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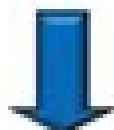


Dr. Jürgen Kühnen
Vors. Richter am OLG

Art. 101 AEUV



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chen



Unternehmen



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- wettbewerbsbeschr. Beschlüsse
- wettbewerbsbeschr. abgestimmte Verhaltensweisen
- die geeignet sind, den zwischenstaatlichen Handel zu beeinträchtigen
- und eine Wettbewerbsbeschränkung innerhalb des Gemeinsamen Marktes
- zu zwecken oder bewirken

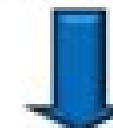
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Diskriminierungs- und
Behinderungsverbot



marktbeherrschende
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- auf dem Gemeinsamen Markt
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- sofern hierdurch der Handel zwischen den Mitgliedsstaaten beeinträchtigt werden kann

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Missbrauch Kosten Preis Scheren Europ Ischen Us Amerikanischen Kartellrecht

Wernhard Möschel

Missbrauch Kosten Preis Scheren Europ Ischen Us Amerikanischen Kartellrecht:

Die Kosten-Preis-Schere im EU-Kartellrecht Daniel Petzold, 2012-10 **Missbrauch von Marktmacht durch Kosten-Preis-Scheren im europäischen und US-amerikanischen Kartellrecht** Jan Henning Berg, 2015
Marktmächtige Unternehmen werden durch das Kartellrecht mit unterschiedlichen Restriktionen ihrer Preisgestaltungsfreiheit konfrontiert. Dazu gehört im europäischen Recht Art 102 AEUV inzwischen auch das Verbot der Kosten Preis Schere. Es sanktioniert einen zweiseitig wirkenden Preisdruck auf die Gewinnmargen von Konkurrenten wegen der mit ihm einhergehenden Verdrängungswirkung. Im Antitrustrecht der USA soll die Figur des price squeeze hingegen keine vergleichbar eigenständige Bedeutung als Fallgruppe verbotener Monopolisierungspraktiken haben. Die vorliegende Arbeit geht dieser ausgeprägten transatlantischen Divergenz der wettbewerbspolitischen Standpunkte nach und findet die Antworten in den Beziehungen zum sektorspezifischen Regulierungsrecht. Zugleich wird der europäische Ansatz ein eigenständiges Verbot der Kosten Preis Schere neben den bereits etablierten Fallgruppen des Missbrauchs anzuwenden einer kritischen wettbewerbspolitischen und rechtsdogmatischen Prüfung zugeföhrt. **Der Oligopolmissbrauch im Recht der Wettbewerbsbeschränkungen**
Wernhard Möschel, 1974 Die Kosten-Preis-Schere im Kartellrecht Katrin Henk-Merten, 2004

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