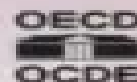


A Framework
for the
Design and
Implementation of
Competition Law
and Policy



The World Bank



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Framework For The Design And Implementation Of Competition Law And Policy

Ariel Ezrachi



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Ezrachi, 2012-01-01 The Research Handbook on International Competition Law brings together leading academics practitioners and competition officials to discuss the most recent developments in international competition law and policy This comprehensive Handbook explores the dynamics of international cooperation and national enforcement It identifies initiatives that led to the current state of collaboration and also highlights current and future challenges The Handbook features twenty two contributions on topical subjects including competition in developed and developing economies enforcement trends advocacy and regional and multinational cooperation In addition selected areas of law are explored from a comparative perspective These include intellectual property and competition law the pharmaceutical industry merger control worldwide and the application of competition law to agreements and dominant market position Presenting an overview of the current state of cooperation and convergence as well as a comparative analysis of substance and procedure this authoritative Handbook will prove an invaluable reference tool for academics competition officials and practitioners who focus on international competition law

Global Change and East Asian Policy Initiatives Shahid Yusuf, M. Anjum Altaf, Kaoru Nabeshima, 2004 Annotation Although many economies have grown briskly in the last few years future development will depend on the quality and timeliness of policy actions This volume provides specific policy responses that could be employed to navigate successfully through periods of economic political and technological turbulence by enhancing both competitiveness of firms and the stability of the economies in East Asia

Competition Law in Latin America Julián Peña, Marcelo Calliari, 2022-06-06 In the past few years Latin American countries have taken giant steps to reposition their competition authorities in the global antitrust arena granting them much greater autonomy both domestically and internationally This is an updated edition of the first book that offered an in depth analysis of this complex scenario The first part of the book includes more general chapters written by leading experts on a variety of relevant topics analyzed at a regional level such as the issues emerging with the digital economy and on the special field of the information and

communications technology industry as well as chapters on broad regional trends on the working of competition law in countries with regulated markets and in the cluster of Central American countries among others At the heart of the presentation are nine chapters detailing the competition regimes of the most active national jurisdictions in the region Argentina Brazil Chile Colombia Ecuador Mexico Paraguay Peru and Uruguay Written by practicing experts with considerable hands on experience in their respective countries each of these chapters provides a comprehensive description and explanation of the evolution current state and prospects for antitrust in the country Topics addressed in the country analysis encompass the following and more relevant institutions and legislation cartel investigations unilateral conduct policies merger review international coordination enforcement and remedies Each chapter includes an analysis of relevant case law allowing the reader to gauge the positions views and tendencies of each competition law regime The contributors also pay attention to the specificities and idiosyncrasies that are so important for a correct understanding of the practical realities of competition policy and enforcement With its wide ranging and in depth approach this book provides an incomparable analysis of a challenging region poised to become increasingly important in the international recognition and enforcement of antitrust law It is in this sense an essential guide for lawyers economists corporations academics and government officials interested in understanding where competition law is and where it is going to in Latin America

The Political Economy of Competition Law in Asia Mark Williams, 2013-01-01 This is a very timely book which provides an unprecedented analysis of the factors which have shaped the competition law systems of ten Asian countries and Australia The comprehensive discussion from varying viewpoints against the backdrop of the significantly different environments within which the respective regimes have developed creates a framework for the comparative assessment of competition law systems elsewhere in the world Lutz Christian Wolff The Chinese University of Hong Kong New competition laws have been adopted throughout Asia in recent years and some of the older laws have been significantly strengthened This makes Asia a fascinating region in which to look at the political and economic circumstances of the countries in which such laws are to be found and to consider the very different conditions that exist within them This book will be an invaluable guide to anyone with an interest in the developing competition law regimes of this immensely important part of the world Richard Whish King's College London UK This detailed book describes and analyses the essential political economy features that provide the backdrop to the competition policies and competition law regimes of several of the most important Asian economies The book also discusses the impact of these political economy influences in determining whether the adopted competition policy is effective Each of the authors experts in their respective countries offer specific insights into the nature and structure of their competition regimes and discuss to what extent the varied political economy factors unique to that country help to determine whether and to what extent the established system promotes or hinders economic competition in that jurisdiction Comprising wide coverage of Asian jurisdictions including Australia this book will strongly appeal to students and academics of law

politics economics and economic development policy makers in national governments international agencies and competition authorities as well as practicing competition lawyers and in house counsel

A Critique of Anti-Dumping Laws Owais Hasan Khan, 2018-10-12 This book presents a critical analysis of anti dumping laws enforced by the World Trade Organisation Anti dumping laws are the most debatable provisions of the WTO which though legally permitted have a significant distorting effect on trade They are also often used as a non tariff barrier to trade in the form of regulatory protectionism The book brings forth the philosophical conceptual and practical flaws of international anti dumping laws and establishes a case for the repealing of such laws Furthermore it proposes the replacement of these laws with international competition law In doing so it also demonstrates the ascendancy of international competition law over anti dumping laws and discusses India s take on anti dumping laws and their incorporation in domestic regulations

The Goals of Competition Law Daniel Zimmer, 2012 What are the normative foundations of competition law That is the question at the heart of this book Leading scholars consider whether this branch of law serves just one or more than one goal and if it serves to protect unfettered competition as such how this goal relates to other objectives such as the promotion of economic welfare The book brings together contributions on the relevance of different welfare standards on the concept of freedom to compete and on distributional fairness as a goal of competition law Moreover it discusses the relationship to other legal goals such as market efficiency

OECD Reviews of Regulatory Reform: Indonesia 2012 Strengthening Co-ordination and Connecting Markets OECD, 2012-09-27 The OECD Review of Regulatory Reform in Indonesia focuses on the administrative and institutional arrangements for ensuring that regulations are effective and efficient

Competition Policy in the World Trade Organization Arnulf Gressel, 2007-08-24 Diploma Thesis from the year 2006 in the subject Law European and International Law Intellectual Property grade 1.00 University of Salzburg Völkerrecht language English abstract Die vorliegende Diplomarbeit behandelt das Problem der Regelung von Wettbewerbsfragen im Völkerrecht im allgemeinen und in der WTO im besonderen In Kapitel 1 werden die wirtschaftlichen Hintergründe und unterschiedlichen Motive für staatliche wettbewerbsrechtliche Regelungen dargestellt Kapitel 2 stellt verschiedene Tatbestände die im Wettbewerbsrecht als regelungsbedürftig angesehen werden vor z.B. Kartelle Missbrauch der marktbeherrschenden Stellung etc Kapitel 3 beschreibt nationale Regelungsansätze des Wettbewerbsrechtes einschließlich bilateraler Kooperationsabkommen die zur Durchsetzung nationaler Regelungen erforderlich sind Besonderes Augenmerk wird auch auf die unterschiedlichen Rechtskulturen gelegt die die nationalen Regelungen beeinflussen Kapitel 4 stellt die bisherigen Regelungsansätze auf internationaler Ebene dar wobei die auf regionaler Ebene verbindliches Recht darstellen die auf universeller Ebene allerdings im Bereich des soft laws bleiben Kapitel 5 und 6 stellen die Kernkapitel der Arbeit dar und befassen sich mit Wettbewerbsrecht im Rahmen der WTO In Kapitel 5 werden bestehende wettbewerbsrelevante Regelungen in der WTO dargestellt Zunächst wird beschrieben welche staatlichen Maßnahmen die von der WTO Rechtsordnung erfasst sind den Wettbewerb beeinflussen In einem weiteren Schritt

wird analysiert welche WTO Regelungen Staaten verpflichten könnten privates wettbewerbswidriges Handeln zu regulieren Da die Regelungen der WTO grundsätzlich Verpflichtungen für Staaten enthalten wettbewerbsrelevantes Verhalten aber von Unternehmen gesetzt werden ist es notwendig einen Zusammenhang zwischen dem Verhalten von Privaten und den staatlichen Verpflichtungen aus dem WTO Recht darzustellen In Kapitel 6 wird schließlich die Diskussionen in

International Competition Law Martyn D. Taylor, 2006-09-28 Should an international competition agreement be incorporated into the World Trade Organization Taylor examines this question arguing that such an agreement would be beneficial Existing initiatives towards the regulation of cross border anti competitive conduct have clear limitations that could be overcome by an agreement and the WTO would provide the optimal institutional vehicle for it At a practical level Taylor points out an international competition agreement could address under regulation and over regulation in the trade competition regulatory matrix realizing substantive benefits to international trade and competition This book identifies the appropriate content and structure for a plurilateral competition agreement and proposes a draft negotiating text with accompanying commentary and as such will be an invaluable tool for policy makers WTO negotiators competition and trade lawyers and international jurists

Policy Framework for Investment A Review of Good Practices OECD, 2006-08-10 This Review of Good Practices is published as a companion volume to the OECD Policy Framework for Investment and provides analytical background material on each of the ten chapters of the Framework

The International Handbook of Competition Manfred Neumann, Jürgen Weigand, 2013-01-01 This comprehensive Handbook demonstrates that academic thinking new and old has a role to play in shaping modern competition policy Gunnar Niels Oxera This indispensable Handbook examines the interface of competition policy competition law and industrial economics The book aims to further our understanding of how economic reasoning and legal expertise complement each other in defining the fundamental issues and principles in competition policy In specially commissioned chapters the book provides a scholarly review of economic theory empirical evidence and standards of legal evaluation with respect to monopolization of markets exploitation of market power and mergers among other issues The International Handbook of Competition Second Edition will be accessible to a wide audience including students of economics and law public administrators lawyers consultants and business executives

International Harmonization of Economic Regulation Junji Nakagawa, 2011 With the advancing globalization of the world economy domestic economic regulations are becoming more and more subject to efforts at international harmonization This book presents an analysis of this worldwide phenomenon from both a legal and a politico economic perspective by focusing on 1 the backgrounds and objectives of international harmonization 2 the negotiating processes involved and 3 the impact of harmonization on domestic laws and their administration International harmonization is discussed in a wide range of cases including trade related regulations technical standards and food safety standards intellectual property rights labour standards competition law and policy financial regulations and regulations concerning transnational economic crime Drawing

on a wide range of materials and applying a unified analytical framework based on theoretical as well as practical observations the book surveys this much debated topic in a comprehensive and accessible way It thus contributes to a better understanding of both the chances and the challenges of globalization and global governance today *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

Competition Law in the ASEAN Countries Ploykaew Porananond, 2018-06-22 Amongst other regional organisations the Association of Southeast Asian Nations ASEAN stands out for the diversity of its ten Member States stemming from their respective economic and political heritage governance systems legal institutions stages of economic development and exposure to or reliance on foreign trade and investments As of 2017 however the regional bloc has formalised its focus on economic integration and development of a regional competition law Challenging this vision are the States very different national competition law systems ongoing problems with governmental intervention in the economy and lack of effective and efficient corruption free regulatory and juridical infrastructure This book the first detailed analysis of competition law in the ASEAN countries looks at the prospects of implementation for the regional law and compares the existing systems in each Member State Opening with a thorough description of the composition and organisation of the ASEAN the analysis proceeds

to an in depth evaluation of such aspects as the following persistence of the ASEAN s traditional mode of dispute resolution often referred to as the ASEAN Way economic challenges posed by intra regional growth and globalisation the strong relationship between the business and government sectors and governmental interventions as cultural practices There is detailed reference throughout to case law legislation institutional announcements relevant treaties and literature on both the ASEAN and competition law As an important critical analysis of this major new regional competition law regime this book will be welcomed by competition law practitioners multinational corporation counsel and jurists officials and academics in a variety of legal fields Although the subject is specifically the ASEAN the analysis contributes to a better understanding of competition law regimes in developing economies and to the more general literature on global competition law **Just Get**

Out of the Way Robert Edward Anderson,2004 Simple pro growth advice for developing economies International Investment Perspectives 2005 OECD,2005-10-03 International Investment Perspectives is an annual report from the OECD on international investment developments The focus of the 2005 edition is on policies affecting the investment climate

Economic Efficiency Ben Van Rompuy,2012-08-01 Over the past decade we have witnessed an apparent convergence of views among competition agency officials in the European Union and the United States on the appropriate goals of competition law enforcement Antitrust policy it is now suggested should focus on enhancing economic efficiency which we are to believe will promote consumer welfare Recent EU Commission Guidelines on the application of Article 101 TFEU appear to banish considerations that cannot be construed as having an economic efficiency value such as the environment cultural policy employment public health and consumer protection from the application of Article 101 TFEU Arguing that the professed adoption of an exclusive efficiency approach to Article 101 TFEU does not preclude but rather obfuscates the role of non efficiency considerations the author of this timely contribution accomplishes the following objectives traces the genesis of the shift to an efficiency orientation in EU and US antitrust policy and dispels several ingrained misconceptions that underpin it demonstrates the close interrelationship between evolving images of the purpose of antitrust the development of related enforcement norms and enforcement output provides in depth analyses of a number of analytically rich cases in the audiovisual sector and particularly those related to sports rights and explores what the role of non efficiency considerations in the application of Article 101 TFEU could and should be under the modernized enforcement regime

Readings in Indian Agriculture and Industry K. L. Krishna,2009 Providing critical insights into the two vital sectors of the Indian economy agriculture and industry this unique reference features contributions from noted economists and economic researchers This guide to India s growing economy since independence features topics ranging from agricultural performance and crop insurance to industrial policy and trade liberalization A comprehensive coverage of the issues this remarkable study will interest students and economists alike

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