

2. Vertical Agreements

- *European Commission Guidelines on Vertical Restraints - 2010/C 130/01*
- **Vertical restraints** = agreements or concerted practices entered into between two or more companies each of which operates, for the purposes of the agreement, at a **different level of the production or distribution chain**, and relating to the **conditions under which the parties may purchase, sell or resell certain goods or services**.
- Vertical restraints are generally less harmful than horizontal restraints and may provide substantial scope for efficiencies.
- In most cases, competition concerns can only arise if there is **insufficient competition at one or more levels of trade**.



Eu Commission Guidelines On Vertical Restraints

Frank Wijckmans, Filip Tuytschaever

A red circular graphic with a gradient, appearing as a partial circle or a stylized arrow pointing to the right, located to the right of the authors' names.

Eu Commission Guidelines On Vertical Restraints:

EU Distribution Law Joanna Goyder, 2011-02-09 The new edition of EU Distribution Law published six years after the previous edition is concerned with the competition rules prohibiting anti competitive agreements and behaviour affecting trade between Member States and the special rules which protect commercial agents Under EU law such anti competitive agreements may be void and substantial fines imposed and liability in damages may result To minimise their risk companies and their advisers must therefore understand the current rules and exemptions In 2010 fully revised EU legislation and guidelines governing distribution and supply agreements came into effect New features include an increased focus on powerful buyers and on internet sales and there is also a more generous approach to resale price maintenance At the same time the special regime for the motor vehicle sector was significantly amended The European Commission as well as national courts and competition authorities actively apply EU competition rules in this area so companies need to take the new rules fully into account Furthermore the continuing enlargement of the EU most recently in 2007 to 27 Member States and the ever expanding case law of the European courts means that EU law has an ever wider and more pronounced impact This comprehensively rewritten and updated new edition of a well known text combines expert commentary with clear practical advice on the law affecting distribution agreements exclusive supply purchase agreements franchising agency and selective distribution This book will be essential reading for commercial and competition lawyers and the legal departments of manufacturers suppliers distributors and retailers currently trading or intending to trade within the European Union

Commercial and Economic Law in the European Union Jules Stuyck, 2019-08-05 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law covering merchants status and obligations including the laws governing state intervention in economic activities in the European Union provides quick and easy guidance on such commercial and economic matters as business assets negotiable instruments commercial securities and regulation of the conditions of commercial transactions Lawyers who handle transnational business will appreciate the explanation of local variations in terminology and the distinctive concepts that determine practice and procedure Starting with a general description of the specifically applicable concepts and sources of commercial law the book goes on to discuss such factors as obligations of economic operators and institutions goodwill broker client relations commercial property rights and bankruptcy Discussion of economic law covers the laws governing establishment supervision of economic activities competition law and government taxation incentives These details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Thorough yet practical this convenient volume is a valuable tool for business executives and their legal counsel with international interests Lawyers representing parties with interests in the European Union will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative commercial and economic law *Vertical Agreements in*

EU Competition Law Frank Wijckmans, Filip Tuytschaever, 2011-11-10 Providing a detailed and practical analysis of the entire scope of the law relating to vertical agreements including the new general block exemption regulations and the Vertical Guidelines this book is an indispensable tool for all practitioners active in the drafting or reviewing of vertical agreements

Restrictions of EU Competition Law in the Digital Age Bernadette Zelger, 2023-06-28 This book offers an in depth legal analysis concerning the notion of restrictions of competition be it by object restrictions according to Article 101 TFEU or prima facie abusive practices treated according to the form based approach under Article 102 TFEU Although extensive research has been conducted on the notion of object infringements of competition there is no systematic review of this topic covering both competition provisions namely Articles 101 and 102 TFEU This book fills that gap by providing an extensive analysis of the relevant case law while also covering new phenomena stemming from the digital revolution and its impact on the functioning of traditional markets In this regard particular attention is paid to the concept of prima facie infringements and the analysis necessary for their successful establishment Object restrictions and object abuses are not infringements per se in the sense that they can be established in the abstract and without consideration of the actual legal and economic context context analysis within which a measure is implemented Hence the indispensable context analysis is informed by the potential economic effects of a given measure Examining the changes regarding the economic reality and how markets work in the digital economy this book makes a valuable contribution to the current debate about whether our competition law toolkit is fit and proper to deal with the challenges posed by digitalization The author argues that while there is a coherent framework covering both Treaty competition provisions as regards object restrictions of competition the increased use of an actual effect analysis and thus the concept of a restriction of competition by effect represents an underestimated and underused weapon for combating measures that are ambivalent from a competition law perspective as regards their anticompetitive or non detrimental nature in a digital economy

Handbook of EU Competition Law Walter Frenz, 2015-12-18 This handbook offers detailed descriptions of EU competition law including mergers and public authorities Above all it analyzes and discusses recent decisions of the ECJ and the General Court Presenting systematically structured and theoretically founded content the book also includes recommendations for practitioners Special attention is paid to the scope of penalties and the influence on fundamental rights Rounding out the book the conflict between safeguarding confidential information and the effectiveness of private and public enforcement is discussed intensively in the context of the new Directive 2014 104 EU

Cassis de Dijon Albertina Albors-Llorens, Catherine Barnard, Brigitte Leucht, 2021-02-25 Why is the 1979 the Court of Justice judgment in *Cassis de Dijon* so famous and so significant in the evolution of EU trade law As this landmark judgment approaches middle age this book revisits this decision with the benefit of hindsight why did the Court of Justice decide *Cassis de Dijon* as it did How has the decision been developed by the EU And looking forward how has the decision been used to develop international trade This book brings together some of the leading writers in the field of EU

trade law constitutional law and European history for a fresh examination of this ground breaking judgment looking at it from the perspective of its past who what and why its present is it making a difference and its future how does it fit in

international trade agreements **Competition Law in Serbia** Tijana Kojović, Dragan Gajin, 2017-06-26 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of competition law and its interpretation in the Serbia covers every aspect of the subject the various forms of restrictive agreements and abuse of dominance prohibited by law and the rules on merger control tests of illegality filing obligations administrative investigation and enforcement procedures civil remedies and criminal penalties and raising challenges to administrative decisions Lawyers who handle transnational commercial transactions will appreciate the explanation of fundamental differences in procedure from one legal system to another as well as the international aspects of competition law Throughout the book the treatment emphasizes enforcement with relevant cases analysed where appropriate An informative introductory chapter provides detailed information on the economic legal and historical background including national and international sources scope of application an overview of substantive provisions and main notions and a comprehensive description of the enforcement system including private enforcement The book proceeds to a detailed analysis of substantive prohibitions including cartels and other horizontal agreements vertical restraints the various types of abusive conduct by the dominant firms and the appraisal of concentrations and then goes on to the administrative enforcement of competition law with a focus on the antitrust authorities powers of investigation and the right of defence of suspected companies This part also covers voluntary merger notifications and clearance decisions as well as a description of the judicial review of administrative decisions Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in the Serbia will welcome this very useful guide and academics and researchers will appreciate its value in the study of international and comparative competition law **The New EU Competition Law** Pablo Ibáñez Colomo, 2023-12-14 This book provides the first

comprehensive account of the New EU Competition Law an emerging understanding of the discipline that breaks from the consensus of the early 2000s and that ventures into uncharted territories Competition law has undergone fundamental transformations in the past decade from the rise and fall of the effects based approach to the challenge of Big Tech and the growing interaction with intellectual property Making sense of these changes and fully grasping their implications can be difficult The book discusses the shift from traditional enforcement in the industrial era to the sort of intervention that a knowledge based economy demands It presents the changes that the field is undergoing policy priorities relationship with regulation and intangible assets move away from efficiency and consumer welfare and illustrates them by reference to the most significant developments The analysis includes an up to date evaluation of the Digital Markets Act and addresses the application of EU competition law to key areas including energy pharma telecommunications and online platforms Conceived

as a modular book practitioners and advanced students will find it useful as a map to navigate the underlying trends and as an in depth dissection of the key case law and administrative practice of the past decade

Multinational Enterprises and the Law Peter Muchlinski, 2021-02-18 *Multinational Enterprises and the Law* is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

The More Economic Approach to EU Antitrust Law Anne C Witt, 2016-11-17 In the late 1990s the European Commission embarked on a long process of introducing a more economic approach to EU Antitrust law One by one it reviewed its approach to all three pillars of EU Antitrust Law starting with Article 101 TFEU moving on to EU merger control and concluding the process with Article 102 TFEU Its aim was to make EU antitrust law more compatible with contemporary economic thinking On the basis of an extensive empirical analysis of the Commission's main enforcement tools this book establishes the changes that the more economic approach has made to the Commission's enforcement practice over the past fifteen years It demonstrates that the more economic approach not only introduced modern economic assessment tools to the Commission's analyses but fundamentally changed the Commission's interpretation of the law Emulating one of the key credos of the US Antitrust Revolution thirty years earlier the Commission reinterpreted the EU antitrust rules as aiming at the enhancement of economic consumer welfare only and amended its understanding of key legal concepts accordingly This book argues that the Commission's new understanding of the law has

many benefits Its key principles are logical translate well into workable legal concepts and promise a great degree of accuracy However it also has a number of serious drawbacks as it stands Most worryingly its revised interpretation of the law is to large extents incompatible with the case law of the European Court of Justice which has not been swayed by the exclusive consumer welfare aim This situation is undesirable from the point of view of legal certainty and the rule of law

International Commercial Agency and Distribution Agreements Cristelle Albaric, Marianne Dickstein, 2017-03-06 In this enriched new edition of a proven indispensable practical guide to the drafting and negotiating of agency distribution and franchising agreements the contributors have all updated their country reports with recent cases and commentary and an abundance of new sample clauses and other practical features In addition four major jurisdictions Brazil England Japan and the United States have been added bringing the total number of country reports to nineteen The first edition is well known among commercial law practitioners as the preeminent hands on guide to drafting effective distribution agreements tailored specifically to countries in which foreign direct investment is a major component of the economy Local experts provide detailed information on specific applicable law major current case law drafting guidance with specific clauses and official English versions of relevant primary material Case law summaries clearly expose the issues from which disputes arise and the financial consequences of those disputes and the practical discussion includes sample clauses designed to anticipate those issues and avoid the pitfalls to which they often lead The enormous day to day usefulness of this book will be self evident to corporate counsel and other lawyers negotiating international commercial distribution agreements Legal scholars as well will welcome the book s comparative study of applicable law on commercial contracts in a wide variety of national jurisdictions

European Union Competition Law in the Airline Industry John Milligan, 2017-04-15 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 since 2004 competition has intensified and 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 This practical and thoroughly researched book minimising the need for cross referencing is the only current comprehensive study of European competition law from the perspective of the airline industry Among the issues and topics covered are the following commercial agreements between airlines such as code sharing mergers and alliances and other joint ventures means of distribution such as computer reservation or global distribution systems and travel agents supply and distribution agreements abusive conduct by dominant companies including airports airlines or other companies cartels including the Airfreight cartel case information exchange between competitors procedure enforcement and private actions for damages state aid to airlines by Governments through agreements between regional airports and low cost carriers and aid to airports and subsidies by non EU countries to

airlines The author also gives an overview of the liberalisation process the European Common Aviation Area agreements with non EU countries latest developments including Brexit and ongoing trends As a practical guide to the application of competition law in relation to drafting commercial agreements planning and structuring mergers and alliances assessing existing agreements or handling claims or disputes among airlines or airports legal practitioners in the transport field will find this book to be of inestimable value as will business persons at airlines and airports For regulators academics and university libraries this book will also prove itself indispensable

Antitrust Analysis of Online Sales Platforms & Copyright Limitations and Exceptions Bruce Kilpatrick, Pierre Kobel, Pranvera Këllezi, 2018-07-03 This book gathers international and national reports from across the globe on key questions in the field of antitrust and intellectual property The first part discusses the application of competition law to online sales platforms which is increasingly a focus for anti trust authorities around the world A detailed international report explores which are the major challenges for competition law generated by the growth of online platforms It provides an excellent comparative study of this complex and challenging subject The second part of the book gathers contributions from various jurisdictions on the topic To what extent do current exclusions and limitations to copyright strike a fair balance between the rights of owners and fair use by private individuals and others This section presents an international report which offers an unparalleled comparative analysis of this topic bringing together common themes and contrasting the various national provisions dealing with exceptions to copyright amongst other things The book also includes the resolutions passed by the General Assembly of the International League of Competition Law LIDC following a debate on each of these topics which include proposed solutions and recommendations The LIDC is a long standing international association that focuses on the interface between competition law and intellectual property law including unfair competition issues

The Law and Economics of Article 102 TFEU Robert O'Donoghue KC, Jorge Padilla, 2020-09-03 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 European Union This seminal text 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 The third edition involves a net addition of over 250 pages with a substantial 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

Competition Law and Policy in Digital Markets Maria Ioannidou, Bingwan

Xiong,2025-03-01 The advent of digital technologies has transformed markets and resulted in unprecedented levels of market concentration with a handful of digital giants controlling the provision of many goods and services Against these changing market dynamics Competition Law and Policy in Digital Markets A Comparative Analysis of the EU and China provides a critical comparative analysis of the application of competition law in digital markets in the EU and China The book deciphers how these two key competition law jurisdictions apply their respective competition laws against different digital giants and the potential impact of those applications in the evolution of digital markets This book first maps the characteristics of digital markets and the challenges they raise for competition law enforcement and second critically discusses decisional practice and policy developments in the EU and China The discussion identifies potential competition law problems in the digital economy and covers various types of anti competitive conduct at the intersection of consumer data protection and competition law It also identifies contentious cases querying whether competition law can act as a gap filler or whether other regulatory tools are better suited to address such problems Pioneering and timely Competition Law and Policy in Digital Markets examines the challenges posed to competition law enforcement by these new dynamics The similarities and divergent approaches between competition law enforcers in the EU and China are examined in a bid to contribute to a more transparent debate between the two

Introduction to EU Competition Law Peter Willis,2013-09-05 This book provides an introductory but thorough guide to EU competition law covering the underlying economics and the key substantive areas of anticompetitive agreements Article 81 abuses of dominance Article 82 the application to the most common types of commercial agreement state aids state measures limiting competition and mergers It also examines the procedures under which the relevant competition authorities apply the rules private enforcement of the rules before the courts and minimising risk by implementing a compliance programme The emphasis is practical rather than theoretical the authors are practitioners in the field of competition law and economics with many years individual and collective experience in the area This will be an essential reference tool for practitioners academics and students of EU Competition Law

Competition Law and Policy in the EU and UK Barry J. Rodger,Angus Macculloch,2021-11-07 Competition Law and Policy in the EU and UK provides a focused guide to the main provisions and policies at issue in the UK and EU including topics such as anti competitive agreements abuse of dominance mergers and Brexit The book s contents are tailored to cover all major topics in competition law teaching and the authors clear and accessible writing style offers an engaging and easy to follow overview of the subject for course use The sixth edition provides a full update for this well established title and takes recent developments into account including those in the case law surrounding the concept of object agreements under Art 101 TFEU the concept of abuse under Art 102 TFEU the treatment of online multi sided platform markets and the development of private enforcement Chapters focus on the substantive laws of the UK and EU and demonstrate how competition law affects business including co ordinated action pricing behaviour takeovers and mergers Information is presented within a structured

framework complete with discussion of the UK enforcement structures following the UK's withdrawal from the EU. The book includes a wealth of pedagogical features including chapter overviews and summaries, discussion questions and further reading. Clear, focused and student friendly, this book offers a comprehensive resource for students taking competition law courses and will be of interest to postgraduate students and legal professionals looking for an introduction to the topic.

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. **EU Electricity Trade Law** Petri Mäntysaari, 2015-05-06. This book aims to describe the mechanisms of the internal wholesale electricity market in terms of the legal tools and practices used by electricity producers, the most important market participants. In this regard, the focus is on Northwestern Europe. Because of the book's functional perspective, it is not limited to the external regulation of electricity markets at the EU level and also describes the business models and practices employed by electricity producers. Both the physical and financial marketplaces are examined and topics including electricity supply, balancing, transmission and derivatives are covered. The target for the completion of the EU's internal electricity market was 2014. The internal wholesale electricity market is very important not only for electricity producers, suppliers and major end consumers but also for network operators, marketplace operators, electricity technology firms, investment firms and market regulators. Competition and Intellectual Property Law in Ukraine Heiko Richter, 2023-01-22. This volume provides the most comprehensive contemporary academic writing on Ukrainian competition and intellectual property law in English. Especially over the last few years, these areas have been in considerable flux, a main driver being the EU-Ukraine Association Agreement. The chapters cover a broad range of different topics and share a forward looking perspective. They also outline the basic background that is necessary to understand the context of the issue discussed, especially with regards to the legal system of Ukraine. The publication is the result of a two year project and it is addressed to a wide range of international scholars, practitioners and policy makers. It aims to make the state of the art in Ukrainian legal scholarship visible and accessible to the international research community and to stimulate global debates in academia and politics. Therefore, it may be of interest and use to anyone who is interested in competition and intellectual property law and/or in Ukraine.

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