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Competition Law

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EDITION

RICHARD WHISH & DAVID BAILEY

Richard Whish Competition Law 6th Edition

Liyong Dong



Richard Whish Competition Law 6th Edition:

Competition Law Richard Whish, David Bailey, 2012-01-12 The authors describes the potential scope and application of the various legal provisions which regulate competition in the UK This book also examines the results of the convergence of UK and EC law with regard to competition in business **Competition Law** Richard Whish, 1985 Richard Whish and David Bailey s **Competition Law** is the definitive textbook on this subject The authors authoritative treatment of the area is matched by a lively and easy to follow writing style making this book an indispensable resource for undergraduate and postgraduate law and economics students as well as for practitioners and officials involved in competition law Explaining the economic context within which competition law operates in the UK EU and internationally the authors look at the constituent parts of the law and analyze how they affect commercial phenomena Key aspects are examined in detail including mergers horizontal and vertical agreements the Abuse of Dominance Intellectual Property and the obligations of Member States under the EC The book also scrutinizes fundamental Acts and Articles Competition Act 1998 Enterprise Act 2002 Articles 101 and 102 providing readers with context consequences and an overview of how these are applied in practice Online Resource Centre The Online Resource Centre that accompanies this edition of the book contains an author video podcasts articles from the authors useful web links and extended versions of the tables in the text This book is essential reading for students practitioners and officials seeking a respected reliable intelligent and critical approach to competition law European Competition Law Annual 2008 Claus-Dieter Ehlermann, Mel Marquis, 2010-01-02 This is the thirteenth in a series on EU Competition Law and Policy produced under the auspices of the Robert Schuman Centre of the European University Institute in Florence The volume contains the written contributions of numerous competition policy experts together with the transcripts of a roundtable debate which examined the subject of settlements between enforcers of competition law and defendant companies in cartel cases and in other types of antitrust cases The Workshop participants included senior judges from major jurisdictions the European Union Germany and the United States senior enforcement officials and policy makers from the European Commission from the national competition authorities of certain EU Member States and from the US Department of Justice and the US Federal Trade Commission and renowned international academics legal practitioners and professional economists In an intense intimate environment this group of experts debated a number of legal and economic issues pertaining to two broad lines of discussion 1 settlements and plea agreements in cartel cases including their links with leniency programs and with private enforcement and 2 settlements in commitment cases decided under Article 9 of Regulation 1 2003 and under comparable procedures of national law **European Competition Law Annual 2010** Philip Lowe, Mel Marquis, 2013-02-11 Every year top level market regulators academics and legal and economic practitioners contribute to the Annual Competition Workshop organised at the European University Institute in Florence The Co Directors of the Workshop are Philip Lowe Mel Marquis and Giorgio Monti Workshop participants address and critically

analyse a particular set of topical issues in the field of competition law and policy The proceedings are published in Hart's European Competition Law Annual series This is the fifteenth in the ECLA series It encompasses numerous chapters that examine the field of merger control from a variety of perspectives In these chapters the contributors discuss legal and economic issues of substantive analysis procedure comity and best practices as well as matters relating to the litigation of merger cases particularly before the European Courts The discussion also benefits from the perspectives of policy makers and experts from Canada China Japan Korea the United States and other jurisdictions and regions Authors contributing to this book include John Boyce Calvin Goldman Andreas Mundt Rachel Brandenburger Klaus Gugler Lars Hendrik Røller Jochen Burrichter Barry Hawk Tadashi Shiraishi Maher Dabbah Scott Hemphill Irwin Stelzer Thomas Deisenhofer Seonghoon Jeon James Venit Gtz Drauz William Kovacic Sven Völker Kirsten Edwards Mel Marquis Vanessa Yanhua Zhang Adam Fanaki Abel Mateus Xinzhu Zhang

Competition Law and Regulation of the EU Electronic Communications Sector Liyang Hou, 2012-09-01 This book brings satisfying definition and clarity to this field at last Exploring the substantive differences between competition law and sector specific regulation after the methodological integration it presents the first detailed analysis of the many hundreds of notifications and Commission letters generated under the Article 7 procedure identifying the most relevant cases dealing with market definition market power and remedies It compares these decisions with relevant competition law cases and highlights elements with a bearing on sector specific regulation It also offers hugely valuable guidance through the vast amount of documents in the Commission's CIRCA database Topics and issues raised include the following definition of product markets delineation of geographic markets including sub national different practices in relation to assessing single market power and collective market power and competition problems such as refusal to deal margin squeeze non price discrimination and excessive pricing There can be little doubt that this is the new reference point for researchers and practitioners in this domain By systematically categorizing the concepts and legal criteria and building a solid theoretical framework on the intersection of competition law and sector specific regulation the author has created a resource that is sure to be welcomed by all those involved in regulation of electronic communications markets and network industries in general academic scholars telecommunications regulators at the EU and Member State levels competition authorities law firms specializing in IT communications law practitioners in IT and telecommunications companies and consultants in the sector The book will also prove very useful for scholars and practitioners in other parts of the world interested in comparing the EU system with their own

The Regulation of International Trade Michael Trebilcock, Robert Howse, Antonia Eliason, 2005-06-20 Drawing on a wide variety of classic and contemporary sources respected authors Howse and Trebilcock here provide a critical analysis of the institutions and agreements that have shaped international trade rules In light of the growing debate over globalization they include special sections examinations of topics such as agriculture services and trade related intellectual property rights labor rights the environment migration Drawing on

previous highly praised editions this comprehensive text is an invaluable guide to students of economics law politics and international relations Now fully updated this third edition includes full coverage of new developments including the Doha trade round attitudes towards the Kyoto protocol and the growing body of WTO dispute resolution case law Competition Law, 2012 Richard Whish and David Bailey's Competition Law is the definitive textbook on this subject The authors authoritative treatment of the area is matched by a lively and easy to follow writing style making this book an indispensable resource for undergraduate and postgraduate law and economics students as well as for practitioners and officials involved in competition law Explaining the economic context within which competition law operates in the UK EU and internationally the authors look at the constituent parts of the law and analyze how they affect commercial phenomena Key aspects are

Fidelity Rebates in Competition Law Miroslava Marinova, 2018-11-07 This book examines the treatment of fidelity rebates as one of the most controversial topics in EU competition law The controversy arose from the lack of clarity as to how to distinguish between rebates that constitute a legitimate business practice and those that might have anticompetitive effects as the same type of rebates could be pro competitive or anticompetitive depending on their effects on competition This book clarifies the appropriate treatment of fidelity rebates under EU competition law by offering original insights on the way in which abusive rebates should be identified taking into account the wealth of EU case law in this area the economics literature and the perspective of US antitrust law The critical discussion on the case law is centred on the idea as to whether the as efficient competitor AEC test is an important part of the assessment of fidelity rebates and in which circumstances it could be used as one tool among others The analysis treats such issues and topics as the following What motivated the EU Courts to treat fidelity rebates as illegal by object Why has this case law drawn so much criticism from academics and other commentators What can we learn from the economic theories of exclusive dealing and fidelity rebates and whether the strict approach of the Courts can be supported by economic empirical studies What is the meaning attached to the notion of an effects based approach as an expression of the reform of Article 102 Why is the controversy regarding the treatment of fidelity rebates still a live issue after the Intel and the Post Danmark II judgments In which circumstances the price cost test can be used as a reliable tool to distinguish between anticompetitive and pro competitive fidelity rebates Can we evaluate the effect of fidelity rebates without necessarily carrying out a price cost test Can we consider the AEC test as a single unifying test for all types of exclusionary abuses What can we learn about the application of the AEC test in fidelity rebate cases from the recent US case law A concluding chapter provides an original perspective and also policy recommendations on how the abusive character of fidelity rebates should be assessed including an appropriate legal test that is administrable creates predictability and legal certainty and minimises the risk of errors and the cost of those mistakes This book takes a giant step towards improving the understanding of the legal treatment of fidelity rebates and understanding as to whether the treatment of fidelity rebates could be effects based without necessarily carrying out an AEC test It will also contribute significantly to the

practical work of enforcement agencies courts and private entities and their advisors book s parallel study of US and EU competition law

Competition Law Richard Whish, David Bailey, 2021 Combining detailed coverage with exceptional clarity this is the unparalleled resource for students and practitioners The leading academics in the field explain the purpose of competition policy introduce key concepts and techniques in competition law and provide insights into the complexities of market behaviour This stand alone resource draws on a wide variety of sources and analyses the law in its economic context The tenth edition incorporates extensive new legislation case law decisional practice guidelines and literature New areas of coverage and discussion include The goals of competition law and policy in the 21st century including consumer welfare and the neo Brandesian school The rise of digital platforms and two sided markets and the challenges they present for competition law and policy The latest developments in private enforcement of competition law including the Supreme Court s judgment in *Merricks v Mastercard* The implications of the European Green Deal and the sustainability agenda for competition law Changes to UK law as a result of Brexit Book jacket

Environmental Integration in Competition and Free-Movement Laws Julian Nowag, 2016-11-17 Environmental Integration in Competition and Free Movement Laws engages in a comprehensive analysis of the obligation of Article 11 TFEU integration of environmental protection requirements in the three core areas of EU internal market law competition state aid and free movement It develops a theoretical framework for integrating environmental and other policies and compares how environmental integration takes place within competition state aid and free movement law In turn it paves a way for a more transparent and consistent integration of environment protection in these three core areas of law Structured in three parts this volume I offers a detailed analysis of the historical development of environmental integration including discussions of the various intergovernmental conferences which led to a number of Treaty changes shaping the obligation itself II It investigates which provisions and concepts within competition law state aid law and the market freedoms can be interpreted in order to provide a clear demarcation of environmental protection and these areas of law III It analyses how competition state aid and free movement law allow for a balancing of the environment against restrictions in cases of conflict

European Competition Law Lorenzo Federico Pace, 2011-01-01 This timely book with contributions from prominent experts including Luis Ortiz Blanco Valentine Korah Ernst Joachim Mestm cker Lorenzo F Pace and Richard Whish examines the novel aspects of the 2009 Guidance on Article 102 They present a critical assessment of the Guidance that could be relevant to the result of the ongoing Commission sinvestigations for example the opened procedure against Google Moreover the contributing authors identify the differences between the Guidance and the prohibition of exclusionary abuses in some member states including France Germany Great Britain Italy and Spain and reveal the ways in which the relevant national laws treat exclusionary abuses and assess how they differ from the approach of the Guidance They also reveal the history and development of the relevant national legislation on prohibitions of unilateral conduct

Competition Policy and Price Fixing Louis Kaplow, 2013-06-30 Throughout the

world the rule against price fixing is competition law's most important and least controversial prohibition. Yet there is far less consensus than meets the eye on what constitutes price fixing and prevalent understandings conflict with the teachings of oligopoly theory that supposedly underlie modern competition policy. Competition Policy and Price Fixing provides the needed analytical foundation. It offers a fresh in-depth exploration of competition law's horizontal agreement requirement, presents a systematic analysis of how best to address the problem of coordinated oligopolistic price elevation, and compares the resulting direct approach to the orthodox prohibition. In doing so, Louis Kaplow elaborates the relevant benefits and costs of potential solutions, investigates how coordinated price elevation is best detected in light of the error costs associated with different types of proof, and examines appropriate sanctions. Existing literature devotes remarkably little attention to these key subjects and instead concerns itself with limiting penalties to certain sorts of interfirm communications. Challenging conventional wisdom, Kaplow shows how this circumscribed view is less well grounded in the statute's principles and precedents of competition law than is a more direct functional proscription. More important, by comparison to the communications-based prohibition, he explains how the direct approach targets situations that involve both greater social harm and less risk of chilling desirable behavior and is also easier to apply.

Research Handbook on the Economics of Antitrust Law Einer Elhauge, 2012. One might mistakenly think that the long tradition of economic analysis in antitrust law would mean there is little new to say. Yet the field is surprisingly dynamic and changing. The specially commissioned chapters in this landmark volume offer a rigorous analysis of the field's most current and contentious issues. Focusing on those areas of antitrust economics that are most in flux, leading scholars discuss topics such as mergers that create unilateral effects or eliminate potential competition, whether market definition is necessary, tying, bundled discounts, and loyalty discounts, a new theory of predatory pricing, assessing vertical price fixing after Leegin, proving horizontal agreements after Twombly, modern analysis of monopsony power, the economics of antitrust enforcement, international antitrust issues, antitrust in regulated industries, the antitrust/patent intersection, and modern methods for measuring antitrust damages. Students and scholars of law and economics, law practitioners, regulators, and economists with an interest in industrial organization and consulting will find this seminal Handbook an essential and informative resource.

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

Comparative Law Relating to Patents and Abuse of Dominance in Global Telecommunication Industry Amrit Subhadarsi, 2018-12-15 The intersection between Competition law and intellectual property has always been a subject matter of controversy because of the very nature of the two subject areas On the one hand competition law seeks to protect the interest of traders and consumers by way of abuse of monopoly power on the part of an enterprise or an individual and on the other hand the grant of an intellectual property right to a person automatically excludes other persons from making use of the property on which the right has been vested

European Competition Law Annual 2007 Claus-Dieter Ehlermann, Mel Marquis, 2008-11-28 This is the twelfth in a series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the written contributions and transcripts in connection with a roundtable debate which examined the EU's enforcement policy as regards the abuse of a dominant position under Article 82 EC The workshop participants included senior enforcement officials and policy makers from the European Commission from the national competition authorities of certain EU Member States and from the US Department of Justice and Federal Trade Commission and renowned international academics legal practitioners and professional economists In an intense intimate environment this group of experts debated a number of legal and economic issues structured according to three broad lines of discussion 1 comparisons of the concept of monopolization under Section 2 of the Sherman Act with that of abuse of dominance under Article 82 EC 2 a reformed approach to exclusionary unilateral conduct and 3 exploitative unilateral conduct and related remedies

Internet of Things Rolf H. Weber, Romana Weber, 2010-06-10 The Internet of Things as an emerging global Internet based information architecture facilitating the exchange of goods and services is gradually developing While the technology of the Internet of Things is still being discussed and created the legal framework should be established before the Internet of Things is fully operable in order to allow for an effective introduction of the new information architecture If a self regulatory approach is to be adopted to provide a legal framework for the Internet of Things and this seems preferable rulemakers can draw on experiences from the current regime of Internet governance In the near future mainly businesses will operate in the Internet of Things Civil society is only expected to make use of the Internet of Things as it now does of the Internet at a later stage e.g. for healthcare The Internet of Things will have an impact in various areas The regulatory framework must provide for provisions ensuring the security of the structure as well as the privacy of its users Furthermore legal barriers that may stand in the way of the

coming into operation of the Internet of Things will have to be considered. However, the Internet of Things will also have positive effects in different fields such as the inclusion of developing countries in global trade, the use of search engines to the benefit of civil society, combating product counterfeiting, tackling environmental concerns, improving health conditions, securing food supply and monitoring compliance with labor standards.

The European Fundamental Freedoms Pedro Caro de Sousa, 2015-04-23. Law can be looked at from both an internal legal perspective reflected in the official discourse supporting legal decisions and an external perspective which is pursued by studies that look at the law from the outside as the subject of sociological, economic or philosophical analysis. This external dimension related to extra-legal factors that impact the law, such as the institutional environment in which the law is applied, is usually ignored or not addressed systematically by studies that focus on the internal perspective. By systematically internalizing these external elements into legal theory and practice, contextual approaches lead to the development of better descriptive theories and more attractive normative models of the law, and specifically EU law, than de-contextualized approaches allow for. Additionally, contextual approaches are more self-aware than de-contextualized approaches since they are able to make sense of the role that legal practice by judges, legal practitioners and academics plays in the development of the law. It is through a contextual approach that Pedro Caro de Sousa develops a general theory of European constitutional law, in particular free movement law and the EU fundamental freedoms. As a contribution to the development of EU constitutionalism, this monograph focuses on the interplay between the different normative concerns behind the EU's market freedoms identified in traditional legal discourse and the various extra-legal and institutional factors that affect how that law is applied and develops in practice. Moving away from traditional studies of free movement law, Caro de Sousa's book offers a fresh approach to free movement law. Rather than proposing normative approaches, he uses this approach to construct a broader thesis that the EU law of free movement can best be understood as interplay of traditional legal doctrines and practices and the specific institutional environment where this law is applied and developed.

Resale Price Maintenance and the Law Christy Kollmar, 2023-03-31. The question of how to properly enforce against RPM has been a contentious debate for decades on both sides of the Atlantic. The catalyst is the acceptance that RPM can generate both anti-competitive effects and pro-competitive efficiencies that need to be properly balanced to ensure against Type I/Type II errors and to create viable legislation. Part I focuses on 100 years of US origins and the current legal approach to RPM enforcement, which reveals the precedent responsible for the transition between per se illegality and the rule of reason thresholds at the federal level. Nine anti-competitive and 19 pro-competitive theoretical models are also introduced to clearly demonstrate the true nonconsensus existent between economists as to whether RPM is deleterious enough to justify a stringent approach to RPM regulation. Part II closely examines the EU origins and current legal structure where RPM has maintained its hardcore by object designation pursuant to Art 101(1) TFEU with the consequence of having no safe harbours, no applicability of the De Minimis Doctrine, an onerous negative rebuttable

presumption non severability of the agreement and almost no chance of obtaining an exemption under Art 101 3 This is exacerbated by the EC s lack of guidance on how to prove all conditions necessary for an Art 101 3 exemption and when a vertical arrangement actually escapes Art 101 1 applicability The aim of this book is to examine the economic models historical origins and legal structures of the US EU regimes to develop proposals on how to modify the EU s current legal structure to ensure proper enforcement of RPM behaviour that actually enhances legal certainty through a more aligned approach at the national level Part III proposes five solutions which scrutinise the concepts of appreciability hardcore and by object restraints to implement modifications to EU s current legal framework to ensure RPM receives reasonable and equitable treatment in line with economic theory

Article 82 EC Ariel Ezrachi, 2009-10-28 The landscape of European competition law has seen significant changes in the past decade both in terms of enforcement and substantive application One of the last frontiers to be subjected to scrutiny has been Article 82 In recent years the European Commission has pushed forward the debate on the nature and scope of Article 82 Of major significance to this debate were the Commission s Consultation Paper on an economic approach to Article 82 the Discussion Paper on the application of Article 82 to exclusionary abuses and the Commission s recent Guidance on its enforcement priorities in applying Article 82 The debate over the realm of Article 82 EC has raised important questions as to its past and present application This collection of essays by international experts explores the changing boundaries of Article 82 EC and considers its recent evolution The chapters cover a range of subjects including the legal and economic implications of an effects based approach to Article 82 EC the recent Commission Guidance on Article 82 EC the interface between intellectual property rights and competition law licensing tying excessive pricing and the protection of the consumer interest

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