

References

- Abdulkadiroglu, A. and K. Chung (2003), "Auction design with tacit collusion", version dated 16 June 2003, available from the authors at aa2061@columbia.edu or sau@northwestern.edu.
- Achenbach, M. (2009), *Strafrechtlicher Schutz des Wettbewerbs? Frankfurter kriminalwissenschaftliche Studien*, 120, Frankfurt am Main: Peter Lang.
- Alchian, A. (1977), "Electrical equipment collusion: why and how", in A. Alchian (ed.), *Economic Forces at Work*, Indianapolis: Liberty, pp. 259–72.
- Aoyagi, M. (2003), "Bid rotation and collusion in repeated auctions", *Journal of Economic Theory*, **112**, 79–105.
- Arai, K., I. Ishibashi and R. Ishii-Ishibashi (2011), "Research and analysis on bid rigging mechanisms", *Japan and the World Economy*, **23**, 1–5.
- Ashenfelter, O. (1989), "How auctions work for wine and art", *The Journal of Economic Perspectives*, **3** (3), 23–36.
- Ashurst (2004), *Study on the conditions of claims for damages in case of infringement of EC competition rules*, 31 August 2004, available at http://ec.europa.eu/competition/antitrust/actionsdamages/comparative_report_clean_en.pdf.
- Attorney General, State of Connecticut (2009), "Price fixing & bid rigging – it can happen in Connecticut. What are these violations and what to look for: an antitrust primer for procurement professionals", available at www.ct.gov/ag/lib/ag/pricefixingbidriggingmcc.pdf.
- Au, H. (2004), *Das Wettbewerbsrecht der VR China: Wirtschaftspolitische Ziele und Gesetzesvollzug*, Hamburg: Institut für Asienkunde.
- Ausubel, L. (2002), "An efficient ascending-bid auction for multiple objects", University of Maryland Working Paper 97-06, revised August 2002, 1–25.
- Ausubel, L. and P. Cramton (2002), "Demand reduction and inefficiency in multi-unit auctions", University of Maryland, 12 July 2002, 1–30.
- Ausubel, L. and J. Schwartz (1999), "The ascending auction paradox", University of Maryland, 5 July 1999, 1–23.
- Bain, J. (1949), "Price and production policies", in Howard S. Ellis (ed.), *A Survey of Contemporary Economics*, Philadelphia, PA: Blakiston, pp. 129–73.

- Bain, J. (1956), *Barriers to New Competition*, Cambridge, MA: Harvard University Press.
- Bain, J. (1959), *Industrial Organization*, New York: Wiley.
- Bajari, P. and G. Summers (2002), "Detecting collusion in procurement auctions", *Antitrust Law Journal*, **70**, 143–70 (revised version forthcoming in *Antitrust Law Journal*, 1–31).
- Bajari, P. and L. Ye (2001a), "Competition versus collusion in procurement auctions: identification and testing", Stanford University Working Paper, 1–37.
- Bajari, P. and L. Ye (2001b), "Deciding between competition and collusion", Stanford University Working Paper, 1–38 (now available as Bajari, P. and L. Ye (2003), "Deciding between competition and collusion", *The Review of Economics and Statistics*, **85** (4), 971–89).
- Baldwin, L., R. Marshall and J.-F. Richard (1997), "Bidder collusion at forest service timber sales", *Journal of Political Economy*, **105** (4), 657–99.
- Becker, G.S. (1962), "Irrational behaviour and economic theory", *Journal of Political Economy*, **70** (1) (February 1962), 1–13.
- Becker, G.S. (1968), "Crime and punishment: an economic approach", *Journal of Political Economy*, **76** (2) (March–April 1968), 169–217.
- Beeman, M. (1997a), "Japan's Fair Trade Commission and the politics of antimonopoly policy", Presentation at the Japan Information Access Project Brown Bag Series, International Law Institute, Washington DC, 16 December 1996, accessed on 19 April 2001 at www.nmjic.org/jiap/dereg/papers/beeman.html.
- Beeman, M. (1997b), "Public policy and economic competition in Japan: the rise of antimonopoly policy, 1973–1995", unpublished DPhil thesis, St Antony's College, Oxford.
- Beeman, M. (1999), "Japan's flawed antitrust regime: a Japan Information Access Project Working Paper", 28 October 1999 (revised 11 November 1999), Japan Information Access Project 1999, Washington, DC, available at www.jiaponline.org/whatsnew/events/2000/june5/FinalJapansFlawedAntitrustRegime1199.pdf.
- Bernheim, B.D. and M.D. Whinston (1990), "Multimarket contact and collusive behavior", *RAND Journal of Economics*, **21**, 1–26.
- Bester, H. (2003), *Theorie der Industrieökonomik*, 2nd edn, Berlin: Springer Verlag.
- Bisson, T.A. (1954), *Zaibatsu Dissolution in Japan*, University of California Press.
- Börgers, T. and E. van Damme (2004), "Auction theory for auction design", in M.C.W. Janssen (ed.), *Auctioning Public Assets, Analysis and Alternatives*, Cambridge University Press, pp. 19–63.

- Bovis, C. (2007), *EU Public Procurement Law*, Cheltenham, UK and Northampton, MA: Edward Elgar, 488.
- Bowles, R., M.G. Faure and N. Garoupa (2000), "Economic analysis of the removal of illegal gains", *International Review of Law and Economics*, 537–49.
- Brozen, Y. (1971), "Bain's concentration and rates of return revisited", *Journal of Law and Economics*, **14** (October 1971), 351–69.
- Brusco, S. and G. Lopomo (1999), "Collusion via signalling in open ascending auctions with multiple objects and complementarities", New York University, Leonard N. Stern School of Business, Department of Economics Working Paper Series, 99-05, 1–27.
- Buckley, R. (1999), *Japan Today*, 3rd edn, Cambridge University Press.
- Bulow, J. and P. Klemperer (1996), "Auctions versus negotiations", *The American Economic Review*, **86** (1), 180–94.
- Bureau of Statistics (2009), Consumer Price Index, Table 4 Changes of General Index excluding Imputed Rent, accessed 17 August 2009 at www.stat.go.jp/english/data/cpi/158c.htm.
- Cabinet Office (2002), Fiscal 2002 Economic Outlook and Basic Stance for Macroeconomic & Fiscal Management, available at www5.cao.go.jp/keizai1/2001/1219mitoshi-e.pdf.
- Caillaud, B. and P. Jehiel (1998), "Collusion in auctions with externalities", *RAND Journal of Economics*, **29** (4), 680–702.
- Camesasca, P.D. and R.J. Van den Bergh (2006), *European Competition Law and Economics: A Comparative Perspective*, 2nd edn, London: Sweet and Maxwell, 463.
- Carlton, D.W. and J.M. Perloff (2005), *Modern Industrial Organization*, 4th edn, Reading, UK: Addison-Wesley.
- Cauffman, C. (2010), "The DCFR and the attempts to increase the private enforcement of competition law", *European Review of Private Law*, **18** (6), 1079–119.
- Chalmers, D., G. Davies and G. Monti (2010), *European Union Law*, 2nd edn, Cambridge University Press, 1116.
- Choy, J. (1998), "Japan's construction industry: the economic engine that can't", Japan Economic Institute, No. 34, 4 September.
- Clarke, D.C. (2003), "Empirical research into the Chinese judicial system", to be published in "Empirical Research in Chinese Law" in E. Jensen and T. Heller (eds), *Rule of Law: Legal and Judicial Reform in Developing and Transition Countries*, Stanford University Press.
- Collins, N.R. and L.E. Preston (1969), "Price-cost margins and industry structure", *Review of Economics and Statistics*, **51** (August), 226–42.
- Comanor, W.S. and M. Schankerman (1976), "Identical bids and cartel behavior", *The Bell Journal of Economics*, **7** (1), 281–6.

- Comanor, W.S. and T.A. Wilson (1967), "Advertising market structure and performance", *Review of Economics and Statistics*, **49** (4), 423–40.
- Connor, J. (2008), "Global antitrust prosecutions of international cartels: focus on Asia", available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1027949.
- Connor, J. (2010), "Price-fixing overcharges", revised 2nd edn, 27 April 2010, available at <http://ssrn.com/abstract=1610262>.
- Connor, J. (2011), "Has the European Commission become more severe in punishing cartels? Effects of the 2006 Guidelines", *European Competition Law Review*, **32** (1), 27–36.
- Connor, J.M. and R.H. Lande (2005), "How high do cartels raise prices? Implications for reform of the antitrust sentencing guidelines", 20 April 2005, 95, available at www.agecon.purdue.edu/staff/connor/papers/how_high_do_cartels_4-20-05.pdf.
- Connor, J.M. and R.H. Lande (2006), "The size of cartel overcharges: implications of US and EU fining policies", *Antitrust Bulletin*, **51**, 983–1022.
- COWI (2003a), "Monitoring public procurement in the European Union using Firm Panel Data", Lot 1, final report, July 2003.
- COWI (2003b), "Monitoring public procurement in the European Union using Public Authorities Panel Data", Lot 2, final report, July 2003.
- Cowling, K. and D. Mueller (1978), "The social costs of monopoly power", *Economic Journal*, **88** (December 1978), 727–48.
- CPRC, Fair Trade Commission Competition Policy Research Center, accessed 28 March 2012 at www.jftc.go.jp/cprc/english/index.html.
- Craig, P. and G. de Búrca (2008), *EU Law Text, Cases and Materials*, Oxford University Press, 1145.
- Craig, P. and G. de Búrca (2010), *EU Law Text, Cases and Materials*, Oxford University Press, 1155.
- Cramton, P. and J. Schwartz (2002), "Collusive bidding in the FCC Spectrum Auctions", *Contributions to Economic Analysis & Policy*, **1** (1), Article 11, 1–20.
- Cullis, J. and P. Jones (1998), *Public Finance and Public Choice*, 2nd edn, Oxford University Press.
- Debreu, G. (1959), *Theory of Value: An Axiomatic Analysis of Economic Equilibrium*, New Haven: Yale University Press.
- Demsetz, H. (1973), "Industry structure, market rivalry and public policy", *Journal of Law and Economics*, **16** (1) (April 1973), 1–9.
- Demsetz, H. (1974), "Two systems of belief about monopoly", in H.J. Goldschmid, H. Michael Mann and J. Fred Weston (eds), *Industrial Concentration: The New Learning*, Boston: Little, Brown, pp. 164–84.

- Demsetz, H. (1976), "More on collusion and advertising: a reply", *Journal of Law and Economics*, **19** (1) (April 1976), 205–9.
- Di Federico, G. and P. Manzini (2004), "A law and economics approach to the new European anti-trust enforcing rules", *Erasmus Law Economic Review*, **1**, 143.
- Dick, A.R. (1992), "The competitive consequences of Japan's export cartel associations", *Journal of the Japanese International Economies*, **6** (3), 275–98.
- Dick, A.R. (1996), "When are cartels stable contracts?", *Journal of Law and Economics*, **39**, 241–83.
- Emch, A. (2008), "The Antimonopoly Law and Its Structural Shortcomings", *GCP: The Online Magazine for Global Competition Policy*, August 2008, available at www.sidley.com/files/Publication/db54021b-4eb4-4990-b631-00c16a95c7d2/Presentation/PublicationAttachment/93f62a8f-3f8b-4b66-88a8-03aae78b01fb/Emch%20-%20The%20Antimonopoly%20Law%20and%20Its%20Structural%20Shortcomings.pdf.
- Engelbrecht-Wiggans, R., P. Milgrom and R. Weber (1983), "Competitive bidding and proprietary information", *Journal of Mathematical Economy*, **11**, 16–19.
- European Chamber of Commerce (2011), "Public Procurement Study: European Business Experiences Competing for Public Contracts in China", available at www.europeanchamber.com.cn/upload/media/media/21/PP_Study_EN_Final_0421%5B163%5D.pdf.
- European Chamber of Commerce (2012), "European Business in China", Position Paper 2012/2013, available at www.europeanchamber.com.cn/upload/media/media/28/Final_EN_Position_Paper_2012%5B774%5D.pdf.
- European Commission (1996), "Public Procurement in the European Union: Exploring the Way Forward", COM(96) 583 final of 27 November 1996.
- European Commission (1998), "Public Procurement in the European Union" COM(98) 143 final of 11 March 1998.
- European Commission (2000), COM(2000) 275 final/2 dated 30 August 2000.
- European Commission (2002), "Glossary of Terms used in EU Competition Policy: Antitrust and Control of Concentrations", Directorate-General for Competition, Brussels, July 2002, available at http://ec.europa.eu/competition/publications/glossary_en.pdf.
- European Commission (2004), "A report on the functioning of public procurement markets in the EU: benefits from the application of EU directives and challenges for the future", 3 February 2004.
- European Commission (2009a), AMECO 13.1; Nominal exchange rates,

- National Currency Units per ECU-EUR, accessed 1 December 2012 at http://ec.europa.eu/economy_finance/ameco/user/serie/SelectSerie.cfm?CFID=659638&CFTOKEN=d42eb7fc82bbf67d-29F55D75-A5D3-06B9-169D55713635A353&jsessionid=240697ad90c15bff7b2f.
- European Commission (2009b), AMECO 6.1 Gross Domestic Product at Current Market Prices, Mrd. ECU/EUR, accessed 17 September 2009 at http://ec.europa.eu/economy_finance/ameco/user/serie/SelectSerie.cfm?CFID=659464&CFTOKEN=bae288e509763319-28FCF665-0505-B0BE-6B57CCDCECBDE5E9&jsessionid=2406829f1e96186f653b.
- Faull, J. and A. Nikpay (2007), *The EC Law of Competition*, 2nd edn, Oxford University Press.
- Feinstein, J., M. Block and F. Nold (1985), “Asymmetric information and collusive behavior in auction markets”, *The American Economic Review*, **75** (3), 441–60.
- Feldhoff, T. (2002), “Die Krise der japanischen Bauwirtschaft – Aufbruch zum Wandel”, in DFG, Gerhard-Mercator-Universitaet Duisburg, December 2002.
- Feuerstein, S. (2005), “Collusion in industrial economics – a survey”, *Journal of Industry, Competition and Trade*, **5** (3/4), 163–98.
- Fisher, F.M. and J.J. McGowan (1983), “On the misuse of accounting rates of return to infer monopoly profits”, *The American Economic Review*, **73** (1) (March 1983), 82–97.
- Frank, R. (1997), *Microeconomics and Behaviour*, 3rd edn, Boston, MA: Irwin McGraw-Hill.
- Frenz, W. (2007), *Handbuch Europarecht, Band 3 Beihilfe und Vergaberecht*, Berlin: Springer, 1130.
- Friedman, D. (1988), *The Misunderstood Miracle, Industrial Development and Political Change in Japan*, Ithaca, NY and London, UK: Cornell University Press.
- Friedman, M. (1953), “The methodology of positive economics”, in M. Friedman, *Essays in Positive Economics*, University of Chicago Press, 3–43.
- Funahashi, K. (2004), “International cooperation to crack international cartels, Japanese successes and failures”, speech at the ACCC’s law enforcement conference *Cracking Cartels; International and Australian Developments*, 24 November 2004, available at <http://127.0.0.1:1165/www2.jftc.go.jp/e-page/policyupdates/speeches/internationalcartell.pdf>.
- Gao, B. (1997), *Economic Ideology and Japanese Industrial Policy, Developmentalism from 1931 to 1965*, Cambridge: Cambridge University Press.
- Ginsburg, T. and G. Hoetker (2006), “The unreluctant litigant? An

- empirical analysis of Japan's turn to litigation", *Journal of Legal Studies*, **35** (1), 31–59.
- Graham, D. and R. Marshall (1987), "Collusive bidder behaviour at single-object second-price and English Auctions", *Journal of Political Economy*, **95** (6), 1217–39.
- Graham, D., R. Marshall and J.-F. Richard (1990), "Differential payments within a bidder coalition and the Shapley Value", *The American Economic Review*, **80** (3), 493–510.
- Grimm, V., F. Riedel and E. Wolfstetter (2001), "Low price equilibrium in multi-unit auctions: the GSM Spectrum Auction in Germany", Institut für Wirtschaftstheorie I, Humboldt Universität zu Berlin, 1–14.
- Gupta, S. (2001), "The effect of bid rigging on prices: a study of the highway construction industry", *Review of Industrial Organization*, **19**, 453–67.
- Haley, J.O. (1998), "Error, irony and convergence: a comparative study of the origins and development of competition policy in post-war Germany and Japan", in B. Grossfeld, R. Sack, T. Moellers, J. Drexel and A. Heinemann (eds), *Festschrift für Wolfgang Fikentscher zum 70. Geburtstag*, Tübingen: Mohr Siebeck.
- Harrington, J.E. (2006), "Behavioral screening and the detection of cartels", proceedings of the European University Institute, Robert Schuman Centre for Advanced Studies, 2006 EU Competition Law and Policy Workshop, available at www.econ2.jhu.edu/People/Harrington/Florence.pdf.
- Hay, D. and D. Morris (1991), *Industrial Economic and Organization, Theory and Evidence*, Oxford: Oxford University Press.
- Headley E. (1970), "Antitrust in Japan", Princeton University Press.
- Hendricks, K. and H. Paarsch (1995), "A survey of recent empirical work concerning auctions", *Canadian Journal of Economics*, **28** (2), 403–26.
- Hendricks, K. and R. Porter (1989), "Collusion in auctions", *Annales d'Économie et de Statistique*, **15/16**, 217–30.
- Hendricks, K., R. Porter and G. Tan (2003), "Bidding rings and the winner's curse: the case of Federal offshore oil and gas lease auctions", National Bureau of Economic Research, Working Paper No.9836, 1–44.
- Hildebrand, D. (2002), *The Role of Economic Analysis in the EC Competition Rules*, European Monographs, 2nd edn, The Hague: Kluwer Law International.
- Hittiger, J.D.H. (2007), "The People's Republic of China enacts its first comprehensive Antitrust Law: trying to predict the unpredictable", *New York University Journal of Law & Business*, **4**, 24–83.
- ICLEI (2003), "State of play of green public procurement in the European

- Union”, study commissioned by the Environment Directorate General to ICLEI, Final report, Freiburg, July 2003, published at www.iclei.org/ecoprocura/network.
- Inoue, A. (2007), *Japanese Antitrust Law Manual*, Alphen aan den Rijn, the Netherlands: Kluwer Law International, 346.
- IP/08/1971 Public procurement: updated lists of Contracting Authorities give better access to public contracts for businesses, 15 December 2008.
- IP/10/586 Antitrust: Commission fines DRAM producers 331 million euros for price cartel; reaches first settlement in a cartel case, 19 May 2010.
- Ishii, R. (2008), “Collusion in repeated procurement auction: a study of a paving market in Japan”, Discussion Paper No. 710, The Institute of Social and Economic Research, Osaka University, Japan.
- Iyori H. (1986), “Antitrust and industrial policy in Japan: competition and cooperation”, in G. Saxonhouse and K. Yamamura (eds), *Law and Trade Issues of the Japanese Economy, American and Japanese Perspectives*, Seattle and London: University of Washington Press.
- Iyori, H., A. Uesugi and C. Heath (1994), “Das japanische Kartellrecht”, 2. neubearbeitete Fassung, Tokyo: Carl Heymanns Verlag KG.
- JFTC (Japan Fair Trade Commission) (1999), *Annual Report on Competition Policy in Japan* (January–December 1999) (available from the author).
- JFTC (2003), *Report of the Study Group on the Antimonopoly Act* (tentative translation as of 21 November 2003), available at www.jftc.go.jp/en/policy_enforcement/survey/pdf/2003/1.pdf.
- JFTC (2004), “JFTC surcharged participants in the bidding for construction works called by Iwamizawa-city”, available at www.jftc.go.jp/en/pressreleases/archives/individual-000316.html.
- JFTC (2005), “The Bill to amend the Antimonopoly Act approved”, available at www.jftc.go.jp/en/pressreleases/uploads/2005-Apr-20.pdf.
- JFTC (2009a), *Annual Report on Competition Policy in Japan* (January–December 2009).
- JFTC (2009b), “Summary of the Antimonopoly Act Amendment Bill”, February 2009, accessed 13 August 2012 at www.jftc.go.jp/en/pressreleases/uploads/2009-Mar-4.pdf.
- JFTC (2009c), “Outline of the Amendment to the Japanese Antimonopoly Law”, *GCP – The Online Magazine for Global Competition Policy*, 13 August 2009, at www.competitionpolicyinternational.com/outline-of-the-amendment-to-the-japanese-antimonopoly-law.
- JFTC (2010), “For Fair and Free Market Competition – The JFTC”,

- accessed on 6 December 2012 at www.jftc.go.jp/en/about_jftc/role/pdf/1009role_all.pdf.
- JFTC (various years), *Annual Report on Competition Policy in Japan*.
- JFTC and A. Yamada (2001), "Competition policy in the future", speech held by the Secretary General of the JFTC before the American Chamber of Commerce on 2 February, p.12, available at www.jftc.go.jp/en/policy_enforcement/speeches/pdf/0202accj.pdf.
- Jin, C. and W. Luo (2002), *Competition Law in China*, Buffalo, NY: William S. Hein & Co. Inc., 347.
- Johnson, C. (1982), *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925–1975*, Stanford University Press.
- Jones, A. and B. Sufrin (2004), *EC Competition Law, Text, Cases and Materials*, 2nd edn, Oxford University Press, 1303.
- Jones, A. and B. Sufrin (2007), *EC Competition Law, Text, Cases and Materials*, 3rd edn, Oxford University Press, 1418.
- Jones, A. and B. Sufrin (2008), *EC Competition Law, Text, Cases and Materials*, 3rd edn, Oxford University Press.
- Jones, A. and B. Sufrin (2010), *EU Competition Law, Text, Cases and Materials*, 4th edn, Oxford University Press, 1287.
- Jones, C.A. (2004), "Private anti-trust enforcement in Europe: a policy analysis and reality check", *World Competition*, **24**, 13.
- Kagel, J.H. and D. Levin (2001), "Behavior in multi-unit demand auctions: experiments with uniform price and dynamic Vickrey auctions", *Econometrica*, **69** (2), 413–54.
- Kanazawa Yoshio (1963), "The regulation of corporate enterprise: The law of unfair competition and the control of monopoly power", in A.T. von Mehren (ed.), *Law in Japan: The Legal Order in a Changing Society*, Cambridge, MA: Harvard University Press.
- Kawai K. and M. Shimada (2011), "Japan", in I.K. Gotts (ed.), *The Private Competition Enforcement Review*, 4th edn, London: Law Business Research, 157–69.
- Klemperer, P. (2000), "Auction theory: a guide to the literature", in P. Klemperer (ed.), *The Economic Theory of Auctions*, Cheltenham, UK and Northampton, MA: Edward Elgar. (Also published in (1999) *Journal of Economic Surveys*, and reprinted in S.B. Dahiya (ed.) (1999), *The Current State of Economic Science*, Rhotak, India: Spellbound.)
- Paul Klemperer, see <http://www.nuff.ox.ac.uk/users/klemperer/papers.html>.
- Klemperer, P. (2002), "What really matters in auction Design", *Journal of Economic Perspectives*, **16** (1), 169–89 (references for draft of August 2001 available at www.paulklemperer.org).
- Knieps, G. (2005), *Wettbewerbsökonomie*, Berlin: Springer, 295.

- Koizumi, J. (2003), General Policy Speech delivered by Prime Minister Koizumi at the 156th session of the Diet, 31 January 2003, available at www.kantei.go.jp/foreign/koizumispeech/2003/01/31sisei_e.html.
- Komiya Ryutaro (1990), *The Japanese Economy: Trade, Industry and Government*, University of Tokyo Press.
- Kotabe, M. and K. Wheeler (1996), *Anticompetitive Practices in Japan, Their Impact on the Performance of Foreign Firms*, Westport, CT: Praeger.
- KPMG (2002), "Competitive alternatives, comparing business costs in North America, Europe and Japan", G7-2002 Edition, accessed on 29 February 2012 at ftp://ftp.competitivealternatives.com/2002_compalt_report_voll_en.pdf.
- KPMG (2008), "Competitive alternatives, KPMG's guide to international business location", 2008 Edition, Advisory, accessed on 29 February 2012 at ftp://ftp.competitivealternatives.com/2008_compalt_report_voll_en.pdf.
- Krishna, V. (2002), *Auction Theory*, San Diego, CA: Academic Press, 303.
- Kroes, N. (2009), "Many achievements, more to do", opening speech at International Bar Association Conference, "Private and Public Enforcement of EU Competition Law – Five Years on", 12 March, available at http://europa.eu/rapid/press-release_SPEECH-09-106_en.htm?locale=en.
- Krouse, C. (1990), *Theory of Industrial Economics*, Oxford, UK: Basil Blackwell.
- Lever, A. (2007), "Opinion: Whether, and if so how, the EC Commission's 2006 Guidelines on setting fines for infringement of Articles 81 and 82 of the EC Treaty are fairly subject to serious criticism", BDI – Federation of German Industries, Law and Public Procurement, BDI Imprint No.406, 12 November 2007, available at www.bdi.eu/download_content/Publikation_BDI_Gutachten__Opinion__zu_EU_Bussgeldleitlinien.pdf.
- Li Xiao (2002), "China established laws on government procurement", available at www.china.org.cn/english/government/49347.htm.
- Mailath, G. and P. Zemsky (1991), "Collusion in second price auctions with heterogeneous bidders", *Games and Economic Behaviour*, **3**, 467–86.
- Maks, J.A.H. (2002), "The 'new' horizontal agreements approach in the EU: an 'economic' assessment", *Intereconomics*, **37** (1), 28–35.
- Mamuth, H.A. (1993), *Markteconomie, Analyse en Evaluatie*, 4th edn, Utrecht s.n.
- Manelli, A.M., M. Sefton and B.S. Wilner (1999), "Multi-unit auctions: a comparison of strategic and dynamic mechanisms", *Journal of Economic Behavior & Organization*, **61** (2) October, 304–23.

- Marshall, J. (2001), "Credible commitments: taxpayers suits and freedom of information in Japan", paper prepared for delivery at the 2001 Annual Meeting of the American Political Science Association, "Panel 14-22: Called to Account – The Politics of Reform in Japan in the 1990s", Hilton, San Francisco and Towers, 30 August–2 September 2001, available at <http://fs.huntingdon.edu/jlewis/FOIA/AsiaFOIA/MarshallJonAPSA01a.pdf>.
- Marshall, R., M. Meurer, J.-F. Richard and W. Stromquist (1994), "Numerical analysis of asymmetric first price auctions", *Games and Economic Behaviour*, **7**, 193–220.
- Martin, S. (1993), *Advanced Industrial Economics*, Oxford, UK: Blackwell.
- Martin, S. (1994), *Industrial Economics, Economic Analysis and Public Policy*, 2nd edn, New York: Prentice Hall.
- Martin, S. (2002), *Advanced Industrial Economics*, Amsterdam: Blackwell.
- Maskin, E. and J. Riley (1984), "Optimal auctions with risk averse buyers", *Econometrica*, **52**, 147–518.
- Maskin, E. and J. Riley (1985), "Auction theory with private values", *The American Economic Review*, **75** (2), 150–55.
- Maskin, E. and J. Riley (2000a), "Asymmetric auctions", *The Review of Economic Studies*, **67** (3), 413–38.
- Maskin, E. and J. Riley (2000b), "Equilibrium in sealed high bid auctions", *The Review of Economic Studies*, **67** (3), 439–54.
- Mason, E. (1939), "Price and production policies of large-scale enterprise, American concentration and the monopoly problem", Cambridge, MA: Harvard University Press.
- Matthews, S. (1983), "Selling to risk averse buyers with unobservable tastes", *Journal of Economic Theory*, **30**, 370–400.
- Matthews, S. (1987), "Comparing Auctions for Risk Averse Buyers: A Buyer's Point of View", *Econometrica*, **55** (3), 633–46.
- McAfee, R. and J. McMillan (1987), "Auctions and bidding", *Journal of Economic Literature*, **25**, 699–738.
- McAfee, R. and J. McMillan (1992), "Bidding rings", *The American Economic Review*, **82** (3), 579–99.
- Mehra, S.K. and Yanbei Meng (2009), "Against antitrust functionalism: reconsidering China's antimonopoly law", *Virginia Journal of International Law*, **49** (2), 379–429.
- Milgrom, P. (2000), "Putting auctions theory to work: the simultaneous ascending auction", *Journal of Political Economy*, **108** (2), 245–72.
- Milgrom, P. (2004), *Putting Auction Theory to Work*, Cambridge University Press, 368.
- Milgrom, P. and R. Weber (1982a), "A theory of auctions and competitive bidding", *Econometrica*, **50** (5), 1089–122.

- Milgrom, P. and R. Weber (1982b), “The value of information in a sealed-bid auction”, *Journal of Mathematical Economy*, **10**, 105–14.
- Ministry of Land, Infrastructure, Transport and Tourism, “The current survey on orders received for construction” data set, accessed 29 February 2012 at www.mlit.go.jp/toukeijouhou/chojou/ex/jyucyu-e.xls.
- Ministry of Foreign Affairs (MOFA) (year not stated), “Central government reform, for simple, efficient, and transparent administration towards the 21st century”, accessed 23 April 2003 at www.mofa.go.jp/about/hq/central_gov/index.html.
- Mitsuo Matsushita (1990a), “Introduction to Japanese antimonopoly law” (reprint from “Introduction to Japanese antimonopoly law” 5–10) in K. Port (ed.) (1996), *Comparative Law, Law and the Legal Process in Japan*, Durham, NC: Carolina Academic Press.
- Mitsuo Matsushita (1990b), *Introduction to Japanese Antitrust Law*, Tokyo: Yuhikaku.
- Mitsuo Matsushita (1993), *International Trade and Competition Law in Japan*, Oxford University Press.
- Morgan, T. (1988), “Theory versus empiricism in academic economics”, *Journal of Economic Perspectives*, **2** (4), 159–64.
- Motta, M. (2007), “On cartel deterrence and fines in the EU”, Meeting of the Economic Advisory Group on Competition Policy at the European Commission, Brussels, 14 September 2007, available at www.barcelonagse.eu/tmp/pdf/motta_carteldeterfines.pdf.
- Murakami, Y. and K. Yamamura (1982), “A technical note on Japanese firm behaviour and economic policy” in K. Yamamura (ed.), *Policy and Trade Issues of The Japanese Economy*, University of Tokyo Press.
- Myerson, R. (1981), “Optimal auction design”, *Mathematics of Operations Research*, **6** (1), 58–73.
- Negishi, A. (1984), “Einführung in das japanische Kartellrecht”, Kurseinheit 2, Grundlagen des Antimonopolgesetzes II, Fern Universität Hagen.
- Negishi, A. (1990), “Einführung in das japanische Zivilrecht” in Einführung in das japanische Wirtschaftsrecht, Kurseinheit 1, Einleitung und Grundlagen des Antimonopolgesetzes I, Fern Universität – Gesamthochschule – in Hagen.
- Neuschwander, T. (1994), “Mythos MITI: Industriepolitik in Japan”, in S. Bierling and D. Grosser (eds), *Analysen zum Wandel politisch-ökonomischer Systeme*, Vol. 5, Frankfurt am Main: Peter Lang.
- Oda, Hiroshi (1992), *Japanese Law*, London: Butterworths.
- OECD (1997), “Competition policy in OECD countries 1995–1996”,

- DAFFE/CLP(98)2, 61835, available at www.oecd.org/daf/competition/prosecutionandlawenforcement/2089952.pdf.
- OECD (2001), "Global Forum on Competition, contribution from China", 17–18 October 2001, CCNM/GF/COMP/WD(2001)10.
- OECD (2004), "Global Forum on Competition, Contribution from China", 9 January 2004, CCNM/GF/COMP/WD(2004)16.
- OECD (2008), Policy Round Tables, Construction Industry, Directorate for Financial and Enterprise Affairs, Competition Committee, DAF/COMP(2008)36, 1 December 2008.
- OECD (2009), "Guidelines for fighting bid rigging in public procurement: helping governments to obtain best value for money", at www.oecd.org/competition/cartelsandanti-competitiveagreements/42851044.pdf.
- OECD (2011), *OECD Economic Outlook*, Vol. 2011/1, OECD Publishing, accessed 1 March 2012 at www.oecd-ilibrary.org/economics/oecd-economic-outlook-volume-2011-issue-1-preliminary-version_eco_outlook-v2011-1-en.
- Oxera et al. (2009), *Quantifying Antitrust Damages: Towards Non-binding Guidance for Courts*, Luxembourg: Publications Office of the European Union, available at http://ec.europa.eu/competition/antitrust/actions-damages/quantification_study.pdf.
- Pagoulatos, E. and R. Sorensen (1976), "Foreign trade, concentration, and profitability in open economies", *European Economic Review*, **8**, 255–67.
- Pape, W. (1979), "Kartellrecht" in P. Eubel (ed.), *Das japanische Rechtssystem*, Frankfurt am Main: Alfred Metzner Verlag GMBH.
- Peltzman, S. (1977), "The gains and losses from industrial concentration", *Journal of Law and Economics*, **20** (October 1977), 229–63.
- Peltzman, S. (1979), "The causes and consequences of rising industrial concentration: a reply", *Journal of Law and Economics*, **22** (April 1979), 209–11.
- People's Daily* (2001), "Two corrupt officials executed in campaign against corruption", 19 December, available at http://english.people.com.cn/200112/19/eng20011219_87050.shtml.
- People's Daily* (2002a), "Government procurement feels 'sunshine' of competition", 29 May, available at www.china.org.cn/english/DO-e/33471.htm.
- People's Daily* (2002b), "Supervision key to government procurement: top legislature", 26 June, available at www.china.org.cn/english/government/35584.htm.
- Pesendorfer, M. (2000), "A study of collusion in first-price auctions", *The Review of Economic Studies*, **67** (3), 381–411.

- Polinsky, A.M. and S. Shavell (1984), "The optimal use of fines and imprisonment", *Journal of Political Economics*, **24**, 89–99.
- Porter, R. and D. Zona (1993), "Detection of bid rigging in procurement auctions", *The Journal of Political Economy*, **101** (3), 518–38.
- Porter, H. and D. Zona (1997), "Ohio school milk markets: an analysis of bidding", National Bureau of Economic Research, No. 6037, 1–33.
- Reader, M. (1982), "Chicago economics: permanence and change", *Journal of Economic Literature*, **20** (1), 1–38.
- RICE (Research Institute of Construction and Economy) (2002), Japan Country Report, 8th Asia Construct Conference, China, 5–7 November 2002.
- RICE (2008), Japan Country Report, 14th Asia Construct Conference, 23–24 October 2008, p.14, available at www.asiaconst.com/past_conference/conference/14th/09Japan.pdf.
- RICE (2009), Construction Economy Report No.52, "The Japanese Economy and Public Investment, New dimensions in public investment and construction industry in the midst of an economic crisis", available at [www.rice.or.jp/english/regular_report/pdf/construction_economic_report/No52\(Eng\).pdf](http://www.rice.or.jp/english/regular_report/pdf/construction_economic_report/No52(Eng).pdf).
- RICE (2012), Quarterly Outlook of Construction and Macro Economy, January 2012, available at [www.rice.or.jp/english/regular_report/pdf/forecast/Model1201\(Eng\).pdf](http://www.rice.or.jp/english/regular_report/pdf/forecast/Model1201(Eng).pdf).
- Riley, A. (2010), "The modernization of EU anti-cartel enforcement: will the Commission grasp the opportunity?", *European Competition Law Review*, **31** (5), 191–207.
- Riley, A. (2011), "Modernising cartel sanctions: effective sanctions for price fixing in the European Union", *European Competition Law Review*, **32** (11), 551–63.
- Riley, J. (1989), "Expected revenue from open and sealed bid auctions", *The Journal of Economic Perspectives*, **3** (3), 41–50.
- Riley, J. and W. Samuelson (1981), "Optimal auctions", *The American Economic Review*, **71** (3), 381–92.
- Rittaler, J.B. and I.L.O. Schmidt (1990), *A Critical Evaluation of the Chicago School of Antitrust Analysis*, Dordrecht: Kluwer Academic Publishers, xiii.
- Robinson, M. (1985), "Collusion and the choice of auction", *RAND Journal of Economics*, **16** (1), 141–5.
- Rothkopf, M. and R. Harstad (1994), "Modeling competitive bidding: a critical essay", *Management Science*, **40** (3), 364–84.
- SAIC (2008), www.saic.gov.cn/zwgk/tjzl/200903/t20090320_50533.html.
- Salmon, T. (2003), "Preventing collusion between firms in auctions", Department of Economics, Florida State University, 5 February, 1–25.

- Schaede, U. (2000), *Cooperative Capitalism, Self-Regulation, Trade Associations, and the Antimonopoly Law in Japan*, Oxford University Press.
- Scherer, F. (1979), "The causes and consequences of rising industrial concentration", *Journal of Law and Economics*, **22** (April 1979), 191–208.
- Scherer, F.M. (1980), *Industrial Market Structure and Economic Performance*, 2nd edn, Chicago: Rand McNally.
- Schonberg, M. (2011), "Reform of EU public procurement rules could stamp out 'bid rigging' and ensure the taxpayer gets better value for money", Public Service Europe, 16 November, accessed on 13 August 2012 at www.publicserviceeurope.com/article/1132/is-eu-public-procurement-delivering-value-for-money.
- Shavell, S. (1993), "The optimal structure of law enforcement", *Journal of Law and Economics*, **35** (1) Part 2, 255–87.
- Sheridan, K. (1993), *Governing the Japanese Economy*, Cambridge, UK: Polity Press.
- Shubik, M. (1983), "Auctions, bidding, and markets: an historical sketch", in R. Engelbrecht-Wiggans, M. Shubik and J. Stark (eds), *Auctions, Bidding, and Contracting*, New York: New York University Press, 33–52.
- Shughart II, W.F. (1990), *The Organisation of Industry*, Homewood, IL and Boston, MA: Richard D. Irwin.
- Skrzypacz, A. and H. Hopenhayn (2004), "Tacit collusion in repeated auctions", *Journal of Economic Theory*, **114**, 153–69.
- Slater, D., S. Thomas and D. Waelbroeck (2008), "Competition law proceedings before the European Commission and the right to a fair trial: no need for reform?", The Global Competition Law Centre Working Paper Series, GCLC Working Paper 04/08, College of Europe, Brugge, p. 46.
- Smith, A. (1937), *An Inquiry into the Nature and Causes of the Wealth of Nations*, Edwin Cannan (ed.), New York: Random House.
- Statistisches Bundesamt (2003), "Finanzen und Steuern, Umsatzsteuer 2001", Fachserie 14 / Reihe 8 (October 2003), 62.
- Stigler, G.J. (1968), *The Organization of Industry*, Homewood, IL: R.D. Irwin.
- Stigler, G.J. (1970), "The optimum enforcement of laws", *The Journal of Political Economy*, **78** (3), 526–36.
- Sullivan, L.A. (1980), "Antitrust microeconomics and politics: reflections on some recent relationships", *California Law Review*, **68** (1), 1, at 9 (via J.B. Rittaler and I.L.O. Schmidt (1990), *A Critical Evaluation of the Chicago School of Antitrust Analysis*, xii).
- Supreme Commander for Allied Powers (1951), "Promotion of Fair Trade Practises", Monograph 26, 95 and 101, in *History of the Non-military*

- Activities of the Occupation of Japan 1945–1951*, Washington DC: National Archives.
- Suzuki, K. (1999), “The development of Japanese competition policies in the 1990s – formal change and policy network”, available at <http://swopec.hhs.se/eijswp/papers/eijswp0054.pdf>.
- Symeonidis, G. (2003), “In which industries is collusion more likely? Evidence from the UK”, *Journal of Industrial Economics*, **51**, 45–74.
- Tilton, M. (1996), *Restraint Trade: Cartels in Japan’s Basic Materials Industries*, Cornell University Press.
- Toyo Keizai (2002), *Japan Company Handbook*, 1st section, autumn 2002, Toyo Keizai, Inc.
- Trevour, M. (2001), *Japan: Restless Competitor, The Pursuit of Economic Nationalism*, Japan Library, Richmond, UK: Curzon Press.
- Uekusa, Masu (1988), “The oil crises and after”, in Komiya Ryutaro, Okuno Masahiro and Suzumura Kotaro (eds), *Industrial Policy of Japan*, New York: Academic Press, pp. 89–117.
- Ueno, H. (1980), “The conception and evaluation of Japanese industrial policy”, in K. Sato (ed.), *Industry and Business in Japan*, New York: M.E. Sharpe, Inc.
- Uriu, R. (1996), *Troubled Industries, Confronting Economic Change in Japan*, Ithaca, NY: Cornell University Press.
- US Department of Justice (S. Chemtop) (2000), “Antitrust Deterrence in the United States and Japan”, 23 June 2000, available at www.usdoj.gov/atr/public/speeches/5076.htm.
- US Department of Justice (2004), Workload Statistics 1994–2003, accessed 17 August 2009 at www.usdoj.gov/atr/public/12848.pdf.
- US Department of Justice (2009), Antitrust Division, Workload Statistics 1999–2008, accessed 17 August 2009 at www.usdoj.gov/atr/public/workstats.pdf.
- US Department of Justice (2012), Antitrust Division, Workload Statistics FY 2002–11, 11, accessed 1 December 2012 at www.justice.gov/atr/public/workload-statistics.pdf.
- USTR (Office of the US Trade Representative) (2002), Annual Reform Recommendations from the Government of the United States to the Government of Japan under the US–Japan Regulatory Reform and Competition Policy Initiative, 23 October 2002, available at <http://aboutusa.japan.usembassy.gov/pdfs/wwwf-deregulation-e-2002.pdf>.
- USTR (2008), Annual Reform Recommendations from the Government of the United States to the Government of Japan under the US–Japan Regulatory Reform and Competition Policy Initiative, 15 October 2008, available at www.ustr.gov/sites/default/files/2008-2009-Regulatory-Reform-Recommendations.pdf.

- Van de Walle, S. (2011), "Private enforcement of antitrust law in Japan: an empirical analysis", *Competition Law Review*, **8** (1), 7–28.
- Van den Bergh, R. (2007), "The economics of competition policy and the draft of the Chinese", in T. Eger, M. Faure and Z. Naigen (eds), *Economic Analysis of Law in China*, Cheltenham, UK and Northampton, MA: Edward Elgar, p. 384.
- Van den Bergh, R. and M. Faure (2008), "Critical issues in the enforcement of the Anti-monopoly Law in China: a law and economics perspective", paper prepared for the International Symposium on Theory and Policy of Antimonopoly and Governmental Regulation, Zhejiang Finance and Economy College, Hangzhou China on 14–16 November 2008.
- Van den Bergh, R. and M. Faure (2011), "Critical issues in the enforcement of the Anti-Monopoly Law in China: a law and economics perspective", in M. Faure and X. Zhang (eds), *Competition Policy and Regulation, Recent Developments in China, the US and Europe*, Cheltenham, UK and Northampton, MA: Edward Elgar, pp. 54–75.
- Vickrey, W. (1961), "Counter-speculation, auctions, and competitive sealed tenders", *The Journal of Finance*, **16** (1), 8–37.
- Viscusi, W.K., J. Vernon and J. Harrington (1995), *Economics of Regulation and Antitrust*, 2nd edn, Lexington, MA: MIT Press.
- Wakui, M. (2008), *Antimonopoly Law, Competition Law and Policy in Japan*, Bury St Edmunds, UK: Arima, 346.
- Waldenberger F. (1996), "Changing role of competition policy in Japan", in S. Metzger-Court and W. Pascha (eds), *Japan's Socio Economic Evolution: Continuity and Change*, Japan Library, Richmond, UK: Curzon Press.
- Weber, R. (1997), "Making more from less: strategic demand reduction in the FCC Spectrum Auctions", *Journal of Economics & Management Strategy*, **6** (3), 529–48.
- Weishaar, S. (2010), "China's public procurement regime – comparative and theoretic insights", *Maastricht Journal of European and Comparative Law*, **17** (4), 406–41.
- Weiss, L.W. (1974), "The concentration-profits relationship and anti-trust", in H. Goldschmid, M. Mann and J. Weston (eds), *Industrial Concentration: The New Learning*, Boston, MA: Little, Brown.
- Wettbewerbszentrale (2001), "Wettbewerbszentrale, Portrait, Jahresueberblick", 11.
- Williams, M. (2005), *Competition Policy and Law in China, Hong Kong and Taiwan*, Cambridge University Press.
- Wils, W. (2003), "The principle of 'ne bis in idem' in EC antitrust enforcement: a legal and economic analysis", *World Competition*, **26** (2), 131–48.

- Wils, W. (2004), “The combination of the investigative and prosecutorial function and the adjudicative function in EC antitrust enforcement: a legal and economic analysis”, *World Competition*, **27** (2), 201–24.
- Wils, W. (2005), “Is criminalization of EU competition law the answer?”, *World Competition*, **28** (2).
- Wils, W. (2011), “EU antitrust enforcement powers and procedural rights and guarantees: the interplay between rights of the EU and the European Convention on Human Rights”, *World Competition*, **34** (2).
- Wilson, R. (1977), “A bidding model of perfect competition”, *Review of Economic Studies*, **11**, 511–18.
- Wolfstetter, E. (1999), *Topics in Microeconomics: Industrial Organization, Auctions, and Incentives*, Cambridge University Press, 370.
- Woodall, B. (1996), *Japan under Construction, Corruption, Politics, and Public Works*, Berkeley and Los Angeles, CA: University of California Press.
- Xinhua News Agency (2002), “New payment system for government procurement”, 14 September 2002, accessed on 16 October 2010 at www.china.org.cn/english/government/42948.htm.
- Yamamura, K. (1966), “Market Concentration and Growth in Post-war Japan”, *The Southern Economic Journal*, **32** (4), 451–61.
- Yamamura, K. (1967), *Economic Policy in Post-war Japan, Growth versus Economic Democracy*, Berkeley and Los Angeles, CA: University of California Press.
- Yoshida, R. (2001), “Public works bid rigging said widespread, corruption at taxpayers’ expense” *Japanese Times*, 10 February 2001.
- Yoshikawa, H. (1999), *Japan’s Lost Decade*, LTCB International Library Trust.
- Young M.K. (1991), “Structural adjustment of mature industries in Japan: legal institutions, industry associations and bargaining”, in S. Wilks and M. Wright (eds), *The Promotion and Regulation of Industry in Japan*, London, UK: Macmillan.
- Zhang, X. and Yanhui Zhang (2007), “The Anti-Monopoly Law in China: where do we stand?”, *Competition Policy International*, **3** (2).
- 刘清恩, 《政府采购文化建设研究(上)》, 中国政府采购网, 2008年10月24日 <http://www.ccbp.gov.cn/ljsj/jycz/747867.shtml>, accessed on 3 May 2009 (Liu, Qing’en (2008), “Study of the cultural development of government procurement (Part One)”, Net of Chinese Government Procurement, 24 October 2008).
- 最高人民法院, (2008), 最高人民法院关于认真学习和贯彻《中华人民共和国反垄断法》的通知 (Notice by the Supreme Court, “Antimonopoly law of the People’s Republic of China” of 28 July 2008, accessed 6 December 2012 at www.law-lib.com/law/law_view.asp?id=261527).

甘培忠, 吴韬, 《政府采购法适用范围论略》, 行政法学研究 (*Administrative Law Review*), 2001年 第03 (The Supreme Court's Notice on carefully studying and implementing the anti-monopoly law of the People's Republic of China: Gan, Peizhong and Tao Wu (2001), "Debates about the application scope of the Government Procurement Law", No. 3). 《工商行政管理机关禁止垄断协议行为的规定》 at http://www.saic.gov.cn/zwgk/zyfb/qt/fld/200904/t20090427_37769.html (The regulations of the commercial and administration institutions on the prohibition of the monopolization of agreement behaviour).