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Monti explores the development of EC competition law through an interdisciplinary approach, focusing on the political and economic considerations that affect the way the rules are interpreted. Written with competition law students in mind, it should also be of interest to undergraduate and postgraduate students of EU politics and economics.

Increasingly, we conduct our lives online, and in doing so, we grant access to our personal information. The crucial feedstock of the world economy thus generated - the commercialization and exploitation of personal data and the intrusion of digital privacy it entails - has built an imposing edifice of market power. As we enter the third decade of the 21st century, this detailed exploration of the interlinkage between competition and data privacy takes a critical look at competition policy to evaluate whether the system in its current form and with the existing approach is capable of tackling the challenges raised by the role of personal data in the shift from an offline to an online economy. Challenging the commonplace assumption that privacy has little or no role and relevance in competition law, the author’s penetrating analysis accomplishes the following and more: provides an in-depth understanding of the intersection of competition and privacy in the data--driven economy; surveys legal policy developments on the role of privacy in competition law; underlines the importance of non-price parameters in competition, such as consumer choice; clearly explains why and how competition law can protect privacy among its policy objectives; and addresses challenges in measuring the intangible harm of digital privacy violation in assessing abuse of market power. Recent case law in Europe and elsewhere, a revealing comparison between relevant European Union (EU) and United States (US) practice, the expanded role of the EU’s Competition Commissioner, and the likely impact of such phenomena as the coronavirus pandemic are all drawn into the book’s remit. In her analysis of the growing privacy dimension in competition policy, the author examines the topic from a broad perspective that includes societal, political, economic, historical and cultural elements. Her insightful multidimensional and value-based review will prove of immeasurable value to practitioners, academics, policymakers and enforcers in its identification of implications for business practice as we go forward.

The most important book on antitrust ever written. It shows how antitrust suits adversely affect the consumer by encouraging a costly form of protection for inefficient and uncompetitive small businesses.

The Government's draft Consumer Rights Bill has the potential to consolidate, simplify and modernise consumer law however issues and inconsistencies must be resolved. The current proposals would apply a statutory right that services under a contract must be provided with reasonable care and skill [a fault-based standard]. This does not provide sufficient consumer protection. The Draft Bill should require that services must achieve the stated result, or one which could be reasonably expected [an outcomes-based standard]. As the Bank of Ireland case demonstrated, the right to terminate a contract does not necessarily protect consumers from detriment. This report recommends an addition to the grey list - the indicative list of contract terms which may be regarded as unfair. The Government's proposals for enhanced consumer measures, which would require traders that have breached consumer law to compensate consumers, are welcome. However, private enforcers should also be able to use them. The collective proceedings regime has the potential to improve access to redress for victims of competition law breaches but the Government must clarify the certification requirements for such proceedings. The creation of rights and remedies for digital content is welcome, but the Government must do more to communicate how the proposals will work in practice. Under the draft Bill, the remedies available to consumers of digital content would depend on whether the content is intangible (such as a music download) or tangible (such as a CD). In appropriate circumstances, consumers should have the right to reject and obtain a refund irrespective of whether they purchase intangible or tangible digital content

In EU and the US, competition law regulates the practices of large firms so as to protect consumer welfare and economic efficiency. In Asia, many countries such as China and Vietnam are shifting to market economy; small firms expand and grow to become large scale corporations. Competition law is gaining importance in these countries. This paper firstly provides an overview on the role of the competition law in protecting consumer efficiency and consumer welfare. Afterwards, content analysis on the previous journal articles about Asia's countries competition law, such as China, Vietnam, South Korea, Japan, India will be conducted. Lastly, a case study on supermarket in Hong Kong shows the role of competition law.

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, make it invaluable for academics, policy-makers, and practitioners in the field.

In an era of communicative abundance, consumers can access content anytime, anywhere and on any digital device. Safeguarding media pluralism has never before been as essential to our democracies as it is today. What role, if any, should EU competition law then play in protecting it? In delving into this question, Konstantina Bania conducts an in-depth analysis of the economics of the sector as well as the Commission's decision-making practice regarding mergers, abuses of dominance as well as anti-competitive agreements. Combining unique theoretical and practical insights, this book showcases novel tools for competition law enforcement to protect quality dimensions of competition and consumer welfare in media markets where consumers increasingly pay with their attention or data rather than money. This book is a must-read study for all scholars, competition authorities and policymakers interested in the question of how competition law can apply in such a manner that antitrust and merger assessments do not disregard non-price concerns such as privacy or diversity.

Although it is commonly assumed that consumers benefit from the application of competition law, this is not necessarily always the case. Economic efficiency is paramount; thus, competition law in Europe and antitrust law in the United States are designed primarily to protect business competitors (and in Europe to promote market integration), and it is only incidentally that such law may also serve to protect consumers. That is the essential starting point of this penetrating critique. The author explores the extent to which US antitrust law and EC competition law adequately safeguard consumer interests. Specifically, he shows how the two jurisdictions have gone about evaluating collusive practices, abusive conduct by dominant firms and merger activity, and how the policies thus formed have impacted upon the promotion of consumer interests. He argues that unless consumer interests are directly and specifically addressed in the assessment process, maximization of consumer welfare is not sufficiently achieved. Using rigorous analysis he develops legal arguments that can accomplish such goals as the following: replace the economic theory of 'consumer welfare' with a principle of consumer well-being; build consumer benefits into specific areas of competition policy; assess competition cases so that income distribution effects are more beneficial to consumers; and control mergers in such a way that efficiencies are passed directly to consumers. The author argues that, in the last analysis, the promotion of consumer well-being should be the sole or at least the primary goal of any antitrust regime. Lawyers and scholars interested in the application and development and reform of competition law and policy will welcome this book. They will find not only a fresh approach to interpretation and practice in their field - comparing and contrasting two major systems of competition law - but also an extremely lucid analysis of the various economic arguments used to highlight the consumer welfare enhancing or welfare reducing effects of business practices.

The legitimacy or illegitimacy of information exchanges between competitors remains a topical debate with regard to EU competition law and policy. This book reexamines the issue in the retail financial services sector, focusing on the peculiar problems that it poses for EU market integration, consumer policy and protection and the intersection with fundamental rights. It analyzes and reflects on the relevant case law and guidelines offered by the corresponding European authorities, providing a critique of the current approach and advancing the proposition that information markets themselves need attention, in addition to the markets that they serve. The book also advances new perspectives on cases in which consumers’ personal information is involved in the exchange, recognizing the inevitable interaction between EU competition law, the interests and protection of consumers and personal data protection. It suggests that the status quo under competition law is unsatisfactorily short sighted and that the EU should take a holistic approach (including information markets) to the analysis of competition law, reflecting consumer protection and fundamental rights aspects in the assessment.

In recent years, market definition has come under attack as an analytical tool of competition law. Scholars have increasingly questioned its usefulness and feasibility. That criticism comes into sharper relief in dynamic, innovation-driven markets, which do not correspond to the static markets on which the concept of the relevant market was modelled. This book explores that controversy from a comparative legal perspective, taking into account both EU competition and US antitrust law. It examines the manifold ways in which courts and competition authorities in the EU and US have factored innovation-related considerations into market delineation, covering: innovative product markets, product differentiation, future markets, issues going beyond market definition proper – such as innovation competition, innovation markets and potential competition –, intellectual property rights, innovative aftermarkets and multi-sided platforms. This book finds that going forward, the role of market definition in dynamic contexts needs to focus on its function of market characterisation rather than on the assessment of market power.

This volume examines the controversy surrounding the use of competition law to combat excessive pricing. While high or monopolistic pricing is not regarded as an antitrust violation in the US, employing abuse of dominance provisions in competition laws to fight excessive pricing has gained popularity in some BRICS jurisdictions and a number of EU-member states in recent years. The book begins by discussing the economic arguments for and against the prohibition of excessive or unfair prices by firms with market power. It then presents various country studies, focusing on developed countries (such as the UK and Israel) and on the BRICS countries, to highlight various practical challenges involved in recognizing excessive prices as abusive conduct on the part of dominant firms, including how to define, measure and identify excessive prices. The contributors also discuss other policy options that can be used to fight excessive prices in order to protect consumer welfare.

Very Short Introductions: Brilliant, Sharp, Inspiring Competition is responsible for much of the prosperity around us. Competitive markets deliver lower prices, better quality, abundance of choice, and increased innovation. But while competition benefits the consumers, it can prove challenging to producers and sellers, who need to constantly improve to stay in business. As a result, sellers may sometimes look for ways to dampen the competitive process. Our antitrust and competition laws are designed to address these risks and safeguard consumer welfare. The competition enforcers have the task of unravelling price-fixing cartels, challenging powerful companies that abuse their power, and monitoring proposed merger transactions that could undermine effective competition. In doing so, competition enforcers have to carefully consider the level of intervention and ensure they do not distort the natural dynamics of competition. Drawing on case studies from the US and the European Union, this Very Short Introduction explores the promise and limitations of competitive market dynamics. In examining the laws and the way they are enforced, Ariel Ezrachi considers the delicate relationship between a free market economy

and government intervention, and the fascinating forces of competition that shape modern society. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket--sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

The digitalisation of the economy with data as the new critical resource is a technological revolution which requires an adaptation of the legal framework for markets and the economy. This paper analyzes the privacy concerns in the digital economy from an economics perspective. What can we learn from economics whether and to what extent we need legal rules helping to protect privacy? Particularly important are the complex tradeoff problems between benefits and costs of privacy and disclosure. This paper claims that it is not sufficient to look for policy solutions only in one field of the law, as, e.g. competition law or data protection law, rather an integrated approach from different regulatory perspectives is necessary. This paper focusses on competition policy, consumer policy, and data protection policy as the three main regulatory perspectives that are relevant for privacy concerns. For all three policies it is discussed from an economic perspective how these policies might help to remedy market failures in regard to privacy rights and privacy preferences of individuals, and how a more integrated regulatory approach can be developed.

This open access edited book captures the complexities and conflicts arising at the interface of intellectual property rights (IPR) and competition law. To do so, it discusses four specific themes: (a) policies governing functioning of standard setting organizations (SSOs), transparency and incentivising future innovation; (b) issue of royalties for standard essential patents (SEPs) and related disputes; (c) due process principles, procedural fairness and best practices in competition law; and (d) coherence of patent policies and consonance with competition law to support innovation in new technologies. Many countries have formulated policies and re-oriented their economies to foster technological innovation as it is seen as a major source of economic growth. At the same time, there have been tensions between patent laws and competition laws, despite the fact that both are intended to enhance consumer welfare. In this regard, licensing of SEPs has been debated extensively, although in most instances, innovators and implementers successfully negotiate licensing of SEPs. However, there have been instances where disagreements on royalty base and royalty rates, terms of licensing, bundling of patents in licenses, pooling of licenses have arisen, and this has resulted in a surge of litigation in various jurisdictions and also drawn the attention of competition/anti-trust regulators. Further, a lingering lack of consensus among scholars, industry experts and regulators regarding solutions and techniques that are apposite in these matters across jurisdictions has added to the confusion. This book looks at the processes adopted by the competition/anti-trust regulators to apply the principles of due process and procedural fairness in investigating abuse of dominance cases against innovators.

The book deals with a difficult subject with an assured touch and will be a valuable text for postgraduate students, policy-makers and practitioners. European Intellectual Property Review This is the first ever book that addresses the important issue of the competition law, intellectual property and trade interface in a developing world context. The book s unique contribution is a set of comparative case studies on this complex interface. D. Daniel Sokol, University of Florida Levin College of Law, US The book investigates competition law and international technology transfer in the light of the TRIPS Agreement and the experience of both developed and developing countries. On that basis, it draws relevant implications for developing countries. Tu Thanh Nguyen argues that technology transfer-related competition law should be glocalized appropriately for the needs of local contexts, while intellectual property rights (IPR) are globalized. The book reveals that developing countries, according to the TRIPS Agreement, have the right to use domestic competition law to promote access to technology in order to protect national interests and consumer welfare. However, competition law is antitrust. It is neither anti-IPR nor anti--trade. The author finds that developing countries with limited competition law resources should set realistic priorities for the control of technology transfer-related anti-competitive practices. They can reasonably apply and adapt relevant regulations, decisions and judgments from developed country jurisdictions to their own circumstances. Competition Law, Technology Transfer and the TRIPs Agreement is a timely resource for postgraduate students, practitioners, and scholars in international competition law, IPR, and technology transfer. Policymakers in the field of technology transfer-related competition law/policy, especially in developing countries, will also find this book invaluable.

The Second Edition of Monopoly, Competition and the Law is a rigorous and detailed exposition of the objectives, nature and application of competition law in the United Kingdom, the EEC and the USA. Fully updated, it includes a full account of the many legal developments since 1989, including analyses of the new merger policy of the EEC and proposals for the radical reform of UK policy of restrictive trade practices. This work is the most recent of its kind, providing updated coverage of this dynamic area of law and policy which has become an everyday consideration in market strategy. Tim Frazer, a specialist in competition law and policy and a solicitor, surveys the vast and complex field of monopoly and competition policy in a style easily accessible to lawyers and non-lawyers alike. Every aspect of the law, in all three jurisdictions, is covered - the development of governmental and judicial policy on monopoly and competition; the objectives of competition policy and the legal control of business practices; monopoly and competition laws in the UK, the EEC and the USA, with an examination of the legal and economic problems involved. Lawyers, economists, political and social scientists will find this an informative reference source on a wide range of topics, including concepts of public policy, the nature and treatment of unfair and discriminatory practices, and the role of the government in the market place. An indispensable text for all students and practitioners of competition law and policy, this comprehensive survey is also highly relevant to industrial economics, commercial and business law, contract law and consumer protection.

Most of the competition laws currently enforced by states aim to protect consumer welfare and promote fair competition by regulating against anti-competitive behavior. Yet, despite the shared objectives, the global community does not have a common global competition law. In exploring the reasons for this, this book takes a unique interdisciplinary approach by using international relations theories to illustrate the relationship between the enforcement of competition laws and international relations through an analysis of competition cases relating to cartels, extraterritoriality, and corporate mergers and acquisitions. Through an examination of this relationship, this book will argue on why the views held by state leaders on the condition of international relations may at times lead them to either arbitrarily over-enforce or disregard their competition laws to the detriment of fair competition and consumer welfare. This book also provides suggestions for global business investors who face competition law issues on how they may accommodate such views.

This volume of essays draws together research on different types of collective actions: group actions, representative actions, test case procedures, derivative actions and class actions. The main focus is on how these actions can enhance access to justice and on how to balance the interests of private actors in protecting their rights with the interests of society as a whole. Rather than focusing on collective actions only as a procedural device per se, the contributors to this book also examine how these mechanisms relate to their broader social context. Bringing together a broad range of scholarship from the areas of competition, consumer, environmental, company and securities law, the book includes contributions from Asian, European and North American scholars and therefore expands the scope of the traditional European and/or American debate.

Between 2002 and 2006 Ofcom, Ofgem and Postcomm removed retail price controls from fixed line telephone provision, gas and electricity supply, and special delivery (next day) for business account users. The controls were designed to protect consumers from unfair pricing from suppliers that had once been monopolies. The controls were removed as it was considered that competition had developed sufficiently to rely on the market and competition law to protect consumers. These markets are worth some £46 billion per year, and telecoms and energy supply services reach almost every household in the UK. This report looks at whether regulators: monitor markets to ensure effective competition is developing; have enabled consumers to take advantage of competition; whether regulators took the right steps when removing retail price controls. The processes used by the regulators were consistent with their statutory duties of protecting consumer interests through the promotion of competition. The conditions for competition have developed in all three markets, and consumers can take advantage of that competition through switching easily between suppliers. Some problems remain. Some consumers, especially those classified as vulnerable, can be unable to take advantage of the competitive market - due to complex tariffs, lack of easily accessible, trustworthy, understandable and comparable information. Former incumbents, previously monopolies, continue to have a strong position in their original markets. All three regulators should continue to use their competition and consumer protection powers to ensure that markets protect the consumer, and that consumers can take further advantage of competition.

One of the fundamental challenges currently facing the EU is that of reconciling its economic and environmental policies. Nevertheless, the role of environmental protection in EU competition law and policy has often been overlooked. Recent years have witnessed a shift in environmental regulation from reliance on command and control to an increased use of market-based environmental policy instruments such as environmental taxes, green subsidies, emissions trading and the encouragement of voluntary corporate green initiatives. By bringing the market into environmental policy, such instruments raise a host of issues that competition law must address. This interdisciplinary treatment of the interaction between these key EU policy areas challenges the view that EU competition policy is a special case, insulated from environmental concerns by the overriding efficiency imperative, and puts forward practical proposals for achieving genuine integration.

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.

Three questions surround the interpretation and application of Article 82 of the EC Treaty. What is its underlying purpose? Is it necessary to demonstrate actual or likely anticompetitive effects on the market place when applying Article 82? And how can dominant undertakings defend themselves against a finding of abuse? Instead of the usual discussion of objectives, Liza Lovdahl Gormsen questions whether the Commission's chosen objective of consumer welfare is legitimate. While many Community lawyers would readily accept and indeed welcome the objective of consumer welfare, this is not supported by case law. The Community Courts do not always favour consumer welfare at the expense of economic freedom. This is important for dominant undertakings' ability to advance efficiencies and for understanding why the Chicago and post-Chicago School arguments cannot be injected into Article 82.

Article 102 TFEU prohibits the abuse of a dominant position as incompatible with the internal market. Its application in practice has been controversial with goals as diverse as the preservation of an undistorted competitive process, the protection of economic freedom, the maximisation of consumer welfare, social welfare, or economic efficiency all cited as possible or desirable objectives. These conflicting aims have raised complex questions as to how abuses can be assessed and how a dominant position should be defined. This book addresses the conceptual problems underlying the tests to be applied under Article 102 in light of the objectives of EU competition law. Adopting an interdisciplinary approach, the book covers all the main issues relating to Article 102, including its objectives, its relationship with other principles and provisions of EU law, the criteria for the assessment of individual abusive practices, and the definition of dominance. It provides an in-depth doctrinal and normative commentary of the case law with the aim of establishing an intellectually robust and practically workable analytical framework for abuse of dominance.

After thirty years, the debate over antitrust's ideology has quieted. Most now agree that the protection of consumer welfare should be the only goal of antitrust laws. Execution, however, is another matter. The rules of antitrust remain unfocused, insufficiently precise, and excessively complex. The problem of poorly designed rules is severe, because in the short run rules weigh much more heavily than principles. At bottom, antitrust is a defensible enterprise only if it can make the microeconomy work better, after accounting for the considerable costs of operating the system. The Antitrust Enterprise is the first authoritative and compact exposition of antitrust law since Robert Bork's classic The Antitrust Paradox was published more than thirty years ago. It confronts not only the problems of poorly designed, overly complex, and inconsistent antitrust rules but also the current disarray of antitrust's rule of reason, offering a coherent and workable set of solutions. The result is an antitrust policy that is faithful to the consumer welfare principle but that is also more readily manageable by the federal courts and other antitrust tribunals.

Although it is commonly assumed that consumers benefit from the application of competition law, this is not necessarily always the case. Economic efficiency is paramount; thus, competition law in Europe and antitrust law in the United States are designed primarily to protect business competitors (and in Europe to promote market integration), and it is only incidentally that such law may also serve to protect consumers. That is the essential starting point of this penetrating critique. The author explores the extent to which US antitrust law and EC competition law adequately safeguard consumer interests. Specifically, he shows how the two jurisdictions have gone about evaluating collusive practices, abusive conduct by dominant firms and merger activity, and how the policies thus formed have impacted upon the promotion of consumer interests. He argues that unless consumer interests are directly and specifically addressed in the assessment process, maximiza-

tion of consumer welfare is not sufficiently achieved. Using rigorous analysis he develops legal arguments that can accomplish such goals as the following: replace the economic theory of 'consumer welfare' with a principle of consumer well-being; build consumer benefits into specific areas of competition policy; assess competition cases so that income distribution effects are more beneficial to consumers; and control mergers in such a way that efficiencies are passed directly to consumers. The author argues that, in the last analysis, the promotion of consumer well-being should be the sole or at least the primary goal of any antitrust regime. Lawyers and scholars interested in the application and development and reform of competition law and policy will welcome this book. They will find not only a fresh approach to interpretation and practice in their field – comparing and contrasting two major systems of competition law – but also an extremely lucid analysis of the various economic arguments used to highlight the consumer welfare enhancing or welfare reducing effects of business practices.

This book gathers international and national reports from across the globe on key questions in the field of antitrust and intellectual property. The first part discusses the application of competition law in the pharmaceutical sector, which continues to be a focus for anti-trust authorities around the world. A detailed international report explores the extent to which the application of the competition rules in the pharmaceutical sector should be affected by the specific characteristics of those products and markets (including consumer protection rules, the need to promote innovation, the need to protect public budgets, and other public interest considerations). It provides an excellent comparative study of this complex subject, which lies at the interface between competition law and intellectual property law. The second part of the book gathers contributions from various jurisdictions on the topic of "What rules should govern claims by suppliers about the national or geographic origin of their goods or services?" This section presents an international report, which offers an unparalleled comparative analysis of this topic, bringing together common themes and contrasting the various national provisions dealing with indications of origin, amongst other things. The book also includes the resolutions passed by the General Assembly of the International League of Competition Law (LIDC) following a debate on each of these topics, which include proposed solutions and recommendations. The LIDC is a long-standing international association that focuses on the interface between competition law and intellectual property law, including unfair competition issues.

European competition law is predominantly focused on maximizing consumer welfare. This overarching purpose (which is supported by economic theory) leaves little place for safeguarding non-economic values, such as sustainability. This makes it difficult to allow cooperation between companies to contribute to such non-economic goals. In this article we explore whether it is possible to establish a different normative framework, in which such goals can be taken into account and can be balanced against the economic goal of consumer welfare. To answer this question, we take four steps. First, we discuss current EU competition law and the difficulty of fitting non-economic goals into the dominant interpretation of that law. Second, we propose a different normative framework, based on the capability approach advanced by philosopher Martha Nussbaum and economist Amartya Sen. Third, we argue that there are good principled reasons to incorporate non-economic goals into competition law. Fourth, we apply both the capability approach and the consumer welfare approach to three (illustrative) cases in which non-economic goals are at stake. Overall, we argue that the capability framework, although not without difficulties of its own, may provide a more legitimate theory for the interpretation of European competition law.

This timely book, with contributions from prominent experts including Luis Ortiz Blanco, Valentine Korah, Ernst-Joachim Mestmäcker, Lorenzo F. Pace and Richard Whish, examines the novel aspects of the 2009 Guidance on Article 102. They present a critical assessment of the Guidance that could be relevant to the result of the ongoing Commission'sinvestigations, for example, the opened procedure against Google. Moreover, the contributing authors identify the differences between the Guidance and the prohibition of exclusionary abuses in some member states (including France, Germany, Great Britain, Italy and Spain) and reveal the ways in which the relevant national laws treat exclusionary abuses, and assess how they differ from the approach of the Guidance. They also reveal the history and development of the relevant national legislation on prohibitions of unilateral conduct.

The U.S. antitrust laws are about protecting consumers from harm stemming from abuses of competition and the competitive process. Courts, private parties, and federal agencies extensively rely upon economists to help evaluate the merits of, and potential harm from, alleged violations of the Clayton Act, the Sherman Act and, more generally, business practices that are alleged to run afoul of antitrust law. These analyses often involve statistical and econometric techniques that facilitate decision-making based on scientific evidence of likely harm to competition or consumers. But in contrast, the typical approach to a consumer protection matter relies upon a combination of surveys and subjective opinions to establish the facts relevant to a consumer protection dispute. We show how economics can be used in consumer protection matters to help prove or disprove a claim that a business practice adversely impacted consumers, and to shed light on the economic merits of litigating versus settling cases. In our experience, many seemingly benign consumer protection settlements induce asymmetries in the marketplace that put the settling firm at a competitive disadvantage. Regardless of whether one's goal is to protect consumers or defend one's client, doing so requires accounting for these effects. More broadly, economics provides tools which, when properly utilized, can help improve the allocation of scarce resources -- at agencies and beyond -- to better serve and protect consumers and competition.

Big Data and free goods such as Google search engine change the way of living of billions of users worldwide. Nowadays, the current competition law based on price-centric tools and static analysis without taking into account other fields of law like privacy is not adapted for the Big Data age which involved free goods, dynamic economy in multi-sided markets and privacy. There is an urgent need of a new competition law. That is the subject of this paper, to introduce a new competition law in the Big Data and the economics of free-or free goods- age in a practical way with a law and economics point of view for practitioners and competition authorities by using the latest papers and cases including the Google Shopping Case at the time of the thesis. I will start by defining new competition tools for free goods, identifying the relevant market, the market power and network effects and some economic tools related to privacy. Then, I will suggest a new analysis for Big Data and competition law enforcement by investigating abuse of dominance with new kinds of abusive conducts, collusive practices in the digital economy and the problem of algorithms and mergers with the necessary implication of privacy policy. Finally, I will address the link between competition law and consumer protection in the Big Data age of free goods by identifying the consumer welfare, the price discrimination and the remedies to protect consumers and market competition in the digital economy.

This handbook offers detailed descriptions of EU competition law, including mergers and public authorities. Above all, it analyzes and discusses recent decisions of the ECJ and the General Court. Presenting systematically structured and theoretically founded content, the book also includes recommendations for practitioners. Special attention is paid to the scope of penalties and the influence on fundamental rights. Rounding out the book, the conflict between safeguarding confidential information and the effectiveness of private and public enforcement is discussed intensively in the context of the new Directive 2014/104/EU.

The question of how financial services should be regulated in the interests of consumers has never been more topical. The structure of the financial services industry is changing rapidly and the need for the law to keep pace with these changes has never been greater. This book examines the role of the law in the protection of the consumer, in particular the ways in which the law is, and could be, used to protect consumers when purchasing financial services. A prominent panel of contributors first examines the role of the European Union and the ombudsmen schemes operating in the United Kingdom in improving consumer protection. Eight expert papers present a detailed analysis of aspects of the various legal mechanisms protecting consumers in the banking, financial services, investments and insurance industries. The final part of the book is concerned with the important and controversial area of consumer credit. This unique work is a welcome contribution to a rapidly developing area of law, which has so far received little attention from commentators. It will be of great interest to those at the cutting edge of banking, financial services and consumer law, whether practicing lawyers or in-house counsel, and all those involved in advising consumers.

What are the normative foundations of competition law? That is the question at the heart of this book. Leading scholars consider whether this branch of law serves just one or more than one goal, and if it serves to protect unfettered competition as such, how this goal relates to other objectives such as the promotion of economic welfare. The book brings together contributions on the relevance of different welfare standards, on the concept of 'freedom to compete' and on distributional fairness as a goal of competition law. Moreover, it discusses the relationship to other legal goals such as mar.

Acclaim for the first edition: As a whole, Stephen Weatherill crafts a detailed and wonderfully rich consideration of this dynamic issue and is a resource which practitioners in this area could ill do without. Weatherills thorough and thoughtful insights with regard to these issues provide an important basis for understanding the complexities and vagaries of market integration in the EU Community. Peter G. Fitzgerald, Canadian Law Library Review Steve Weatherill provides an excellent thought-provoking account of EU consumer law and policy. It will be required reading for all those interested in this important subject. Paul Craig, St Johns College, Oxford, UK This is a characteristically excellent book by Steve Weatherill, combining incisive legal analysis of an important policy field with an authoritative and up-to-date account of the underlying legal and constitutional framework. Grainne de Burca, European University Institute, Italy This new edition of Stephen Weatherills acclaimed book provides a comprehensive introduction to all facets of the EUs involvement in consumer law and policy. Consumers are expected to benefit from the EUs project of economic integration, enjoying wider choice and improved quality, and yet they need protection from the dangers that flow from malfunctioning and unfair markets. The EUs consumer law and policy is an attempt to have the best of both worlds a liberalised yet properly regulated trading space for Europe This highly esteemed book, now in a brand new edition, provides a comprehensive and up-to-date introduction to the subject, explaining the evolution of consumer law and policy in the EU in terms of both legislative and judicial activity. The book also situates EU consumer law and policy within its broader social, political and economic context, providing a window to a range of wider issues (and tensions) relating to Union regulatory strategies and their effect on the member states. It concludes with a newly written examination of the relationship between EU and national initiatives of market regulation symbiosis or disruption? A readable yet critically sound textbook, this fully updated edition will be indispensable for both postgraduate and undergraduate students of EU law. It will also appeal strongly to all academics, regulators and practising lawyers with an interest in EU trade law or indeed European law more generally.

The global adoption of free market economies has unleashed the age-old forces of greed seeking private advantage, while governments are adopting conflicting competition rules to protect consumers. Harmonizing the world's competition regimes is a critical challenge. Both private conduct and government intervention can harm consumer welfare. Tracing both legal and economic thinking over the past centuries, this book by a former U.S. Antitrust Division official and Chair of the ABA's Section of Antitrust Law, distils the lessons we can learn And The mistakes we can avoid. Provocatively suggesting priorities that may challenge the global $11 billion 'antitrust industry,' the book proposes ten principles that will assist in designing effective but harmonious competition regimes For The world and invites further discourse as the International Competition Network of some 75 government agencies is beginning convergence efforts at the start of this Twenty-First Century. The Preface from Deputy Assistant Attorney General William Kolasky, The United States Antitrust Division's chief spokesman on international competition issues, calls the book 'excellent' and 'an important contribution' And The principles 'sound,' suggesting that the International Competition Network begin 'implementing principles for sound substantive antitrust enforcement of the kind Ky proposes.'

This book brings to bear Professor Maggiolino?s considerable skills as a comparative competition law scholar on what is perhaps the single most important competition policy issue facing us today - namely, how to use IP policy and competition policy in tandem to further both economic competition and competition in innovation. Professor Maggiolino?s book covers a large range of IP practices by dominant firms where competition law can be invoked, including "sham" litigation and product design, improper infringement actions, predation, and refusals to license. This book is well researched, well written, and completely up to date. Every serious competition law/antitrust and intellectual property scholar and practitioner should regard it as "must" reading.

This book reflects the research output of the Committee on the International Protection of Consumers of the International Law Association (ILA). The Committee was created in 2008, with a mandate to study the role of public and private law to protect consumers, review UN Guidelines, and to model laws, international treaties and national legislations concerning protection and consumer redress. It has been accepted to act as an observer not only when the UNCTAD was updating its guidelines, but also at the Hague Conference on Private International Law. The book includes the contributions of various Committee members in the past few years and is a result of the cooperation between the Committee members and experts from Australia, Brazil, Canada and China. It is divided into three parts: the first part addresses trends and challenges in international protection of consumers, while the second part focuses on financial crises and consumer protection and the third part examines national and regional consumer law issues.