

GLOBALISATION, EUROPE, MULTILATERALISM

**European Union
Competition Policy versus
Industrial Competitiveness
Stringent Regulation and its External
Implications**

Hikaru Yoshizawa



European Union Competition Policy 2001

Christopher Townley



European Union Competition Policy 2001:

European Union Competition Policy versus Industrial Competitiveness Hikaru Yoshizawa, 2021-11-10 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 international competitiveness the book explores the validity of its attempts successfully to ensure a stringent competition policy which is nationality 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 will be of key interest to scholars and students of European Union studies EU competition law and policy EU external action and more broadly to global governance international political economy and international relations The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license *European Union Competition Policy*, 2003 *European Union Competition Policy* European Commission. Directorate-General for Competition, 2003 **European Union Competition Policy** Commission of the European Communities, European Commission. Directorate-General for Competition, 2004 *Competition Law in the EU* Johan W. van de Gronden, Catalin S. Rusu, 2024-05-02 This thoroughly revised and updated second edition provides an enhanced understanding of EU competition law exploring significant substantive and enforcement issues relating to antitrust merger control the Digital Markets Act and state aid law While considering well established doctrines and landmark judgements the textbook also addresses recent developments such as digitalisation sustainability and globalisation and how these issues will influence future inquiry into competition law *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

Public Procurement and the EU Competition Rules Albert Sánchez Graells, 2015-06-25 Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market This process of convergence between competition and public procurement law is particularly apparent in the 2014 Directives on public procurement which consolidate the principle of competition in terms very close to those advanced by the author in the first edition This second edition builds upon this approach and continues to ask how competition law principles inform and condition public procurement rules and whether the latter in their revised form are adequate to ensure that competition is not distorted The second edition also deepens the analysis of the market behaviour of the public buyer from a competition perspective Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of these rules against a standard of the proper functioning of undistorted competition in the market for public procurement It also traces the increasing relevance of competition considerations in the case law of the Court of Justice of the European Union and sets out criteria and recommendations to continue influencing the development of EU Economic Law

European Competition Law Annual 2002 Claus-Dieter Ehlermann, Isabela Atanasiu, 2005-01-13 The European Competition Law Annual 2002 is the seventh 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 in Florence The volume reproduces the materials of the roundtable debate that took place at the seventh Workshop

Handbook of Research in Trans-Atlantic Antitrust Philip Marsden, 2008-01-01 The book is handsomely produced by Edward Elgar The notes contain more than citations and are well worth reading A welcome feature is that after each set of notes there is a list of the most important writings on the topic followed by a list of the most important cases Edward Elgar is well known in economic circles hence the endnotes to which economists are accustomed It has published several books on competition for lawyers over the last years and is a welcome entrant to the lawyers market Valentine Korah World Competition This extremely well done and important book collects writings by more than two dozen academics and practitioners on important topics in competition law This is an excellent book important for research by anyone who is serious about global or comparative competition policy European Law Review This Handbook assembles a valuable collection of insightful analyses dealing with many cutting edge issues arising in modern antitrust enforcement on both sides of the Atlantic Philip Lowe European Commission The contributions to this Handbook provide a comprehensive up to date treatment of antitrust law in the Americas and Europe I would recommend it to anyone who wants to learn about antitrust law and its administration in the major enforcement areas

of the world This is bound to become an important reference for antitrust students and experts Keith Hylton Boston University US This comprehensive research Handbook brings together cutting edge legal and economic analysis into antitrust issues by leading experts from Europe the USA Canada Mexico and South America The Handbook of Research in Trans Atlantic Antitrust covers a wide range of areas including the meaning of consumer welfare mergers in monopsony markets unilateral effects private and criminal enforcement implementing competition policy in regulated sectors abuse of intellectual property rights competition remedies international enforcement cooperation complainants rights dominant firm pricing tying and bundling The Handbook also includes discursive consideration of the similarities and differences among the various regimes on either side of the Atlantic as well as a look to future trends and applications in regional and global contexts Offering a comparative view of pressing antitrust issues this Handbook will be of great interest to academics lawyers practitioners and officials

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 *European Union Competition Policy* European Commission. Directorate-General for Competition, 2003

Article 81 EC and Public Policy Christopher Townley, 2009-09-22 This book discusses the role of public policy in Article 81 of the EC Treaty The Commission and recently the Court of First Instance have said that the sole objective of Article 81 EC is consumer welfare Many competition lawyers and economists support this view Writing in a crisp plain style Townley demonstrates that public policy considerations are still relevant in that provision He also examines how and where they are currently considered and then suggests why how and where this might be changed The book explains how some of the most complex competition law cases can be understood and offers a framework for those fighting or deciding such cases in the future As such it will be of interest to European competition lawyers both academics and practitioners furnishing them with a framework for hard cases as well as students seeking a deeper understanding of how the European competition rules work and how they interact both with European Union and Member State public policy goals It will also help competition economists by revealing the mechanisms through which public policy considerations impact upon the consumer welfare test in European law *Competition Law and Consumer Protection* Katalin Judit Cseres, 2005-01-01 The assumption that competition law and consumer protection are mutually reinforcing is rarely challenged The theory seems uncontroversial However because a positive interaction between the two is presumed to be self evident the frequent conflicts that do in fact arise are often dealt with on an ad hoc basis with no overarching legal authority There is a clear need for a detailed and coherent understanding of exactly where the complements and tensions between the two policy areas exist Dr Cseres in depth analysis provides that understanding Proceeding from the dual perspective of law and economics that is of justice fairness and reasonableness on the one hand and of efficiency of the other she fully considers

such underlying issues as the following the role of competition law and consumer law in a free market economy the notion of consumer welfare the effect of the modernisation of EC competition law for consumers economics theories of information bounded rationality and transaction costs the special significance of vertical agreements and merger control and how consumers are affected by information asymmetries The ultimate focus of the book is on current and emerging EC law in which a rapprochement between the two areas seems to be under way Dr Cseres provides a knowledgeable guide to the various strands of theory policy and jurisprudence that she shows ought to be taken into account in the process including schools of thought and law and policy experience in both Europe and the United States A special chapter on Hungary where post 1989 law and practice reveal a fresh and distinctly forward looking understanding of the matter is one of the book's most extraordinary features Competition Law and Consumer Protection stands alone as a committed contribution to bridging a gap in legal knowledge the significance of which grows daily It will be of immeasurable value to a wide range of professionals from academics and researchers to officials policymakers and practitioners in competition law consumer protection advocacy economic theory and planning business administration and various pertinent government authorities

EU Competition Law Alison Jones, Brenda Sufrin, 2014 A stand alone guide to competition law providing extracts from key cases academic works and legislation along with incisive critique and commentary from two experts in the field

Closing The Eu East-west Productivity Gap: Foreign Direct Investment, Competitiveness And Public Policy David A Dyker, 2006-06-15 A product of the Framework V research project this book addresses one of the key problems facing the EU today Why is the new EU so much poorer than the old and how will EU enlargement help to solve the problem Focusing on the productivity problems underlying the East West gap it looks in particular at the role that foreign investment and R D can play in closing it Against that background the book assesses what role proactive development policy might play in attacking the roots of low social productivity Concluding that there will be a clear cut process of convergence between East and West albeit an incomplete one it finishes with an assessment of the patterns of competitiveness East and West that are likely to emerge from this process of incomplete convergence The material is based on a rich archive of empirical material which no competing title can match and combines in depth interviews with standard quantitative approaches and critical policy analysis

The Europeanization of British Politics I. Bache, A. Jordan, 2006-08-03 This is a unique book length accounts of the domestic impact of EU membership Drawing on expert contributions this volume provides a state of the art account of how membership has affected the institutions of central devolved and local governance the activities of organized interests and major areas of public policy

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

Infringement Proceedings in EU Law

Luca Prete, 2016-04-24 Infringement proceedings constitute a significant proportion of proceedings before the Court of Justice of the European Union and play a key role in the development of EU law Their immediate purpose is to obtain a declaration that a Member State has by its conduct failed to fulfil an obligation under the EU Treaties The aim is to bring that conduct and its effects to an end and ultimately to eliminate infringements across the Union This book the first comprehensive and detailed full length work in English on infringement proceedings under Articles 258 260 TFEU provides not only an in depth discussion on the role and function of infringement proceedings within the EU legal order but also a critical assessment of the procedures as they currently stand complete with proposals for future changes Recognizing that Member States compliance with EU law is an integral part of the task of ensuring the rule of law throughout the Union the author thoroughly explains the functioning of infringement proceedings their requirements and related policies including issues such as the Commission's discretion to bring a case before the Court the author of the infringement including national courts or private entities Member States procedural and substantive defences the different procedures under Articles 258 259 and 260 2 and 3 TFEU rights of private parties interim measures financial sanctions Member States liability and the roles played by the European Parliament and the Ombudsman Particular attention is devoted to rules that have not yet been fully interpreted or where the current interpretation or application of the rules seems problematic The book tackles in particular whether infringement proceedings as they stand constitute an appropriate means of ensuring observance by Member States authorities of the EU acquis and if not what reforms should be implemented in order to achieve this in the future Such a detailed and in depth examination of this fundamental procedure of EU law will be of great and long lasting interest to EU and Member State administrators legal practitioners and academics Luca Prete is currently a référendaire Legal Secretary for Advocate General Wahl at the Court of Justice of the European Union on secondment from the Legal Service of the European Commission He is also a member of the Centre for European Law of the Free University of Brussels VUB He has published several articles in the field of EU law and is a regular speaker at EU law seminars and conferences

Shaping EU Public Procurement Law Albert Sanchez-Graells, Constant De Koninck, 2018-09-14 The first part of the

book offers a unique reflection on enduring themes in public procurement law such as the shaping of the scope of this regulatory regime the development of tighter criteria for the exclusion of candidates and tenderers the conduct of qualitative selection the consolidation of the court's previous approach to technical specifications new developments in tender evaluation the inclusion of contract performance clauses with a social orientation and last but not least the development of interpretive guidance concerning several aspects of the procurement remedies regime The book shows that the period 2015-2017 has been an interesting and rather intense period for the development of EU public procurement law where the CJEU has not only consolidated some parts of its long standing procurement case law but also introduced significant innovations that can create future challenges for the consistency of this regulatory regime The first part of the book concludes with some thoughts on some of the salient aspects of this recent episode of silent reform of EU public procurement law through CJEU case law The second part of the book contains the essential excerpts of forty one chronologically ordered judgments issued by the CJEU in the period 2015-2017 which have been selected because they either raise new issues or important matters of public procurement law Each of the selected judgments is followed by an exhaustive and critical in depth analysis highlighting and providing insight into its legal and practical issues and consequences An exhaustive subject index offers the reader quick and easy access to the case law treated in this book This unique book a must have reference work for judges and courts of all EU Member States and candidate countries and academics and legal professionals who are active in the field of procurement law will also be valuable for law libraries and law schools across the world and for law students who focus their research and studies on EU law

Dimensions of Evidence in European Civil Procedure Vesna Rijavec, Tomaž Keresteš, 2015-12-29 Greater efficiency in civil dispute resolution is very much dependent on organized but fair fact finding Under European law however no clear cut categorisation of means of evidence exists as yet and significantly diverging interpretations persist of what is considered evidence in the sense of the foundational Council Regulation EC No 1206/2001 EER The EER fails to provide comprehensive rules for many other aspects of evidence taking pointing instead to national legislation for solutions As long as evidentiary rules remain different from country to country there is an inherent risk of conflict of laws between different systems in the course of cooperation between courts in cross border matters leading to mistrust amongst judiciary and other participants in the proceedings Focusing on national rules and using a comparative method which takes into consideration legal experiences from all legal circles in the EU this book explains and analyses how the law of evidence works in Europe today The authors draw on the vast base of relevant information collected in twenty seven Member States by national reporters Following the classical enumeration of types of evidence production of documents examination of witnesses expert evidence inspection by the judge and examination of the parties chapters encompass such issues and topics as the following judicial cooperation in cross border cases general principles in evidence taking the right to be heard oral vs written form directness of evidence burden of proof judges case management powers regarding evidence

means of evidence extent of influence of traditional principles and evidentiary rules on electronic evidence application of communication technology in cross border proceedings legal costs language inadmissible evidence and instances in which a court can refuse a request for evidence The authors offer well grounded recommendations on requested judge s entitlements direct and convenient communication cost issues revised provisions concerning language obstacles unification of presumptions and much more Armed with the wide ranging knowledge presented here practitioners handling civil cases anywhere in Europe will derive great practical benefit from this book As a masterful synthesis of how evidence is used in national courts in EU Member States and of how that use is changing the book will be greatly valued as a unique resource by legal scholars and academics With featured recommendations it can contribute to the development of mutual trust among the national courts inside the EU as well as trust among policymakers and national courts

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