

Merger Competition Policy In The

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THE ECONOMIC ASSESSMENT OF MERGERS UNDER EUROPEAN COMPETITION LAW DANIEL GORE 2013-04-25 PROVIDES A CLEAR, CONCISE AND PRACTICAL OVERVIEW OF THE KEY ECONOMIC TECHNIQUES AND EVIDENCE EMPLOYED IN EUROPEAN MERGER CONTROL.

MERGER DECISIONS FEDERAL DEPOSIT INSURANCE CORPORATION. OFFICE OF PUBLIC INFORMATION
COMPETITION AUTHORITIES IN SOUTH EASTERN EUROPE 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 BE HIGHLY RELEVANT FOR OFFICIALS AND STAFF AT NATIONAL COMPETITION AUTHORITIES, ADVISERS

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TO LEGISLATORS SHAPING NATIONAL COMPETITION POLICY, COMPETITION LAW PROFESSIONALS, AND UNIVERSITY STUDENTS ALIKE.

MERGER POLICY IN DIGITAL MARKETS
ELENA ARGENTESI 2019 THIS PAPER PRESENTS A BROAD RETROSPECTIVE EVALUATION OF MERGERS AND MERGER DECISIONS IN THE DIGITAL SECTOR. WE FIRST DISCUSS THE MOST CRUCIAL FEATURES OF DIGITAL MARKETS SUCH AS NETWORK EFFECTS, MULTI-SIDEDNESS, BIG DATA, AND RAPID INNOVATION THAT CREATE IMPORTANT CHALLENGES FOR COMPETITION POLICY. WE SHOW THAT THESE FEATURES HAVE BEEN KEY DETERMINANTS OF THE THEORIES OF HARM IN MAJOR MERGER CASES IN THE PAST FEW YEARS. WE THEN ANALYSE THE CHARACTERISTICS OF ALMOST 300 ACQUISITIONS CARRIED OUT BY THREE MAJOR DIGITAL COMPANIES -- AMAZON, FACEBOOK, AND GOOGLE -- BETWEEN 2008 AND 2018. WE CLUSTER TARGET COMPANIES ON THEIR AREA OF ECONOMIC ACTIVITY AND SHOW THAT THEY SPAN A WIDE RANGE OF ECONOMIC SECTORS. IN MOST CASES, THEIR PRODUCTS AND SERVICES APPEAR TO BE COMPLEMENTARY TO THOSE SUPPLIED BY THE ACQUIRERS. MOREOVER, TARGET COMPANIES SEEM TO BE PARTICULARLY YOUNG, BEING FOUR-YEARS-OLD OR YOUNGER IN NEARLY 60% OF CASES AT THE TIME OF THE ACQUISITION. FINALLY, WE EXAMINE TWO IMPORTANT MERGER CASES, FACEBOOK/INSTAGRAM AND GOOGLE/WAZE, PROVIDING A

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SYSTEMATIC ASSESSMENT OF THE THEORIES OF HARM CONSIDERED BY THE UK COMPETITION AUTHORITIES AS WELL AS EVIDENCE ON THE EVOLUTION OF THE MARKET AFTER THE TRANSACTIONS WERE APPROVED. WE DISCUSS WHETHER THE CAs PERFORMED COMPLETE AND CAREFUL ANALYSES TO FORESEE THE COMPETITIVE CONSEQUENCES OF THE INVESTIGATED MERGERS AND WHETHER A MORE EFFECTIVE MERGER CONTROL REGIME CAN BE ACHIEVED WITHIN THE CURRENT LEGAL FRAMEWORK.

MERGER CONTROL PORTER ELLIOTT 2011 A NEW BOOK ON MERGER CONTROL, EDITED BY VAN BAELE & BELLIS PARTNERS JEAN-FRANCOIS BELLIS AND PORTER ELLIOTT, WAS PUBLISHED ON 14 SEPTEMBER 2011. THE 820-PAGE BOOK, WHICH IS PART OF THE EUROPEAN LAWYER REFERENCE SERIES, PROVIDES AN OVERVIEW OF THE JURISDICTIONAL, PROCEDURAL AND SUBSTANTIVE MERGER CONTROL RULES IN OVER 40 MAJOR JURISDICTIONS WORLDWIDE. LEADING FIRMS FROM ACROSS THE GLOBE CONTRIBUTED TO THIS BOOK, WHICH IS AMONG THE MOST COMPREHENSIVE OF ITS KIND ON THE MARKET.

COMPETITION LAW EUGENE BUTTIGIEG 2009-01-01 ALTHOUGH IT IS COMMONLY ASSUMED THAT CONSUMERS BENEFIT FROM THE APPLICATION OF COMPETITION LAW, THIS IS NOT NECESSARILY ALWAYS THE CASE. ECONOMIC EFFICIENCY IS PARAMOUNT; THUS, COMPETITION LAW IN EUROPE AND ANTITRUST LAW IN THE UNITED

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STATES ARE DESIGNED PRIMARILY TO PROTECT BUSINESS COMPETITORS (AND IN EUROPE TO PROMOTE MARKET INTEGRATION), AND IT IS ONLY INCIDENTALLY THAT SUCH LAW MAY ALSO SERVE TO PROTECT CONSUMERS. THAT IS THE ESSENTIAL STARTING POINT OF THIS PENETRATING CRITIQUE. THE AUTHOR EXPLORES THE EXTENT TO WHICH US ANTITRUST LAW AND EC COMPETITION LAW ADEQUATELY SAFEGUARD CONSUMER INTERESTS. SPECIFICALLY, HE SHOWS HOW THE TWO JURISDICTIONS HAVE GONE ABOUT EVALUATING COLLUSIVE PRACTICES, ABUSIVE CONDUCT BY DOMINANT FIRMS AND MERGER ACTIVITY, AND HOW THE POLICIES THUS FORMED HAVE IMPACTED UPON THE PROMOTION OF CONSUMER INTERESTS. HE ARGUES THAT UNLESS CONSUMER INTERESTS ARE DIRECTLY AND SPECIFICALLY ADDRESSED IN THE ASSESSMENT PROCESS, MAXIMIZATION OF CONSUMER WELFARE IS NOT SUFFICIENTLY ACHIEVED. USING RIGOROUS ANALYSIS HE DEVELOPS LEGAL ARGUMENTS THAT CAN ACCOMPLISH SUCH GOALS AS THE FOLLOWING: REPLACE THE ECONOMIC THEORY OF 'CONSUMER WELFARE' WITH A PRINCIPLE OF CONSUMER WELL-BEING; BUILD CONSUMER BENEFITS INTO SPECIFIC AREAS OF COMPETITION POLICY; ASSESS COMPETITION CASES SO THAT INCOME DISTRIBUTION EFFECTS ARE MORE BENEFICIAL TO CONSUMERS; AND CONTROL MERGERS IN SUCH A WAY THAT EFFICIENCIES ARE PASSED DIRECTLY TO CONSUMERS. THE AUTHOR ARGUES THAT, IN THE LAST ANALYSIS,

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THE PROMOTION OF CONSUMER WELL-BEING SHOULD BE THE SOLE OR AT LEAST THE PRIMARY GOAL OF ANY ANTITRUST REGIME. LAWYERS AND SCHOLARS INTERESTED IN THE APPLICATION AND DEVELOPMENT AND REFORM OF COMPETITION LAW AND POLICY WILL WELCOME THIS BOOK. THEY WILL FIND NOT ONLY A FRESH APPROACH TO INTERPRETATION AND PRACTICE IN THEIR FIELD - COMPARING AND CONTRASTING TWO MAJOR SYSTEMS OF COMPETITION LAW - BUT ALSO AN EXTREMELY LUCID ANALYSIS OF THE VARIOUS ECONOMIC ARGUMENTS USED TO HIGHLIGHT THE CONSUMER WELFARE ENHANCING OR WELFARE REDUCING EFFECTS OF BUSINESS PRACTICES.

STRUCTURE AND EFFECTS IN EU COMPETITION LAW BASEDOW 2011-01-01 DURING THE LAST DECADE THE EUROPEAN COMMISSION HAS PROGRESSIVELY ADOPTED WHAT IS CALLED A AND[?] MORE ECONOMIC APPROACHAND[?] TOWARD COMPETITION POLICY. THIS APPROACH, WHICH DRAWS ON U.S. ANTITRUST POLICY, PUTS GREATER EMPHASIS ON POSSIBLE WELFARE EFFECTS OF BUSINESS PRACTICES AND IS LESS CONCERNED WITH COMPETITIVE MARKET STRUCTURES. UNDER THIS SCHOOL OF THOUGHT CONCENTRATION CANNOT BE SAID TO IMPEDE EFFECTIVE COMPETITION TO THE EXTENT THAT EFFICIENCY GAINS OUTWEIGH MARKET DISTORTIONS. IN ORDER TO STIMULATE THE DEBATE ON THIS BASIC REORIENTATION, IN JANUARY 2009 THE MAX PLANCK INSTITUTE

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FOR COMPARATIVE AND INTERNATIONAL PRIVATE LAW AT HAMBURG CONVENED ECONOMISTS, LEGAL SCHOLARS, AND PRACTITIONERS FOR AN EXCHANGE OF VIEWS ON THESE AND NEW AND METHODOLOGICAL FOUNDATIONS OF EU COMPETITION POLICY AND COMPETITION LAW. TWO ESPECIALLY CONTROVERSIAL ELEMENTS WERE CHOSEN FOR IN-DEPTH DISCUSSION: THE PROHIBITION OF ABUSES OF DOMINANT POSITIONS AND THE REVIEW OF STATE AID. THIS BOOK REPRODUCES FOURTEEN PAPERS FROM THIS CONFERENCE, REPRESENTING THE CONSIDERED VIEWS OF PROMINENT EUROPEAN LAWYERS, ECONOMISTS, ACADEMICS, POLICYMAKERS, AND ENFORCEMENT OFFICIALS IN THE COMPETITION FIELD ON MATTERS SUCH AS: THE OBJECTIVES OF EU COMPETITION LAW; THE CURRENT ENFORCEMENT GUIDELINES OF THE EU COMMISSION REGARDING ARTICLE 102 TFEU AND MEASURING MARKET POWER; ABUSIVE LOW PRICING STRATEGIES; THE ECONOMICS OF COMPETITION LAW ENFORCEMENT; RECENT DEVELOPMENTS IN EU STATE AID LAW; ECONOMIC JUSTIFICATIONS FOR STATE AID. A CRITICAL ASSESSMENT OF THE COMMISSION'S STATE AID ACTION PLAN BY THE GERMAN MONOPOLIES COMMISSION IS APPENDED IN ENGLISH. APPLYING LAW AND ECONOMICS THEORY TO COMPETITION LAW, THIS BOOK SHOWS THAT THE MORE ECONOMIC APPROACH IS EXERTING A CONSIDERABLE IMPACT ON VARIOUS SECTORS OF COMPETITION LAW. THE

AUTHORS CLEARLY DEMONSTRATE THE PROGRESS THAT CAN BE MADE WHEN LAWYERS AND ECONOMISTS TAKE NOTICE OF AND RESPECT THE CHARACTERISTICS OF EACH OTHER'S DISCIPLINE. MOREOVER, THE AUTHORS SHOW HOW NEW INSIGHTS OF ECONOMIC THEORY MAY BE INTEGRATED INTO THE RELEVANT LEGAL ANALYSIS. THE BOOK WILL THEREFORE BE APPRECIATED BY ACADEMICS, PRACTITIONERS, AND OFFICIALS REPRESENTING BOTH FIELDS.

PROMOTING COMPETITION IN INNOVATION THROUGH MERGER CONTROL IN THE ICT SECTOR
KALPANA TYAGI 2019-06-21 THIS BOOK ADDRESSES THE QUESTION OF HOW COMPETITION AUTHORITIES ASSESS MERGERS IN THE INFORMATION COMMUNICATION TECHNOLOGY (ICT) SECTOR SO AS TO PROMOTE COMPETITION IN INNOVATION. A CLOSER LOOK AT THE QUESTION REVEALS THAT IT IS FAR MORE COMPLEX AND DIFFICULT TO ANSWER FOR THE ICT, TELECOMMUNICATIONS AND MULTI-SIDED PLATFORM (MSP) ECONOMY THAN FOR MORE TRADITIONAL SECTORS OF THE ECONOMY. THIS HAS LED MANY SCHOLARS TO RE-THINK AND QUESTION WHETHER THE CURRENT MERGER CONTROL FRAMEWORK IS SUITABLE FOR THE ICT SECTOR, WHICH IS OFTEN ALSO REFERRED TO AS THE NEW ECONOMY. THE BOOK PURSUES AN INTERDISCIPLINARY APPROACH COMBINING INSIGHTS FROM LAW, ECONOMICS AND CORPORATE STRATEGY. FURTHER, IT HAS A

COMPARATIVE DIMENSION, AS IT DISCUSSES THE PRACTICES OF THE US, THE EU AND, WHEREVER RELEVANT, OF OTHER COMPETITION AUTHORITIES FROM AROUND THE GLOBE. CONSIDERING THAT THE RESEARCH WAS CONDUCTED IN THE EU, THE PRACTICES OF THE EUROPEAN COMMISSION REMAIN A KEY ASPECT OF THE CONTENT. CONSIDERING ITS NORMATIVE DIMENSION, THE BOOK CONCENTRATES ON THE SUBSTANTIVE ASPECTS OF MERGER CONTROL. TO FACILITATE A BETTER UNDERSTANDING OF THE MOST IMPORTANT POINTS, THE BOOK ALSO OFFERS A BRIEF OVERVIEW OF THE PROCEDURAL ASPECTS OF MERGER CONTROL IN THE EU, THE US AND THE UK, AND DISCUSSES RECENT AMENDMENTS TO AUSTRIAN AND GERMAN LAW REGARDING THE NOTIFICATION THRESHOLD. GIVEN ITS SCOPE, THE BOOK OFFERS AN INVALUABLE GUIDE FOR COMPETITION LAW SCHOLARS, PRACTITIONERS IN THE FIELD, AND COMPETITION AUTHORITIES WORLDWIDE.

MERGER POLICY IN THE E-ECONOMY

ANDREAS SEIP 2012-08-29 DIPLOMA THESIS FROM THE YEAR 2002 IN THE SUBJECT BUSINESS ECONOMICS - ECONOMIC POLICY, GRADE: 1, UNIVERSITY OF STRATHCLYDE, LANGUAGE: ENGLISH, ABSTRACT: THIS PAPER ADDRESSES THE ECONOMIC POLICY CONTEXT SURROUNDING THE EUROPEAN MERGER REGULATION IN HIGH-TECH INDUSTRIES. THE RAPIDITY OF TECHNOLOGICAL CHANGE RAISES QUESTIONS AS TO THE OPERATION OF THE DYNAMIC PARAMETERS UNDERLYING

HIGH-TECH INDUSTRIES. WHILE THE IDENTIFICATION OF THOSE PARAMETERS APPEARS TO BE STRAIGHTFORWARD, THE INTERPRETATION OF THE EFFECTS POSED BY THE DYNAMICS IS RATHER CONTROVERSIAL. ON THE ONE HAND, IT IS ARGUED THAT THE VERY DYNAMICS OF HIGH-TECH INDUSTRIES CREATE OR STRENGTHEN DOMINANT COMPANIES WHEREBY CONSUMERS RUN THE RISK OF ADOPTING INEFFICIENT TECHNOLOGIES. HOWEVER, THE PRESENT PAPER IS TO CONTEST THIS REASONING SINCE PERFORMANCE COMPETITION AND THE RESULTANT SCHUMPETERIAN PROCESS OF DISEQUILIBRIA MAKES A SO-CALLED LOCK-IN UNLIKELY. THE SECOND CHAPTER IS TO IDENTIFY THE DISTINCTIVE PARAMETERS OF HIGH-TECH INDUSTRIES, WHEREBY A CONTRASTING ANALYSIS BETWEEN THE TWO DIMENSIONS OF ECONOMIC PERFORMANCE, ESTABLISHES DYNAMIC COMPETITION AS BEST UTILISED TO SERVE THE FURTHERANCE OF CONSUMER WELFARE. THE THIRD CHAPTER IS TO CONSIDER THE IMPLICATIONS OF DYNAMIC COMPETITION FOR CURRENT RELEVANT MARKET DEFINITION BY DISCUSSING THE DEFICIENCIES OF CURRENT PRACTICE. RECENT COMPETITIVE DEVELOPMENTS APPEAR TO CONFIRM A BROAD, INTERMARKET AND TECHNOLOGIES-BASED COMPETITION AMONG FIRMS. THE FOURTH CHAPTER, THEREFORE, SEEKS TO PROPOSE ANALYTICAL TOOLS THAT ARE CAPABLE OF EVALUATING THE STATE OF COMPETITION MORE ACCURATELY. TO THAT END, THE

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CORNERSTONES OF RELEVANT MARKET DEFINITION ARE REDEFINED BY INCLUDING A PERFORMANCE BASED TEST, AN ENQUIRY INTO CAPABILITY EXPLANATIONS AND THE SETTING OF TIME FRAMES TO ASSESS ENTRY COMPETITION. THE FINAL CHAPTER IS TO CONCLUDE THAT ALTHOUGH SCHUMPETERIAN DYNAMIC COMPETITION DEALS WITH THE EXPECTATION OF INNOVATION, THE PROPOSED ANALYSIS IS THE MORE ACCURATE APPROACH TO INTERMARKET COMPETITION. THE GOAL OF THIS PAPER IS TO PROVIDE A PRAGMATIC FRAMEWORK THAT ASSISTS MERGER ANALYSIS IN EVALUATING THE ONGOING TRANSFORMATION OF INDUSTRIAL ORGANISATION IN THE HIGH-TECH ENVIRONMENT.

MODELLING EUROPEAN MERGERS PETER A. G. VAN BERGEIJK 2005-01-01
MODELLING EUROPEAN MERGERS PRESENTS A COMPREHENSIVE AND FRESH PERSPECTIVE ON THE ECONOMIC ANALYSIS OF MERGERS BY LEADING ACADEMICS AND COMPETITION POLICYMAKERS FROM EUROPE AND THE US. THE BOOK FRANKLY DISCUSSES THE PRO'S AND CON'S OF USING APPLIED GAME THEORY MODELS IN MERGER CONTROL FROM A HISTORICAL AND THEORETICAL PERSPECTIVE. SEVEN CASE STUDIES ON THE ACTUAL USE OF ADVANCED TECHNIQUES AND MODELS IN LEGAL PROCEDURES PROVIDE A PERSPECTIVE FROM THE NATIONAL COMPETITION AUTHORITIES IN BELGIUM, DENMARK, ITALY. THE NETHERLANDS AND SWEDEN ON MARKETS THAT RANGE FROM BASIC GOODS SUCH AS BREAD

AND APERTIFS TO COMPLEX PRODUCTS SUCH AS ELECTRICITY, LITERATURE AND SOFTWARE. THE CASE STUDIES PROVIDE MANY INSIGHTS INTO PRACTICAL ISSUES SUCH AS DATA COLLECTION, PROCEDURES AND ERRORS OF PREDICATION, AS WELL AS IN THE RELATIVE MERITS OF DIFFERENT ECONOMETRIC APPROACHES. A RECURRING THEME OF THE BOOK IS HOW ECONOMIC INSIGHTS INSIGHTS CAN BE TRANSLATED INTO CONVINCING LEGAL DECISIONS.

MONOPOLIES, MERGERS AND COMPETITION POLICY F. M. SCHERER 2018-03-30 THIS BOOK COLLECTS SOME OF THE AUTHOR'S MOST ILLUMINATING RECENT PAPERS ON COMPETITION POLICY PUBLISHED SINCE THE TURN OF THE MILLENNIUM. THEY FOCUS ON THREE MAIN THEMES: HOW TECHNOLOGICAL INNOVATION LEADS TO MONOPOLISTIC MARKET STRUCTURES AND IS RECIPROCALLY INFLUENCED BY THEM; HOW COMPETITION AGENCIES DEAL WITH THE LINKS FROM MERGER TO ECONOMIC EFFICIENCY, STATIC AND DYNAMIC; AND THE BEHAVIORAL PROBLEMS POSED BY 'TACIT' COLLUSION AND MONOPOLY POWER IN VERTICAL MARKET CHAINS. TAKEN TOGETHER THEY PROVIDE UNIQUE INSIGHT INTO COMPETITION, MERGERS AND MONOPOLIES FROM ONE OF THE LEADING PIONEERS IN THE FIELD.

COMPETITION POLICY MANFRED NEUMANN 2001 NEUMANN (ECONOMICS, U. ERLANGEN-NURNBERG, GERMANY) EXAMINES THE HISTORY OF COMPETITION POLICY IN THE US AND

EUROPE TO DEMONSTRATE HOW FAR A CONVERGENCE OF PRINCIPLES HAS DEVELOPED. HE THEN OUTLINES THE THEORY OF INDUSTRIAL ORGANIZATION AS A TOOL TO DEVISE AN APPROPRIATE POLICY. NEUMANN ALSO DISCUSSES THE PRACTICE OF COMPETITION POLICY IN THE US, INDIVIDUAL EUROPEAN COUNTRIES, AND THE EC AS A WHOLE, IN TERMS OF COLLUSION, MERGERS, AND VERTICAL RESTRAINTS. THE FINAL SECTION PLACES COMPETITION POLICY WITHIN THE SOCIAL FRAMEWORK, TREATING SUCH ISSUES AS PROPERTY RIGHTS, INTERNATIONAL TRADE POLICY, AND SOCIAL JUSTICE. ANNOTATION COPYRIGHTED BY BOOK NEWS INC., PORTLAND, OR

EC MERGER CONTROL AND THE APPROXIMATION OF COMPETITION LAW IN BULGARIA EKATERINA MATEEVA 2002

A COMPARATIVE ANALYSIS OF EU AND US TRANSNATIONAL MERGERS

REGULATION DIMITRIS LIAKOPOULOS 2017-12-22 DOCUMENT FROM THE YEAR 2017 IN THE SUBJECT LAW - CIVIL / PRIVATE / TRADE / ANTI TRUST LAW / BUSINESS LAW, GRADE: A, , LANGUAGE: ENGLISH, ABSTRACT: THE MAJOR PROBLEM ASSOCIATED WITH THE REGULATION OF TRANSNATIONAL MERGERS, WHICH AFFECT SEVERAL NATIONAL MARKETS, IS THE ALLOCATION OF JURISDICTION. EACH COUNTRY CONCERNED MAY WISH TO EXERT JURISDICTION AND APPLY ITS NATIONAL COMPETITION LAW TO REGULATE THE ANTI-COMPETITIVE EFFECTS A MERGER MAY HAVE IN ITS

TERRITORY. HOWEVER, THIS APPROACH MAY LEAD TO RISKS OF INCONSISTENT DECISIONS REGARDING THE LEGALITY OF MERGERS. INDEED, THE NATIONAL COMPETITION LAWS APPLIED BY THE REGULATING AUTHORITIES MAY DIVERGE IN SEVERAL ASPECTS, WHICH RAISE THE LIKELIHOOD OF INCONSISTENCY. THE AUTHORS ADVOCATES THE CREATION OF AN INTERNATIONAL MERGER CONTROL FRAMEWORK (IMCF) FOR THE REGULATION OF TRANSNATIONAL MERGERS. THIS FRAMEWORK WILL REST ON AN INFORMAL AND A FORMAL PILLAR. THE FORMER INCLUDES NON-LEGALLY BINDING COMPETITION PRINCIPLES. CONSISTENCY OF THESE PRINCIPLES WITH THE CONCEPTS OF LEGITIMACY AND EFFICIENCY, AS WELL AS THE PRESENCE OF PEER REVIEWS AND ASSISTANCE PROGRAMMES, SHOULD LOWER THE RISK OF NON-IMPLEMENTATION. THE FORMAL PILLAR INCLUDES BILATERAL COOPERATION AGREEMENTS WHICH APPLY TO MERGER AFFECTING THE COUNTRIES WHICH HAVE CONCLUDED THE AGREEMENTS. AS ESSENTIAL PRE-CONDITION FOR THE APPLICATION OF BILATERAL AGREEMENTS, THE LEVEL OF COOPERATION ACHIEVED BY SUCH AGREEMENTS SHOULD BE AT LEAST EQUAL TO THAT ENSURED BY THE INFORMAL PILLAR. THE LAST PART OF THE STUDY ADDRESSES AND EXAMINES THE LONG AND COMPLEX PROCESSES IN MERGER AND ACQUISITION (M&A) TRANSACTIONS. M&A ARBITRATION FACES CERTAIN DIFFICULTIES DURING THE TRANSACTION. SUCH DIFFICULTIES THE

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AUTHOR SEEKS TO UNDERLINE. TWO MAIN PROBLEMS OF ARBITRATION IN M&A TRANSACTIONS, PARTICULARLY, HAVE BEEN COVERED. FIRSTLY, THE PROBLEM OF CONSENT IN CONSOLIDATION OF PARALLEL PROCEEDINGS DURING M&A TRANSACTIONS, AND, SECONDLY PARTIES' CONSENT THAT VALIDATE ARBITRATION AGREEMENTS/CLAUSES IN "ASSIGNMENT" OR "SUCCESSION" AFTER M&A TRANSACTIONS HAVE BEEN COMPLETED. THE AUTHOR ALSO TRIES TO CLARIFY THE CONTENT OF CONSENT OF PARTIES TO A TRANSACTION. FINALLY, A CRITICISM OF PARALLEL PROCEEDINGS IS ENHANCED.

MERGER CONTROL IN EUROPE IOANNIS KOKKORIS 2010-09-13 ADDRESSES THE PHENOMENON OF MERGERS THAT MAY RESULT IN NON-COORDINATED EFFECTS IN OLIGOPOLISTIC MARKETS. THIS BOOK EXAMINES THE ARGUMENT THAT THE EUROPEAN COMMUNITY MERGER REGULATION DID NOT CAPTURE GAP CASES, AND CONSIDERS THE EXTENT TO WHICH THE REVISED SUBSTANTIVE TEST IN REGULATION 139/2004 DEALS WITH THE PROBLEM OF NON-COLLUSIVE OLIGOPOLIES.

COMPETITION LAW AND POLICY IN THE EC AND UK BARRY RODGER 2008-10-03 COMPETITION LAW, AT BOTH THE EC AND UK LEVELS, PLAYS AN IMPORTANT AND EVER-INCREASING ROLE IN REGULATING THE CONDUCT OF BUSINESSES. BASED ON THE PREMISE THAT OPEN AND FAIR COMPETITION IS GOOD FOR BOTH CONSUMERS AND BUSINESSES, COMPETITION LAW

PREVENTS BUSINESSES FROM ENTERING INTO ANTI-COMPETITIVE AGREEMENTS AND FROM ABUSING THEIR DOMINANT MARKET POSITION. COMPETITION LAW AND POLICY IN THE EC AND UK LOOKS AT HOW COMPETITION LAW AFFECTS BUSINESS, INCLUDING: CO-ORDINATED ACTIONS; PRICING BEHAVIOUR; TAKE-OVERS AND MERGERS; AND STATE SUBSIDIES. IT PROVIDES A CLEAR GUIDE TO AND OUTLINE OF THE GENERAL POLICIES BEHIND, AND THE MAIN PROVISIONS OF EC AND UK COMPETITION LAW. INFORMATION IS PRESENTED WITHIN A STRUCTURED FRAMEWORK, COMPLETE WITH A GLOSSARY OF USEFUL TERMINOLOGY. THIS FOURTH EDITION HAS BEEN REVISED AND UPDATED TO TAKE INTO ACCOUNT DEVELOPMENTS SINCE PUBLICATION OF THE PREVIOUS EDITION, INCLUDING EXPANDED COVERAGE OF THE REGULATION OF CARTELS, THE DEVELOPMENT OF PRIVATE ENFORCEMENT, THE CONSIDERATION OF IP ISSUES IN MICROSOFT, AND EXTENDED DISCUSSION OF UK COMPETITION LAW.

THE EU MERGER REGULATION ALISTAIR LINDSAY 2012 THIS IS THE 4TH EDITION OF THE EC MERGER REGULATION - A DETAILED GUIDE TO THE METHOD OF MERGER CONTROL IN THE EUROPEAN UNION. FULLY REVISED FOR 2012, THIS COMPREHENSIVE TEXT DESCRIBES HOW THE EUROPEAN COMMISSION DETERMINES APPROVAL OF A NOTIFIED MERGER, THEREBY PROVIDING INFORMATION AND TECHNIQUES TO COMPLETE MERGER DEALS.

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SUCCESSFULLY FOR COMPANIES OPERATING IN THE EUROPEAN UNION
MERGERS AND MERGER REMEDIES IN THE EU STEPHEN DAVIES 2007 '... HIGHLY RECOMMENDED FOR PRACTITIONERS AS WELL AS ACADEMICS INTERESTED IN MERGER REMEDIES.' - ARNDT CHRISTIANSEN, EUROPEAN COMPETITION LAW REVIEW

CHINESE MERGER CONTROL LAW
TINGTING WEINREICH-ZHAO
2016-08-23 ON 1 AUGUST 2008 THE CHINESE ANTI-MONOPOLY LAW ENTERED INTO FORCE, INTRODUCING A COMPREHENSIVE FRAMEWORK FOR COMPETITION LAW TO THE CHINESE MARKET. ONE SET OF THE NEW RULES PERTAINS TO MERGER CONTROL. CHINA'S MINISTRY OF COMMERCE (MOFCOM) WAS NOMINATED AS THE AUTHORITY RESPONSIBLE FOR ENFORCING MERGER CONTROL IN CHINA AND HAS BEEN ACTIVELY DOING SO EVER SINCE. RECENT YEARS HAVE ESTABLISHED CHINA AS ONE OF THE MOST IMPORTANT MERGER FILING JURISDICTIONS FOR CROSS-BORDER MERGERS ALONGSIDE THE EU AND USA. THIS WORK EVALUATES THE CHINESE MERGER CONTROL LAW REGIME AND MOFCOM'S DECISION-MAKING PRACTICE AFTER MORE THAN FIVE YEARS OF APPLICATION. IN PARTICULAR, IT ASSESSES WHICH POLICY GOALS (COMPETITION POLICY GOALS OR INDUSTRIAL POLICY CONSIDERATIONS) PREVAIL IN THE WRITTEN LAW AND ITS APPLICATION AND PROVIDES SUGGESTIONS FOR A FURTHER IMPROVEMENT OF THE LAW - WITH THE

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AIM TO DEVELOP A TRANSPARENT MERGER CONTROL REGIME THAT PROMOTES LONG-TERM ECONOMIC GROWTH IN CHINA.

IN THE PUBLIC INTEREST LECTURER DEPARTMENT OF POLITICAL THEORY AND INSTITUTIONS STEPHEN WILKS 1999 "THIS BOOK WILL APPEAL TO ALL READERS INTERESTED IN THE DEVELOPMENT OF THE BRITISH ECONOMY. ITS PARTICULAR APPEAL IS TO STUDENTS OF PUBLIC POLICY, POLITICAL ECONOMY AND OF GOVERNMENT REGULATION OF THE BUSINESS CORPORATION. IT WILL FIND A PLACE ON COURSES DEALING WITH ECONOMIC AND BUSINESS HISTORY, MERGERS AND ACQUISITIONS, COMPETITION LAW, INDUSTRIAL ECONOMICS AND BUSINESS STRATEGY." -BOOK JACKET.

MAKING EUROPEAN MERGER POLICY MORE PREDICTABLE STEFAN VOIGT 2005 ANALYSES EUROPEAN MERGER CONTROL WITH REGARD TO ITS CAPACITY TO GENERATE PREDICTABILITY AMONG THE CONCERNED PARTIES. THE AUTHORS SHOW BOTH THEORETICALLY AND EMPIRICALLY THAT THERE HAVE BEEN SERIOUS SHORTCOMINGS WITH REGARD TO THE PREDICTABILITY OF COMPETITION POLICY. THEY ASSESS THE REFORMS OF EUROPEAN MERGER CONTROL.

EU COMPETITION LAW VOLUME II: MERGERS AND ACQUISITIONS JONES, CHRISTOPHER 2021-12-14 THIS BOOK IS A CLAEYS AND CASTEELS TITLE, NOW FORMALLY PART OF EDWARD ELGAR PUBLISHING. WITH

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EXTENSIVE UPDATING IN THE DECADE SINCE THE PUBLICATION OF THE SECOND EDITION, AND WRITTEN BY THE KEY COMMISSION AND EUROPEAN COURT OFFICIALS IN THIS AREA, AS WELL AS LEADING PRACTITIONERS, THE THIRD EDITION OF THIS UNIQUE TITLE PROVIDES METICULOUS AND EXHAUSTIVE COVERAGE OF EU MERGER LAW.

COMPETITION POLICY MASSIMO MOTTA 2004-01-12 THE FIRST BOOK OFFERING A SYSTEMATIC TREATMENT OF THE ECONOMICS OF ANTITRUST OR COMPETITION POLICY.

INNOVATION MATTERS RICHARD J. GILBERT 2022-06-07 A PROPOSAL FOR MOVING FROM PRICE-CENTRIC TO INNOVATION-CENTRIC COMPETITION POLICY, REVIEWING THEORY AND EVIDENCE ON ECONOMIC INCENTIVES FOR INNOVATION. COMPETITION POLICY AND ANTITRUST ENFORCEMENT HAVE TRADITIONALLY FOCUSED ON PRICES RATHER THAN INNOVATION. ECONOMIC THEORY SHOWS THE WAYS THAT PRICE COMPETITION BENEFITS CONSUMERS, AND COURTS, ANTITRUST AGENCIES, AND ECONOMISTS HAVE DEVELOPED TOOLS FOR THE QUANTITATIVE EVALUATION OF PRICE IMPACTS. ANTITRUST LAW DOES NOT PRECLUDE INTERVENTIONS TO ENCOURAGE INNOVATION, BUT OVER TIME THE INTERPRETATION OF THE LAWS HAS RAISED OBSTACLES TO ENFORCEMENT POLICIES FOR INNOVATION. IN THIS BOOK, ECONOMIST RICHARD GILBERT PROPOSES A SHIFT FROM PRICE-CENTRIC TO INNOVATION-CENTRIC COMPETITION

POLICY. ANTITRUST ENFORCEMENT SHOULD BE CONCERNED WITH PROTECTING INCENTIVES FOR INNOVATION AND PRESERVING OPPORTUNITIES FOR DYNAMIC, RATHER THAN STATIC, COMPETITION. IN A HIGH-TECHNOLOGY ECONOMY, GILBERT ARGUES, INNOVATION MATTERS.

GILBERT CONSIDERS BOTH THEORY AND AVAILABLE EMPIRICAL EVIDENCE ON THE RELATIONSHIPS AMONG MARKET STRUCTURE, FIRM BEHAVIOR, AND THE PRODUCTION OF NEW PRODUCTS AND SERVICES. HE REVIEWS THE DISTINCTIVE FEATURES OF THE HIGH-TECH ECONOMY AND WHY CURRENT ANALYTICAL TOOLS USED BY ANTITRUST ENFORCERS AREN'T UP TO THE TASK OF ASSESSING INNOVATION CONCERNS. HE CONSIDERS, FROM THE PERSPECTIVE OF INNOVATION COMPETITION, KENNETH ARROW'S "REPLACEMENT EFFECT" AND THE SCHUMPETERIAN THEORY OF MARKET POWER AND APPROPRIATION; DISCUSSES THE EFFECT OF MERGERS ON INNOVATION AND FUTURE PRICE COMPETITION; AND REVIEWS THE EMPIRICAL LITERATURE ON COMPETITION, MERGERS, AND INNOVATION. HE DESCRIBES EXAMPLES OF MERGER ENFORCEMENT BY US AND EUROPEAN ANTITRUST AGENCIES; EXAMINES CASES BROUGHT AGAINST MICROSOFT AND GOOGLE; AND DISCUSSES THE RISKS AND BENEFITS OF INTEROPERABILITY STANDARDS. FINALLY, HE OFFERS RECOMMENDATIONS FOR COMPETITION POLICY. THE OPEN ACCESS EDITION OF THIS BOOK WAS MADE POSSIBLE BY GENEROUS FUNDING FROM ARCADIA – A CHARITABLE FUND

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OF LISBET RAUSING AND PETER BALDWIN.

COMPETITION POLICY EMMANUEL.

COMBE 2021-11-22 COMPETITION

POLICY AN EMPIRICAL AND ECONOMIC

APPROACH EMMANUEL COMBE IT IS A

TRUISM OF COMPETITION THAT,

PARADOXICALLY, THOSE WHO WERE

RESPONSIBLE FOR YESTERDAY'S

INNOVATIONS AND PRODUCTIVITY

BECOME OBSTACLES TO FUTURE

GROWTH. THIS IS WHY COMPETITION

LAW HAS BEEN ASSIGNED SUCH AN

IMPORTANT ROLE IN MODERN

COUNTRIES--TO DETECT AND SANCTION

ANTICOMPETITIVE PRACTICES THAT

PREVENT THE ENTRY OF NEW, EFFICIENT

COMPETITORS. THIS UTTERLY ORIGINAL

BOOK, WHICH THOROUGHLY EXPLAINS

COMPETITION POLICY USING ECONOMIC

ANALYSES OF EUROPEAN AND U.S.

ANTITRUST CASES, ILLUMINATES THE

COMPLEX BUT CRUCIAL BACK-AND-

FORTH BETWEEN ECONOMIC THEORY AND

COMPETITION LAW PRACTICE.

COVERING THE FULL RANGE OF

COMPETITION POLICY, FROM ANTITRUST

(CARTELS, ABUSE OF DOMINANT

POSITION) TO MERGER CONTROL, THE

BOOK NOT ONLY OFFERS A GENERAL

VIEW OF COMPETITION POLICY IN

EUROPE AND THE UNITED STATES BUT

ALSO CLEARLY EXPLAINS THE ECONOMIC

UNDERPINNINGS THAT GUIDE IT, THUS

ILLUSTRATING HOW PRINCIPLES ARE

APPLIED IN PRACTICE. ISSUES AND

TOPICS INCLUDE THE FOLLOWING:

ECONOMIC APPROACH OF ANTITRUST

SANCTIONS; ROLE OF CRIMINAL

SANCTIONS AND PRIVATE ACTIONS;

FACTORS FAVORING CARTEL

FORMATION AND STABILITY; ROLE OF

LENIENCY POLICIES; VERTICAL

RESTRAINTS IN THE AGE OF E-

COMMERCE; ECONOMIC ASSESSMENT OF

R&D AND LICENSING AGREEMENTS;

DETECTING AND SANCTIONING

PREDATORY PRICING; EXPLOITATIVE AND

EXCLUSIONARY ABUSES; AND IMPACT

OF A HORIZONTAL, VERTICAL AND

CONGLOMERATE MERGERS ON

COMPETITION. ALL THE MAJOR FIELDS

OF COMPETITION POLICY ARE CLEARLY

EXPLAINED, WITH MANY ILLUSTRATIVE

EXAMPLES FROM CASE LAW. THERE IS

ALSO A CHAPTER PRESENTING AN

OVERVIEW OF COMPETITION POLICIES

AROUND THE WORLD, AS WELL AS THE

LEGAL AND INSTITUTIONAL FRAMEWORK

WITHIN WHICH THEY OPERATE. AT A

TIME OF INCREASING PUBLIC CONCERN

REGARDING HIGH INDUSTRIAL

CONCENTRATION, ESPECIALLY IN THE

DIGITAL SECTOR, THE QUESTION OF

REGULATING COMPETITION IS RETURNING

TO THE FOREFRONT. GIVEN THAT THE

CONCEPTS AND TOOLS OF ECONOMIC

ANALYSIS ARE WIDELY USED BY

COMPETITION AUTHORITIES, THIS BOOK

GIVES LAWYERS A CLEAR

UNDERSTANDING OF THE OBJECTIVES

AND INSTRUMENTS OF COMPETITION

POLICY. IT WILL THUS ENABLE

CORPORATE COUNSEL, ACADEMICS, AND

POLICYMAKERS TO APPLY OR

FORMULATE COMPETITION LAW WITH

INCREASED PRECISION IN THEIR DAY-TO-

DAY WORK.

PREDICTING THE COMPETITIVE EFFECTS

OF MERGERS BY LISTENING TO

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CUSTOMERS KENNETH HEYER 2006
MERGERS, MERGER CONTROL, AND REMEDIES JOHN KWOKA 2015 A COMPREHENSIVE ANALYSIS OF MERGER OUTCOMES BASED ON ALL EMPIRICAL STUDIES, WITH AN ASSESSMENT OF THE EFFECTIVENESS OF ANTITRUST POLICY TOWARD MERGERS. IN RECENT DECADES, ANTITRUST INVESTIGATIONS AND CASES TARGETING MERGERS—INCLUDING THOSE INVOLVING GOOGLE, TICKETMASTER, AND MUCH OF THE DOMESTIC AIRLINE INDUSTRY—HAVE RESHAPED INDUSTRIES AND CHANGED BUSINESS PRACTICES PROFOUNDLY. AND YET THERE HAS BEEN A RELATIVE DEARTH OF DETAILED EVALUATIONS OF THE EFFECTS OF MERGERS AND THE EFFECTIVENESS OF MERGER POLICY. IN THIS BOOK, JOHN KWOKA, A NOTED AUTHORITY ON INDUSTRIAL ORGANIZATION, EXAMINES ALL RELIABLE EMPIRICAL STUDIES OF THE EFFECT OF SPECIFIC MERGERS AND DEVELOPS ENTIRELY NEW INFORMATION ABOUT THE POLICIES AND REMEDIES OF ANTITRUST AGENCIES REGARDING THESE MERGERS. COMBINED WITH DATA ON OUTCOMES, THIS POLICY INFORMATION ENABES ANALYSIS OF, AND CREATES NEW INSIGHTS INTO, MERGERS, MERGER POLICIES, AND THE EFFECTIVENESS OF REMEDIES IN PREVENTING ANTICOMPETITIVE OUTCOMES. AFTER AN OVERVIEW OF MERGERS, MERGER POLICY, AND A COMMON APPROACH TO MERGER ANALYSIS, KWOKA OFFERS A DETAILED ANALYSIS OF THE STUDIED MERGERS, RELEVANT POLICIES, AND CHOSEN REMEDIES. KWOKA FINDS, FIRST AND FOREMOST, THAT MOST OF THE

STUDIED MERGERS RESULTED IN COMPETITIVE HARM, USUALLY IN THE FORM OF HIGHER PRODUCT PRICES BUT ALSO WITH RESPECT TO VARIOUS NON-PRICE OUTCOMES. OTHER IMPORTANT FINDINGS INCLUDE THE FACT THAT JOINT VENTURES AND CODE SHARING ARRANGEMENTS DO NOT RESULT IN SUCH HARM AND THAT POLICIES INTENDED TO REMEDY MERGERS—ESPECIALLY CONDUCT REMEDIES—ARE NOT GENERALLY EFFECTIVE IN RESTRAINING PRICE INCREASES. THE BOOK'S UNIQUELY COMPREHENSIVE ANALYSIS ADVANCES OUR UNDERSTANDING OF MERGER DECISIONS AND POLICIES, SUGGESTS POLICY IMPROVEMENTS FOR COMPETITION AGENCIES AND REMEDIES, AND POINTS THE WAY TO FUTURE RESEARCH.

MERGER CONTROL IN THE EUROPEAN UNION EDURNE NAVARRO VARONA 2005 THIS SECOND EDITION PROVIDES AN EXHAUSTIVE ANALYSIS OF THE EUROPEAN COMMUNITY RULES RELATING TO MERGER CONTROL, INCLUDING THE NEW EC MERGER REGULATION 139/2004 OF 20 JANUARY 2004 WHICH ENTERED INTO FORCE ON 1 MAY 2004 AND THE LATEST INTERPRETIVE NOTICES ADOPTED BY THE EUROPEAN COMMISSION. THE BOOK DRAWS UPON THE AUTHORS' DETAILED AND PRACTICAL KNOWLEDGE OF THE SUBJECT AS OFFICIALS AT DG COMPETITION AND PRACTITIONERS SPECIALISING IN THIS FIELD, AND WILL BE UPDATED THROUGH A COMPANION WEBSITE.

A MERGER THAT DID NOT COME TO PASS ANDREA DANIEL 2009-07-13
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ESSAY FROM THE YEAR 2009 IN THE SUBJECT POLITICS - INTERNATIONAL POLITICS - TOPIC: EUROPEAN UNION, GRADE: A-GRADE WITH DISTINCTION, SOUTH BANK UNIVERSITY LONDON (FACULTY FOR ART AND HUMAN SCIENCES), COURSE: POSTGRADUATE COURSE ON EUROPEAN POLICY, LANGUAGE: ENGLISH, ABSTRACT: THIS ESSAY EXAMINES THE THEORETICAL BACKGROUND AND THE PRACTICAL APPLICATION OF THE EU'S "ANTITRUST POLICY". AS MERGERS ARE ONE WAY FOR FIRMS TO GAIN A "DOMINANT POSITION" IN THE MARKET, THE COMMISSION APPLIES THE MERGER REGULATION TO CONTROL SUCH DEVELOPMENTS. THE OPERATION OF THIS POLICY IS ANALYSED WITH THE CASE STUDY OF A PROHIBITED MERGER OF "RYAN AIR" AND "AER LINGUS". THE CASE ALSO SHOWS THE HIGH DEGREE OF LEGISLATIVE AND EXECUTIVE POWERS THE EU-INSTITUTIONS HAVE GAINED IN THE SIGNIFICANT ECONOMIC AREA OF COMPETITION POLICY. ALTHOUGH SEEMINGLY OF PURELY ECONOMIC PURPOSES, EU COMPETITION POLICY SERVES "INTEGRATIVE" PURPOSES TOO. "EU-INTEGRATION" CAN BE DEFINED AS THE EU-MEMBER STATES VOLUNTARILY FOREGOING THEIR POWER TO FORMULATE ONLY NATIONAL POLITICAL AND LEGAL MEASURES. INSTEAD THEY FORMULATE COMMON POLICIES WHICH ARE DETERMINED IN A COOP-ERATIVE PROCESS OF DECISION MAKING. COOPERATION CAN EITHER TAKE PLACE IN AN INTERGOVERNMENTAL FRAMEWORK

OR BY TRANSFERRING NATIONAL SOVEREIGNTY TO THE EU- INSTITUTIONS WITH THE SUBSEQUENT SUBJUGATION OF NATIONAL LAW UNDER EU LAW. SINCE THE TREATY OF ROME IN 1957 EXPRESSED THE DETERMINATION OF THE EUROPEAN ECONOMIC COMMUNITY'S MEMBER STATES TO BUILD AN "EVER CLOSER UNION", ECONOMIC INTEGRATION PARENTED EU-INTEGRATION. WITH THE NEW TREATIES FROM THE SINGLE EUROPEAN ACT ONWARDS OTHER THAN ECONOMIC POLICIES WERE ADDED TO THE EU'S AGENDA, E.G. CULTURAL POLICY, FOREIGN OR SECURITY POLICY, BUT ECONOMIC INTEGRATION STAYED A TOP PRIORITY. THE EU'S SUCCESS IS STILL BELIEVED TO DEPEND ON ITS ECONOMIC SUCCESS AND ITS ABILITY TO LET THE MAJORITY OF THE EU'S CITIZENS PROFIT FROM IT. ECONOMIC FAILURE COULD UNDERMINE PEOPLE'S ACCEPTANCE OF THE RENUNCIATION OF NATIONAL POLITICAL INDEPENDENCE. THEREFORE THE COMMISSION STRIVES TO ENSURE THE SINGLE MARKET'S SUCCESS, AMONG OTHER THINGS BY APPLYING A COMPETITION POLICY WITH MERGER CONTROLS.

CONTROLLING MERGERS AND MARKET POWER JOHN KWOKA 2020-05-05

THIS IS AN IMPORTANT AND TIMELY CONTRIBUTION FROM A PROMINENT ANTITRUST ECONOMIST AND POLICY ADVISOR. IT HAS BEEN MANY DECADES SINCE QUESTIONS ABOUT ANTITRUST ENFORCEMENT HAVE BEEN SO PROMINENT IN POLITICAL, ECONOMIC, AND SCHOLARLY DEBATE. Mergers in

COUNTLESS INDUSTRIES, RISING CONCENTRATION THROUGHOUT THE ECONOMY, AND THE DOMINANCE OF TECH GIANTS HAVE BROUGHT RENEWED ATTENTION TO THE ROLE AND THE RESPONSIBILITY OF ANTITRUST POLICY.

MERGER CONTROL REGIMES IN EMERGING ECONOMIES MARCO BOTTA

2011-01-01 WHEN EMERGING ECONOMIES DRAFT COMPETITION LAW AND BEGIN TO ENFORCE IT, THEY USUALLY DRAW ON THE EU AND US COMPETITION LAW SYSTEMS. HOWEVER, SIGNIFICANT COUNTRY-SPECIFIC LEGAL AND PRACTICAL VARIATIONS TEND TO ARISE QUICKLY, MAKING IT IMPERATIVE FOR INTERNATIONAL BUSINESS LAWYERS TO ACQUIRE MORE THAN A PASSING KNOWLEDGE OF COMPETITION LEGISLATION AND RELEVANT CASE LAW IN THESE COUNTRIES. NOW FOR THE FIRST TIME A THOROUGHLY RESEARCHED BOOK PROVIDES AN IN-DEPTH EMPIRICAL ANALYSIS OF THE LEGAL PROBLEMS RAISED FOR COMPETITION, AND ESPECIALLY FOR MERGER CONTROL AND ITS ENFORCEMENT, IN EMERGING ECONOMIES, USING A CASE STUDY APPROACH IN THE BRAZILIAN AND ARGENTINEAN CONTEXTS TO REVEAL PARADIGMATIC TRENDS. BRAZIL AND ARGENTINA ARE CHOSEN NOT ONLY BECAUSE THEY ARE AMONG THE MAJOR TRADING JURISDICTIONS IN THE DEVELOPING WORLD, BUT ALSO BECAUSE THEY HAVE EACH ESTABLISHED A TRACK RECORD OF OVER A DECADE IN FORMULATING AND ENFORCING A SYSTEM OF MERGER CONTROL. THE AUTHOR

DESCRIBES AND ANALYSES ALL BRAZILIAN AND ARGENTINEAN LEGISLATION IN THE FIELD OF COMPETITION LAW, AS WELL AS THE MAIN MERGER DECISIONS ADOPTED BY THE COMPETITION AUTHORITIES AND THE JUDGEMENTS HELD BY THE COURTS OF THESE COUNTRIES. THE BOOK THOROUGHLY COVERS THE SYSTEM OF COMPETITION LAW CURRENTLY ENFORCED IN EACH COUNTRY, AS WELL AS THE MAIN INNOVATIONS OF PROPOSED NEW COMPETITION LAW CURRENTLY PENDING IN BRAZIL. IN ADDITION, THE AUTHOR DRAWS ON FIELD INTERVIEWS WITH COMPETITION LAWYERS AND OFFICERS OF COMPETITION AUTHORITIES CONDUCTED BETWEEN APRIL AND JULY 2008 IN BUENOS AIRES, BRASILIA, AND SÃO PAULO. THE ANALYSIS CONSIDERS SUCH ISSUES AS THE FOLLOWING: Y IMPACT OF MERGERS AND ACQUISITIONS ON THE LEVEL OF COMPETITION IN THE MARKETS OF DEVELOPING COUNTRIES; Y ENFORCEMENT OF COMPETITION LAW AND THE JUDICIARY; Y CRITERIA FOR NOTIFICATION OF ECONOMIC CONCENTRATIONS; Y APPLICATION OF ECONOMETRIC TESTS TO DEFINE THE RELEVANT MARKET AND THE DEGREE OF MARKET CONCENTRATION.

FUSIONS INTERNATIONALES ET POLITIQUE DE CONCURRENCE ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES 1988

MERGERS AND ACQUISITIONS JONATHAN GALLOWAY 2012 THIS VOLUME EXPLORES THE COMPETITION CONCERNS ARISING OUT OF MERGERS AND

ACQUISITIONS, THE REASONS FOR MERGER CONTROL AND THE FUNDAMENTAL OPTIONS THAT FACE ALL JURISDICTIONS INTENT ON IMPLEMENTING AN EFFECTIVE MERGER CONTROL REGIME. THE CHOSEN ARTICLES MAINLY, BUT NOT EXCLUSIVELY, FOCUS ON THE US AND EU, AND SEVERAL ADOPT A CROSS-DISCIPLINARY APPROACH ENCOMPASSING LAW, POLITICAL SCIENCE AND ECONOMICS. THE VOLUME ACTS AS A GUIDE THROUGH THE DEVELOPMENT OF MERGER CONTROL LAW, POLICY AND SCHOLARLY THOUGHT AND INCLUDES COMMENTARY ON EACH OF THE KEY STAGES OF ANY EFFECTIVE MERGER CONTROL REGIME.

COMPETITION POLICY ANALYSIS Kai H. Schelrath 2008-09-08
COMPETITION POLICY IS AN INTEGRAL AND PROMINENT PART OF ECONOMIC POLICY-MAKING IN THE EUROPEAN UNION. THE EU TREATY PRESCRIBES ITS MEMBER STATES TO CONDUCT ECONOMIC POLICY 'IN ACCORDANCE WITH THE PRINCIPLE OF AN OPEN MARKET ECONOMY WITH FREE COMPETITION'. MORE PRECISELY, THE GOAL OF EU COMPETITION POLICY IS "TO DEFEND AND DEVELOP EFFECTIVE COMPETITION IN THE COMMON MARKET" (EUROPEAN COMMISSION, 2000: 7). UNDER ITS COMMISSIONERS VAN MIERT, MONTI AND, MOST RECENTLY, KROES THE EU COMMISSION HAS STEPPED UP ITS EFFORT TO PURSUE AND ACHIEVE THE AFOREMENTIONED GOAL. A NUMBER OF SO-CALLED HARD-CORE CARTELS, SUCH AS THE NOTORIOUS "VITAMIN CARTEL" LED BY ROCHE, HAVE BEEN DETECTED,

TRIED IN VIOLATION OF ART. 81 OF THE MAASTRICHT ACCORD AND PUNISHED WITH SEVERE FINES. ALSO MICROSOFT WAS HIT HARD BY THE STRONG HAND OF THE COMMISSION HAVING BEEN SEVERELY FINED FOR - PLOITING A DOMINANT MARKET POSITION. ECONOMIC ANALYSIS HAS BEEN PLAYING AN INCREASINGLY SIGNIFICANT ROLE IN THE COMMISSION'S EXAMINATION OF COMPETITION LAW CASES. THIS HOLDS TRUE IN PARTICULAR FOR MERGER CONTROL. HERE, HOWEVER, THE COMMISSION HAS HAD TO ACCEPT SOME POINT-ANT DEFEATS IN COURT, SUCH AS THE COURT'S REVERSALS OF AIRTOURS-FIRST CHOICE OR GE-HONEYWELL. AMONG OTHER THINGS, THE EUROPEAN COURT OF JUSTICE FOUND THE ECONOMIC ANALYSIS AS CONDUCTED BY THE EU'S DIRECTORATE GENERAL FOR COMPETITION TO BE FLAWED AND THE CONCLUSIONS DRAWN NOT TO BE CONVINCING. THESE REJECTIONS BY THE COURTS HAVE STIRRED UP THE SCHOLARLY DEBATE ON THE CONCEPTUAL FOUNDATIONS OF EUROPEAN COMPETITION POLICY.

DOES EU MERGER CONTROL DISCRIMINATE AGAINST SMALL MARKET COMPANIES? Mika Oinonen 2010-01-01
ALTHOUGH THE QUESTION POSED BY THE TITLE OF THIS BOOK HAS GENERATED CONSIDERABLE DEBATE, THE ESSENTIAL ISSUE REMAINS OPEN AND LARGELY BLURRED. WHILE SOME BELIEVE THAT THERE IS NO SO-CALLED 'SMALL MARKET PROBLEM', OTHERS DISCERN DISCRIMINATION

AGAINST SMALL MARKET COMPANIES (I.E., COMPANIES WITH A STRONG POSITION IN THEIR HOME MARKETS BUT A MODEST POSITION IN THE EUROPEAN AND GLOBAL MARKETS) AND A CONSEQUENT NEED FOR CHANGES IN COMPETITION LAW. THE AUTHOR OF THIS ENORMOUSLY HELPFUL WORK HERE SETS THE STAGE FOR MEANINGFUL DISCUSSION BY ANALYSING THE EC MERGER REGULATION'S OBJECTIVES, ECONOMIC FOUNDATIONS, AND APPLICATION PRACTICE TO PRESENT A REASONED VIEW OF THE ISSUES THAT CAN BE CONSIDERED RELEVANT FOR SUCH A DISCUSSION. CONSIDERING THEIR EFFECT ON THE 'SMALL MARKET PROBLEM', THE AUTHOR SCRUTINIZES SUCH FACTORS AS THE FOLLOWING: THE COMMISSION'S METHODOLOGY FOR DELINEATING RELEVANT MARKETS IN MERGER ASSESSMENTS; UNNECESSARY PROHIBITION CAUSED BY OVERESTIMATION OF THE MARKET POWER OF SMALL MARKET MERGERS; ERRONEOUS APPROVAL OF CASES THAT SHOULD ACTUALLY BE PROHIBITED; IMPACT OF THE SO-CALLED 'HARVARD' AND 'CHICAGO' SCHOOLS OF COMPETITION THEORY AND THEIR KEY POLICY IMPLICATIONS; PROCESS-RELATED ALTERNATIVE VIEWS OF COMPETITION AND NEW SYNTHESIZING APPROACHES; RELEVANT CRITERIA FOR A PROPER ANALYSIS OF MARKET POWER; CONCENTRATION MEASURES AND MARKET SHARES; BARRIERS TO ENTRY; PRICE AND PROFITABILITY ANALYSES; AND PRODUCT DEFINITION V. GEOGRAPHIC DEFINITION OF MARKETS. IN

A FINAL CHAPTER, THE AUTHOR PRESENTS SOME TENTATIVE CONCLUSIONS, NORMATIVE IN NATURE, CONCERNING THE PROBLEM AND THE RELEVANT ISSUES RELATING TO IT. AS THE FIRST IN-DEPTH ANALYSIS OF THE ISSUES THAT ARE ACTUALLY INVOLVED - WITH ITS PARTICULAR DIAGNOSIS OF THE ASSESSMENT OF MARKET POWER IN CONSIDERING THE RELEVANT ISSUES FOR THE PROBLEM - THIS STUDY BRINGS INTO SALIENCE THE TERMS OF THE DEBATE ON THE 'PROBLEM', AND THUS TAKES A GIANT STEP FORWARD TOWARDS DEFINING WHAT NEEDS TO BE DONE. COMPETITION LAWYERS, POLICYMAKERS, AND ACADEMICS IN EUROPE AND ELSEWHERE WILL FIND THE DISCUSSION OF GREAT VALUE.

TRANSATLANTIC MERGER CASES
CHARLES SMITHERMAN 2007

DESPITE THE INTRODUCTION OF THE U.S. - EC MERGER REVIEW CO-OPERATION INITIATIVE IN THE EARLY NINETIES, TRANSATLANTIC MERGERS REMAIN A MINEFIELD FOR ALL THOSE INVOLVED. FOR THE PARTIES THERE IS THE LACK OF LEGAL CERTAINTY AND ITS ATTENDANT COSTS AND REPUTATION; FOR THE REGULATORS THERE IS THE POLITICAL TOLL OF RECONCILING CONFLICTING COMPETITION POLICIES. CHARLES SMITHERMAN REVIEWS MERGER REGULATION FRAMEWORKS ON BOTH SIDES OF THE ATLANTIC. THE AUTHOR IDENTIFIES AREAS OF SUBSTANTIVE AND PROCEDURAL DIFFERENCES AS THEY EXIST TODAY AND EXPLORES THE VIABILITY OF CONVERGENCE TO AID THE EFFICIENCY OF THE MERGER PROCESS.

THROUGH BILATERAL AND DOMESTIC ENHANCEMENTS. THROUGHOUT THE WORK THE EMPHASIS IS PLACED ON PRAGMATIC SOLUTIONS RATHER THAN THOSE OF ACADEMIC AND OFT-UNOBTAINABLE NATURE. THE BACKBONE OF THE WORK IS MADE UP OF THE ANALYSIS OF EIGHT OF THE BIGGEST U.S. - EC MERGER CASES BETWEEN 2000 AND 2004.

MERGERS, MARKETS AND PUBLIC POLICY

GIULIANO MUSSATI
1995-09-30 GIULIANO MUSSATI
WHY DO MERGERS OCCUR, WHICH ARE THEIR EFFECTS ON SOCIAL WELFARE AND WHICH IS THE BEST ECONOMIC POLICY TOWARD THEM? THESE THREE QUESTIONS HAVE BEEN PUZZLING INDUSTRIAL ECONOMISTS SINCE THE END OF THE LAST CENTURY WHEN THE FIRST GREAT MERGER WAVE HAS COME ABOUT IN THE US. THEY HAVE RETURNED AT THE CENTRE OF THE STAGE OF THE THEORETICAL AND EMPIRICAL ECONOMIC RESEARCH DURING THE LAST DECADE WHEN MERGER AND ACQUISITION ACTIVITY BECAME ONE OF THE MOST EVIDENT FIRMS' ACTIVITIES IN ALL INDUSTRIALISED COUNTRIES, BEING FOSTERED BY SOME GENERAL AND COUNTRY SPECIFIC FACTS. THESE FACTS HAVE BEEN IDENTIFIED IN THE APPEARANCE OF NEW FINANCIAL INSTRUMENTS FACILITATING FUND RAISING BY FIRMS, IN THE BENEVOLENT BEHAVIOUR OF THE AUTHORITIES IN CHARGE OF COMPETITION POLICY DURING THE REAGAN ADMINISTRATION IN THE US, WHILE INTERNAL MARKET COMPLETION HAS BECOME A STRONG

INCENTIVE FOR EUROPEAN FIRMS TO REACH A TRUE CONTINENTAL DIMENSION IN THE UE THROUGH EXTERNAL GROWTH. HOWEVER A ROBUST AND UNIVOCAL ANSWER TO THESE QUESTIONS HAS NOT YET BEEN FOUND IN SPITE OF ITS IMPORTANCE NOT ONLY FROM THE THEORETICAL POINT OF VIEW, BUT ALSO FROM THE NORMATIVE ONE. IN FACT THE CORRECT IDENTIFICATION OF FIRMS' MOTIVATIONS IN PURSUING MERGER AND ACQUISITION OPERATIONS AND OF THEIR CONSEQUENCES ON SOCIAL WELFARE WOULD HELP THE CHOICE BY ADMINISTRATIVE AUTHORITIES OF DIFFERENT POSSIBLE OPTIONS IN COMPETITION AND INDUSTRIAL POLICIES.

EUROPEAN MERGER CONTROL CATALIN STEFAN RUSU 2010-01-01 TWENTY YEARS OF EXPERIENCE HAVE INEVITABLY BROUGHT TO LIGHT CHALLENGES AND TENSIONS IN THE ENFORCEMENT OF THE EUROPEAN MERGER CONTROL SYSTEM. SOME OF THESE CHALLENGES HAVE BEEN FACED, SOME HAVE BEEN SOLVED AND SOME REMAIN LATENT. THIS VERY VALUABLE STUDY STARTS FROM THE PROPOSITION THAT THE EU HAS NEVER FULLY ACKNOWLEDGED THOSE FUNDAMENTAL CHALLENGES WHICH RELATE TO THE RATIONALE BEHIND MERGER CONTROL IN EUROPE. THE AUTHOR SHOWS HOW THE COMMISSION'S FOCUS ON ADAPTING THE RULES OF MERGER CONTROL TO THE ECONOMIC REALITIES OF THE FUTURE BUSINESS ENVIRONMENT, ALTHOUGH DESIGNED WITH A VIEW TO FACILITATING EUROPEAN INTEGRATION.

HAS COMPROMISED ATTAINMENT OF LEGAL CERTAINTY, TRANSPARENCY AND WELFARE ENHANCEMENT. IN ITS DETAILED EVALUATION OF THE 'FUTURE MARKET STRUCTURE PREDICTION PROCESS' EMBEDDED IN EUROPEAN MERGER CONTROL POLICY, THIS BOOK APPROACHES TWO ROCK-BOTTOM, FAR-REACHING QUESTIONS: IN WHAT WAYS DOES MERGER CONTROL PROMOTE CONSUMER AND SOCIETAL WELFARE? IS THE COMMISSION ABLE TO CORRECTLY PREDICT THE OUTCOME OF ANY GIVEN CONCENTRATION TRANSACTION? THESE CONSIDERATIONS TAKE THE READER THROUGH A DEEP AND SEARCHING ANALYSIS THAT CALLS INTO QUESTION THE VERY CREDIBILITY AND TRANSPARENCY OF THE SYSTEM, LEADING TO ALTERNATIVES WHICH PROMISE A NEW CLARITY OF PURPOSE AND PROCEDURE. THE AUTHOR DESCRIBES HOW THESE RECOMMENDATIONS CAN BE INTEGRATED INTO THE FUNCTIONING FRAMEWORK OF THE EUROPEAN PROJECT. TAKEN FULLY INTO ACCOUNT ALONG THE WAY IS A WIDE SPECTRUM OF RELEVANT SOURCE MATERIAL, INCLUDING THE FOLLOWING: APPLICABLE ARTICLES AND CHAPTERS OF THE FOUNDING AND SUBSEQUENT EUROPEAN TREATIES; SECONDARY EUROPEAN LEGISLATION CONCERNING COMPETITION AND MERGER ACTIVITY; DOMESTIC COMPETITION LAWS; GUIDELINES, NOTICES AND ACTION PLANS; COMPETITION LAW REVIEWS, STATEMENTS OF INTENTIONS; DRAFT LEGISLATIVE ATTEMPTS; SPEECHES ON THE ENACTMENT AND PURPOSE OF

MERGER CONTROL; MEMBER STATES' VIEWS CONCERNING EUROPEAN MERGER CONTROL AS EXPRESSED DURING COUNCIL NEGOTIATIONS; OFFICIALLY AVAILABLE CONCENTRATION-RELATED STATISTICS; AND A WIDE-RANGING LITERATURE REVIEW COVERING BOTH THE LEGAL AND ECONOMIC SIDES OF MERGER CONTROL. THROUGHOUT, THE AUTHOR SUBSTANTIATES THEORETICAL ASSERTIONS WITH CASE LAW EXAMPLES, CLEARLY EXPOSING DOCTRINES ARISING FROM SUCH CASES AS CONTINENTAL CAN, PHILLIP MORRIS/ROTHMANS AND THE AIRTOURS, SCHNEIDER AND TETRA LAVAL TRILOGY. A UNIQUE FEATURE OF THE ANALYSIS DRAWS ON THE AUTHOR'S PERSONAL EXPERIENCE WHILE WORKING FOR A BRUSSELS COMPETITION LAW FIRM. THIS BOOK IS A REMARKABLE COMPOUND OF ACADEMIC GUIDE TO THE ROOTS AND RATIONALES OF THE EUROPEAN MERGER CONTROL SYSTEM, PRACTICAL GUIDE TO THE DAY-TO-DAY INTRICACIES OF MERGER CONTROL ENFORCEMENT, AND 'RAW' GUIDE FOR DECISION MAKERS AND MERGER CONTROL LAW ENFORCERS. IT WILL BE OF IMMENSE VALUE IN ALL THREE CONTEXTS.

GLOBALIZATION AND THE LIMITS OF NATIONAL MERGER CONTROL LAWS
JOSEPH WILSON 2003-02-01 "THE PROLIFERATION OF MERGER CONTROL LAWS, IN THE ABSENCE OF A MECHANISM TO COORDINATE THE TRANSNATIONAL MERGER REVIEW, PLACES AN UNNECESSARY BURDEN ON MERGING PARTIES, AND RUNS THE RISK OF

DIVERGENT OUTCOMES, WHICH AT TIMES CAUSE FRICTION AMONG NATION-STATES." --

MERGERS UNDER EEC COMPETITION LAW TIMOTHY G. PORTWOOD 1994

THIS BOOK EXAMINES THE COMMISSION'S APPROACH TO JOINT VENTURES AND COMMUNITY LEGISLATION REGULATING JOINT VENTURES, MERGERS AND CONCENTRATION IN THE EC. IT DISCUSSES RECENT MERGERS REGULATION AND ANALYZES THE PRACTICAL APPLICATION OF THE LAWS.

MUCH OF THE BOOK IS TAKEN UP WITH PROCEDURAL ASPECTS, LOOKING AT WAYS IN WHICH THE COMMISSION'S PRACTICE AFFECTS THE ABILITY OF FIRMS TO UNDERTAKE JOINT ACTIVITY. THIS BOOK SHOULD BE OF INTEREST TO BOTH LEGAL PRACTITIONERS AND IN-HOUSE COUNSEL, AND TO ACADEMICS AND STUDENTS IN THIS FIELD. PORTWOOD'S OTHER PUBLICATIONS INCLUDE LAW OF INTERNATIONAL TRADE (1990) AND A NUMBER OF CASE-NOTES AND ARTICLES IN THE JOURNAL OF INTERNATIONAL BANKING LAW.