

Advocacy And Competition Policy

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Better competition advocacy - Maurice E. Stucke 2008

Research Handbook on International Competition Law - Ariel Ezrachi
2012-01-01

The Research Handbook on International Competition Law brings together leading academics, practitioners and competition officials to discuss the most recent developments in international competition law and policy. This comprehensive Handbook explores the dynamics of international cooperation and national enforcement. It identifies initiatives that led to the current state of collaboration and also highlights current and future challenges. The Handbook features twenty-two contributions on topical subjects including: competition in developed and developing economies, enforcement trends, advocacy and regional and multinational cooperation. In addition, selected areas of law are explored from a comparative perspective. These include intellectual property and competition law, the pharmaceutical industry, merger control worldwide and the application of competition law to agreements and dominant market position. Presenting an overview of the current state of cooperation and convergence as well as a comparative analysis of substance and procedure, this authoritative Handbook will prove an invaluable reference tool for academics, competition officials and practitioners who focus on international competition law.

Advocacy and Competition Policy - International Competition Network.
Annual Conference 2002

Industrial and Competition Polity - Douglas H. Brooks 2007

Northwestern Journal of International Law & Business - 2005

Antitrust Enforcement & Intellectual Property Rights: Promoting Innovation & Competition - United States. Department of Justice 2007

Competition Law and Policy in Latin America - Paulo Burnier da Silveira
2017-04-15

The Latin American countries, both individually and as a community, are poised to become increasingly important in the international recognition and enforcement of competition law. Recent policy developments in the region are particularly instructive on cross-border mergers and international cartel investigations. Although this book's focus is on Latin America, its in-depth exploration of areas such as information exchange among competition authorities, compliance, settlements and remedies are of great value and interest to competition lawyers and policymakers worldwide. Including numerous recent cases and best practice indicators, the contributors - competition authority officials, practitioners, academics and economists - cover such topics and issues as the following: • antitrust compliance programs; • competition advocacy; • bid rigging in public procurement; • predatory pricing; • use of indirect evidence in investigations; • shareholders' damages claims; • relation between antitrust and intellectual property; and • merger control. There are country-specific chapters on particular developments in Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador, Mexico and Paraguay. Highlighting the importance of international competition regulatory cooperation, this insightful book offers both practical guidance and food for thought to lawyers at national competition authorities, corporate counsel, and other competition law practitioners and academics.

Competition Policy in a Global Economy - Organisation for Economic Co-operation and Development 1997

Peer Reviews of Competition Law and Policy in Latin America A Follow-up: Argentina, Brazil, Mexico and Peru - OECD 2008-03-18

Communications and Competition Law - Fabrizio Cugia di Sant'Orsola 2014-12
Introducing Diversity in EU Merger Control /Yvan Desmedt & Philippe Laconte --Summary of Recent U.S. Enforcement Decisions in Communication/Entertainment Industry Transactions /Ilene Knable Gotts -- Competition and Regulatory Aspects of Convergence, Takeovers and Mergers in the Communications and Media Industries /Thomas Janssens & Joep Wolfhagen --Brazil's Antitrust and Regulatory Reviews of TIM/Telefónica: Lessons Learned /Ana Paula Martinez & Alexandre Ditzel Faraco --Changes in the Global Telecommunication Market and Its Implications in Brazil /Gesner Oliveira & Wagner Heibel --Mergers in the Canadian Communications Sector: An Increasingly Curious Situation /Lorne Salzman -- In Search of a Competition Doctrine for Information Technology Markets: Recent Antitrust Developments in the Online Sector /Jeffrey A. Eisenach & Ilene Knable Gotts --The Internet of Things in the Light of Digitalization and Increased Media Convergence /Anna Blume Huttenlauch & Thoralf Knuth -- Dynamic Markets and Competition Policy /Bernardo Macedo & Sílvia Fagá de Almeida --Recent Antitrust Developments in the Online Sector/ Federico Marini-Balestra --Mobile Payments and Mobile Banking in Brazil: Perspectives from an Emerging Market /Márcio Issao Nakane, Camila Yumy Saito & Mariana Oliveira e Silva --Internet of Things: Manufacturing Companies Industry and Use of 'White Spectrum': Ghost in the Machine? /Kurt Tiam & Andy Huang --Competitive Aspects of Cloud-Based Services /Fabrizio Cugia di Sant'Orsola & Silvia Giampaolo --Standard-Essential Patents and US Antitrust Law: Light at the End of the Tunnel? /Leon B. Greenfield, Hartmut Schneider & Perry A. Lange --IP and Antitrust: Recent Developments in EU Law /Miguel Rato & Mark English --Antitrust Cases Involving Intellectual Property Rights in the Communication and Media Sector in Brazil /Barbara Rosenberg, Luis Bernardo Casção & Vivian Terng -- Patents Meet Antitrust Law: The State of Play of the FRAND Defense in Germany /Wolrad Prinz zu Waldeck und Pyrmont --The Role of Privacy in a Changing World /Chris Boam --The Transatlantic Perspective: Data Protection and Competition Law /Pamela Jones Harbour --Power over Data: Brazil in Times of Digital Uncertainty /Florian de Azevedo Marques Neto, Milene Louise Renée Coscione & Juliana Deguirmendjian --Big Data and the Cloud: Privacy and Security Threats of Mass Digital Surveillance? /Lyda Mastrantonio & Natalia Porto --Net Neutrality Regulation: A Worldwide Overview and the Chilean Pioneer's Experience /Alfonso Silva & Sebastian Squella --Net Neutrality in Singapore: A Fair Game /Chung Nian Lam -- Internet Regulation in Brazil: The Network Neutrality Issue /Lauro Celidonio Gomes dos Reis Neto, Fabio Ferreira Kujawski & Thays Castaldi Gentil --The New Brazilian Internet Constitution and the Netmundial Forum /João Moura --The Brazilian Telecom Regulatory Scenario and the Proposals of the Internet Law /Regina Ribeiro do Valle --Competition in the Brazilian Telecommunication Market /rMaximiliano Martinhão, Guido Lorencini Schuina, Haitam Laboissiere Naser & Leonardo Fernandez Zago --A New Horizon for Competition Advocacy in Brazil /Adriano Augusto do Couto Costa, Marcelo de Matos Ramos & Roberto Domingos Taufick --Overlaps and

Synergies between Regulators in the Brazilian Telecommunications Market /Marcelo Bechara de Souza Hobaika & Carlos M. Baigorri --The New Competition Law in Brazil and the New Framework for Merger Analysis in Telecom /Carlos Emmanuel Joppert Ragazzo & Cristiane Landerdahl de Albuquerque --Chapter 31: Regulatory Policy Round Table: A Dialogue between Telecommunications and Antitrust Authorities /Denis Alves Guimarães.

Building New Competition Law Regimes - David Lewis 2013

Nearly every important country now has a competition law. It is vital to understand the institutions that drive the operation of these laws. This excellent volume provides case studies of some of the more substantial new competition authorities written by former or current top agency officials and academics closely connected with those institutions. The book highlights the fact that whilst these institutions have certain features in common, they are very much shaped by the history and circumstances of their own countries and cultures, and that any serious prescription for them needs to balance those factors against the general economic doctrines that lie behind competition law around the world. Without that understanding, regulators and those dealing with them are likely to face failure. The book points to ways of resolving those problems. Allan Fels, The Australia and New Zealand School of Government (ANZSOG) This detailed book focuses on the development of competition law institutions and contains case studies that examine this against the backdrop of the debate around global convergence of competition law and the limits imposed by particular national circumstances. Five of the chapters examine the development of competition law regimes in a diverse range of countries: Mexico, Hungary, South Africa, Thailand (with comparative remarks on South Korea) and Zambia. The remaining chapters examine the role of multinational institutions, particularly the International Competition Network, and the practice of and potential for regional competition law arrangements. The majority of the authors are seasoned practitioners of competition law, all of whom acknowledge the importance of convergence, while simultaneously demonstrating the limits imposed by divergent national circumstances. This carefully edited collection is a companion volume to *Enforcing Competition Rules in South Africa*, an account of the development of competition law institutions in South Africa, authored by David Lewis and published by Edward Elgar. *Building New Competition Law Regimes* will be of particular benefit to scholars, teachers and practitioners of competition law. It will also be of interest to development studies scholars, teachers and practitioners and to specialists in the countries that are the subjects of the case studies.

Tensions Between Antitrust and Industrial Policy - D. Daniel Sokol 2015

Sound antitrust law and policy is in tension with industrial policy. Antitrust promotes consumer welfare whereas industrial policy promotes government intervention for privileged groups or industries. Unfortunately, industrial policy seems to be alive and well both within antitrust law and policy and within a broader competition policy worldwide. This Article identifies how industrial policy impacts both antitrust and competition policy. It provides examples from the United States, Europe and China of how industrial policy has been used in antitrust. However, this Article also makes a broader claim that the overt or subtle use of industrial policy in antitrust and a broader competition policy is a global phenomenon. The United States' experience teaches that industrial policy can be pushed to the margins in antitrust (and the failure to push such industrial policy to the margins produces economic inefficiencies). Further, successful competition advocacy can reduce the competitive distortions that industrial policy may have on of a broader competition policy more broadly. This Article first identifies the relationship between antitrust and industrial policy. It provides examples of industrial policy in the antitrust experiences of the United States, Europe, and China. Second, the Article explores how a lack of procedural fairness in antitrust may be abused by inefficient competitors as a way to push industrial policy goals. Third, the Article demonstrates how industrial policy hurts a broader competition policy and suggests potential competition advocacy interventions on the part of antitrust authorities to limit the anticompetitive effects of such policy. The Article concludes with the suggestion that industrial policy is in

fundamental tension with promoting consumer welfare and fostering long-term economic growth and should be abandoned both explicitly and implicitly extracted from the antitrust enterprise. Further, antitrust agencies should implement more competition advocacy interventions to stop the spread of industrial policy in antitrust globally.

Competition Law in Bosnia and Herzegovina - Kanita Imamovi?-izmi?

2018-05-09

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of competition law and its interpretation in Bosnia and Herzegovina 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 Bosnia and Herzegovina will welcome this very useful guide, and academics and researchers will appreciate its value in the study of international and comparative competition law.

Competition Policy in the Financial Crisis - Kevin Kim 2016

AAI Research Fellow Kevin Kim concludes that although the absence of antitrust enforcement was not a cause of the financial crisis, the government's role as "deal maker" was one where competition advocacy should have been present.

Competition and the State - D. Daniel Sokol 2014-05-21

Competition and the State analyzes the role of the state across a number of dimensions as it relates to competition law and policy across a number of dimensions. This book re-conceptualizes the interaction between competition law and government activities in light of the profound transformation of the conception of state action in recent years by looking to the challenges of privatization, new public management, and public-private partnerships. It then asks whether there is a substantive legal framework that might be put in place to address competition issues as they relate to the role of the state. Various chapters also provide case studies of national experiences. The volume also examines one of the most highly controversial policy issues within the competition and regulatory sphere—the role of competition law and policy in the financial sector. This book, the third in the Global Competition Law and Economics series, provides a number of viewpoints of what competition law and policy mean both in theory and practice in a development context.

The Role of Advocacy in Competition Policy - Tomas Serebrisky 2016

In 2000 the Argentine antitrust authorities conducted a study of the state of competition in the gasoline market. The study concludes with a set of policy recommendations (that is, limits to vertical integration and to the duration of contracts between oil companies and gasoline stations) which were subsequently implemented by the Argentine government. This was one of the rare occasions where the Argentine antitrust authorities exercised its advocacy role in a country that underwent an extensive process of

deregulation and privatization. Serebrisky assesses the design and impact of the policies recommended by the Argentine antitrust authorities. In particular, he evaluates under which circumstances the new policies can reduce barriers to entry and foster competition in the Argentine gasoline market. This paper - a product of the Finance and Private Sector Development Division, World Bank Institute - is part of a larger effort in the institute to increase the understanding of infrastructure regulation.

[APEC-OECD Co-operative Initiative on Regulatory Reform Proceedings of the Fifth APEC-OECD Workshop on Regulatory Reform Paris, France, December 2003](#) - OECD 2008-07-31

A Framework for the Design and Implementation of Competition Law and Policy - R. S. Khemani 1999

A dynamic and competitive environment, underpinned by competition law policy, is an essential characteristic of successful market economies. To satisfy the growing demand for information on current approaches and practices in competition law policy, the project "Framework for the Design and Implementation of Competition Law-Policy" was initiated by the World Bank, with participation by OECD. This ensuing volume reflects the main issues that arise in design and implementation of competition law and policy in order to assist countries in developing an approach that suits their own needs and conditions. The views articulated in this publication suggest that the administration and enforcement of competition law policy should assign the greatest importance to fostering economic efficiency and consumer welfare.

[Competition Law and Policy in Chile A peer review](#) - OECD 2004-05-25

This report presents the results of an OECD peer review of competition law and policy in Chile held in 2003.

Advanced Practice Nurses - Margaret Bassanelli 2014-01-01

The Federal Trade Commission (FTC or Commission) vigorously promotes competition in the health care industry through enforcement, study, and advocacy. Competition in health care markets benefits consumers by helping to control costs and prices, improve quality of care, promote innovative products, services, and service delivery models, and expand access to health care services and goods. While state legislators and policymakers addressing health care issues are rightly concerned with patient health and safety, an important goal of competition law and policy is to foster quality competition, which also furthers health and safety objectives. Likewise, to ignore competitive concerns in health policy can impede quality competition, raise prices, or diminish access to health care all of which carry their own health and safety risks. This book builds on FTC staff competition advocacy comments that focus on proposed state-level changes to statutes and rules governing the scope of practice of Advanced Practice Registered Nurses (APRNs). Scope of practice rules determine the range of health care procedures and services that various health care professionals are licensed to provide under state law.

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[The International Handbook on Private Enforcement of Competition Law](#) - Albert A. Foer 2012

With the international community on the brink of an explosion of private remedies for violation of national competition laws, this timely Handbook provides state-of-the-art analysis of the private enforcement of competition laws across the globe. Private enforcement of antitrust is becoming a significant component of competition policy laws worldwide; today, more than a hundred jurisdictions have adopted market regimes operating within a framework of competition law, providing a varied base for developing ways by which persons injured by anticompetitive conduct will (or will not) be able to obtain remedies. Written primarily from the perspective of the complainant, the Handbook contributes to the discussion by presenting empirical research on private remedies through unprecedented, detailed and systematic analysis of private antitrust enforcement in the US. The expert contributors - law practitioners in the US and 21 other countries - explain both the law and the realities regarding private remedies as they have experienced them. They provide useful information to law and policy makers contemplating the introduction or expansion of private enforcement and to competition advocacy NGOs, attorneys and others who may wish to support or utilize the tools of private enforcement. By way of conclusion, valuable observations are imparted and recommendations prescribed. This important Handbook will prove an invaluable reference tool for a wide-ranging audience including: international private practice lawyers, law academics and students with a special interest in competition policy, international government officials involved in legislation or regulation of private remedies in countries with competition laws, and economists consulting in competition cases.

Comment of the Global Antitrust Institute, Antonin Scalia Law School, George Mason University, on the Proposed Amendments to the Competition Law of the Socialist Republic of Vietnam - Koren Wong-Ervin 2017

This comment is submitted by the Global Antitrust Institute (GAI) at Scalia Law School at George Mason University to the Vietnam Competition Authority on the proposed amendments to the Competition Law of the Socialist Republic of Vietnam. The GAI Competition Advocacy Program provides a wide-range of recommendations to facilitate adoption of economically sound competition policy.

[The U.S. Federal Trade Commission and Competition Advocacy](#) - Todd J. Zywicki 2007

[Competition Authorities in South Eastern Europe](#) - DuSan V Popovic 2020-10-08

This open access book provides answers to key open questions concerning competition policy in emerging economies, with a focus on South Eastern Europe. The contributions address two major issues. One is the design of competition policy and the national competition authorities that enforce it, including the topics of competition advocacy and state aid control; the other is the use of economic methods in competition law enforcement, especially in the cases of relevant market definition and merger control. Many lessons learned in the countries of South Eastern Europe can be applied to the emerging markets of other regions. As such, the findings presented here will be highly relevant for officials and staff at national competition authorities, advisers to legislators shaping national competition policy, competition law professionals, and university students alike.; Presents topical insights into the institutional design of national competition authorities Offers specific economic methods relevant for competition law enforcement Linked to a dedicated website providing information about ongoing competition law cases in SEE countries This work was published by Saint Philip Street Press pursuant to a Creative Commons license permitting commercial use. All rights not granted by the work's license are retained by the author or authors.

Competition Law and Policy in Latin America Peer Reviews of Argentina, Brazil, Chile, Mexico and Peru - OECD 2006-10-20

Contains the results of peer reviews of the competition law and policies of Argentina, Brazil, Chile, Mexico, and Argentina.

Competition Policy in Brazil - Paulo Furquim de Azevedo 2016

This chapter presents the main strategies towards greater enforcement of the Brazilian Competition Law. It focuses on the two major problems faced by Brazilian competition authorities: (a) merger review, and (b) dissemination of competition values among the judiciary, public prosecutors, and economic agents in general, thus giving a special role to competition advocacy. The chapter is organized as follows: First, there is a brief description of the basic features of the Brazilian Competition Policy System, emphasizing judicial review and the historical background that illustrates the transition from state coordination to a market-based economy. The next section explores problems related to the efficacy of a system of post-merger notification and review and the need for competition advocacy. Finally, the chapter presents the main actions taken by Cade to increasingly enforce competition law in Brazil.

Disruptive Innovation and Implications for Competition Policy - Ian Forrester 2018

While competition is good for consumers and economies, competition rules alone cannot necessarily produce adequate outcomes for all circumstances. Other norms, particularly regulatory norms, are also often likely to be relevant. The current legal and policy debates about 'disruptive innovation' highlight the need for a healthy mixture of competition and regulation. This paper offers a series of reflections arising from the challenges posed by disruptive products, services and business models. These reflections cover matters such as the capacity of legal procedures to keep pace with rapidly changing market environments. Competition advocacy can help regulators decide controversial points. The paper discusses several sectors, such as the car-riding and overnight sleeping sectors, in which different interests must simultaneously be accommodated within the boundaries of national tradition and European Union law. As discussed, some of these matters have now been adjudicated by the EU Courts. The related subjects of the acquisition of data as well as the requirements of privacy and data protection principles are also considered. The paper reflects on the role of network effects and on the difficult choices to be made with regard to the wisdom of relying on competition law or on the nature of innovation itself to deliver appropriate responses to the growth of network-based economic power; and the paper notes but does not suggest a remedy for the problem of delay as inimical to effective judicial review.

Developing a Competition Advocacy Model in the Context of the Introduction of Competition Policies in Latin America - Claudia Curiel Leidenz 2002

Voluntary Peer Review of Competition Law and Policy: Bangladesh - United Nations Conference on Trade and Development (UNCTAD) 2022-10-19
United Nations Conference on Trade and Development (UNCTAD) voluntary peer reviews of competition law and policies are conducted at annual meetings of the Intergovernmental Group of Experts on Competition Law and Policy or at five-yearly United Nations Conferences to Review the United Nations Set. The substantive preparation was carried out by the Competition and Consumer Policies Branch (CCPB) of UNCTAD under the direction of Teresa Moreira, Head of CCPB. This report was prepared for UNCTAD by Maria Leonila Papa. The substantive backstopping and review of the report was the responsibility of Dr. Pierre Horna and Elizabeth Gachuri, assisted by Hyejong Kwon, Competition and Consumer Policies Branch, under the guidance of Teresa Moreira, Head of the Branch, UNCTAD. Elona Lazaj assisted in coordinating the process with the Bangladesh Competition Commission and the consultant as part of the UNCTAD team for the Bangladesh peer review on competition policy.

Competition Law and Development - D. Daniel Sokol 2013-09-11

The vast majority of the countries in the world are developing countries—there are only thirty-four OECD (Organisation for Economic Co-operation and Development) countries—and yet there is a serious dearth of attention to developing countries in the international and comparative law scholarship, which has been preoccupied with the United States and the European Union. Competition Law and Development investigates whether or not the competition law and policy transplanted from Europe and the United States can be successfully implemented in the developing world or whether the developing-world experience suggests a need for a different analytical

framework. The political and economic environment of developing countries often differs significantly from that of developed countries in ways that may have serious implications for competition law enforcement. The need to devote greater attention to developing countries is also justified by the changing global economic reality in which developing countries—especially China, India, and Brazil—have emerged as economic powerhouses. Together with Russia, the so-called BRIC countries have accounted for thirty percent of global economic growth since the term was coined in 2001. In this sense, developing countries deserve more attention not because of any justifiable differences from developed countries in competition law enforcement, either in theoretical or practical terms, but because of their sheer economic heft. This book, the second in the Global Competition Law and Economics series, provides a number of viewpoints of what competition law and policy mean both in theory and practice in a development context.

Competition Law as Regulation - Josef Drexl 2015-10-30

To what extent should competition agencies act as market regulators? Competition Law as Regulation provides numerous insights from competition scholars on new trends at the interface of competition law and sector-specific regulation. By relying on the experiences of a considerable number of different jurisdictions, and applying a comparative approach to the topic, this book constitutes an important addition to international research on the interface of competition and regulation. It addresses the fundamental issues of the subject, and contributes to legal theory and practice. Topics discussed include foundations of the complex relationship of competition law and regulation, new forms of advocacy powers of competition agencies, competition law enforcement in regulated industries in general, information and telecommunications markets, and competition law as regulation in IP-related markets. Scholars in the two fields of law and economics will find the research aspects of the book to be of interest. Officials in competition and regulatory agencies will benefit from the practical relevance of the book.

Competition Law and Consumer Protection - Katalin Judit Cseres 2005-01-01

The assumption that competition law and consumer protection are mutually reinforcing is rarely challenged. The theory seems uncontroversial. However, because a positive interaction between the two is presumed to be self-evident, the frequent conflicts that do in fact arise are often dealt with on an ad hoc basis, with no overarching legal authority. There is a clear need for a detailed and coherent understanding of exactly where the complements and tensions between the two policy areas exist. Dr Cseres in-depth analysis provides that understanding. Proceeding from the dual perspective of law and economics that is, of justice, fairness, and reasonableness on the one hand, and of efficiency of the other she fully considers such underlying issues as the following: the role of competition law and consumer law in a free market economy; the notion of consumer welfare; the effect of the modernisation of EC competition law for consumers; economics theories of information, bounded rationality, and transaction costs; the special significance of vertical agreements and merger control; and, how consumers are affected by information asymmetries. The ultimate focus of the book is on current and emerging EC law, in which a rapprochement between the two areas seems to be under way. Dr. Cseres provides a knowledgeable guide to the various strands of theory, policy, and jurisprudence that (she shows) ought to be taken into account in the process, including schools of thought and law and policy experience in both Europe and the United States. A special chapter on Hungary, where post-1989 law and practice reveal a fresh and distinctly forward-looking understanding of the matter, is one of the book's most extraordinary features. Competition Law and Consumer Protection stands alone as a committed contribution to bridging a gap in legal knowledge the significance of which grows daily. It will be of immeasurable value to a wide range of professionals from academics and researchers to officials, policymakers, and practitioners in competition law, consumer protection advocacy, economic theory and planning, business administration, and various pertinent government authorities.

Advocacy and Competition Policy - International Competition Network 2002

An Institutional Assessment of Antitrust Policy - I. De Leon 2009-04-20

Antitrust policy nominally plays an instrumental public interest role. The generally accepted notion is that it is a government instrument designed to intervene in relatively unregulated markets in order to preserve rivalry among independent buyers and sellers. Competition authorities are supposed to restrain business conduct that exercises monopoly power aimed at excluding competitors or exploiting consumers and clients. Thus it can be said – although few pro-market theorists make the insight explicit – that antitrust provisions reveal mistrust of the capacity of markets to promote social welfare. The inner logic, enforcement mechanisms, and practical outcomes of antitrust provisions are all intrinsically contradictory to the natural dynamic course of market functioning. In Dr. De Leon's challenging thesis, this mistrust of the market lies at the root of antitrust policy, giving rise always to a preference towards 'predicting' the result of impersonal market forces rather than interpreting the entrepreneurial behaviour which creates those forces. And it is in Latin America that he finds the powerful evidence he needs to support his case. From the formative years of Latin American economic institutions, during the Spanish Empire, economic regulations – far from being driven by the pursuit of promoting free trade and economic freedom – have been conceived, enacted and implemented in the context of deeply anti-market public policies, trade mercantilism and government dirigisme. The so-called "neoliberal" revolution of the 1990s triggered by the Washington Consensus did not really change the interventionist innuendo of these policies, but merely restated the social welfare goal to be achieved: the pursuit of economic efficiency. Dr. De Leon presents his case against the assumption that consumer welfare orientated policies such as antitrust do really promote entrepreneurship and market goals. Paradoxically, antitrust enforcement has undermined the transparency of market institutions, in the name of promoting market competition. The author's provocative analysis marshals several sets of facts in support of his thesis, including the actual functioning of antitrust policy as reflected in case law in various Latin American countries, the preference of merger control over other less intrusive forms of market surveillance, the constrained role of competition advocacy against government acts, and the ineffective institutional structure created to apply the policy. Among the many specific topics treated are the following: government immunity; strategic industries; state-owned enterprises; politically influential groups; measurement of market concentration; the burden of proof of social welfare benefits; the role of joint trade associations and professional guilds; institutional arrangements that favour collusion; selective distribution; sector regulation; erosion of property rights; marginal role of courts in the antitrust system; leniency programs; and privatized public utilities. The growing significance of Latin America in the context of economic globalization endows this book with huge international interest. Written by a leading authority on the topic, this is the first book that presents a detailed description of Latin American antitrust law and policy as it has been developed through numerous judicial opinions. A wide variety of audiences around the world will find it of extraordinary value: competition law specialists, scholars and students of the subject, policymakers and politicians in Latin America, as well

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as all interested lawyers, jurists, and economists.

The Role of Advocacy in Competition Policy - Tomas Serebrisky 2003

- Boris Begović 2018-07-20

This open access book provides answers to key open questions concerning competition policy in emerging economies, with a focus on South Eastern Europe. The contributions address two major issues. One is the design of competition policy and the national competition authorities that enforce it, including the topics of competition advocacy and state aid control; the other is the use of economic methods in competition law enforcement, especially in the cases of relevant market definition and merger control. Many lessons learned in the countries of South Eastern Europe can be applied to the emerging markets of other regions. As such, the findings presented here will have a high impact on the international competition network of competition authorities, advisers to legislators, competition policy, competition law professionals, and university students alike.

Comment of the Global Antitrust Institute, Antonin Scalia Law School, George Mason University, on the Proposed Revisions to the People's Republic of China Anti-Unfair Competition Law - Koren Wong-Ervin 2017

This comment is submitted by the Global Antitrust Institute (GAI) at Scalia Law School, George Mason University in response to the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China's public consultation on the February 26, 2017 draft revisions to China's Anti-Unfair Competition Law. The GAI Competition Advocacy Program provides a wide-range of recommendations to facilitate adoption of economically sound competition policy, including how to analyze vertical restraints such as bundling.

Competition Policy and the Global Trading System - Bernard M. Hoekman 1997

- Hetham Abu Karky 2019

The International Competition Network (ICN) is an informal, virtual network that seeks to facilitate cooperation between competition law authorities globally. This study attempts to determine the impact of the ICN on competition advocacy and global competition collaboration. It does so by examining the impact of the ICN's Advocacy Working Group's activities on ICN members' domestic legislation and analyzing whether the ICN can help domestic competition authorities cooperate in international matters in two principal ways. First, the article assesses the impact of ICN efforts on legislation and international collaboration with respect to competition policy as well as working methods to deal with multinational cases. Second, the article identifies the strengths and weaknesses of ICN strategies and provides recommendations on how to enhance ICN's operations. These two methods of analysis help to determine if the ICN could serve as the basis for a new approach to address competition issues globally.