

PRIVATE
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Nice Private Enforcement Before National Courts

Damien Gerard, Assimakis Komninos



Nice Private Enforcement Before National Courts:

Standing to Enforce European Union Law before National Courts Hilde K Ellingsen, 2021-03-25 Access to court has long been recognised as an essential element of a Union based on the rule of law This book asks how can Member States ensure that their rules on standing guarantee that right The book answers this question by analysing the requirements of EU law from two angles first the effective protection of Union rights second the effectiveness of Union law per se With detailed case law examination the book formulates an autonomous Union law doctrine of standing based on the principle of effective judicial protection It then goes further setting out an effectiveness test of Member States enforcement mechanisms to ensure that EU law is rendered operative in practice This is a rigorous study on a question of immense importance Modeling Economic Growth in Contemporary Greece Vasileios Vlachos, Aristidis Bitzenis, Bruno S. Sergi, 2021-11-04 Modeling Economic Growth in Contemporary Greece assesses the conditions shaping the Greek economy's restart discussing the effect of institutions on the business environment and highlighting the factors which are critical for achieving sustainable economic growth **The Rules of Federalism** R. Daniel. KELEMEN, R. Daniel Kelemen, 2009-06-30 This book examines patterns of environmental regulation in the European Union and four federal polities the United States Germany Australia and Canada Daniel Kelemen develops a theory of regulatory federalism based on his comparative study arguing that the greater the fragmentation of power at the federal level the less discretion is allotted to component states Kelemen's analysis offers a novel perspective on the EU and demonstrates that the EU already acts as a federal polity in the regulatory arena In The Rules of Federalism Kelemen shows that both the structure of the EU's institutions and the control these institutions exert over member states closely resemble the American federal system with its separation of powers large number of veto points and highly detailed judicially enforceable legislation In the EU as in the United States a high degree of fragmentation in the central government yields a low degree of discretion for member states when it comes to implementing regulatory statutes Table of Contents Acknowledgments 1 Regulatory Federalism and the EU 2 Environmental Regulation in the EU 3 Environmental Regulation in the United States 4 Environmental Regulation in Germany 5 Environmental Regulation in Australia and Canada 6 Food and Drug Safety Regulation in the EU 7 Institutional Structure and Regulatory Style Notes References Cases Cited Index R Daniel Kelemen's The Rules of Federalism is an important contribution to both the literature on federalism and on the European Union It makes an original theoretical and empirical contribution to our understanding of regulatory federalism and sheds new light on the federal systems which it compares It will open up new avenues of inquiry Alberta Sbragia University of Pittsburgh The Rules of Federalism makes a significant contribution to the literature on regulatory federalism Kelemen's original theoretical perspective is made plausible through a series of fascinating case studies The book will be of interest to scholars of federalism constitutional design environmental policy and the European Union Susan Rose Ackerman Yale Law School **EU Competition Law** Alison Jones, Brenda Sufrin, 2014 A stand alone

guide to competition law providing extracts from key cases academic works and legislation along with incisive critique and commentary from two experts in the field *Remedies in EU Competition Law* Damien Gerard,Assimakis

Komninos,2020-07-10 By their nature remedies are central to competition law enforcement and represent the yardstick against which the efficiency of the overall system can be measured Yet very rarely have remedies been treated in a horizontal and comprehensive manner from the combined perspectives of substance process and policy The present volume developed in partnership with the College of Europe s Global Competition Law Centre GCLC provides coherent practical and authoritative commentaries by leading experts from the GCLC s incomparable network The contributions originally presented at the 2019 GCLC annual conference examine remedies to assess the overall effectiveness of competition law enforcement in merger antitrust and State aid matters The overall topic is presented under five headings objectives and limitations of remedies types of remedies in competition law enforcement implementation and process ex post assessment of remedies and policy lessons and national and international approaches The high profile and wide ranging group of authors includes the Director General of the European Commission s competition department lawyers from major international firms and well known economists and academics specialising in competition law With a sharp focus on how to make competition rules work well in today s digital environment this systematic and coherent analysis illuminates an issue that we need to fully grasp and understand in order to make sense of competition policy law and enforcement in the years and decades to come

Cross-Border EU Competition Law Actions Mihail Danov,Florian Becker,Paul Beaumont,2013-06-18 This book written within the framework of a research project funded by the European Commission Civil Justice Programme identifies the ways in which cross border EU competition law actions can best be handled in Europe Employing traditional library based legal research methods as well as qualitative interviews with legal practitioners in Germany and England countries sharing different legal traditions and policy makers in Brussels the book considers how private EU competition law actions are functioning at the moment and how they could and should be developed The study proposes solutions for some of the most pressing practical problems and includes chapters by the following academics legal practitioners and judges Judge I Pelik nov General Court of the EU J Lawrence and A Morfey Freshfields P Lasok QC Monckton Chambers H Mercer QC Essex Court Chambers J Webber Shearman T Reher CMS Hasche Sigle Germany P Bos and J M hlmann BarentsKrans the Netherlands P Beaumont Aberdeen S Bariatti Milan G Howells Manchester D Fairgrieve BIICL J Fitchen Aberdeen A Andreangeli Edinburgh D Tzakas Athens Bar Greece S Dnes Sidley Austin Brussels F Becker and J Kammin Kiel University Germany and M Danov Brunel University **European Competition Law Annual 2000** Claus-Dieter Ehlermann,Isabela Atanasiu,2001-05-04 The European Competition Law Annual 2000 is fifth in a series of volumes following the annual Workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University in Florence The present volume reproduces the materials of a roundtable debate that took place at the EUI in June 2000 among senior

representatives of EU institutions renowned academics and international legal experts in the field of antitrust on the proposals made by the European Commission for the reform and decentralisation of EC antitrust enforcement The contributions and commentaries included in this volume address in particular the following issues a the compatibility of the Commission's reform proposal with the provisions of the EC Treaty b how to ensure coherence efficiency and legal certainty in a decentralised system of implementing EC antitrust provisions and c the problems posed by the Commission's reform proposal for the judiciary This publication is addressed to scholars legal practitioners and representatives of the business community following the on going process of reform of EC antitrust

The Law and Economics of Article 102 TFEU Robert O'Donoghue KC, Jorge Padilla, 2020-09-03 A reference book in this area of EU competition law and a must have companion for academics enforcers and practitioners alike as well as EU and national judges Judge Nils Wahl Court of Justice of the European Union This seminal text offers an authoritative and integrated treatment of the legal and economic principles that underpin the application of Article 102 TFEU to the behaviour of dominant firms Traditional concerns of monopoly behaviour such as predatory pricing refusals to deal excessive pricing tying and bundling discount practices and unlawful discrimination are treated in detail through a review of the applicable economic principles the case law and decisional practice and more recent economic and legal writings In addition the major constituent elements of Article 102 TFEU such as market definition dominance effect on trade and applicable remedies are considered at length The third edition involves a net addition of over 250 pages with a substantial new chapter on Abuses In Digital Platforms an extensively revised chapter on standards and virtually all chapters incorporating substantial revisions reflecting key cases such as Intel MEO Google Android Google Shopping AdSense and Qualcomm

Modernisation of European Competition Law Jules Stuyck, Hans Gilliams, Elke Ballon, 2002 The idea of the Modernisation of European Competition Law had been launched by the Commission in late 2000 in a White Paper The Commission proposed to decentralise the application of the EC competition rules national authorities and judges would receive new competencies in this area The modernisation process should dramatically change the scene Current expectations are that there is a fair chance that the Commission's proposal will be adopted with some amendments by the Council before the end of 2002 Following the publication of the White Paper the Leuven Centre for a Common Law of Europe decided to devote a conference to the subject of Modernisation of EC Competition Law in June 2001 At the time of the Conference the modernisation idea had been followed by a draft Regulation implementing Articles 81 and 82 EC This book contains the papers that were delivered at the conference These papers examine the salient features of the proposed reform and discuss its consequences for European and national competition law and practice Special emphasis is placed on private enforcement of EC antitrust rules The editors added a general introduction setting out the highlights of the modernisation debate as it was conducted in Leuven Therefore this book will help to understand this single most important reform of EC competition law since its conception Contributions to this book

are made by T C Arthur Sir C Bellamy L Cornelis W Devroe H Gilliams L Gyselen K Lenaerts J Stuyck J Temple Lang M van der Woude and W van Gerven Competition Law and Policy in the EU and UK Barry J. Rodger, Angus

Macculloch, 2021-11-07 Competition Law and Policy in the EU and UK provides a focused guide to the main provisions and policies at issue in the UK and EU including topics such as anti competitive agreements abuse of dominance mergers and Brexit The book s contents are tailored to cover all major topics in competition law teaching and the authors clear and accessible writing style offers an engaging and easy to follow overview of the subject for course use The sixth edition provides a full update for this well established title and takes recent developments into account including those in the case law surrounding the concept of object agreements under Art 101 TFEU the concept of abuse under Art 102 TFEU the treatment of online multi sided platform markets and the development of private enforcement Chapters focus on the substantive laws of the UK and EU and demonstrate how competition law affects business including co ordinated action pricing behaviour takeovers and mergers Information is presented within a structured framework complete with discussion of the UK enforcement structures following the UK s withdrawal from the EU The book includes a wealth of pedagogical features including chapter overviews and summaries discussion questions and further reading Clear focused and student friendly this book offers a comprehensive resource for students taking competition law courses and will be of interest to postgraduate students and legal professionals looking for an introduction to the topic **An Introduction to EU**

Competition Law Moritz Lorenz, 2013-04-25 Succinct and concise covering all key substantive and procedural aspects of the subject this textbook is required reading for students of EU competition law The author s clarity of expression and wealth of worked examples makes this sometimes complex subject accessible This refreshing uncluttered approach guarantees the students understanding and engagement **Europäisches Zivilprozessrecht** Burkhard Hess, 2020-12-16 Der Band

erschlie t das Europ ische Zivilprozessrecht in systematischer und rechtsdogmatischer Hinsicht Auf der Basis der Rechtsprechung des EuGH werden die Rechtsetzungskompetenzen der Union dargestellt die unterschiedlichen Regelungsebenen des europ ischen Prozessrechts Regelungskonzepte und Regelungstechniken die Schnittstellen zu den Prozessrechten der Mitgliedstaaten und das Verh ltnis zu Drittstaaten Ein aktueller Schwerpunkt betrifft den Schutz der Rechtsstaatlichkeit in Europa sowie die Politik der EU Kommission bei der Digitalisierung der Justiz in den Mitgliedstaaten e justice Den Abschluss bildet die rechtspolitische Debatte um die Schaffung einer Europ ischen Zivilprozessordnung Das Werk wendet sich an Praktiker die sich verl sslich ber das Europ ische Zivilprozessrecht informieren wollen aber auch an Referendare und Studenten die sich im Internationalen Privat und Verfahrensrecht sowie im Europ ischen Wirtschaftsrecht spezialisieren m chten **Antitrust Law Journal** , 1986 **Internationalisierung des Rechts und seine ökonomische**

Analyse Internationalization of the Law and its Economic Analysis Thomas Eger, Claus Ott, Jochen Bigus, Georg von Wangenheim, 2008-08-17 Am 25 Mai 2008 vollendet Hans Bernd Sch fer sein 65 Lebensjahr Damit endet nach 32 Jahren

seine aktive Zeit an der Universität Hamburg In diesen 32 Jahren hat Hans Bernd Schfer in einer beispiellosen Kraftanstrengung die Entwicklung der ökonomischen Analyse des Rechts einer Forschungsrichtung die sich Anfang der siebziger Jahre in den USA entwickelt hat in Europa vorangetrieben und in den Köpfen einer zunehmenden Anzahl von Juristen und Ökonomen verankert In dem 1986 zusammen mit Claus Ott in erster Auflage verfassten Lehrbuch der ökonomischen Analyse des Zivilrechts wird der Ansatz der ökonomischen Analyse des Rechts der ursprünglich anhand des angelsächsischen common law entwickelt wurde erstmals systematisch auf das kontinentaleuropäische civil law angewendet Das große Interesse an diesem Buch im In und Ausland wird dadurch eindrucksvoll belegt dass die deutsche Ausgabe in der vierten Auflage vorliegt und dass inzwischen eine englische eine spanische und eine chinesische Ausgabe zur Verfügung stehen Hans Bernd Schfer hat sein Interesse an der ökonomischen Analyse des Rechts nicht nur durch eine Vielzahl von Veröffentlichungen zu den unterschiedlichsten rechtspolitischen Problemen in angesehenen juristischen und ökonomischen Fachzeitschriften sowie durch die Herausgabe zahlreicher Konferenzbande dokumentiert Als gelernter Ökonom hat er systematisch den Dialog mit den juristischen Kollegen gesucht und gemeinsam mit diesen immer wieder interdisziplinäre Lehrveranstaltungen angeboten Gemeinsam mit Claus Ott hat er vor etwa zwanzig Jahren das alle zwei Jahre stattfindende Travemünder Symposium zur ökonomischen Analyse des Rechts ins Leben gerufen

The Modernisation of EC Antitrust Law Rein Wesseling, 2000-07
In recent years European Community EC competition law has come under fire Continued criticism of all aspects of the means by which EC competition law is enforced has brought to light ineffectiveness of the present system Consequently the European Commission has responded by issuing the White Paper on Modernisation which sets out its vision on the future of EC competition law This new book takes a step back and tries to understand the current challenges to EC competition policy by examining the origins of the Community's competition law system In the first part of the book the author sketches the development of Community competition law enforcement between the European Economic Community established in 1958 and the European Union of today Taking this dynamic perspective on EC competition law the second part of the book addresses topical problems of EC competition policy the pertinent objectives the institutional framework the division of jurisdiction between the Community and Member States and decentralised enforcement of Community law Notably the author's conclusions diverge considerably from the analysis found in the Commission White Paper on Modernisation The author proposes various alternative solutions to the existing problems which arguably fit better within the overall constitutional development of the Community than the solutions offered by the Commission The book will be of interest to competition lawyers as well as to all those interested in the constitutional development of the European Community

European Union Law Catherine Barnard, Steve Peers, 2023 Edited by Catherine Barnard and Steve Peers *European Union Law* draws together a range of perspectives from experienced academics teachers and practitioners to provide a comprehensive introduction Each chapter has been written and updated by an expert in the field to provide students with

access to a broad range of ideas while offering a solid foundation in the institutional and substantive law of the EU Written by experts designed for students every chapter ensures a balance of accessible explanation and critical detail Case studies are included throughout the book to enable students to understand the context and implications of EU law as well as helping to familiarize them with some of the most significant case law in the area Quotations and examples from key legislation and academic sources are also included to help develop a well rounded understanding while further reading suggestions for each chapter act as a springboard for further study and assessment preparation This text provides a fresh and modern guide to EU law and is an ideal entry point for students new to the subject as well as those looking to develop their understanding Digital formats and resources The fourth edition is available for students and institutions to purchase in a variety of formats The e book offers a mobile experience and convenient access along with functionality tools navigation features and links that offer extra learning support www.oxfordtextbooks.co.uk/ebooks *European Court Procedure* Viktor Luszcz, 2020-10-29 More than just another new theoretical study this book really is a practical and useful tool that I sincerely recommend From the foreword by Mr Marc van der Woude President of the General Court of the European Union The new Rules of Procedure of the General Court in force as of 2015 as well as the reform of the General Court and the re establishment of a two tier EU judiciary in September 2016 are the last bricks in the post Lisbon legal structure governing litigation before the EU Courts This work covers the already sizeable case law developed after the completion of these reforms and explains the changes in the Courts practice entailed by them Written by experienced EU Court and Commission insiders it gives a detailed and practice oriented overview of the whole spectrum of litigation procedure before the EU judiciary It also presents the entire system of judicial avenues that enable litigants to enforce their rights under EU law against European institutions Member States or private parties The book is thus a comprehensive reference tool for practising lawyers and helps them present their cases effectively while at the same time offering valuable guidance to national judges dealing with cases raising points of EU law Moreover it provides insights into the reasoning process of the EU Courts which will be of interest to scholars in the field and is built around a structure that facilitates its use as a teaching material [The Interface between Competition and the Internal Market](#) Vasiliki Brisimi, 2014-12-01 This book explores the interface between competition law and market integration in the application of Article 102 of the Treaty on the Functioning of the European Union TFEU focusing on the notion of market separation namely conduct that may hinder cross border trade The discussion reviews among other things the treatment of geographic price discrimination and exclusionary abuse by which out of state competitors are affected Market separation cases are treated in the book as a case study for appraising the interface between competition and the Internal Market On this basis the book provides a comparative analysis of the Treaty requirements under Article 102 TFEU when applied in market separation cases and the Treaty requirements under the free movement provisions In addition it utilises market separation cases as a springboard for advancing an informed reformulation of the application of Article 102 TFEU

when state action comes into play All in all the analysis presented in the book deconstructs the elements for establishing market separation as an abuse of the dominant position It shows that there is nothing that would justify a distinctive treatment of market separation under Article 102 TFEU other than a principled understanding of Internal Market law as a whole whatever understanding one reaches about the proper shape of the Internal Market interrogation of the proper application of competition law comes after that and thus should be informed by this understanding

Modernisation and Enlargement Damien Geradin, 2004 This book comprises a set of papers that were prepared for and delivered at the Global Competition Law Centre's Annual Conference Modernisation and Enlargement Two Major Challenges for EC Competition Law The book presents an analysis of the new Regulation 1/2003 on the implementation of the competition rules laid down in Article 81 and 82 of the Treaty This new Regulation represents a cultural revolution for EC competition lawyers who were accustomed to notifying agreements in order to obtain some legal certainty for their clients Modernisation opens up a brand new world where corporations and their lawyers will be asked to self assess the validity of their agreements under EC competition law The direct effect given to Article 81/82 will also stimulate implementation at the national level including actions in national courts although several procedural issues may impede private actions in courts Amongst its other features Regulation 1/2003 also creates a European Competition Network ECN which provides an institutional focus for cooperation between the NCAs and the Commission as well as among the NCAs themselves Enlargement of the European Union was one of the factors which contributed to the adoption of Regulation 1/2003 Enlargement will expand the geographical scope of application of EC competition rules but it will also create many important challenges The NCAs of the new Member States are relatively new organisations which in some cases lack the expertise and resources to pursue a credible enforcement agenda These Member States are however willing to take on those challenges and though a period of adaptation will be needed there are no reasons why they should be unable to progressively develop a successful competition policy Already some agencies e.g. in Hungary or Poland have developed a credible enforcement record This book is invaluable for all EU competition lawyers

The EEA and the EFTA Court EFTA Court, 2014-11-27 The EEA Agreement extends the free movement of persons goods services and capital to the EEA EFTA States Iceland Liechtenstein and Norway It provides for equal conditions of competition and abolishes discrimination on grounds of nationality in all 31 EEA States The successful operation of the EEA depends upon a two pillar system of supervision involving the European Commission and the EFTA Surveillance Authority A two pillar structure has also been established in respect of judicial control with the EFTA Court operating in parallel to the Court of Justice of the European Union The EFTA Court which celebrates its 20th anniversary in 2014 has jurisdiction with regard to EFTA States which are parties to the EEA Agreement The jurisdiction of the EFTA Court accordingly corresponds to the jurisdiction of the Court of Justice of the European Union over EU Member States in matters of EEA law The essays in this collection assembled to celebrate the 20 year landmark and written by members of the Court

and external experts review the successes and shortcomings of the Court its interface with EU law and the prospects for its future development

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