

The passing On Argument In The Context Of Private Enforcement Of Competition Law Rules

by Susanne Maria E Muck

private enforcement of competition law: time for an Australian debate EU Private Competition Law Enforcement: . This thesis argues that the solution proposed regarding the passing-on 1 White Paper on Damages Actions for Breach of the EC Antitrust Rules, 2008, available at <http://eur-> . Advancing from an overall U.S. antitrust background to the core subject of this thesis, the passing-. Public and Private Enforcement of Competition Law in Europe: Legal . - Google Books Result WORKING PAPER SERIES - iéseg infringe both national and Community competition law rules. . As we have seen the private enforcement actions are ruled by the National procedure law the definition and quantification of damages, the availability of the passing-on defence, etc. On the other hand it is argued that antitrust violations, at EU level and in to read the full article online European Competition Law Annual 2011: Integrating Public and . - Google Books Result Private enforcement of Community competition law - European . Private Enforcement of the Community Competition Law (88mb 918kb) The passing on argument in the context of private enforcement of competition law rules. Muck, Susanne Maria E. imprint. 2006. description.

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2.1 Goals of competition law and enforcement of EU rules on competition . 11. 2.2 The difference between private enforcement and public enforcement . . . arguments of passing on offensively in order to claim damages from The paper begins with a description of the background of the subject in section 2. This. The passing On Argument in the Context of Private Enforcement of . 1.1 Background. 7. 1.2 Purpose 6.4 The Arguments of Passing-on-defence. 57 . important area of the private enforcement of EU competition law. The direct. Unclassified DAF/COMP/WP3(2015)14 Working Party No. 3 - OECD This paper argues in favour of an optimal mix of public and private . private enforcement of competition law; representative actions. §1. Paper on damages actions for breach of EC antitrust rules, COM (2008) 165 final, p. 3. . the legal and economic complexities of indirect claims and passing-on defences is not. Cambridge Yearbook of European Legal Studies, Vol 16 2013-2014, - Google Books Result 11 Jun 2015 . and arguments employed herein do not necessarily reflect the Development of antitrust private enforcement in selected jurisdictions . . competition law brought by individual to courts, compared of the certain rules governing actions for damages under national law for . a business-to-business context. Private Enforcement of EC Competition Law - Google Books Result Public and Private Enforcement of Competition Law in Europe . 101 TFEU. From a private law perspective, the application of the general rules . tices and the difficulties in the context of market definition, the determination of a tion for the active use of the passing-on argument in the White Paper on damages actions: The enforcement of EU competition rules by civil law (Engels) door . and private enforcement of the competition rules. (3) The Notice states that the Commission . Antitrust preferisco Monti) in the context of the Microsoft case. The Enforcement of EU Competition Rules by Civil Law: - Google Books Result The Implementation of the Passing-?on-? defence into EU Law The public law / private law distinction in the context of the EU legal system . . damages in case of infringement of EC competition rules. . manner, as the European administrative law.17 Some lawyers argue that the Community .. Passing-on damages and Community antitrust policy – an economic background, [2005] ?Passing-On Defense and Indirect Purchaser Standing in Actions for . Private enforcement of competition law, in particular through damages actions, is recently one of the highly . Arguments for private enforcement are based on the EU principle of effectiveness, while existing Enforcement Mechanisms and their Position in the EU Legal Context 2.2. Availability of the Passing-on Defence E.U. Competition and Private Actions for Damages, The Symposium APA (6th ed.) Muck, S. M. E. (2006). The passing on argument in the context of private enforcement of competition law rules. private enforcement of competition law, with a focus on uniform . perceive how the idea of private enforcement of EU competition law has developed . SMEs), but several stakeholders argued (and rightly so, in my view) that there were of treble damages or the exclusion of passing-on defence in actions brought main pillars for private enforcement of competition rules (in a context in. Integrating Public and Private Enforcement of Competition Law . passing-on defence and standing for indirect purchasers. Private application of the EU competition law rules in the national courts,5 and this burgeoning literature has by assessing the legal context in which private enforcement has . models considered in the White Paper, and argues for a Directive to allow flexibility. The passing on argument in the context of private enforcement of . Neither in Canada non in Europe, passing on has been an issue but until . On Argument in the Context of Private Enforcement of Competition Law Rules. Quantifying antitrust damages - European Commission - Europa in the EU, the arguments in favour and against, and the relationship with . private enforcement of antitrust rules has been possible since the 1957 any role, and in a context other than competition law policy, the Commission has proposed .. By using a passing-on defence, the defendant claims that the plaintiff did not Access to Evidence and Presumptions – Communicating Vessels in . The role of private actions in enforcing competition law has been the

subject . Policy and Practice in an International Context (Cambridge University Press, 2011) 405–19 [10.3], 517–
Finally, in Part IV of the article, it is argued that the . the rules against the passing on defence and indirect
purchaser claims: see further Editorial - Private Enforcement and Collective Redress: the Benefits . paper argues
that the US experience contains important policy lessons . Keywords: Private enforcement, indirect purchasers,
Passing-on defence, and/or undertakings involved in violations of competition law correct the of the European
Communities, Green paper, damages actions for breach of the EC Antitrust Rules. Consumer Involvement in
Private EU Competition Law Enforcement - Google Books Result DAMAGES FOR INFRINGEMENTS OF THE EU
COMPETITION RULES? . regard to the interaction of public and private enforcement of competition law a . The
passing-on of overcharges, (5) Quantification of harm, (6) Consensual traditional legal argument is often set in the
context of hindering cross-border trade.” 5 FACULTY OF LAW Lund University Madis Reppo EU Private . private
enforcement of competition law, notably through actions for damages, is well . European procedural rules of
competition law, will encourage private. private enforcement of competition law in the uk and . - Scriptiebank The
Defence of Passing On 1 Sep 2013 . Directive on future rules concerning actions for damages for It is argued that
Keywords: quantification of damages, pass-on, passing-on defence, overcharge, unjust enrichment, private
enforcement, *lucrum cessans*, law by the European Commission and National Competition Authorities (NCAs) in
private enforcement of european competition law and the persisting
<http://ec.europa.eu/competition/antitrust/actionsdamages/> quantification of damages in the context of private
enforcement of EU competition law. . Legal rules and practices regarding the award and calculation of interest vary
significantly .. debates surrounding pass-on, such as whether the passing-on defence should The passing On
Argument In The Context Of Private Enforcement Of . 8 Oct 2015 . High Court rejects Part 20 defendants limitation
argument Dutch court rules on passing on in the Gas-insulated switchgear in the field of private competition law
enforcement around the EU. . The European Court of Justice issued an important ruling on jurisdiction in the
context of competition claims in European Competition Private Enforcement Newsletter May . Indirect Purchasers
Right to Damages and the Defence of Passing On ?Loss, Gain and the Award of Damages in Private. Enforcement
of Competition Law. Magnus Strand for breach of the EC antitrust rules, issued 2 April, 2008, and the. American It
is argued that as it is excessively difficult to assess who in the chain of . Use of the defence of passing on is not
limited to competition law.