of the International Bar Association, this timely, invaluable book examines in detail the fast-moving antitrust developments in the BRICS countries. Twenty-nine outstanding experts – practitioners, officials, and academics, each of them working in one of the five countries – present in-depth descriptions of the structure, powers, and procedures of their country’s respective enforcement agencies. Disclosure, transparency, benchmarking, portfolio of policymaking tools, and the speed, phasing, and priorities of implementation are all fully analysed. The authors provide summaries with implications of relevant cases in their jurisdictions. The issues and topics covered include the following: politics, resources, priorities; cooperation with criminal prosecutors and police; extraterritoriality; availability of administrative sanctions, criminal enforcement, and private actions; assessment of dominance; investigation: procedure, powers, burden of proof, appeal; procompetitive development of particular sectors of the economy; leniency programs; calculation of market share thresholds; triggering events/thresholds; notification thresholds and documents; employee and trade union involvement; and government participation and intervention. At a time when the BRICS antitrust agencies are increasingly asserting their roles in a multipolar antitrust world and cooperating with each other more and more, this thorough and up-to-date comparative analysis on what the BRICS countries are doing in the antitrust sector will be extremely valuable to corporate counsel worldwide. For academics and policymakers it will provide a highly revealing perspective on the current state of international competition law enforcement.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of competition law and its interpretation in the Croatia covers every aspect of the subject – the various forms of restrictive agreements and abuse of dominance prohibited by law and the rules on merger control; tests of illegality; filing obligations; administrative investigation and enforcement procedures; civil remedies and criminal penalties; and raising challenges to administrative decisions. Lawyers who handle transnational commercial transactions will appreciate the explanation of fundamental differences in procedure from one legal system to another, as well as the international aspects of competition law. Throughout the book, the treatment emphasizes enforcement, with relevant cases analysed where appropriate. An informative introductory chapter provides detailed information on the economic, legal, and historical background, including national and international sources, scope of application, an overview of substantive provisions and main notions, and a comprehensive description of the enforcement system including private enforcement. The book proceeds to a detailed analysis of substantive prohibitions, including cartels and other horizontal agreements, vertical restraints, the various types of abusive conduct by the dominant firms and the appraisal of concentrations, and then goes on to the administrative enforcement of competition law, with a focus on the antitrust authorities’ powers of investigation and the right of defence of suspected companies. This part also covers voluntary merger notifications and clearance decisions, as well as a description of the judicial review of administrative decisions. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in the Croatia will welcome this very useful guide, and academics and researchers will appreciate its value in the study of international and comparative competition law.

This book presents a comprehensive study on how twenty-three countries have approached the issue of company groups. In addition to detailed profiles of each country’s legislation, written by some of the most respected experts in the field, the book also presents a general overview and offers readers an in-depth, up-to-date and highly practical comparative analysis of the company group phenomenon in connection with national legal regimes. As such, the book is a must-read for all those seeking a deeper understanding of how company groups are viewed and regulated around the globe.

Die Angleichung der Wettbewerbsregeln an das Unionsrecht sowie die Schaffung geeigneter Verwaltungsstrukturen ist für die Länder Zentral- und Osteuropas nach langen Jahren der Planwirtschaft eine besondere Herausforderung im Rahmen des Beitrittsprozesses bzw. der Nachbarschaftspolitik der EU. Die Untersuchung ist der Angleichung des türkischen Kartellrechts an das Unionsrecht auf der Basis der Assoziationsvereinbarungen zwischen der Türkei und der EU gewidmet. Vergleichend analysiert werden das Kartellverbot, das Verbot des Missbrauchs einer marktbeherrschenden Stellung sowie die Zusammenschlusskontrolle einschließlich der Anwendungspraxis und deren Vereinbarkeit mit dem Unionsregeln wie sie von der Kommission und dem EUGH interpretiert werden. Es handelt sich um eine umfassende wissenschaftliche Studie zum türkischen Kartellrecht auf dem aktuellen Stand der Rechtsentwicklung. Sie ist hervorragend geeignet auch der Praxis als wichtige Informationsquelle zu dienen. In englischer Sprache.

The Economic Succession Doctrine in Private Enforcement of EU Competition Law

Competition Law

The Impact of the Damages Directive

White Collar Crime

An Introduction to EU Competition Law

A Comparative Law Overview

New to this edition: --

According to well-established case-law of the European Court of Justice, in the European Union, parent companies can be fined for antitrust infringements by their subsidiaries. Furthermore, under a new EU Directive, signed into law on 26 November 2014, parent company liability is likely to be extended to private antitrust damages actions. In the United States, in contrast, courts are very reluctant to hold parent companies liable for antitrust infringements by their subsidiaries, whether criminally or in private suits. Against this background, I explore in this article whether parent company liability in the antitrust context is justified from an economic perspective. I build on works dealing with the economic analysis of antitrust enforcement, corporate torts, vicarious liability, criminal penalties, and limited as well as unlimited shareholder liability to assess the efficiency of parent company liability for antitrust infringements by subsidiaries. Based on an analysis of both the legal framework and the economic situation, I explain under what circumstances it is justified to hold parent companies liable and how parent company liability relates to other antitrust enforcement instruments. I conclude with implications for future antitrust enforcement policy.

Competition Law in the CARICOM Single Market and Economy provides a comprehensive introduction to and overview of this emerging area of law, discussing both the current context and potential directions for future development. The book provides an account of major topics in the law, including the economics of competition law; enterprise; enforcement; regulation; and obligations of member states. It traces the progression of the law from the 2006 Revised Treaty of Chaguaramas, charting the main developments such as the establishment of CARICOM Competition Commission (CCC), and examining the emerging case law in this important and fast-growing area. Offering the first major exploration of Caribbean Competition law, this text will be an essential resource for lawyers, businesspersons, and students of the law in the Caribbean.

This book is the fourth edition of a highly practical guide to the leading cases in European Competition Law. It explores the application of Article 101 TFEU, Article 102 TFEU and the European Merger Regulation, as well as the public and private enforcement of Competition Law. In addition, it reviews the intersection between Competition Law and Intellectual Property Rights and the application of Competition Law to State action. Each chapter outlines the relevant laws, regulations and guidelines for each topic. Within this framework, cases are reviewed in summary form, accompanied by analysis and commentary. "This book should be in the library of every competition law practitioner and academic. The summary of cases is first class. But what makes it really stand out is the quality of the commentary and the selection of the material which includes not only the most important European judgements and decision but also some of the leading cases from the US and European Member States." Ali Nikpay, Gibson, Dunn & Crutcher "The study of EU Competition law requires the analysis and understanding of a number of increasingly complex and lengthy European Commission and European Court decisions. Through the provision of case summaries, excerpts from the important passages and concise commentary linking these decisions to other key case law and Commission documents, this unique and impressive book provides the student and practitioner of EU competition law with an extremely clear and useful introduction to these leading decisions." Dr Kathryn McMahon, Associate Professor, School of Law, University of Warwick "The Guide is an invaluable tool for both students and practitioners. It provides a compact overview on the fundamental cases and highlights the essential problems in a clear and sharp analysis." Dr Christoph Voelk, Antitrust Practice Group, McDermott, Will & Emery LLP, Brussels "This edition will be especially valuable to competition law specialists abroad who are interested in the jurisprudence and policy of the European Union and its member states. Familiarity with the European regime is essential for proficiency in competition law today, and this volume provides an excellent foundation." William E Kovacic, Global Competition Professor of Law and Policy, George Washington University Law School, Former Chairman, US Federal Trade Commission "A perfect reference for students of competition law, giving them a kick start when searching for EU case law on a specific subject." Magnus Strand, University of Uppsala, Sweden

Comparative Competition Law

The Jurist’s View of the Union’s Evolution

The Singapore Experience

Joint and Several Liability in EU Competition Law

Private Enforcement of European Competition and State Aid Law

Substantive and Procedural Challenges

*In recent years, there has been a decentralisation of the enforcement of the EU competition law provisions, Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). Consequently, the national application of these provisions has become increasingly more common across the European Union. This national application poses various challenges for those concerned about the consistent application of EU competition law. This edited collection provides an in-depth analysis of the most important limitations of, and the challenges concerning, the applicability of Articles 101 and 102 TFEU at national level. Divided into five parts, the book starts out by examining how the consistent enforcement of Articles 101 and 102 TFEU operates as a general EU competition policy. It then discusses several recent landmark cases of the European Court of Justice on Articles 101 and 102 TFEU, before proceeding to analyse certain additional, unique jurisdictional challenges to the uniform application of the EU competition law provisions. Subsequently, it focuses on one of the most important instruments that can help to achieve the uniform application of EU competition law in cases handled by the national courts: preliminary rulings. Finally, it provides selective examples of how Articles 101 and 102 TFEU are effectively applied at national level, thereby providing additional input into how problematic the issue of consistent application of EU competition law is in practice.*

*The essays in this collection explore the various ways in which a number of key European and International legal institutions attempt to define the boundaries of jurisdictional competence. The principle questions which are addressed are: (a) Does the relevant institution have a jurisdictional competence adequate to the challenges that it faces? (b) What are the parameters that bear upon the exercise of a particular jurisdictional competence? (c) What are the effects, positive or negative, of extending, restraining or creating a particular jurisdictional competence on those subject to its jurisdiction, other actors and the rule of law itself? Examples of the institutions covered in this book are the Security Council, the European Court of Justice, NATO, the International Court of Justice and the State. Contents: 1. Introduction; (A) Theoretical Approaches to the Assertion of Jurisdiction 2. Jurisdiction: The State - Frank Berman; 3. New Wine in Old Bottles or Old Wine in New Bottles or Only Old Wine in Old Bottles? Reflections on the Assertion of Jurisdiction in Public International Law - Iain Scobbie; 4. The Exercise of Jurisdiction in Private International Law - Jonathan Hill; (B) Approaches to the Assertion of Jurisdiction Political Bodies: 5. National Law, International Law and EU Law – How do they Relate? - Trevor Hartley; 6. The Member States' Competence and Jurisdiction under the EU/EC Treaties - Stephen Hyett; 7. Competition Law in a Globalized Marketplace: Beyond Jurisdiction - Brenda Sufrin; 8. The Jurisdiction of the Security Council: Original Intention and New World Order(s) - Colin Warbrick; 9. Jurisdiction, NATO and the Kosovo Conflict - Christopher Greenwood; (C) Approaches to the Assertion of Jurisdiction by Adjudicative Bodies: 10. Approaches of Domestic Courts to the Assertion of International Jurisdiction - Hazel Fox; 11. Assertion of Jurisdiction by the International Court of Justice - Abdul Koroma; 12. Approaches to the Assertion of International Jurisdiction: The Human Rights Committee - Dominic McGoldrick; 13. Some Problems of Compulsory Jurisdiction before Specialised Tribunals: The Law of the Sea - Alan Boyle; 15 Activism and Restraint in the European Court of Justice - Stephen Weatherill; 14. The Assertion of Jurisdiction by the European Court of Justice - John Usher.*

*The Single Economic Entity Doctrine and Corporate Group Responsibility in European Antitrust Law*

*The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule’s purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.*

*Business and Human Rights*

*The Interaction Between Competition Law and Corporate Governance*

*The adaption of competition rules in new and future member states to European Union Law (V)*

*Text, Cases, and Materials*

*Private Enforcement of EU Competition Law*

*Asserting Jurisdiction*

This book analyses the accountability of European home States for their failure to secure the human rights of victims from host States against transnational enterprises. It argues for a reconfiguration of the relationship between multinational enterprises and individuals, both of which have been profoundly changed by globalisation. Enterprises are now supranational entities with numerous affiliates all over the world. Likewise, individuals are increasingly part of a global community. Despite this, the relationship between the two is deregulated. Addressing this gap, this study proposes an innovative business and human rights litigation strategy. Human rights advocates could file a test case against a European home State, at the European Court of Human Rights, for its failure to secure the rights of victims vis-à-vis European multinational enterprises. The book illustrates why such a strategy is needed, and points to the lack of effective legal remedies against European multinationals. The goal is to empower victims from developing countries against European States which are failing to hold multinational enterprises accountable for human rights abuses.

The Application of EU Economic Law Outside the Territory of the EU

'Nothing Extraordinary' After Skanska Industrial?

Parent Company Liability for Antitrust Infringements by Subsidiaries

The Story of the Intra-group Immunity in Article 101 TFEU and the 'single Economic Entity' Doctrine

The Single Economic Entity Doctrine and Corporate Group Responsibility in European Antitrust Law