

INTERNATIONAL COMPETITION LAW SERIES

The Future Development of Competition Framework

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The Future Development Of Competition Framework International Competition Law

Martyn D. Taylor



The Future Development Of Competition Framework International Competition Law:

The Future Development of Competition Framework Zongle Huang, Jiyuan Chen, 2004-01-01 In the march of economic globalization it has become increasingly apparent that divergence in competition policy from one country to another is a major stumbling block More than any other factor an international consensus of competition laws is sure to facilitate the clear working interaction among trade investment intellectual property rights and technology transfer that economic progress demands This forward looking book offers presents insightful perspectives on how this consensus may be achieved The Future Development of Competition Framework presents papers and speeches by well known competition law practitioners versed in competition law and policy including representatives of national competition authorities They came from a variety of countries including France Germany Canada Mexico Indonesia Malaysia Russia Japan Australia Taiwan Korea and the United States to attend a 2003 conference sponsored by the Taiwan Fair Trade Commission The book reproduces texts of the various contributions to the conference including a roundtable discussion Among the topics addressed are the following mergers and acquisitions political interests enforcement policies and sanctions national cultures and traditions international cartels regional cooperation concentration indexes and dominance indexes patent pools financial deregulation confidentiality measures technical assistance striking the right balance between competition and regulation reconciling competition policy and development policies Although they are especially valuable for their concentration on the Asia Pacific countries these discussions will be of incalculable value to practitioners and academics everywhere who are involved in any of the interconnected branches of economic law or policy covered here

The Reform of EC Competition Law Ioannis Kokkoris, Ioannis Lianos, 2010-01-01 This book represents a fresh approach to EC competition law one that is of singular value in grappling with the huge economic challenges we face today As a critical analysis of the law and options available to European competition authorities and legal practitioners in the field it stands without peer It will be greatly welcomed by lawyers policymakers and other interested professionals in Europe and throughout the world

The Future of International Competition Law Enforcement Valerie Demedts, 2018-10-16 While forces of globalization have created a genuine global marketplace global rules safeguarding the competitive process in this marketplace have not emerged International cooperation among national regulators and enforcers is therefore needed to create a competitive global business environment The Future of International Competition Law Enforcement using the variety of legal instruments available to the EU as a point of departure undertakes an original assessment of the EU s cooperation agreements in the field of competition law The work s focus is on the bilateral sphere often labelled as a mere interim solution awaiting a global agreement further attention is given to competition provisions in free trade agreements as well as the main multilateral initiatives in this field in order to determine their relative value

Competition Law Eugène Buttigieg, 2009-01-01 Although it is commonly assumed that consumers benefit from the application of competition law this is not necessarily always the

case Economic efficiency is paramount thus competition law in Europe and antitrust law in the United States are designed primarily to protect business competitors and in Europe to promote market integration and it is only incidentally that such law may also serve to protect consumers That is the essential starting point of this penetrating critique The author explores the extent to which US antitrust law and EC competition law adequately safeguard consumer interests Specifically he shows how the two jurisdictions have gone about evaluating collusive practices abusive conduct by dominant firms and merger activity and how the policies thus formed have impacted upon the promotion of consumer interests He argues that unless consumer interests are directly and specifically addressed in the assessment process maximization of consumer welfare is not sufficiently achieved Using rigorous analysis he develops legal arguments that can accomplish such goals as the following replace the economic theory of consumer welfare with a principle of consumer well being build consumer benefits into specific areas of competition policy assess competition cases so that income distribution effects are more beneficial to consumers and control mergers in such a way that efficiencies are passed directly to consumers The author argues that in the last analysis the promotion of consumer well being should be the sole or at least the primary goal of any antitrust regime Lawyers and scholars interested in the application and development and reform of competition law and policy will welcome this book They will find not only a fresh approach to interpretation and practice in their field comparing and contrasting two major systems of competition law but also an extremely lucid analysis of the various economic arguments used to highlight the consumer welfare enhancing or welfare reducing effects of business practices

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

Competition Law, Technology Transfer and the TRIPS Agreement Tu Thanh Nguyen, 2010-01-01 The book deals with a difficult subject with an assured touch and will be a valuable text for postgraduate students policy makers and practitioners European Intellectual Property Review This is the first ever book that addresses the important issue of the competition law intellectual property and trade interface in a developing world context The book's unique contribution is a set of comparative case studies on this complex interface D Daniel Sokol University of Florida Levin College of Law US The book investigates competition law and international technology transfer in the light of the TRIPS Agreement and the experience of both

developed and developing countries On that basis it draws relevant implications for developing countries Tu Thanh Nguyen argues that technology transfer related competition law should be globalized appropriately for the needs of local contexts while intellectual property rights IPR are globalized The book reveals that developing countries according to the TRIPS Agreement have the right to use domestic competition law to promote access to technology in order to protect national interests and consumer welfare However competition law is antitrust It is neither anti IPR nor anti trade The author finds that developing countries with limited competition law resources should set realistic priorities for the control of technology transfer related anti competitive practices They can reasonably apply and adapt relevant regulations decisions and judgments from developed country jurisdictions to their own circumstances Competition Law Technology Transfer and the TRIPs Agreement is a timely resource for postgraduate students practitioners and scholars in international competition law IPR and technology transfer Policymakers in the field of technology transfer related competition law policy especially in developing countries will also find this book invaluable *Structure and Effects in EU Competition Law*

Basedow, 2011-01-01 During the last decade the European Commission has progressively adopted what is called a and more economic approach toward competition policy This approach which draws on U S antitrust policy puts greater emphasis on possible welfare effects of business practices and is less concerned with competitive market structures Under this school of thought concentration cannot be said to impede effective competition to the extent that efficiency gains outweigh market distortions In order to stimulate the debate on this basic reorientation in January 2009 the Max Planck Institute for Comparative and International Private Law at Hamburg convened economists legal scholars and practitioners for an exchange of views on these and new and methodological foundations of EU competition policy and competition law Two especially controversial elements were chosen for in depth discussion the prohibition of abuses of dominant positions and the review of State aid This book reproduces fourteen papers from this conference representing the considered views of prominent European lawyers economists academics policymakers and enforcement officials in the competition field on matters such as the objectives of EU competition law the current enforcement guidelines of the EU Commission regarding Article 102 TFEU and measuring market power abusive low pricing strategies the economics of competition law enforcement recent developments in EU State aid law economic justifications for State aid A critical assessment of the Commission's State aid action plan by the German Monopolies Commission is appended in English Applying law and economics theory to competition law this book shows that the and more economic approach is exerting a considerable impact on various sectors of competition law The authors clearly demonstrate the progress that can be made when lawyers and economists take notice of and respect the characteristics of each other's discipline Moreover the authors show how new insights of economic theory may be integrated into the relevant legal analysis The book will therefore be appreciated by academics practitioners and officials representing both fields *The Internationalisation of Competition Rules* Brendan J.

Sweeney,2009-09-10 The widespread move towards more market driven models of political economy combined with the expanding internationalisation of business and commerce has led to a series of proposals for global competition rules To date these proposals have been hotly contested A critical issue is whether some form of international rule making is required or whether soft law solutions are sufficient Competition rules may be required to combat the damage done by global cartels and to diffuse the tensions created when more than one nation seeks to regulate the same conduct Competition rules may also be required to protect the integrity of the world trading system International rule making however presents its own problems not the least of which is a concern with protecting national sovereignty *Judicial Review of Competition Law Enforcement in the EU Member States and the UK* Maciej Bernatt,Francisco Marcos,Annalies Outhuijse,2024-09-17 International Competition Law Series 91 Enforcement of competition law often calls for a complex economic and legal assessment and the review of those enforcement decisions usually falls to national courts In this connection however European competition law and legal scholarship have offered scant guidance on how judicial review should and does function This book the first comprehensive systematic and comparative empirical study of judicial review of competition law public enforcement in the EU and the UK provides a thorough understanding of the practical operation of the role of judicial review in competition enforcement A country by country analysis along with a detailed introduction and an incisive comparative summary covers all publicly available judicial review judgments 5 707 in all of final public enforcement actions in relation to Articles 101 and 102 TFEU and relevant national provisions in the twenty seven EU Member States and the UK rendered between 1 May 2004 and 30 April 2021 The data presented draws on a rich database built for the purpose of this study by twenty eight national teams of competition law academics and practitioners For each jurisdiction the analysis focuses on such aspects as the following structure of the national enforcement system number of judgments rendered success rate types of appellants competition rules subject to review grounds of review use of preliminary references appeals involving leniency and or settlements and role of third parties Numerous graphs figures and tables support the presentation In the light it sheds on trends in judicial review of competition law enforcement on a comparative basis and in its data driven assessment of how the decentralised judicial review of EU competition law meets EU integration aims this important study will be of inestimable value to competition lawyers policymakers and academics in developing a confident understanding of precisely how judicial review in this area operates in each of the EU Member States and the UK In addition the book provides a significant contribution not only with respect to EU and national competition laws but also more broadly to comparative administrative law scholarship in Europe *International Antitrust Law & Policy: Fordham Competition Law 2010* Barry E. Hawk,2011-03-01 This volume contains articles and panel discussions delivered during the Thirty Seventh Annual Fordham Competition Law Institute Conference on International Antitrust Law Policy About the Proceedings Every October the Fordham Competition Law Institute brings together leading figures from governmental organizations leading international law firms and corporations

and academia to examine and analyze the most important issues in international antitrust and trade policy of the United States the EU and the world This work is the most definitive and comprehensive annual analysis of international antitrust law and policy available anywhere The chapters are revised and updated before publication where necessary As a result the reader receives up to date practical tips and important analyses of difficult policy issues The annual volumes are an indispensable guide through the sea of international antitrust law The Fordham Competition Law Proceedings are acknowledged as simply the most definitive US EC annual analyses of antitrust competition law published Each annual edition sets out to explore and analyze the areas of antitrust competition law that have had the most impact in that year Recent hot topics include antitrust enforcement in Asia Latin America competition enforcement in the areas of telecommunications media and information technology All of the chapters raise questions of policy or discuss new developments and assess their significance and impact on antitrust and trade policy

The Governance of Global Competition Oliver Budzinski, 2008-01-01 highly recommendable to anyone interested in international competition policy

Arndt Christiansen *European Competition Law Review* This book provides a comprehensive and refreshing analysis of the competition issues raised by the globalisation of markets It draws on a very wide range of economic and legal sources to assess the manifold proposals for controlling the competitive forces released by the freeing up of world markets All those interested in these important and largely unresolved issues will find it an invaluable source of reference

Michael A Utton University of Reading UK and Dongbei University of Finance and Economics Dalian China The globalization of market competition and business behaviour fosters globalization of cartels and monopolising mergers that can lead to abusive and predatory strategies The globalization of competition therefore also demands an internationalization of competition policy However Oliver Budzinski is realistic in his assertion that supranational competition governance must be built upon the existing predominantly national regimes The resulting multilevel system of antitrust institutions and authorities he argues is problematic for the horizontal and vertical allocation of competences This book employs the economics of federalism to create an analytical framework which can be used for comparative analysis of stylised competence allocation rules The result is a proposal for a sound international multilevel competition policy system that combines elements of both centralized and decentralized governance This book provides an innovative and unique perspective on international competition policy and will be of interest to economists legal scientists and competition authorities as well as academics and practitioners of international governance and international relations and politics

EC Competition and Telecommunications Law

Andreas Bartosch, Jens-Daniel Braun, 2009-01-01 This new volume updates the groundbreaking analysis of its first edition in 2002 when the EC common regulatory framework for electronic communications networks and services had just entered into force So much has changed in the intervening years that that this new edition bears little resemblance to its predecessor with every chapter either extensively altered or entirely new It remains however the most detailed and comprehensive

overview available of the application of the EC Treaty's competition rules in the markets for telecommunications and audiovisual media and of the applicable regulatory framework. In thirteen chapters each contributed by one or more noted legal authorities in the field the second edition of EC Competition and Telecommunications Law covers the full range of EC telecommunications law across all major areas of both institutional and substantive law both on the international and EC levels including the following: State aid, the merger control regulation, justification for sector specific regulation in EC competition law, network access, authorizations and privileges and mobile telephony. Relevant EC media and communications law and relevant aspects of EC competition law are dealt with in detail. While some chapters focus on competition law others deal primarily with sector specific regulation. There is practical guidance throughout on procedural matters alongside analysis of the substantive provisions. Well known in its first edition this thoroughly revised and updated version continues to be vital reading for practitioners in particular those specializing in European competition law and for company and in house lawyers who are seeking advice on how European law affects their business. As a detailed analysis of the basic legislative and regulatory framework of European telecommunications law it will be an invaluable reference work for lawyers, judges, regulators and policymakers in all the EC Member States as well as for students and teachers of European law.

Landmark Cases in Competition Law Barry Rodger, 2012-12-01. It is the thesis of this fascinating and highly instructive book on competition law that an examination of one landmark case scenario or saga each from a range of legal systems leads to a thorough understanding of the issues informing and arising from competition policy law and legal practice. To that end leading scholars from 14 jurisdictions enhance their academic authority and rigour with an element of panache to describe a particularly salient case in each of their countries, commenting in depth on the contribution of the case to the development of their particular competition law culture and to the case's enduring significance for competition law and its enforcement from a global perspective. There are chapters for each of thirteen countries as well as the European Union preceded by an informative and thoughtful introduction. For each landmark case selected the legislative background, the case facts and the legal ruling and reasoning are all minutely described along with commentary, critique and assessment of the case's impact and contemporary significance. The cases cover vast swathes of the competition law territory in terms of substance and procedure dealing with cartels, abuse of dominance, mergers and vertical restraints and involving diverse forms of public and private enforcement processes. Aspects covered include the following: the public interest test, bid rigging in public procurement, the entitlement of dominant companies to compete on a level footing with other companies, the hard to draw line between legitimate competition and unlawful monopolizing conduct, the dangers of eclectic borrowing in the development and interpretation of competition law rules, horizontal price fixing, collusion, hub and spoke cartels, resale price maintenance agreements and the U.S. rule of reason, the increasing use of private enforcement and the right for victims of a competition law infringement to seek compensation, merger control in energy markets and the political use of merger review.

rules to benefit domestic firms cooperation with criminal enforcement agencies and prosecutors the role courts play in undertaking adequate legal supervision of competition authorities leniency processes and obtaining access to confidential whistleblowing documentation imposition of administrative fines and other deterrence based sanctions and how the consumer welfare standard is interpreted More than a set of landmark case descriptions this book in which many chapters reflect upon recent and consider further future significant reforms demonstrates that competition law and its enforcement processes form part of a chronological narrative and that it is important to understand the broader legal social and economic context within which competition law and policy develop This wider perspective will prove immeasurably valuable to the many practitioners business people jurists and policy makers engaged in the shaping of competition law in any jurisdiction and will moreover be essential reading for postgraduate students studying any aspects of comparative competition law enforcement

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 24 (2006), 2020-02-03 The Chinese Taiwan Yearbook of International Law and Affairs commenced publication in 1981 under the auspices of the Chinese Taiwan Society of International Law The Yearbook publishes on multi disciplinary topics with a focus on international and comparative law issues regarding Taiwan Mainland China and the Asia Pacific region The Yearbook is one of the foremost publications in the world concentrating on issues of greater China

The Metaphysics of Market Power George Raitt, 2019-05-02 Australian competition law has just emerged from a significant period of reform which has seen controversial changes to the legal test to distinguish between normal competitive conduct and conduct that should be condemned The controversy continues arguably because the traditional legal conception of market power does not provide a useful standard in real world markets This important new book offers a radical interpretation of market power based on the power to manipulate Seeing it in this way allows for positive and normative standards within which to frame a legal theory of liability for misuse of that power The book provides suggestions to improve the forensic assessment of conduct that should be condemned as misuse of market power

The International Dimension of EU Competition Law and Policy Anestis S. Papadopoulos, 2010-10-28 Modern competition law was first employed by countries over one hundred years ago in order to address issues relating to restrictions of trade at the national level Recent international economic integration has weakened the distinction between the domestic and the international in several fields of economic activity and consequently the laws which regulate such activity competition law included Several attempts to address the paradox of adopting national competition rules to address international issues have been made at the international regional and lately bilateral levels This book discusses the international dimension of EU competition law and examines the position taken by the EU in four distinct categories of international agreements which are devoted to competition or include competition provisions In particular it analyses the EU's position with regard to bilateral enforcement cooperation agreements bilateral free trade agreements plurilateral regional agreements and the long negotiations for the adoption of a multilateral competition regime

International Cooperation, Competition Authorities and Transnational Networks Mateusz Błachucki, 2023-11-30 This book presents a comprehensive study of the emergence functioning and evolution of international cooperation among competition authorities It presents an in depth look at network cooperation taking place within international organisations as well as networks based on binding international agreements and various informal networks among others It further identifies and analyses the forms of international cooperation among national competition authorities NCAs that are taking place within transnational competition networks The book classifies these forms of cooperation by grouping them into three stages soft developed and enhanced cooperation discussing each in detail It thus reflects the evolution of the international cooperation process and provides insights as to its possible development This work will be of interest to researchers academics and advanced students in the fields of competition law public administration international relations and those interested in international competition law and its contribution to global public governance

Competition Policy for the New Era Tembinkosi Bonakele, Eleanor Fox, Liberty Mncube, 2017-12-01 Competition law has expanded to more than 100 jurisdictions worldwide with varying degrees of economic social and institutional development raising important questions as to what is the appropriate design of competition law regimes and the interaction between competition law and economic development This volume comprising a selection of papers from the 4th BRICS International Competition Conference written by academic and practising economists and lawyers from both developed and developing countries is distinctive in its focus on a broader view of competition policy in BRICS and developing countries It examines the role competition the application of broader public interest and national interest concerns in the analysis and influence on developing country competition authorities policy making The contributors address topics such as a broad view of competition policy making markets work for the people as a post millennium development goal some key issues concerning the further development of China s antimonopoly law remedies in BRICS countries public interest issues in cross border mergers crafting creative remedies in food markets in South Africa what are African competition authorities doing to fight cartels successes and challenges in the fight against cartels and the economics of antitrust sanctioning

International Airline Alliances : EC Competition Law/US Antitrust Law and International Air Transport Angela Cheng-Jui Lu, 2003-01-01 This new study takes a keen look at the problems facing the international community due to conflicts arising from applications of varying competition laws by different competition authorities to international airline alliances As a result of privatisation deregulation liberalisation and globalisation international air carriers form alliances with one another in order to cope with growing competition in the international air transport market This book clearly provides an introduction to the background to and origin of airline alliances different models of alliances and the related anti competitive practices resulting from existing international airline alliances The potential anti competitive practices resulting from these cross border alliances trigger a great deal of concern from various competition authorities Thus this study goes on to provide a detailed analysis regarding the relevant EC

competition law and US antitrust law and their applications to alliance activities The comparison of different applications of EC competition law and US antitrust law to international airline alliances provides leading research results first hand In the conclusion the essential elements regarding establishing a level playing field in the international air transport market are identified and the author provides possible solutions for the harmonisation of different applications of competition law to international airline alliances

European Yearbook of International Economic Law 2013 Christoph Herrmann, Markus Krajewski, Jörg Philipp Terhechte, 2013-04-02 Part one of Volume 4 2013 of the European Yearbook of International Economic Law offers a special focus on recent developments in international competition policy and law International competition law has only begun to emerge as a distinct subfield of international economic law in recent years even though international agreements on competition co operation date back to the 1970s Competition law became a prominent subject of political and academic debates in the late 1990s when competition and trade were discussed as one of the Singapore issues in the WTO Today international competition law is a complex and multi layered system of rules and principles encompassing not only the external application of domestic competition law and traditional bilateral co operation agreements but also competition provisions in regional trade agreements and non binding guidelines and standards Furthermore the relevance of competition law for developing countries and the relationship between competition law and public services are the subject of heated debates The contributions to this volume reflect the growing diversity of the issues and elements of international competition law Part two presents analytical reports on the developments of the regional integration processes in North America Central Africa and Southeast Asia as well as on the treaty practice of the European Union Part three covers the legal and political developments in major international organizations that deal with international economic law namely the IMF WCO WTO WIPO ICSID and UNCTAD Lastly part four offers book reviews of recent works in the field of international economic law

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