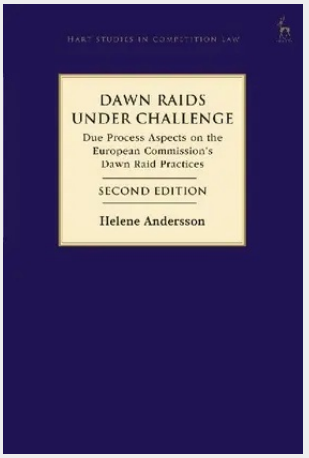
Andersson

Dawn Raids Under Challenge

Due Process Aspects on the European Commission's Dawn Raid Practices



The 2nd edition of this book provides an updated comprehensive analysis of the European Commission's dawn raid practices from a due process perspective. Examining the obligations imposed by the Charter and the ECHR and the response of the Luxembourg and Strasbourg Courts, the book shows that whereas the Strasbourg Court manages to strike a balance between efficiency concerns and fundamental rights, the approach of the EU Courts is not equally balanced. The dawn raid is a powerful tool on which the European Commission relies heavily in its antitrust investigations. In 2022, the Commission carried out dawn raids in private homes for the first time in many years and it has declared its intent to make greater use of the power to inspect private premises. Furthermore, the European Commission is expanding its dawn raid practices into new areas of law. Both the Digital Markets Act and the Foreign Subsidies Regulation empower the Commission to carry out dawn raids and to impose heavy fines on anyone failing to cooperate. Ensuring adequate procedural safeguards is therefore more important than ever. The book provides an essential and timely examination of this important subject, and is of great practical interest to companies, practitioners, and enforcers. It is also of theoretical interest, offering stimulating reflections on the effectiveness and legitimacy of the Commission's enforcement powers.

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73,70 €
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Lieferfrist: bis zu 10 Tage

Artikelnummer: 9781509969463
Medium: Buch
ISBN: 978-1-5099-6946-3
Verlag: Hart Publishing
Erscheinungstermin: 18.12.2025
Sprache(n): Englisch
Auflage: 2. Auflage 2025
Serie: Hart Studies in Competition Law
Produktform: Kartoniert
Gewicht: 524 g
Seiten: 344
Format (B x H): 156 x 234 mm

Kundenservice Verlag Dr. Otto Schmidt KG
Neumannstraße 10, 40235 Düsseldorf | kundenservice@otto-schmidt.de | 0221-93738-997 (Inland)