



The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law)

By Peter Whelan

Download now

Read Online ➔

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan

Cartel activity is prohibited under EU law by virtue of Article 101(1) of the Treaty on the Functioning of the European Union. Firms that violate this provision face severe punishment from those entities responsible for enforcing EU competition law: the European Commission, the national competition authorities, and the national courts. Stiff fines are regularly imposed on firms by these entities; such firm-focused punishment is an established feature of the antitrust enforcement landscape within the EU. In recent years, however, focus has also been placed on the individuals within the firms responsible for the cartel activity. It is increasingly recognized that punishment for cartel activity should be individual-focused as well as firm-focused. Accordingly, a growing tendency to criminalize cartel activity can be observed in the EU Member States.

The existence of such criminal sanctions within the EU presents a number of crucial challenges that need to be met if the underlying enforcement objectives are to be achieved in practice without violating prevailing legal norms. For a start, given the severe consequences of a custodial sentence, the employment of criminal antitrust punishment must be justifiable in principle: one must have a robust normative framework rationalizing the existence of criminal cartel sanctions. Second, for it to be legitimate, antitrust criminalization should only occur in a manner that respects the mandatory legalities applicable to the European jurisdiction in question. These include the due process rights of the accused and the principle of legal certainty. Finally, the correct practical measures (such as a criminal leniency policy and a correctly defined criminal cartel offence) need to be in place in order to ensure that the employment of criminal antitrust punishment actually achieves its aims while maintaining its legitimacy.

These three particular challenges can be conceptualized respectively as the theoretical, legal, and practical challenges of European antitrust criminalization.

This book analyses these three crucial challenges so that the complexity of the process of European antitrust criminalization can be understood more accurately. In doing so, this book acknowledges that the three challenges should not be considered in isolation. In fact there is a dynamic relationship between the theoretical, legal, and practical challenges of European antitrust criminalization and an effective antitrust criminalization policy is one which recognizes and respects this complex interaction.

 [Download The Criminalization of European Cartel Enforcement ...pdf](#)

 [Read Online The Criminalization of European Cartel Enforceme ...pdf](#)

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law)

By Peter Whelan

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan

Cartel activity is prohibited under EU law by virtue of Article 101(1) of the Treaty on the Functioning of the European Union. Firms that violate this provision face severe punishment from those entities responsible for enforcing EU competition law: the European Commission, the national competition authorities, and the national courts. Stiff fines are regularly imposed on firms by these entities; such firm-focused punishment is an established feature of the antitrust enforcement landscape within the EU. In recent years, however, focus has also been placed on the individuals within the firms responsible for the cartel activity. It is increasingly recognized that punishment for cartel activity should be individual-focused as well as firm-focused. Accordingly, a growing tendency to criminalize cartel activity can be observed in the EU Member States.

The existence of such criminal sanctions within the EU presents a number of crucial challenges that need to be met if the underlying enforcement objectives are to be achieved in practice without violating prevailing legal norms. For a start, given the severe consequences of a custodial sentence, the employment of criminal antitrust punishment must be justifiable in principle: one must have a robust normative framework rationalizing the existence of criminal cartel sanctions. Second, for it to be legitimate, antitrust criminalization should only occur in a manner that respects the mandatory legalities applicable to the European jurisdiction in question. These include the due process rights of the accused and the principle of legal certainty. Finally, the correct practical measures (such as a criminal leniency policy and a correctly defined criminal cartel offence) need to be in place in order to ensure that the employment of criminal antitrust punishment actually achieves its aims while maintaining its legitimacy.

These three particular challenges can be conceptualized respectively as the theoretical, legal, and practical challenges of European antitrust criminalization. This book analyses these three crucial challenges so that the complexity of the process of European antitrust criminalization can be understood more accurately. In doing so, this book acknowledges that the three challenges should not be considered in isolation. In fact there is a dynamic relationship between the theoretical, legal, and practical challenges of European antitrust criminalization and an effective antitrust criminalization policy is one which recognizes and respects this complex interaction.

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan Bibliography

- Sales Rank: #4416667 in Books
- Published on: 2014-10-07
- Original language: English
- Number of items: 1
- Dimensions: 6.10" h x 1.20" w x 9.20" l, .0 pounds

- Binding: Hardcover
- 365 pages

 [Download The Criminalization of European Cartel Enforcement ...pdf](#)

 [Read Online The Criminalization of European Cartel Enforceme ...pdf](#)

Editorial Review

Review

Peter Whelan's book is meticulously researched and exceptionally well written. In addition to its main academic contribution, it acts as a very useful and comprehensive review of the existing literature on cartel criminalisation and is a treasure trove of useful references from start to finish. It is a worthwhile purchase, whether you are a competition lawyer or someone with an interest in white-collar crime. Andreas Stephan, Professor of Competition Law, University of East Anglia (*European Competition Law Review*, 2016) Dr. Peter Whelan...has published a comprehensive road map for the successful introduction and enforcement of criminal cartel law for an EU member state. He discusses in detail the many theoretical, legal, and practical challenges member states face in adding criminal enforcement to the administrative enforcement already existing at the EU and member state levels...This is a deeply researched and carefully argued book that will teach US readers the complexities of the EU and member state competition systems as they inch toward a system of criminal cartel enforcement that the US largely takes for granted. For EU readers, this monograph highlights the many issues that remain to be resolved as the debate on criminal enforcement continues within member states and in other jurisdictions dealing with these issues for the first time. Professor Spencer Weber Waller, Loyola University Chicago, (*World Competition Law and Economic Review*) The existing and potential sanctions within the EU designed to deter, or punish those who set up cartels form the basis of this rigorous and analytical study by Dr Peter Whelan published by the Oxford University Press...Whelan has therefore set himself the formidable task of addressing and examining what he refers to as the theoretical, legal and practical challenges of European antitrust criminalization, which he, stresses should be examined and analysed not separately, but as a dynamic whole. ...Whelan has certainly shed much light on a complex, often awkward and continually evolving subject, which is also fraught with implications for corporate responsibility in general. Lawyers as well as academics and policy makers will welcome the important contribution made by this book to the ongoing debate on cartels within the EU. Phillip Taylor MBE and Elizabeth Taylor, Richmond Green Chambers

About the Author

Peter Whelan, *Associate Professor in Law, School of Law, University of Leeds*

Dr Peter Whelan is an Associate Professor in Law at the School of Law, University of Leeds, where he is the Deputy Director of the Centre for Criminal Justice Studies. He has degrees in law from Trinity College Dublin and a PhD in Law from St John's College, University of Cambridge. A qualified US Attorney-at-Law, Peter is an expert in competition law and sits on the Editorial Boards of *World Competition* and the *Journal of Antitrust Enforcement*. Peter has published widely in specialist competition law journals, as well as in generalist law journals (including *Oxford Journal of Legal Studies*, *Cambridge Law Journal* and *Modern Law Review*). He has provided oral evidence on cartel criminalization to the New Zealand Parliament and was recently appointed as an International Expert by the Finnish Competition and Consumer Authority to advise it on the desirability of introducing criminal cartel sanctions in Finland. Peter is also the Managing Editor of *Oxford Competition Law*.

Users Review

From reader reviews:

Julie Flanagan:

Do you have favorite book? In case you have, what is your favorite's book? Book is very important thing for us to know everything in the world. Each reserve has different aim or even goal; it means that guide has different type. Some people sense enjoy to spend their time to read a book. These are reading whatever they have because their hobby will be reading a book. How about the person who don't like studying a book? Sometime, particular person feel need book if they found difficult problem or perhaps exercise. Well, probably you will require this *The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges* (Oxford Studies in European Law).

Joyce Bullock:

The guide untitled *The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges* (Oxford Studies in European Law) is the book that recommended to you to read. You can see the quality of the book content that will be shown to a person. The language that publisher use to explained their way of doing something is easily to understand. The article writer was did a lot of research when write the book, to ensure the information that they share to your account is absolutely accurate. You also might get the e-book of *The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges* (Oxford Studies in European Law) from the publisher to make you more enjoy free time.

Jennifer Garza:

Reading a book to be new life style in this year; every people loves to examine a book. When you go through a book you can get a large amount of benefit. When you read books, you can improve your knowledge, because book has a lot of information in it. The information that you will get depend on what types of book that you have read. If you wish to get information about your analysis, you can read education books, but if you act like you want to entertain yourself you can read a fiction books, these kinds of us novel, comics, and also soon. The *The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges* (Oxford Studies in European Law) will give you new experience in looking at a book.

Ernesto Harrell:

A number of people said that they feel bored when they reading a book. They are directly felt it when they get a half elements of the book. You can choose typically the book *The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges* (Oxford Studies in European Law) to make your current reading is interesting. Your own skill of reading skill is developing when you such as reading. Try to choose basic book to make you enjoy to read it and mingle the feeling about book and reading especially. It is to be initially opinion for you to like to available a book and study it. Beside that the book *The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges* (Oxford Studies in European Law) can to be your brand-new friend when you're truly feel alone and confuse using what must you're doing of this time.

**Download and Read Online The Criminalization of European
Cartel Enforcement: Theoretical, Legal, and Practical Challenges
(Oxford Studies in European Law) By Peter Whelan
#S19VMYLRCGX**

Read The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan for online ebook

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan Free PDF d0wnl0ad, audio books, books to read, good books to read, cheap books, good books, online books, books online, book reviews epub, read books online, books to read online, online library, greatbooks to read, PDF best books to read, top books to read The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan books to read online.

Online The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan ebook PDF download

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan Doc

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan Mobipocket

The Criminalization of European Cartel Enforcement: Theoretical, Legal, and Practical Challenges (Oxford Studies in European Law) By Peter Whelan EPub