

Joint Ventures Jurisdictional Comparisons

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16 September 2020. Wills and Estates - a jurisdictional comparison. Estate planning for high net worth clients is increasingly a cross-border exercise: with personal and business interests spanning the globe, close attention must be paid to the rules of succession that apply on the passing of family members.

Wills and Estates - a jurisdictional comparison | Carey Olsen

Joint ventures encompass a broad range of commercial operations, ranging from fully-fledged merger-like operations to co-operation limited to particular functions, such as production, distribution or research and development. This Practice note considers the treatment of joint ventures under both the EU Merger Regulation and Article 101 of the Treaty on the Functioning of the European Union.

Transactions and practices: EU Joint ventures | Practical Law

The Consolidated Jurisdictional Notice replaces the previous four jurisdictional Notices, all adopted by the Commission in 1998 under the previous Merger Regulation: Council Regulation No. 4064/89. ... 02.03.1998, p. 5), (ii) the Notice on the concept of full-function joint ventures (OJ C 66, 02.03.1998, p.1), (iii) the Notice on the concept of ...

Mergers - jurisdictional notices in merger control ...

The Q&A gives a high level overview of joint ventures law, including regulation of joint ventures, types of joint ventures permitted in the jurisdiction, whether corporate joint ventures are subject to the corporate law, formalities for formation and registration of joint ventures, statutory limits on duration, anti-trust rules, termination, rules relating to joint ventures with foreign ...

Joint ventures in Slovenia: overview | Practical Law

There are several high-profile examples of a joint venture party being adjudged liable for damage arising out of the operations of a joint venture as a consequence of inadequate contractual ...

Joint Ventures in the United Kingdom - Lexology

Contractual joint ventures are funded similarly: joint venture parties contract to provide a portion of the necessary capital for a correlative portion of the return. When a joint venture entity is...

A new book on merger control, edited by Van Bael & Bellis partners Jean-Francois Bellis and Porter Elliott, was published on 14 September 2011. The 820-page book, which is part of the European Lawyer Reference Series, provides an overview of the jurisdictional, procedural and substantive merger control rules in over 40 major jurisdictions worldwide. Leading firms from across the globe contributed to this book, which is among the most comprehensive of its kind on the market.

Merger Control is your comprehensive guide to this complex and fast evolving area, providing crucial insight into merger control regimes worldwide. Throughout this edition, and following the unique Getting the Deal Through format, the same key questions are answered by leading practitioners in each of the 71 jurisdictions featured. Edited by John Davies of Freshfields Bruckhaus Deringer, Merger Control provides in-depth comparative study of the topic from the perspective of leading experts in 71 jurisdictions and also features editorial chapters covering COMESA; the ICN in 2016-2017; recent economic applications in EU merger control: UPP and beyond; and the growing document burden: coordinating discovery in cross-border merger reviews. "The comprehensive range of guides produced by GTDT provides practitioners with an extremely useful resource when seeking an overview of key areas of law and policy in practice areas or jurisdictions which they may otherwise be unfamiliar with."; Gareth Webster, Centrica Energy E&P

"This volume includes selected chapters from the annual proceedings of the Fordham Corporate Law Institute. The general subject is the antitrust or competition law analysis of mergers, acquisitions and joint ventures which is a subject of increasing importance. In the last ten years there have been radical changes around the globe in the application of antitrust laws to mergers, acquisitions and joint ventures, including both domestic transactions and transborder transactions. For example, there has been a rabbiting proliferation of merger control systems which require premerger notification and entail global or world bars on closing. Today over 70 jurisdictions have merger control systems. Although differences continue to exist in the substantive tests and analyses, there is a gowing convergence with jurisdictions looking to prior and contemporaneous decisions and analyses in other jurisdictions, notably in the European Community and the United States. Thus most of the chapters focus on the antitrust treatment of merger and acquisitions under the EC Merger regulation and the Clayton Act.

The evolution of partnership forms is stimulated by powerful economic forces that can lead to widespread prosperity and wealth creation for a society. Given the importance of closely held firms in the United States and Europe, The Evolution of Legal Business Forms in Europe and the United States argues that partnership law should trouble itself less with historical and descriptive arguments about the legal rules and structure of the partnership form and focus much more on the new analytical apparatus of the economics of organizational form as well the fundamental economic learning that informs the debates on limited liability, partnership rules regarding management and control, conflict resolution and fiduciary duties. Introducing and extending the best available theories from law and economics, particularly those from the theory of the firm, This book?s analysis demonstrates that the patterns of European partnership law and its recent history are best understood from an economic and comparative law perspective. By examining the economic theories of the firm and the economics of organization choice, The Evolution of Legal Business Forms in Europe and the United States conceives partnership-type business forms as contractual entities. The key feature of the modern partnership form is that partners have significant flexibility and power to limit their liability, transfer all of their rights, and to freely exit the firm. Another key feature of partnership law is the insight that lawmakers should provide the rules and enforcement mechanisms to regulate the important relationships within the partnership. This book applies an efficiency test to determine which sets of default rules are likely to resolve the main problems in partnerships. Having identified partnership law with the economic theory of organization, The Evolution of Legal Business Forms in Europe and the United States then goes to argue that most of partnership law is directed at offering bundles of legal rules for different types of firms. Lawmakers should promote partnership rules that attract investors and can be expected to be efficient if they allow entrepreneurs to freely select the bundle of rules that best match their priorities. In a modern vision of partnership law, lawmakers promote economic welfare through creating non-mandatory rules that allow multiple businesses to switch to a favourable business form without significant costs. Jurisdictions plagued by falling incorporations and low levels of small and medium business activity, should abandon the mandatory and standardized framework and the `lock in? effect that it promotes, and focus on the mechanisms of legal evolution and rules that tend to mimic the market. This innovation work will have ramifications felt across European jurisdictions, and will be debated by a large audience of policymakers and academic lawyers involved in law reform. Moreover, the book will receive serious attention from students of law and economics, as well as practising lawyers involved in resolving complex issues of organizational law. Review (s) ?Vermeulen?s work makes a significant contribution to the dialogue between legal scholars and policy makers from Europe and the United States on the matter of business entity law reform. The volume is ambitious in scope, thoughtful in approach, and accurate in result. It shows a well-read and nuanced view of the recent American partnership law reform debates. He moves with assurance between different systems of law and analysis, and has a confident sense of what his diverse readers need to know to come to the ultimate discussion with a common sense of the issues and alternatives at hand. Vermeulen?s work should serve as a starting point for a robust discussion among scholars and policy makers.?

This dissertataion compares the approaches adopted in the EU competition law and the U.S.antitrust law towards joint ventures. The question is two-fold, including (i) the study of the specific problems raised by the strict conceptualisation of joint ventures under the EU policy, as compared to the U.S; and (ii) the possible insights the U.S. experience could offer in this area. This study demonstrates that the categorical approach in the EU has involved, over time, a number of specific issues that have been avoided in the U.S.. These relate, in particular, to the concepts employed to make the jurisdictional distinction between the mutually exclusive rules for mergers and horizontal agreements, which have caused a number of complications and led to unnecessary forum shopping. These differences are explained and their implications analysed in an attempt to help understand the approaches chosen and to explore how the EU policy could be further developed. It emerges from this comparison that some of the highly technical issues concerning the legal characterization of joint ventures have, over time, reflected more fundamental differences in the enforcement attitude towards industrial cooperation between competitors as compared to mergers, including a

different understanding of their effects on competition. This concerns, in particular, the controversial European concentration privilege favoring mergers and concentrative joint ventures over more limited cooperative alliances, whereas the U.S. enforcers have normally treated full integrations more suspect than partial ones. Inspiring from the insights learned by studying the US approach, this dissertation concludes with a recommendation to revisit and clarify the EU approach to joint ventures in two specific areas. First, it calls for an explanation on how the substantive analysis of joint ventures under Article 101 TFEU compares with that of mergers, particularly in relation to the assessment of market power. Second, it suggests that the fate of Article 2(4) EUMR concerning the treatment of spill-over collusion be reconsidered in the current framework, including a clarification of its current function and purpose, if any.

Master's Thesis from the year 2009 in the subject Law - Civil / Private / Trade / Anti Trust Law / Business Law, grade: A, University of Bremen, language: English, abstract: The recent trend of the global business has inspired me to carry out a research on phenomenon known as Joint Ventures. Nowadays global economy is complex, as companies and corporations with gorgeous experience and power overload the market. The Keen rivalry between the corporate entities builds insurmountable obstacles not only for individual persons or for novice companies with less competitive strength, but also for big companies intending either to enter a new market or to make a debut into the new product development. The most efficient tool, in case individual person or company is not capable of solely handling the successful accomplishment of a business objective, is to constitute alliance with another company or person, in other words, to acquire the urgent help. The work goes beyond the common definitions and reviews the subject in details, including significant examples and cases. It also includes the comparative analysis between the German and the English jurisdiction in range of the regulatory legislation for Joint Ventures. The reasons behind my decision to view mentioned systems as the regulatory legislation are, on the one hand, the diversification between these two jurisdictions and on the other hand the fact that both are the major representatives of their law systems. My aim while making the comparison between the two legislations was to show each possible characterization of the subject.

The Merger Control Review, edited by Ilene Knable Gotts of Wachtell, Lipton, Rosen & Katz, provides an overview of the process in 38 jurisdictions, as well as a discussion of recent decisions, strategic considerations and likely upcoming developments in Merger Control. Given the ability of most competition agencies with pre-merger notification laws to delay, and even block, a transaction, it is imperative to take each jurisdiction - small or large, new or mature - seriously. It is, therefore, imperative that counsel for such a transaction develops a comprehensive plan prior to, or immediately upon, execution of an agreement concerning where and when to file notification with competition authorities regarding such a transaction. The intended readership of this book comprises both in-house and outside counsel who may be involved in the competition review of cross-border transactions. In our endeavour to keep our readers well informed, we have expanded the jurisdictions covered by this book to include the newer regimes as well with several special chapters covering US, EU and Chinese Merger Control in Media and Pharmaceutical sectors. Contributors include: Susan Ning, King & Wood Mallesons; James Langenfeld, Navigant; Goenenc Guerkaynak, ELIG; Mr Jordan Ellison, Slaughter and May. Each country section provides an informative overview of recent and expected enforcement trends... A very useful book! - Jean-Yves Art, Associate General Counsel, Microsoft, Belgium

Joint Ventures in Europe, 3rd edition, provides a detailed overview of the key legal and commercial issues to consider when setting up a joint venture in a number of different jurisdictions in Europe. The new edition of this well respected text will enable you to compare and contrast the alternative joint venture structures of different jurisdictions. Each chapter follows a template making comparisons between jurisdictions logical and easy to follow. Detailed coverage on new jurisdictions The use of joint ventures is widespread in Europe and this book offers a practical guide to the selection and use of differing joint venture structures in twelve jurisdictions allowing you to compare and contrast the alternative joint venture structures.

Navigating the regulatory frameworks which apply to oil and gas projects around the world can be a complex challenge, particularly as industry investors continue to develop resources further and further afield. Written by experts from leading law firms across the world, Oil & Gas - A comparative guide to the regulation of oil and gas projects, provides a comprehensive comparative guide to the regulation of oil and gas projects in 17 key oil and gas producing jurisdictions of our time. It serves as an essential starting reference for understanding the vital elements of oil and gas regulation in those jurisdictions, covering licensing and approvals regimes, state participation rights, foreign investment restrictions, land access, taxation, environment, safety and much more.

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