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Public Services in EU Law

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.

**Personal Data in Competition, Consumer Protection and Intellectual Property Law**

The author also contrasts the Commission's decisional practice with the case law, assesses approaches under U.S. antitrust law to similar forms of conduct, and incorporates insights from economic theory. --

**International Airline Alliances : EC Competition Law/US Antitrust Law and International Air Transport**

"This book provides a range of perspectives from some of the leading environmental academics and practitioners active in Europe today on some of the most pressing contemporary challenges in EU environmental law and governance. The book focuses on three key cross-cutting issues each of which is carefully analysed through the lens of governance. The first theme to be addressed is that of climate change and the problems it poses for EU governance. The second part of the book deals with the challenge of integrating environmental considerations into
other policy areas, as required by the Treaty on the Functioning of the European Union, as well as the EU's Charter of Fundamental Rights. While the third theme focuses on the important challenge of improving environmental enforcement within the EU, considering issues such as the Aarhus Convention and the development of the Commission's work on implementation and enforcement over the last twenty years. Throughout the book the three selected themes are situated within the broader ongoing debate about the changing nature of European environmental governance, covering topics such as the development of European environmental governance post-Lisbon and how such development fits with broader trends in European governance theory and policy. The book contains contributions from experts in the field including Mary Robinson, Alan Boyle, Ludwig Kramer and Liam Cashman, and will be of interest to academics, students and practitioners of EU environmental law"

**The Boundaries of EC Competition Law**

This brand new updating supplement brings Bellamy and Child up to date and incorporates all substantive developments since publication of the 7th edition. It is an essential purchase for all who already own the main work and maintains its currency.
Ne Bis in Idem in EU Law

Comprehensive analysis showing that utilities and welfare services are important building blocks for the EU social market economy.

The Interaction Between Competition Law and Corporate Governance

This book investigates whether the European Commission (EC) has the mandate to legislate on direct taxation in sovereign states and ultimately questions whether the EC’s enforcement action in recent tax ruling cases, in the area of state aid, respects the rule of law.

Competition Law

This book provides a template of the EC competition law rules as they relate to IPRs. Author Steven Anderman explores how such a template can be applied to existing IPRs and adapted to new technologies such as telecommunications and information technology.

Cases and Materials on E.C. Competition Law
This book discusses the role of public policy in Article 81 of the EC Treaty. The Commission, and recently the Court of First Instance have said that the sole objective of Article 81 EC is consumer welfare. Many competition lawyers and economists support this view. Writing in a crisp, plain style, Townley demonstrates that public policy considerations are still relevant in that provision. He also examines how and where they are currently considered and then suggests why, how and where this might be changed. The book explains how some of the most complex competition law cases can be understood and offers a framework for those fighting or deciding such cases in the future. As such, it will be of interest to European competition lawyers, both academics and practitioners (furnishing them with a framework for hard cases), as well as students, seeking a deeper understanding of how the European competition rules work and how they interact both with European Union and Member State public policy goals. It will also help competition economists by revealing the mechanisms through which public policy considerations impact upon the consumer welfare test in European law.

EU Climate Policy Explained

Previous editions published: 2001 (4th), 1993 (3rd), 1989 (2nd), and 1985 (1st).

Article 82 EC
This new study takes a keen look at the problems facing the international community due to conflicts arising from applications of varying competition laws by different competition authorities to international airline alliances. As a result of privatisation, deregulation, liberalisation and globalisation, international air carriers form alliances with one another in order to cope with growing competition in the international air transport market. This book clearly provides an introduction to the background to and origin of airline alliances, different models of alliances and the related anti-competitive practices resulting from existing international airline alliances. The potential anti-competitive practices resulting from these cross-border alliances trigger a great deal of concern from various competition authorities. Thus, this study goes on to provide a detailed analysis regarding the relevant EC competition law and US antitrust law and their applications to alliance activities. The comparison of different applications of EC competition law and US antitrust law to international airline alliances provides leading research results first-hand. In the conclusion, the essential elements regarding establishing a level playing field in the international air transport market are identified and the author provides possible solutions for the harmonisation of different applications of competition law to international airline alliances.

**The Reform of EC Competition Law**
This book represents a fresh approach to EC competition law - one that is of singular value in grappling with the huge economic challenges we face today. As a critical analysis of the law and options available to European competition authorities and legal practitioners in the field, it stands without peer. It will be greatly welcomed by lawyers, policymakers and other interested professionals in Europe and throughout the world.

**Market Definition in EU Competition Law**

This book is a compilation of contributions exploring the impact of the European Treaty provisions regarding state aid on Member States’ legislation and administrative practice in the area of business taxation. Starting from a detailed analysis of the European Courts’ jurisprudence on Art.107 TFEU the authors lay out fundamental issues – e.g. on legal concepts like “advantage”, “selectivity” and “discrimination” – and explore current problems – in particular policy and practice regarding “harmful” tax competition within the European Union. This includes the Member States’ Code of Conduct on business taxation, the limits to anti-avoidance legislation and the options for legislation on patent boxes. The European Commission’s recent findings on preferential “rulings” are discussed as well as the general relationship between international tax law, transfer pricing standards and the European prohibition on selective fiscal aids.
Identifying Exclusionary Abuses by Dominant Undertakings Under EU Competition Law

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.

Competition Policy in the European Union

Providing students with case extracts and legislation arranged by subject matter, this work is intended as a companion both to the author's Introductory Guide and also to other student texts on EC competition law. Arranged under the same chapter headings as the Introductory Guide, the casebook contains three types of material: extracts from Commission Decisions and Court of First Instance/Court of Justice judgements; selective EC legislations (the most important Treaty Articles, Regulations, Directives and Notices); and notes and questions prepared by the author to explain and reinforce key points.
European State Aid and Tax Rulings

A ground breaking study of how the interaction between the European Commission and the EU Courts has shaped EU competition law.

Bellamy and Child European Union Law of Competition

Explores the complex European regulatory landscape for multi-territorial access to and licensing of copyrighted works such as music and audiovisual works.

An Introductory Guide to EC Competition Law and Practice

The Role of Economic Analysis in the EC Competition Rules

EC Electronic Communications and Competition Law

This book analyses the legal approach to personal data taken by different fields of law. An increasing number of business models in the digital economy rely on personal data as a key input. In exchange for sharing their data, online users
benefit from personalized and innovative services. But companies’ collection and use of personal data raise questions about privacy and fundamental rights. Moreover, given the substantial commercial and strategic value of personal data, their accumulation, control and use may raise competition concerns and negatively affect consumers. To establish a legal framework that ensures an adequate level of protection of personal data while at the same time providing an open and level playing field for businesses to develop innovative data-based services is a challenging task. With this objective in mind and against the background of the uniform rules set by the EU General Data Protection Regulation, the contributions to this book examine the significance and legal treatment of personal data in competition law, consumer protection law, general civil law and intellectual property law. Instead of providing an isolated analysis of the different areas of law, the book focuses on both synergies and tensions between the different legal fields, exploring potential ways to develop an integrated legal approach to personal data.

**EC Competition Law**

Scholarly Essay from the year 2009 in the subject Law - Civil / Private / Trade / Anti Trust Law / Business Law, grade: -, University of Edinburgh (School of Law), course: EC Competition Law, language: English, abstract: The first aim of this paper is to establish the Essential Facilities Doctrine's (EFD) undeniable existence in EC law and to determine how its application has evolved over time by analysing the
relevant case law. By outlining the legal theory of the EFD, Part I shows that the Doctrine is a well-established competition law remedy within the refusal to supply framework of Article 82 EC. This paper argues that the EFD should be an exceptional measure, only applied after careful balancing of the dominant undertaking's freedom of contract and right to property against the potential benefits to consumer welfare. By investigating how the EFD has been applied practically in refusal to supply case law, the second half of Part I identifies the different criteria under which refusal to grant access to an essential facility was deemed to constitute an abuse, and concludes that the circumstances in which the EFD was initially applied were not consistent. It is submitted that it was not until the Bronner Judgment that the EU institutions began applying the EFD to refusal to supply cases within a coherent and sufficiently strict legal framework. Part II will deal with the second aim of this essay, namely to evaluate the legal evolution of the Doctrine's controversial application to Intellectual Property Rights (IPRs). Because compulsory licensing of IPRs can have grave negative repercussions on innovation and consumer welfare, this paper maintains that the EFD's application to IPRs should be exceptional and subject to the strictest of conditions. It accordingly supports the notion that IPRs require special deference in comparison to physical property rights, and notes that the EFD is applied to IPRs under stricter legal standards than when applied to other proprieta
Competition Policy in the European Union provides a comprehensive introduction to the European Union's policies on restrictive practices, mergers monopolies and state aid. The authors offer a wide ranging analysis of the evolution, operation and regulation of one of the EU's most important policies in a clear and accessible format.

**Green Paper on Vertical Restraints in EC Competition Policy**

This highly successful standard text is a critical analysis of EC competition law, offering a coherent account of the scope and practice of EC competition rules. It incorporates all recent major developments in the area. Professor Korah's detailed knowledge and clear analysis, combined with her often trenchant views make her the ideal guide through this subject.

**The Shaping of EU Competition Law**

The EU has been the region of the world where the most climate policies have been implemented, and where practical policy experimentation in the field of the environment and climate change has been taking place at a rapid pace over the last twenty-five years. This has led to considerable success in reducing pollution, decoupling emissions from economic growth and fostering global technological
leadership. The objective of the book is to explain the EU's climate policies in an accessible way, to demonstrate the step-by-step approach that has been used to develop these policies, and the ways in which they have been tested and further improved in the light of experience. The book shows that there is no single policy instrument that can bring down greenhouse gas emissions, but the challenge has been to put a jigsaw of policy instruments together that is coherent, delivers emissions reductions, and is cost-effective. The book differs from existing books by the fact it covers the EU's emissions trading system, the energy sector and other economic sectors, including their development in the context of international climate policy. Set against the backdrop of the 2015 UN Climate Change conference in Paris, this accessible book will be of great relevance to students, scholars and policy makers alike.

**Competition Law and Regional Economic Integration**

**Blackstone's UK and EC Competition Documents**

This volume considers how different jurisdictions are integrated economically whilst at the same time maintaining regulatory pluralism and diversity.
The landscape of European competition law has seen significant changes in the past decade, both in terms of enforcement and substantive application. One of the last frontiers to be subjected to scrutiny has been Article 82. In recent years the European Commission has pushed forward the debate on the nature and scope of Article 82. Of major significance to this debate were the Commission's Consultation Paper on an economic approach to Article 82, the Discussion Paper on the application of Article 82 to exclusionary abuses, and the Commission's recent Guidance on its enforcement priorities in applying Article 82. The debate over the realm of Article 82 EC has raised important questions as to its past and present application. This collection of essays by international experts explores the changing boundaries of Article 82 EC and considers its recent evolution. The chapters cover a range of subjects, including the legal and economic implications of an effects-based approach to Article 82 EC, the recent Commission Guidance on Article 82 EC, the interface between intellectual property rights and competition law, licensing, tying, excessive pricing, and the protection of the consumer interest.

Richard Whish QC (Hon) Liber Amicorum
This study, written by distinguished scholars in their respective fields, addresses the application and interpretation of the ne bis in idem principle in EU law.

**EC Competition Law**

Since output reduction can co-exist with cost reduction/innovation, and that these latter features are desirable, cost reduction and innovation operate to justify infringement of the substantive obligation. Thus, this monograph argues that output, cost, and innovation are the only legitimate issues in an Article 81 analysis. It is in this sense that the monograph is concerned with the boundaries of Article 81 EC. Addressing the problems surrounding the interpretation and application of Article 81 of the EC Treaty, this monograph shows how it affects the regulation and limits of EC competition law. This monograph addresses two problems surrounding the interpretation and application of Article 81 of the EC Treaty - what is competition and how does Article 81 ensure that competition is protected. After over 40 years of application and a period of modernisation, decentralisation, and reflection, it is possible to understand Article 81 and what it seeks to achieve. The monograph's aim is to reveal the intellectual order and rational structure underlying the law so as to enable the reader to understand Article 81 in a clear and rigorous manner. This is done by breaking Article 81 down into its constituent elements and examining the function that each element serves. Arguing that jurisdiction rests on a public/private distinction, both the substantive and the
Justificatory rules are cast to generate obligations appropriate for private actors to perform. Actors and activities falling within the scope of Article 81 are subject to the substantive element prohibiting contrived reductions in output.

**European Perspectives on Environmental Law and Governance**

Antitrust and competition law is a fast moving area of law and the subject of extensive academic research. The aim of this volume is to select articles as tools for understanding how antitrust and competition law is applied to unilateral conduct which is harmful to the consumer and to the competitiveness of the market. The articles examine the meaning of dominance and monopolisation and show that although legal and economic rules have been developed to establish whether undertakings hold such strong market positions, it is often difficult to determine with certainty that the undertaking being investigated meets the threshold. The various debates on pricing and non-pricing conduct are also represented as are the conflicts that have arisen regarding the exercise of intellectual property rights by powerful undertakings, particularly in the context of the new economies. The volume includes scholarly articles published on both sides of the Atlantic and enables a greater understanding of the application of antitrust and competition law from the point of view of economics and politics.
The Foundations of European Union Competition Law

This Liber Amicorum highlights the global reach of Professor Whish's influence. Enforcers, academics and practitioners from around the world pay tribute to the mastery of competition law that Professor Whish embodies, and has shared with students with trademark erudition and enthusiasm. At this important juncture in the history of the EU and the UK, this tribute is a timely compendium of views from both sides. The legendary 'object box' is analysed anew, along with enforcement issues. It also includes voices from further afield, discussing recent developments in competition law. The diversity of topics covered is testament to the breadth of Professor Whish's authority, and illustrates a legal landscape which he has helped shape through clarity and common sense.

Licensing and Access to Content in the European Union

This book, co-written by a team of European competition law specialists, offers critical perspectives on the whole range of issues in EC competition law. The book has two distinctive features: the first is that unlike similar works which present the law from either an enforcement agency or practitioner perspective in a fairly conventional manner, this work offers fresh, critical reflections on the state of the law. The second is that the authors are young academics, practitioners and
administrators who have worked in the relevant fields and who are relatively new "voices" in the competition law literature. Drawn from diverse jurisdictions and professional backgrounds the authors bring a distinctively "European" feel (for instance not drawing exclusively on English language literature), and manage to introduce debates that have been taking place in the non-English language world, thereby assisting a more comprehensive dialogue in this field. The diversity in their professional backgrounds means that each chapter adopts a different perspective, with some chapters focusing on practical solutions to problems, and others exploring more general theoretical questions. The textbook-like structure places the issues in their appropriate contexts and ensures that readers see how the discussion in each chapter links with the body of law as a whole. The book is aimed at academic lawyers and practitioners, complementing existing textbooks and allowing the reader to extend his or her understanding of the subject and provide a quick source of reference to the main doctrinal debates on the subject, and offer fresh perspectives on the topics covered. The impact of EC competition law beyond Europe also means that this book will appeal to lawyers in the US, Australia, Canada and beyond.

**Federal Antitrust and EC Competition Law Analysis**

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.

**Ec Competition Law - the Essential Facilities Doctrine**

Focusing on the EC rules applying to businesses (Article 85, Article 86, And The Merger Regulation), this book evaluates the role of economic analysis in EC competition law. Although clearly written for a legal audience, The book is interdisciplinary, integrating both law and economics in such as way that economics in competition proceedings becomes easier to understand for people not trained in economic theory. A comprehensive presentation of the competition rules, including an overview of competition theory, prepares the scene. The concept of competition is developed from an economic point of view because knowledge of economic theory becomes essential in EC competition law. Judgements of the EC Courts--as well as such relevant documents as the Commission's Green Paper on Vertical Restraints--serve to highlight the Commission's approach. The book provides practical guidance on how to apply an economic analysis under the EC competition rules. Lawyers will appreciate the clear, easy-to-follow discussion of competition theory, The authoritative evaluation of the increasing importance of economics in competition law, And The expert guidance in dealing with this subject.
Article 81 EC and Public Policy

This book provides the reader with a comprehensive analysis of US Federal Antitrust and EC Competition Law. It is encyclopaedic in coverage: examining every constituent element of the law and landmark decisions from the perspectives of economics and policy goals, explaining their implications for commercial operations and advocating policy reforms where necessary.

State Aid Law and Business Taxation

Ideal for students taking a course on competition law in its European context, this book guides students through a wide range of carefully selected cases and materials with exceptional analysis and comment. The selection of writings has been chosen to present the most important perspectives on the subject as well as the broader socio-economic context of EC competition law. This third edition has been fully updated with all the recent developments within EC Competition Law since 2004, including coverage of the review of Article 82 and the green paper on damages, as well as further information on US anti-trust law. Each chapter now begins with a 'central issues' section which helps students to focus and direct their learning. Editions are kept up-to-date via an accompanying Online Resource Centre which also contains relevant weblinks and material including an additional chapter.
Combining the strengths of a modern textbook and traditional materials book, Cases and Materials on EC Competition Law provides a wide-ranging and thorough guide to the study of Competition Law, enabling students to engage with both legal and economic aspects and making it ideal for both undergraduate and postgraduate courses on EC Competition Law.

**EC Competition Law**

This book explores the interaction between competition law and corporate governance. It will appeal to an audience of lawyers and non-lawyer competition professionals in the US, UK, and EU, as well as other jurisdictions with competition law regimes.

**The European Union’s Evolving External Engagement**

This text meets aims to meet the increased demand for competition law materials in light of recent legislative developments in the United Kingdom and the European Community. The Competition Act 1998, for example, which came into force on 1 March 2000, replaces the outdated Restrictive Trade Practices legislation and much of the Competition Act 1980 with a new system based closely on the EU model of competition law. Students and practitioners will therefore need to consult EU
competition law when interpreting and applying the Competition Act 1998.;The
text contains primary and secondary competition legislation of the United Kingdom
and the European Union. Relevant statutes include the Fair Trading Act 1973,
sections of the Competition Act 1980 that have not been repealed and the full text
of the Competition Act 1998. The text also contains all relevant Treaty
provisions, Regulations (including the Block Exemption Regulation 2970/99 on
vertical agreements) and Commission Notices.

**Antitrust and the Bounds of Power**

In recent decades, the external action of the European Union (EU) has been
undergoing considerable change. An expansion of the EU’s external policy portfolio
can be observed in many areas as previous policies for internal purposes – such as
competition, energy, the environment, justice and home affairs or monetary
governance but also gender, science, culture or higher education – have developed
external dimensions. This book addresses the EU’s potential to become a more
joined-up global actor in its external engagement. It uses a single and innovative
analytical framework to examine three clusters of policies: EU internal sectoral and
cross-cutting policies with long-standing external engagement, those which have
been undergoing considerable change, and originally internal policies whose
external dimensions are comparatively more recent. It identifies key explanatory
factors for the emergence of (certain forms of) EU external engagement and
identifies patterns of the evolving relations between EU internal and external sectoral policies. As such, the book examines and assesses exciting new empirical and theoretical research avenues into European integration studies and offers insights into the extent to which the EU may be considered a more joined-up global actor developing sectoral diplomacies. This text will be of key interest to scholars and students as well as practitioners in the fields of European Union politics, European Union foreign policy, European Politics, diplomacy studies, and more broadly law and international relations.

**Dominance and Monopolization**

The maintenance of a fair, competitive market among member states is critical to the functioning of the EU economy. In this book, the first comprehensive, unifying view of market definition, Miguel Ferro adeptly explores the different economic-legal issues that arise in EU competition law.

**Compendium of EC Competition Law**

Reviews EU policy towards vertical restraints -- agree. between producers & distributors that can be used pro-competitively to promote market integration & efficient dist. or anti-competitively to block integration & competition. Addresses
the structure of distribution, economic analysis of vertical restraints & the internal market, current procedures & institutional framework, current rules for vertical restraints, & advantages of the present system. Makes a comparison of community law with member state & third country laws applicable to vertical restraints, examines the results of fact finding, & presents options based on the study analysis.