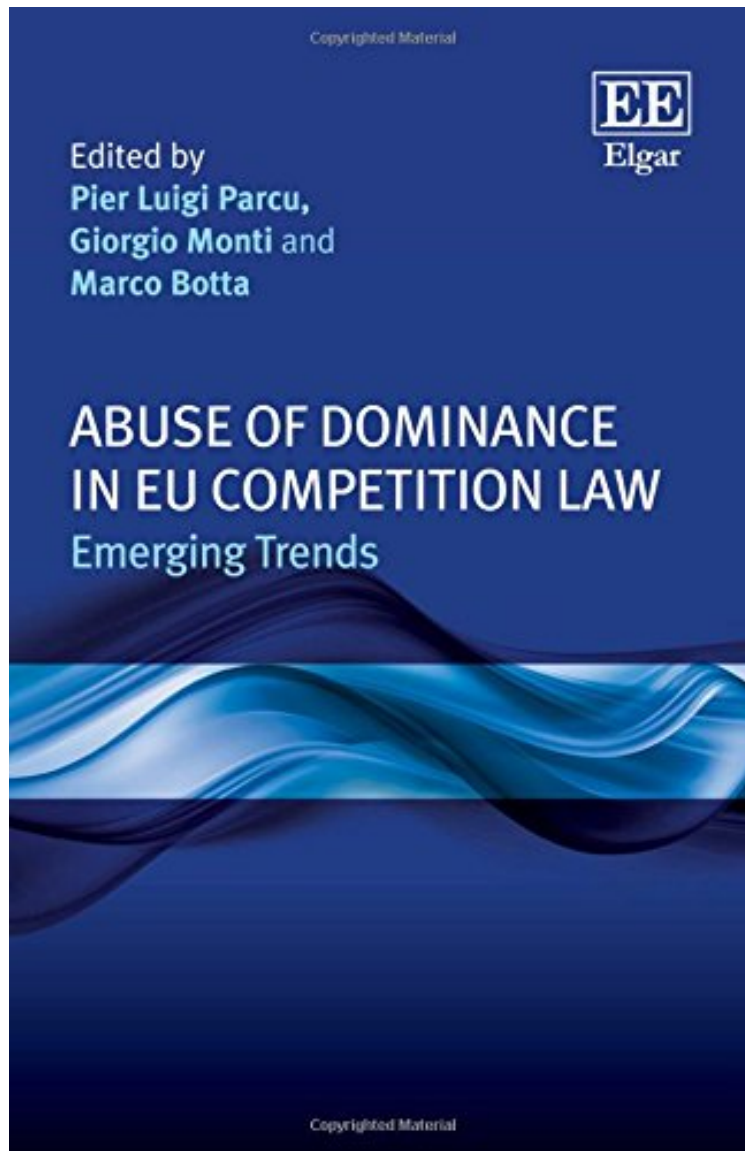


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Abuse of Dominance in EU Competition Law: Emerging Trends

Pier Luigi Parcu, Giorgio Monti, Marco Botta
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and Elizabeth Taylor of Richmond Green Chambers Abuse, or abusive practices in the commercial sphere have unfortunately become enough of a commonplace to have generated a complex body of legislation aimed at preventing them; or, if prevention doesn't work, providing redress in the courts to those businesses or individuals disadvantaged by abuse. Such is the overall aim of a key piece of European legislation (well known to competition lawyers), namely Article 102 of the Treaty on the Functioning of the European Union (TFEU), which is the focus of this book. To perhaps oversimplify, abuse of dominance, involves big companies bullying little companies by placing them at a disadvantage. Refusing to supply a competitor, or monopolizing a market by limiting consumer access to products or services are only two examples. Note, however, that the interpretation of the terms abuse or dominance have been subject to a confusing range of interpretations. Fortunately, this book cuts through much of the confusion by providing a succinct yet remarkably thorough examination of the many issues inherent in this complex, yet pivotal area of commercial law. Yes, the subject matter is EU competition law, but the inherent principles are applicable internationally. In the opinion of Hein Hobbelen of Freshfields Bruckhaus Deringer, Belgium, the book's comparative approach will provide relevant insight to the entire competition law world. Containing the research papers of eight international contributors plus that of the three editors, the book includes a thorough study of recent law and current thinking in this field. UK readers will be especially interested in the discussion by Richard Whish, Emeritus Professor at Kings College London who offers a prime example of abuse of dominance in the case of *Arriva The Shires v. London Luton Airport Operations*. Arriva, the coach services company, eventually won and if you want to know how and why, read this book. Whish reminds us at the beginning of his article that the abuse of dominance is forbidden in the UK by Article 102 and a network of other relevant legislation. With its cross-border perspective and wealth of research into the practical applications of abuse of dominance provisions this book will prove to be of immense value to practitioners, academics and policy makers alike. Commercial lawyers will find it especially useful. The publication date is cited as at 2017.

Granting rebates to a customer or refusing to supply a competitor are examples of ordinary commercial practices, which become 'abusive' under Article 102 of the Treaty on the Functioning of the EU (TFEU) when carried out by 'dominant' firms. This topical book provides an up-to-date account of the emerging trends in the enforcement and interpretation of this provision at both the EU and national level. Employing a range of case studies, this illuminating book adds a cross-country perspective to the ongoing debate surrounding the scope of application of Article 102 of the TFEU; a debate largely caused by its ambiguous wording. Besides analyzing the case law of the EU Courts and EU Commission that determine what conduct falls in the 'abuse' box, a number of chapters examine the active contribution of national courts and competition authorities in the ongoing process of shaping the meaning of this legal provision. Astute and discerning, this book will appeal to academics and researchers in the areas of EU competition law and policy. Its practical examples will also prove beneficial to practitioners and national competition authorities. Contributors include: M. Botta, R. Karova, M. Marquis, G. Monti, P.L. Parcu, P.A. Perinotto, F. Schuhmacher, H. Schweitzer, M. Siragusa, M.L. Stasi, R. Whish

'An analysis of emerging trends in the application of abuse of dominance provisions is an ambitious endeavour, which the authors of this volume have remarkably achieved. Among the trends identified are an increased focus by courts on the intention to harm competition, new types of abuses and decentralization. These trends shape the authors' analysis of the divergent manners in which Article 102 (and/or national equivalents) are interpreted and applied both at EU and national levels. Including a thorough study of recent national cases, this book's comparative approach will provide relevant insight to the entire competition law world. I strongly endorse this book and congratulate the authors on their successful contributions.' --(Hein Hobbelen, Freshfields Bruckhaus Deringer, Belgium) About the Author Edited by Pier Luigi Parcu, Giorgio Monti and Marco Botta, European University Institute, Italy