

Nieuwe boeken en nieuwe edities vanaf 2012, geselecteerd voor de praktijk

6) ONDERNEMINGS- en HANDELSRECHT

6d: mededingingsrecht

STAND 01-07-2023

NIEUW in 2023:

Competition Damages Actions in the EU and the UK - Law and Practice

This significantly expanded, restructured, and updated edition sets out the law in relation to actions for damages for loss caused by infringements of articles 101 and 102 of the TFEU, in both the EU and UK. Provides detailed guidance on the jurisprudence emanating from both jurisdictions, with careful reference to Directive 2014/104, and incorporating additional detail throughout on the variations in practice and interpretation in key member states. Provides guidance on substantive issues, as quantification of loss and pass-on, access to documents, in the context of leniency programmes, and probative value of competition authority decisions. New to this edition is extensive treatment of collective redress in the EU and collective proceedings in the UK. In addition, the book has been restructured so that material on the parties to litigation and limitation, for example, are clearly presented in new chapters.

D.Ashton (E.Elgar-9781802209273) 3e dr. mei 2023 588 pag. geb. ca. € 355,00

EU Competition Law

Comprehensive new textbook covering all major aspects of this intriguing part of Union law, prepared by a group of distinguished specialists from European universities, Sheds light on the various pillars of EU competition law that prevent unlawful restrictions of competition within the internal market. The focus is on anti-competitive agreements, abuses of a dominant position, mergers and state aid measures. Both substantive and procedural issues are covered, including not only public but also private enforcement. Each chapter provides basic discussion in the main text, while additional detailed explanations are included in the footnotes. Contains the tables of relevant hard law, case 1a wand soft law, and the index.

A.Fercic (ed.) e.a.(EuropaLaw-9789462513013) maart 2023 600 pag. € 98,00

Research Handbook on Private Enforcement of Competition Law in the EU

Delivers a deft exploration of strategies to successfully enforce rights across the EU and encompasses discussion and scrutiny of legal instruments, institutional developments, key litigation issues and judicial practice. Delivers reflection on developments in practice, including the impact of the Antitrust Damages directive, and the impact of a range of CJEU case-law.

B.Rodger e.a. (E.Elgar-9781800377516) februari 2023 562 pag. geb. ca. € 335,00

Verschenen in 2022:

Concurrentiebepalingen op de Arbeidsmarkt - een nieuw tijdperk voor mededingingshandhaving

Door de verhitte arbeidsmarkt, de opkomst van de tech economie en de discussies rondom (de rechten van) platformbewaterkers is sprake van een toegenomen aandacht bij mededingingsautoriteiten wereldwijd voor eerlijke concurrentie op de arbeidsmarkt.

B.Braeke,L.Elzas (Bureau Brandeis) augustus 2022 4 pag. GRATIS OP PDF OP AANVRAAG

Directory of EU Case Law on State Aids

Analyses case law with hundreds of new decisions by the courts of the EU, and continues to be the quickest source of reference for EU State aid matters. A highly organized sequence of subject headings is followed and presents extracts from all judgments and orders of both the courts of the EU on the Treaty on the Functioning of the European Union (TFEU) rules on State aids. A new chapter on legal protection and additional material on the concept of State aid, advantages for undertakings, selectivity, forms of State aid, procedures and unlawful aids also

form a part of this edition. Furnishes practitioners with relevant paragraphs and full citations regarding all issues raised by Articles 107-109 TFEU.

R.Barents (KL-9789403544410) 4e dr. juni 2022 1042 pag. geb. ca. € 285,00

EU Competition Law - Volume II: Mergers and Acquisitions

This third edition (after 10 years) provides meticulous and exhaustive coverage of EU Merger Law. Contains over 1500 pages of detailed practical analysis and commentary across two volumes. Provides a unique insight into the way that Commission officials approach cases in practice, substantive analysis and procedural guidance and detailed attention is to specific sectors: including energy, financial services, telecoms, media and internet, transportation.

L.Weinert,C.Jones(E.Elgar-9781802203455) 3e dr. januari 2022 1704 pag.geb. ca. € 540,00

EU Competition Law and Pharmaceuticals

Discusses the application of the EU competition rules to pharmaceuticals, covering the prohibitions on anticompetitive agreements and abuse of dominance, and merger control. Analyses recent case law at both EU (and UK) and Member State levels – in the context of current issues and future trends, including those related to COVID-19 – and examines the impact of competition law on the behaviour of the pharmaceutical industry. Considers the balance between competition and innovation, as well as between competition and regulation. Concludes that competition and regulation are not alternatives, but complementary, and that novel ways of account risk and real innovation through competition have been developed.

W.Sauter,M.Canoy,J.Mulder(E.Elgar-9781802204407) nov. 2022 324 pag. geb. ca.€ 140,00

EU Competition Law Handbook – edition 2022

This is the 32st edition of this annual guide to EU competition law. Provides a comprehensive digest of Commission decisions and competition cases before the EU and national courts, cross-referenced by subject matter, for the swift location of the full list of relevant case-law, regulations and notices. Clear structure: distinct sections on: General Competition Rules and Mergers and Acquisitions; analytical digest divided by subject matter guides through the maze of legislation, cases and decisions; detailed tables show the type of decision reached by the Commission or Court of Justice, the type of agreement or activity, the product in question and any fine imposed; tinted thumb tabs aid navigation through the book.

C.Jones,M.V.D.Woude (S&M- 9780414098107) januari 2022 ca. 1600 pag. pap. ca. € 416,00

Mededingingsrecht in de EU en Nederland

Toepassing en handhaving van EU-mededingingsrecht zijn krachtig ter hand genomen door de Europese Commissie in de loop van de jaren. Toch staan Europese regels voor concurrentie niet op zichzelf, want ook de lidstaten hebben mededingingswetgeving aangenomen. Nationale mededingingsautoriteiten hebben aansluiting gevonden bij de kopgroep van de Commissie. In Nederland geldt de Mededingingswet, die naar Europees model is vormgegeven en door ACM wordt gehandhaafd. Het Europees en Nederlands mededingingsrecht is sterk vervlochten met elkaar. Dit recht kan alleen beoefend worden door zowel kennis te nemen van de Europese als nationale dimensie ervan. Daarom worden beide dimensies belicht en onderworpen aan een analyse. Belangrijke concepten, begrippen en regels worden uitgelegd en verdiept.

J.v.d.Gronden (P-9789462513006) augustus 2022 536 pag. € 59,50

Tekst & Commentaar – MEDEDINGINGSWET

VOORAANKONDIGING

Deze 8e druk is op vele fronten geactualiseerd, met onder meer de recente jurisprudentie over de toepassing van de EU-mededingingsregels.

M.v.Oers,R.Wesseling (K-9789013166675) 8e dr. 13 oktober 2022 2060 pag. geb.€ 319,00

Verschenen in 2021:

Access and Cartel Cases - Ensuring Effective Competition Law Enforcement

Examines the legislative patchwork surrounding access to the European Commission's cartel case files. Recent legislative changes have increased the value of the files and have also highlighted the inherent tension between a number of competing interests affecting their accessibility. The Commission is undoubtedly caught between a rock and a hard place, charged

with the task to ensure due process, transparency and effectiveness while at the same time promoting both public and private enforcement of the EU competition rules. Provides a unique and comprehensive presentation of the EU legislation and case law surrounding access to the Commission's cartel case files. Examines the question of accessibility from three different perspectives: that of the parties under investigation, cartel victims, and national competition authorities. Also considers the EU leniency system and whether any legislative changes could make the attractiveness of the system less dependent on the possibilities of cartel victims to access the evidence contained in the Commission's case files.

H.Andersson (HART-9781509942480) januari 2021 320 pag. geb. ca. € 160,00

Blockchain + Antitrust - the Decentralization Formula

Explores the relationship between blockchain and antitrust, highlighting the mutual benefits that stem from cooperation between the two and providing a unique perspective on how law and technology could cooperate. Delivers a legal, economic, and technical analysis of antitrust and blockchain. Provides a well-rounded examination of their mutual flaws and the limitations that occur when they ignore each other. Explores the anticompetitive practices that may arise in the field as well as covering enforcement issues before showcasing the potential of blockchain and antitrust to complement one another. Offers different ways of creating effective regulations and enforcement mechanisms for the purpose of benefiting their common interests. Covers topics: decentralization, blockchain evolution, objectives of competition law.

T.Schrepeel-VU (E.Elgar-9781800885523) november 2021 304 pag. geb. ca. € 140,00

OPEN ACCESS van deze uitgave te lezen: via **Elgaronline**

Boom Basics - MEDEDINGINGSRECHT

M.Herz,J.Lindeboom (B-9789462907980) 5^e dr. begin februari 2021 156 pag. € 15,00

Competition and Antitrust Law - a Very Short Introduction (vgl.Boom Basics serie)

Draws on case studies from the US and the European Union. Explores the promise and limitations of competitive market dynamics. Examines the laws and the way they are enforced. Considers the delicate relationship between free market economy and government intervention, and fascinating forces of competition that shape modern society.

A.Ezrachi (OUP-9780198860303) september 2021 176 pag. ca. € 12,50

Competition Law of the European Union

Provides a comprehensive and up-to-date analysis of the EU competition rules as developed primarily by the Commission, the General Court and the Court of Justice. The new Sixth Edition of a major work by the well-known competition law team at Van Bael & Bellis in Brussels brings the book up to date to take account of the many developments in the case law and relevant legislation that have occurred since the Fifth Edition in 2010. The developments in EU competition law that have occurred have been largely incremental rather than momentous. The authors have also taken the opportunity to write a much-extended chapter on private enforcement and a dedicated section on competition law in the pharmaceutical sector. There has been significant change since the last edition with major cases and other developments in areas such as merger review procedure and cartel enforcement, and this edition will follow the successful format of previous editions covering these developments.

I.Van Bael,J-F.Bellis (KL-9789041153982) 6^e dr. februari 2021 1720 pag.geb. ca. € 490,00

EU Competition Procedure

Practical analytical commentary on the competition procedures of the EU providing in-depth coverage of the relevant rules. Discusses in detail the Commission's package of regulations and guidelines and their interaction in practice. This fourth edition fully updates to reflect recent legislative developments and a wealth of recent case law. Discussion of fining practice of the European Commission and judicial review of this practice by the Community Courts.

L.Ortiz Blanco (ed.)(OUP-9780198799412) 4^e dr. november 2021 1456 pag.geb. ca. € 425,00

EU Market Abuse Regulation - a Commentary on Regulation (EU) No 596/2014

Examines the implications of the EU's Market Abuse Regulation, introduced following the 2008 financial crisis after gaps were identified in the existing regulatory framework. Explores whether and how the Regulation achieves its aims of preserving the integrity of financial markets by preventing insider dealing and market manipulation, providing a harmonised legal framework, and increasing legal certainty for all market participants.

Key features include: practical discussion of the interpretation and implementation of the Regulation, including pertinent national and European case law; systematic article-by-article analysis of the Regulation, illuminating the purpose of each provision.
S.Kalls e.a.(ed.) (E-Elgar-9781800882232) december 2021 544 pag.geb. ca. € 265,00

EU State Aids

Examines all the substantive and procedural aspects of state aid law and policy, analysing the underlying rules and how they have been applied by the Commission and the courts. With extensive COVID-19 commentary throughout, the 6th edition reviews the impact of newly adopted measures such as the updated Recovery Notice 2019 and the Commissions "fitness check". Provides a chapter on the Temporary Framework and other measures to deal with the COVID crisis along with a detailed analysis of the latest tax ruling case law. Reflects revisions to Commission regulations and guidelines along with the latest key decisions and CJEU rulings. Examines as well State aid in specific sectors, including the financial sector, aviation, broadband, agriculture, and aid for large investment projects, transport and broadcasting
L.Hancher, T.Ottersvanger, P.Slot(S&M-9780414080553)6^edr.mei2021 1400 pag.geb.ca.€ 440,00

European Financial Regulation - Levelling the Cross-Sectoral Playing Field

The clear separation between financial sectors has gradually evaporated, as business lines have converged across sectors and FinTech solutions have emerged which do not fit traditional sector boundaries. Brings together insights analysing the main areas of EU financial regulation from a cross-sectoral perspective. For each specific research theme – including prudential regulation, corporate governance and conduct of business rules – the similarities, as well as gaps, overlaps and unjustifiable differences between banking, securities and insurance regulation, are clearly presented and discussed. This approach is aimed at informing lawmakers and policymakers on potential improvements to EU financial regulation whilst also supporting legal and professionals applying the current framework of regulations..
V.Colaert, D.Busch e.a.(HART- 9781509952793) juli 2021 504 pag.pap. ca. € 59,00

Information Exchange Between Competitors in EU Competition Law

Competing firms often exchange information to make more informed market decisions which can help to overcome market inefficiencies. However, an abundance of legal and economic research as well as case law has shown that information exchange may also enable firms to engage in collusion more readily and sustain it longer. Focuses on 'pure' information exchanges – exchanges that are not ancillary to a broader pro-competitive or anticompetitive conduct – and thoroughly explains the characteristics of such information exchanges, their pro-competitive and anticompetitive effects and discusses all the relevant legal aspects for their assessment. Offers an analytical framework for assessing information exchanges under Article 101 TFEU, focusing on the risk of collusive outcomes and types of information exchange that are particularly harmful. Emphasising the leading cases on information exchange, the analysis surveys the most vital aspects for assessing information exchange between competitors, in particular: concept of a concerted practice; concepts of a restriction by object and effect, including their similarities and differences; importance of evidentiary issues; signalling via advance public announcements; factors that facilitate collusion; efficiencies of information exchange, including market transparency; legal challenges of tackling mere parallel conduct; facilitative practices in the Commission Guidelines, including the Horizontal Cooperation Guidelines; safe harbours for certain types of information exchange. Provides clear guidance on how to identify and thus distinguish information exchange that restricts competition by its object and information exchange that restricts competition (only) by its effects. It offers practical solutions to some of the perceived issues when assessing information exchanges.
M.Gassler (KL- 9789403531830) maart 2021 196 pag. geb. € 127,00

Visrechten en Verhandelbaarheid in Nederland en Europa

Onderzoekt en beschrijft ontstaan, ontwikkeling en werking van het gemeenschappelijk visserijbeleid en gevolgen van verhandelbaarheid van visrechten. Het gevolg van deze handel in individuele visquotums is dat steeds meer visrechten in eigendom komen van een steeds kleiner wordende groep (vermogende) vissers, zoals grote rederijen, verwerkers en handelskantoren. Dit leidt tot een absolute machtspositie van enkele grote partijen in de visserijsector. In het Europese mededingingsrecht is een machtspositie op zich niet verboden, tenzij er misbruik van wordt gemaakt. Daarnaast is de invloed van de visserijsector op de producenten en brancheorganisaties en de nongouvernementele organisatie (NGO) van belang. Tevens strekt deze invloed zich uit tot het overheidsbeleid. Deze invloed is zo groot,

dat dit leidt tot kennisverlies op de departementen, de zogenoemde 'capture of the regulator'. Dit betekent dat enkele grote visserijbedrijven in combinatie met de producenten en brancheorganisaties en de NGO zowel het nationale als het EU-visserijbeleid bepalen. Verschafft gedetailleerde juridische oplossingen voor deze problematiek die simpel en doeltreffend zijn.
M.Schilder (Volendam ?)(B- 9789462909298) februari 2021 262 pag. € 49,00

Verschenen in 2020:

Cartel Damages - Principles, Measurement, and Economics

Comprehensive practical guide on the law, economics, and measurement of cartel damages under UK and European competition laws. Draws together the most recent research on cartels, economic analysis, empirical techniques, case law, and legislation to examine how the quantification of losses suffered by those harmed by a cartel are, and could be, applied under European and UK competition laws. Adopts a rigorous yet pragmatic approach to the subject. Detailed discussions of leading cases complement the treatment of the application of economic theory and empirical techniques in competition law and litigation. Three useful appendices provide quick reference guides to statistics on European Cartel Decisions (1999 to 2018), Bank of England 'base rate' (1980-2019), and where to find key documents and information
C.Veljanovski (OUP-9780198855163) april 2020 512 pag. geb. ca. € 200,00

Competition Law and Antitrust

Competition, or Antitrust, law is now a global phenomenon. It operates in more than 100 countries and the relationships among competition law systems are often complex and opaque. Competition law is also new to many countries, which creates uncertainty about how decisions will be made in these jurisdictions. This makes it critically important to understand both the similarities and differences among the systems and the relationships between them. Covers the elements of competition laws, its decisions, targets, and globalization and the future of competition law. Also provides global context by looking at competition law in the US, Europe, and growing markets like Asia and Latin America.
D.Gerber (OUP-9780198727477) augustus 2020 208 pag. geb. ca. € 108,00

Effective Public Enforcement of Cartels - explaining the high percentages of litigation and successful litigation in the Netherlands

De ACM kan aanzienlijke boetes opleggen voor inbreuken op het kartelverbod. Nadat de autoriteit haar eigen boetebesluit heeft heroverwogen in de bezwaarprocedure, staat beroep en hoger beroep open bij de Rechtbank Rotterdam en het College van Beroep voor het bedrijfsleven (CBB). De aanleiding voor dit (Engelstalige) onderzoek was de observatie dat de handhaving van het Europese en Nederlandse kartelverbod wordt gekenmerkt door hoge percentages van procederen en succesvol procederen. Als gevolg hiervan lijken de juridische procedures voor het oplossen van geschillen (bezwaar, beroep en hoger beroep) in het geval van kartelboetes anders te functioneren dan op andere gebieden van het bestuursrecht.
A.Outhuijse(Dissertatie RUG-9789403417691) juni 2019 234 pag. GRATIS PDF OP AANVRAAG

EU Antitrust Procedure

Provides a comprehensive and practically-oriented account of EU antitrust procure. After setting out institutional design and legal framework of EU antitrust enforcement system, explores EU Commission's investigative powers, possible outcomes of its investigations, types of decisions it adopts and remedies and fines it imposes. Looks closely at the rights of defences enjoyed by investigated parties, and how EU Commission strikes a balance between their full observance and the effectiveness of its enforcement. Particular attention is given to judicial review of EU Commission's acts and role of the EU Courts in providing judicial protection and ensuring compliance with fundamental rights and principles. Recognises cooperation as a key feature of the EU antitrust enforcement system and explores mechanisms for cooperation between national antitrust enforcers and EU Commission, between national courts and EU Court of Justice as well as the mechanisms for international cooperation. Provides an in-depth review of ECN+ Directive and explains how it makes national competition authorities effective enforcers.
E.Rousseva (ed.) (OUP-9780198839866) 19 mei 2020 992 pag.geb. ca. € 312,00

EU Cartel Law and Economics

Allows for a more insightful evaluation of the wide variety of practices at the intersection between collusive restrictions of competition and pro-competitive agreements between firms. Sheds light on the underlying mechanics of cartels, including how to detect anti-competitive conspiracies in the absence of hard evidence. Provides a more conceptual approach to cartel law, outlining ways in which the current legal structure can be applied more effectively to deter anti-competitive conduct without discouraging pro-competitive forms of cooperation between firms. The first part provides a conceptual overview of the law and economics of cartels; the second part describes the central legal analysis in cartel cases; the third part summarises the regulatory process in cartel investigations; and the fourth part deals with civil damages.
C.Argenton e.a. (OUP-9780198702092) november 2020 336 pag. geb. ca. € 210,00

EU Competition Law Handbook – edition 2021

This is the 31st edition of Sweet & Maxwell's annual guide to EU competition law, still the essential starting point for the analysis of competition law issues for practical case work. Provides a comprehensive digest of Commission decisions and competition cases before the EU and national courts, conveniently cross-referenced by subject matter, for the swift location of the full list of relevant case-law, regulations and notices. Comprehensive but simple to use reference system and clear structure: distinct sections on: General Competition Rules and Mergers and Acquisitions; analytical digest divided by subject matter guides you through the maze of legislation, cases and decisions; detailed tables show the type of decision reached by the Commission or Court of Justice, the type of agreement or activity, the product in question and any fine imposed; tinted thumb tabs aid your navigation through the book.
C.Jones,M.V.D.Woude (S&M-9780414080447) december 2020 1581 pag. pap. ca. € 380,00

Firm Dominance in EU Competition Law - the Competitive Process and the Origins of Market Power

Explores the role of dominant firms in the competitive process, proposing that conduct should be scrutinized differently depending on the source of market power, rather than using the same approach for all dominant undertakings. How does it come about that a certain firm dominates a market? Can an understanding of this process lead to more effective enforcement of competition law? That is the question! Reviews the EU's Article 102 case law, comparing it with U.S.provisions, demonstrating that new ways of looking at market power are needed because today's tech giants differ from older monopolies. Proposes categorization of seven origins of firm dominance, and how abuse of dominance rules should apply such sources of dominance as the following: statutory dominance derived from explicit protectionist measures or subtler geo-economic strategies; legacy firms such as the telecommunications or transport industries; natural monopolies, e.g., the exploitation of a mine; investment efforts undertaken in a competitive environment; intangible resources such as timing, reputation, experience, innovation capabilities, or managerial processes; lucky monopolies; and anticompetitive behavior on the road to dominance. Resolves questions related to the role that the origins of market power have played and should play in the enforcement of EU competition rules against dominant firms. Concludes with recommendations bringing the application of Article 102 TFEU against dominant firms more in line with the objective of protecting the competitive process.
J.Marcos Ramos (KL-9789403520308) maart 2020 360 pag. geb. ca. € 139,00

Law and Economics of Article 102 TFEU

"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 EU. 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. This third edition involves addition of over 250 pages, 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.
R.O'Donoghue,J.Padilla (HART-978150994086) 3^e dr. sept. 2020 1368 pag. geb.ca. € 330,00

Leniency in EU Competition Law

Comprehensive analysis of the leniency procedure in the European Union (EU) cartel enforcement. Applications for lenient treatment by whistleblowers are an essential feature of cartel enforcement. Leniency has emerged as one of the main enforcement instruments used by competition authorities to combat cartels. Offering immunity from punishment is believed to destabilise the already existing cartels and deter undertakings from entering into such arrangements. Considers three crucial ramifications – ensuring a leniency applicant can self-report with confidence, retaining the right to compensation of those who have suffered losses due to the cartel and furthering the objective of undistorted competition within the internal market. Extensively explains: who is eligible for leniency; liability of an immunity recipient; EU fining system; disclosure of leniency evidence; scope of public authorities reaching out to cartel infringers; immunity recipient and follow-on damages claimants; immunity recipient and subsequent leniency applicants; effect of the Damages Directive; European Economic Area dimension. Calls for harmonisation at national level in EU and compares with US antitrust law.
I.Halvorsen Barklund (KL- 9789403517223) juli 2020 336 pag.geb. ca. € 152,50

Nieuw Economisch Recht in B2B-Relaties

BELGISCH RECHT

Over: mededinging, misbruik van economische afhankelijkheid, onrechtmatige bedingen en oneerlijke handelspraktijken. De wet van 4 april 2019 tot wijziging van het Wetboek van economisch recht met betrekking tot misbruiken van economische afhankelijkheid, onrechtmatige bedingen en oneerlijke marktpraktijken tussen ondernemingen maakt het nu mogelijk dat rechters ook controle kunnen uitoefenen op overeenkomsten tussen ondernemingen. De wet van 2 mei 2019 bracht een modernisering van het mededingingsrecht. Biedt eerste omvattende commentaar over verboden bedingen, over misbruik van economisch afhankelijkheid, nieuwe regels inzake marktpraktijken en handhaving van mededingingsrecht.
W.Devroe e.a.(I-9789400011045) juli 2020 242 pag. geb. ca. € 88,00

Remedies in EU Competition Law -Substance, Process and Policy

Provides well-articulated and practical commentaries by leading experts from the GCLC's unique network which were originally presented at the 2019 GCLC annual conference. It elucidates topics under the following heads: 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.
D.Gerard,A.Komninos(ed.)(KL 9789403522418) september 2020 384 pag. geb. ca. € 139,00

Services of General Economic Interest in EU Competition Law - Striking a Balance Between Non-economic Values and Market Competition

Comprehensive examination of the interaction between Services of General Economic Interest (SGEI) and EU competition law, covering in particular Article 106 of the Treaty on the Functioning of the European Union (TFEU) and state aid rules. It also takes the telecommunications, postal service and transport sectors as case studies, taking into account the technological, economic and political backgrounds to these sectors. The area of SGEI has undergone fundamental developments over the past three decades and the most recent changes in the Lisbon Treaty, recognizing SGEI as a shared value and granting explicit competence to the EU, mark its constitutional significance. Offers a clear appreciation of the evolution of the EU regulatory framework on SGEI that lays out the limits and boundaries within which the Member States define, organize and fund SGEI.
Lei Zhu (TMC Asser Press-9789462653863) juni 2020 312 pag.geb. € 158,00

Tekst & Commentaar – MEDEDINGINGSWET

Het commentaar in de 7e druk is aangepast in het licht van de actuele regelingen en belangrijke ontwikkelingen in de jurisprudentie naar de stand van 1 juli 2020.
M.v.Oers e.a.(red.)(K-9789013156188) 7^e dr.medio november 2020 2060 pag.geb. € 290,00

verschenen in 2019:

ACM Leidraden over Horizontale en Verticale Samenwerking tussen Ondernemingen

Als ondernemer kan het voordelen opleveren om met concurrenten samen te werken. Horizontale afspraken tussen directe concurrenten kunnen echter negatieve gevolgen hebben voor de mededinging. De 'Leidraad samenwerking tussen concurrenten' licht toe wat is toegestaan en wat niet. De eveneens nieuwe 'Leidraad afspraken tussen leveranciers en

afnemers' richt zich op afspraken tussen niet-concurrenten (verticale samenwerking). Daarbij gaat het onder meer om afspraken over (i) verticale prijsbinding, (ii) verboden op online verkoop en (iii) geografische marktopdelingen. (13-03-2019)

Leidraad samenwerking tussen concurrenten + samenvatt. 48 pag. GRATIS PDF OP AANVRAAG

Leidraad afspraken leveranciers en afnemers + samenv. 26 pag. GRATIS PDF OP AANVRAAG

Antitrust Procedural Fairness

Procedural fairness has been an important issue in global antitrust for some time. The types of due process concerns raised globally often relate to the lack of effective representation, the use of industrial policy by third parties, and procedural tools that do not allow for the most effective advocacy to lead to efficient outcomes. Procedural fairness has been an important issue in global antitrust for some time. Focuses on these issues and teases out common problems and distinct issues in particular jurisdictions, allowing for a rethink of creating a more effective system for procedural fairness, and explores these issues in each jurisdiction, along with highlights of particular cases in which due process issues have emerged. Jurisdictions covered are : US, EU, China, HongKong, Taiwan, India, Australia, Japan, India, Brasil, Canada. *D.Sokol,A.Guzman (OUP-9780198815426) februari 2019 304 pag. geb. ca. € 119,00*

Antitrust Settlements - How a Simple Agreement Can Drive the Economy

Competition enforcement authorities use settlements as a tool to ensure compliance with antitrust law. Companies can make commitments to remedy breaches, ensuring that they avoid litigation and potential fines and reputational damage. Antitrust law does not necessarily need to be abolished but rather should be fully exploited as an economic regulation led by antitrust settlements. Shows that, rather than fines or arguing principles of competition law in litigation, antitrust settlements (namely U.S.) consent decrees and European Union (EU) commitment decisions) hold the key to globally effective enforcement, particularly in the digital and blockchain era. Examines such elements of competition enforcement as the following: drawbacks of allowing the courts to regulate markets; whether antitrust settlements sacrifice antitrust deterrence; how settlements rapidly and surgically regulate markets; comparative analysis between U.S. consent decrees and EU commitment decisions; economic analysis on the adoption of antitrust settlements in both the U.S. and EU markets from 2013 to 2018; fundamental role of antitrust settlements in regulating the current digital markets; and comprehensive description of how to use antitrust settlements to regulate the data industry. *G.Massarotto (KL-9789403511337) november 2019 248 pag. geb. € 139,00*

Bellamy & Child-European Union Law of Competition

The leading authority on EU competition law now in its eighth edition. Offers a clear and comprehensive exposition of law and procedure with exhaustive citation of judicial and legislative authorities. Fully up-to-date with major developments in substantive law and case law. New to this edition: analysis of new competition case law from the General Court and Court of Justice, particularly jurisprudence relating to essential concepts within Articles 101 and 102 TFEU, coverage of the EU Damages Directive and the European Commission recommendations on collective redress, with a focus on the growth of private enforcement, evaluation of settlement decisions following the Commission's adoption of a settlement procedure for cartel cases, the EU's revised regime for transfer technology agreements. *D.Bailey,L.John (OUP-9780198794752) 8^e dr. januari 2019 1872 pag. geb. ca. € 527,00*

Competition Law and Public Interests - with an application to the Banking Sector

Should self-regulation that serves public interests be shielded from the cartel prohibition ? Or should public interests have a place in the balancing exercise of Article 101(3) TFEU ? Is it legally possible to admit anti-competitive mergers when they are still in the best interest of society ? Covers these fundamental and topical questions, and examines the relation between competition law and public interests in general. Proposes new frameworks for reconciling public interests and competition law based on a profound and structured analysis. The two new frameworks introduce several new applications of EU (and Dutch) competition law on cartels and mergers. Also includes descriptions of the current law – i.e. explanations of case law and authorities' practices: well-reasoned guidance on how conflicts between competition law and public interests can be resolved. Relevant for those who handle competition law matters in the banking sector, as it contains many references to and assessments of cases involving banks. *Mart Kneepkens is senior counsel competition law at ABN AMRO Bank !!!*
M.Kneepkens (B-9789462368408) begin januari 2019 340pag. € 143,00

Criminal Law Principles and the Enforcement of EU and National Competition Law

The first book-length study of whether courts do indeed apply criminal law principles in competition law proceedings and, if so, how these principles are adapted to the needs and characteristics of competition law. Although Article 23(5) of EU Regulation 1/2003 provides that competition law fines 'shall not be of a criminal law nature', this has not prevented certain criminal law principles from finding their way into EU competition law procedures. Even more significantly, the deterrent effect of competition law fines has led courts in the Netherlands and the United Kingdom (UK), as well as the European Court of Human Rights, to conclude that competition law proceedings can lead to a criminal charge. It is shown that criminal law has some impact on the administrative law enforcement of the competition law rules, albeit in a somewhat incoherent and fragmented manner. Focusing on competition law developments (both legislative and judicial) over a period of twenty years in three jurisdictions – the Netherlands, the UK and the EU – the author compares how each of the following (criminal law) principles has emerged and been interpreted in each jurisdiction's proceedings: freedom from self-incrimination; non bis in idem; burden and standard of proof; legality and legal certainty; and proportionality of sanctions.

M.Veenbrink (KL-978940 03514345) november 2019 ca. 350 pag.geb. € 153,00

Digital Competition Law in Europe - a Concise Guide

'Digital competition', on the one hand, it brings the promises of increased speed, efficiency and objectivity, and, on the other, it entails potential pitfalls such as hard-to-identify pathways to unfair pricing, dominant positions and their potential abuse, restriction of choice and abuse of personal data. Accordingly, jurisdictions around the world are taking measures to deal with this phenomenon. The competition authorities surveyed are those of the EU, United Kingdom, France, Germany, the Netherlands and Belgium. For each, an overview, spanning the period from 2012 to mid-2019, includes not only landmark cases in which digital technologies have had a significant impact on the competition law outcome but also guidance documents such as speeches, policy statements, industry surveys and research reports. Each overview contains chapters on cartel prohibition, prohibition of abuse of dominant position and merger control. Evaluates similarities and differences in enforcement practices and positive and negative effects of digital competition in jurisdictions investigated, and identifies the major pitfalls.

M.Wiggers e.a. (KL-97894 03516943) september 2019 184 pag. geb. € 131,00

Directory of EU Case Law on State Aids

This new edition follows the same proven format as its predecessors, updates its analysis of case law with hundreds of new decisions by the courts of the European Union (EU), and thus remains the quickest source of reference for practitioners working with EU State aid matters. Following a highly organized sequence of subject headings, it presents extracts from all judgments and orders of both the Court of Justice and the General Court of the EU on the Treaty on the Functioning of the European Union (TFEU) rules on State aids. All the relevant case law of both courts until the end of 2018 is covered. There is a new chapter on legal protection and additional material on the concept of State aid, advantages for undertakings, selectivity, forms of State aid, procedures and unlawful aids.

R.Barents (KL-978 9403511016) 3^e dr. oktober 2019 ca. 1400 pag. geb. ca.€ 155,00

EU Competition Law Handbook

JAARLIJKSE UITGAVE

The 30th edition of this annual guide to EU competition law, provides a comprehensive digest of Commission decisions and competition cases before the EU and national courts, cross-referenced by subject matter, for the swift location of the full list of relevant case-law, regulations and notices. Distinct sections on: General Competition Rules and Mergers and Acquisitions; analytical digest divided by subject matter; detailed tables show the type of decision reached by the Commission or Court of Justice, the type of agreement or activity, the product in question and any fine imposed; Tinted thumb tabs aid navigation through the book.

M.VanDerWoude e.a.(S&M-9780414072480)30^e dr. december 2019 ca. 1500 pag ca.€ 360,00

EU Competition Litigation - Transposition and first experiences of the new regime

All EU Member States have now transposed Directive 2014/104/EU on damages actions for breaches of competition law into national law. The Directive (and the soft-law instruments accompanying it) not only marks a new phase for private enforcement of competition law but also, more generally, provides a novel and thought provoking instance of EU harmonisation of aspects of private law and civil litigation. Contributions from all over Europe present and discuss first experiences from the implementation of the new damages regime in various

jurisdictions. Topics covered include theoretical and practical reflections on the state of private enforcement in Europe, the balancing of conflicting interests pertaining to public and private enforcement of competition law respectively, and specific legal issues such as causation and the estimation of harm. Explores problems solved, problems created, and future challenges in the new regime of private enforcement of competition law in Europe, offering predictions as to issues that may have to be settled through recourse to the European Court of Justice.
M.Strand e.a.(ed.)(HART-9781509922017) mei 2019 272 pag. geb. ca. € 84,00

Evidence Standards in EU Competition Enforcement - the EU Approach

What rules or principles govern the assessment of evidence in EU competition enforcement ? Produces here a typology of evidence standards in competition proceedings at the EU level, thereby systemising the guidance that is currently dispersed in the case-law of the EU Courts. Examines the applicable evidence rules and principles with a view to better understanding their role in EU competition enforcement. Illustrates that evidence standards are not mere technicalities and their significance should not be underestimated.

A.Kalintiri (Hart- 9781509919666) februari 2019 280 pag. geb. ca. € 90,00

Global Competition Enforcement - New Players, New Challenges

The landscape of global competition has changed significantly. In particular, international cooperation in competition law enforcement has greatly strengthened the battle against abuse of dominance, cartels, anticompetitive mergers and related political corruption. Digitalization opened a new era of competition law and policy. The following aspects of the subject and more are examined in depth: the interface between antitrust and anti-corruption; the digital economy's challenges to competition authorities; convergent aims and rules among different competition authorities; regional organizations with competition mandates; competition neutrality and state-owned enterprises; and leniency programmes. Although there is considerable information on major antitrust regimes (US,EU), chapters by local experts highlight lessons to be learned from the work of competition authorities including Argentina, Australia, Brazil, China, Colombia, India, Japan, Mauritius, Mexico, Peru and South Africa.

P.Burnier daSilveira,W.Kovacic (KL-97894 03502830) november 2019 356 pag.geb. € 135,00

the Interaction Between Competition Law and Corporate Governance - Opening the 'Black Box'

Opens the 'black box' of the firm to understand the internal drivers of collusive behaviour, and proposes a unified approach to cartel enforcement, based on the agency theory. Explores key issues including corporate compliance programmes, attribution of liability in corporate groups, and structural links between competitors. Provides the first systematic account of the interaction between competition law and corporate governance. Develops a distinctive understanding of the ever-lasting cartel problem, as explained by individual and organizational factors. Proposes unified approach to the question of liability in various types of economic relationships, as within corporate groups, commercial agency agreements, and companies.

F.Thépot (CUP-9781108422499) februari 2019 316 pag. geb. ca. € 110,00

Kartelschade (Onderneming & Recht nr. 108)

Geschreven naar aanleiding van Richtlijn 2014/104/EU en de in februari 2017 ingevoerde implementatiewetgeving (6.3.3B BW en het BRv). Schept een helder beeld van de handhaving van het mededingingsrecht in het licht van deze actuele ontwikkelingen. Bevat bijdragen van zowel wetenschappers als praktijkjuristen. Vanuit juridisch en/of economisch perspectief werpen zij een blik op de nieuwe wet- en regelgeving. Hierbij passeren diverse belangrijke onderwerpen uit de regeling de revue, waaronder: parental liability; hoofdelijkheid en de onderlinge draagplicht; passing-on verweer en schadebegroting; verjaring & rechtsverwerking; Exhibitieplichten; schikkingsproblematiek en het collectief schadeverhaal; IPR vraagstukken.
E.Hogervorst,C.Jansen (red.) (K-9789013152630) februari 2019 260 pag. geb. € 79,50

Market Abuse Regulation

Wide-ranging and insightful analysis of the market abuse regime and the applications of the regulations in the UK and European Union. Provides detailed discussion of the implementation and interpretation of the regulation, the conduct of investigations, the defences and appeals available against a finding of market abuse, and overlapping United States regulation. The new edition explains and evaluates the changes introduced by the Markets in Financial Instruments Directive, the Market Abuse Directive, the Market Abuse Regulation, and the implementation of the Regulation on Wholesale Market Integrity and Transparency, which have resulted in

dramatic expansion of the coverage of EU market abuse regulation. Addresses the regulation of additional financial instruments, the expansion to include new markets and trading facilities, and changes to the coverage of commodity derivatives and physical commodities. Discusses the dramatic changes to the format of regulation as a result of the restructuring of UK regulators; as well as the addition of new EU supervisory bodies with revised powers over national regulation within the EU. Beyond the EU, it discusses international protocols and treaties which have also added to the regulatory structure.

E.Swan, J.Virgo (OUP-978019 8759256) 3^e dr. maart 2019 288 pag.geb. ca. € 172,00

Mededingingsrecht - Beginselen van Europees en Nederlands Mededingingsrecht

Elke dag wordt wel ergens staatssteun uitgekeerd, een fusie aangemeld, een kartel opgerold of nagedacht over de vraag of er meer of minder concurrentie moet plaatsvinden in een bepaalde sector. Biedt een geactualiseerde inleiding in het mededingingsrecht en bevat de meest recente jurisprudentie en handhavingsactiviteit van de Commissie en ACM. Waar mogelijk zijn de gevolgen van Brexit verwerkt en is de rechtsvergelijkende component vergroot.

J.Appeldoorn, H.Vedder (EuropaLaw-9789089521897) 3^e dr. februari 2019 408 pag. € 49,00

Pricing Algorithms in EU Competition Law

Competition law has resulted in heavy fines imposed on digital companies such as Microsoft and Google. US public officials and publications have become more outspoken in their criticism of what some describe as their tech giants being taken advantage of overseas. In Europe too, there is a growing feeling that the profound changes brought on by the digitisation of our economies are challenging the existing rules. One example is the advent of digital or algorithmic cartels, where companies collude on prices using opaque software. How do we detect such digital cartels, and how do we determine whether software is legal or prohibited? Can sharing the same computer program constitute a concerted practice. Aims to take a closer look at the actual impact these digital tools have, by using the results of economic research and computer science as the starting point for a legal analysis of these digital cartels. Analyses several forms of algorithmic collusion in decreasing order of human involvement. The role of algorithms can range from supporting a cartel to being its sole perpetrator, and each scenario tests current competition law in a different way. This is followed by an overarching perspective on public and private enforcement and brief discussion of two related issues at the intersection of data protection and competition law: personalised pricing and algorithmic consumers.

G.Delporte (M-9789046610008) oktober 2019 86 pag. € 24,95

the Role of Collective Redress Actions to Achieve Full Compensation for Violations of European Union Competition Law

In 2016, the EU adopted the Directive on damages actions. Its main objective is to ensure that any victim who has suffered harm caused by antitrust infringement can effectively exercise the right to claim and obtain full compensation. With regard to mass harm situations, it is worth noting that the Directive does not include provisions on collective redress actions, which may have significant impact on the achievement of full compensation. Instead, the non-binding Recommendation on collective redress was adopted, which has brought hardly any development in antitrust collective litigation in the EU. The aim of this dissertation is to assist in the development of an approach of antitrust collective redress for better achievement of full compensation. For this purpose, two antitrust enforcement models are compared.

Z.Juška (diss Leiden Univ.) april 2019

259 pag. GRATIS PDF OP AANVRAAG

Tekst & Commentaar - MEDEDINGINGSWET

Verhelderend commentaar, vernieuwd naar de stand van 01-10-2018, waarbij met name de jurisprudentie grondig is bijgewerkt. Vervallen of verouderde regelingen zijn verwijderd en nieuwe regelingen zijn toegevoegd, zoals: Beleidsregel prioritering van handhavingsonderzoeken door de ACM; Werkwijze informanten ACM 2017 (vervangt de Werkwijze (anonieme) informanten ACM); Werkwijze Openbaarmaking ACM; Beleidsregel concentraties van zorgaanbieders en zorgverzekeraars; Besluit tijdelijke verruiming toepassingsbereik concentratietoezicht op ondernemingen die zorg verlenen; Uitgangspunten toezicht ACM op zorgaanbieders in de eerste lijn; Richtsnoeren voor de beoordeling van horizontale fusies op grond van de Verordening van de Raad inzake controle op concentraties van ondernemingen; Richtsnoeren 2008/C 265/07 voor beoordeling van niet-horizontale fusies op grond van Verordening van de Raad inzake controle op concentraties van ondernemingen.

B.v.Bockel e.a.(red.) (K-9789013147131) 6^e dr. begin januari 2019 2116 pag. geb. € 277,15

Verschenen in 2018:

Boom Basics – Mededingingsrecht

M.Herz,J.Lindeboom (B-9789462904613) 4^e dr. juni 2018 130 pag. € 13,50

Distributieovereenkomsten – EU – België -Nederland

BANNING en het Belgische advocatenkantoor [Contrast](#) hebben samen een handboek gepubliceerd over distributieovereenkomsten in de EU, België en Nederland. Bevat een grondige en praktische studie van het Europees, Belgisch en Nederlands mededingingsrecht en civiel recht van toepassing op distributieovereenkomsten. Er zijn uitgebreide analysekaders en praktische handvatten te vinden voor de beoordeling van distributieovereenkomsten in de praktijk. Geschreven voor iedere advocaat, (bedrijfs)jurist en student die met distributieovereenkomsten in aanraking komt. Door middel van praktische en sprekende voorbeelden biedt het werk een praktische leidraad bij het opstellen en checken van de meest voorkomende distributieformules, zoals exclusieve distributie, selectieve distributie, met inbegrip van veelvoorkomende formats zoals franchise, agentuur en internetverkoop. Het boek is onderdeel van een pan-Europees publicatietraject en de uitgave ervan loopt parallel aan de uitgave van de derde editie van het Europese handboek "Vertical Agreements in EU Competition Law" (uitgegeven door Oxford University Press), tevens geschreven door Contrast. In meer dan 15 landen in Europa zijn c.q. worden nationale uitgaven van dit boek gepubliceerd, waarin het Europese handboek wordt samengevat in de nationale taal (incl. toevoegingen van nationaal mededingingsrecht) en een nationaal deel is toegevoegd over de nationale civielrechtelijke aspecten van distributieovereenkomsten.

F.Wijckmans,S.Vinken e.a. (Larcier-9782807902800) maart 2018 622 pag. geb. € 170,00

Fidelity Rebates in Competition Law - Application of the 'As Efficient Competitor' Test

Examines the treatment of fidelity rebates as one of the most controversial topics in EU competition law. The controversy arise from the lack of clarity as to how to distinguish between rebates that constitute a legitimate business practice and those that might have anticompetitive effects, as the same type of rebates could be pro-competitive or anticompetitive depending on their effects on competition. Clarifies the appropriate treatment of fidelity rebates under EU competition law by offering original insights on the way in which abusive rebates should be identified, taking into account the wealth of EU case law in this area, the economics' literature and the perspective of US antitrust law. The critical discussion on the case law is centred on the idea as to whether the 'as efficient competitor' (AEC) test is an important part of the assessment of fidelity rebates and in which circumstances it could be used as one tool among others.

M.Marinova (KL-97894035056701) november 2018 ca. 380 pag. geb. € 118,00

Futureproof Competition Law

In her inaugural lecture, the author argues that European competition law cannot remain isolated from broader societal considerations. To retain its legitimacy, competition law needs to respond to the changed societal situation. It needs to be ready for the future, so to continue to be acceptable to the European citizens.

A.Gerbrandy (B-9789462368323) april 2018 47 pag. € 20,00

Maak Kennis met het Mededingingsrecht- overzicht 2017

Een kritisch geannoteerde kroniek (jaaroverzicht mededingingsrecht) van onder meer (i) ingevoerde regelgeving, (ii) toezicht door de ACM in verschillende sectoren (zoals e-commerce en zorg), en (iii) (nationale en Europese) mededingingsrechtspraak.

Dirkzwager Advocaten, maart 2018 74 pag. GRATIS OP PDF OP AANVRAAG

the Relation Between Leniency and Private Enforcement - Towards an Optimum of Overall Competition Law Enforcement?

The difficulty with competition law is that so many aspects can influence its overall effectiveness. Sanctions in criminal law or the emergence of private enforcement, for example, may influence leniency policy. In turn, public enforcement, whilst protecting information, could also influence the effectiveness of antitrust damages actions. Makes a comparison with the board game "Pisa". In this game, small figures have to be placed at different levels of the Leaning Tower of Pisa, with the aim of keeping the tower stable. When there are too many

dolls on one side and not enough on the other, the balance is lost and the figures topple off the tower. Competition law enforcement is a leaning tower of Pisa. If the structure of a competition law policy is not sufficiently balanced between public and private enforcement, it will function less effectively than it could. With an upcoming private enforcement it is important to strike the right balance so that claimants are able to effectively claim damages on the one hand, but cartel infringers remain interested in applying for leniency on the other. Analyzes the chosen systems of the EU, Germany and the Netherlands and uses the US system as inspiration.
B.Braat (P-9789462511774) juli 2018 300 pag. € 63,50

State Aid and the Energy Sector

Offers a comprehensive and compelling account of State aid law and policy and its application to the energy sector. Explores general questions from the definition of State aid to its application in Member States by national courts. It also examines questions of procedure, questions of compatibility, and State aid and the EEA. PART I: THE DEFINITION OF STATE AID, PART II: COMPATIBILITY ISSUES, PART III: PROCEDURES, PART IV: STATE AID AND ENERGY IN NATIONAL COURTS, THE EEA AND THE ENERGY COMMUNITY (Germany, France, Netherlands, Austria, Italia, Greece, Belgium, Spain).
L.Hancher e.a. (ed.) (Hart-9781509913688) maart 2018 640 pag.geb. ca. € 190,00

Vertical Agreements in EU Competition Law

Provides complete and specialized coverage of EU competition law applicable to vertical agreements, and detailed and practice-oriented analysis of the EU regulatory framework as applied by the Commission and the EU courts. Considers issues directly relevant in the commercial world, answering questions such as: Under what conditions may a supplier impose territorial restrictions on his dealer network?: Is it possible to impose maximum retail prices?: Are customer restrictions permissible in a selective distribution system?: Can a supplier assume an exclusive supply obligation?: Is an exclusive supply-back obligation included in a subcontracting arrangement enforceable ?
F.Wijckmans,F.Tuytschaever(OUP-9780198791027)3^e dr.januari 2018 496 pag.geb. € 242,00

Verschenen in 2017 :

Directory on EU Case Law on Competition

Covers all decisions of the Court of Justice and the General Court of the EU on competition law through the end of 2016. The book is structured as follows: Hundreds of headings and subheadings present virtually every point from which a researcher is likely to start + each subject heading starts with extracts having a more general meaning followed by extracts relating to specific points or situations + extracts are accompanied by cross references where appropriate + extracts are drawn from all EC competition case law encompassing every judgment and order in the 'Reports of Cases before the Court of Justice and the General Court' ('Summary of the Judgment') until 2017 + under about 900 headings (forty-seven chapters with numerous divisions and subdivisions).
R.Bartents (ed.) (KL-9789041183637) 2^e dr. augustus 2017 1432 pag. geb. ca. € 265,00

Kroniek van het Mededingingsrecht –april 2017

De ACM ziet zich geregeld genoodzaakt minder streng in de leer te zijn, bijvoorbeeld op het gebied van samenwerking tussen zorgaanbieders en sectorbrede productiebeperkingen die milieu- en natuurbeschermende doelen nastreven. Talloze kartelschadeclaims zorgen er echter voor dat de mededingingscultuur bevorderd blijft worden. Op EU-niveau is er blijvende aandacht voor de strijd tegen kartels en misbruik van economische machtsposities.
R.Wesseling (Stibbe) NJB 2017 nr. 15 april 2017 11 pag. GRATIS OP PDF OP AANVRAAG

Mededingingsrecht in de EU en Nederland

Het mededingingsrecht behoort tot de kern van het beleid van de Europese Unie. Europese integratie is voor een groot gedeelte marktintegratie. De toepassing en handhaving van het EU-mededingingsrecht zijn krachtig ter hand genomen door de Europese Commissie in de loop van de jaren. Toch staan de Europese regels voor de concurrentie niet op zichzelf. Ook de lidstaten hebben mededingingswetgeving aangenomen. Nationale mededingingsautoriteiten hebben aansluiting gevonden bij de kopgroep van de Commissie. In Nederland geldt de

Mededingingswet, die naar Europees model is vormgegeven en door de ACM wordt gehandhaafd. Het Europees en Nederlands mededingingsrecht is sterk vervlochten met elkaar. Dit recht kan alleen beoefend worden door zowel kennis te nemen van de Europese als nationale dimensie ervan. In dit boek worden daarom beide dimensies belicht en onderworpen aan een analyse. Belangrijke concepten, begrippen en regels worden uitgelegd en verdiept. *J.v.d.Gronden (P-9789462511392) augustus 2017 486 pag. € 49,50*

the Role of Competitors in the Enforcement of State Aid Law

Explores the tools that the European rules on State aid place in the hands of competitors when it comes to fighting subsidies and other state measures of financial assistance to firms. In order to do so, the book scrutinises the means of redress available to competitors before national courts (private enforcement), as well as the opportunities that they have to make their voice heard in the course of the European Commission's enforcement procedures (public enforcement). The insights provided by the book lead to a better understanding of the rights of private parties under the rules and practices that govern the enforcement of State aid law. *F.Pastor-Merchante (Hart-9781509906598) mei 2017 232 pag. geb. ca. € 74,00*

Verschenen in 2016:

101 Juridische Vragen over Concurrentie

BELGISCH RECHT

Mededinging houdt verband met verschillende basisbeginselen van de vrije markt, zoals de bescherming van de vrijheid van ondernemen, de bescherming van de consumentenmarkt en de bescherming van intellectuele eigendom. In dit boek vinden zowel juristen als niet-juristen een antwoord op 101 concrete juridische vragen die een ondernemer, zelfstandige, werkgever, werknemer of bestuurder zich geregeld stelt in verband met (het recht op) mededinging en de contractuele modulering ervan via concurrentiebedingen. Al deze vragen worden op een heldere en bondige wijze beantwoord door ervaren advocaten van advocatenkantoor CMS. *J.Peeters e.a. (I-9789400007376) juni 2016 158 pag. € 48,00*

Alternative Enforcement of Competition Law

Analyses and compares the use of certain alternative enforcement instruments, such as negotiated procedures, markets work, individual guidance and compliance programmes, by the Dutch, UK and French competition authorities. Competition authorities are known for imposing enormous fines on companies that have infringed the law. However, most authorities are equally active in educating, deliberating, influencing or preventing. Alternative enforcement entails a deviation from command-and-control style enforcement and can be characterised as informal, horizontal, compliance-based, restorative, preventative and/or more efficient. Draws from the differences between the national approaches to show the advantages and downsides of negotiated procedures, markets work, individual guidance and compliance programmes. Also, it provides recommendations to pursue a balance between instrumentality and safeguards within the instruments, and in enforcement policy as a whole. *E.Lachnit (B-9789462367074) oktober 2016 466 pag. € 95,00*

Beoordeling Fusies en Samenwerkingen Ziekenhuiszorg (ACM)

Vrijstelling van het kartelverbod: bruikbare guidance ACM. De ACM heeft een lezenswaardige zienswijze gegeven over een voorgenomen samenwerking tussen drie ziekenhuizen, waarin wordt beantwoord of men in aanmerking komt voor een vrijstelling van het kartelverbod. Het stuk geeft een mooi kijkje in de keuken van de ACM. De aandachtspunten zijn in algemene bewoordingen gesteld, zodat deze ook buiten de zorg kunnen worden toegepast. *ACM augustus 2016 5 pag. GRATIS OP PDF OP AANVRAAG*

EU Competition Law . Vol. IV : State Aid

This second edition of the State aid volume constitutes a state of the art description and analysis of all aspects of the State aid discipline. Above all, it sets out all the novelties of the State Aid Modernisation programme which was launched in 2012 and completed in summer 2014. The new edition reviews all major guidelines, frameworks and legislation, including the Procedural Regulation, the Enabling Regulation, the General block exemption Regulation and the de minimis Regulation. The book explains the Commission's overall approach to compatibility of State aid, describes the new common principles for assessment and discusses the new requirements for evaluation and transparency. It gives a detailed account of the new

rules on research, development and innovation, energy and environment (including the ETS), risk capital and risk finance, regional development, and rescue and restructuring of firms in difficulty. The book also explains the first rules ever adopted by the Commission on important projects of common European interest. It discusses the relationship between State aid and the Structural Funds, in particular in light of the new use of those funds via financial instruments. All the main economic sectors affected by the modernisation programme are discussed, including broadband, cinema, public service broadcasting, aviation, maritime and land transport, agriculture and fisheries. A special section is dedicated to services of general economic interest, introducing the new SGEI package and explaining how it has been applied. The section on banking provides a full account of how the rules and enforcement practice have evolved since the start of the financial crisis and discusses the issues which arise with the introduction of the new regulatory framework for a European Banking Union. The notion of aid section takes account of the most recent jurisprudence of the Union Courts and the Commission's decisional practice, thereby addressing issues frequently faced by practitioners and public authorities.

L.Flynn e.a. (ed.) (CC-9789077644300) 2e dr. mei 2016 2000 pag geb. (2 vol.) € 375,00

the EU Private Damages Directive (PDD) – practical insights

Offers an in-depth discussion of selected issues of interpretation of the PDD. The Directive sets out certain rules necessary to ensure that anyone who has suffered harm caused by an *infringement of competition law* by an undertaking or by an association of undertakings, can effectively claim full compensation for that harm from that undertaking or association. Each section corresponds with a chapter of the PDD and commences with a description of the general context within which the specific questions must be placed and understood. The outcome of the actual discussion is then provided in a Q&A format. The chapters are the result of a Closed Workshop organised on 21 May 2015 in Brussels, Belgium and which was attended by a group of competition law specialists from the majority of the EU Member States.

F.Wijckmans e.a. (I-9781780683829) maart 2016 110 pag. € 45,00

EU State Aids

HET ACTUELE HANDBOEK EUROPEES MEDEDINGINGSRECHT

Examines in detail the substantive and procedural aspects of state aid law and policy, analysing the underlying rules in depth and how they have been applied by the commission and the courts. Explains the European Commission's considerable powers to monitor, control and restrict the forms and levels of aid given by all EU member states to their industries. Covers the aviation, sports and broadband sectors in new dedicated chapters. Examines State aid in specific sectors, including the financial sector, agriculture, large investment projects, transport and broadcasting. Discusses the economic aspects concerning State aid such as the market investor principle. Outlines the administrative procedure for examining State aid. Sets out the procedures for illegal state aid complaints. Includes summaries of all cases by the General Court and the Court of Justice. Lists all relevant rules, regulations, notices and guidance notes, with references to full texts. Includes new chapters on Risk Capital; Infrastructure; Services of General Economic Interest; and Social Services of General Interest. Interprets the 2014 Block Exemption Regulation. Analyzes the 2016 Notice on the Notion of State Aid. Explores the recent decisions by the Commission in tax, such as Starbucks and Fiat. References the vast body of jurisprudence from the ECJ and the ECR. Covers procedural regulation 2015/1589: the rules for the application of art. 108 TFEU.

T.Ottervanger,P.Slot e.a.(S&M-978414055704) 5^e dr. december 2016 1284 pag. ca. €385,00

European Union Competition Law in the Airline Industry

Provides an overview of competition law in the aviation sector. Since the liberalisation of air transport in the EU in the late 1980s, with the application of competition law to agreements and practices within the EU, and between EU and non-EU airlines, particularly from 2004, competition has intensified. The industry has evolved, with the emergence of low-cost carriers, greater consolidation between full service carriers through mergers and alliances, and most recently, convergence of business models as airlines respond to competitive pressures. The enforcement of competition law has also increased within the EU – at EU and EU Member State level – and internationally.

J.Milligan (Kluwer Law-9789041166180) juli 2017 232 pag. geb. ca. € 135,00

European Union Law of State Aid

A fully comprehensive and practical analysis of the legal aspects of State aid in the EU and includes extensive coverage of the various forms of sectoral aid. The only work to consider the relationship between the EU State aid rules and the State aid rules contained in international agreements involving the EU Member States. *New to this Edition:* Detailed coverage of the new and expanded General Block Exemption Regulation (GBER). Discussion of SME and risk capital aid updated to cover the revised Risk Finance Guidelines and the relevant provisions of the GBER. Coverage of air transport expanded to consider the new Aviation Guidelines, plus an additional section on social aid for transport for residents of remote regions. Updated to consider the Environmental and Energy Aid Guidelines (EEAG) covering state aid to energy infrastructure projects, generation adequacy measures, and energy intensive users. Coverage of the new rules on state aid for research, development and innovation (R&D&I) giving Member States greater flexibility to grant state aid without prior notification and approval. A new chapter on disaster aid.

K.Bacon (OUP-9780198787365) 3^e dr. februari 2017 704 pag. geb. ca. € 265,00

Handreiking Staatssteun voor de Overheid

Alles over de basisregels van Staatssteun: hoe herkent men Staatssteun en hoe gaat men er vervolgens mee om?

Ministerie BZ & Min.E.Z januari 2017 54pag.

GRATIS OP PDF OP AANVRAAG

Nederlands Mededingingsrecht (Recht & Praktijk-Ondernemingsrecht nr.)

Korsten,v.Wanroy (K-9789013116045) 2e dr. april 2017

Privaatrechtelijke Gevolgen van een Schending van het Mededingingsrecht (Onderneming & Recht nr.96)

Monografie die als eerste een dogmatische beschouwing biedt over een onderwerp dat centraal staat in het Unierecht en het nationale recht. Het brengt op een bondige en coherente wijze de privaatrechtelijke gevolgen van een schending van het Unierechtelijke mededingingsrecht in kaart. In aansluiting daarop wordt onderzocht welke regels en procedures gelden als de rechten die voortvloeien uit een schending van het Europese mededingingsrecht met behulp van het privaatrecht worden afgedwongen. Ligtingen onderscheidt nauwkeurig tussen de rechtsgevolgen van nietigheid naar Unierecht en naar nationaal recht en besteedt consequent aandacht aan de vraag hoe deze rechtsstelsels op elkaar inwerken. Bovendien gaat zij in op de rechtsvorderingen uit onrechtmatige daad en uit rechtmatige daden. Ook de procedurele en de IPR-aspecten van het onderwerp worden behandeld. Aan de hand van praktisch relevante casestudy's over de verschillende rechtsgevolgen van een schending van artikel 101, 102 en 108 VWEU worden rechtsvragen waartoe de wisselwerking tussen het Unierechtelijke mededingingsrecht en het nationale vermogensrecht aanleiding geeft inzichtelijk gemaakt.

T.Ligtingen (K-9789013140262) november 2016 408 pag. geb. € 79,50

de Publieke Handhavingsprocedures van het Mededingingsrecht in het Licht van de Mensenrechten

De publieke handhaving van het mededingingsrecht ligt in handen van de Autoriteit Consument & Markt (ACM). De ACM heeft een breed scala aan instrumenten tot haar beschikking om oneerlijke concurrentie tegen te gaan. De toenemende aandacht voor de bestuurlijke boete, de kwalificatie van de bestuurlijke boete als strafvervolgning en de introductie van informelere afdoeningsvormen hebben geleid tot de vraag of de publieke handhavingsprocedures voldoen aan fundamentele procesrechten. Hier worden de verschillende publieke handhavingsprocedures van het Nederlandse mededingingsrecht bestudeerd en vergeleken met fundamentele procesrechten die zijn neergelegd in artikel 6 EVRM en het Europees recht. Deze analyse toont de spanning die bestaat tussen de bescherming van het eerlijk proces enerzijds en de effectiviteit van de handhaving van het mededingingsrecht anderzijds. Vertrekkende vanuit de gedachte dat sprake moet zijn van het recht op een eerlijk besluitvormingsproces, worden specifieke aanbevelingen gedaan die deze spanning wegnemen. Deze aanbevelingen zijn gericht op het procedureel verstevigen van de bestuurlijke besluitvorming (bijvoorbeeld door het ondervragen van getuigen) en op het bieden van een adequate rechterlijke toetsing.

A.Beumer (B-9789462903050) oktober 2016 590 pag. € 85,00

Tekst & Commentaar – MEDEDINGINGSWET

Alle wetwijzigingen van de afgelopen jaren (waaronder de Wet verhoging boetemaxima) en de belangrijkste jurisprudentie zijn verwerkt naar de stand van 1 september 2016. Betreft o.a. : wijzigingen door de Wet verhoging boetemaxima die op 1 juli 2016 in werking trad en waardoor de Nederlandse boetemaxima veel hoger werd dan de Europese, recente rechtspraak waarin de 'onderzoekslast' voor wat betreft doelbepalingen verder is uitgekristalliseerd, recente jurisprudentie over de noodzaak van een 'even-efficiënte concurrent-test' bij bepaalde misbruikvormen, het gedifferentieerde openbaarmakingsregime van de Instellingswet ACM.
J.de Pree,R.Wesseling (red.) (K-9789013134612) 5^e dr. december 2016 € 275,00

Verschenen in 2015 :

Beginnelsen van Goed Markttoezicht

Op 26 september 2014 promoveerde Margot Aelen aan de Universiteit Utrecht op haar proefschrift Beginselen van goed markttoezicht. Gedefinieerd, verklaard en uitgewerkt voor het toezicht op de financiële markten. Inhoud: markttoezicht - toezicht - toezichthouders - markttoezichthouders - vrije markt - marktfalen - monopolievorming - informatieasymmetrie - Autoriteit Consument en Markt - de Nederlandse Zorgautoriteit - De Nederlandsche Bank - Autoriteit Financiële Markten - onafhankelijkheidsbeginsel - accountability-beginsel - transparantiebeginsel - effectiviteit - legitimiteit - zelfstandig bestuursorgaan - Onafhankelijke Post- en Telecommunicatie Autoriteit - Nederlandse Mededingingsautoriteit - Commissie-Borstlap - Kaderwet zelfstandige bestuursorganen - Autoriteit Woningcorporaties - Consumentenautoriteit - legitimiteitsbeginsel - politieke verantwoording - juridische verantwoording - publieke verantwoording.

M.Aelen (A-code AA20150543) niet in druk, als pdf leverbaar bij Ars Aequi prijs € 12,50

Nederlands Mededingingsrecht 2015-2016 – Teksten en citaten

Voortzetting van de vroeger losbladige "Cremers Mededingingsrecht". Deze 3e geactualiseerde druk van Nederlands Mededingingsrecht (Teksten en citaten), biedt de Instellingswet ACM en alle andere voor de mededingingspraktijk relevante geactualiseerde Nederlandse regelgeving: overzichtelijk, artikelsgewijs commentaar in de vorm van citaten uit wetsgeschiedenis, beschikkingen en rechtspraak. Bijvoorbeeld het einde aan het zwijgrecht voor ex-werknemers, de wijziging van de meldingsdrempels voor concentraties en de afschaffing van de bijzondere meldingsdrempel voor verzekeraars. Ook zijn vele nieuwe beleidsregels en bekendmakingen van de ACM opgenomen in deze bundel. Op het gebied van jurisprudentie zijn vele bestuursrechtelijke en civiele uitspraken verwerkt, zoals Rb Rotterdam 20 maart 2014 (Zilveruijen), HR 24 januari 2014 (Veerman q.q. v. NVM) en CbB 24 februari 2012 waarin werd geoordeeld dat een verkoper bij een ten onrechte niet gemelde concentratie geen boete kan krijgen. Ten slotte is ook een reeks belangrijke besluiten van de ACM verwerkt, zowel op het gebied van artikelen 6 en 24, als op het gebied van concentraties.

I.Verloren v.Themaat,B.Reuder (K-9789013113341) okt. 2015 1192 pag. geb. € 232,00

Verschenen in 2014 :

Tekst & Commentaar MEDEDINGINGSWET

Naast een uitvoerig en volledig geactualiseerd commentaar op alle artikelen van de Mededingingswet bevat deze uitgave commentaar op de artikelen van de Instellingswet Autoriteit Consument en Markt. Toepassing van de mededingingsregels vergt na de instelling van de ACM als nieuwe "supertoezichthouder" inzicht in de achtergrond en werking van zowel de Mededingingswet als de Instellingswet. Alle bijlagen zijn geactualiseerd en van ieder van de bijlagen hebben we opnieuw beoordeeld in hoeverre opname van toegevoegde waarde is. De wetgeving en het commentaar is gebaseerd op de stand van de wet per 1 augustus 2014.

J.Depree,R.Wesseling (red.) (9789013112931) 4^e dr. november 2014 geb. € 265,00

Verschenen in 2013 :

Antwoorden op Onzekerheid

Middels concrete voorbeelden, gebaseerd op dossiers en gesprekken met medewerkers van de Nma/ACM (betreffende 14 kartels, beboet tussen oktober 2007 en januari 2012) wordt een inzicht gegeven in de werking van ondernemingen binnen kartels. Hoe worden kartels vorm gegeven, welke zijn de kenmerken van voortbestaan of uiteenvallen van kartelafspraken, en met welke dynamiek omtrent afscherming en onderling vertrouwen hebben kartels te maken ?
J.Jaspers (9789089748591) december 2013 107 pag. € 29,00

Mededingingsrecht

Behalve een duidelijke uiteenzetting van het geldende recht (Artikel 101 - 108 Werkingsverdrag, Concentratiecontroleverordening en Mededingingswet) geven de auteurs ook hun beredeneerde mening over de onopgeloste problemen binnen het mededingingsrecht, waarmee zij de kritische analyse van dit rechtsgebied willen stimuleren. Deze benadering maakt het boek ook geschikt voor advocaten en andere beoefenaars van het mededingingsrecht die behoefte hebben aan een gedegen en kritische analyse van het recht.
J.Appeldoorn (Eu-9789089521156) 2^e dr. januari 2013 321 pag. € 44,00

de NMa en de Nza in de Curatieve Zorgsector (Europa in Beeld nr.9)

Toetsing van het Nederlandse mededingingstoezichtstelsel in de zorg, aan de normen van het Europese mededingingsrecht, onderzoek naar bevoegdheden en besluiten van beide instanties.
M.Wiggers (9789013114454) april 2013 456 pag. € 65,00

Verschenen in 2012 :

European Competition Law 2012. Materials & Case Extracts

Engelstalige versie van de voormalige Cremers editie maar nu :Europees Mededingingsrecht. Alle relevante regelgeving, richtlijnen etc. met uittreksels van de belangrijkste uitspraken.
I.Verloren van Themaat e.a. (red.) (9789013096729) juli 2012 1564 pag. € 235,00

Markttoegang Financiële Dienstverlening Wft (Recht & Praktijk- Fin. Recht nr. 9)

Wanneer heeft men als financiële dienstverlener een vergunning nodig heeft van de AFM: eisen voor deze AFM-vergunning, betrouwbaarheid, aanvraagprocedure, collectieve vergunning.
E.v.d.Ing (9789013104684) juni 2012 420 pag. geb. € 80,00

Nederlands Mededingingsrecht 2012-2013

De jaarlijkse editie van de vroeger losbladige "Cremers Mededingingsrecht": het handboek.
I.Verloren v.Themaat,B.Reuder (red.) (9789013101218) juni 2012 1276 pag. geb. € 200,00