



CASES IN

European Competition Policy

The Economic Analysis

Edited by Bruce Lyons

CAMBRIDGE

Cases In European Competition Policy The Economic Analysis

Bruce Lyons



Cases In European Competition Policy The Economic Analysis:

Cases in European Competition Policy Bruce Lyons, Professor of Economics School of Economics and Centre for Competition Policy Bruce Lyons, 2014-05-14 A 2009 demonstration of how economics is used and sometimes abused in competition cases in practical competition policy across Europe [Cases in European Competition Policy](#) Bruce Lyons, 2009-08-27 Competition between firms is usually the most effective way of delivering economic efficiency and what consumers want However there is a balance to be struck Firms must not be over regulated and so hampered in their development of innovative products and new strategies to compete for customers Nor must they be completely free to satisfy a natural preference for monopoly which would give them higher profits and a quieter life The economic role of competition policy control of anticompetitive agreements mergers and abusive practices is to maintain this balance and an effective policy requires a nuanced understanding of the economics of industrial organization Cases in European Competition Policy demonstrates how economics is used and sometimes abused in competition cases in practical competition policy across Europe Each chapter summarizes a real case investigated by the European Commission or a national authority and provides a critique of key aspects of the economic analysis

The Role of Economic Analysis in EU Competition Law: the European School, Fourth Edition Doris Hildebrand, 2016 International Competition Law Series Volume 66 The Role of Economic Analysis in EU Competition Law Fourth Edition and in its revised and updated fourth edition explores the full spectrum of the development of European economic approach in competition law Almost two decades after the arrival of the and more economics based approach and to EU competition law this economic school of thought the European School has been properly defined and is now in general used among competition law practitioners and their government counterparts This approach studied by Doris Hildebrand since the first edition of this now classic work implements the European cornerstones of the social market economy concept such as freedom of contract social fairness and the equality principle In this edition the author uncovers its multiple rationales as it has gradually formulated the legal principles of and competition economics and that have come to underlie all matters related to Article 101 1 Article 101 3 Article 102 the Merger Regulation and the State Aid provisions As in previous editions the book and its interdisciplinary approach integrates law and economics in such a way that economics in competition proceedings becomes easier to understand for lawyers not trained in economic theory or economic school of thoughts It offers an in depth description of and European School and theories and applications particularly with respect to vertical and horizontal agreements In addition the book provides solid guidance on the definition of the relevant antitrust markets with a detailed description of the hypothetical monopolist test What and s in this book Among the fundamental elements discussed are the following application of economics in the competition test as developed by the EU Courts concrete economic analysis companies need to perform in order to qualify for an exemption test procedures to assess whether a certain behaviour constitutes an abuse under Article 82 various methodologies to define markets

contrasting the European and Chicago schools practical implementation of the EU social market economy objective in EU competition law workable competition vs effective competition changes in the enforcement system use of evidence in market definition practice State Aid provisions and empirical techniques used to evaluate a merger All significant cases contributory to the development of European competition economics are discussed and analysed in detail and The Frame and the first chapter that has been included in this edition clearly demonstrates all the ways in which EU competition policy represents an essential foundation of the EU Moreover and The Frame and elaborates that the social market economy objective as defined in the Lisbon Treaty is from the economic perspective the appropriate benchmark in any EU competition law assessment This benchmark requires a holistic approach by taking into account and utilities and of EU citizens instead of focusing on price elements only How will this help you This new updated and revised edition has been greatly anticipated and will be widely welcomed The book helps to develop expertise in applying the and more economics based approach and by citing the relevant case law Competition lawyers corporate in house counsel competition authorities and courts will appreciate the book and a clear understandable discussion of the relevant European competition theory authoritative guidance on the application of economic analysis and practical insight in dealing with these subjects in real world cases and

Economic Analysis in EU Competition Policy Parcu, Pier L., Monti, Giorgio, Botta, Marco, 2021-12-10 This insightful book assesses emerging trends in the role of economic analysis in EU competition policy exploring how it has substantially increased in terms of both theories and methods

Competition Policy Analysis Kai Hüscherlath, 2008-09-08 Competition policy is an integral and prominent part of economic policy making in the European Union The EU Treaty prescribes its member states to conduct economic policy in accordance with the principle of an open market economy with free competition More precisely the goal of EU competition policy is to defend and develop effective competition in the common market European Commission 2000 7 Under its Commissioners van Miert Monti and most recently Kroes the EU Commission has stepped up its effort to pursue and achieve the aforementioned goal A number of so called hard core cartels such as the notorious vitamin cartel led by Roche have been detected tried in violation of Art 81 of the Maastricht Accord and punished with severe fines Also Microsoft was hit hard by the strong hand of the Commission having been severely fined for plotting a dominant market position Economic analysis has been playing an increasingly significant role in the Commission's examination of competition law cases This holds true in particular for merger control Here however the Commission has had to accept some painful defeats in court such as the Court's reversals of Airtours First Choice or GE Honeywell Among other things the European Court of Justice found the economic analysis as conducted by the EU's Directorate General for Competition to be flawed and the conclusions drawn not to be convincing These rejections by the courts have stirred up the scholarly debate on the conceptual foundations of European competition policy

Economics and the Enforcement of European Competition Law Christopher Decker, 2009-01-01 The book is well written and readable by non economists The approaches questions methodology and basis for selection of

cases interviewees are clearly explained and justified This book is a valuable contribution to the literature Rhonda Smith

Competition and Consumer Law Journal Recent years have seen a trend toward an economics based approach to the enforcement of European competition law But what is meant by economics based and how does this approach sit with legal and enforcement practice This book seeks to place in perspective the growing use of economics in European competition law enforcement by examining precisely how economics contributes to the enforcement activity of the European Commission and Courts Christopher Decker provides unique empirical insights as to how economic theory thinking techniques and data have featured in decision making in the area of co ordinated effects The role of economics is examined throughout the entire enforcement process from the decision to initiate an investigation to the design and implementation of remedies and its conclusions are of general relevance to all areas of competition law enforcement where economics is used Utilising a broad and multifaceted conception of economics this book is essential reading for academics and students interested in European competition law EC competition lawyers applied industrial economists and enforcement officials It will also be an invaluable tool for academic libraries and institutes government agencies law firms and economic consultancies The Political Economy of European Union Competition Policy Tuna Baskoy,2008-06-24 In the European Union EU competition policy occupies a central place amongst other EU public policies and is the first truly supranational public policy regulating market competition One of the stated objectives of EU competition policy is to prevent excessive concentration of economic power in the hands of a few **The Concept of Abuse in EU Competition Law** Pinar Akman,2012-02-03 The objective s of Article 102 TFEU what exactly makes a practice abusive and the standard of harm under Article 102 TFEU have not yet been settled This lack of clarity creates uncertainty for businesses and coupled with the current state of economics in this area raises an important question of legitimacy Using law and economic approaches this book inquires into the possible objectives of Article 102 TFEU and proposes a modern approach to interpreting abuse In doing so this book establishes an overarching concept of abuse that conforms to the historical roots of the provision to the text of the provision itself and to modern economic thinking on unilateral conduct This book therefore inquires into what Article 102 TFEU is about what it can be about and what it should be about regarding both objectives and scope The book demonstrates that the separation of exploitative abuse from exclusionary abuse is artificial and unsound It examines the roots of Article 102 TFEU and the historical context of the adoption of the Treaty the case law policy and literature on exploitative abuses and where relevant on exclusionary abuses The book investigates potential objectives such as fairness and welfare as well as the potential conflict between such objectives Finally it critically assesses the European Commission s modernisation of Article 102 TFEU before proposing a reformed approach to abuse which is centred on three necessary and sufficient conditions exploitation exclusion and a lack of an increase in efficiency **Public Procurement and the EU Competition Rules** Albert Sánchez Graells,2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law 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 new 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. In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent. As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant. The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective. The analysis is both legal and economic. Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement.

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.

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