

## Index

---

- 3-plus rule 163
- adaptability
- and centralisation 113
  - and competence allocation in multi level systems 107–13, 115
  - and decentralisation 113, 173, 192, 202, 205–6, 214
  - and effects doctrine 172, 214, 215
  - and location doctrine 191–2, 214, 215
  - and mandatory lead jurisdiction 205–6, 213, 215
  - and nondiscrimination rule 181, 213–14, 215
  - and relevant markets rule 195–6, 214, 215
  - and turnover thresholds 177–8, 214, 215
  - and voluntary lead jurisdiction 202–3, 213, 215
  - and X-plus rule 199, 214, 215
- adequacy, of worldwide competition policy regime 70–72
- administration systems 220, 221, 231
- administrative costs 47–9, 50, 68, 104, 170, 184, 209
- administrative working groups (WGs) 144, 145
- advanced comity principle 165–6, 199–203, 208, 209, 210, 212, 213, 215, 216
- Africa 12, 229
- agency problems 68–9, 105–6, 176, 194  
*see also* principal–agent relationships
- Aigner, Gisela 145
- Airbus 22, 30, 41–2, 43–4, 56–7
- Alcan–Pechinery–APA Algroup merger 48–9
- Andean Community 229
- anticompetitive practices and structures 18, 29–30, 41, 44, 52, 53, 71–2, 82, 122
- see also* cartels and surrogates; mergers
- antitrust federalism 86–7  
*see also* US antitrust system
- antitrust laws 34, 37–8, 46, 80–81, 86–7, 116, 117–19  
*see also* effects doctrine; location doctrine
- antitrust lawsuits 18, 35, 45, 63, 116–17, 119, 190, 219  
*see also* court systems; private litigation
- Antitrust Modernisation Commission (AMC) 120–21
- Appellation Chamber (ICP) 225, 228–9
- Asia 15, 16, 17, 138  
*see also* China; India; Japan
- Barros, Pedro P. 58, 98
- Beelders, Owen 98–9
- beggar-thy-neighbour strategies 57–61, 62, 78, 171, 176, 188
- benchmarks, and best practice and peer pressure 186
- ‘best equipped criterion’ 165, 166, 202
- best practice and peer pressure  
and ICN (International Competition Network) 144, 145, 146, 147  
rules for competence allocation 158–60, 182–7, 208, 209–10, 213, 214, 215, 216
- bilateral cooperation 49–53, 102, 138
- blocking statutes 36
- Boeing–Airbus duopoly 22, 30, 41–2, 43–4
- Boeing–McDonnell Douglas merger 22, 40–41, 42–3, 56–7, 169, 183
- Böge, Ulf 144, 145
- Breton, Albert 92, 93
- Bretton Woods system 135–6, 148
- Budzinski, Oliver 32, 58, 71, 74, 78, 79, 81, 85, 108, 126, 145, 154, 172, 182, 185, 187

- Bundeskartellamt* (Federal Cartel Office of Germany) 37–8, 55, 124, 125, 144, 145
- bureaucracy 67–70, 175–6, 194
- business associations 124, 125
- Cabral, Luís M. 58, 59, 98
- Cadot, Oliver 29, 30
- Canada 48–9, 135, 144, 231
- Canadian Competition Bureau 144
- Cancún Ministerial Conference 139–40
- capital flows 11–12
- capture
  - and best practice and peer pressure 185
  - and competence allocation in multilevel systems 106–7
  - and decentralisation 212, 213
  - and mandatory lead jurisdiction 205
  - and nondiscrimination rule 181
  - and relevant markets rule 195
  - and turnover thresholds 176
  - and voluntary lead jurisdiction 202
  - and worldwide competition policy regime 66–7, 69, 70
  - and X-plus rule 198
- Cartel Enforcement Regulation 127
- cartel havens 54
- cartels and surrogates
  - and EU competition policy system 122, 126–8, 132–3, 134, 154–5
  - and global level of competition policy 226
  - and national level of competition policy 226, 232
  - and trade liberalisation 29
  - and WTO Competition Regime 63–4, 134–5
  - see also* cartel havens; export cartels; graphite electrodes cartel; hardcore cartels; informal cartels; international cartels and surrogates; market division cartels; quota cartels; vertical cartels; vitamin cartels
- case law 86, 118–19
- centralisation
  - and adaptability to institutional evolution 113
  - and agency problems and lobbying 106–7
  - versus* decentralisation in multilevel systems 218–20, 221, 222, 236
  - and economics of federalism 92–3, 94
  - and efficiency of production, transaction and administrative costs 103, 104
  - and EU competition policy system 127–8, 133, 134
  - and externalities and spillovers 97–8, 100, 101–3
  - and lobbying 176–7, 212
  - and preferences 105, 176, 194, 198
  - and relevant markets rule 194, 214
  - and turnover thresholds 134, 174–7, 209, 214
  - and WTO Competition Regime 140–43
  - and X-plus rule 196, 197, 198, 199, 209, 214, 232–3
- China 38, 231
- Christiansen, Arndt 108, 126, 154
- citizen preferences 70–71, 93, 104–5
  - see also* consumer preferences; preference conformity; preferences
- Clayton Act (1914) 116, 117–18
- cognitive convergence 182–3, 214
- comity principles 50, 52, 165–6
  - see also* advanced comity principle
- communication costs 12
- communications technologies 11–12, 27–8
- community dimension 126, 130–32, 133, 154–5
- competence allocation 83, 87, 140–43, 147–8, 149
  - see also* competence allocation in multilevel systems
- competence allocation in multilevel systems
  - criteria for evaluation of rules 113–15
  - see also* rules for competence allocation in multilevel systems
- EU competition policy system 126–34, 149

- problem of 89–91
- theory 95–113
  - agency problems and lobbyism 105–7
  - efficiency of production, transaction and administrative costs 103–4
  - externalities and spillovers 95–103
  - institution evolution and adaptability 107–13
  - preference orientation 104–5
  - US antitrust system 117–21, 149
- competent jurisdictions
  - and adaptability 205–6
  - and externalities 95–6, 207, 208
  - as mandatory lead jurisdiction 166–7, 203, 222, 223, 224–5, 235
  - and nondiscrimination rule 222
  - and preference conformity 204
  - role in administration systems 220
  - competition economics theories 44, 108–13
- competition laws *see* antitrust laws; antitrust lawsuits
- competition of competition policy 72–3, 81–2
  - see also* regulatory competition
- competition policy, erosion of need in era of international competition 27–32
- complaints 213–14, 222, 225
- complexity 83
- compliance costs 170
- concurrent competence allocation *see* exclusive and concurrent competence allocation (dimension III)
- conflict 119–20
  - see also* conflict resolution; jurisdictional conflicts
- conflict resolution 141–2, 158, 178–9, 181, 214, 225
- conglomerate mergers 21, 41, 42
- Conrad, Christian A. 114
- consensus 67, 133, 134, 137, 144, 183–4, 185, 187
- consumer preferences 70
- consumers 70, 98, 107, 158
- contestability argument 31, 44
- convergence 86, 182–3, 214
  - see also* consensus; harmonisation
- cooperation 16, 17–18, 117–18, 119, 121, 200, 201, 203, 226
  - see also* bilateral cooperation; cooperative federalism; cooperative strategy; ICN (International Competition Network); informal cooperation; joint ventures; multilateral cooperation; networks; non-cooperative strategy; price cooperation; voluntary cooperation; voluntary lead jurisdiction
- cooperative federalism 102
- cooperative strategy 58–9, 60, 61
- coordination 201, 208, 209
- coordination costs 93
- core-competence approach 22, 25
- costs 80, 93, 193–4
  - see also* administrative costs; communication costs; compliance costs; efficiency; fixed costs; inefficiencies; market entry costs; production costs; sunk costs; switching costs; transaction costs; transportation costs; variable costs
- court systems 35, 123, 125, 128, 219–20, 231
  - see also* antitrust lawsuits
- decentralisation
  - and adaptability 113, 173, 192, 202, 205–6, 214
  - and agency problems and lobbyism 106–7
  - versus* centralisation in multilevel systems 218–20, 221, 222, 236
  - and economics of federalism 92, 93–4
  - and efficiency of production, transaction and administrative costs 103, 104
  - and EU competition policy system 128, 133–4
  - and externalities and spillovers 97–8, 100, 102, 103

- and lobbying 93, 171–2, 176, 177, 212–13
- and mandatory lead jurisdiction 205–6, 222
- and preferences 93, 105, 198, 202, 210, 211–12
- and relevant markets rule 194, 195, 214
- and turnover thresholds 176–8, 214
- in US antitrust system *see* states, in US antitrust system
- and voluntary lead jurisdiction 202
- welfare effects 222
- and WTO Competition Regime 141
- and X-plus rule 196, 197, 198, 199, 207–8, 232
- defensive strategic competition policies 56, 57
- delimitation rules 119–20, 235
- democracy 104
- deregulation 11, 12, 22, 27–8
  - see also* liberalisation; trade liberalisation
- developing countries 12, 38, 53, 66–7, 76, 138, 139, 169
- development *see* developing countries; emerging economies; industrialised countries; technological development
- DIAC (Draft International Antitrust Code) 137, 234, 235
- dimensions of competence allocation *see* exclusive and concurrent competence allocation (dimension III); horizontal and vertical competence allocation (dimension I); institutional and enforcement competence allocation (dimension II); sustainable and temporary competence allocation (dimension IV)
- Directorate Competition 123
- discretionary bilateral cooperation 49–53
- discriminatory competition strategies 53, 57–8, 59, 60, 61, 63–4, 78, 136, 168–9, 178, 179
- diverging competition rules 53
- diverging economic theories 44
- diversity 113, 177, 185, 186–7, 195, 199, 205–6, 214
  - see also* institutional diversity
- Doha Declaration 139, 140–41
- domestic mergers 30, 55
- domestic subsidiaries 37–8
- domestic welfare effects *see* national welfare effects
- dual enforcement 117, 121
- duopolies 22, 30, 41–2, 43–4, 206
- economic globalisation 10
  - see also* sustainable and temporary competence allocation (dimension IV)
- economics of federalism 91–4
- economics of strategic competition
  - policy dilemma 57–61, 62, 78
- economies of scale
  - and best practice and peer pressure 182, 210
  - and competence allocation in multilevel systems 103–4, 115
  - and effects doctrine 169–70, 210
  - and mandatory lead jurisdiction 204, 209
  - and nondiscrimination rule 179, 210
  - and production costs 103–4
  - and turnover thresholds 174
  - and voluntary lead jurisdiction 201, 209
  - and X-plus rule 197
- effects doctrine
  - described 34–7
  - and externalities and spillovers 101–2, 168–9, 208–9
  - and one-stop shop principle 170, 190
  - and regulatory competition 81–2
  - and rules for competence allocation 153–4, 168–73, 208–9, 210, 212, 214, 215, 216, 235
  - and strategic competition policies 56–7
  - and X-plus rule 196–7
- efficiency
  - and anticompetitive practices 41, 44, 82
  - and best practice and peer pressure 183–4, 209–10, 215

- and competence allocation in
  - multilevel systems 103–4, 115
- and decentralisation of public goods' provision 93
- and discrimination 178
- and effects doctrine 169–70, 210, 215
- and location doctrine 190, 210, 215
- and mandatory lead jurisdiction 204, 209, 215
- and nondiscrimination rule 179–80, 210, 215
- and relevant markets rule 193–4, 210, 215
- and strategic competition policies 56
- and turnover thresholds 174–5, 209, 215
- and voluntary lead jurisdiction 201, 209, 215
- and X-plus rule 197, 209, 215
- see also* costs; inefficiencies
- emerging economies 38, 46
- enforcement
  - in EU competition policy system 123–4, 127–8, 132–3
  - laws 86–7
  - and mandatory lead jurisdiction 224, 235
  - of national competition laws 37–8
  - and supranational–regional level of competition policy 230
  - in US antitrust system 116–18, 121
  - and voluntary lead jurisdiction 165, 166, 200, 201, 202
  - see also* institutional and enforcement competence allocation (dimension II)
- environmental change 71–2
- E.ON–Ruhrgas merger 55
- epistemic communities 86
- errors 77, 194, 196–7
- EU 15, 16–17, 122
  - see also* EU competition policy system
- EU competition policy system
  - antitrust lawsuits 18
  - bilateral cooperation with US 50–52
  - cartel policy 16–17, 122, 126–8, 132–3, 154–5
  - competence allocation 126–34, 149
  - competition policy diffusion 76
  - effects doctrine 35–6
  - and Global Competition Initiative 143
  - investigation and enforcement of national competition laws 38
  - jurisdictional conflicts and national competition policy 40–44, 45, 46–7, 56–7, 169, 183
  - merger policy 122–3, 129–34, 154–5
  - merger reviews 99, 130, 131
  - as multilevel system 121–5
  - private litigation 220
  - referral regime 130, 131–2, 134, 175
  - reforms 122–3, 127–8, 129–34
  - and supranational governance 66, 122
  - and WG (Working Group on the Interaction of Trade and Competition) 137
  - and WTO Competition Regime 138, 139
- European Coal and Steel Community (ECSC) 121–2
- European Commission 16–17, 36, 40–42, 43, 52, 99, 123–4, 126–9, 130, 131, 132–4
- European Community Merger Regulation (ECMR) 122–3, 129–30, 131–2, 134
- European Competition Network (ECN) 133–4
- European Court of First Instance 123, 125
- European Court of Justice (ECJ) 123, 125, 126
- European System of Central Banks 227, 228
- evolution, institutional 107–13, 186–7
  - see also* adaptability
- exchange rates 135–6, 148
- exclusive and concurrent competence allocation (dimension III)
  - and best practice and peer pressure 159–60
  - described 90
  - and effects doctrine 154
  - and location doctrine 161
  - and mandatory lead jurisdiction 167
  - and nondiscrimination rule 158
  - and relevant markets rule 162–3
  - and turnover thresholds 156

- and voluntary lead jurisdiction 166
- and X-plus rule 164
- 'exercise of state power' 37–9
- experience 103
- experimentation, parallel 113, 177, 181, 191, 199
- export cartels 54, 56
- exports 10, 11
  - see also* international trade; net exporters
- externalities and spillovers 92–3, 95–103, 168, 173, 208, 224
  - see also* horizontal externalities; internalisation of external effects; negative externalities; positive externalities; vertical externalities
- factors of production 74, 79–80, 81, 82
- failure, governmental 67–8
- falsification, of theories 110–111
- Farrell-Shapiro model of mergers 98–9
- FDI (foreign direct investment) 10, 11
- federal agencies, in US antitrust system 116–18, 119
- Federal Trade Commission (FTC) 116, 117–18
- federalism *see* antitrust federalism; *Bundeskartellamt* (Federal Cartel Office of Germany); economics of federalism; US antitrust system
- Feld, Lars P. 92
- First, Harry 86, 120, 160
- fiscal federalism 91–3
- fixed costs 103, 169–70, 209
- fixed exchange rates 135–6, 148
- foreign consumers 158
- foreign producers 158
- Fox, Eleanor M. 108, 141
- France 48–9
- free riding 95–6
- Fujifilm–Kodak case 63
- game theory 58–61, 62
  - see also* beggar-thy-neighbour strategies
- GATT 63, 66, 79, 134–5, 136, 137, 156
- General Electric–Honeywell merger 41–2, 43–4, 66, 183
- geographically relevant markets 162, 163, 193, 207, 211, 214
- Gerber, David J. 43–4
- German Monopolies Commission 55
- Germany 15, 16, 17, 37–8, 55, 76, 124, 125, 144, 145
- Global Competition Initiative (GCI) 143
- global level of competition policies 2, 218, 221, 223–9, 234–5, 236–7
- global welfare effects *see* world welfare effects
- globalisation 1–2
  - see also* economic globalisation; market globalisation; sustainable and temporary competence allocation (dimension IV)
- goods and services 74, 78–9, 81, 82, 95–6
- Governing Chamber (ICP) 227–8
- Governing Council 227, 228
- government failure 67–8
- graphite electrodes cartel 15, 17
- Hamel, Gary 22, 25
- hardcore cartels 14, 15–17, 50, 52, 127
- harmonisation
  - and best practice and peer pressure 160, 184, 185, 186–7, 209–10, 214
  - and institutional diversity 219
  - in multilevel systems 236
  - and nondiscrimination rule 181
  - and relevant markets rule 195, 214
  - and turnover thresholds 177–8, 211–12
  - and X-plus rule 199, 211–12
- Havana Charter 136, 142, 156
- Head, Keith 58, 98
- Helfat, Constance E. 22, 31
- horizontal and vertical competence
  - allocation (dimension I)
  - and best practice and peer pressure 159
  - described 90
  - and effects doctrine 153–4
  - and location doctrine 161
  - and mandatory lead jurisdiction 167
  - and nondiscrimination rule 157
  - and relevant markets rule 162

- and turnover thresholds 155
- and voluntary lead jurisdiction 165
- and X-plus rule 164
- horizontal dimension 88–9, 92, 94, 113, 147
- see also* horizontal and vertical competence allocation (dimension I)
- horizontal externalities 97, 173
- horizontal institutional diversity 219
- horizontal integration 21, 22, 25, 41–2, 122–3
- Horizontal Merger Guidelines 122–3
- horizontal turnover thresholds 155, 173, 174, 175, 176
- ICN (International Competition Network) 142–8, 149, 158, 159, 227
- ICP (International Competition Panel) 224–9, 236–7
- identification problems, in learning competition policy 77
- IMF 135, 148
- incentives
  - and best practice and peer pressure 186
  - and effects doctrine 168, 172, 214
  - and externalities 96, 97, 168, 208, 224
  - and location doctrine 192, 214
  - and turnover thresholds 177, 214
- India 38, 231
- industrial economics 108
- industrial policies 43
- industrialised countries 38–9, 53, 66–7, 76, 139
  - see also* powerful countries; individual countries
- inefficiencies 47–9, 68–9, 174–5, 179–80
  - see also* costs; efficiency
- informal cartels 16, 17–18
- informal cooperation 182
  - see also* voluntary cooperation
- informal governance *see* ICN (International Competition Network)
- information 74–8, 81, 186
- information asymmetries 69, 93, 186
- information technology 11–12, 27–8
- innovation 71–2, 93–4, 107, 113, 172–3, 187, 199
- innovative technologies 11–12, 107
- institutional and enforcement
  - competence allocation (dimension II)
  - and best practice and peer pressure 159
  - described 90
  - and effects doctrine 154
  - and location doctrine 161
  - and mandatory lead jurisdiction 165–6
  - and nondiscrimination rule 157–8
  - and relevant markets rule 162
  - and turnover thresholds 155–6
  - and voluntary lead jurisdiction 165–6
  - and X-plus rule 164
- institutional competition *see* regulatory competition
- institutional diversity 219, 236
- institutional evolution and adaptability *see* adaptability
- institutions, and regulatory competition type IV 74, 79–80
- interest groups 77, 106–7
  - see also* capture; lobbyism; lobbyism minimisation
- intermediate competition governance 85–8
- internalisation of external effects
  - and best practice and peer pressure 182–3, 208, 215
  - and centralisation 98
  - and competence allocation in multilevel systems 95–103, 115
  - and effects doctrine 168–9, 208, 215
  - and location doctrine 187–9, 208, 215
  - and mandatory lead jurisdiction 203–4, 208, 215, 222, 224
  - and nondiscrimination rule 178–9, 208, 215, 222, 224
  - and relevant markets rule 192–3, 207–8, 215
  - and turnover thresholds 173–4, 207–8, 215
  - and voluntary lead jurisdiction 199–201, 208, 215

- welfare effects 102
- and X-plus rule 196–7, 207–8, 215
- international anticompetitiveness 29–30
- international cartels and surrogates 14–18, 30, 35, 50, 52
- international competition, and erosion of need for competition policy 27–32
- international competition, and national competition policy *see* national competition policy and international competition
- International Competition Policy Advisory Committee (ICPAC) 143
- international free trade associations 229–30
- international hardcore cartels 14, 15–17, 50, 52
- international markets 82
- international mergers 19–25, 30, 98–102
- international trade 67, 74, 78–9, 81, 82 *see also* export cartels; exports; international free trade associations; net exporters; net importers; trade liberalisation; WTO Competition Regime
- Internet 28
- interstate commerce clause (US) 118–19, 154–5, 235
- interstate trade criteria (EU) 126–7, 128, 154–5
- investigations 37–9, 56, 146, 201
- ITO (International Trade Organization) 136, 156
- Japan 15, 16, 17, 63, 138, 139, 231
- Japanese Fair Trade Commission 63
- joint ventures 16
- jurisdiction, size of *see* large countries; small countries
- jurisdictional conflicts
  - and best practice and peer pressure 183
  - and effects doctrine 169, 172
  - and externalities and spillovers 97, 101–2, 169
  - and location doctrine 188–9, 192, 214
  - and national competition rules 40–47, 52, 56–7
  - and nondiscrimination rule 178–9
  - and turnover thresholds 177–8
- Kaiser, Bruno 100–101
- Kerber, Wolfgang 74, 78, 79, 81, 89, 103, 161, 172
- Klodt, Henning 10, 11, 29
- knowledge 103 *see also* epistemic communities; innovation; learning; mutual learning; scientific knowledge
- Kodak/Fujifilm case 63
- Kuhn, Thomas S. 111–12
- laboratory federalism 93–4
- Lakatos, Imre 112
- large countries 38–9, 53, 101, 169
- laws, antitrust *see* antitrust laws
- lawsuits, antitrust *see* antitrust lawsuits
- lead jurisdictions 165–7
- learning 75–6, 77, 113, 172, 173, 192 *see also* innovation; knowledge; mutual learning; parallel experimentation; scientific knowledge
- Levenstein, Margaret C. 16, 17
- liberalisation 11–12, 22 *see also* deregulation; trade liberalisation
- Lieberman, Marvin B. 22, 31
- lobbyism
  - and best practice and peer pressure 185
  - and centralisation 176–7, 212
  - and competence allocation in multilevel systems 106–7, 115
  - and decentralisation 93, 171–2, 176, 177, 212–13
  - and effects doctrine 171–2
  - and mandatory lead jurisdiction 205
  - and nondiscrimination rule 181
  - and relevant markets rule 195
  - and strategic competition policy 61–2
  - and turnover thresholds 176–7
  - and voluntary lead jurisdiction 202
  - and worldwide competition policy regime 69–70
  - and X-plus rule 198
  - see also* lobbyism minimisation



- lobbyism minimisation
  - and best practice and peer pressure 185, 213, 215
  - and competence allocation in multilevel systems 107, 115
  - and effects doctrine 171–2, 213, 215
  - and location doctrine 191, 213, 215
  - and nondiscrimination rule 180–81, 212, 215
  - and relevant markets rule 195, 212, 215
  - and turnover thresholds 176–7, 212, 215
  - and voluntary lead jurisdiction 202, 212, 215
  - and X-plus rule 198, 212, 215
- local level *see* subnational-regional level of competition policies
- location doctrine 160–61, 187–92, 208, 210, 213, 214, 215, 216, 235
- locational competition, and regulatory competition type III 74, 79–80, 81, 82
- lock-in effects 103, 170, 174–5, 204
- Maher, Imelda 86, 182, 187
- mandatory lead jurisdiction
  - and adaptability 205–6, 213, 215
  - and dimensions of competence allocation 166–7
  - and efficiency 204, 209, 215
  - and global level of competence allocation 223–5, 230, 231, 235, 236–7
  - and internalisation of external effects 203–4, 208, 215, 222, 224
  - performance of rule 215–16, 221–2
  - and preference conformity 204–5, 211, 215
- market delineation 193–4
- market division cartels 14, 17, 136
- market enlargement 13, 22, 28, 29–30
- market entry 31
- market entry barriers 29, 30
- market entry costs 31–2
- market globalisation 10–13, 70, 206, 214, 235
  - see also* market enlargement; sustainable and temporary competence allocation (dimension IV)
- market power 18
- market size 70, 197–8
  - see also* market enlargement; market globalisation
- markets, relevant *see* relevant markets rule
- Masson, Paul 12
- megamergers 20, 21–2
- Member States
  - in EU competition policy system
    - cartel policy 126, 127, 128
    - merger policy 129–30, 131, 132, 133, 134
    - role 124, 125
  - and WG (Working Group) on the Interaction of Trade and Competition 137
- merger reviews 99, 130, 131, 146, 147, 165, 166, 200, 201–2
  - see also* 3-plus rule; multiple merger reviews; X-plus rule
- mergers
  - and bilateral cooperation 50
  - and effects doctrine 36
  - and efficiency 41
  - and EU competition policy system 99, 122–3, 129–34, 154–5
  - and global level of competition policy 226
  - and ICN (International Competition Network) 144, 145, 146–7
  - and jurisdictional conflicts and national competition policy 40–44
  - and national level of competition policy 226
  - and strategic competition policies 54–5, 56
  - theories 98–9
  - and trade liberalisation 29
  - see also* Alcan–Pechinery–APA
    - Algroup merger;
    - Boeing–McDonnell Douglas merger; conglomerate mergers;
    - domestic mergers;
    - E.ON–Ruhrgas merger;
    - General Electric–Honeywell merger; international mergers;
    - megamergers; merger reviews;
    - strategic mergers

- Microsoft 18, 30, 45, 119, 190
- minimisation of lobbying *see* lobbying
- minimisation
- misuse of power 18, 93
- monopolies 13, 55
- multijurisdictional anticompetitive practices 52, 53
- multilateral cooperation 139, 140–41, 142–8
- multilevel systems
  - comparative analysis 234–6
  - competence allocation *see* competence allocation in multilevel systems
  - concept 88–9
  - and economics of federalism as theoretical foundation 91–4
  - elementary features 218–21
  - global level 2, 218, 221, 223–9, 234–5
  - and ICN (International Competition Network) 142–7
  - national level 2, 218–19, 221, 231–2, 235
  - subnational–regional level 219, 221, 232–3, 235
  - supranational–regional level 218, 219, 221, 229–30, 235
  - and WTO Competition Regime 140–43, 226–7, 234–5
  - see also* EU competition policy system; US antitrust system
- multimarket arrangements 162–3, 192, 193, 194, 195
- multinational enterprises 38–9
- multiple merger reviews 130, 175, 184, 197, 201, 208, 209
- Munich Group 137
- mutual learning
  - and best practice and peer pressure 186, 187
  - and competence allocation in multilevel systems 113
  - and effects doctrine 172, 214
  - and location doctrine 192, 214
  - and mandatory lead jurisdiction 206, 213
  - and nondiscrimination rule 181, 213–14
  - and regulatory competition type I 74–8, 81
  - and turnover thresholds 177
  - and voluntary lead jurisdiction 203, 213
  - and X-plus rule 199
- NAAG (National Association of Attorneys General) 119
- NAAT ('not appreciably affecting trade') rule 126–7
- national champions 54–5, 62, 178
- national competition authorities (NACs) 124, 125, 128, 130, 133, 134
  - see also* Bundeskartellamt (Federal Cartel Office of Germany)
- national competition policy and international competition
  - discretionary bilateral cooperation 49–53
  - extraterritorial application of competition rules 33–49
  - effects doctrine 34–7
  - inefficiencies 47–9
  - investigation and enforcement 37–9
  - jurisdictional conflicts 40–47, 52
- inbound focus of national policies 32–3
  - strategic competition policies *see* strategic competition policies
- national courts 35, 117, 125, 128, 219–20, 231
- national level of competition policies 2, 218–19, 221, 231–2, 235
- national monopolies 13
- national sovereignty 65–7
- national welfare effects 32, 57–61, 62, 97, 178
- negative comity principle 50
- negative externalities 96–7, 168–9, 174, 178, 187–9, 199–200, 203, 208–9
- net exporters 57
- net importers 57
- network governance 85–8, 142–8, 149, 158, 159, 227
- networks 132–4, 182, 186
- Neven, Damien J. 29, 58, 101–2, 106, 123
- non-cooperative strategy 58, 59, 60, 62
- 'non-developing developing countries' 12
- non-market economies 12

- nondiscrimination rule  
 and adaptability 181, 213–14, 215  
 and dimensions of competence allocation 156–8  
 and efficiency 179–80, 210, 215  
 and global level of competence allocation 223–5, 230, 236–7  
 and internalisation of external effects 178–9, 208, 215, 222, 224  
 and lobbying minimisation 180–81, 212, 215  
 performance of rule 215–16, 221–2  
 and preference conformity 180, 210, 215  
 and WTO 63–4  
 notification procedures 226, 232
- Oates, Wallace E. 91–2, 93  
 O'Connor, Kevin J. 86–7  
 OECD 142, 148  
 oligopolies 98–9, 204, 206  
 one-shot Prisoners' Dilemma (PD) 58–9  
 one-stop shop principle  
 and best practice and peer pressure 183–4, 210  
 and competence allocation in multilevel systems 104, 115  
 and effects doctrine 170, 190, 210  
 and EU competition policy system 129, 130  
 and location doctrine 190, 210  
 and mandatory lead jurisdiction 204  
 and nondiscrimination rule 179–80, 210  
 and relevant markets rule 194  
 and turnover thresholds 175  
 and voluntary lead jurisdiction 201, 209  
 and X-plus rule 197
- Özden, Çağlar 98–9
- paradigm theory of scientific progress 111–12  
 parallel experimentation 113, 177, 181, 191, 199  
 path dependencies 103, 182, 183  
 peer pressure *see* best practice and peer pressure
- Philip Morris 37–8  
 Piilola, Anu 87, 107
- pluralism, in competition economics theories 108–13  
 political economy of real-world 61–2  
*see also* power, misuse of; power asymmetries; powerful countries
- Popper, Karl R. 110–111  
 positive comity principle 50, 52  
 positive externalities 95–6, 168, 188, 200, 203, 208, 224  
 postal services, deregulation 12  
 power, misuse of 18, 93  
 power asymmetries 38–9, 65, 66–7, 100  
 powerful countries 53, 65, 66–7, 100, 169
- Prahalad, Carl K. 22, 25  
 predatory practices 18, 41  
 preference conformity  
 and best practice and peer pressure 184–5, 210, 215  
 and competence allocation in multilevel systems 105, 115  
 and effects doctrine 170–171, 210, 215  
 and location doctrine 190–191, 211, 215  
 and mandatory lead jurisdiction 204–5, 211, 215  
 and nondiscrimination rule 180, 210, 215  
 and relevant markets rule 194–5, 211, 215  
 and turnover thresholds 175–6, 211, 215  
 and voluntary lead jurisdiction 201–2, 210, 215  
 and X-plus rule 197–8, 211, 215
- preferences  
 and adequacy of worldwide competition policy regime 70–71  
 and centralisation 105, 176, 194, 198  
 and competence allocation in multilevel systems 104–5  
 and decentralisation 93, 105, 198, 202, 210, 211–12  
 and welfare effects 105, 171  
*see also* citizen preferences; consumer preferences; preference conformity

- price cooperation 16, 17, 136
- primary effects clause 166–7, 203, 206
- principal-agent relationships 68–9, 104–5  
*see also* agency problems
- principle of origin location doctrine *see* location doctrine
- Prisoners' Dilemma (PD) 58–61, 62  
*see also* beggar-thy-neighbour strategies
- private litigation 117, 121, 125, 220, 221, 231
- private market entry barriers 30
- procedural rules 90
- procompetitiveness 13, 28
- producers 98, 107, 158
- production costs 103–4
- protectionist strategic competition policies 56, 57, 63–4, 78, 93
- public choice problems 67–70
- public goods 95–6
- public market entry barriers 30
- quota cartels 14, 17, 136
- race-to-the-bottom competition policy regime 79–80
- race-to-the-top competition policy regime 79–80
- referral regime, in EU competition policy system 130, 131–2, 134, 175
- reforms, of competition systems 120–21, 122–3, 127–8, 129–34
- refutation, of theories 110–11
- regulatory competition  
 applicability 81–2  
 concept 73–4  
 type I: mutual learning 74–8, 81  
 type II: international trade 74, 78–9, 81, 82  
 type III: locational competition 74, 79–80, 81, 82  
 type IV: choice of law 80–81
- relevant markets rule 162–3, 192–5, 207–8, 210, 211, 212, 214, 215, 216
- rent-seeking 69, 106
- repeated games offers Prisoners' Dilemma (PD) 59–61
- Restrictive Business Practices Code (UNCTAD) 142
- Ries, John 58, 98
- Röller, Lars-Hendrik 58, 101–2, 106, 123
- Ross, Thomas W. 30
- Rothmans 37–8
- rule-application competences 165–6, 202, 223, 224, 230
- rule-making competences 165, 202, 223, 224, 230, 234–5
- rules *see* 3-plus rule; delimitation rules; diverging competition rules; nondiscrimination rule; procedural rules; rule-application competences; rule-making competences; rules for competence allocation in multilevel systems; substantive rules; X-minus rule; X-plus rule
- rules for competence allocation in multilevel systems  
 best practice and peer pressure 158–60, 208, 209–10, 213, 214, 215, 216  
 criteria for evaluation 113–15  
*see also* adaptability; efficiency; internalisation of external effects; lobbyism  
 minimisation; preference conformity
- dimensions *see* exclusive and concurrent competence allocation (dimension III); horizontal and vertical competence allocation (dimension I); institutional and enforcement competence allocation (dimension II); sustainable and temporary competence allocation (dimension IV)
- effects doctrine 153–4, 168–73, 208–9, 210, 212, 214, 215, 216, 235
- interstate commerce clause, interstate trade criteria and community dimension 154–5
- location doctrine 160–61, 187–92, 208, 210, 213, 214, 215, 216, 235

- mandatory lead jurisdiction *see*
    - mandatory lead jurisdiction
  - nondiscrimination rule *see*
    - nondiscrimination rule
  - relevant markets rule 162–3, 192–5, 207–8, 210, 211, 214, 215, 216
  - turnover thresholds 155–6, 173–8, 207–8, 209, 211–12, 214, 215, 216, 235
  - voluntary lead jurisdiction 165–6, 199–203, 208, 209, 210, 212, 213, 215, 216
  - X-plus rule 163–4, 196–9, 207–8, 209, 211–12, 214, 215, 216, 222, 230, 231, 232–3
- SABRE 52
- Salmon, Pierre 92, 94
- sanctions 37, 203–4, 213, 225
- scientific knowledge 71–2, 76, 108, 109–13, 213
- Seabright, Paul 29
- SG (Sub Group) Analytical Review Framework 145, 146
- SG (Sub Group) Investigative Techniques 145, 146
- SG (Sub Group) Merger Notification and Review Procedures 145, 146
- share-of-consumption test 166–7, 204, 206
- Sherman Act (1890) 116, 117
- Singapore issues 137–8, 139–40
- size *see* large countries; market size; small countries
- small countries 38, 66, 101, 169, 205
- Smets, Hilde 68, 70, 106
- soft governance 132–3, 158
- see also* ICN (International Competition Network)
- spillovers *see* externalities and spillovers
- state attorney generals 117, 118, 120
- states, in US antitrust system 117, 118–20
- Stephan, Paul B. 68, 69, 70, 106
- strategic competition policies
- concept 53–4
  - economic aspects 57–61, 62, 78
  - and effects doctrine 168–9
  - instruments 54–7
  - and negative externalities 96
  - political economy of real-world 61–2
  - and WTO rules 62–4
- strategic mergers 21
- subnational-regional level of competition policies 124, 125, 219, 221, 232–3
- subsidiarity 70, 194–5
- substantial working groups (WGs), and ICN 144, 145, 146
- substantive rules 90
- sunk costs 31
- supergames (prisoners' dilemma) 60–61
- supervision 141–2, 181, 203–4, 213–14, 222, 224, 225, 236–7
- supranational authority
- EU competition policy system 122
  - mandatory lead authority selection 166, 203, 205, 222, 223, 224–5, 235
  - and national sovereignty with worldwide competition policy regime 65–7
  - see also* WTO Competition Regime
- supranational-regional level of competition policies 218, 219, 221, 229–30, 235
- Suslow, Valerie Y. 16, 17
- sustainable and temporary competence allocation (dimension IV)
- and best practice and peer pressure 160
  - described 91
  - and effects doctrine 154
  - and location doctrine 161
  - and mandatory lead jurisdiction 167
  - and nondiscrimination rule 158
  - and relevant markets rule 163
  - and turnover thresholds 156
  - and voluntary lead jurisdiction 166
  - and X-plus rule 164
- sustainable diversity 113
- switching costs 183
- Switzerland 15, 16, 17, 48–9
- Tacke, Alfred 55
- Tarullo, Daniel K. 86, 182, 187
- taxation 48, 49, 68, 102, 170
- see also* fiscal federalism
- Tay, Abigail 99–100
- technological development 71–2, 107

- temporary competence allocation *see*  
sustainable and temporary  
competence allocation (dimension  
IV)
- theories 110–113  
*see also* competition economics  
theories
- time factors, in market delineation 194
- trade *see* international free trade  
associations; international trade;  
net exporters; net importers; trade  
effects, and EU competition  
policy system; trade flows; trade  
liberalisation; trade policy  
instruments
- trade effects, and EU competition policy  
system 126–7, 128
- trade flows 10, 11
- trade liberalisation 27–32, 79
- trade policy instruments 79
- transaction costs 47–9, 104, 184, 194,  
209, 225
- transgovernmental networks 86, 87
- transnational networks 87
- transparency 77, 87, 144, 147, 206
- transportation costs 12
- transportation technologies 11, 12
- treaties (EU) 121–2
- TRIPS (Trade-Related Aspects of  
Intellectual Property Rights) 67
- trust 182
- turnover thresholds  
and EU competition policy system  
129–30, 131, 134, 155–6  
rules for competence allocation  
155–6, 173–8, 207–8, 209,  
211–12, 214, 215, 216, 235  
two-tiered turnover thresholds 155,  
176, 207
- UEMOA 229
- UNCTAD (United Nations Conference  
on Trade and Development) 142,  
148
- United Nations Draft Convention 136–7
- US antitrust system  
antitrust lawsuits 18, 35, 116–17  
bilateral cooperation 50–52, 138  
competence allocation 117–21, 149  
competition policy diffusion 75–6  
court system 219–20, 221  
effects doctrine 34–5, 36  
and EU merger reviews 99  
and Global Competition Initiative  
143  
and international cartels 14, 15, 16,  
17  
and international mergers 19, 20, 21  
interstate commerce clause 118–19,  
154–5  
investigation and enforcement of  
national competition laws 38  
jurisdictional conflicts and national  
competition policy 40–44, 45,  
46–7, 56–7, 169, 183  
as mandatory lead jurisdiction 231,  
232  
modernisation 120–21  
as multilevel system 116–17  
origins 116–17, 135  
private litigation 220  
and supranational governance 66  
and United Nations Draft Convention  
136, 137  
and WTO Competition Regime 63,  
138–9  
US Department of Justice 52, 143  
US Department of Justice, Antitrust  
Division 116, 117–18, 119
- Van Cayseele, Patrick 68, 70, 106
- variable costs 103
- vertical cartels 63
- vertical dimension 88–9, 90, 92, 94, 113  
*see also* horizontal and vertical  
competence allocation  
(dimension I)
- vertical externalities 97, 173, 174
- vertical institutional diversity 219
- vertical integration 21, 30, 41, 44
- vertical turnover thresholds 155, 156,  
173, 174, 175, 176, 177–8
- veto right 130, 131–2, 171
- virtual organisations *see* ICN  
(International Competition  
Network)
- vitamin cartels 16, 17, 35
- voluntary cooperation 102, 119, 141,  
142–9, 182–3, 185, 187  
*see also* ICN (International  
Competition Network)

- voluntary lead jurisdiction 165–6, 199–203, 208, 209, 210, 212, 213, 215, 216
- Vosgerau, Hans-Jürgen 100–101
- WBG (World Bank Group) 135, 148
- welfare effects
  - and decentralisation 222
  - and effects doctrine 169, 170, 171
  - and externalities in competence
    - allocation in multilevel systems 96, 97
  - and internalisation of externalities 102, 169
  - and international mergers 98, 99–100
  - and mandatory lead jurisdiction 203
  - and preferences 105, 171
  - and relevant markets rule 193
  - and turnover thresholds 176
  - see also* national welfare effects; world welfare effects
- WG Mergers 144, 145, 146
- WG (Working Group) on the Interaction of Trade and Competition 137–8, 140–41
- WGDP (world gross domestic product) 10, 11
- WGs (working groups), and ICN 144–7
- Willmann, Gerald 99–100
- Wilson, Joseph 235
- Wins, Henning 235
- World Economic Conference (Geneva) 135
- world welfare effects 1–2, 32, 57–61, 96–7, 98
- worldwide competition policy regime
  - adequacy 70–72
  - concept 64–5
  - public choice problems 67–70
  - supranational governance and national sovereignty 65–7
- Worm, Heike 16, 18, 235, 236
- WTO Competition Regime
  - competence allocation 140–43, 149
  - as global level model 226–7, 234–5
  - history 135–40
  - and international coordination of competition policy 148
  - and international trade, in regulatory competition 79
  - multilevel system analysis 140–42
  - and national sovereignty 66
  - origins 134–5
  - selection of lead jurisdiction 235
  - and strategic competition policies 62–4
  - see also* TRIPS (Trade-Related Aspects of Intellectual Property Rights)
- X-minus rule 231–2
- X-plus rule 163–4, 196–9, 207–8, 209, 211–12, 214, 215, 216, 222, 230, 231, 232–3
- yardstick competition 94, 185–7

