

# Reconsidering Antitrust's Goals – From a U.S. Perspective

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Maurice E. Stucke  
University of Tennessee College of Law

[mstucke@utk.edu](mailto:mstucke@utk.edu)



# Three Fundamental Questions

- What Is Competition?
- What Are the Goals of Competition Law?
- What Should be the Legal Standards to Promote These Goals



# Objectives of Competition Law

- In May 2007, the ICN published a survey of 33 members to identify their competition policy's objectives regarding unilateral (monopolistic) anti-competitive behavior.
- What emerged were the following 10 objectives:
  1. Ensuring an effective competitive process
  2. Promoting consumer welfare
  3. Enhancing efficiency
  4. Ensuring economic freedom
  5. Ensuring a level playing field for small and mid-sized enterprises
  6. Promoting fairness and equality
  7. Promoting consumer choice
  8. Achieving market integration
  9. Facilitating privatization and market liberalization
  10. Promoting competitiveness in international markets.



# Challenges for Competition Authority

- Rule of Law Concerns
  - *Accuracy* — the standard should minimize false positives and negatives;
  - *Administrability* — the standard should be easy to apply;
  - *Consistency* — the standard should yield predictable results;
  - *Objectivity* — the standard should leave no subjective input from the decision-makers;
  - *Applicability* — the standard should reach as wide a scope of conduct as possible; and
  - *Transparency* — the standard and its objectives should be understandable.

