

EU Antitrust Law

- If several large companies join into one, a danger for competition occurs. That is why there is also a merger control.



Communications In Eu Antitrust Law Communications In Eu Antitrust Law

Gentjan Skara



Communications In Eu Antitrust Law Communications In Eu Antitrust Law:

EU Competition Law and the Information and Communication Technology Network Industries Andrej

Fatur,2012-03-08 Competition policies have long been based on a scholarly tradition focused on static models and static analysis of industrial organisation However recent developments in industrial organisation literature have led to significant advances moving beyond traditional static models and a preoccupation with price competition to consider the organisation of industries in a dynamic context This is especially important in the field of information and communication technology ICT network industries where competition centres on network effects innovation and intellectual property rights and where the key driver of consumer benefit is technological progress Consequently when an antitrust intervention is contemplated a number of considerations that arise out of the specific nature of the ICT sector have to be taken into account to ensure improved consumer welfare This book considers the adequacy of existing EU competition policy in the area of the ICT industries in the light of the findings of modern economic theory Particular attention is given to the implications of these dynamic markets for the competitive assessment and treatment of the most common competitive harms in this area such as non price predatory practices tying and bundling co operative standard setting platform joint ventures and co operative R D

Coherence in EU Competition Law Wolf Sauter,2016-05-27 EU competition law plays a central role in the process of European integration both as a multifaceted tool for creating and policing the internal market as well as in organising national markets Yet as a consequence of this role it is also subject to increasingly complex demands a proliferation of sectoral regimes and multiple objectives at both an EU and national level This profligacy entails risks of fragmentation and divergence which could jeopardise the proper functioning of the internal market In this examination of EU competition law Wolf Sauter discusses three main issues i what degree of coherence exists in EU competition law ii how this coherence can be explained particularly in the broader context of integration by EU law and iii how it contributes to the legitimacy and effectiveness of EU competition law Specific focus is placed on antitrust while mergers state aid control as well as the sectoral regimes for energy and electronic communications are also examined In addition the book also charts the history and framework of these competition regimes that jointly constitute EU competition law defining both its objectives and limitations

EU Competition Law, Data Protection and Online Platforms: Data as Essential Facility Inge Graef,2016-10-17

All are agreed that the digital economy contributes to a dynamic evolution of markets and competition Nonetheless concerns are increasingly raised about the market dominance of a few key players Because these companies hold the power to drive rivals out of business regulators have begun to seek scope for competition enforcement in cases where companies claim that withholding data is needed to satisfy customers and cut costs This book is the first focus on how competition law enforcement tools can be applied to refusals of dominant firms to give access data on online platforms such as search engines social networks and e commerce platforms commonly referred to as the gatekeepers of the Internet The question arises

whether the denial of a dominant firm to grant competitors access to its data could constitute a refusal to deal and lead to competition law liability under the so called essential facilities doctrine according to which firms need access to shared knowledge in order to be able to compete A possible duty to share data with rivals also brings to the forefront the interaction of competition law with data protection legislation considering that the required information may include personal data of individuals Building on the refusal to deal concept and using a multidisciplinary approach the analysis covers such issues and topics as the following data portability interoperability data as a competitive advantage or entry barrier in digital markets market definition and dominance with respect to data disruptive versus sustaining innovation role of intellectual property regimes economic trade off in essential facilities cases relationship of competition enforcement with data protection law and data related competition concerns in merger cases The author draws on a wealth of relevant material including EU and US decision making practice case law and policy documents as well as economic and empirical literature on the link between competition and innovation The book concludes with a proposed framework for the application of the essential facilities doctrine to potential forms of abuse of dominance relating to data In addition it makes suggestions as to how data protection interests can be integrated into competition policy An invaluable contribution to ongoing academic and policy discussions about how data related competition concerns should be addressed under competition law the analysis clearly demonstrates how existing competition tools for market definition and assessment of dominance can be applied to online platforms It will be of immeasurable value to the many jurists business persons and academics concerned with this very timely subject

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 Europeanisation of Private Enforcement of Competition Law Gentjan Skara, 2022-04-06 This book argues that the European integration process Europeanisation is pushing the member states and candidate countries toward a greater convergence with the EU's competition acquis Through the transposition of the Directive 2014/104/EU the member states have harmonised substantive and procedural rules which is beneficial to individuals and enterprises because it provides a minimum protection across all member states In addition it is commonly agreed in academia that the prospect of EU membership brings positive domestic changes in the candidate countries At the moment Albania is waiting to open negotiations for the chapters of the EU acquis Firstly this book addresses the evolution of private enforcement at the European level by examining the objectives modalities and actors that contributed to the development of private enforcement Secondly it analyses the Directive 2014/104/EU and how the three selected EU member states have transposed the directive into their domestic legal system considering the discretion margin left by Article 288 TFEU and a minimum harmonisation level defined in the directive Thirdly it provides a historical overview of private enforcement in Albania and shows how the Albanian Competition Authority has addressed the transposition of the Directive 2014/104/EU

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 and 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 **Harmonisation**

of EU Competition Law Enforcement Jurgita Malinauskaite, 2019-11-15 This book explores how the EU s enforcement of competition law has moved from centralisation to decentralisation over the years with the National Competition Authorities embracing more enforcement powers At the same time harmonisation has been employed as a solution to ensure that the enforcement of EU competition rules is not weakened and the internal market remains a level playing field While employing a comparative law argument the book accordingly analyses the need for harmonisation throughout the different stages of development of the EU s competition law enforcement save Merger control and State Aid the underlying rationale and the extent to which comparative studies have been undertaken to facilitate the harmonisation process from an historical perspective It also covers the Directives such as the Antitrust Damages Directive and the ECN Directive Investigating both public and private enforcement it also examines the travaux pr paratoires for the enforcement legislation in order to discover the drafters intent The book addresses the European and the Member States perspectives namely the Central and Eastern European CEE countries as harmonisation proceeds through dialogue and cooperation between the two levels Lastly it explores the extent to which harmonisation of the competition law enforcement framework has been accepted and implemented in the Member States legal systems or has led to the fragmentation of the national systems of the CEE countries **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 Law and Regulation in the Converging Telecommunications, Media and IT Sectors* Nikos Th Nikolinakos, 2006-01-01 This book presents the most thoroughgoing model yet offered to ensure the emergence of a genuinely competitive electronic communications industry in Europe In the course of its in depth analysis the discussion focuses on such factors as the following EU telecommunications policy as revealed in liberalization and harmonization legislative measures the EU electronic communications framework case law covering issues of refusal to supply and the essential facilities doctrine application of Article 82 EC to bottlenecks specific types of an undertakings unilateral behaviour that may often occupy NRAs and competition authorities in the context of their ex post competition law investigations under Article 82 EC strategic alliances and mergers in the move toward multimedia access to premium content and the emergence of new media the scope of content regulation in the online environment and broadband regulation of local loop unbundling and bitstream access The book also provides practical guidance on issues concerning the complicated market definition and analysis mechanism promulgated by the European Commission s Recommendation and Guidelines **The Evolving Governance of EU Competition Law in a Time of**

Disruptions Carlo Maria Colombo, Kathryn Wright, Mariolina Eliantonio, 2024-02-08 This book develops a timely analysis of the complex trends and transformations emerging in EU competition law in the current turbulent times. Repeated economic crises, the climate emergency, digitalisation and geopolitical and democratic threats are all having profound societal and economic effects on the EU. In light of its fundamental role in the Treaties, EU competition law has been called upon to play an important role in responding to this state of turbulence. This brings about significant governance and constitutional challenges, firstly by questioning how the governance of EU competition law is being transformed to respond and adapt. Secondly, these crisis-induced transformations probe the logic and constitutional limits of EU competition law within the framework of EU law. This collection brings together EU institutional and competition lawyers to reflect on the governance and constitutional challenges emerging from the post-modernisation evolution of EU competition law against the backdrop of the recent multiple crises in the EU. The essays focus on the substantive and procedural developments across the three main policy areas of EU competition law: antitrust, merger control and State aid. EU constitutional and competition lawyers will be interested in this important new collection.

Communications In Eu Antitrust Law Communications In Eu Antitrust Law Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the power of words has be much more evident than ever. They have the capacity to inspire, provoke, and ignite change. Such is the essence of the book **Communications In Eu Antitrust Law Communications In Eu Antitrust Law**, a literary masterpiece that delves deep to the significance of words and their affect our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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