

# Contents

---

<i>List of contributors</i>	vii
<i>Preface</i>	viii
<i>Table of cases</i>	xiii
<i>Table of legislation</i>	xxiv

## PART I FAIRNESS AND EFFECTIVENESS IN ANTITRUST PROCEEDINGS

- 1 Substance and process in competition law and enforcement.  
Why we should care if it's not fair 3  
*Caron Beaton-Wells*
- 2 Effectiveness through fairness? 'Due process' as an institutional  
precondition for effective decentralized EU competition law  
enforcement 44  
*Pieter Van Cleynenbreugel*
- 3 'Human rights' protection for corporate antitrust defendants:  
are we not going overboard? 84  
*Albert Sanchez Graells and Francisco Marcos*
- 4 The emergence of a WTO antitrust jurisprudence through  
cross-fertilization from other international antitrust institutions: the  
case for procedural fairness as a necessary precondition 108  
*Amedeo Arena*

## PART II RIGHT TO DEFENSE AND RIGHT TO BE HEARD

- 5 Competition enforcement: a look at inspections 145  
*Maria De Benedetto*
- 6 The role of the Hearing Officer in antitrust cases. A critical  
assessment of the new mandate and practice after 2011 160  
*Giacomo Di Federico*
- 7 An elusive convergence – rights of defence in competition  
matters in the jurisprudence of the CJEU 182  
*Krystyna Kowalik-Bańczyk*

8	Into the parallel universe: procedural fairness in private litigation after the Damages Directive <i>Clifford A. Jones</i>	209
9	Fairness in state aid procedure: a contribution to the debate on the right to participate <i>Luboš Tichý and Petra Joanna Pipková</i>	231
PART III RIGHT TO JUDICIAL REVIEW		
10	Competition law enforcement: administrative versus judicial systems <i>Daniel Zimmer</i>	255
11	The fairness debate in the U.S. <i>Albert Foer</i>	265
12	The right of fair trial in competition law proceedings: <i>quo vadis</i> the courts of the new EU Member States? <i>Marco Botta and Alexandr Svetlicinii</i>	276
13	Deferential standard of judicial review in the light of Article 6 of the ECHR <i>Maciej Bernatt</i>	309
	Discussion report (CARS)	328
	<i>Name and subject index</i>	349