

# Criminalising Cartels

Critical Studies of an International Regulatory Movement

*Edited by Caron Beaton-Wells and Ariel Ezrachi*

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Testing Orthodox Assumptions Underpinning Cartel Criminalisation

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Exploring the Political Economy of Cartel Criminalisation

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Future Challenges Facing Cartel Criminalisation on an International Scale

'These comments and analysis considerably enrich the debate on the criminalisation of cartels initiated by competition authorities and they provide the reader with numerous and invaluable insights about the complexity of the interface between competition enforcement and criminal law...This book is not only worth reading for any lawyer or economist interested in criminalisation of antitrust enforcement; it is required reading.' Foreword by Frederic Jenny, Professor of Economics, Essec Business School, Chair of the OECD Competition Committee

This book is inspired by the international movement towards the criminalisation of cartel conduct over the last decade. Led by US enforcers, criminalisation has been supported by a growing number of regulators and governments. It derives its support from the simple yet forceful proposition that criminal sanctions, particularly jail time, are the most effective deterrent to such activity. However, criminalisation is much more complex than that basic proposition suggests. There is complexity both in terms of the various forces that are driving and shaping the movement (economic, political and social) and in the effects on the various actors involved in it (government, enforcement agencies, the business community, judiciary, legal profession and general public). Featuring contributions from authors who have been at the forefront of the debate around the world, this substantial 19-chapter volume captures the richness of the criminalisation phenomenon and considers its implications for building an effective criminal cartel regime, particularly outside of the US. It adopts a range of approaches, including general theoretical perspectives (from criminal theory, economics, political science, regulation and criminology) and case-studies of the experience with the design and enforcement of existing or contemplated criminal cartel regimes in various jurisdictions (including in Australia, Canada, EU, Germany, Ireland and the UK). The book also explores the international dimensions of criminalisation - its specific practical consequences (such as increased potential for extradition) as well as its more general implications for trends of harmonisation or convergence in competition law and enforcement.

## **The Editors**

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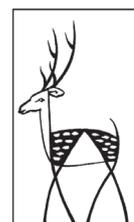
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