

PROCEDURAL FAIRNESS IN COMPETITION PROCEEDINGS



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Pdf Procedural Fairness Competition Proceedings Ascola

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Butorac Malnar, Dubravka Akšamović**

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Procedural Fairness in Competition Proceedings Paul Nihoul, Tadeusz Skoczny, 2015-09-25 How substantive competition rules are enforced plays a crucial role in achieving their goals This thoughtful book examines procedural issues that have arisen from the increased enforcement of competition law worldwide

Competition Law in Croatia Jasminka Pecotić Kaufman, Vlatka Butorac Malnar, Dubravka Akšamović, 2019-07-10 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of competition law and its interpretation in the Croatia covers every aspect of the subject the various forms of restrictive agreements and abuse of dominance prohibited by law and the rules on merger control tests of illegality filing obligations administrative investigation and enforcement procedures civil remedies and criminal penalties and raising challenges to administrative decisions Lawyers who handle transnational commercial transactions will appreciate the explanation of fundamental differences in procedure from one legal system to another as well as the international aspects of competition law Throughout the book the treatment emphasizes enforcement with relevant cases analysed where appropriate An informative introductory chapter provides detailed information on the economic legal and historical background including national and international sources scope of application an overview of substantive provisions and main notions and a comprehensive description of the enforcement system including private enforcement The book proceeds to a detailed analysis of substantive prohibitions including cartels and other horizontal agreements vertical restraints the various types of abusive conduct by the dominant firms and the appraisal of concentrations and then goes on to the administrative enforcement of competition law with a focus on the antitrust authorities powers of investigation and the right of defence of suspected companies This part also covers voluntary merger notifications and clearance decisions as well as a description of the judicial review of administrative decisions Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in the Croatia will welcome this very useful guide and academics and researchers will appreciate its value in the study of international and comparative competition law

Anti-Cartel Enforcement in a Contemporary Age Caron Beaton-Wells, Christopher Tran, 2015-09-24 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.

Regulating Cartels in India Sudhanshu Kumar, 2022-11-23. 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.

National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law Anneli Albi, Samo

Bardutzky, 2019-05-29. This two-volume book, published open access, brings together leading scholars of constitutional law from twenty-nine European countries to revisit the role of national constitutions at a time when decision-making has increasingly shifted to the European and transnational level. It offers important insights into three areas. First, it explores how constitutions reflect the transfer of powers from domestic to European and global institutions. Secondly, it revisits substantive constitutional values such as the protection of constitutional rights, the rule of law, democratic participation, and constitutional review, along with constitutional court judgments that tackle the protection of these rights and values in the transnational context, e.g., with regard to the Data Retention Directive, the European Arrest Warrant, the ESM Treaty, and EU and IMF austerity measures. The responsiveness of the ECJ regarding the above rights and values, along with the standard of protection, is also assessed. Thirdly, challenges in the context of global governance in relation to judicial review, democratic control, and accountability are examined. On a broader level, the contributors were also invited to reflect on what has increasingly been described as the erosion or twilight of constitutionalism, or a shift to a thin version of the rule of law, democracy, and judicial review in the context of Europeanisation and globalisation processes. The national reports are

complemented by a separately published comparative study which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion. The research for this publication and the comparative study were carried out within the framework of the ERC funded project 'The Role and Future of National Constitutions in European and Global Governance'. The book is aimed at scholars, researchers, judges and legal advisors working on the interface between national constitutional law and EU and transnational law. The extradition cases are also of interest to scholars and practitioners in the field of criminal law. Anneli Albi is Professor of European Law at the University of Kent, United Kingdom. Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana, Slovenia.

Market and Competition Authorities Annetje Ottow, 2015-03-26. Market and competition authorities operate in a complex environment with conflicting stakeholder demands. Balancing the various interests of the authority and stakeholder in an objective and impartial manner is strategic to achieving the goals of the legislation imposed. In a fresh approach examining the actions of an authority when a regulation is applied, Annetje Ottow argues the vital importance of the behaviour of authorities focusing on five fundamental good agency principles: legality, independence, transparency, effectiveness and responsibility or LITER. These principles provide agencies and those reviewing their actions with a framework for agency design and action. Combining theory and practice to provide insight into agencies' organization and behaviour, this book outlines and analyses behavioural issues using an ecosystemic method addressing how independent agencies should be assessed and which principles should apply. Using cases from the Netherlands and the UK, Ottow examines the key processes of authorities against the LITER principles and opens the debate on how to regulate the agency.

Consumer Involvement in Private EU Competition Law Enforcement Maria Ioannidou, 2015-09-03. Despite the growing importance of consumer welfare in EU competition law debates, there remains a significant disconnect between rhetoric and reality as consumers and their interests still play only an ancillary role in this area of law. *Consumer Involvement in Private EU Competition Law Enforcement* is the first monograph to exclusively address this highly topical and much debated subject, providing a timely and wide-ranging examination of the need for more active consumer participation in competition law. Written by an expert in the field, it sets out a comprehensive framework of policy implications and arguments for greater involvement, positioning the debate in the context of a broader EU law perspective. It outlines pragmatic approaches to remedial and procedural measures that would enable consumer empowerment. Finally, the book identifies key institutional and political obstacles to the adoption of effective measures and suggests alternative routes to enhance the role of consumers in private competition law enforcement. The book's innovative approach, combining normative analysis and practical solutions, makes it invaluable for academics, policy makers and practitioners in the field.

Evolução do antitruste no Brasil Celso Campilongo, Roberto Pfeiffer, 2022-10-20. O livro que temos o prazer de apresentar fruto de um notável trabalho coletivo de acadêmicos que empreendem uma ampla reflexão acerca do impacto da atual lei de defesa da concorrência após o

seu primeiro quinquênio de vigência. O objetivo do livro justamente o de suscitar uma ampla e profunda reflexão sobre a evolução da defesa da concorrência no país apontando os xitos alcançados e os aperfeiçoamentos que necessitam ser implementados. O livro foi dividido em seis partes sendo a primeira composta de artigos que efetivam a análise histórica da defesa da concorrência no Brasil com ênfase na reflexão sobre a efetividade do conteúdo e execução de suas normas bem como do desempenho de seu arcabouço institucional. A segunda parte integrada por artigos que exploram a relação da defesa da concorrência com outras políticas públicas. Os artigos abordam instigantes temas como por exemplo a aplicação da concorrência em setores econômicos objeto de regulação econômica a harmonização do antitruste com o direito de propriedade intelectual e o bem-estar do consumidor como objetivo central do direito da concorrência. Há ainda artigos dedicados à segunda parte integrada por artigos que exploram a relação da defesa da concorrência com outras políticas públicas. A terceira e quarta partes abordam a percepção do Cade pelas diversas médias e analisam importantes aspectos institucionais. A quinta parte versa sobre o controle de concentrações matérias que foi objeto das mais incisivas modificações na atual lei de defesa da concorrência.

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