



Side effects of the modernisation of EU competition law

*Modernisation as a challenge to the enforcement
system of EU competition law and EU law in general*

Laura Parret

Modernisation Of Eu Competition Law Enforcement In The Eu

Christopher Townley



Modernisation Of Eu Competition Law Enforcement In The Eu:

The Modernisation of EU Competition Law Enforcement in the European Union Dermot Cahill, John D. Cooke, Wouster Wils, 2004-06-17 An international survey covering the domestic anti trust laws of 25 EU member states **Modernisation of European Competition Law** Jules Stuyck, Hans Gilliams, Elke Ballon, 2002 The idea of the Modernisation of European Competition Law had been launched by the Commission in late 2000 in a White Paper The Commission proposed to decentralise the application of the EC competition rules national authorities and judges would receive new competencies in this area The modernisation process should dramatically change the scene Current expectations are that there is a fair chance that the Commission's proposal will be adopted with some amendments by the Council before the end of 2002 Following the publication of the White Paper the Leuven Centre for a Common Law of Europe decided to devote a conference to the subject of Modernisation of EC Competition Law in June 2001 At the time of the Conference the modernisation idea had been followed by a draft Regulation implementing Articles 81 and 82 EC This book contains the papers that were delivered at the conference These papers examine the salient features of the proposed reform and discuss its consequences for European and national competition law and practice Special emphasis is placed on private enforcement of EC antitrust rules The editors added a general introduction setting out the highlights of the modernisation debate as it was conducted in Leuven Therefore this book will help to understand this single most important reform of EC competition law since its conception Contributions to this book are made by T C Arthur Sir C Bellamy L Cornelis W Devroe H Gilliams L Gyselen K Lenaerts J Stuyck J Temple Lang M van der Woude and W van Gerven **Modernised EC Competition Law in International Arbitration** Phillip Louis Landolt, 2006-01-01 Offers an analysis of the expectations and requirements of the Community legal order upon international arbitration as well as a dependable source of answers to the EC competition law questions which arbitration practitioners will ordinarily be faced with This guide is aimed at international litigation practitioners in Europe and globally **EU Competition Law** Alison Jones, Brenda Sufrin, 2016 The essential guide to EU competition law for students in one volume extracts from key cases academic works and legislation are paired with incisive critique and commentary from two leading experts in the field In this fast paced subject area Alison Jones and Brenda Sufrin carefully highlight the most important cases legislation and developments to allow students to navigate the breadth of legislation and case law With their clear explanations and commentary the authors provide invaluable support to students as they approach this complex and highly technical area of law Extracts provide opportunities for students to understand the law in practice and to see its relevance to business Indispensable for undergraduate and postgraduate students alike this is the standalone guide to the competition law of the EU The text is accompanied by an Online Resource Centre containing An additional chapter on State Aid An interactive map and timeline of the EU Web links Updates in the law *European Competition Law Annual 2013* Philip Lowe, Mel Marquis, Giorgio Monti, 2016-04-21 This volume contains papers presented at

the 18th Annual EU Competition Law and Policy Workshop The papers examine means of balancing effective public competition law enforcement and the requirements of legitimate and accountable exercise of public authority The authors address the design and performance of various enforcement tools at European and national levels including sanctions and remedies but also distinctive instruments under Regulation 1 2003 eg commitment procedures and under the Treaty on the Functioning of the European Union Article 106 3 when used as a basis for infringement procedures From the perspective of legitimacy reflections focus on the implications of fundamental rights standards and general principles of law for the EU s complex and quasi federal enforcement architecture Issues that may sometimes escape judicial scrutiny are also discussed such as how agencies prioritise their activities and how investigation responsibilities are distributed within the European Competition Network Effectiveness and legitimacy are then considered in the context of public enforcement cooperation beyond the EU where international organisations regional cooperation and a range of formal and informal modes of governance prevail

A Framework for European Competition Law Christopher Townley, 2018-11-29 This book asks whether the current push to increase uniformity in substantive and procedural competition policy and enforcement in Europe as well as in related institutional structures is desirable It focuses on European Union EU competition policy and enforcement related to Articles 101 and 102 TFEU and the merger rules the equivalent rules in the Member States and the relationships between these different legal orders Uniformity has many benefits yet the advantages of diversity are also legion enabling more policy experimentation and innovation and improving the ability to accommodate national preferences Contrary to the overwhelming view of academics practitioners and regulators in this area the book argues that uniformity is insufficient and examines ways of achieving a better mix of uniformity and diversity the EU s motto is United in Diversity To achieve this better mix the book offers a new framework for European competition law Coordinated Diversity Finally this book discusses whether Coordinated Diversity fits with the current legal order in the EU as well as the EU constitutional settlement more generally and suggests some ways that it might be made compatible with this order with relative ease The book s impact could be significant changing the results in individual cases the way cases are argued and what information is relevant More importantly it builds the theoretical foundations for fundamentally altering the way in which the EU and the Member States competition authorities interact allowing space for disagreement and uncertainty The aim is to improve the efficiency and effectiveness of competition policy making and enforcement in Europe It should also increase the legitimacy in this field rebalancing towards the Member States Coordinated Diversity provides a new way of seeing the EU that better blends difference when this is demanded with uniformity and its benefits as necessary A timely and ambitious work this book will be read with interest by all practitioners and academics interested in EU competition law as well as the related fields of political science and economics

The Design of Competition Law Institutions Eleanor M Fox, Michael J Trebilcock, 2013 Significant power is exercised through webs created between different systems of national law influenced by governments

but also by transnational actors such as global corporations and transnational NGOs and often with an overlay of formal international law or of substantial influence from international institutions Studying the procedures used by competition institutions dealing with specific cases concerning monopolies mergers anti competitive practices this volumes uses a template to study practices of many national institutions and the EU and examines the interactions among these and with prescriptions of influential international bodies Together these form a web with existing procedural rules and practices in a particular institution criticized and alternatives championed and transmitted partly by prescription and partly by arguments of major global law firms of global corporations and of consultants dispatched by the ICN and other agencies This whole process examined for the first time in this book is the real global governance of the procedural law and practices of market supervision under competition rules Delving deeply into their jurisdictions and internationally the contributors illuminate the inner workings of the systems and expose the procedure process and performance norms embedded within Case studies are drawn from Australia Canada Chile China Japan South Africa the USA and the EU as well as four leading international institutions involved in antitrust the World Trade Organization the Organization for Economic Cooperation and Development the United Nations Conference on Trade and Development and the International Competition Network The results reveal a convergence of these norms across the very different systems a procedural norms convergence that offers a necessary counterpart to studies on substantive rule convergence These results provide benchmarks for the field suggest possibilities for future development and offer lessons for all interested in competition law and global governance **Jones and Sufrin's**

EU Competition Law Alison Jones,B. E. Sufrin,Niamh Dunne,2019 The most comprehensive resource for students on EU competition law extracts from key cases academic works and legislation are paired with incisive critique and commentary from an expert author team *Coherence in EU Competition Law* Wolf Sauter,2016-05-26 EU competition law plays a central role in the process of European integration both as a multifaceted tool for creating and policing the internal market as well as in organising national markets Yet as a consequence of this role it is also subject to increasingly complex demands a proliferation of sectoral regimes and multiple objectives at both an EU and national level This profligacy entails risks of fragmentation and divergence which could jeopardise the proper functioning of the internal market In this examination of EU competition law Wolf Sauter discusses three main issues i what degree of coherence exists in EU competition law ii how this coherence can be explained particularly in the broader context of integration by EU law and iii how it contributes to the legitimacy and effectiveness of EU competition law Specific focus is placed on antitrust while mergers state aid control as well as the sectoral regimes for energy and electronic communications are also examined In addition the book also charts the history and framework of these competition regimes that jointly constitute EU competition law defining both its objectives and limitations **Market Supervision in the European Union** Pieter van Cleynenbreugel,2014-09-25 In Market Supervision in the European Union Pieter Van Cleynenbreugel compares and reconstructs the emergence of divergently

structured supranational market supervision mechanisms in six different sectors of EU regulation competition financial services chemicals consumer law electronic communications and energy EU market supervision developments have been plentiful over the past decade but have so far mainly been studied in their own sector specific context On the basis of an innovative cross sector investigation Pieter Van Cleynenbreugel identifies and conceptualises common or converging EU constitutional benchmarks underlying those sector specific administrative design developments Those benchmarks better allow to conceptualise predict and restrain future EU integrated administration structures and initiatives in those and other fields of European Union law

The Foundations of European Union Competition Law Renato Nazzini, 2011-12 Article 102 TFEU prohibits the abuse of a dominant position as incompatible with the common market Here the difficulties of assessing abuse in terms of Article 82 in light of the objectives of EU competition law are addressed to establish a robust and workable analytical framework for abuse of dominance

Jurisdiction and Judgments in Relation to EU Competition Law Claims Mihail Danov, 2010-12-09 This book sets out the way that through enhanced private antitrust enforcement reform private international law has a pivotal role in EU competition law disputes with an international element The author offers a thorough analysis of the post 2003 policy of the EU favouring private law enforcement of EU competition law and its implementation under the existing provisions for jurisdiction and recognition and enforcement of foreign judgments under the Brussels I regime The book also considers how the jurisdiction recognition and enforcement of judgments issues are dealt with in England under the common law rules applicable when Brussels I does not apply The complex private international law problems in respect of cross border class actions that have arisen in several countries as well as judgments in relation to antitrust infringements are also discussed The author further examines the choice of law issues that may arise before the English courts under Rome I and Rome II The potential problems regarding jurisdiction of arbitral tribunals and choice of law in arbitral proceedings in relation to EU competition law claims and the jurisdiction of English courts in proceedings ancillary to arbitration claims are dealt with accordingly This title is included in Bloomsbury Professional's International Arbitration online service

Foster on EU Law Nigel Foster, 2013-05-30 Nigel Foster provides a concise and clear account of EU Law offering an accessible entry point to the subject The fourth edition provides an incisive account of the institutions and procedures of the European Union before moving on to consider key areas of substantive law including competition law

Sanctions in EU Competition Law Michael Frese, 2014-12-01 In the early decades of European integration the enforcement of EU competition law was highly centralised Virtually all enforcement actions under Articles 101 and 102 TFEU were initiated by the European Commission More recently the enforcement of EU competition law has become less centralised many would say even decentralised In 2004 essentially in an effort to increase enforcement capacity in the wake of EU enlargement the involvement of Member State competition authorities was significantly reinforced by national authorities being given power to pursue infringements of EU competition law largely on the basis of their domestic

enforcement regimes This combination of decentralisation and enforcement autonomy raises questions about the relationship between EU law and national law as well as about the costs of enforcement This new book links these questions by analysing how competences in the area of sanctions are distributed between EU and national law and how this influences the costs of enforcement The author's conclusions which highlight the economic implications of the choices made by competition authorities courts and legislators will be of use to all the above in further developing EU competition policy The PhD thesis on which this book is based was declared runner up in the 2013 Concurrences Awards

The Criminalization of European Cartel Enforcement Peter Whelan, 2014-08-07 Cartel activity is prohibited under EU law by virtue of Article 101 1 of the Treaty on the Functioning of the European Union Firms that violate this provision face severe punishment from those entities responsible for enforcing EU competition law the European Commission the national competition authorities and the national courts Stiff fines are regularly imposed on firms by these entities such firm focused punishment is an established feature of the antitrust enforcement landscape within the EU In recent years however focus has also been placed on the individuals within the firms responsible for the cartel activity It is increasingly recognized that punishment for cartel activity should be individual focused as well as firm focused Accordingly a growing tendency to criminalize cartel activity can be observed in the EU Member States The existence of such criminal sanctions within the EU presents a number of crucial challenges that need to be met if the underlying enforcement objectives are to be achieved in practice without violating prevailing legal norms For a start given the severe consequences of a custodial sentence the employment of criminal antitrust punishment must be justifiable in principle one must have a robust normative framework rationalizing the existence of criminal cartel sanctions Second for it to be legitimate antitrust criminalization should only occur in a manner that respects the mandatory legalities applicable to the European jurisdiction in question These include the due process rights of the accused and the principle of legal certainty Finally the correct practical measures such as a criminal leniency policy and a correctly defined criminal cartel offence need to be in place in order to ensure that the employment of criminal antitrust punishment actually achieves its aims while maintaining its legitimacy These three particular challenges can be conceptualized respectively as the theoretical legal and practical challenges of European antitrust criminalization This book analyses these three crucial challenges so that the complexity of the process of European antitrust criminalization can be understood more accurately In doing so this book acknowledges that the three challenges should not be considered in isolation In fact there is a dynamic relationship between the theoretical legal and practical challenges of European antitrust criminalization and an effective antitrust criminalization policy is one which recognizes and respects this complex interaction

EU Competition Law and the Information and Communication Technology Network Industries Andrej Fatur, 2012-03-08 Competition policies have long been based on a scholarly tradition focused on static models and static analysis of industrial organisation However recent developments in industrial organisation literature have led to significant advances moving beyond traditional static

models and a preoccupation with price competition to consider the organisation of industries in a dynamic context This is especially important in the field of information and communication technology ICT network industries where competition centres on network effects innovation and intellectual property rights and where the key driver of consumer benefit is technological progress Consequently when an antitrust intervention is contemplated a number of considerations that arise out of the specific nature of the ICT sector have to be taken into account to ensure improved consumer welfare This book considers the adequacy of existing EU competition policy in the area of the ICT industries in the light of the findings of modern economic theory Particular attention is given to the implications of these dynamic markets for the competitive assessment and treatment of the most common competitive harms in this area such as non price predatory practices tying and bundling co operative standard setting platform joint ventures and co operative R D

The Evolving Governance of EU Competition Law in a Time of Disruptions Carlo Maria Colombo, Kathryn Wright, Mariolina Elia Antonio, 2024-02-08 This book develops a timely analysis of the complex trends and transformations emerging in EU competition law in the current turbulent times Repeated economic crises the climate emergency digitalisation and geopolitical and democratic threats are all having profound societal and economic effects on the EU In light of its fundamental role in the Treaties EU competition law has been called upon to play an important role in responding to this state of turbulence This brings about significant governance and constitutional challenges firstly by questioning how the governance of EU competition law is being transformed to respond and adapt Secondly these crisis induced transformations probe the logic and constitutional limits of EU competition law within the framework of EU law This collection brings together EU institutional and competition lawyers to reflect on the governance and constitutional challenges emerging from the post modernisation evolution of EU competition law against the backdrop of the recent multiple crises in the EU The essays focus on the substantive and procedural developments across the three main policy areas of EU competition law antitrust merger control and State aid EU constitutional and competition lawyers will be interested in this important new collection

The 'Right to Damages' under EU Competition Law Veljko Milutinovic, 2010-11-19 It is the provocative thesis of this book that the Commission's struggle for a more effective system of private enforcement has gone from being a mere enhancement of a single EU policy competition to slowly but surely fuelling a paradigm shift in EU law

Competition Law Richard Whish, David Bailey, 2012-01-12 The authors describes the potential scope and application of the various legal provisions which regulate competition in the UK This book also examines the results of the convergence of UK and EC law with regard to competition in business

European Competition Law Annual 2004 Claus-Dieter Ehlermann, Isabela Atanasiu, 2006-06-02 The European Competition Law Annual 2004 is ninth in a series of volumes following the annual workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the materials of the roundtable debate that took place at the ninth edition of the workshop 11-12 June 2004 which examined the

relationship between competition law and the regulation of liberal professions The liberal professions and the rules governing their functioning have become of interest for EC competition law enforcement since the early nineties making the object of a series of Commission decisions and judgments of the European courts The subject has gained in importance in the perspective of the recent decentralisation of EC antitrust enforcement The regulation of liberal professions is also a matter of increasing concern from the perspective of freedom of services in the internal market The workshop participants a group of senior representatives of the Commission and the national competition authorities of some Member States reknown international academics and legal practitioners discussed the economic legal and political institutional issues that arise in the relationship between competition law and the regulation of liberal professions

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