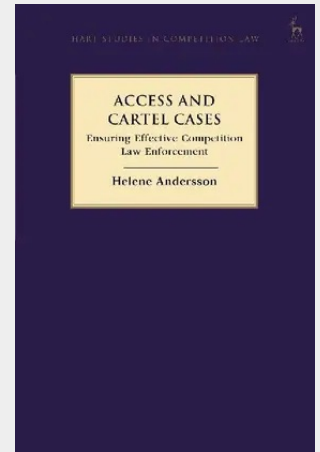


Access and Cartel Cases

Ensuring Effective Competition Law Enforcement

This book examines the legislative patchwork surrounding access to the European Commission's cartel case files. Recent legislative changes have increased the value of the files and have also highlighted the inherent tension between a number of competing interests affecting their accessibility. The Commission is undoubtedly caught between a rock and a hard place, charged with the task to ensure due process, transparency and effectiveness while at the same time promoting both public and private enforcement of the EU competition rules. The author considers how best to ensure a proper balance between the legitimate, but often diverging interests of parties, third parties and national competition authorities in these cases. The book provides a unique and comprehensive presentation of the EU legislation and case law surrounding access to the Commission's cartel case files. The author examines the question of accessibility from three different perspectives: that of the parties under investigation, cartel victims, and national competition authorities. The author also considers the EU leniency system and whether any legislative changes could make the attractiveness of the system less dependent on the possibilities of cartel victims to access the evidence contained in the Commission's case files.

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62,80 €

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Lieferfrist: bis zu 10 Tage

Artikelnummer: 9781509942527

Medium: Buch

ISBN: 978-1-5099-4252-7

Verlag: Bloomsbury 3PL

Erscheinungstermin: 16.06.2022

Sprache(n): Englisch

Auflage: Erscheinungsjahr 2022

Serie: Hart Studies in Competition Law

Produktform: Kartoniert

Gewicht: 483 g

Seiten: 320

Format (B x H): 156 x 234 mm

