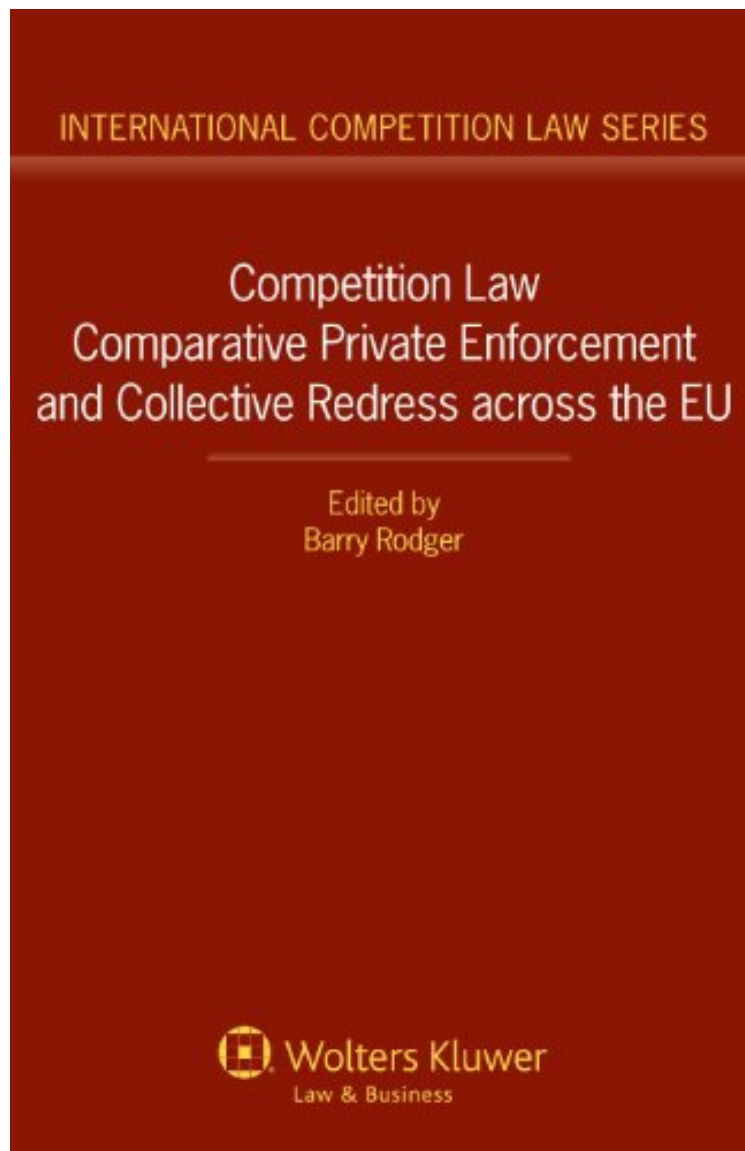


(Download pdf ebook) Competition Law: Comparative Private Enforcement and Collective Redress Across the EU (International Competition Law Series)

Competition Law: Comparative Private Enforcement and Collective Redress Across the EU (International Competition Law Series)

Barry Rodger

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(International Competition Law Series):

This book presents and evaluates the results of an AHRC funded research project designed to generate a quantitative analysis of the extent to which private enforcement of competition law has taken place across twenty-seven EU Member States over a period of 13 years to 1 May 2012 in order to consider the extent to which the rights provided by competition law in the EU are protected and accorded effectiveness. It fills a major gap in our knowledge of the use of private litigation in Europe, especially in relation to consumer redress in competition-related cases, providing valuable empirical evidence to inform policy debate and developments. Based on extensive work by expert rapporteurs from 27 EU Member States, the study comprehensively identifies, for the period 1999-2012, all competition law cases before the domestic courts of the EU where parties were seeking to exercise rights conferred on them either by EU law (Articles 101 and 102 TFEU) or the domestic competition law equivalents. The general hypothesis that underlies the project is that private enforcement practice may at least partly be explained by the existence or availability of particular institutions, mechanisms and cultural factors in relation to the particular legal system, and, accordingly, the book provides an overview of certain aspects of the legal and institutional background to private enforcement across the Member states, focusing on: the availability of a specialist competition law tribunal/court; provision for stand-alone and/or follow-on actions; information revelation mechanisms; and litigation costs and funding mechanisms. After a comprehensive discussion of EU and national trends in private enforcement, three special chapters provide further insight into such matters as: - incentives derived from procedural rules which may explain the differences in observed competition related litigation activity; recent developments in the application of the certification criteria in relation to "class actions" in the US amid concerns over the transplantation of a potentially abusive class action mechanism from the US for competition law collective actions in Europe; and a critique of the current European approach, suggesting that public enforcement and ADR may be more effective, quicker and cheaper than private enforcement. This study responds to the growing consensus among European competition authorities that private enforcement is a key element of a more competitive European economy, and provides an incomparable source of policy-relevant data. It will be of immeasurable value to academics, practitioners, consumer organizations, businesses, policymakers, and public enforcement agencies