

Preface

International Competition Enforcement Law is a new field of research in jurisprudence which, until now, has attracted little attention. Academic debate has, in recent years, concentrated almost entirely on substantive law. Such an imbalanced focus, however, risks losing sight of the fact that the differing procedures, complex networks of co-operation between authorities and courts and the diverse organizational structures of the authorities all have an influence on the decision-making process in a manner which ought not to be underestimated.

Whereas an increasing convergence of national, international and supranational law may be observed in the field of substantive law, enforcement law is characterized by a wide range of different approaches, and the complexity which necessarily accompanies such diversity in approach. A closer look at International Competition Enforcement Law quickly reveals a multitude of national cartel and competition laws (approximately 100 at the moment), all of which feature different procedural quirks. In addition, there is supranational and, in particular, with respect to procedure, complicated EU law, as well as a variety of regional regimes (for example, MERCOSUR or NAFTA), all of which are based on completely different procedural traditions. Lastly, there are several international administrative bodies (for example, the WTO or OECD) which aim at harmonizing and/or shaping procedural rules.

These differences in regulation pose the question whether it is indeed possible to create a set of common procedural principles for competition and merger control law. This is the premise of this book, which discusses the most important national procedural rules, while also exploring links to supranational and international law and analyzing the comprehensive co-operative networks. With this approach, it is possible to delineate the general structures and basic principles of International Competition Enforcement Law and piece them together.

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