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normative status of these instruments is acknowledged, and how their effects are recognized.

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This article analyses whether and how competition soft law instruments are taken into consideration by the European Courts and the Advocates General. The quantitative analysis of the case-law reveals that even if arguments based on competition

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**(PDF) European Competition Soft
Law in European Courts: A ...**

Abstract: The recourse to soft law instruments in the competition law sector dates back to 1962. Even if arguments based on competition guidelines or notices were brought to court since early days, it is only during

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the last two decades that the European
Courts seem to take them seriously.

European Competition Soft Law in European Courts: A Matter ...

competition soft law could and should
become recognized by national courts of
law because that would contribute
positively to the enforcement system's

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goals of consistency and the
concomitant legal certainty and uniform
application. The empirical picture that
transpires, however, reveals

The judicial reception of competition soft law in the ...

- In-house counsels and lawyers can use soft law instruments both as a sword

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and a shield. Companies can, for example, rely on soft law in order to claim reductions in fines or even exoneration from liability. • A warning: The use of soft law is common at the European level, but not necessarily at the national level.

European Law: The Impact of Soft

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Soft law issued by the European Commission plays an important role in the area of EU competition law. Focusing on the legal effect of competition soft law as applied by Germany's national competition authority, the Bundeskartellamt, this contribution analyses how the authority pursues

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interpretational and decisional
objectives through references to
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Soft law instruments have been prominent in the field of EU Competition Law since the inception of regulatory activity in the late 1950s. They are issued unilaterally by the European Commission and are devoid of a legally binding force—namely, they do not constitute valid binding law.

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The instruments selected comprise all of the so-called 'substantive' Commission-issued competition soft law, namely: Communication from the Commission, Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-

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operation agreements, [2011] OJ C 11/1;
Communication from the Commission,
Notice - Guidelines on the application of
Article 81(3) of the Treaty, [2004] OJ C
101/97; Communication from the
Commission ...

Competition soft law in French and German courts: A ...

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II The Definition of Soft Law. 1. Hard and Soft Law. When law enforcers, especially judges in EU Member States' courts, come to decide cases, they are accustomed to consider various documents, involving (hard) law, soft law and sometimes other official policy documents that do not even reach the level of soft law.

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**ELTE Law Journal - The Legal Effects
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This work draws from accounts on the nature and legal effects of soft law instruments in EU and international law with the ultimate aim to construct a theoretical framework for recognition of EU competition soft law—guidelines,

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communications, notices, and the
like—in the judicial discourse of national
courts of the European Union.

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The EU courts make extensive use of soft law in sectors such as competition and state aid, 24 yet fail to engage with instruments issued from Open Method of Coordination (OMC) processes related to macroeconomic and employment policy coordination 25 with soft law having some impact on adjudication in the context of implementation of the Water

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Framework Directive. 26 Soft law is not
... European Union European

**Soft Law Before the European
Courts: Discovering a 'common ...**

Ten years after the decentralization of
EU competition law enforcement, this
paper aims to ascertain through
empirical means whether Commission-

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issued competition guidelines and
notices (soft law) actually help to
enhance enforcement consistency at the
national level.

Competition soft law in French and German courts: A ...

Following the decentralization of
competition law enforcement, which

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placed national courts on an equal footing with the EU courts in the application of EU competition law, the argument has been made that the stricter interpretation of Grimaldi serves to ensure the consistency of application of EU competition law. 23 Also in the context of competition policy, Lehmkuhl goes as far as suggesting ...

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**National Courts and European Soft
Law: Is Grimaldi Still ...**

This article analyses whether and how competition soft law instruments are taken into consideration by the European Courts and the Advocates General. The quantitative analysis of the case-law reveals that even if arguments

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based on competition guidelines or
notices were brought to court since the
early days of European law, it is only
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have been taken ...

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Stefan, Soft Law in Court: Competition

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Law, State Aid and the Court of Justice of
the European Union, and L. Senden, Soft
Law in European Community Law (Its
Relationship to Legislation). 53.

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of Justice of the European Union. [Oana
Ștefan] -- "Known under the generic
term of soft law, instruments that are
not legally binding but can produce legal
and practical effects are proliferating in
European competition and State aid law.
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