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Edited by Daniel C. Esty and
Damien Geradin

Regulatory Competition And Economic Integration Comparative Perspectives

Michael Dougan



Regulatory Competition And Economic Integration Comparative Perspectives:

Regulatory Competition and Economic Integration Daniel C. Esty, Damien Geradin, 2001 **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 *EU Economic Law in a Time of Crisis* Harri Kalimo, Max S. Jansson, 2016-02-26 How has the EU's economic crisis affected the development of economic law in the Union This book contributes to the debate by examining EU economic law from a contextual and policy oriented perspective The expert authors explore areas such as the EMU and the internal market and emphasize the important fields of public procurement taxation and intellectual property rights The investigation proceeds along themes such as harmonization institutional interplay non economic values and international actions The authors conclude that during the crisis the attention of the Barroso Commission focused quite narrowly on the most urgent problems failing to consider longer term issues to spark off bold policy endeavours and break inter institutional blockages This book is targeted at scholars policy makers and other practitioners as well as students interested in EU economic law integration and the economic crisis **Green Giants?** Norman J. Vig, Michael G. Faure, 2004 An examination of current environmental policy trends in the United States and the European Union and the implications for future transatlantic and global

cooperation *National Remedies Before the Court of Justice* Michael Dougan, 2004-12-21 The Court of Justice has delivered an extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights including such landmark judgments as Factortame and Francovich This book offers a critical analysis of the Court's fast changing approach to national procedural autonomy and explores the difficult conceptual framework underpinning the caselaw The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project in particular the tension between uniformity and differentiation as competing values influencing the exercise of Community regulatory competence Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh having regard to the recent growth of regulatory differentiation within the Community system *National Remedies Before the Court of Justice* provides a challenging account of this crucial field of EU legal studies It includes detailed discussion of issues such as Member State liability in damages Community control over national limitation periods and the principles governing state aid and competition law enforcement This book is of value to academics and practitioners alike *EU Law and Economics* Armin Steinbach, 2024-12-17 The intersection between law and economics is a dynamic field of research Yet European law has so far not been the subject of comprehensive systematic economic analysis Instead issues such as the European debt crisis COVID 19 pandemic and the climate emergency have largely escaped scholarly analysis through the nexus of EU law and economics *EU Law and Economics* closes this gap providing an overview of the application of economics to the institutional procedural and substantive aspects of European law Drawing on various branches of the economic sciences including rational choice and game theory and institutional and behavioural economics this book goes beyond conventional methods of EU legal scholarship to expand our understanding of EU law and its effects This book devotes attention to EU Treaties and secondary law as well as their adjudicative interpretation while using economic theory to explain their core legal principles such as conferral subsidiarity and mutual recognition Systematic and original this book offers additional descriptive and normative metrics that expand our understanding of the decision making behaviour of EU institutions and member states while opening a new dialogue between two distinct disciplines This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to download from OUP and selected open access locations *Economics, Evolution and the State* Kurt Dopfer, 2005-01-01 This book focuses on the emerging field of evolutionary economic policy highlighting the interface between the state markets and the evolutionary complexity of modern economies The contributors explore the possibilities and limitations of governance and provide a unique platform for the advancement of modern evolutionary economic theory *Mutual Recognition as a New Mode of*

Governance Susanne Schmidt, 2013-10-18 Mutual recognition is generally forgotten in debates about new modes of governance even though it is a particular powerful example Its invention was crucial for the completion of the European Union s single market and in the late 1990s it was transferred to the field of Justice and Home Affairs Outside of the EU mutual recognition is also gaining in importance This book discusses mutual recognition in the context of the debate on new modes of governance and analyzes its potential to solve governance problems focusing on the preconditions it needs for its functioning e g trust of the Member states the positive implications of achieving coordination through it as well as its negative side effects e g the danger of a regulatory race to the bottom Particular focus is on the contentious services directive as a prominent example of using mutual recognition In addition contributions look at the application of mutual recognition in the market for goods in the area of Justice and Home Affairs in tax policy and in the World Trade Organization so that the book achieves a comprehensive assessment of mutual recognition as a new mode of governance This book was previously published as special issue of the *Journal of European Public Policy* *The World Trade Organization and Trade in Services* Kern Alexander, Mads Tønnesson Andenæs, 2008 The World Trade Organisation plays the primary role in regulating international trade in goods services and intellectual property Traditionally international trade law and regulation has been analysed primarily from the trade in goods perspective Services are becoming an important competence for the WTO The institutional legal and regulatory influence of the General Agreement on Trade in Services GATS on domestic economic policymaking is attracting increasing attention in the academic and policymaking literature The growing importance of services trade to the global economy makes the application of the GATS to trade in services an important concern of international economic policy The GATS contains important innovations that build on the former GATT and existing WTO GATT trade regime for goods This book fills a void in the academic and policymaking literature by examining how the GATS governs international trade in services and its growing impact on the regulatory practice of WTO member states It offers a unique discussion of the major issues confronting WTO member states by analysing the GATS and related international trade issues from a variety of perspectives that include law political economy regulation and business Moreover the role of the WTO in promoting liberalised trade and economic development has come under serious strain because of the breakdown of the Doha Development Round negotiations The book analyses the issues in the Doha services debate with some suggested policy approaches that might help build a more durable GATS framework The book is a welcomed addition to the WTO literature and will serve as a point of reference for academics policymakers and practitioners **Cambridge Yearbook of European Legal Studies, Vol 9, 2006-2007** Catherine Barnard, 2007-12-18 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those issues 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 a research centre in the Law Faculty of the University of Cambridge 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

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Founding Editors Alan Dashwood Angela Ward

Handbook of Law and Economics A. Mitchell Polinsky, Steven Shavell, 2007-11-07 Law can be viewed as a body of rules and legal sanctions that channel behavior in socially desirable directions for example by encouraging individuals to take proper precautions to prevent accidents or by discouraging competitors from colluding to raise prices The incentives created by the legal system are thus a natural subject of study by economists Moreover given the importance of law to the welfare of societies the economic analysis of law merits prominent treatment as a subdiscipline of economics Our hope is that this two volume Handbook will foster the study of the legal system by economists The two volumes form a comprehensive and accessible survey of the current state of the field Chapters prepared by leading specialists of the area Summarizes received results as well as new developments

[Annual of German and European Law](#) Russell A. Miller, Peer Zumbansen, 2004 Complementing the highly successful online German Law Journal this new publication aims to deepen and develop some of the issues discussed in the Journal as well as to take up new questions and directions of commentary Focusing on pressing legal questions of socio political relevance it offers scholarly articles reports book reviews and selected statutes or court decisions in English translation in all fields of German and European Law The main objective is to offer border transcending and interdisciplinary research into fast moving areas of the law often involving a complex array of institutional political and private actors

A Handbook of Globalisation and Environmental Policy Frank Wijen, B. C. J. Zoeteman, Jan Pieters, 2005-01-01 State of the art examination of the critical effects of globalisation on environmental governance

Theory and Practice of Harmonisation Mads Andenas, Camilla Baasch Andersen, 2012 Harmonised and uniform international laws are now being spread across different jurisdictions and fields of law bringing with them an increasing body of scholarship on practical problems and theoretical dimensions This

comprehensive and insightful book focuses on the contributions to the development and understanding of the critical theory of harmonisation. The contributing authors address a variety of different subjects concerned with harmonisation and the application of legal rules resulting from harmonisation efforts. This study is written by leading scholars engaged in different aspects of harmonisation and covers both regional harmonisation within the EU and regional human rights treaties as well as harmonisation with international treaty obligations. With comparative analysis that contributes to the development of a more general theory on the harmonisation process, this timely book will appeal to EU and international law scholars and practitioners as well as those looking to future legal harmonisation in other regions in Asia, Latin America and Africa.

Rough Consensus and Running Code Gert-Peter Calliess, Peer Zumbansen, 2010-05-31 Private law has long been the focus of efforts to explain wider developments of law in an era of globalisation. As consumer transactions and corporate activities continue to develop with scant regard to legal and national boundaries, private law theorists have begun to sketch and conceptualise the possible architecture of a transnational legal theory. Drawing a detailed map of the mixed regulatory landscape of hard and soft laws, official, unofficial, direct and indirect modes of regulation, rules, recommendations and principles, as well as exploring the concept of governance through disclosure and transparency, this book develops a theoretical framework of transnational legal regulation. *Rough Consensus and Running Code* describes and analyses different law-making regimes currently observable in the transnational arena. Its core aim is to reassess the transnational regulation of consumer contracts and corporate governance in light of a dramatic proliferation of rule creators and compliance mechanisms that can no longer be clearly associated with either the state or the market. The chosen examples from two of the most dynamic legal fields in the transnational arena today serve as backdrops for a comprehensive legal theoretical inquiry into the changing institutional and normative landscape of legal norm creation.

Refugees and the Law in Challenging Times - A Law and Economics Approach Denard Veshi, 2024-07-17 This book focuses on the economic analysis of refugee law and the protection of refugee rights. It offers a law and economics model applied to migration and states. The book focuses on the most critical push factors that impact lawmakers in enacting and modifying asylum law. Furthermore, the book examines the economic advantages and disadvantages of a centralized supranational asylum law, *acquis communautaire*, that could eventually eliminate competition between legal orders in asylum law and do away with the negative externalities caused by asylum shopping. The book critically analyses international refugee law pursuing an interdisciplinary approach. Its principal goal is to explore refugee law through the lenses of the law and economics approach and against the backdrop of a human rights approach. After explaining the evolution of the human rights approach, the book elaborates on the legal and economic factors that impact refugees on the one hand and public policy on the other. In conclusion, a balance that considers the national preferences of destination countries and the protection of refugee rights is proposed.

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 *Globalisation and Labour Rights* Christine Kaufmann, 2007-01-17 In a world of work that has changed dramatically over the last few years states see themselves confronted with new actors and conflicting international legal obligations This book examines the tensions between core labour rights as defined by the International Labour Organisation and the interests of international economic institutions e.g. WTO IMF World Bank OECD It provides an analysis of the legal interactions between international regulations and state policy with regard to potential regulatory conflicts at both the horizontal and vertical level The study suggests a model of multilevel consistency as a way of reconciling the highly specialised and fragmented legal systems of core labour rights on the one hand and trade liberalisation on the other to form the coherent framework of a consistent legal order Its detailed analysis and recommendations are designed for both academic readers and practitioners in international organisations and governments *The Coherence of EU Law* Sacha Prechal, Bert van Roermund, 2008-01-24 The EU legal order sits above a diverse mix of 27 national legal systems with some 23 different languages Amongst such diversity how can the unity and coherence of the European legal system be guaranteed Is there a common understanding between lawyers from different national backgrounds as to the meaning and application of EU law In addressing these issues the idea of common concepts has played a crucial role it is argued that the unity of the system is guaranteed by the consistent application of certain core principles shaping the law To what extent can these concepts be trusted to provide a firm basis for the coherence of the EU legal order Believers in common concepts argue that there is a relatively clear shared and accepted framework of ideas providing an understanding of the system that is ultimately unified in spite of all apparent divergence Sceptics hold that there is no such framework common concepts turn out to be additional sources of misunderstanding confusion and subsequently legal divergence According to a third thesis there is indeed no common conceptual core but the necessary unity and coherence of EU law can be articulated and even reinforced through the use of divergent concepts The contributors to this collection of essays address

these issues from different disciplinary perspectives legal sociology linguistics comparative law European legal scholarship legal theory and practical experience The research group focused on the application of two general themes the protection of rights and judicial discretion In addition to the thematic research case studies from core policy sectors are featured including energy regulation and social policy **EC Regulation of Corporate Governance** Andrew Johnston,2009-12-03 Uses economic and reflexive governance theories to demonstrate how EC law achieves the necessary balance between integration and regulatory diversity

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