## Contents

T		4.08			:
List of figures				Xi	
List	of to	ables			xii
1.	Int	rodu	ction will redmoM deswri		1
72	1.		kground		1
	2.		earch methodology and out	line of the study	3
PAF	RT 1	EC	CONOMIC THEORY		
2.	Eco		ic theory on optimal deterro	ence and enforcement	9
	2.		ninal versus administrative	enforcement: error	188
	۷.	cost		and more and	11
	3.		ate versus public enforceme	EU law and carrel do tre 2.1 Winner determine	11
3.	Inc	lustri	al economics		14
	1.	Intr	oduction		14
	2.	Hist	corical overview		14
	3.	Eco	nomic models	2.4 Summary	21
		3.1	A simple static monopoly	model	21
		3.2	Cartels		24
	4.	Ind	ustrial economic insights reg	garding bid rigging	28
		4.1	Cartel formation		29
		4.2	Cartel stability		33
4.	An	ction	theory and collusion		36
112	1.		oduction		36
	2.		tion formats and underlying	assumptions	37
	3.		sons on collusion	assumptions and a surface of the sur	41
	٥.	3.1	Cartel formation		43
		3.2			55
	4.		oirical findings		58
	5.		cluding remarks		60
		001			-

## PART 2 LEGAL ANALYSIS

Eur	ope		65
5.	-	e effectiveness of the legal regime applicable to bid rigging	
	in	the European Union	66
	1.	Introduction	66
	2.	The legal framework applicable to bid rigging	66
		2.1 Undertakings	67
		2.2 Agreements	68
		2.3 Object or effect	69
		2.4 Effect on trade between Member States	71
		2.5 Exemptions bases of	72
	3.		74
		3.1 Introduction	74
		3.2 Public enforcement	74
		3.3 Private enforcement	85
	4.	Conclusion as the same sent territory no visuality income	87
		1 Introduction	
6.	Ap	oplication of auction theory in Europe	89
	1.	Introduction	89
	2.	EU law and cartel formation	89
		2.1 Winner determination and the distribution of	
		auction proceeds	89
		2.2 New entries	94
		2.3 The auctioneer's response	96
		2.4 Summary	102
	3.	EU law and cartel stability	104
		3.1 Summary	107
	4.	Conclusion Conclusion	107
Chir	na		109
7.	Th	e effectiveness of the legal regime applicable to bid rigging	
	in	China noizulloo bas vroedt notiou A	112
	1.	Introduction	112
	2.	The Anti-Unfair Competition Law	113
	3.	Anti-monopoly law in China	115
	4.	Penal Code mousemet long 1	124
	5.	Public procurement laws	125
	6.	Conclusion 22mlbml homomy 4	126
8.	Ap	oplication of auction theory in China	128
	1.	Introduction	128

Contents	ix

	2.	2.1 Winner determination and the distribution of	128
		auction proceeds	128
		2.2 New entries	129
	2	2.3 The auctioneer's response	130
	3.	Chinese public procurement laws and cartel stability	133
	4.	Concluding remarks	135
Japa	n		137
9.	Th	e effectiveness of the legal regime applicable to bid rigging	
	in .	Japan Translation of the San	142
	1.	Introduction	142
	2.	The legal framework applicable to bid rigging in Japan	142
		2.1 Tort law	143
		2.2 Anti-monopoly law	144
		2.3 Alternative legal measures	173
	3.	Conclusion and the state of the	176
10.	Th	e Japanese construction sector	178
100	1.	Introduction	178
	2.	Bid rigging in the construction industry	178
	3.	Japanese construction sector	184
		3.1 Introduction	184
		3.2 Labour, industry structure and prices	187
		3.3 Subcontracting	191
		3.4 Demand side	192
		3.5 Debt burden in the industry	205
		3.6 Concluding remarks	208
	4.	Conclusion	210
11.	Lir	nits of economic theories and concluding remarks	212
Ann	and	ix 1: Europe – an overview of public procurement law	217
App	1.		217
		The field of law	221
			222
	3.		222
		3.1 Personal scope	
		3.2 Thresholds	226
	1	3.3 Material scope	227
	4.	Substantive rules	228
		4.1 Public procurement procedures and purchasing formats	228
		TOTILLATS	220

<ul> <li>4.2 Rules on advertising and transparency</li> <li>4.3 Conduct of the procedure/eligibility for tender</li> <li>4.4 Award of the contract</li> <li>5. General rules</li> <li>6. Procurement reform</li> </ul> Appendix 2: China – an overview of public procurement law	232 236 238 241 241 243 243 244
4.4 Award of the contract  5. General rules  6. Procurement reform	238 241 241 243 243 244
<ul> <li>5. General rules</li> <li>6. Procurement reform</li> </ul>	241 241 243 243 244
	241 243 243 244
	243 243 244
	243 244
rependix 2. China – an overview of public procurement law	243 244
1. Introduction	244
2. Field of law	
3. Applicable law	244
3.1 Personal scope	
3.2 Thresholds noticebornel	245
3.3 Material scope	246
4. Substantive rules	246
4.1 Procurement procedures and purchasing formats	247
4.2 Rules on advertising and transparency	249
4.3 Eligibility of bidders	250
4.4 Award of the contract	252
5. General issues	253
Appendix 3: History of Japanese antitrust legislation	254
1. Introduction	254
2. Antitrust in the Occupation Era (1945–53)	255
2.1 The dissolution of control agencies	256
2.2 The Zaibatsu dissolution – 1947	257
2.3 The anti-monopoly law of 1947 and the implication	S
of the road to 1953	258
3. Developments between 1954 and 1958	267
4. Antitrust legislation in the 1960s (1959–70)	273
5. Antitrust in the 1970s (1971–76)	278
6. The structural depression of 1977 and antitrust in the	
1980s (1977–91)	288
6.1 The 1977 depression and the Depressed Industries	
Law	288
6.2 The Industry Structure Law of 1983 and thereafter	291
7. Conclusion	294
References	296
Index 50008 Israell 1.8	315