

III. New system for application of primary and secondary competition rules – a business perspective



- legal exemption system instead of individual exemptions by decision
- same competition rules applied in the EU with mechanism to ensure consistency
- best placed authority shall intervene

IV. Obligation to apply EC-Competition Rules

- **Commission's proposal: EC-law exclude national law**
- **Regulation 1/2003: parallel apply of EC- and national law**

Ec Antitrust Procedure

Caroline Cauffman, Qian Hao



Ec Antitrust Procedure:

Kerse & Khan on EU Antitrust Procedure Nicholas Khan, Christopher Stephen Kerse, 2012 This volume provides a concise explanation of how the European Commission investigates infringements of EU competition law It deals with topics such as the Commission's investigative powers procedural rights of the parties concerned and the methods for setting fines and judicial review against Commission decisions

EU Antitrust Procedure Ekaterina Rousseva, 2020 The EU antitrust enforcement system for several decades has been one of the most mature antitrust enforcement systems in the world The European Commission has been recognised as a leading antitrust agency internationally and a role model for enforcers This would not have been possible without effective procedural rules This volume provides a comprehensive and practically oriented account of EU antitrust procedure After setting out the institutional design and legal framework of the EU antitrust enforcement system it explores the EU Commission's investigative powers the possible outcomes of its investigations the types of decisions it adopts and the remedies and fines it imposes

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EU Antitrust Procedure Digital Pack includes a digital app with enhanced user functionalities that ensure that you have access to the text and all your accompanying notes wherever you are The app is available on PC Mac Android devices iPad or iPhone

EU Competition Enforcement and Human Rights A. Andreangeli, 2008-01-01 Arianna Andreangeli's book can be strongly recommended Academics and practitioners active in the field of competition law EU law and human rights will certainly find much of interest in this book Volker Soyez European

Competition Law Review This book is well structured and well written The volume represents an important contribution to the existing legal literature on fundamental rights protection in the EU legal order from a competition law perspective

Giacomo Di Federico Common Market Law Review This book discusses the procedural rights enjoyed by those being investigated under Articles 81 and 82 of the EC Treaty and of the Merger Control Regulation and their right to challenge the Commission's decision in the Community Courts It further assesses how their rights to due process in competition proceedings before the European Commission comply with the notion of administrative fairness enshrined in the European Convention on Human Rights in accordance with the case law of the European Court of Human Rights In this study Arianna Andreangeli takes into account key developments such as modernisation and its impact on competition proceedings before the Commission the debate on the principles of legal professional privilege the protection against self incrimination the rule of ne bis in idem and the possibility of establishing an EU competition court It offers an examination of the right to be heard the right to have access to the Commission held evidence and to legal professional privilege and the right to silence and to seek judicial review of Commission decisions and assess them in the light of the Strasbourg court's case law Academics active in the area of competition law EU law and human rights as well as practitioners active in the area of competition law will find much to interest them in this book

Procedural Rights in Competition Law in the EU and China Caroline Cauffman, Qian Hao, 2016-03-23 The book examines the rights of defendants in infringement procedures and those of the notifying parties in merger proceedings before the European Commission and the Chinese competition authorities The initial chapters offer a general introduction to EU and Chinese competition law respectively paying particular attention to the substantive rules of competition law Subsequent chapters present an overview of the procedural rights of the notifying parties in merger cases in both legal systems surveyed address the procedural rights of defendants in infringement cases and provide an international perspective on differences in the notification and enforcement procedures between legal systems The final chapter draws comparative conclusions and includes a number of suggestions for improvement

EU Competition Procedure Luis Ortiz Blanco, 2013 This third edition fully updates the work to reflect recent legislative developments and a wealth of recent case law in particular in relation to merger control and state aid Consideration is given as to how EC Regulation 1 2003 antitrust rules have been applied and reviews their enforcement Coverage also includes discussion of the fining practice of the European Commission and the judicial review of this practice by the Community Courts There is also a new Part dedicated to the procedural aspects of arbitration as an efficient alternative means of dispute resolution in the private enforcement of EU competition law claims As a practical guide to procedure focusing on the implementation of the regulatory framework by the Commission and the relevant case law of the European Courts this is an indispensable resource for all practitioners involved in competition proceedings before the European Commission and national competition authorities Provided by Publisher

Conceptualising Procedural Fairness in EU Competition Law

Haukur Logi Karlsson,2020-09-17 What constitutes a fair procedure when it comes to EU competition law This innovative book seeks to understand the philosophical considerations at the core of conflicting procedural fairness arguments in EU competition law practice The author argues for a conceptualisation of procedural fairness as a distributional issue that can be solved by a practical fairness theory and a comprehensive methodology To illustrate the usefulness of the conceptualisation three procedural fairness problems from recent EU competition law practice are analysed the KME Chalkor cases the Groupe Gascogne cases the regulatory question about using a collective redress mechanism for private enforcement of EU competition law This unique approach provides a robust philosophical and methodological foundation for arguing about a wide range of procedural fairness dilemmas The book is a must read for academics and practitioners seeking an imaginative perspective on the philosophical foundations of arguments about procedural fairness in EU competition law and beyond

Remedies in EU Competition Law Damien Gerard,Assimakis Komninos,2020-07-10 By their nature remedies are central to competition law enforcement and represent the yardstick against which the efficiency of the overall system can be measured Yet very rarely have remedies been treated in a horizontal and comprehensive manner from the combined perspectives of substance process and policy The present volume developed in partnership with the College of Europe s Global Competition Law Centre GCLC provides coherent practical and authoritative commentaries by leading experts from the GCLC s incomparable network The contributions originally presented at the 2019 GCLC annual conference examine remedies to assess the overall effectiveness of competition law enforcement in merger antitrust and State aid matters The overall topic is presented under five headings objectives and limitations of remedies types of remedies in competition law enforcement implementation and process ex post assessment of remedies and policy lessons and national and international approaches The high profile and wide ranging group of authors includes the Director General of the European Commission s competition department lawyers from major international firms and well known economists and academics specialising in competition law With a sharp focus on how to make competition rules work well in today s digital environment this systematic and coherent analysis illuminates an issue that we need to fully grasp and understand in order to make sense of competition policy law and enforcement in the years and decades to come Regulation 1/2003 and EU Antitrust

Enforcement Luca Prete,Kris Dekeyser,Celine Gauer,Johannes Laitenberger,Nils Wahl,2022-11-22 For nearly twenty years EU antitrust enforcement has been governed by Regulation 1 2003 which ushered in a sweeping reform of the procedures for the application of Articles 101 and 102 TFEU This systematic article by article expert commentary on the Regulation with additional perspectives and critical views by particularly experienced and qualified authors provides an in depth examination of the Regulation s legal achievements implications and promise for the future Analysis of each of the Regulation s articles covers such aspects as legislative history rationale and context practice of the Commission and where relevant of the national competition authorities case law of the Court of Justice of the European Union international aspects and outstanding and

problematic issues Along with many of the article commentaries boxes have been added on specific issues of particular salience The critical reflections of the book s second part include perspectives from members and staff of the Court of Justice of the European Union and of the European Commission s Directorate General for Competition and Legal Service heads of national competition authorities and of national courts counsel economists consumer organisations and academics There are also comparisons with various aspects of antitrust enforcement in France Germany the Netherlands and the United States With this unparalleled book practitioners and in house counsel as well as case handlers and policymakers will approach any competition case before the Commission with full awareness of the applicable procedural rules They will gain a clear understanding of the enforcer s powers and duties as well as of the various options available to the undertakings involved in antitrust proceedings and their rights

Principles of Administrative Procedure in EC Law Hanns Peter Nehl, 1999 Recoge 1 Introduction 2 Procedural good administration in EC law 3 Expansion access to information and the right to be heard 4 Expansion The principle of care diligence 5 Conclusion

Jones and Sufrin's EU Competition Law Alison Jones, B. E. Sufrin, Niamh Dunne, 2019 The most comprehensive resource for students on EU competition law extracts from key cases academic works and legislation are paired with incisive critique and commentary from an expert author team

EU Competition Procedure Luis Ortiz Blanco, 2013

Eu Competition Procedure Luis Ortiz Blanco, 2020-09 This new edition of this key analytical commentary on the competition procedures of the EU provides in depth coverage of the relevant rules It discusses in detail the Commission s package of regulations and guidelines and their interaction in practice as well as the relevant case law of the European Courts

The Consistent Application of EU Competition Law Adriana Almăşan, Peter Whelan, 2017-01-04 In recent years there has been a decentralisation of the enforcement of the EU competition law provisions Articles 101 and 102 of the Treaty on the Functioning of the European Union TFEU Consequently the national application of these provisions has become increasingly more common across the European Union This national application poses various challenges for those concerned about the consistent application of EU competition law This edited collection provides an in depth analysis of the most important limitations of and the challenges concerning the applicability of Articles 101 and 102 TFEU at national level Divided into five parts the book starts out by examining how the consistent enforcement of Articles 101 and 102 TFEU operates as a general EU competition policy It then discusses several recent landmark cases of the European Court of Justice on Articles 101 and 102 TFEU before proceeding to analyse certain additional unique jurisdictional challenges to the uniform application of the EU competition law provisions Subsequently it focuses on one of the most important instruments that can help to achieve the uniform application of EU competition law in cases handled by the national courts preliminary rulings Finally it provides selective examples of how Articles 101 and 102 TFEU are effectively applied at national level thereby providing additional input into how problematic the issue of consistent application of EU competition law is in practice

E.C. Antitrust Procedure Christopher Stephen Kerse, 1998 Offers an

analysis of the procedural law which applies in EC antitrust matters This edition gives advice on making notifications to the Commission and on making complaints Topics covered include an examination of the Commission's power to impose fines and guidance on controversial matters **A comparative analysis of EU and US transnational mergers regulation** Dimitris Liakopoulos, 2017-12-22 Document from the year 2017 in the subject Law Civil Private Trade Anti Trust Law Business Law grade A language English abstract The major problem associated with the regulation of transnational mergers which affect several national markets is the allocation of jurisdiction Each country concerned may wish to exert jurisdiction and apply its national competition law to regulate the anti competitive effects a merger may have in its territory However this approach may lead to risks of inconsistent decisions regarding the legality of mergers Indeed the national competition laws applied by the regulating authorities may diverge in several aspects which raise the likelihood of inconsistency The authors advocates the creation of an international merger control framework IMCF for the regulation of transnational mergers This framework will rest on an informal and a formal pillar The former includes non legally binding competition principles Consistency of these principles with the concepts of legitimacy and efficiency as well as the presence of peer reviews and assistance programmes should lower the risk of non implementation The formal pillar includes bilateral cooperation agreements which apply to merger affecting the countries which have concluded the agreements As essential pre condition for the application of bilateral agreements the level of cooperation achieved by such agreements should be at least equal to that ensured by the informal pillar The last part of the study addresses and examines the long and complex processes in merger and acquisition M A transactions M A arbitration faces certain difficulties during the transaction Such difficulties the author seeks to underline Two main problems of arbitration in M A transactions particularly have been covered Firstly the problem of consent in consolidation of parallel proceedings during M A transactions and secondly parties consent that validate arbitration agreements clauses in assignment or succession after M A transactions have been completed The author also tries to clarify the content of consent of parties to a transaction Finally a criticism of parallel proceedings is enhanced

Due Process and Fair Trial in EU Competition Law Cristina Teleki, 2021-05-17 In Due Process and Fair Trial in EU Competition Law Cristina Teleki addresses the complex relationship between Articles 101 and 102 of the Treaty on the Functioning of the European Union and Article 6 of the European Convention on Human Rights The book is built around the idea that big business can threaten democracy Due process and fair trial should be central to the process of addressing bigness through competition law by safeguarding independent decision making and judicial review and by preventing competition authorities from growing into administrative behemoths threatening democracy from inside To show this the book combines a comprehensive review of the case law of the European Court of Human Rights with insight from economics psychology and systems theory **EC Antitrust Procedure [5th Ed.]** Christopher Stephen Kerse, **EU ANTITRUST PROCEDURE.** NICHOLAS. KHAN, 2022 Market Power in EU Antitrust Law Luis Ortiz Blanco, 2011-12-02 The notion of

market power is central to antitrust law Under EU law antitrust rules refer to appreciable restrictions of competition Article 101 1 Treaty on the Functioning of the European Union TFEU ex Article 81 1 EC Treaty the elimination of competition for a substantial part of the market Article 101 3 TFEU ex Article 81 3 EC dominant positions Article 102 TFEU ex Article 82 EC and substantial impediment to effective competition in particular by creating or reinforcing a dominant position Article 2 of the EU Merger Regulation At first sight only the concept of dominant position relates to market power but it is the aim of this book to demonstrate that the other concepts are directly linked to the notion of market power This is done by reference to the case law of the EU Courts and the precedents of the European Commission The author goes on to argue that for very good reasons clarity and enforceability among others the rules should be interpreted in this way Beginning with market definition the book reviews the different rules and the different degrees of market power they incorporate Thus it analyses the notion of appreciable restriction of competition to find a moderate market power obtained by agreement among competitors to be the benchmark for the application of Article 101 TFEU ex Article 81 EC It moves on to the concept of dominance under Article 102 TFEU ex Article 82 EC which is equivalent to substantial or significant market power and then focuses on the old and new tests for EU merger control Finally it addresses the idea of elimination of competition in respect of a substantial part of the market Article 101 3 TFEU ex Article 81 3 b EC in which the last two types of market power Article 102 TFEU ex Article 82 EC and EU Merger Regulation converge To exemplify this an in depth study of the notion of collective dominance is conducted The book concludes that a paradigm of market power exists under the EU antitrust rules that both fits with past practice and provides for a useful framework of analysis for the general application of the rules by administrative and even more importantly judicial authorities in the Member States under conditions of legal certainty

Ec Antitrust Procedure Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has been apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Ec Antitrust Procedure**," compiled by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we shall delve to the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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