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# **Structural Versus Behavioral Remedies In The Deregulation**

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Structural Versus Behavioral Remedies In The predominance of behavioral remedies in antitrust cases stands in contrast to structural remedies mostly relied upon in merger investigations. This is surprising and begs the question of the consistency of the analytical framework used and the factors driving the Commission's remedies practice. STRUCTURAL vs. BEHAVIORAL REMEDIES Structural vs. Behavioral Remedies. The European Commission's remedial practice displays important differences in the type of remedies accepted in merger as opposed to antitrust cases. This paper briefly reviews the Commission's remedies practice over the last 14 years

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highlighting the differences and discussing inconsistencies. Structural vs. Behavioral Remedies - Competition Policy ... Structural versus behavioral remedies in the deregulation of electricity markets: An experimental investigation motivated by policy concerns 1. Introduction. Mitigating market power in the EU markets is a central problem faced by policy makers and regulators. 1... 2. Experimental design. As in ... Structural versus behavioral remedies in the deregulation ... Structural vs. Behavioral Remedies in Big Tech Sectors. In this short article, we evaluate the role of structural and behavioral remedies in big tech sectors. First, we highlight the prominence of structural solutions

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in recent policy debates, discussing both their limitations and their potential role in light of the economic and technological features of digital markets. Structural vs. Behavioral Remedies in Big Tech Sectors ... The European Commission prefers behavioral remedies to structural ones, stating: "Structural remedies should only be imposed either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for Structural versus Behavioral Remedies in the Deregulation ... Silvester van Koten & Andreas Ortmann, 2012. "Structural versus Behavioral Remedies in the Deregulation of Electricity Markets: An Experimental

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Investigation Guided by Theory and Policy Concerns," Discussion Papers 2012-36, School of Economics, The University of New South Wales. Structural versus Behavioral Remedies in the Deregulation ... We thus provide evidence that behavioral remedies may be more effective than structural ones. Our data hence suggest that competition authorities are well advised, in line with EU law (European Commission, 2006a, p.11), to focus on introducing, and facilitating the proper functioning of, forward markets rather than on lowering market concentration by divestiture. Structural Versus Behavioral Remedies in the Deregulation ... remedies (or the subsidiarity of structural remedies)

- The structural or behavioral

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nature of a remedy is immaterial as long as they are not equally effective. Only in this highly theoretical case when indeed they cannot be distinguished by the very criteria set forth in Article 7, does the Article suggest a preference for behavioral remedies Behavioral versus Structural Remedies under EU Law The remedy the government may seek is case dependent and fact-specific and the "touchstone principle for the [DOJ] in analyzing remedies is that a successful merger remedy must effectively preserve competition in the relevant market. That is the appropriate goal of merger enforcement." Read "Merger Remedies: Behavioral vs. Structural Solutions" Merger Remedies: Behavioral vs. Structural

Solutions Behavioural versus Structural Remedies in EU Competition Law Maier-Rigaud, Frank P. (2016) Behavioural versus Structural Remedies in EU Competition Law, chapter 7, 207-224 in: Philip Lowe, Mel Marquis and Giorgio Monti (eds.), European Competition Law Annual 2013, Effective and Legitimate Enforcement of Competition Law, Hart Publishing. Behavioural versus Structural Remedies in EU Competition ... : (1) structural remedies are a remedy of last resort, ie behavioural remedies would be insufficient; (2) structural remedies must be effective; and (3) structural remedies must be proportionate. 3 As stated by Wind (2005: 659), ' Priority is given to behavioural remedies, as structural

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remedies are used only if it is not possible to use the first ' .

Behavioural versus Structural Remedies in EU Competition Law Our data thus provides evidence that behavioral remedies may be more effective than structural remedies. Our data suggest that competition authorities are well advised, in line with EU law (European Commission, 2006a, p.11), to focus on introducing, and facilitating the proper functioning of, forward markets rather than on lowering market concentration by divestiture. Structural versus Behavioral Remedies in the Deregulation ... The literature contains several alternative definitions of structural versus behavioral remedies,<sup>3</sup> but most



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have at their core the following distinction: a structural remedy to an otherwise anticompetitive merger creates or preserves legally and operationally independent firms so as to maintain competition in the affected market. Behavioral Merger Remedies: Evaluation and Implications ... Structural Versus Behavioral Remedies in the Deregulation of Electricity Markets: An Experimental Investigation Guided by Theory and Policy Concerns Article in European Economic Review 64 · July ... Structural Versus Behavioral Remedies in the Deregulation ... the structural remedy was more successful than the behavioral remedy because the effect of market share of the previously larger incumbent producer on the

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wholesale price is statistically... (PDF) The Impact of Behavioral and Structural Remedies on ... That is not to say we would never accept behavioral remedies. In certain instances where an unlawful vertical transaction generates significant efficiencies that cannot be achieved without the merger or through a structural remedy, then there's a place for considering a behavioral remedy if it will completely cure the anticompetitive harms. Assistant Attorney General Makan Delrahim Delivers Keynote ... Structural Remedies, LLC specializes in crawl spaces, structural repair and other remodeling services provided throughout North Carolina. Since 1996 our small team has been trusted by homeowners, real estate

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professionals and engineers to ensure their projects are completed to the highest standards. Structural Remedies Structural remedies contrast with "conduct" or "behavioral" remedies, which also are intended to preserve competition, but through requirements that the merged firm commit to take certain business actions or refrain from certain business conduct going forward. In the past, the agencies generally have reserved conduct remedies for those few "vertical" deals they have challenged, where the merging parties are not horizontal competitors but compete at different levels of distribution. Federal Antitrust Enforcers Taking More Regulatory, but ... mergers can be best resolved

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by a structural remedy, while vertical mergers lend themselves to behavioural remedies or a combination of both. While such generalizations may be a useful starting point, each transaction should be evaluated based on its own merits. Remedies in Merger Cases 2011 - oecd.org He argues that behavioral remedies require ongoing oversight of an industry, including in fast-moving areas like pricing, that the Division is not structurally organized to perform. Indeed, many would argue in addition that the antitrust laws, by virtue of being law enforcement, are an explicit alternative to regulation.

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