

COMPETITION
POLICY
AND
PRICE FIXING

LOUIS KAPLOW

Competition Policy And Price Fixing

Maureen Brunt



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Competition Policy and Price Fixing Louis Kaplow, 2013-06-30 Throughout the world the rule against price fixing is competition law's most important and least controversial prohibition Yet there is far less consensus than meets the eye on what constitutes price fixing and prevalent understandings conflict with the teachings of oligopoly theory that supposedly underlie modern competition policy *Competition Policy and Price Fixing* provides the needed analytical foundation It offers a fresh in depth exploration of competition law's horizontal agreement requirement presents a systematic analysis of how best to address the problem of coordinated oligopolistic price elevation and compares the resulting direct approach to the orthodox prohibition In doing so Louis Kaplow elaborates the relevant benefits and costs of potential solutions investigates how coordinated price elevation is best detected in light of the error costs associated with different types of proof and examines appropriate sanctions Existing literature devotes remarkably little attention to these key subjects and instead concerns itself with limiting penalties to certain sorts of interfirm communications Challenging conventional wisdom Kaplow shows how this circumscribed view is less well grounded in the statutes principles and precedents of competition law than is a more direct functional proscription More important by comparison to the communications based prohibition he explains how the direct approach targets situations that involve both greater social harm and less risk of chilling desirable behavior and is also easier to apply

The Law and Economics of Canadian Competition Policy M. J. Trebilcock, 2003-01-01 Offering a unique cross disciplinary approach to scholarship in law and economics this much needed work expounds and critically evaluates all of the major doctrines of Canadian competition policy The topics addressed each in a separate chapter include Canadian competition policy in an historical context basic economic concepts multi firm conduct horizontal agreements the merger review process predatory pricing and price discrimination vertical restraints intra brand competition inter brand competition abuse of dominance competition policy and intellectual property rights competition policy and trade policy competition policy and regulated industries and enforcement The treatment of each substantive topic is organized first around a discussion of the relevant body or bodies of economic theory and then the pertinent bodies of legal doctrine including case law Each chapter contains a critique of existing law in light of contemporary economic theory This is the only book available that offers an up to date integrated analysis of economic theory and legal doctrine in the context of Canadian competition policy

The Consistent Application of EU Competition Law Adriana Almășan, Peter Whelan, 2017-01-04 In recent years there has been a decentralisation of the enforcement of the EU competition law provisions Articles 101 and 102 of the Treaty on the Functioning of the European Union TFEU Consequently the national application of these provisions has become increasingly more common across the European Union This national application poses various challenges for those concerned about the consistent application of EU competition law This edited collection provides an in depth analysis of the most important limitations of and the challenges concerning the applicability of Articles 101 and 102 TFEU at national level

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Federal Antitrust and EC Competition Law Analysis Femi Alese, 2016-12-14 This book provides the reader with a comprehensive analysis of US Federal Antitrust and EC Competition Law. It is encyclopaedic in coverage, examining every constituent element of the law and landmark decisions from the perspectives of economics and policy goals, explaining their implications for commercial operations and advocating policy reforms where necessary.

Research Handbook on Asian Competition Law Steven Van Uytsel, Shuya Hayashi, John O. Haley, 2020-04-24 This timely Research Handbook provides a comprehensive overview and discussion of the substantive competition law provisions of the ASEAN Plus Three region, including Hong Kong and Taiwan. Taking a unique comparative perspective, chapters examine Asian competition laws in relation to the existing laws that served as models for them, analysing how and why they deviate.

Economic Essays on Australian and New Zealand Competition Law Maureen Brunt, 2003-01-01 intersecting patterns of law and economics that transcends all borders and attains a universal significance.

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Competition Law of the European Union Van Bael & Bellis, 2021-03-01 This new Sixth Edition of a major work by the well-known competition law team at Van Bael & Bellis, the extensive case law in the field of cartels, including in relation to cartel facilitation and price signalling, important Article 102 rulings concerning pricing and exclusivity, including the Post Danmark and Intel judgments, as well as standard essential patents, the current block exemption and guidelines applicable to vertical agreements, including those applicable to the motor vehicle sector, developments concerning online distribution, including the Pierre Fabre and Coty rulings, the current guidelines and block exemptions in the field of horizontal cooperation, including the treatment of information exchange, the evolution of EU merger control, including court defeats suffered by the Commission and the case law on procedural infringements, the burgeoning case law related to pharmaceuticals, including concerning reverse payment settlements, the current technology transfer guidelines and block exemption, procedural developments, including in relation to the right to privacy, access to file, parental liability, fining methodology, inability to pay and hybrid settlements, the implementation of the Damages Directive and the first interpretative rulings. As a comprehensive up-to-date and above all practical analysis of the EU competition rules as developed by the Commission and EU Courts, this authoritative new edition of a classic work stands alone. Like its predecessors, it will be of immeasurable value to both business persons and their legal advisers.

Competition Policy in America Rudolph J. R. Peritz, 2001-04-05 Americans have long appealed to images of free competition in calling for free enterprise freedom of contract free labor free trade and free speech This imagery has retained its appeal in myriad aspects of public policy for example Senator Sherman's Anti Trust Act of 1890 Justice Holmes's metaphorical marketplace of ideas and President Reagan's rhetoric of deregulation In *Competition Policy in America* 1888 1992 Rudolph Peritz explores the durability of free competition imagery by tracing its influences on public policy Looking at congressional debates and hearings administrative agency activities court opinions arguments of counsel and economic legal and political scholarship he finds that free competition has actually evoked two different visions freedom not only from oppressive government but also from private economic power He shows how the discourse of free competition has mediated between commitments to individual liberty and rough equality themselves unstable over time This rhetorical approach allows us to understand for example that the Reagan and Carter programs of deregulation both inspired by the rhetoric of free competition were driven by fundamentally different visions of political economy Peritz's historical inquiry into competition policy as a series of government directives inspired by two complex yet distinct and sometimes contradictory visions of free competition provides an indispensable framework for understanding modern political economy whether political campaign finance reform corporate takeover regulation or current attitudes toward the New Deal Legacy *Competition Policy in America* will be of great interest to lawyers historians economists sociologists and policy makers in both government and business

Competition Policy Massimo Motta, 2004-01-12 This is the first book to provide a systematic treatment of the economics of antitrust or competition policy in a global context It draws on the literature of industrial organisation and on original analyses to deal with such important issues as cartels joint ventures mergers vertical contracts predatory pricing exclusionary practices and price discrimination and to formulate policy implications on these issues The interaction between theory and practice is one of the main features of the book which contains frequent references to competition policy cases and a few fully developed case studies The treatment is written to appeal to practitioners and students to lawyers and economists It is not only a textbook in economics for first year graduate or advanced undergraduate courses but also a book for all those who wish to understand competition issues in a clear and rigorous way Exercises and some solved problems are provided

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

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