

ANTITRUST — *and the* — BOUNDS OF POWER

*The Dilemma of Liberal Democracy
in the History of the Market*

Giuliano Amato

Antitrust And The Bounds Of Power By Giuliano Amato

Scott C. Dulebohn



Antitrust And The Bounds Of Power By Giuliano Amato:

Antitrust and the Bounds of Power - 25 Years On Oles Andriychuk, 2023-01-26 This collection of essays addresses the transformations ongoing in the field of competition law by analysing current developments through the prism of Giuliano Amato's *Antitrust and the Bounds of Power* thereby building an intellectual bridge between past and present Giuliano Amato's book *Antitrust and the Bounds of Power: The Dilemma of Liberal Democracy in the History of the Market* was published by Hart in 1997 It has predicted articulated and explained many of the changes that have taken place in competition law in the last 25 years and it is referred to by generations of competition lawyers as a key theoretical work There are many mutually invigorating reasons and explanations for the paradigmatic transformations that have occurred in competition law economics and policy since the 1990s Some are triggered by the internal evolution of competition law others are determined by the broader societal context In this book leading competition law thinkers reflect on these metamorphoses they explore the state of affairs in the field connecting it with and advancing their analyses through the ideas developed by Giuliano Amato in his ground breaking book With an afterword by Giuliano Amato and a foreword by Frédéric Jenny this book is essential reading for anyone interested in the evolution of competition law *Antitrust and the Bounds of Power* Giuliano Amato, 1997-10-19

Examines dilemmas surrounding antitrust law and public and private power and the ways in which these problems have been addressed by legislatures and courts in the US and in Europe Offers sometimes controversial observations on the history and doctrines of antitrust law and conclusions as to how successfully the dilemma is being managed by the economies of the US and Europe Amato is head of the Italian Antitrust Authority a professor of law at the European University Institute in Florence Italy and a former Prime Minister of Italy Distributed by ISBS Annotation copyrighted by Book News Inc Portland OR

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Deutsches und europäisches Kartellrecht unter Berücksichtigung des "more economic approach" Peter Ondrejka, 2011 Die Europäische Kommission versucht seit einigen Jahren das europäische Kartellrecht grundlegend zu reformieren indem sie eine tiefgreifende Okonomisierung des Rechts anstrebt Die vorliegende Arbeit setzt sich mit dieser als more economic approach bekannten Entwicklung auseinander und legt ihren Schwerpunkt auf die hochaktuellen Entwicklungen im Bereich der europäischen Missbrauchsaufsicht Bevor auf die konkreten Reformbestrebungen der Kommission eingegangen wird befasst sich die Arbeit zunächst mit grundlegenden Fragen zum Wettbewerb Dabei werden sowohl verschiedene Definitionen als auch Ausgestaltungen des Wettbewerbs dargestellt Gleichzeitig wird ein Querschnitt über die wettbewerbstheoretischen Grundlagen des Wettbewerbsrechts dargeboten der im Ergebnis eine Vielzahl völlig gegenteiliger Theorien erkennen lässt

Im nächsten Schritt wird die Entstehung des europäischen Wettbewerbsrechts beleuchtet und festgestellt dass das europäische Wettbewerbsrecht vor allem in den Anfängen unter grossem Einfluss deutscher Wettbewerbsideologie und deutscher Rechtspersonlichkeiten stand Um eine gedankliche Stütze bei der Bewertung der angebahnten Reform zu gewinnen wird folglich die Struktur des deutschen Gesetzes gegen Wettbewerbsbeschränkungen GWB dargestellt und auf die Besonderheiten und konzeptionellen Unterschiede zum europäischen Wettbewerbsrecht hingewiesen Nachfolgend werden die Ecksaulen der unter dem Namen more economic approach angebahnten Reform skizziert Anhand der umfassenden Kritik in der Literatur werden die angeblichen Vorteile der Reform sowie angeblichen Unzulänglichkeiten der bisherigen Rechtsprechung der Europäischen Gerichte schematisch dargestellt Anschliessend wird eine umfassende und detaillierte Analyse der bisherigen Rechtsprechung anhand von Fallgruppen durchgeführt und diese mit den Reformvorschlägen der Kommission verglichen Anhand des durchgeführten Vergleichs werden vom Autor erhebliche Unterschiede sowohl in der Zielsetzu

The Internationalisation of Competition Rules Brendan J. Sweeney, 2009-09-10 The widespread move towards more market driven models of political economy combined with the expanding internationalisation of business and commerce has led to a series of proposals for global competition rules To date these proposals have been hotly contested A critical issue is whether some form of international rule making is required or whether soft law solutions are sufficient Competition rules may be required to combat the damage done by global cartels and to diffuse the tensions created when more than one nation seeks to regulate the same conduct Competition rules may also be required to protect the integrity of the world trading system International rule making however presents its own problems not the least of which is a concern with protecting national sovereignty

Antitrust Settlements Giovanna Massarotto, 2019-10-17 Competition enforcement authorities use settlements as a tool to ensure compliance with antitrust law Companies can make commitments to remedy breaches ensuring that they avoid litigation and potential fines and reputational damage The author of this highly original and innovative book shows that rather than fines or arguing principles of competition law in litigation antitrust settlements namely U S consent decrees and EU commitment decisions hold the key to globally effective enforcement particularly in the digital and blockchain era Antitrust law does not necessarily need to be abolished but rather should be fully exploited as an economic regulation led by antitrust settlements In supporting her thesis the author examines such elements of competition enforcement as the following drawbacks of allowing the courts to regulate markets whether antitrust settlements sacrifice antitrust deterrence how settlements rapidly and surgically regulate markets comparative analysis between U S consent decrees and EU commitment decisions economic analysis on the adoption of antitrust settlements in both the U S and EU markets from 2013 to 2018 fundamental role of antitrust settlements in regulating the current digital markets and comprehensive description on how to use antitrust settlements to regulate the data industry With its thorough guidance on U S consent decrees and EU commitment decisions from their functioning to their characteristics and procedure

and its extensive treatment of the main antitrust remedies available and used in enforcing of antitrust law in both the U S and EU the book provides both an economic and a legal analysis of the functioning and the scope of antitrust settlements It assesses the influence of decisions on companies behavior and agencies practice using economic analysis to show the procompetitive or anticompetitive effects of remedies with special attention to digital markets Because markets have become so dynamic and unpredictable that is difficult to preserve efficiency the author says there is a little room for law economic regulation is a better fit This book is a springboard to further investigate how a simple antitrust enforcement tool having turned competition law into an economic regulation policy can drive our economy leading both the antitrust and regulatory interventions in tackling today s market challenges *European Competition Law Annual 2007* Claus-Dieter Ehlermann,Mel Marquis,2008-11-28 This is the twelfth in a series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the written contributions and transcripts in connection with a roundtable debate which examined the EU s enforcement policy as regards the abuse of a dominant position under Article 82 EC The workshop participants included senior enforcement officials and policy makers from the European Commission from the national competition authorities of certain EU Member States and from the US Department of Justice and Federal Trade Commission and renowned international academics legal practitioners and professional economists In an intense intimate environment this group of experts debated a number of legal and economic issues structured according to three broad lines of discussion 1 comparisons of the concept of monopolization under Section 2 of the Sherman Act with that of abuse of dominance under Article 82 EC 2 a reformed approach to exclusionary unilateral conduct and 3 exploitative unilateral conduct and related remedies *The Anticompetitive Impact of Regulation* Giuliano Amato,Laraine L. Laudati,2001-01-01 This timely book addresses the important issue of the negative effects of anticompetitive regulation on industry and the massive economic harm it causes The distinguished contributors including economic and legal scholars advocate the need for a review of all anticompetitive laws and address several industry and country case studies with the ultimate aim of providing recommendations to eliminate the impact of anticompetitive regulation The first part of the book considers regulations affecting private business and professions part two covers public utility and public services regulation whilst part three discusses the role of institutions and competition authorities in relation to anticompetitive practices The authors draft guidelines based on economic evidence and legal arguments which they believe would provide a starting point for the European Union to address the problem They go on to propose possible implementation strategies for these guidelines from both an institutional and legal perspective The book also includes a historical perspective on the evolution of anticompetitive regulation complemented by an overview of the actions currently being implemented to address and reverse the problem in other jurisdictions **Private Regulation and the Internal Market** Mislav Mataija,2016-03-11 How does EU internal market law in particular the rules on free movement and

competition apply to private regulation What issues arise if a bar association were to regulate advertising when a voluntary product standard impedes trade or when a sporting body restricts the cross border transfer of a football player Covering the EU's free movement and competition rules from a general and sector specific angle focusing specifically on the legal profession standard setting and sports this book is the first systematic study of EU economic law in areas where private regulation is both important and legally controversial Mislav Mataija discusses how the interpretation of both free movement and competition rule adapts to the rise of private regulation and examines the diminishing relevance of the public private distinction As private regulators take on increasingly important tasks the legal scrutiny over their measures becomes broader and moves towards what Mataija describes as regulatory autonomy This approach broadly disciplines but also recognizes the legitimacy of private regulators granting them an explicit margin of discretion and focusing on governance and process considerations rather than on their impact on trade and competition The book also demonstrates how the application of EU internal market law fits in the context of strategic attempts by the EU institutions to negotiate substantive reforms in areas where private regulation is pervasive Surveying recent case law of the Court of Justice of the European Union and the practice of the European Commission Mataija demonstrates how EU internal market law is used as a control mechanism over private regulators

Handbook of Intellectual Property Research Irene Calboli, Maria Lillà Montagnani, 2021 This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law bringing together contributions from a diverse group of scholars who derive from a wide range of countries backgrounds and legal traditions **Antitrust Law Journal**, 1986

Marktmacht und Verdrängungsmissbrauch Wolfgang Wurmnest, 2012 English summary Against the background of the ongoing debate in Europe on the more economic approach to competition law Wolfgang Wurmnest gives a critical account of the orthodox interpretation and application of German and European abuse control prohibitions Based on an economic and comparative analysis which includes US law he advocates a more sophisticated assessment when applying abuse control law to exclusionary conduct His approach combines the needs of the law with modern economic insights German description Vor dem Hintergrund der in ganz Europa geführten Debatte um den more economic approach im Kartellrecht stellt Wolfgang Wurmnest die Missbrauchsaufsicht über marktbeherrschende Unternehmen auf den Prüfstand Auf Grundlage einer rechtsökonomischen Analyse und eines Vergleichs mit dem US amerikanischen Recht zeigt er auf wie das deutsche und das europäische Missbrauchsverbot auszulegen und anzuwenden sind so dass unter Berücksichtigung der Eigengesetzlichkeiten des Rechts modernen ökonomischen Erkenntnissen Rechnung getragen wird Die zweite Auflage bringt das Werk auf den Stand von April 2012 und berücksichtigt bereits den Regierungsentwurf für die 8. GWB Novelle mit der eine Neuordnung der deutschen Missbrauchskontrolle angestrebt wird Pflichtlektüre für alle Kartellrechtler Volker Emmerich Die Aktiengesellschaft 2011 724 Die grosse Stärke der Arbeit liegt darin die grundlegenden Ausführungen schlussig mit der

Analyse von spezifischen Anwendungsproblemen der Missbrauchsaufsicht zu verbinden a Insgesamt kann die vorliegende Arbeit daher als sehr gelungen gelten Arndt Christiansen Wirtschaft und Wettbewerb 2011 621 622 **Economic Efficiency** Ben Van Rompuy, 2012-08-01 Over the past decade we have witnessed an apparent convergence of views among competition agency officials in the European Union and the United States on the appropriate goals of competition law enforcement Antitrust policy it is now suggested should focus on enhancing economic efficiency which we are to believe will promote consumer welfare Recent EU Commission Guidelines on the application of Article 101 TFEU appear to banish considerations that cannot be construed as having an economic efficiency value such as the environment cultural policy employment public health and consumer protection from the application of Article 101 TFEU Arguing that the professed adoption of an exclusive efficiency approach to Article 101 TFEU does not preclude but rather obfuscates the role of non efficiency considerations the author of this timely contribution accomplishes the following objectives traces the genesis of the shift to an efficiency orientation in EU and US antitrust policy and dispels several ingrained misconceptions that underpin it demonstrates the close interrelationship between evolving images of the purpose of antitrust the development of related enforcement norms and enforcement output provides in depth analyses of a number of analytically rich cases in the audiovisual sector and particularly those related to sports rights and explores what the role of non efficiency considerations in the application of Article 101 TFEU could and should be under the modernized enforcement regime 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 *Post-Chicago Developments in Antitrust Law* Antonio Cucinotta, Roberto Pardolesi, Roger van den Bergh, 2002-01-01 This work offers a critical evaluation of the Chicago approach to antitrust The authors discuss the economic foundations of competition policy and the different ways in which both American and European competition law does or does not take account of economic insights **Antitrust and Upstream Platform Power Plays** A. K. von Moltke, 2023 Combining legal reasoning with insights from an array of disciplines Antitrust and Upstream Platform Power Plays addresses how antitrust policy should regulate powerful digital platforms that exploit dependent suppliers upstream in the value chain providing a normative theoretical and practical analysis European Competition Law Annual 2012 Philip Lowe, Mel Marquis, 2014-10-31 This volume contains papers presented at the 17th Annual EU Competition Law and Policy Workshop organized by Philip Lowe and Mel Marquis and held at the European University Institute on 13 14 July 2012 From a variety of angles the book explores the themes of competition regulation and certain public policies their interactions and in some cases their mutual tensions The authors of the various chapters consider legal and economic issues relating to network industries industrial environmental and trade policies and intellectual property and innovation policies among others Comparative views and the views of judges from different jurisdictions are

provided and techniques for mediating among different policy objectives and frameworks are discussed Authors contributing to this book include Rafael Allendesalazar Robert D Anderson Marco Boccaccio Ginevra Bruzzzone Cristina Caffarra Alexandre de Streel Ian Forrester Douglas Ginsburg Geert Goeteyn Calvin Goldman Daniel Haar K llike J rim e Suzanne Kingston Lars Kj lbye Paul Lugard Mel Marquis Veljko Milutinovic Giorgio Monti Anna Caroline M ller Rosa Perna Anthony Pygram Philip Lowe Pierre R gibeau and Jon Stern

The Evolution of European Competition Law Hanns Ullrich, 2006-01-01 Professor Ullrich is thoughtful and attracted star scholars from many countries so the papers and discussion are provocative and introduce recent economic thinking although many are written by lawyers The text is lucid and interesting the thought innovative and anyone seriously interested in competition policy should read these papers and the comments with pleasure Valentine Korah World Competition This collection of papers and comments deserves to be widely read and it should appeal to academics and practitioners alike The great mix of topics and the variety of views offered make this a very stimulating contribution to the discussion of the new paradigm of EC competition law the more economic approach and its implications for the application and interpretation of the various EU antitrust rules Thomas Eilmansberger European Law Journal The editor should be congratulated for bringing together this diverse group of scholars whose spirited disagreements remind one of the many challenges faced in exploring the role and function of competition law Giorgio Monti European Review of Contract Law With contributions from leading scholars from all over Europe and the US this book covers the major areas of substantive competition law from an evolutionary perspective The leitmotiv of the book has been to assess the dividing line between safeguarding and regulating competition which it does by reviewing the following subjects foundations of competition policy in the EU and the US strategic competition policy the evolution of European competition law from a national Italian perspective the block exemption of vertical agreements after four years the new Technology Transfer Block Exemption cooperative networking mergers in the media sector abuse of market power concepts of competition in sector specific regulation competition regulation and systems coherence efficiency claims in EU competition law and sector specific regulation The Evolution of European Competition Law will be of great interest to lawyers economists academics judges and public officials working in the fields of competition law and policy

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