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ISSN: 2626-773X - Suggested citation: BtrKR

Last updated: 30/11/2020. Prices are subject to change.

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Fink, Martin

Wirksamer Schutz der Verteidigungsrechte im EU-Kartellverfahren

Reichweite und Rechtsfolgen

2020. Approx. 370 pages.
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The rights of defence are fundamental procedural rights. As safeguards for an effective defence they protect undertakings in EU competition proceedings against excessive interference with their rights as a result of the proceedings and allow them to make their views known in the proceedings. The practical effect of the rights of defence is dependent not only on their substantive scope, but also on the legal consequences in case of their violation. With respect to the principles of primary EU law and the influence of the European Convention on Human Rights, Martin Fink evaluates the effectiveness of the rights of defence in competition proceedings before the European Commission and proposes a system for coherent legal consequences regarding violations of the rights of defence that is still missing in EU competition law.

Schmidt, Stefan A.

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Stefan A. Schmidt investigates when companies can demand access to competitors' internal data resources under Art. 102 TFEU. He maps out the interaction between competition, intellectual property and data protection law and shows how an effective application of competition law can prevent data-related monopolisation tendencies in the digital economy.

Walesch, Benedikt

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Schildgen, Larissa

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Zugleich eine Näherung an den Begriff der Rechtsfähigkeit im Unionsrecht

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As part of the current discussion about the concept of the undertaking in European competition law, Larissa Schildgen analyses the legal qualification of the undertaking in terms of an economic unit and finds that it is legally capable. As a consequence, inconsistencies in the case law of the European Court of Justice can be resolved.

Schüssel-Kohlhäufl, Theresa

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To what extent are members of cartels held liable in anti-trust tort law? Theresa Schüssel-Kohlhäufl assesses the accountability of groups according to the anti-trust wording of § 830 of Germany's Civil Code. The author also takes into account the influence of the legal character of the single, complex and continuous infringement of the EU's law for fines.

Weise, Simon

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Ein rechtsvergleichender Beitrag zur Dogmatik der deutschen und europäischen Staatsunrechtshaftung am Beispiel der Haftungsfolgen fehlerhaft ausgeübter Fusionskontrolle

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Jansen, Kevin

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In light of the last financial crisis and increasingly loud calls for managers of international corporations to be held personally responsible when grave mistakes are made, Kevin Jansen explores meaningful forms of economic regulation. As part of a legal comparison, he examines the tension between freedom and responsibility in antitrust law.

Legner, Sarah

Schadenstheorien bei Nachfragemacht im europäischen und deutschen Kartellrecht

Sarah Legner analyses the impact that buying power has on competition and consumer welfare, revealing that European and German anti-trust laws aim to maximize the latter and tend not to protect suppliers.

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Behrends, Nele

Das Unionsmodell der wirtschaftlichen Einheit im Kartelldeliktsrecht

Volume 2
2019. XXII, 307 pages.

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Nele Behrend's study questions the European approach to parental liability (single economic entity) and its significance for antitrust damages. It reasons against the approach being adopted by German tort law and looks into the possible consequences such a move would entail.

Katt, Mareen

Die gesamtschuldnerische Haftung des Kronzeugen

Eine Studie zum Private Enforcement nach europäischem und deutschem Kartellrecht

Volume 1
2019. XXII, 275 pages.

ISBN 9783161564505
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When third parties suffer because of a cartel, its members are liable for compensation. Since the ninth amendment of Germany's Restraints of Competition Act (GWB) was introduced, exceptions can be made for cartel members who cooperate with the authorities and take part in leniency programmes. But does the amendment achieve what it should? Mareen Katt investigates both the German regulation and the underlying European requirements to find out.

