

Regulating Cartels in Europe

A Study of Legal Control of Corporate Delinquency

Christopher Harding and Julian Joshua

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Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency

Ingeborg Simonsson



Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency:

Regulating Cartels in Europe Christopher Harding, Julian Joshua, 2003 One of the most contentious and high profile aspects of European Community competition law and policy has been the regulation of what may be described as serious antitrust violations typically involving large and powerful corporate producers and traders operating across Europe if not also in a wider international context Such hard core cartels characteristically engage in practices such as price fixing bid rigging market sharing and limiting production in order to ensure market stability and maintain and increase profits There is little doubt now in terms of competition theory and policy at both international and national levels about the damaging effect of such trading practices on public and consumer interests and such cartels have been increasingly strongly condemned in the legal process of regulating and protecting competition Indeed a number of legal systems are now following the American lead in criminalizing such activity This may therefore be seen as the hard end of the enforcement of competition policy requiring more confrontational and aggressive methods of regulation yet also presenting considerable challenges to effective enforcement on account of the economic power sophistication and determination of the typical participants in such cartels The focus of this study is a critical evaluation of the way in which European level regulation has evolved to deal with the problem of anti competitive cartels It traces the historical development of cartel regulation in Europe comparing the pragmatic and empirical approach traditional in Europe with the more dogmatic and uncompromising American policy on cartels and asks whether a fully fledged criminal proceeding with its attendant level of legal safeguards is the most appropriate approach to legal regulation

Legitimacy in EU Cartel Control Ingeborg Simonsson, 2010-02-23 This book examines the law developed by the EU to control cartels The law including case law is carefully documented and analysed against a standard of legitimacy which questions the EU's enforcement measures its institutional structures policy choices substantive law evidentiary standards and procedures and sanctions It includes a unique catalogue of over 150 EU cartel decisions as well as novel analyses of difficult borderline issues such as mixed horizontal and vertical cartels single brand dealer cartels and buyer cartels The effect on trade in cartel cases is analysed with reference to established law and deterrence theory Throughout the book the author asks whether EU law also applies at the national level or whether certain assessments need to be made according to national law This approach makes the book particularly helpful for national authorities courts and private practitioners The book includes in depth comparisons with US law as well as a comprehensive survey of the secondary academic literature on cartels As such it presents not only a comprehensive practical view but also a sound theoretical framework for better understanding cartel law This is a work which will be of utmost importance to those working in competition authorities and competition courts in the EU Member States as well as those working for EU institutions and in private practice and academia

Evidence, Proof and Judicial Review in EU Competition Law Fernando Castillo de la Torre, Eric Gippini Fournier, 2024-03-14 In this thoroughly revised new edition of what quickly

became the authoritative work when first published in 2017 Fernando Castillo de la Torre and Eric Gippini Fournier two of the most experienced litigators in EU competition law update their systematic analysis of the case law of the EU Courts on the rules of evidence proof and judicial review as they are applied in EU competition law *Criminal Enterprise* Christopher Harding, 2013-06-17 This is a study of agency in the field of criminal liability considering the respective roles of individuals and organisations and the allocation of criminal responsibility to these different kinds of actor The issue of criminal responsibility which is informed by both the sociological analysis of conduct and by ethical considerations of responsibility provides an important and revealing focus for discussion *Criminal Enterprise* analyses criminal responsibility through three main types of organisation corporate actors in the field of business activity states and governments and delinquent or criminal organisations each of which is of contemporary significance This analysis focuses on three particular issues the theory of individual and corporate or organisational responsibility the attribution of legal personality as a particular form of identity in theory and across jurisdictions and legal orders the internal practice and operation of complex organisations and corporate actors and how an understanding of this sociology of organisations should be used in the construction of legal agency in the field of criminal law **European Competition Law Annual 2008** Claus-Dieter Ehlermann, Mel Marquis, 2010-01-02 This is the thirteenth in a series on EU Competition Law and Policy produced under the auspices of the Robert Schuman Centre of the European University Institute in Florence The volume contains the written contributions of numerous competition policy experts together with the transcripts of a roundtable debate which examined the subject of settlements between enforcers of competition law and defendant companies in cartel cases and in other types of antitrust cases The Workshop participants included senior judges from major jurisdictions the European Union Germany and the United States senior enforcement officials and policy makers from the European Commission from the national competition authorities of certain EU Member States and from the US Department of Justice and the US Federal Trade Commission and renowned international academics legal practitioners and professional economists In an intense intimate environment this group of experts debated a number of legal and economic issues pertaining to two broad lines of discussion 1 settlements and plea agreements in cartel cases including their links with leniency programs and with private enforcement and 2 settlements in commitment cases decided under Article 9 of Regulation 1 2003 and under comparable procedures of national law **Human Rights in the Market Place** Christopher Harding, Uta Kohl, 2016-05-13 The ideology of human rights protection has gained considerable momentum during the second half of the twentieth century at both national and international level and appears to be an effective lever for bringing about legal change This book analyzes this strategy in economic and commercial policy and considers the transportation of the public law discourse of basic human rights protection into the commercial law context of economic policy business activity and corporate behaviour The volume will prove indispensable for anyone interested in human rights international law and business and commercial law

Competition Law and Policy in the EC and UK Barry Rodger, Angus MacCulloch, 2008-10-03 Competition law at both the EC and UK levels plays an important and ever increasing role in regulating the conduct of businesses Based on the premise that open and fair competition is good for both consumers and businesses competition law prevents businesses from entering into anti competitive agreements and from abusing their dominant market position Competition Law and Policy in the EC and UK looks at how competition law affects business including co ordinated actions pricing behaviour take overs and mergers and state subsidies It provides a clear guide to and outline of the general policies behind and the main provisions of EC and UK competition law Information is presented within a structured framework complete with a glossary of useful terminology This fourth edition has been revised and updated to take into account developments since publication of the previous edition including expanded coverage of the regulation of cartels the development of private enforcement the consideration of IP issues in Microsoft and extended discussion of UK competition Law **Cases and Materials on UK and**

EC Competition Law Kirsty Middleton, 2009-08-27 This title should equip students with a broad range of materials case extracts statutory extracts and relevant academic writings to enable them to study and make sense of this fast developing and often complex area of law *Global Price Fixing* John M. Connor, 2007-05-24 I have devoted myself to studying the economic organization of industries for thirty years It has been my good fortune to work at places that tolerated my gadfly approach to research So long as I produced a few publications each year and wooed a few graduate students to share those interests I was free to sample a smorgasbord of economic delights why firms diversify the competitive role of advertising strategies for selling in overseas markets measuring market power and many others Although firmly chored in the eclectic analytical framework of industrial economics and focused on the food system I traversed a wide field at will A decade ago I had pretty much convinced myself that naked price fixing was not a high priority for scholarship True collusion was rife in a few industries such as bid rigging among suppliers of fluid milk to school districts in isolated rural districts Ripping off milk money from school children is reprehensible enough but the size of the economic losses from localized price fixing paled besides other sources of imperfect competition Moreover there were no great policy debates about the wisdom or merits of enforcing the price fixing prohibitions in the Nation's antitrust laws **Making History** Sophie Meunier, Kathleen R.

McNamara, 2007 The contributors to this volume all leading specialists in the field of EU studies examine the trajectory of the EU and draw on the theoretical tools of historical institutionalism to assess the central political challenges facing the EU

Handbook on European Competition Law Ioannis Lianos, Damien Geradin, 2013-10-31 This Handbook will be an indispensable reference work for practitioners and scholars as well as for those in an enforcement environment

European Union Law Damian Chalmers, Gareth Davies, Giorgio Monti, 2019-09-12 The most current contextual and authoritative EU law text including Brexit the euro and the migration crisis **The Politics of European Competition**

Regulation Hubert Buch-Hansen, Angela Wigger, 2011-03-07 The Politics of European Competition Regulation provides an

original and theoretically informed account of the political power struggles that have shaped the evolution of European competition regulation over the past six decades Applying a critical political economy perspective this book analyses the establishment and development of competition regulation at European Community and national level since the 1950s It puts forth the central argument that competition regulation came to reflect the broader shift towards a neoliberal order since the 1980s Buch Hansen and Wigger argue that this shift which took place against the background of the gradual transnationalisation of capitalist production and the economic crisis of the late 1970s was driven by the European Commission in alliance with the emerging transnational capitalist class The authors examine the political responses to the current global economic crisis in the fields of state aid cartel prosecution and merger control and conclude that an alternative type of competition regulation which forms part of a much broader transformation of the current socioeconomic order is needed This book will be of interest to students and scholars of global political economy European integration and competition law *EC Competition Law* Giorgio Monti, 2007-08-06 Monti explores the development of EC competition law through an interdisciplinary approach focusing on the political and economic considerations that affect the way the rules are interpreted Written with competition law students in mind it should also be of interest to undergraduate and postgraduate students of EU politics and economics *Courts without Borders* Tonya L. Putnam, 2016-08-04 This book is about the US politics and law of judicial extraterritoriality and how it influences international rule making and enforcement

Cambridge Yearbook of European Legal Studies, Vol 8, 2005-2006 John Bell, Claire Kilpatrick, 2006-12-14 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in European Union Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge which is the research Centre of Cambridge University Law Faculty specialising in European legal issues The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 8 through Ingenta Connect www.ingentaconnect.com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www.hartjournals.co.uk/cyels/subs Editorial Advisory

Board Albertina Albors Llorens Catherine Barnard John Bell Alan Dashwood Simon Deakin David Feldman Richard Fentiman Angus Johnston Claire Kilpatrick John Spencer Founding Editors Alan Dashwood and Angela Ward *The International Aluminium Cartel* Marco Bertilorenzi, 2015-09-16 Aluminium was one of most cartelised industries in the international economic panorama of the 20th century Born following the discovery of electrolytic smelting process in 1886 this industry even in its infancy established a cartel which characterised its history until nearly 1980 Managers of the aluminium industry from various historical eras and countries shared the same vision about the development of their industry to keep prices as stable as possible in order to encourage expansions and to provide return on investments Price instability which characterised the trade of other commodities was unknown to the aluminium industry This book neither argues that cartels are fundamentally evil nor attempts to demonstrate that cartels are optimal business organisations It instead provides an in depth and frank analysis of the internal working of industrial organisations and of the interplay between cartels and political powers and institutions The International Aluminium Cartel offers explanations for the construction and collapse of cartels descriptions of their operations and an historical interpretation of their experiences Incorporating information gleaned from a unique collection of private and public archives from several countries this unique study will appeal to a wide variety of readers including academics interested in industrial and business history **The Evolution of European Competition**

Law Hanns Ullrich, 2006-01-01 Professor Ullrich is thoughtful and attracted star scholars from many countries so the papers and discussion are provocative and introduce recent economic thinking although many are written by lawyers The text is lucid and interesting the thought innovative and anyone seriously interested in competition policy should read these papers and the comments with pleasure Valentine Korah World Competition This collection of papers and comments deserves to be widely read and it should appeal to academics and practitioners alike The great mix of topics and the variety of views offered make this a very stimulating contribution to the discussion of the new paradigm of EC competition law the more economic approach and its implications for the application and interpretation of the various EU antitrust rules Thomas Eilmansberger European Law Journal The editor should be congratulated for bringing together this diverse group of scholars whose spirited disagreements remind one of the many challenges faced in exploring the role and function of competition law Giorgio Monti European Review of Contract Law With contributions from leading scholars from all over Europe and the US this book covers the major areas of substantive competition law from an evolutionary perspective The leitmotiv of the book has been to assess the dividing line between safeguarding and regulating competition which it does by reviewing the following subjects foundations of competition policy in the EU and the US strategic competition policy the evolution of European competition law from a national Italian perspective the block exemption of vertical agreements after four years the new Technology Transfer Block Exemption cooperative networking mergers in the media sector abuse of market power concepts of competition in sector specific regulation competition regulation and systems coherence efficiency claims in EU competition

law and sector specific regulation The Evolution of European Competition Law will be of great interest to lawyers economists academics judges and public officials working in the fields of competition law and policy Views of European Law from the Mountain Mielle Bulterman, Leigh Hancher, 2009-02-27 Piet Jan Slot is one of a notable group of innovators who have greatly elucidated the role of law in the construction of European integration His retirement this year from the Law Faculty at Leiden University has occasioned this festschrift in which forty six colleagues past and present recognize his many sterling contributions and engage with issues central to his work Many of them focus on aspects of European competition law while others extend his preoccupations with such fields as environmental regulation energy transport and the interfaces of European law with both Member State law and international global law Ranging from historical tendencies to emerging trends and possibilities the authors explore dozens of relevant topics including the following harmonization of EU law progress of the concept of technical barriers economic justifications and the fundamental freedoms the Keck dichotomy between product requirements and selling arrangements private antitrust enforcement in an international context retail price maintenance competitors role in the public enforcement of the state aid regime scope of judicial review of sanctions in competition law competition and security of supply ownership unbundling proliferation of EU regulatory agencies and the influence of the ECJ on the interpretation of the ECHR Conscious of Slot s ability to identify and analyse the crucial issues of a complicated matter and express them in a clear way adequately attuned to the listener the authors tackle some of the most complex areas in European law Although like Slot they consider European integration as a value that should be respected and fostered by no means do they uncritically accept European law or the way it is made They carry on Slot s work in interpreting and applying European law to search for solutions that maintain develop and enrich the legal order established by the various European Treaties This challenging and absorbing book offers everyone interested a rich selection of topical as well as controversial issues in a number of areas of European law It is a fitting tribute to the diversity and reach of Slot s contribution to these fields as an academic and practitioner over a period of some forty years Uses and Misuses of International Economic Law Moritz J. K. Blenk, 2022-09-12 Standardization is a classic form of rulemaking Nonetheless it is notoriously diffuse and gives rise to questions and debate in particular over the standards normativity legitimacy and nature whether public or private national or international Moritz J K Blenk applies a policy orientated approach to international law to comparatively analyze the role of private rulemaking within the context of international economic integration in the World Trade Organization and the European Union He thereby aims to elucidate the opaque phenomenon of private standardization from a legal perspective and more profoundly shed new light on economic integration

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Table of Contents Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency

1. Understanding the eBook Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - The Rise of Digital Reading Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Advantages of eBooks Over Traditional Books
2. Identifying Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - User-Friendly Interface
4. Exploring eBook Recommendations from Regulating Cartels In Europe A Study Of Legal Control Of Corporate

Delinquency

- Personalized Recommendations
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency User Reviews and Ratings
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency and Bestseller Lists
5. Accessing Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency Free and Paid eBooks
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency Public Domain eBooks
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency eBook Subscription Services
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency Budget-Friendly Options
 6. Navigating Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency eBook Formats
 - ePub, PDF, MOBI, and More
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency Compatibility with Devices
 - Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Highlighting and Note-Taking Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Interactive Elements Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 8. Staying Engaged with Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 9. Balancing eBooks and Physical Books Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time

11. Cultivating a Reading Routine Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Setting Reading Goals Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Fact-Checking eBook Content of Regulating Cartels In Europe A Study Of Legal Control Of Corporate Delinquency
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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