



The Enforcement of Competition Law in Europe (The Common Core of European Private Law)

Thomas M. J. Möllers, ANDREAS HEINEMANN

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In the debate on the enforcement of competition law, many take the view that Europe should avoid the traps US law has fallen into by admitting excessive litigation. European law should not pave the way for judicial proceedings which ultimately serve the interests of lawyers or other agents rather than injured parties. This inquiry describes the state of remedies in competition law in fifteen European countries, analyses the underlying determinants, and proposes ways of improving the enforcement of competition law. The International and European legal frameworks are presented, as is the approach of US-American law. It is argued that efforts to strengthen private enforcement of antitrust law should benefit from the rich European experience in unfair competition law. The divergence between the two fields of law is not so huge that a completely different treatment is justified. Thus, a specifically European way of competition law enforcement could be developed.

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