

Competition Policy In The European Union The European Union Series

The maintenance of a fair, competitive market among member states is critical to the functioning of the EU economy. In this book, the first comprehensive, unifying view of market definition, Miguel Ferro adeptly explores the different economic-legal issues that arise in EU competition law. Featuring an exhaustive analysis of European case law, this astute work provides a succinct and nuanced guide to market definition within a variety of markets and contexts. Insightful and timely, it explores the different economic-legal issues that arise in European case law, distinguishing economic debates from the legal issues involved. In so doing, it seeks to prevent the distortions to the legal method that can result from adopting a more piecemeal approach. *Market Definition in EU Competition Law* provides a crucial introduction to the topic and will be an important resource for students and scholars of European competition law. Practitioners and judges will also benefit from the extensive analysis of case law and the practical examples.

Professor Ullrich is thoughtful and attracted star scholars from many countries, so the papers and discussion are provocative and introduce recent economic thinking, although many are written by lawyers. . . The text is lucid and interesting, the thought innovative and anyone seriously interested in competition policy should read these papers and the comments with pleasure. Valentine Korah, *World Competition* This collection of papers and comments deserves to be widely read, and it should appeal to academics and practitioners alike. The great mix of topics and the variety of views offered make this a very stimulating contribution to the discussion of the new paradigm of EC competition law, the more economic approach, and its implications for the application and interpretation of the various EU antitrust rules. Thomas Eilmansberger, *European Law Journal* The editor should be congratulated for bringing together this diverse group of scholars whose spirited disagreements remind one of the many challenges faced in exploring the role and function of competition law. Giorgio Monti, *European Review of Contract Law* With contributions from leading scholars from all over Europe and the US, this book covers the major areas of substantive competition law from an evolutionary perspective. The leitmotiv of the book has been to assess the dividing line between safeguarding and regulating competition, which it does by reviewing the following subjects: foundations of competition policy in the EU and the US strategic competition policy the evolution of European competition law from a national (Italian) perspective the block exemption of vertical agreements after four years the new Technology Transfer Block Exemption cooperative networking mergers in the media sector abuse of market power concepts of competition in sector specific regulation competition, regulation and systems coherence efficiency claims in EU competition law and sector specific regulation. *The Evolution of European Competition Law* will be of great interest to lawyers, economists, academics, judges and public officials working in the fields of competition law and policy.

In the European Union (EU), competition policy occupies a central place amongst other EU public policies and is the first truly supranational public policy regulating market competition. One of the stated objectives of EU competition policy is to prevent

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excessive concentration of economic power in the hands of a few.

This text covers the area of entertainment and broadcasting with explanation of the law and discussion of its practical application in the media world. It covers areas such as entertainment contracts, broadcasting regulation and disputes.

Making use of legal, economic and political sources, this book offers an analysis of the evolution, operation and regulation of the EU's policies on restrictive practices, monopolies and mergers, and state aid.

Ex Post Economic Evaluation of Competition Policy' contributes to a better knowledge of the economic impact of this policy, which is essential for the good functioning of the internal market in the European Union. Competition authorities are increasingly interested in understanding the impact of their activities on markets and consumers. The goal is to improve competition policy rules and decision-making practices and to get robust evidence on the benefits of competition and competition policy for society as a whole. Discussions with competition authorities, practitioners and academics have shown the need to take stock of the experience gained in this field by the European Commission and to present it in an easily accessible way.

By their nature, remedies are central to competition law enforcement and represent the yardstick against which the efficiency of the overall system can be measured. Yet very rarely have remedies been treated in a horizontal and comprehensive manner from the combined perspectives of substance, process and policy. The present volume, developed in partnership with the College of Europe's Global Competition Law Centre (GCLC), provides coherent, practical, and authoritative commentaries by leading experts from the GCLC's incomparable network. The contributions – originally presented at the 2019 GCLC annual conference – examine remedies to assess the overall effectiveness of competition law enforcement in merger, antitrust and State aid matters. The overall topic is presented under five headings: objectives and limitations of remedies; types of remedies in competition law enforcement; implementation and process; ex post assessment of remedies and policy lessons; and national and international approaches. The high-profile and wide-ranging group of authors includes the Director-General of the European Commission's competition department, lawyers from major international firms, and well-known economists and academics specialising in competition law. With a sharp focus on how to make competition rules work well in today's digital environment, this systematic and coherent analysis illuminates an issue that we need to fully grasp and understand in order to make sense of competition policy, law and enforcement in the years and decades to come.

Aerospace Law and Policy Series Volume 14 European Union Competition Law in the Airline Industry provides an overview of competition law in the aviation sector. 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, particularly from 2004, competition has intensified. 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. In light of this, the book offers a blend of practical advice and legal input, useful for practitioners and academics, and all others who are involved with this interesting and multifaceted subject. What's in this book: Among the issues and topics covered are the following: commercial agreements between airlines such as code-sharing,

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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 State 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. How this will help you: This practical and thoroughly researched book, minimising the need for cross-referencing, is currently the only comprehensive study of European competition law from the perspective of the airline industry. 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. Thus, this book is indispensable for regulators, academics, and university libraries.

As the chief enforcer of EU competition policy, the European Commission can make or break the world's biggest companies. Edward Bannerman argues that the Commission should hand over many of its powers to a European Competition Agency, to protect anti-trust investigations from political pressure.

Competition Law of the EU and UK is the essential introduction to competition law. Clear and accessible, without compromising on rigor, it helps students to navigate all of the technicalities of competition law. With strong coverage of the economics underpinning the law, this text leads students through the complexities of competition law and helps them to understand its principles. Designed to bring the law to life, a range of learning features aid comprehension and invite students to think about the many applications of competition law. Key cases boxes provide lively discussion, and user-friendly flow charts and visual aids offer a stimulating approach to competition law, making it an ideal introduction to the subject for undergraduates and postgraduates new to this area of law. An Online Resource Centre accompanies this book and provides: Summary maps and key cases - downloadable for ease of use Multiple choice questions - to help students to self-check progress and understanding Table of OFT decisions - for quick reference Web links - to enable students to take their learning further

Sir Leon Brittan, Vice President of the European Commission responsible for Competition Policy and Financial Institutions, gave a series of 13 lectures at the Centre for European Policy Studies in Brussels. This set of policy statements, produced by the Centre for European Policy Studies, has now been turned into a book. It sets out Sir Leon's views on the impact of the EC's competition policy on the following issues: financial services, transport, international relations, cohesion and the regions, postal services and telecommunications, the public sector and state aid.

Modelling European Mergers presents a comprehensive and fresh perspective on the economic analysis of mergers by leading academics and competition policymakers from Europe and the US. The book frankly discusses the pro's and con's of using applied game theory models in merger control from a historical and theoretical perspective. Seven case studies on the actual use of advanced techniques and models in legal procedures provide a perspective from the national competition authorities in Belgium, Denmark, Italy, The Netherlands and Sweden on markets that range from basic goods such as bread and aperitifs to complex products such as electricity, literature and software. The case studies provide many insights into practical issues such as data collection, procedures and errors of predication, as well as in the relative merits of different econometric approaches. A recurring theme of the

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book is how economic insights insights can be translated into convincing legal decisions. Essay from the year 2006 in the subject Business economics - Economic Policy, grade: 5,0 (sehr gut), University of Pécs (Faculty of Business and Economics), course: Public Policy I, 23 entries in the bibliography, language: English, abstract: This essay includes a general overview of competition policy in the European Union. Special attention is spent on the development of Competition Policy of the Republic of Slovenia.

This book provides a new analytical framework for legal problems concerning the economic order of the European Union. In order to determine the remaining scope for national economic sovereignty, and the improvement of the economic order of the Community itself, the focus of the book is the contentious relationship between competition and industrial policy under European law. The theoretical perspective used is based on a comparison between the concepts of the Treaty as an economic constitution and as a political constitution. On this basis, the convergence of competition and industrial policy at the Community level is explained as the result of the rationalisation of public policy, and the reduction of the economic independence of the member states. The study concludes that the market orientation of the European Union is not in doubt, but that a clear link remains to be established between the legitimacy of public intervention in the economy and the distribution of power in the Community system.

One of the fundamental challenges currently facing the EU is that of reconciling its economic and environmental policies. Nevertheless, the role of environmental protection in EU competition law and policy has often been overlooked. Recent years have witnessed a shift in environmental regulation from reliance on command and control to an increased use of market-based environmental policy instruments such as environmental taxes, green subsidies, emissions trading and the encouragement of voluntary corporate green initiatives. By bringing the market into environmental policy, such instruments raise a host of issues that competition law must address. This interdisciplinary treatment of the interaction between these key EU policy areas challenges the view that EU competition policy is a special case, insulated from environmental concerns by the overriding efficiency imperative, and puts forward practical proposals for achieving genuine integration.

Competition Policy in the European Union Macmillan International Higher Education
This book examines the domestic and international dimensions of European Union (EU) competition policy, particularly mergers, anti-competitive practices and state aids. The authors argue that important changes in EU competition policy are having profound effects on the global political economy, and these changes are best understood as European Commission responses to new domestic and international pressures. Using a two-level game analytical framework that is both intra-EU and global in scope, Damro and Guay investigate a wide variety of domestic and foreign public and private actors that interact in crucial ways to determine the development and implementation of EU competition policy. They address this broad question: In what ways do changing external and internal factors affect the evolution of the EU's competition policy and the role that the Commission plays in it? Among the conclusions is that the EU – and particularly the European Commission – has become a leading global regulator. Does competitive process constitute an autonomous societal value or is it a means for achieving more meritorious goals: welfare, growth, integration, and innovation? The hypothesis of *The Normative Foundations of European Competition Law* is that the former is the case. This insightful book analyses the phenomenon of competition from

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philosophical, legal and economic perspectives demonstrating exactly why competitive process should not be viewed only as an instrument. It consolidates various normative theories of freedom, market and competition, and explains how exactly they can be operationalized effectively in the matrix of the EU competition policy.

Competition policy is an integral and prominent part of economic policy-making in the European Union. The EU Treaty prescribes its member states to conduct economic policy 'in accordance with the principle of an open market economy with free competition'. More precisely, the goal of EU competition policy is "to defend and develop effective competition in the common market" (European Commission, 2000: 7). Under its Commissioners van Miert, Monti and, most recently, Kroes the EU Commission has stepped up its effort to pursue and achieve the aforementioned goal. A number of so-called hard-core cartels, such as the notorious "vitamin cartel" led by Roche, have been detected, tried in violation of Art. 81 of the Maastricht Accord and punished with severe fines. Also Microsoft was hit hard by the strong hand of the Commission having been severely fined for exploiting a dominant market position. Economic analysis has been playing an increasingly significant role in the Commission's examination of competition law cases. This holds true in particular for merger control. Here, however, the Commission has had to accept some poignant defeats in court, such as the Court's reversals of Airtours-First Choice or GE-Honeywell. Among other things, the European Court of Justice found the economic analysis as conducted by the EU's Directorate General for Competition to be flawed and the conclusions drawn not to be convincing. These rejections by the courts have stirred up the scholarly debate on the conceptual foundations of European competition policy.

The modern industrial states desperately need more competition in order to generate growth and employment. Although the European Union pushed its member states to open several sectors to competition, there is much left to be done. At the same time powerful interest groups try to avoid or to reduce competition on European labour markets, in the health systems, in the transport and energy sector, in public services, and in many other areas. This book shows that there is much to be gained from intensifying competition and that especially consumers would benefit. One task is to lay a sound basis for the application of competition. The other task is to implement and guarantee competition. The authors cover both issues.

Competition Policy in the European Union provides a comprehensive introduction to the European Union's policies on restrictive practices, mergers monopolies and state aid. The authors offer a wide ranging analysis of the evolution, operation and regulation of one of the EU's most important policies in a clear and accessible format.

The increasing importance attached to the economic and social cohesion of the European Union since the 1980s, and the role of competition policy in achieving this objective, has special significance for the control of regional aids, given the general ban on State aid. Regional aids are considered to have the potential to contribute to economic and social cohesion and to undermine its attainment. The notion of competition policy as an instrument of economic and social cohesion has become a standard part of Commission rhetoric in defence of its actions. This book is concerned with the influence of EU competition policy on the regional policies of the Member States. It focuses on how the European Commission has interpreted the derogations from the State aid ban to enable the conduct of regional aid policies. The book takes both a historical perspective, tracing the evolution of policy, and a

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thematic one, examining in particular the relationship between EU competition and cohesion policies and the treatment of aid to very large projects. The author clearly demonstrates that, in reality, the competition policy control of regional aids is of much longer standing than the community's explicit regional aid policy and, in many respects, of arguably greater influence. She shows how competition policy has for almost thirty years shaped the design, scope and implementation of national regional aid policies; in no EU country has regional policy been unaffected by Commission intervention in the name of competition policy. Moreover, the policy principles developed for the EU now apply extraterritorially to members of the European Economic Area and to the current applicant countries. The study's overall perspective is policy-oriented. It considers both the impact of Commission intervention in the past and the implications of policy for the future, especially in the context of enlargement and a wider Europe. It will be an invaluable resource for all policymakers and practitioners active in the fields of economic development, regional policy and State aid law at European, national and subnational levels.

The aim of this book is to explore the economic fundamentals of European competition law. This clear and concise textbook presents EU competition law in political, economic and comparative context. It combines excerpts from key EU rulings with discussions of enforcement policy issues and comparisons with US antitrust cases. Untangling the complex set of factors driving individual outcomes, it is the perfect companion for any student or practitioner in the field.

This new Sixth Edition of a major work by the well-known competition law team at Van Bael & Bellis in Brussels brings the book up to date to take account of the many developments in the case law and relevant legislation that have occurred since the Fifth Edition in 2010. The authors have also taken the opportunity to write a much-extended chapter on private enforcement and a dedicated section on competition law in the pharmaceutical sector. As one would expect, the new edition continues to meet the challenge for businesses and their counsel, providing a thoroughly practical guide to the application of the EU competition rules. The critical commentary cuts through the theoretical underpinnings of EU competition law to expose its actual impact on business. In this comprehensive new edition, the authors examine such notable developments as the following: important rulings concerning the concept of a restriction by object under Article 101; the extensive case law in the field of cartels, including in relation to cartel facilitation and price signalling; important Article 102 rulings concerning pricing and exclusivity, including the Post Danmark and Intel judgments, as well as standard essential patents; the current block exemption and guidelines applicable to vertical agreements, including those applicable to the motor vehicle sector; developments concerning online distribution, including the Pierre Fabre and Coty rulings; the current guidelines and block exemptions in the field of horizontal cooperation, including the treatment of information exchange; the evolution of EU merger control, including court defeats suffered by the Commission and the case law on procedural infringements; the burgeoning case law related to pharmaceuticals, including concerning reverse payment settlements; the current technology transfer guidelines and block exemption; procedural developments, including in relation to the right to privacy, access to file, parental liability, fining methodology, inability to pay and hybrid settlements; the implementation of the Damages Directive and the first interpretative rulings. As a comprehensive, up-to-date and above all practical analysis of the EU competition rules as developed by the Commission and EU Courts, this authoritative new edition of a classic work stands alone. Like its predecessors, it will be of immeasurable value to both business persons and their legal advisers.

This impressive volume presents a detailed comparative analysis of merger remedies in the EU and US, motivated by the fact that a growing number of mergers are being scrutinized and reviewed under both jurisdictions. Merger remedies on either side of the Atlantic play an

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increasingly important role in the implementation of public policy with regard to the economic concentration of industry. The book provides an understanding of merger remedies in general, and of procedural and substantive differences in the approach of the EU and the US. The editors have gathered together leading European and American practitioners and scholars to comprehensively discuss this issue. They aim to help policymakers decide if, and how, current practices can be improved, and to help firms and their counsel better prepare cases and predict outcomes.

Competition Law and Policy in the EU and UK provides a focused guide to the main provisions and policies at issue in the EU and UK, including topics such as enforcement, abuse of dominance, anti-competitive agreements, cartels, mergers, and market investigations. 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 fifth edition provides a full update for this well-established title, presenting and contextualising the impact of key cases, as well as changes to enforcement practice, and at a legislative and institutional level. There are new, separate chapters in this edition on private enforcement and UK market investigations to reflect the increasing significance of these key areas of competition law practice. Competition Law and Policy in the EU and UK integrates useful pedagogical features to help clarify topics and reinforce important points: chapter overviews and summaries highlight the key points to take away from each chapter to structure student learning discussion questions facilitate self-testing and seminar discussions of the major issues covered in each chapter, to help reinforce understanding of these topics further reading lists additional resources in order to guide research and develop subject knowledge a new glossary provides succinct explanations of competition law terminology, ideal for those studying the topic for the first time Clear, focused and student-friendly, this title offers a comprehensive resource for students taking competition law courses, and is supported online by updates to the law offered on Angus MacCulloch's blog, Who's Competing (<http://whoscompeting.wordpress.com/>).

No branch of European law has been as subject to expansion and change as competition law. Between the enormous forces of globalisation, technology, and EU enlargement, the Commission and national competition authorities have been compelled to keep rethinking their practices and procedures and issuing new regulations. Now, in the wake of its highly acclaimed predecessors, the new Third Edition of European Competition Law offers the practitioner everything required to act in accordance with the latest developments in the field. Along with the thorough guide to continuing practice that its readers have come to expect, European Competition Law in its Third Edition fully covers such areas as the following: the Commission's new assessment of distribution practices and vertical restraints, in particular the block exemptions granted by Regulations 2790/1999 and 1400/2002; procedure before national competition authorities and national courts for enforcement of European rules under Regulation 1/2003; the new Merger Control Regulation in force as of 1 May 2004; the new Transfer of Technology Regulation; and, the increased fines for hard-core cartel practices or abuse of dominant market position. The Third Edition is remarkable in that it actually previews the substantive and procedural rules that will be coming into effect during 2004 and subsequent years. And, like prior editions, the work has no peer in its coverage of past administrative practice and the case law of the Court of Justice. All in all, European Competition Law, Third Edition, will be of immeasurable value to practitioners who need to keep informed about how EC competition laws are applied, so they can continue to render practical, meaningful advice to firms whose agreements, transactions and conduct in the marketplace are governed by competition rules.

Seminar paper from the year 2002 in the subject Economy - Theory of Competition, Competition Policy, grade: 1,3 (A), Jagiellonian University in Krakow

(Centre for European Studies), course: EU Economy in Global Context, 19 entries in the bibliography, language: English, abstract: All European Treaties express an attitude towards integration, which first time had been formulated and later on realised with the Schuman Plan. From that point on, the economic integration evolved to its today's magnitude in form of a Common Market and the historical move towards the implementation of €-currency in these days. The advantages of a Common Market had ever been understood regarding the potentially continuing and sustaining growth, guaranteeing a relatively high standard of living in wide area of the Member States of the European Union. Further, the existence of the integrated market may lead to a more or less homogenous and harmonic development of the relations of the Member States and the union's periphery. The notion that unfair or restraining acts and behaviour will not go along with the liberal minded treaties, and will therefore be prohibited, may be found already in the Treaty of the European Coal and Steel Community (ECSC) from 1952. According to the Single European Act of 1986, an internal market shall be established, characterised by the free movement of goods and services, persons and capital. Article 10 of the TEU requests the Member States „to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community”.

Correspondingly, the Member States “shall abstain from any measure which could jeopardise the attainment of the objectives of this Treaty”. From these less restrictive formulations result some obligations for the Member States in order to assure a free market and liberal competition¹. In contrast to some other but less “communised” field of European policies this is drawn to that extent that national competition regulation are supposed to be adapted, or even abolished, to ensure the jurisdictional unity and equality of competition throughout the European Union (EU) ². The foundation of European competition law results from Article 81 TEC (restriction of competition) and Article 82 TEC (abuse of dominating position). Article 83 to 89 TEC concern additional regulations, which might not be covered with this paper. According to EMMERICH and despite some more or less spectacular decisions made by the respective competition authorities one can hardly assert that a unique and workable European competition policy is in existence now³. [...] _____ ¹ Schmidt/Schmidt (1997), p. 3. ² Zuleeg (1997), p. 129. ³ Emmerich (1994), p. 512.

This Handbook will be an indispensable reference work for practitioners and scholars, as well as for those in an enforcement environment.

This unique book considers competition policy and regulation in light of the recent introduction of the anti-monopoly law in China. It addresses the relevance of competition policy for China from a broad theoretical and practical perspective, bringing together lawyers and economists from China, Europe and the US to provide an integrated law and economics approach. Given that the development of the Chinese anti-monopoly law in China was heavily reliant on a comparative approach, the contributors analyse how its text and practice actually compare to

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European and US legislation. The first cases in which Chinese anti-monopoly law were applied are explored, and both competition law and competition policy are discussed in detail. Topics include: industrial and professional regulation and their relationship to competition law, merger control, substantive competition law issues, cartels, and abuse of dominance and predation. This unique book will prove a fascinating read for competition lawyers, economists with a special interest in regulation and competition, and for practitioners concerned with competition policy and regulation.

This clear and concise textbook presents EU competition law in political, economic and comparative context. It combines excerpts from key EU rulings with discussions of enforcement policy issues and comparisons with US antitrust cases. Untangling the complex set of factors driving individual outcomes, it is the perfect companion for any student or practitioner in the field. Successive chapters explore the tools used by competition authorities in Europe: to punish cartels that fix prices or divide markets; assess cooperative agreements between rival firms and supplier-customer relationships; to establish a dominant position and find abuses; and review the competitive effects of mergers and acquisitions. The book also explains how authorities determine when business restraints infringe on the principles governing the EU internal market, and when Member States contravene the rules protecting the European competition system including by means of subsidies known as State aids. More than a reference tool, this innovative book provides a rounded account of the various dimensions of EU competition law, of its place at the heart of the EU market integration project and of its relevance for the enforcement of antitrust principles worldwide. Key features: * provides a clear, concise and up-to-date presentation of the law * includes important excerpts from all seminal competition decisions and judgements of the European Commission and the EU Courts * explains the critical nuances of cases by means of contextual notes and questions * integrates law, economics and other policies, providing a holistic sense of competition law and its place in the European system * compares EU competition law with US antitrust law, analysing the root of their differences and enabling the reader to derive comparative insights * supports general and advanced EU and international competition law courses.

What are the normative foundations of competition law? That is the question at the heart of this book. Leading scholars consider whether this branch of law serves just one or more than one goal, and if it serves to protect unfettered competition as such, how this goal relates to other objectives such as the promotion of economic welfare. The book brings together contributions on the relevance of different welfare standards, on the concept of 'freedom to compete' and on distributional fairness as a goal of competition law. Moreover, it discusses the relationship to other legal goals such as mar.

There is growing consensus among international trade negotiators and policymakers that a prime area for future multilateral discussion is competition

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policy. Competition policy includes antitrust policy (including merger regulation and control) but is often extended to include international trade measures and other policies that affect the structure, conduct, and performance of individual industries. This study includes country studies of competition policy in Western Europe, North America, and the Far East (with a focus on Japan) in the light of increasingly globalized activities of business firms. Areas where there are major differences in philosophy, policy, or practice are identified, with emphasis on those differences that could lead to economic costs and international friction. Alternatives for eliminating these costs and frictions are discussed, including unilateral policy changes, bilateral or multilateral harmonization of policies, and creation of new international regimes to supplement or replace national or regional regimes.

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