

**PARCU, Pier Luigi, MONTI, Giorgio and BOTTA, Marco (eds).** *Abuse of Dominance in EU Competition Law. Emerging Trends.* Cheltenham: Edward Elgar Publishing Limited, 2017, 192 p. ISBN 978-1-78536-761-8

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PETR, Michal. Review on PARCU, Pier Luigi, MONTI, Giorgio and BOTTA, Marco (eds). *Abuse of Dominance in EU Competition Law. Emerging Trends.* Cheltenham: Edward Elgar Publishing Limited, 2017, 192 p. *International and Comparative Law Review*, 2018, vol. 18, no. 2, pp. 251–253. DOI: 10.2478/iclr-2018-0050.

Over the last decade, re-thinking of the Article 102 TFEU and in particular, what conduct may be considered abusive and what evidence is needed in order to conclude so, belonged to the most discussed topics in EU competition law, despite the fact that the wording of that Article has not been changed since it was originally adopted in the Treaty of Rome. Much attention has been devoted to this topic and a significant number of publications has been published on it.

The publication under review still managed to approach this topic in an original way, summarised in the subtitle “*Emerging Trends*”. Its aim is therefore not to discuss the concept of abuse as such, but to concentrate only on a few selected issues, in particular the role of intent in assessing whether certain conduct is abusive and the interpretation of Article 102 TFEU on national level.

The relevance of intent belongs to fundamental but not frequently addressed issues; if it is being discussed at all, it is mostly in relation to fines, because the Commission is only allowed to impose sanctions for intentional or negligent conduct. The authors of the book under review thus managed to identify and discuss an issue that is sure to gain on importance in the future.

Concerning the role of NCAs and national courts, the vast majority of Article 101/102 cases is indeed handled on national level. Admittedly, the convergence among the Member States has mostly been stressed in legal research,<sup>1</sup> and iden-

<sup>1</sup> See e.g. CHIRITOU, Bogdan. *Convergence Within the European Competition Network: Legislative Harmonization and Enforcement Priorities*. In: ALMASAN, Adriana, WHELAN, Peter (eds). *The Consistent Application of EU Competition Law. Substantive and Procedural Challenges*. Cham: Springer, 2017, pp. 3 *et seq.*

# Governments Competition Elgar

**Balthasar Strunz**



## **Governments Competition Elgar:**

**Keeping the Water Flowing** Kendra Okonski, Mohit Satyanand, 2007 Contributed articles chiefly with reference to India includes articles on water resources development in various countries of the world including India *Global Competition Enforcement* Paulo Burnier da Silveira, William Evan Kovacic, 2019-10-17 Global Competition Enforcement New Players New Challenges Edited by Paulo Burnier da Silveira the digital economy's challenges to competition authorities convergent aims and rules among different competition authorities regional organizations with competition mandates competition neutrality and state owned enterprises and leniency programmes Although necessarily there is considerable information on major antitrust regimes like those of the United States and the European Union chapters by local experts highlight lessons to be learned from the work of competition authorities in five continents including Argentina Australia Brazil China Colombia India Japan Mauritius Mexico Peru and South Africa The contributors include competition enforcers regulators academics practitioners and leading commentators from a range of jurisdictions Adding up to an authoritative analysis from the enforcer's perspective the studies presented in the book clarify the approaches and priorities of competition enforcement authorities including those of major emerging economies and provide expert guidance on dealing with transnational investigations Antitrust lawyers corporate counsel and interested academics as well as policymakers will benefit immeasurably from this book's wealth of informative detail *Competition and Efficiency in International Food Supply Chains* John Williams, 2012-07-26 Why have food crises seemingly become more frequent in recent years compared to the last few decades This book examines an array of different issues and distortions that are causing food supply chain dysfunction in many countries particularly for staple non perishable foods such as grains oilseeds pulses and sugar It outlines the underlying changes that are currently occurring which will have an influence on the direction of future food supply chains and provides some solutions to current food security problems Based on an analysis of total regulation in the 1950s 60s through to deregulation during the 1980 90s as well as post deregulation it focuses on liberal trade and deregulation as a more successful solution to creating efficiencies in food supply chains and distribution The author highlights a common thread of either farmers using government for vested interest intervention or autocratic governments seeking market and supply chain power The book examines the role of government after 70 years of food supply chain intervention It discusses the role of commercial trade markets and cluster industries and how these can quickly disintegrate when price distortions occur The author studies both food importing and exporting countries and concludes that comingled commoditization of food has led to increased hoarding corruption and dependence on food aid He argues that a competitive food supply chain that has minimum intervention is more likely to provide future food security In conclusion the book emphasizes that adequate rewards competition and striving for supply chain efficiencies are the essences of sustainable food security **The Interface of Competition Law, Industrial Policy and Development Concerns** Balthasar Strunz, 2018-07-28 This book

analyses essential concepts of competition law and industrial policy and shows where the two areas clash with and complement each other respectively The discussion takes place in the context of developing countries taking into consideration their realities and specific needs South Africa serves as a real world example for competition law that goes beyond the notion of consumer welfare An in depth analysis of the enforcement of South African law illustrates how the law is used both to combat the negative effects of past industrial policy and to accommodate current economic and social needs The book is intended for all readers with an interest in the enforcement of competition law in developing countries It will particularly benefit those who want to learn about unorthodox approaches that integrate the concept of public interest and social imperatives into the application of competition law *Public Sector Management* Norman Flynn, 2012-04-05 The highly anticipated Sixth Edition of Norman Flynn's *Public Sector Management* continues to provide students with an insightful jargon free description analysis and critique of the management of the public sector by the UK government New companion website with free access to full text journal articles policy documents links to useful websites and relevant multimedia and social media resources as well as additional case studies and discussion questions [www.sagepub.co.uk/flynn](http://www.sagepub.co.uk/flynn)

**Government and Business: American Political Economy in Comparative Perspective** Richard Lehne, 2012-03-23 Examining the nexus of government and business in some of the world's most prominent industrial nations the author explores the strategies adopted by business to influence governmental actions and analyzes the public policies that bind business to the state **Competition and Structure** Albert Breton, 2000-06-05 The essays in this volume written by well known economists and other social scientists from North America Europe and in one case Australia share to an unusual degree a common concern with the competitive mechanisms that underlie collective decisions and with the way they are embedded in institutional settings This gives the book a unitary inspiration whose value is clear from the new understanding and insights its chapters provide on important theoretical and practical issues such as the social dimension and impact of trust the management of information in bureaucratic settings the role of political parties in constitutional evolution inter level rivalry and reassignments of powers in federal and unitary systems of government the impact of ethnicity and nationalism on federal institutions or arrangements and the response of governments and overarching institutions of globalization

**Competitive Industrial Development in the Age of Information** Richard J. Braudo, Jeffrey Macintosh, 2005-08-19 This book examines how transnational corporations small to medium enterprises and governments have emerged as the principal players in industrial development This valuable work examines this trend with particular reference to the role of the tax policy in technology development the financing of technology sector SMEs the role of government policy and the relationship between competition and co operation *The Regulatory Enterprise* Tony Prosser, 2010 The use of regulation to control behavior is a defining feature of modern government penetrating a wide range of social and economic life This book offers a detailed study of how regulation works in practice its legal framework and the arguments surrounding its economic

and social impact      Federalist Government in Principle and Practice Donald P. Racheter, Richard E. Wagner, 2012-12-06

Federalism has generally been characterized as a system of government that is friendly to liberty. It is not obvious though why this should be so. Federalism is a form of government where citizens simultaneously reside in at least two governments each of which has independent authority to tax and to regulate. By contrast in a unitary form of government citizens face only one government with independent authority to tax and regulate. At first glance it would seem a bit strange to claim that liberty is more secure when citizens are members of two governments with independent authority than when they are members of only one such government. The relationship between federalism and liberty turns out to be a complex one and one that is capable of working in either direction. Whether federalism supports or erodes liberty depends importantly on the institutional framework within which federalist governance takes place. The essays in *Federalist Government in Principle and Practice* examine this institutionalist theme from both theoretical and practical perspectives.

*The Oxford Handbook of Business and Government* David Coen, Wyn Grant, Graham K. Wilson, 2010-02-25

Business is one of the major power centres in modern society. The state seeks to check and channel that power so as to serve broader public policy objectives. However if the way in which business is governed is ineffective or over burdensome it may become more difficult to achieve desired goals such as economic growth or higher levels of employment. In a period of international economic crisis the study of how business and government relate to each other in different countries is of more central importance than ever. These relationships have been studied from a number of different disciplinary perspectives: business studies, economics, economic history, law and political science and all of these are represented in this handbook. The first part of the book provides an introduction to the ways in which five different disciplines have approached the study of business and government. The second section on the firm and the state looks at how these entities interact in different settings, emphasising such phenomena as the global firm and varieties of capitalism. The third section examines how business interacts with government in different parts of the world including the United States, the EU, China, Japan and South America. The fourth section reviews changing patterns of market governance through a unifying theme of the role of regulation. Business-government relations can play out in divergent ways in different policy areas and the fifth section examines the contrasts between different key arenas such as competition policy, trade policy, training policy and environmental policy. The volume provides an authoritative overview with chapters by leading authorities on the current state of knowledge of business-government relations but also points to ways in which this work might be developed in the future e.g. through a political theory of the firm.

**Local Public Finance and Economics** Harry Kitchen, Melville McMillan, Anwar Shah, 2019-09-05

Globalization and the information revolution have highlighted the catalytic role of local governments for improving economic and social outcomes at the local level as well as growing the national economy by enhancing international competitiveness. This comprehensive account of local public finance and economics brings together principles and better practices for improving quality and

access of local public services provision The volume covers assignment of responsibilities jurisdictional design local service delivery local regulation local self financing options such as income sales property and environmental taxation user charges and fees infrastructure finance options and higher order government financing of local governments The treatment is non technical and suitable for a wide variety of audiences including scholars instructors students media policy advisers and practitioners

From Government to Governance Antonino Palumbo, 2017-03-02 Neoliberal reforms and globalization have deeply transformed the state and set in motion a momentous shift from government to governance Governance entails a move away from traditional hierarchical forms of organization and the adoption of network forms It also entails a revision of the relationship between state and civil society in a more participatory direction Governance is finally said to be responsible for shifting the emphasis away from statute law to more flexible forms of regulation and implementation The state is thus claimed to be superseded by a networked polity where authority is devolved to task specific institutions with unlimited jurisdictions and intersecting memberships operating at sub and supra national level This volume brings together a representative sample of the key articles that established governance as a major field of research and helped clarify the main critical issues to be addressed by those involved in research and teaching in this area

*The Organization of Economic Innovation in Europe* Alfonso Gambardella, Franco Malerba, 1999-11-18 The structures and dynamics of technological innovation in Europe analysed in theory and in practice

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

**Flaws and Ceilings** Christopher Coyne, Christopher Snowdon, Richard Wellings, Rachel Coyne, Philip Booth, Ryan Bourne, Stephen Davies, Robert C. B. Miller, Colin Robinson, Steven Schwartz, W. Stanley Siebert, 2015-03-27 Price controls across many sectors are currently being hotly debated New controls in the housing market more onerous minimum wages minimum prices for alcohol and freezes on energy prices are very high up the agenda

of most politicians at the moment Even without any further controls wages university fees railway fares and many financial products already have their prices at least partly determined by politicians rather than by supply and demand in the market Indeed barely a sector of the UK economy is unaffected in one way or another by government controls on prices This book demonstrates why economists do not like price controls and shows why they are widely regarded as being amongst the most damaging political interventions in markets The authors analyse in a very readable fashion the damage they cause Crucially the authors also explain why despite universal criticism from economists price controls are so popular amongst politicians

**Public Procurement and the EU Competition Rules** Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This new work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

The Oxford Handbook of Law and Economics Francesco Parisi, 2017-04-27 Covering over one hundred topics on issues ranging from Law and Neuroeconomics to European Union Law and Economics to Feminist Theory and Law and Economics The Oxford Handbook of Law and Economics is the definitive work in the field of law and economics The book gathers together scholars and experts in law and economics to create the most inclusive and current work on law and economics Edited by Francisco Parisi the Handbook looks at the origins of the field of law and economics tracks its progression and increased importance to both law and economics and looks to the future of the field and its continued development by examining a cornucopia of fields touched by work in law and economics The uniqueness of its breadth depth and convenience make the volume essential to scholars students and contributors in the field of law and economics

**Venture Capital Investment and Government Incentives** Tamara Wilkinson, 2024-09-05 This book explores the best ways for governments to design venture capital investment incentives Venture capital is a multi billion dollar industry and a major driver of innovation and national growth Investment in startup companies by venture capital funds helps finance new inventions and create wealth economic growth and jobs However because venture capital

investment is highly risky and sensitive to market downturns many governments around the world use special legal and tax incentives to help encourage this form of investment Since the introduction of the first venture capital incentive in the USA in 1958 scores of venture capital incentives have come and gone These incentives have experienced varied success with some failing entirely Filling a gap in an important area this book employs a legal and regulatory approach to examine venture capital policy from a global perspective It uses an analytical framework to evaluate the design implementation and success of incentives and looks at over 60 examples from 25 countries around the world The book is aimed at researchers and policy makers in law finance and economics as well as practitioners and investors in the venture capital space The book introduces the legal aspects of venture capital investment and presents a list of leading practice guidelines and recommendations to help policy makers design effective efficient and appropriate venture capital incentives

**Competition Laws, Globalization and Legal Pluralism** Qianlan Wu, 2013-11-12 Building upon a theoretical framework and empirical research this book provides a thought provoking analysis of the interests strategies and challenges that China has faced in developing its Anti Monopoly Law AML in the context of economic globalization The book comprises three main parts Part I reviews the directions of convergence of global competition law Part II provides a contextual analysis of China's market governance and its strategic interests and Part III examines the latest enforcement of the Anti Monopoly Law by focusing on the interactions between global actors and China the relationships between Chinese competition and sectoral regulators and the enforcement of global competition law norms in the Chinese context This book is one of the first to provide a critical understanding of China's experience as a new competition regulator set against the background of the plural sources of global competition laws



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