

Regulating Cartels in Europe (Oxford Studies in European Law)

Christopher Harding, Julian Joshua



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Regulating Cartels in Europe (Oxford Studies in European Law) Christopher Harding, Julian Joshua One of the most contentious and high-profile aspects of EU competition law and policy has been the regulation of those serious competition or antitrust violations now often referred to as 'hard core cartels'. Such cartel activity typically involves large and powerful corporate producers and traders operating across Europe and beyond, and comprise practices such as price fixing, bid rigging, market sharing, and limiting production in order to ensure 'market stability' and maintain and increase profits. There is little disagreement now, in terms of competition theory and policy at both international and national levels, regarding the damaging effect of such trading practices on public and consumer interests, and such cartels have been subject to increasing condemnation in the legal process of regulating and protecting competition.

Regulating Cartels in Europe provides critical evaluation of the way in which European-level regulation has evolved to deal with the activities of such anti-competitive business cartels. They trace the historical development of cartel regulation in Europe, comparing the more pragmatic and empirical approached favored in Europe with the more dogmatic and uncompromising American policy on cartels. In particular, the work considers critically the move towards the use of fully fledged criminal proceedings in this area of legal control, examining evolving aspects of enforcement policy such as the use of leniency programs and the deployment of a range of criminal law and other sanctions.

This new edition of the work covers emerging themes and arguments in the discipline, including the judicial review of decisions against cartels, the criminological and legal basis of the criminalization of cartel conduct, and the range and effectiveness of sanctions used in response to cartel activity.

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