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This edited collection explores transparency as a key regulatory strategy in European business law. It examines the rationales, limitations and further perspectives on transparency that have emerged in various areas of European law including corporate law, capital markets law and accounting law, as well as other areas of law relevant for European (listed) stock corporations. This book presents a clear and accurate picture of the recent reforms in the European transparency regime. In doing so it endorses a multi-dimensional notion of transparency, highlighting the need for careful consideration and contextualisation of the transparency phenomenon. In addition, the book considers relevant enforcement mechanisms and discusses the implications of disparate enforcement concepts in European law from both the private and public law perspectives. Written by a team of distinguished contributors, the collection offers a comprehensive analysis of the European transparency regime by discussing the fundamentals of transparency, the role of disclosure in European business law, and related enforcement questions. Drawing together a variety of perspectives, this accessible yet comprehensive Research Handbook provides an in-depth analysis of the most significant issues pertaining to the legal regulation of cartels. An

interdisciplinary team of respected experts explores the theoretical, legal, economic, political, and comparative discourse surrounding cartel regulation. What is algorithmic collusion? This evaluative book provides an insight into tackling this important question for competition law, with contrasting critical perspectives, including theoretical, empirical, and doctrinal – the latter frequently from a comparative perspective. Bringing together scholarly discussion on algorithmic collusion, the book questions whether competition law is adeptly equipped to deal with its various facets. Conscious parallelism refers to collusive forms of parallel pricing in oligopoly. In this paper, four distinct pricing methods which all impose some form of parallel conduct are analysed. The pricing methods maximize joint profits if, and only if, firms are symmetric. With asymmetries in cost, total gains from collusion are reduced and absolute and relative collusive gains differ between firms. For many collusive optima, low-cost firms have only little to gain from conscious parallelism. This is particularly the case when the degree of product homogeneity is high. Health care costs in the United States are much higher than in other countries. These cost differences can be explained in part by a lack of competition in the United States. Some markets, such as pharmaceuticals and medical equipment, have elements of monopoly. Other markets, such as health insurance, have elements of monopsony. Many other markets may be subject to collusion on prices, such as generic drugs, or wages, such as the nurse labor market. Lawful monopoly and monopsony are beyond the reach of antitrust laws, but collusion is not. When appropriate, vigorous antitrust enforcement challenging anticompetitive conduct can aid in reducing health care costs. This book addresses monopoly, monopsony, cartels of sellers and buyers, horizontal and vertical merger policy, and antitrust enforcement through private suits as well as the efforts of the antitrust Agencies. The authors demonstrate how enforcing antitrust laws can ultimately promote competition and reduce health care costs. A former top antitrust officer at the U.S. Department of Justice and a noted economist guide readers through the increasingly complex antitrust laws. By examining the issue of collusion in EU and US competition law, this book suggests possible strategies for improving the antitrust enforcement against parallelism, by exploiting the most advanced achievements of economic analysis. The book contains a suggested approach to collusion, in ex ante and ex post perspectives. By moving from the analysis of the state of art, in terms of law, case law, and scholarship, Marilena Filippelli analyses inconsistencies and failures in the current antitrust enforcement toward collusion and develops a workable parameter for the issue of collective dominance. The most innovative part of this work goes beyond the analysis itself of collective dominance and involves the interference of arts. 101 and 102. The conclusion is a re-definition of the relationship between those rulesÑfrom dichotomy to redundancy. Finally, the book highlights the antitrust significance of semi-collusion, as a strategy made of collusion and competition. The author considers economic models equaling, as for the effects, collusion and semi-collusion and the case law supporting the qualification of semi-collusion as a species of collusion. The analysis involves both US and EU systems, under the highly topical economic-oriented approach. It also contains an original view of European antitrust prohibitions. Because of its contents and its

approach, this book will be attractive to every academic interested in antitrust law. Moreover, the well-documented research on parallelism, involving law, case law and scholarship, makes this book interesting also for competition authorities and antitrust lawyers. As the 21st Century enters its third decade, antitrust laws that are currently in place in the United States must confront an explosion in technological innovation. For many, this explosion is welcome news and will likely lead to a prosperous future for consumers. For others, including Professors Ariel Ezrachi and Maurice Stucke, they believe this future should be perceived cautiously and new antitrust laws and regulations should be erected to replace the old. They contend in their book, VIRTUAL COMPETITION: THE PROMISE AND PERILS OF THE ALGORITHM DRIVEN ECONOMY, coupled with their recent law review article, Sustainable and Unchallenged Algorithmic Tacit Collusion, that in the (near) future, algorithms will be able to collude with one another and modern day antitrust doctrine is not suited to counteract this virulently offensive and illegal behavior. Specifically, they contend that conscious parallelism poses a significant danger to competition policies and new doctrine should be developed to counter it. This article argues that the United States' conscious parallelism plus factors maintain their value to antitrust regulators and courts even in this highly technical, rapidly evolving environment facilitated by technology. Ezrachi & Stucke's arguments to the contrary are actually belied by the history of the doctrine, the technology itself, and their own arguments and descriptions of the technology. Furthermore, while some European empirical research sides with Ezrachi & Stucke, the competition authorities and other scholars sufficiently rebut these arguments by pointing out these experiments fail to reflect real world environments. All in all, we should approach this dynamic pricing cautiously and require oversight that is already constructed by regulators over corporations. However, antitrust authorities and courts should not create new laws to combat problems that have already been solved. To what extent should competition agencies act as market regulators? Competition Law as Regulation provides numerous insights from competition scholars on new trends at the interface of competition law and sector-specific regulation. By relying on the experiences of a considerable number of different jurisdictions, and applying a comparative approach to the topic, this book constitutes an important addition to international research on the interface of competition and regulation. It addresses the fundamental issues of the subject, and contributes to legal theory and practice. Topics discussed include foundations of the complex relationship of competition law and regulation, new forms of advocacy powers of competition agencies, competition law enforcement in regulated industries in general, information and telecommunications markets, and competition law as regulation in IP-related markets. Scholars in the two fields of law and economics will find the research aspects of the book to be of interest. Officials in competition and regulatory agencies will benefit from the practical relevance of the book. Rev. ed. of : Antitrust law : policy and practice / William R. Andersen, C. Paul Rogers III. 3rd ed. 1999. Competition Law and Policy in the EU and UK provides a focused guide to the main provisions and policies at issue in the EU and UK, including topics such as enforcement, abuse of dominance, anti-competitive agreements, cartels, mergers, and market

investigations. The book's contents are tailored to cover all major topics in competition law teaching, and the authors' clear and accessible writing style offers an engaging and easy to follow overview of the subject for course use. The fifth edition provides a full update for this well-established title, presenting and contextualising the impact of key cases, as well as changes to enforcement practice, and at a legislative and institutional level. There are new, separate chapters in this edition on private enforcement and UK market investigations to reflect the increasing significance of these key areas of competition law practice. Competition Law and Policy in the EU and UK integrates useful pedagogical features to help clarify topics and reinforce important points: chapter overviews and summaries highlight the key points to take away from each chapter to structure student learning discussion questions facilitate self-testing and seminar discussions of the major issues covered in each chapter, to help reinforce understanding of these topics further reading lists additional resources in order to guide research and develop subject knowledge a new glossary provides succinct explanations of competition law terminology, ideal for those studying the topic for the first time Clear, focused and student-friendly, this title offers a comprehensive resource for students taking competition law courses, and is supported online by updates to the law offered on Angus MacCulloch's blog, Who's Competing (http://whoscompeting.wordpress.com/). Michal Gal's thorough analysis shows the effects of market size on competition policy, ranging from rules of thumb to more general policy prescriptions, such as goals and remedial tools. Competition policy in small economies is becoming increasingly important, since the number of small jurisdictions adopting such policy is rapidly growing. Gal's focus extends beyond domestic competition policy to the evaluation of the current trend toward the worldwide harmonization of policies. This is the eleventh in the series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence. The volume reproduces the materials of the roundtable debate which examined the enforcement of the prohibition on cartels. The workshop participants - senior representatives of the Commission and the national competition authorities of some EC Member States, renowned international academics and legal practitioners - discussed the economic and legal issues that arise in this particular area, including: 1) unearthing cartels: the evidence; 2) the institutional framework and 3) tools of enforcement. Rev. ed. of : Antitrust law developments (fifth). c2002. Preface p. xi 1 Economics p. 1 I. Definitions p. 1 II. Perfect Competition Versus Monopoly p. 9 III. Further Topics p. 21 2 Law and Policy p. 27 I. Some Interpretation Issues p. 28 II. Enacting the Antitrust Law p. 30 III. What Should Antitrust Law Aim to Do? p. 40 3 Enforcement p. 43 I. Optimal Enforcement Theory p. 43 II. Enforcement Provision of the Antitrust Laws p. 47 Appendix p. 64 4 Cartels p. 68 I. Cartels p. 68 II. Conscious Parallelism p. 73 III. Conclusion p. 89 5 Development of Section 1 Doctrine p. 90 I. The Sherman Act Versus the Common Law p. 90 II. Rule of Reason and Per-Se Rule p. 104 III. Conclusion p. 112 6 Rule of Reason and Per-Se Rule p. 113 I. The Case for Price Fixing p. 113 II. Per-Se and Rule of Reason Analysis: Further Developments p. 116 III. Per-Se Versus Rule of Reason Tests: Understanding the Supreme Court's Justification for the Per-Se Rule p. 129 7 Agreement p.

132 I. The Development of Inference Doctrine p. 133 II. Rejection of Unilateral Contract Theory p. 140 8 Facilitating Mechanisms p. 144 I. Data Dissemination Cases p. 145 II. Basing Point Pricing and Related Practices p. 154 III. Basing Point Pricing: Economics p. 160 9 Boycotts p. 166 I. Pre-Socony p. 166 II. Post-Socony p. 170 III. Post-BMI/Sylvania p. 181 IV. Conclusion p. 184 10 Monopolization p. 186 I. Development of Section 2 Doctrine p. 186 II. Leveraging and Essential Facility Cases p. 202 III. Predatory Pricing p. 212 IV. Conclusion p. 228 11 Power p. 230 I. Measuring Market Power p. 230 II. Determinants of Market Power p. 235 III. Substitutability and the Relevant Market: Cellophane p. 237 IV. Multimarket Monopoly and the Relevant Market: Alcoa p. 239 V. Measuring Power: Guidelines p. 243 12 Attempts p. 244 I. The Swift Formula and Modern Doctrine p. 244 II. Dangerous Probability Requirement p. 248 13 Vertical Restraints p. 252 I. Resale Price Maintenance p. 252 II. Vertical Nonprice Restraints p. 262 III. Manufacturer Retains Title p. 267 IV. Agreement p. 270 14 Tying and Exclusive Dealing p. 279 I. Introduction p. 279 II. Early Cases p. 284 III. Development of Per-Se Rule p. 286 IV. Tension Between Rule of Reason Arguments and Per-Se Rule p. 295 V. Technological Tying p. 301 VI. Exclusive Dealing p. 303 Appendix p. 307 15 Horizontal Mergers p. 311 I. Reasons for Merging and Implications for Law p. 311 II. Horizontal Merger Law p. 317 III. Conclusion p. 330 Appendix p. 330 16 Mergers, Vertical and Conglomerate p. 333 I. Vertical Mergers p. 333 II. Conglomerate Mergers p. 344 III. Concluding Remarks p. 351 17 Antitrust and the State p. 352 I. Noerr-Pennington Doctrine p. 354 II. Parker Doctrine p. 371 III. Some Final Comments: Error Costs and Immunity Doctrines p. 375 Index p. 379. This book is the fourth edition of a highly practical guide to the leading cases in European Competition Law. It explores the application of Article 101 TFEU, Article 102 TFEU and the European Merger Regulation, as well as the public and private enforcement of Competition Law. In addition, it reviews the intersection between Competition Law and Intellectual Property Rights and the application of Competition Law to State action. Each chapter outlines the relevant laws, regulations and guidelines for each topic. Within this framework, cases are reviewed in summary form, accompanied by analysis and commentary. "This book should be in the library of every competition law practitioner and academic. The summary of cases is first class. But what makes it really stand out is the quality of the commentary and the selection of the material which includes not only the most important European judgements and decision but also some of the leading cases from the US and European Member States." Ali Nikpay, Gibson, Dunn & Crutcher "The study of EU Competition law requires the analysis and understanding of a number of increasingly complex and lengthy European Commission and European Court decisions. Through the provision of case summaries, excerpts from the important passages and concise commentary linking these decisions to other key case law and Commission documents, this unique and impressive book provides the student and practitioner of EU competition law with an extremely clear and useful introduction to these leading decisions." Dr Kathryn McMahon, Associate Professor, School of Law, University of Warwick "The Guide is an invaluable tool for both students and practitioners. It provides a compact overview on the fundamental cases and highlights the essential problems in a clear and sharp analysis." Dr Christoph Voelk,

Antitrust Practice Group, McDermott, Will & Emery LLP, Brussels "This edition will be especially valuable to competition law specialists abroad who are interested in the jurisprudence and policy of the European Union and its member states. Familiarity with the European regime is essential for proficiency in competition law today, and this volume provides an excellent foundation." William E Kovacic, Global Competition Professor of Law and Policy, George Washington University Law School, Former Chairman, US Federal Trade Commission "A perfect reference for students of competition law, giving them a kick start when searching for EU case law on a specific subject." Magnus Strand, University of Uppsala, Sweden This online course will give you insights into important compliance topics. This book offers an unparalleled analysis of the emerging law and economics of competition policy in Latin America. Nearly all Latin American countries now have competition laws and agencies to enforce them. Yet, these laws and agencies are relatively young. The relative youth of Latin American competition agencies and the institutional and political environment in which they operate limit the ability of agencies to effectively address anti-competitive conduct. Competition policy is a tool to overcome anti-market traditions in Latin America. Effective competition policy is critical to assisting in the growth of Latin American economies, their global competitiveness, and improving the welfare of domestic consumers. This book provides new region specific insights on how to better achieve these aims. This authoritative volume will be of particular interest to competition agencies, academics in law, economics and Latin American Studies, practitioners around the world in the areas of antitrust and competition policy, policymakers, and journalists. The essential guide to EU competition law for students in one volume; extracts from key cases, academic works, and legislation are paired with incisive critique and commentary from an expert author team. In this fast-paced subject area, the authors carefully highlight the most important cases, legislation, and developments to allow students to navigate the breadth of legislation and case law. With their clear explanations and commentary, the authors provide invaluable support to students as they approach this complex and highly technical area of law. Extracts provide opportunities for students to understand the law in practice, and to see its relevance to business. Indispensable for undergraduate and postgraduate students alike, this is the standalone guide to the competition law of the EU. Online resources: The text is accompanied by online resources containing: -An additional chapter on State Aid -Web links -Updates in the law Stephen Martin The fourteen essays that constitute this work provide a coherent review of the past and present of the European Community, and consider some of its possible futures. Werner Abelshauser and Richard Griffiths offer separate perspectives on the precursors of the European Community. Abelshauser argues that comparison of the fates of the European Coal and Steel Community and the European Defense Community demonstrate the dominance of political over economic considerations in the integration process. Griffiths considers the stillborn European Political Community, many of the proposed features of which, somewhat transformed, were embodied in the Treaty of Rome. Both suggest that as a practical matter a coming together of French and German interests has been a precondition for advances in European integration. Stephen Martin and*

Andrew Evans discuss the development of the Com munity's Structural Funds, first envisaged as tools to smooth the transition from a collection of regional economies to a continent-wide single market, now increasingly seen as devices to guide adjustment to long-term struc tural problems. Stuart Holland emphasizes the role of the Structural Funds as one element in a broad range of strategies to ensure social and economic cohesion as the Maastrict Treaty ushers the European Union into the next stage of its development. This book offers new and compelling insight into the orientations that shape the cultures of political communication in nine Western democracies. It is a truly comparative account of the views of 2500 political elites and media elites between Helsinki and Madrid on their relationship and their exchanges. This book presents a comprehensive assessment of anti-cartel enforcement and investigative procedures in India. It makes a case for enhanced sanctions for cartel conduct in India. Cartels are considered the most pernicious violation of competition law, referred to as "cancer to the free market economy". While competition laws in most jurisdictions prescribe strict sanctions against cartels, Indian Competition Law provides only civil penalties, with an upper ceiling for proven cartel conduct. This volume assesses the effectiveness of anti-cartel enforcement of the Competition Commission of India (CCI). It explores investigative procedures of the CCI through multiple qualitative and quantitative indicators and the extent to which enforcement of anti-cartel laws in India has led to cartel deterrence. Further, it also examines the priorities and processes of the CCI in terms of anti-cartel enforcement, their sanctioning mechanism and their dependency of computation of penalty on varied factors. Featuring detailed case law studies and engaging data, this book will be an essential read for students and researchers of law and legal studies, competition law, corporate law, intellectual property law, and business law. This Handbook will be an indispensable reference work for practitioners and scholars, as well as for those in an enforcement environment. This book uses game theory to analyse anti-competitive behaviour among firms and to consider its implications for competition policy. Part I focuses on 'explicit collusion': the author proves that 'four are few and six are many', and shows how cartels can be enforced under imperfect and incomplete information. Part II on 'tacit collusion' discusses the informational requirements of collusion detection in noncooperative repeated games. In Part III on 'semicollusion', excess capacity is shown to reinforce collusion. Part IV is devoted to the detection of predatory pricing. In this book, Louis Phlips applies the latest economic theory to a discussion of several European antitrust decisions and empirical studies. The presentation of case studies, combined with a clear exposition of the theory, will make this book invaluable to teachers and students of competition policy. There has a been a long-standing debate on the compatibility of EU competition law with fundamental rights protection, particularly as the latter is enshrined in the due process requirements of the European Convention on Human Rights (ECHR). This book, a signal contribution to that debate, assesses two questions of paramount concern: first, whether the current level of fundamental rights protection in cartel enforcement falls within the accepted ECHR standards; and second, how the often conflicting objectives of effectiveness and adequate protection of fundamental rights could optimally

be achieved. Following a detailed survey of relevant EU institutional, substantive, and procedural law rules, the author offers a set of persuasive normative responses to both questions. Proceeding from an in-depth analysis of the pertinent rights and legal nature of competition proceedings under EU and ECHR law, the author goes on to examine such elements of the perceived incompatibility as the following: investigatory powers vested in competition authorities; the privilege against self-incrimination; right to privacy; "fair trial" probatory requirements; degree of use of presumptions in EU practice; Article 6 ECHR guarantees pertaining to the presumption of innocence; proving coordination of competitive behaviour; proving restriction of competition; admissibility of evidence before EU Courts and the Commission; assessment of the attribution of liability rules; EU fining rules; judicial review of cartel decisions by EU Courts; and national sanctioning rules. The author's extraordinarily thorough presentation is rounded off with a remarkably comprehensive bibliography that lists (in addition to books and articles) newspaper articles, EU regulations and directives, soft-law guidelines and "best practices", EU and ECtHR case law, EU Advocate General opinions, European Commission decisions, and European Ombudsman decisions. General conclusions stress the necessity of introducing further reforms to enhance the effectiveness and legitimacy of fundamental rights in the context of competition proceedings. Few books have taken such a thorough and far-reaching approach to the reconciliation of "effective public enforcement" and "fundamental rights", or of "effective deterrence" with the principles of legality, non-retroactivity, presumption of innocence, and ne bis in idem. In the depth of its appraisal of the entire spectrum of enforcement components from a fundamental rights perspective, the book is without peers. It will be warmly welcomed by any parties interested in the intersection of competition law and human rights. Leniency policies are seen as a revolution in contemporary anti-cartel law enforcement. Unique to competition law, these policies are regarded as essential to detecting, punishing and deterring business collusion – conduct that subverts competition at national and global levels. Featuring contributions from leading scholars, practitioners and enforcers from around the world, this book probes the almost universal adoption and zealous defence of leniency policies by many competition authorities and others. It charts the origins of and impetuses for the leniency movement, captures key insights from academic research and practical experience relating to the operation and effectiveness of leniency policies and examines leniency from the perspectives of corporate and individual applicants, advisers and authorities. The book also explores debates surrounding the intersections between leniency and other crucial elements of the enforcement system such as compensation, compliance and criminalisation. The rich critical analysis in the book draws on the disciplines of law, regulation, economics and criminology. It makes a substantial and distinctive contribution to the literature on a topic that is highly significant to a wide range of actors in the field of competition law and business regulation generally. From the Foreword by Professor Frédéric Jenny ' ... fundamental questions are raised and thoroughly discussed in this book which is undoubtedly the most comprehensive scholarly work on leniency policies produced so far ... [the] book should be required reading for all seeking to acquire a deeper insight

into the issues related to leniency policy. It is a priceless contribution ... ' This article examines the possibility of building a tacit agreement between price-setters that yields non-uniform pricing. It is shown that firms with market power may restrict competition not only by alternating between periods of high prices and low prices (Green and Porter (1984), Rotemberg and Saloner (1986)), but also by always charging different prices and taking turns in being the monopolist. In contrast with the existing literature, price variability is not due to imperfect monitoring, stochastic demand or short-run pricing rigidity but it is a pure supply side effect. The author provides the necessary conditions to have collusion with non-uniform pricing, and shows that the latter dominates a fixed price solution. In terms of competition policy this result confirms that no price parallelism is not, per se, a signal of no collusion. This book is the first detailed treatment of the approaches taken to enforce competition laws against cross-border cartels (CBCs) from the perspective of young and small competition authorities (more than 70% of the total number of authorities worldwide). No other legal or inter-disciplinary scholarship exists in the market that deals with the issue of a taxonomy of CBCs combined with young/small competition authorities' problems. The book looks at the extent of the harms caused by CBCs and issues associated with tackling them at a transnational level. It explains why past solutions to problems with cooperation have failed and proposes novel ideas on how to improve cooperation and coordination in certain types of CBC investigations (transnational and regional CBCs). The proposals are based on primary-source information and observations made by the author as part of his work in the UN, and interviews with leading enforcers from young, small, old and large jurisdictions. Young/small competition authorities, competition lawyers and economists, scholars and students within the fields of competition law and international law, and those interested in international cooperation and coordination in the area of cartel enforcement in emerging markets will greatly benefit from this book. It is clearly structured and extensively referenced, providing a valuable guide to the topic. "Any practitioner, policymaker, or academic, in the field of competition law could hardly ask for a more thoroughly documented work. EC and US antitrust law is examined, and dozens of court decisions are quoted, with complete citations throughout. The books is a gold mine for anyone interested in the important task of extending the reach of competition law and antitrust law in this era of globalization."--BOOK JACKET. This book uses game theory to analyze anti-competitive behavior among firms and to consider its implications for competition policy. Topics include "explicit collusion," "tacit collusion," "semicollusion," and the detection of predatory pricing. The book discusses several European antitrust decisions and empirical studies in detail. This document (of 291 pages) comprises the proceedings of a roundtable on competition policy in oligopoly industries, held at the OECD in May 1999. Outright collusion is illegal and actively prosecuted in all OECD countries, but what should competition authorities do about markets in which competitors manage to sustain a collusive outcome without an explicit agreement? When does the presence of closely parallel behaviour ("conscious parallelism") amount to collusion? Many countries require a showing of more than just parallel behaviour - in addition certain "plus factors" must be

shown - but what should these plus factors be? Some countries attempt to control tacit collusion by prosecuting so-called "facilitating practices", such as advance notice of price changes, meeting competition clauses or base point pricing. Should competition authorities have the right to prohibit mergers which merely create the conditions under which tacit collusion can arise? This document consists of an executive summary and background paper by the Secretariat, together with 14 delegation submissions and a summary of the oral discussion. Adam Smith warned of the prevalence of corporate conspiracies more than two hundred years ago. Since then, interest in cartels has sometimes intensified (during the Great Depression, for example) and sometimes diminished, but the need for control has always remained on the antitrust agenda. This well-documented book reviews the economic case against corporate collusion, as well as the arguments made for a more permissive attitude. A survey of recent empirical research reveals not only the prevalence of a wide range of international cartels but also the size of the inefficiencies and costs that they impose on customers and consumers. The antitrust reaction has therefore intensified with greatly increased fines being imposed by the US, the EU and other authorities. At the same time, they have developed sophisticated leniency polices with the aim of destabilizing the illegal conspiracies. After reviewing these measures, the author concludes with the hope that this toughened approach is not modified or reversed during periods of recession.

- *Anti Cartel Enforcement In A Contemporary Age*
- *Transparency Of Stock Corporations In Europe*
- *Competition Law And Policy In Latin America*
- *The Construction Of Europe*
- *Complex Litigation*
- *Antitrust Policy In Health Care Markets*
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