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Competition Law and Human Rights

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Abstract

This paper explores the relationship between human rights and competition law. This paper provides a critical analysis of the impact of competition law on human rights. It examines the limits of competition law and their impact on business and human rights. Antitrust agreements are reviewed for their impact on prices and availability of goods and services, with particular attention to consumer protection.

The paper examines the principles of proportionality and necessity, the role of regulators and the importance of international cooperation in achieving this balance. The importance of regulatory mechanisms and international cooperation in managing this interaction is emphasized.

Keywords: antitrust law, consumer protection, monopoly, antimonopoly policy

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INTRODUCTION

Relevance of the topic. Human rights are the fundamental framework that recognizes the inherent dignity and equality of all people, protecting their freedom and well-being. Human rights, based on principles of justice and morality, have evolved over the centuries, adapting to the changing dynamics of society around the world.

Competition law is a critical legal framework designed to promote fair market dynamics, protect consumer interests and stimulate economic growth. This work examines the fundamental concepts, principles and international aspects of competition law and their impact on business, market dynamics and consumer welfare. This study delves into the limitations of competition law, examining its potential barriers to entrepreneurship and economic rights. Real-life case studies shed light on these limitations and provide insight into the delicate balance required to ensure strong competition without stifling innovation. The analysis extends to antitrust agreements, examining their impact on prices, market accessibility, and overall impact on economic rights. This paper shows how competition law protects consumer rights by addressing product quality, safety and fair pricing, while highlighting the key role that competition authorities play in protecting these economic rights. The intersection of human rights and competition law represents a dynamic environment in which antitrust regulation plays a critical role in combating discriminatory practices in markets. In addition, the role of states and international organizations in the protection of human rights in competition law and the experience of their effective cooperation are considered. It also proposes guidelines and practical measures to ensure the integration of human rights issues into competition law, taking into account both the challenges and potential benefits associated with their implementation. The balance between competition law and human rights requires a nuanced understanding of principles such as proportionality and necessity. The purpose of this discussion is to explore how these principles apply in different legal contexts and jurisdictions

Originality of the topic. This paper shows the key role of regulators in fair business opportunities, consumer protection, resolving conflicts between these two areas, and in addressing the problems they face and proposing potential solutions.

Tasks of the thesis. The main objectives of this work are:

1) analyze and understand the interaction between competition law and human rights.

2) identify and analyze problems arising at the intersection of competition law and

human rights.

3) assess the impact of competition law on human rights and vice versa

4) analyze the role of the state and international organizations in the context of human rights and competition law

Methods. To solve the above problems, the following research methods are used in this work:

- historical (examine the historical development of competition law and the human rights system, identifying key principles and concepts at various points in history. Learn how these two legal areas previously intersected and potentially interacted and conflicted, and what were the ways to resolve these situations.)

- descriptive (explain the concept of human rights, competition law, the concept of monopolies and their impact on the market)

- logical (evaluate case studies or real-life scenarios in which competition law and human rights collide or interact.)

- Systematic analysis (examine relevant international, regional and national laws and regulations regarding competition and human rights, the role of states and international organizations)

The most important sources. Universal Declaration of Human Rights, Treaty on the Functioning of the European Union, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Competition Act 1998, the United Nations Conference on Trade and Development, the World Trade Organization, the General Assembly and the United Nations Economic and Social Council, the Organization for Economic Co-operation and Development, International Competition Network,), Regulation (EC) No. 1/2003 and Directive 2011/83/EU, the Federal Trade Commission.

1. Human Rights: An Overview

1.1 Concept and content of human rights

The development of human rights and freedoms is an indispensable component of modern society. Human rights are closely related to the development of the state and are in constant development.

When we acknowledge the existence of human rights, we affirm that every person is entitled to certain fundamental rights simply by virtue of being human. Recognition of such rights appears in different forms in different cultures and in different historical periods. The modern understanding of human rights emerged after World War II, when the United Nations formed a committee in 1945 to draft the Universal Declaration of Human Rights. This document formalized the concept of universal human rights and the role of governments in protecting them. Subsequent documents, such as the International Covenant on Civil and Political Rights, the International Covenant on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child, further expanded these rights. Many constitutions and regional charters include these international rights, such as freedom of speech, freedom of religion and the right to a fair trial, making these tools necessary to enforce human rights law. (Michael Freeman (2011) p.5, Raija Hanski and Markku Suksi (1999) p.3-14)

The existence of human rights is a complex philosophical question. One way to understand how human rights arise is to view them as rules of national and international law that are created through a combination of statutes, customary practice, and judicial decisions. At the international level, human rights norms are established through treaties, which effectively turn them into international law. For example, the right not to be held in slavery or servitude, as set out in Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1950) and Article 8 of the International Covenant on Civil and Political Rights (UN, 1966) exist because these treaties expressly define and protect that right. At the national level, human rights norms become part of a country's legal framework through statutes, judicial decisions, or customs. For example, anti-slavery rights are recognized in the United States because the 13th Amendment to the U.S. Constitution expressly prohibits slavery and servitude. In national legal contexts, these rights are often referred to as civil or constitutional rights. The terminology used to describe these rights may differ depending on whether they are enshrined in international or national law, but the fundamental concept remains the same:

the protection of certain fundamental human rights that are necessary to ensure the dignity and well-being of people. within society. (Raija Hanski and Markku Suksi (1999))

Human rights are fundamental and inherent to all humans, regardless of their nationality or background. They are universal, applying to everyone equally, and can exist as both inherent and legal rights in national and international law. Human rights encompass various aspects of well-being, including physical, moral, social, and spiritual dimensions, and aim to protect individuals from injustice and inhuman acts by both state authorities and individuals. Human rights encompass civil, social, economic, and cultural rights and are supported by international declarations, conventions, and treaties, such as the Universal Declaration of Human Rights, Covenant on Civil and Political Rights, and Covenant on Economic, Social, and Cultural Rights. These rights are granted to individuals from birth to death and are inalienable, meaning they cannot be taken away. They are the foundation of our way of life, and we often only recognize their significance when they are violated or threatened. Human rights are essentially the claims that individuals can make to fully realize their inherent potential and lead dignified lives, as long as these claims do not infringe upon the rights of others or disrupt peaceful coexistence.(Michael Freeman (2011))

The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948 and is the first legal document defining fundamental human rights. It became the basis on which all subsequent international human rights laws are built. Its 30 articles serve as basic principles for the development of current and future human rights agreements, treaties and other legal instruments. Human rights are based on the principles:

– **Universality and inalienability:** The principle of universality of human rights states that every person, regardless of his origin, is inherently entitled to fundamental human rights. Human rights are considered inalienable, meaning that they cannot be arbitrarily abrogated or denied except under clearly defined circumstances and through proper legal procedures. Although human rights are universal, in certain cases they may be limited in accordance with established legal rules and principles.

– **Interdependent and indivisible.** The concept of indivisible and interdependent human rights emphasizes that civil and political rights should be considered in tandem with economic, social and cultural rights. When a society promotes civil and political rights, such as the rights to freedom of speech and voting, it creates an environment in which economic, social and cultural rights, such as the rights to education and adequate

health care, can be more effectively realized. Conversely, any violation of economic, social and cultural rights, such as denial of access to education or health care, can have detrimental consequences for other fundamental human rights, including the right to life and dignity.

– Equality and non-discrimination. In the realm of positive law, the principle of equality includes both equal treatment before the law and fair protection of the law. Take, for example, Article 26 of the International Covenant on Civil and Political Rights, which states that everyone must be treated equally before the law and receive fair protection without discrimination. Non-discrimination is a fundamental and overarching principle of international human rights law. This principle is found in all major human rights treaties and is a central theme of some international human rights conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The principle of non-discrimination is closely intertwined with the principle of equality, expressed in Article 1 of the Universal Declaration of Human Rights, which states: “All human beings are born free and equal in dignity and rights.”

– **Both rights and responsibilities:** All states around the world have taken steps to protect human rights by ratifying at least one of the nine core human rights treaties and one of the nine optional protocols. And 80% of states have ratified four or more of these treaties and protocols. These international agreements impose clear obligations and responsibilities on states under international law.(4.1)

– **Freedom, Reason and Conscience:** Article 1 of the Universal Declaration of Human Rights concerns human freedom, but also emphasizes human dignity, reason and conscience. Human rights should not be based solely on freedom as an absolute value. The concept of human rights focuses on individual development based on free choice. Possession of human rights does not depend on factors such as the ability to make free choices or think logically. Article 1 confirms that every human being is recognized as inherently free and rational. Raija Hanski and Markku Suksi (1999)

In summary, human rights are the inherent, inalienable and universal rights and freedoms to which all human beings are entitled by virtue of their humanity. It can also be said that human rights are a fundamental aspect of modern society, based on the principles of universality, inalienability, indivisibility, equality and inherent human dignity. They have evolved over time, from historical documents to the Universal Declaration of Human Rights, and continue to play an important role in protecting people

and building a just and equitable world.

1.2 History of Human Rights

The concept of inalienable human rights has deep historical roots that transcend different cultures and traditions. Throughout history, humanity has created systems to maintain justice. These values were transmitted orally and in writing. Human rights have evolved over many years to reach their current well-structured and legally recognized form. This historical development can be divided into three phases based on their growth and recognition.

The Magna Carta is considered the earliest human rights document. It was founded in 1215 by King John, confirmed by King Edward III and had 63 articles. Magna Carta became a widely cited document in defense of liberties because it represented a limitation on the king's power and recognition of the liberties and rights of others.

For example, Art. 39 of the Charter proclaimed a guarantee of personal and property protection from royal arbitrariness not only to the barons, but also to all free subjects. She also had a significant influence on the United States Constitution and the Bill of Rights..(4,5)

The French Revolution (1789-1799) was caused by many financial, economic, social and political factors. On August 26, 1789, the National Assembly approved the Declaration of the Rights of Man and the Citizen, which consisted of a preamble and 17 articles and stated that all citizens are equal before the law, have the right to freedom of speech and religion, and the right to participate in the formation of laws. The Declaration embraces the concept of the general will, asserting that the state must represent the collective will of its citizens and that laws require the consent of the people to be fairly executed.(4,7)

Following the end of World War II and the creation of the United Nations, world leaders were determined to improve the comprehensive framework for protecting the rights of people around the world. On December 10, 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), a document that acts as a global road map to freedom and equality, protecting the rights of every person around the world. For the first time, countries agreed on freedoms and rights that deserve universal protection so that everyone can live freely, equally and with dignity. The UDHR was developed by representatives of different countries with different legal and cultural backgrounds. Although this document is not a legally binding treaty, it has had a profound

influence on the development of international human rights law. It served as the basis for subsequent international agreements, treaties and conventions, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted in 1966. (Michael Freeman (2011) p.37-47)

In conclusion, the historical development of human rights reflects the ongoing struggle to define, protect and promote the inherent dignity and rights of all people. Major historical events, from revolutions to global conflicts, have played a decisive role in the formation of doctrines and institutions that protect human rights in the international arena. The ongoing journey to protect human rights reflects a collective commitment to building a world in which these rights are not just proclaimed, but upheld as the foundation of a just and compassionate society.

1.3 International Human Rights Instruments

International human rights instruments include treaties and various international texts that provide standards and principles that all countries are encouraged to adhere to, contributing to a shared commitment to protecting human rights at the international level.

In 1948, the UN General Assembly ratified the Universal Declaration of Human Rights (UDHR).

The declaration consists of the following:

- Article 1 of the Declaration states that all human beings are born with inherent freedom and equality in dignity and rights. They have reason and conscience, and they should treat each other in a spirit of brotherhood.

- Article 2 emphasizes that everyone has the same rights and freedoms as set out in the Declaration, without discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status business

- Articles 3-5 are dedicated to “personal security rights”: affirms the rights to life, liberty and security, prohibits slavery and the slave trade, torture and cruel treatment.

- Articles 6 to 12 deal with legal rights.

- Article 14 confirms that everyone has the right to seek asylum in other countries due to persecution, especially when large flows of refugees are involved.

- Article 16 states that men and women of full age have the right to marry and found a family without restrictions based on race, nationality or religion.-Article 17 deals with the right to property and states that everyone has the right to own property alone or

in association with others, and no one shall be arbitrarily deprived of his property.

– Articles 18–21 authorize so-called “constitutional freedoms”, as well as spiritual, social and political freedoms, such as freedom of thought, opinion, expression, religion and conscience, speech, peaceful association of individuals

– Articles 22–27 of the Universal Declaration of Human Rights establish and protect economic, social and cultural human rights, including aspects such as health.

– Articles 28–30 of the Universal Declaration of Human Rights define the general methods for the exercise of these rights, define the limitations of individual rights, emphasize the individual's duty to society, and prohibit the use of rights that are contrary to the purposes of the United Nations. (1.1)

In 1950, the General Assembly emphasized the interconnectedness of the various categories of human rights and called on the Commission to develop a single convention. Initially, Western states insisted on this approach. However, the direction later changed and two separate covenants were adopted in 1966: the International Covenant on Economic, Social and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR).(1.2)

CESCR, or the International Covenant on Economic, Social and Cultural Rights, recognizes that everyone has the right to work under Article 6. This includes the right to just and favorable conditions of work. For example, it ensures that workers have a safe and healthy workplace and receive fair pay for their work. In addition, stakeholders are required to take “appropriate steps” to protect the right to work. This includes implementing measures such as technical and vocational training, as well as adopting economic policies that promote sustainable economic development and ultimately the achievement of full employment. The essence of this right requires equal access to employment opportunities and protection of people from unfair dismissal, as well as the requirement to freely choose or accept work. Fundamentally, a commitment to the right to work involves not only creating employment opportunities, but also ensuring that conditions of employment are fair, non-discriminatory and respect the principles of freedom of choice or consent to work. The International Covenant on Economic, Social and Cultural Rights guarantees the right to education as set out in Article 13. This implies that everyone has the right to free and compulsory primary education, as well as equal opportunity to obtain higher education. Education is seen as a human right and as “an indispensable means of realizing other human rights” and is therefore one of the longest and most important articles of the Covenant. In addition, CESCR recognizes the right to adequate food (Article 11). It states that everyone has the right to be free from hunger and

have access to nutritious food. This includes ensuring that food is accessible, affordable and culturally appropriate..(1.3)

The International Covenant on Civil and Political Rights (CCPR) is a global treaty designed to protect civil and political rights. It recognizes the fundamental right to life as set out in Article 6. This provision extends to the protection against arbitrary deprivation of life, explicitly condemning extrajudicial killings and requiring State measures to prevent unlawful death. The UN Human Rights Committee interprets Article 6 as a call for the abolition of the death penalty, considering any progress in this direction as an advancement of this fundamental right.(1.4,1.5) Another important right enshrined in the CCPR is the right to freedom of expression, detailed in Article 19. It guarantees people the freedom to openly express their opinions, ideas and information. For example, it protects the rights of journalists to report news without censorship or interference and allows for peaceful protests and concerns. The CCPR also supports the right to a fair trial as set out in Article 14, which guarantees everyone the right to be heard by a competent, independent and impartial tribunal. This includes the right to legal representation, the presumption of innocence and safeguards against torture and ill-treatment. For example, it ensures that people accused of a crime have the opportunity to defend themselves and have access to a lawyer. Essentially, the CCPR establishes a framework for the protection of fundamental rights such as the right to life, freedom of expression and the right to a fair trial in the international arena.(1.4,1.6)

The International Covenant on Economic, Social and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR) are important global agreements with the common goal of protecting the rights of people around the world. These Covenants, ratified by many countries, reflect a collective commitment to the protection and promotion of human rights internationally. Together they form a comprehensive framework that touches various aspects of people's lives, ensuring the protection and promotion of their rights in economic, social, cultural and political dimensions. This collaborative approach emphasizes the interconnectedness and interdependence of different aspects of human rights, working in tandem to create more inclusive and robust protection of fundamental human rights around the world.

The UN serves as a vital platform (Article 1) where member states can come together to stimulate debate on human rights issues, share best practices and coordinate joint efforts for their effective implementation. The UN Human Rights Council serves as the focal point for monitoring member states. compliance with its obligations under international human rights law. This reflects a commitment to upholding human rights

standards throughout the world (Article 55). The Council uses mechanisms such as the Universal Periodic Review (Article 1) to conduct regular assessments of the human rights situation in each member state. This process facilitates dialogue (Article 56) and allows recommendations to be made aimed at improving their human rights practices, thereby emphasizing accountability and improvement..(1.7)

International human rights instruments: the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are central to the promotion of human rights. These documents collectively set out a set of principles and standards that countries are encouraged to adhere to. An integral part of this structure is the participation of international organizations, most notably the UN, which plays a critical role in promoting dialogue among countries, monitoring compliance with human rights obligations and supporting member states in their efforts to protect these rights.

1.4 Human Rights in the Twenty-first Century

After World War II, the creation of the United Nations (UN) in 1945 was a turning point in recognizing the need to protect fundamental human rights. In 1948, the Universal Declaration of Human Rights was adopted by the UN General Assembly, demonstrating the international community's commitment to protecting and promoting the rights of every person, transcending geopolitical boundaries and promoting a common understanding of the principles underlying human dignity. To consolidate and ensure compliance with these principles, the following international human rights treaties were concluded in 1966: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These treaties played a critical role in codifying and articulating the fundamental rights that countries committed to uphold while overcoming the political hostility of the Cold War era. (Michael Freeman (2011), pp.40-47)

Article 1 of the Universal Declaration of Human Rights declares that every human being is by nature born free and equal in dignity and rights. Article 1 serves as a fundamental premise that establishes a broader framework for the protection of human rights and international efforts to build peace. (1.1)

The 21st century has seen notable advances in the recognition and protection of human rights, marked by the creation of various international treaties, conventions and organizations dedicated to their promotion. In the 21st century, the right to freedom of

expression has become paramount, especially with the proliferation of social media platforms. The advent of social media has changed the communication landscape, providing people with unprecedented opportunities to share ideas, opinions and information. However, this newfound freedom also comes with challenges, such as combating misinformation, hate speech, and privacy concerns. (Michael Freeman (2011))

However, despite the progress achieved, challenges remain in realizing human rights in the 21st century. Challenges such as poverty, discrimination and conflict continue to pose significant barriers to the full and equal enjoyment of these rights for many people around the world. Economic inequality perpetuates poverty by limiting access to basic necessities and opportunities for large parts of the world's population. Discrimination on various grounds, including race, gender and ethnicity, remains a widespread problem that impedes the realization of equality and inclusion. Moreover, ongoing conflicts in various regions create conditions in which human rights are frequently violated, with civilians often bearing the brunt of the consequences..

In this century, protecting the rights of minorities is of paramount importance, recognizing the importance of respecting and valuing diversity as a means of building an inclusive and just society. Recognizing and protecting the rights of minority groups is essential to building a society in which everyone, regardless of their background, has equal opportunities and fair treatment. This involves recognizing and protecting the unique cultural, linguistic and religious identities of minority groups, ensuring their voices are heard and their rights are respected.

Gender equality is a pressing human rights issue in the twenty-first century, requiring concerted efforts to eliminate gender-based discrimination and violence while striving to achieve equal opportunity for all. The pursuit of gender equality involves a wide range of issues, including overcoming stereotypes, biases and systemic barriers that have historically marginalized women. Efforts to promote gender equality go beyond legal frameworks and embrace cultural and social norms. This involves challenging and breaking down ingrained stereotypes that perpetuate discrimination and limit opportunities for people based on gender. Combating gender-based violence is a critical component that requires measures to prevent, address and eradicate various forms of violence and harassment.(4.8)

The role of civil society organizations and individuals in protecting human rights is indispensable. They often act as watchdogs, investigating and exposing abuses and advocating for policies that promote and protect human rights. Through their activism, these organizations help raise awareness, mobilize public support and influence policy

changes both nationally and internationally. Individuals, as part of civil society, also play a key role in protecting human rights. Through activism, awareness campaigns and civic engagement, people contribute to the development of a collective consciousness that values and prioritizes human rights. Active citizen participation strengthens the demand for accountability and reinforces the idea that protecting human rights is a shared responsibility. (4.9)

In conclusion, the 21st century has witnessed significant advances in the recognition and protection of human rights, marked by the creation of international treaties, conventions and organizations committed to their promotion. The fundamental principles enshrined in documents such as the Universal Declaration of Human Rights underscore a collective commitment to upholding the inherent dignity and equality of all people across geopolitical boundaries. Despite these achievements, challenges remain, ranging from poverty and discrimination to ongoing conflicts that impede the full realization of human rights. Efforts to address these problems require coordinated action at both the national and international levels, including policy changes, social initiatives and diplomatic intervention. The importance of protecting the rights of minorities in building an inclusive society and recognizing the value of diversity is emphasized in the context of building a world in which everyone can contribute and thrive. Likewise, gender equality remains a pressing issue, requiring efforts to eliminate discrimination and violence while striving for equal opportunities. As such, the protection and promotion of human rights remains critical to the formation of a just, equitable and inclusive global society, which requires continued commitment and cooperation to overcome the ongoing challenges of the 21st century.

2. Competition Law: An Overview

2.1 Concept and content of competition law

Competition law, as a fundamental concept, aims to protect the competitive process with the primary goal of promoting consumer welfare. There are now more than 100 different competition law systems around the world, now covering economic activity. Sectors such as telecommunications, energy, liberal arts, sports and media, transport, broadcasting and postal services have come under scrutiny under competition law. The main problem of competition policy is the damage to consumer welfare caused by firms with market power. Such harm can manifest itself through actions such as cutting production, raising prices, reducing product quality, stifling innovation, and limiting consumer choice. These problems are not easily solved by a set of rigid rules such as those contained in tax laws. Instead, competition analysis typically requires an assessment of market power, which requires a thorough understanding of relevant economic concepts.

Competition law is a legal field that aims to encourage and uphold fair competition in the marketplace by overseeing and controlling any unfair practices carried out by businesses. This area of law involves both government authorities and private individuals taking action to enforce these regulations. It is often referred to as antitrust law or anti-monopoly law, and it includes activities like advocating for measures to prevent monopolistic behavior or taking legal actions against companies that engage in such behavior, a process commonly referred to as trust busting. (Richard Whish and David Bailey (2012) p.3-10)

Competition law primarily focuses on addressing practices that harm the competitive process, and it involves the following key areas:

–Anti-Competitive Agreements: Competition law is horizontal agreements when they are concluded between competitors. Such price-fixing or market-sharing agreements can result in severe penalties, including imprisonment in some legal systems. Vertical agreements made between firms at different market levels, such as retail price maintenance, can also be challenged if they harm competition, although they are usually less harmful than horizontal agreements..

–Abusive Behavior: Competition law can condemn monopolists or dominant firms with significant market power when they engage in abusive behavior. For instance, if a dominant firm lowers prices below cost to eliminate competitors (predatory pricing), it

can be deemed anticompetitive.

–Mergers: Many competition laws empower authorities to investigate mergers between firms that might harm competition. This is especially relevant when one company seeks to acquire its primary competitor, potentially reducing consumer choice and leading to higher prices. In some cases, mergers require approval from the relevant competition authority before they can proceed.

–State Involvement: Competition law recognizes that government actions and regulations can restrict or distort competition. Some competition laws grant competition authorities the authority to examine and address public restrictions on competition, including legislative measures, regulations, licensing rules, and subsidies. Competition authorities may engage in "competition advocacy" by recommending the removal of such restrictions to promote competition in the public interest.(Richard Whish and David Bailey (2012))

Competition policy in the European Union is governed by a comprehensive legal framework aimed at fostering fair competition and preventing monopolistic behavior. EU competition law is outlined in Chapter 1 of Title VII of Part Three of the Treaty on the Functioning of the European Union (TFEU), comprising Articles 101 to 109. These provisions should be considered in conjunction with the objectives and principles set forth in the TFEU and the Treaty on European Union (TEU). Article 3(3) TEU emphasizes the goal of establishing a highly competitive social market economy and an internal market that prevents distortion of competition, as detailed in Protocol 27.

The policy guidelines are the key pillars of European competition law:

–Cartels (Article 101 TFEU): Article 101 prohibits anti-competitive agreements and practices, such as price-fixing, market-sharing, and collusion, that may harm competition in the EU. The European Commission investigates and sanctions companies engaging in such activities. The objective is to ensure that businesses compete fairly and that consumers benefit from a competitive market.

– Market Dominance (Article 102 TFEU): Article 102 addresses the abuse of dominant market positions. It prevents dominant firms from engaging in practices that stifle competition, like predatory pricing or exclusionary behavior. The aim is to maintain fair competition and protect consumers from the negative effects of monopolies or dominant players exploiting their market power.

–Mergers (EU Merger Control): The EU has established a comprehensive framework for reviewing and regulating mergers, acquisitions, and joint ventures that meet certain thresholds. This framework aims to prevent concentrations that could

significantly impede competition in the EU.

–State Aid (Article 107 TFEU): EU competition law restricts government subsidies and aid that could distort competition. State aid is subject to approval from the European Commission to ensure a level playing field. This includes monitoring the financial assistance provided by EU Member States to companies. (1.9)

In addition to these fundamental areas, there are also various regulations and directives that provide more detailed rules and procedures for the application of competition law in specific situations. The European Commission in Brussels plays a central role in EU competition policy. It handles fact-finding, takes action against law violations, imposes penalties, and develops policy initiatives. The Commissioner for Competition oversees these matters, and certain decisions can be made by them directly. The Commission also collaborates internationally on competition policy. DG COMP, the Directorate of the Commission for competition policy, manages various aspects. Its website is a valuable resource with information on antitrust, mergers, state aid, and more. It includes updates, legislation, case details, and statistics. There are specific sections for sectors like agriculture, energy, and financial services, along with consumer information. The European Competition Network (ECN), comprising the Commission and national authorities, enforces competition rules. DG COMP's Annual Management Plan outlines objectives, and the Annual Report provides policy and enforcement insights. The Chief Competition Economist reports to the Director General, and the directorate units handle specific sectors and cases. The overall goal is to foster a competitive and integrated internal market, promoting economic efficiency and consumer welfare across the European Union.

State Law Enforcement Agencies apply the Competition Law in a manner consistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950. In particular, the right to a fair trial, the presumption of innocence, the right to respect for private life and the right to peaceful enjoyment of property, as set out in the Convention, are important in competition law. Section 60 of the Competition Act is intended to ensure consistency in the application of EU and domestic competition law.

The Enterprise Act 2002 is a significant piece of legislation that introduced a number of changes to domestic competition law and gave the Competition Commission (CC) the highest decision-making powers in the areas of mergers and market investigations. At this time, the Office of Fair Trading (OFT) and the Competition Appeal Tribunal (CAT) were created with appellate and judicial review functions. The Enterprise

Act introduced new provisions for merger and market investigations and strengthened the Competition Act 1998 with several improvements. It introduced a new and separate criminal offense of "cartel offence", which, if charged, could carry a prison sentence of up to five years and/or an unlimited fine. The law also allowed for the disqualification of company directors who knew or should have known about competition law violations committed by their companies. In addition, it facilitated the operation of private competition law.

The Competition and Markets Authority (CMA) is responsible for enforcing competition law in the public interest. It was formed by the merger of the Office of Fair Trading and the Competition Commission under the Business and Regulatory Reform Act 2013 Part 3. The main objectives of competition law are to promote consumer welfare and serve the public interest. The CMA has the power to investigate and collect information about activities that may breach competition law. In addition, the CMA reviews anti-competitive agreements and abuses of market power, selects important cases for investigation and has the power to impose legally binding remedies. Failure to comply with these remedies may result in fines or disqualification of directors. The most severe form of anti-competitive agreement is a cartel, in which businesses agree not to compete at all. Cartels are considered a criminal offense and not a civil matter. The CMA is responsible for referring suspected cartels to the criminal courts to prevent and punish these serious breaches of competition law..(4.10)

2.2 Principles and Objectives of competition law

To maintain a level playing field, governments around the world have enacted antitrust laws, which aim to create a level playing field by ensuring that no one entity dominates the market to the detriment of competition and consumer choice. The fundamental principles and objectives of competition law are concerned with ensuring competitiveness of markets, protection of consumers and maximization of economic efficiency.

In the European Union (EU), Article 101 of the Treaty on the Functioning of the European Union (TFEU) provides a regulatory framework that expressly prohibits anti-competitive agreements between companies. Within the United Nations (UN), the United Nations Conference on Trade and Development (UNCTAD) plays a key role in recognizing the importance of competition policy as a catalyst for economic development. UNCTAD recognizes that the adoption of competition laws is essential to create a level

playing field in which businesses can compete on the basis of merit and innovation without facing unfair barriers or discriminatory practices. For example, in 2018, the EU fined Google €4.34 billion for abusing its dominant position in the mobile phone market by imposing restrictions on Android device manufacturers. This enforcement action was aimed at creating a competitive environment in the mobile operating systems market.

(1.8, 1.10, 3.1)

This legislation, specifically set out in Article 102 of the Treaty on the Functioning of the European Union (TFEU), aims to combat the abuse of a dominant market position. In the European Union (EU), practices such as predatory pricing, non-commercial and binding agreements are considered anti-competitive and aimed at maintaining a competitive market. The UN Consumer Guidelines play a critical role in the international arena by advocating measures to prevent anti-competitive practices that could lead to dominance by a few companies. Thus, competition law, enshrined in European Union treaties, United Nations guidelines and supported by real-life examples, is a powerful tool for promoting market competition. This law helps stimulate innovation and prevent the harmful effects of monopolies on consumer welfare. (1.8)

Competition law serves to protect the interests of consumers, the main purpose of which is to ensure diverse choice, competitive prices and access to high-quality products or services. In the European Union, the regulatory framework for this purpose is set out in Article 102 of the Treaty on the Functioning of the European Union (TFEU). This article specifically addresses the issue of abuses by dominant companies that have a detrimental effect on consumers. Predatory pricing involves strategically lowering prices to a level at which competitors cannot sustain their operations, ultimately leading to less market competition. Discriminatory practices refer to actions taken by dominant companies to unfairly favor certain customers or partners, thereby preventing fair competition in the market. The UN Guidelines on Global Consumer Protection emphasize the important role of competition policy in protecting consumer interests. These principles emphasize the need to prevent anti-competitive practices that may lead to higher prices, limited choice, or the provision of inferior goods and services. (Richard Whish and David Bailey (2012), 1.8)

In the European Union, the principles of allocative efficiency are enshrined in competition law, in particular, as already mentioned, in Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). Both of these aspects of antitrust law are aimed at creating conditions for the efficient functioning of the market and protecting the interests of consumers. By encouraging competition and preventing the abuse of a

dominant position, EU laws help create an environment in which businesses are encouraged to find efficient production methods and provide better goods and services. On the global stage, the United Nations Conference on Trade and Development (UNCTAD) places great emphasis on competition policy as a means of improving the efficiency of resource allocation. The adoption of competition laws becomes an integral part of UNCTAD's strategy aimed at sustainable and balanced development of the world economy. (Richard Whish and David Bailey (2012))

Finally, it should be noted that the principles and objectives of competition law as set out in international agreements, European Union treaties and United Nations conventions are aimed at establishing a competitive market environment. This environment is designed to benefit consumers, stimulate innovation and promote economic efficiency. These principles are supported by concrete examples from real life and are aimed at creating a fair and dynamic global market.

2.3 International Framework of competition law

There are several international agreements and organizations related to competition law. These agreements and organizations aim to promote fair competition and prevent anti-competitive practices on a global scale. Prominent organizations in this area include the United Nations Conference on Trade and Development (UNCTAD), the Organization for Economic Co-operation and Development (OECD), the World Trade Organization (WTO) and the International Competition Network (ICN). Together, these organizations and agreements form a dynamic and interconnected system aimed at strengthening the foundations of fair competition on a global scale. They promote the development of common principles, promote dialogue between countries and provide mechanisms for addressing emerging competition law issues. (2.4)

The United Nations Conference on Trade and Development (UNCTAD) is an international organization under the United Nations that promotes the interests of developing countries in global trade. It was created in 1964 by the United Nations General Assembly and is accountable to both the General Assembly and the United Nations Economic and Social Council (ECOSOC). UNCTAD, with 195 member states, collaborates with non-governmental organizations around the world and has a permanent secretariat in Geneva, Switzerland. UNCTAD plays a key role in developing policies covering a wide range of development aspects, including trade, aid, transport, finance and technology. The creation of UNCTAD was prompted by developing countries' concerns

that existing global institutions such as the GATT (now replaced by the World Trade Organization), the International Monetary Fund (IMF) and the World Bank were unable to adequately address the unique challenges facing countries. UNCTAD provides an important platform for these developing countries to engage in discussions and work together to address challenges related to their economic development..(2.4, 4.11)

The United Nations Conference on Trade and Development (UNCTAD) has several critical functions:

- Integrated Approach Coordinator: UNCTAD serves as the primary focal point within the United Nations for addressing interlinked trade and development issues. This includes areas such as finance, technology, investment and sustainability, with a focus on a holistic approach to these important aspects.

- Forum for intergovernmental discussions: UNCTAD provides a platform for intergovernmental discussions and debates, sharing experiences.

- Research, policy analysis and data collection: UNCTAD conducts research, policy analysis and data collection to contribute significantly to the discussions of experts and government representatives. This function ensures that informed and informed views are presented in intergovernmental discussions.

- Promoting cooperation: the organization promotes cooperation with other organizations and donor countries that offer technical assistance tailored to the specific needs of developing countries. Particular attention is paid to least developed countries and countries in economic transition. The UNCTAD secretariat collaborates with member governments, interacts with UN organizations and regional commissions, and interacts with government agencies, non-governmental organizations and the private sector around the world, including trade and industrial research institutes and universities. UNCTAD is a visible symbol of the UN's commitment to promoting the economic and social development of all people around the world. (4.11)

One of UNCTAD's first and most notable achievements was the development and implementation of the GSP, which offered special tariff concessions for the exports of manufactured goods by developing countries. Accepting this argument, developed countries have formulated the GSP scheme, under which exports of manufacturers and imports of certain agricultural commodities from developing countries are imported into developed countries duty-free or at reduced rates.(4.11, 4.12)

The Organization for Economic Co-operation and Development (OECD) is an international intergovernmental economic organization uniting 38 countries with market economies. Its main goal is to promote cooperation among member countries, as well as

interaction with more than 70 non-member economies. The organization strives to promote economic growth, prosperity and sustainable development through joint efforts and joint initiatives. The OECD, with its comprehensive approach to economic policy, is expanding its influence on competition issues. These collaborative efforts provide a stronger and more coordinated response to the challenges posed by cross-border competition, ultimately promoting fair and competitive business practices around the world.(4.13)

The World Trade Organization (WTO) is an intergovernmental organization whose mission is to regulate and facilitate international trade. Governments, through effective cooperation within the United Nations system, use the WTO as a platform for setting, reviewing and enforcing the rules governing global trade. The WTO promotes a level playing field for all WTO members, and ensures that imported goods are treated as favorably as local goods. The WTO approach recognizes the critical link between competition policy and global trade. Although the WTO primarily focuses on trade-related aspects, it recognizes the importance of competition law in promoting open and competitive markets by influencing the negotiation and implementation of trade agreements. The WTO acts as a mechanism to ensure that countries adhere to the principles of fairness and fair play in the global marketplace.(2.4)

The International Competition Network (ICN) is a collaborative, informal global network established in 2001 to promote cooperation among competition law authorities around the world. It arose from recommendations made in the Final Report of the International Competition Policy Advisory Committee (ICPAC) to the Attorney General and the Assistant Attorney General for Antitrust, commonly known as the ICPAC Report. The report highlights the potential benefits of increased collaboration with international partners to coordinate enforcement efforts and share information on global competition policy. Its primary mission is to promote international cooperation in the area of competition law enforcement. Through this network, member states focus their efforts exclusively on promoting and facilitating coordination of competition enforcement activities on a global scale. The International Competition Network (ICN) serves as a global platform for competition authorities to promote cooperation, dialogue and best practice in competition law enforcement. competition. By facilitating communication between different jurisdictions, the ITUC plays a critical role in shaping a common international approach to competition issues. By promoting collaboration and information exchange, ICN contributes to the development of a holistic strategy for addressing and managing competition issues on a global scale..

These agreements and organizations play a critical role in harmonizing competition laws around the world. They provide a platform for countries to discuss and share best practices, share information and collaborate on enforcement activities. For example, the WTO Agreement prohibits certain types of subsidies that distort international trade, ensuring a level playing field for cross-border business. The harmonization of competition laws between countries is influenced by different legal systems and cultural differences that exist between countries. This results in differences in the interpretation and application of competition laws. Another problem is differences in economic structures and levels of development between countries. Some countries may have different priorities and goals when it comes to competition policy. To address these challenges, international organizations and agreements place special emphasis on capacity building and provision of technical assistance to member countries..(2.4)

In conclusion, the international competition law system is a complex but important network of cooperation and coordination. Through the efforts of organizations such as UNCTAD, OECD, WTO and ICN, the global community strives to create a fair and competitive business environment, transcending national borders and promoting economic prosperity around the world. While harmonizing competition laws between countries is challenging due to legal, cultural and economic differences, international cooperation and capacity-building efforts are helping to bridge these gaps and create a more level playing field for businesses around the world.

2.4 The relationship between competition law and human rights

The key objectives of the Competition Act are to reduce prices and increase production volumes, benefit individual end consumers and maintain a competitive market environment. It is noteworthy that antitrust law purports to be indifferent to the identities of the winners and losers in the competitive process. It tends to exclude from its consideration considerations of distributive justice, environmental issues, or human rights because they are perceived to be outside the scope of its goals..(2.5)

Competition policy is a fundamental aspect of the responsibilities of the European Union, which requires the establishment and operation of an effective framework for its implementation. In this regard, the European Commission has significant fact-finding and sanctioning powers. Council Regulation No. 1/2003 specifically provides the legal basis for the application of antitrust remedies. The 2003 reform further facilitated the decentralized application of Articles 101 and 102 TFEU in individual cases, facilitating

the participation of national competition authorities and courts while increasing cooperation between competent authorities.(Andreangeli, A. (2009))

Conflicts may arise between competition law and human rights regarding restrictions on competition, dominant market players and consumer welfare.

Conflict in relation to restrictions on competition may arise when rules aimed at ensuring fair competition may clash with the implementation of specific human rights. For example, restrictions on mergers and acquisitions designed to promote fair competition may conflict with property rights or economic freedoms, as reflected in relevant articles of the European Union and United Nations regulations. The European Union's view on restrictions on competition is that Article 101 of the Treaty on the Functioning of the European Union (TFEU) expressly prohibits anti-competitive agreements and concerted practices. However, it is important to note that these restrictions must strike a balance with fundamental rights such as the right to property, which is the mandate of Article 17 of the Charter of Fundamental Rights of the European Union and Article 16, which states that "freedom of enterprise in the Union is recognized in accordance with the laws and practice." Restrictions on mergers and acquisitions may come into question when they interfere with these rights. From a United Nations (UN) perspective, the Guiding Principles on Business in the Context of Human Rights emphasize that states must ensure that their competition policies do not violate human rights. In addition, businesses must actively respect human rights within their operations. This means that business structures and enterprise actions must not negatively impact fundamental human rights, and they must act in accordance with the principles of protecting these rights.(2.5) In conclusion, there is an understanding in both the European Union and the UN that restrictions on competition must be embedded in a human rights context, thereby ensuring a balanced and ethically oriented approach to business practices and competitiveness.

In the context of market competition and the right to do business, there is a certain tension between the measures taken by the European Union (EU) and the view of the United Nations (UN). The EU's view on dominant market players and the right to do business is that Article 102 of the Treaty on the Functioning of the European Union (TFEU) explicitly prohibits the abuse of a dominant position. Interventions against such players must, however, respect the principles established by Article 16 of the Charter of the European Union. This article recognizes the right to do business and to economic freedom, providing a framework for ensuring a fair balance between competition law and business freedom. If any measures taken against a dominant player restrict its right to

carry on business without objective necessity, this may contravene Article 16 of the Charter. From a UN perspective, the guidelines emphasize that businesses should avoid abusing their market power. At the same time, they must respect the right to conduct business without undue interference. This approach emphasizes the importance of maintaining a balanced approach to market intervention, allowing entrepreneurs the freedom to conduct their business, subject to competition rules and respect for consumer rights. (1.9, 2.5) Thus, both the EU and the UN emphasize the importance of balancing competition and business rights, seeking to prevent the abuse of market dominance while maintaining essential economic freedoms.

Another potential conflict arises in the balance between consumer welfare and broader public interests. Competition law may encounter tensions when addressing broader social rights, such as the right to work or access to basic services. The European Union places particular emphasis on consumer welfare through its competition law. According to Article 102 of the Treaty on the Functioning of the European Union, the focus is on protecting the interests of consumers and preventing abuse by dominant undertakings in the internal market. A commitment to fair competition and consumer protection is part of the EU's strategy to create a stable and prosperous society. However, while recognizing the importance of social rights, the European Charter of Human Rights recognizes the need to take into account a wide range of social aspects. According to Article 15 of the Charter, everyone has the right to work, which emphasizes the importance of ensuring employment and decent working conditions. In addition, Article 36 guarantees the right of access to public welfare services, including health, education and social security. It becomes important for the EU to find a balance between protecting consumer rights and taking into account wider social issues. The United Nations adopts the International Covenant on Economic, Social and Cultural Rights, which emphasizes the importance of social aspects in global politics. Article 6 of this Covenant recognizes the right to work, which includes not only employment opportunities, but also just and favorable conditions of work. This provides the fundamental principle that every person should have the opportunity to work in conditions consistent with their dignity. Article 11 of the International Covenant draws attention to the right to an adequate standard of living, including the right to adequate housing, food, clothing and adequate medical care. (1.9, Andreangeli, A. (2009))

3. Impact of competition law on human rights

3.1 Limitations of competition law and their impact on entrepreneurship and human rights

Competition laws, aimed at maintaining fair market competition and preventing anti-competitive practices, play an important role in promoting entrepreneurship and protecting economic rights. However, there are certain restrictions on the scope of application of this law. These restrictions, depending on specific circumstances, may have a multidirectional impact on entrepreneurs and their economic rights..

Market power gives businesses the ability to raise prices and limit competition. These include various methods such as limiting production, stifling innovation, and reducing product variety. In perfect competition there is no market power, but in pure monopoly one firm has complete control of the market. Competition laws place particular emphasis on “substantial market power”, which applies when there is a dominant position. Anti-competitive behavior, such as the creation of monopolies or cartels, can significantly affect various aspects of the economy and society. From a consumer perspective, the consequences of anti-competitive practices are obvious in the form of higher prices and limited choice. Consumers may find themselves with fewer choices and may be forced to pay exorbitant prices for essential products.

The right to an adequate standard of living, as articulated in international instruments such as the Universal Declaration of Human Rights (Article 25) and the International Covenant on Economic, Social and Cultural Rights (Article 11), includes access to the basic elements of well-being. life, including food, clothing, shelter and healthcare. However, market distortions resulting from anticompetitive practices can significantly limit people's ability to afford these basic necessities. In the context of Article 25 of the Universal Declaration of Human Rights, which declares that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, market dynamics play a crucial role. Distortion of markets due to anti-competitive behavior creates barriers to the realization of this fundamental human right. (1.1) Moreover, Article 11 of the International Covenant on Economic, Social and Cultural Rights emphasizes the importance of ensuring an adequate standard of living. However, anticompetitive practices in the marketplace can exacerbate inequality and limit the availability and affordability of these essential components of a good life.(1.3) Legally, such practices are often regulated by antitrust laws and regulations. European

Union (EU) competition law provides many measures and instruments to regulate market power.

Effectively overcoming market power and preventing exploitation requires a comprehensive strategy that includes legal frameworks, regulators and international cooperation. It is critical to enact robust antitrust laws, ensure their strict enforcement, and promote global initiatives that promote fair competition. This multifaceted approach is necessary to protect both consumer well-being and human rights in the face of complex economic challenges.

Article 151 TFEU underlines the European Union's commitment to promoting improved working conditions. It recognizes the importance of ensuring adequate social protection for workers and emphasizes the importance of dialogue between employers and workers. These principles are based on the desire to create a fair and inclusive labor market within the EU. In the context of Article 151, the principles of social policy of the European Union may include the improvement of working conditions through various measures, such as the regulation of working hours, ensuring equality of opportunity and combating discrimination, social protection, including social insurance and support systems for those in need. (1.9) The emphasis on improving working conditions underlines the EU's recognition of the importance of creating a safe, healthy and supportive working environment in the workplace. This includes access to healthcare, unemployment benefits and pensions, all aimed at providing a comprehensive system of support for people throughout their professional lives. A clear example of the European Union's commitment to combating worker exploitation is Directive 2019/1152, which focuses on transparent and predictable working conditions. The main objective of Directive 2019/1152 is to create a framework that increases transparency and predictability of working conditions. This is achieved by requiring employers to provide employees with clear and understandable information about material aspects of their employment, including, but not limited to, terms and conditions of employment, working hours and remuneration. By requiring transparent communication of conditions of employment, the EU aims to level the playing field and reduce the likelihood of exploitation arising from information asymmetries between employers and workers. (1.11, 4.14)

To summarize, competition law is vital to promoting fair market competition and protecting economic rights, but it has limitations that can impact business and human rights. The bargaining power of businesses can lead to anti-competitive practices that affect consumers and exacerbate economic inequality, the consequences of which extend

to the enjoyment of basic human rights. In addressing the challenges of market power, exploitation and precarious work, a comprehensive strategy that includes a strong legal framework, effective enforcement and international cooperation is critical. This multifaceted approach is necessary to advance economic justice, protect human rights, and create an enabling environment for both consumers and workers in the face of complex economic challenges.

3.2 Prohibitions on antitrust agreements and their impact on prices and availability of goods and services

Antitrust laws are regulations that encourage competition by limiting the market power of any particular firm. This often includes ensuring that mergers and acquisitions do not lead to excessive concentration of market power or the formation of monopolies, and breaking up firms that have become monopolies. Antitrust laws also prevent multiple firms from colluding or forming a cartel to restrict competition through methods such as price fixing. Antitrust laws are designed to ensure competition in the market, prevent restrictions on free trade and protect the interests of consumers. These rules prohibit certain agreements and practices that may restrict trade, restrict competition, or lead to anticompetitive behavior. The impact of antitrust regulation on prices, market competition, and consumer access to goods and services is multifaceted and varies depending on individual cases and enforcement.

In the European Union (EU), the Treaty on the Functioning of the European Union (TFEU) contains provisions relating to competition policy. Article 101 TFEU prohibits anti-competitive agreements, including those that directly or indirectly fix prices, limit or control production and allocate markets. The European Commission, as the EU competition authority, has taken action against companies engaging in anti-competitive practices.

Another example is the antitrust case involving Qualcomm. The European Commission found that Qualcomm engaged in anti-competitive practices by abusing its dominant position in the global LTE baseband chipset market between 2011 and 2016 by entering into unfair agreements with smartphone manufacturers to exclude competitors. Qualcomm's market share exceeding 90% during this period and high barriers to entry contributed to its dominance. The company allegedly discouraged competition by providing significant payments to a key customer conditional on exclusive use of Qualcomm chipsets. The point was not a short-term price reduction for the customer, but

a condition of exclusivity that prevented competitors from competing. The commission found evidence, including internal Apple documents, indicating that Qualcomm's payments reduced Apple's incentive to consider alternative suppliers. Given Apple's significant share of the LTE chipset market and its influence over other manufacturers, Qualcomm's actions have impacted the entire market, limiting consumer choice and innovation. Qualcomm failed to demonstrate any effectiveness under the exclusivity condition, and the Commission rejected the price-value test proposed by Qualcomm. Consequently, the Commission concluded that Qualcomm's actions had a significant adverse effect on competition by excluding competitors from the market and depriving European consumers of genuine choice and innovation. (3.2)

The Federal Trade Commission (FTC) and the Antitrust Division of the U.S. Department of Justice (DOJ) jointly enforce federal antitrust laws with certain additional powers. Both agencies have developed expertise in specific industries or markets. Before an investigation begins, agencies collaborate to prevent duplication of efforts. FTC investigations may be initiated by pre-merger notices, consumer or business correspondence, congressional inquiries, or articles on consumer or economic issues. These investigations are usually closed and aimed at protecting the parties involved. The FTC may seek a preliminary injunction to temporarily stop the proposed merger, maintaining the competitive status quo in the market. The Federal Trade Commission may refer evidence of criminal antitrust violations to the Department of Justice, which has sole authority to impose criminal sanctions. The Department of Justice has exclusive antitrust jurisdiction over certain industries, such as telecommunications, banks, railroads, and airlines. Some mergers require approval from other regulatory agencies based on a “public interest” standard, and the FTC or DOJ cooperates with these agencies to support their competitive analysis..(4.15)

In conclusion, antitrust laws play a critical role in promoting competition, preventing the concentration of market power and protecting consumer interests. The European Union and the United States have created a comprehensive regulatory framework, such as the Treaty on the Functioning of the European Union (TFEU), as well as enforcement efforts by the Federal Trade Commission (FTC) and the Antitrust Division of the United States Department of Justice (DOJ) to ensure fair business practices and protect markets from anti-competitive behavior. The impact of antitrust law is evident in notable cases such as the Qualcomm case. Both the EU and the US use a range of enforcement mechanisms, including consent orders, administrative proceedings and injunctions, to address antitrust concerns. The goal is to maintain competitive markets,

prevent monopolistic behavior, and ensure consumers have access to a variety of goods and services. Cooperation between regulatory agencies such as the Federal Trade Commission and the Department of Justice is critical to effective enforcement, and investigations may be initiated for a variety of reasons, including pre-merger notifications, consumer complaints and congressional requests. The ability to seek preliminary injunctions allows regulators to quickly intervene in proposed mergers that may pose a threat to market competition.

3.3 Competition law and protection of consumer rights

Competition and consumer protection play a direct and key role in promoting economic growth and poverty reduction. The presence of healthy competition serves as a catalyst for innovation, productivity and competitiveness, thereby making a significant contribution to creating an efficient business environment. This, in turn, promotes economic growth and job creation. A thriving competitive environment is also creating opportunities for small and medium-sized enterprises (SMEs). This removal of barriers not only promotes inclusion, but also reduces the likelihood of corruption, helping to create a more transparent and fair business environment. A competitive market increases the country's attractiveness as a favorable business destination, stimulating both domestic and foreign investment, which in turn promotes economic development and strengthens the country's financial stability. The benefits of competition extend beyond the business sphere and directly affect consumers. In the context of the European Union (EU) and international standards set by the United Nations (UN), various legal frameworks and regulations promote the protection of the economic rights of consumers. Both competition law and consumer protection law deal with distortions in the market, which are assumed to be caused by the interaction between supply and demand.(1.12)

In the European Union (EU), the main legal framework aimed at addressing these problems is contained in Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). Article 101 TFEU prohibits anti-competitive agreements between undertakings whose purpose or effect is to prevent, restrict or distort intra-EU competition. Such agreements can harm consumers by limiting choice, raising prices, or reducing product quality. Article 102 TFEU prohibits a company from abusing a dominant market position that could harm consumers by restricting competition and stifling innovation. Unfair pricing practices, monopolistic behavior or consumer exploitation may fall within this provision.(Richard Whisch and David Bailey (2012),

Andreangeli, A. (2009)) Regulation (EU) No 330/2010 establishes a block exemption for specific vertical agreements to facilitate the establishment of efficient distribution networks and guarantee consumers access to a diverse range of products. This regulatory framework seeks to strike a delicate balance by promoting pro-competitive agreements that benefit both businesses and consumers while preventing anti-competitive practices. By providing this exception, the regulation recognizes the importance of cooperative efforts within vertical relationships that result in increased product availability, market efficiency, and consumer choice. This means recognizing that not all agreements between manufacturers and distributors are inherently anti-competitive; some of them can actually make a positive contribution to market dynamics. (4.16)

The European Commission's Directorate General for Competition (DG Competition) plays a crucial role in ensuring fair competition in the European Union. The DG Competition's main responsibilities include investigating and taking action to combat anti-competitive behavior at EU level. This includes practices such as cartels, abuse of dominant market positions and mergers that may harm competition in the single market. In 2018, the European Commission imposed a €4.34 billion fine on Google as a result of the Commission finding that Google had abused its dominant position in the mobile phone market. The specific violation was the imposition of illegal restrictions on both Android device manufacturers and mobile operators. By using anti-competitive practices such as illegal restrictions, the Commission sought to create a more level playing field for businesses and stimulate innovation in the mobile industry. (3.1) In the European Union, enforcement of competition rules requires more than just the Directorate General of Competition (DG Competition). at European Commission level, but also requires the active participation of national competition authorities (NCAs) in each Member State. These NCAs play a crucial role in ensuring the effective implementation of competition regulations in their countries. Working together, the NCA and the European Commission strive to effectively address cross-border issues, thereby maintaining a fair and competitive environment throughout the European Union. This cooperation system is necessary to respect the principles of fair competition and ensure a level playing field for businesses operating in the EU. (Andreangeli, A. (2009)) Such cooperation ensures that competition authorities are well informed about the situation in the local market and can jointly address any problems related to the impact of the merger on competition. The Treaty on the Functioning of the European Union (TFEU) provides the legal basis for competition policy within the EU. It gives the Directorate General of Competition (DG Competition) and National Competition Authorities (NCAs) powers to enforce

competition-related rules. The main purpose of the treaty is to promote the creation of a single market by discouraging any practice that might impede the free flow of goods and services between member states by prohibiting anti-competitive behavior.(4.16, Andreangeli, A. (2009))

Two key directives, namely the Consumer Rights Directive (2011/83/EU) and the Product Liability Directive (85/374/EEC), play a key role in ensuring consumer protection in the European Union.

The Consumer Rights Directive, adopted in 2011, aims to empower consumers by providing them with comprehensive information about products and services. This directive requires businesses to provide consumers with clear and transparent information about the goods or services they offer. In addition to the Consumer Rights Directive, the Product Liability Directive, adopted in 1985, addresses the issue of defective products and their potential harm to consumers. This directive establishes a strict liability regime, holding manufacturers liable for any harm caused by their defective products. This means that consumers who suffer injury or damage due to a defective product can seek compensation without having to prove negligence on the part of the manufacturer..(1.13)

The Product Liability Directive, adopted in 1985, is a comprehensive legal framework of the European Union establishing a strict liability regime specifically designed for defective products. Under this directive, manufacturers are required to carefully ensure that their products meet the required safety standards. The main purpose of the directive is to strengthen consumer protection by creating a reliable mechanism to ensure that manufacturers are held accountable for the safety of their products. By setting clear and non-negotiable standards, the directive aims to reduce the risks associated with defective products, ensuring the well-being of consumers throughout the European Union..(4.17)

In conclusion, the European Union's strong legal framework in the areas of competition and consumer law underlines its commitment to promoting economic growth, innovation and the well-being of its citizens. Through the application of Articles 101 and 102 of the Treaty on the Functioning of the European Union, as well as regulations such as (EC) No 330/2010, the EU seeks to promote fair competition, prevent anti-competitive practices and promote cooperation agreements. . In addition, the Consumer Rights Directive and the Product Liability Directive play a key role in protecting consumers' rights by providing them with comprehensive information, specific rights and a strict liability regime for defective products.

4. Human rights in the context of competition law

4.1 Antitrust regulation and prevention of discrimination

Antitrust laws are a set of laws that the government establishes to maintain a fair balance of economic power in business. These rules are designed to limit monopolistic behavior, stimulate market competition, and ensure that businesses operate in ways that benefit consumers. Antitrust laws help combat discrimination by ensuring a level playing field for all market participants. For example, the Sherman Act in the US reflects a commitment to equal opportunity and the prevention of discrimination in business.(4.18) Article 101 of the Treaty on the Functioning of the European Union (TFEU) prohibits anti-competitive agreements between undertakings that may affect trade between EU member states. Discriminatory agreements, such as those based on race or gender, may be considered anticompetitive if they distort or restrict competition in the market. EU competition rules therefore provide a legal framework to combat discrimination by prohibiting anti-competitive agreements and the abuse of dominant market positions. These provisions promote a competitive environment in which businesses can prosper on their own merits rather than through discriminatory practices (Richard Wisch and David Bailey (2012), 4.19)

Price discrimination is a business strategy in which consumers are charged different prices for the same goods or services. In this approach, sellers set prices based on their perception of what each individual buyer is willing to pay. Pure price discrimination occurs when a seller charges each buyer the maximum price he is willing to pay.(4.19) In the EU, these laws, particularly those enshrined in Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU), are specifically designed to promoting fair competition and limiting practices that may impede or distort market competition. For example, Article 101 TFEU prohibits agreements between companies that restrict competition. Article 102 TFEU concerns the abuse of a dominant market position. These legal provisions underline the EU's commitment to promoting fair competition and protecting consumers from practices that could undermine market dynamics and consumer welfare.

Predatory pricing is a strategy used by a company to deliberately set prices at unsustainable levels below cost in order to drive competitors out of the market. The EU has rules to prevent anti-competitive behavior, including predatory pricing, which could harm competition and lead to the creation of a monopoly market. Under EU law,

predatory pricing falls under Article 102 of the Treaty on the Functioning of the European Union (TFEU), which prohibits the abuse of a dominant market position. (1.8, Richard Wish and David Bailey (2012)) According to the EU In the approach, predatory pricing occurs when a dominant company deliberately sets prices below cost with the intention of driving competitors out of the market. By doing this, the dominant company subsequently seeks to raise prices and maintain a monopoly position. The European Commission is responsible for enforcing competition laws and closely monitors cases of predatory pricing. (4.19) Amazon is a prime example. By consistently offering books at lower prices than competitors, Amazon has reportedly captured 90% of the global market. According to EU law, predatory pricing violates Article 102 TFEU, which prohibits the abuse of a dominant market position.

It is important to recognize that while competition rules in the European Union can address certain aspects of market discrimination, they are not a comprehensive solution. Other laws and policies specifically designed to combat discrimination, such as civil rights laws, play a key role in combating systemic discrimination and promoting equality. In the EU, directives such as the Equal Treatment Directive (2006/54/EC) play an important role in combating discrimination on various grounds, including gender, race and religion. This directive aims to ensure equal treatment in employment and occupation, emphasizing the prohibition of direct and indirect discrimination. The interaction between competition rules and directives such as the Equal Treatment Directive creates a comprehensive approach to combating discrimination. Together, these legal frameworks contribute to a more robust strategy for promoting equality and combating discrimination in the European market. (1.14)

In conclusion, antitrust regulations play a critical role in combating discriminatory practices by promoting fair competition, prohibiting agreements that lead to discrimination, and preventing monopolistic behavior. Laws such as the Sherman Act in the US and Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) actively combat agreements and conduct that may lead to discrimination on the basis of protected characteristics. Antitrust laws cover various forms of discrimination, including price discrimination and predatory pricing. Price discrimination, where consumers are charged different prices for the same goods or services, is carefully controlled by antitrust laws to ensure fair competition. Similarly, predatory pricing – a strategy to drive competitors out of the market – is considered an abuse of dominant market position and is prohibited under EU law.

4.2 The role of the state and international organizations

The interface between competition law and human rights is a critical area that requires careful consideration by governments and international organizations. Both laws are intended to promote a fair and equitable environment, with competition law focusing on market dynamics and human rights addressing fundamental individual and collective freedoms. Competition law, while primarily aimed at ensuring fair market practices, can affect various aspects of human rights, such as economic opportunity, consumer welfare, and the general welfare of society. This multi-faceted relationship includes policy formulation, joint efforts and the implementation of best practices to create a fair and competitive global economic platform.

Governments and international organizations play a critical role in protecting human rights through competition law and are involved in creating and enforcing rules that prevent unfair business practices and promote healthy competition in the marketplace. In doing so, they promote human rights by ensuring that individuals and businesses are treated fairly and that everyone has equal opportunity to participate in the economy. These efforts are aimed at maintaining a level playing field, preventing monopolies and creating an environment..

In the European Union (EU), competition law enforcement is a critical function performed by member state governments. In the context of the EU legal framework, significant changes occurred with the promulgation of the EU Charter of Fundamental Rights (“the Charter”) in 2000. The Charter initially served as a non-binding political document aimed at raising awareness of EU rights. fundamental rights in the European Union. However, a fundamental change occurred in 2009 with the adoption of the Lisbon Treaty, which gave the Charter clear and binding legal force. Article 6 of the Treaty on European Union (TEU) describes this transformation:

“The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, adapted in Strasbourg on 12 December 2007, which has the same legal force as the Treaties. The provisions of the Charter do not in any way extend the competence of the Union as defined in the Treaties. The rights, freedoms and principles of the Charter shall be interpreted in accordance with the general provisions of Section VII of the Charter governing its interpretation and application, and taking into account the explanations given in the Charter establishing the sources of these provisions. “Simply put, this article establishes that the Union formally recognizes the rights, freedoms and principles set out in the

Charter, giving them equal legal status with the Treaties themselves.(2.7)

In the European Union, the key laws governing competition are contained in the Treaty on the Functioning of the European Union (TFEU), which focuses on Articles 101 and 102. Article 101 aims to prevent agreements and practices that are detrimental to fair competition in the European Union. It prohibits transactions or cooperation between enterprises that may distort the market. (1.15) Article 102 deals with the prevention and punishment of abuse of a dominant market position. It places the responsibility on governments to implement measures to prevent and punish such abuses. (1.16) Regulation (EC) No 1/2003 is the key legal framework of the European Union with a significant impact on the competitive environment. This regulation gives national competition authorities the power to enforce EU competition rules, facilitating the creation of a joint alliance between these authorities and the European Commission. The main objective of Regulation (EC) No 1/2003 is to strengthen cooperation between the Commission and Member States, aimed at uniform and effective application of competition rules throughout the EU. (Andreangeli, A. (2009)) In addition, the EU has taken steps to protect consumer rights through directives such as the Consumer Rights Directive 2011/83/EU. This directive aims to protect consumers from unfair business practices by setting rules on key aspects such as pre-contractual information, delivery processes and the right of withdrawal. Simply put, it ensures that consumers receive clear information before making a purchase, defines the rules for the delivery of goods or services, and gives consumers the right to change their minds within a certain period of time. These measures aim to create a fair and transparent environment for consumers when transacting within the European Union. (1.13) Thus, the EU uses legal instruments such as the Treaty on the Functioning of the European Union (TFEU), Regulation (EC) No. 1/2003 and Directive 2011/83/EU, allowing governments to maintain and enforce competition laws, monitor markets and ensure consumer protection from unfair business practices.

International organizations also play a critical role in ensuring human rights under competition law. International organizations such as the World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD) play a critical role in promoting and protecting human rights in the area of competition law. The United Nations, through its various bodies and instruments, sets principles and standards to guide countries in developing and implementing competition policies. The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, is the most important document in this context. Article 23 of the UDHR

emphasizes the importance of the right to work and the right to just and favorable conditions of work. (4.21) The United Nations Conference on Trade and Development (UNCTAD) plays a key role in promoting global cooperation on competition issues. In its reports and resolutions, UNCTAD emphasizes the importance of competition policies that actively support sustainable development and human well-being. (4.22) The World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) contains provisions aimed at protecting competition and combating anti-competitive practices in the field of intellectual property. (2.4) In summary, international organizations such as the WTO and UNCTAD promote the development of common principles and standards of competition law, bringing them into line with broader UN frameworks such as the UDHR and the Guiding Principles on Business and Human Rights, to ensure the protection of rights human in the context of global economic competition.

In conclusion, the primary responsibility for protecting human rights in competition law lies with governments and international organizations. Governments play a critical role in both the design and enforcement of competition laws, serving as the primary creators of the legal framework governing fair competition. At the same time, international organizations offer a platform for cooperation that facilitates cooperation between countries, supporting countries in their efforts to develop and implement sound competition laws. It is through this synergistic cooperation that governments and international organizations strive to ensure that competition remains equal, free from discrimination and becomes a driving force for the protection of human rights.

4.3 Measures to ensure respect for human rights under competition law

To ensure respect for human rights under competition law, practical steps can be taken to align the legal framework with international standards. One key approach is to include clear human rights provisions in competition laws. These provisions must be in accordance with established international standards and treaties (eg the Universal Declaration of Human Rights). In addition, competition regulators may consider human rights issues in their decision-making process.

Competition authorities may assess the potential human rights implications of their decisions and actions. These assessments will include an analysis of the impact on various stakeholders such as consumers, workers and vulnerable groups. The European Commission, in accordance with Article 101 EC, has recognized the importance of

incorporating human rights impact assessments into its activities. (1.15) To implement this approach, competition authorities can conduct a comprehensive human rights impact assessment (HRIA). This methodology involves a detailed analysis of how their decisions and actions may impact various stakeholders such as consumers, employees and marginalized communities. The purpose of the HRIA process is to identify potential human rights risks associated with a particular decision or action. This review helps competition authorities anticipate and address potential human rights issues associated with their regulatory decisions.(4.23)

Competition law serves as a powerful tool for promoting and protecting human rights by creating an environment that encourages innovation, ensures product quality, maintains fair prices and facilitates access to essential services. The UN Guiding Principles on Business and Human Rights explicitly recognize the potential of competition policy to promote the realization of human rights (UN Guiding Principles). These principles emphasize the importance of creating a regulatory framework that encourages healthy competition between businesses, creating an environment in which companies are forced to improve their products and services to meet consumer needs. Articles 15 and 23 of the Universal Declaration of Human Rights emphasize the importance of the right to work and the right to desirable employment. These rights can be effectively promoted by creating a competitive labor market that encourages innovation, efficiency and equal opportunity for people seeking work. Moreover, Article 25 emphasizes the right to an adequate standard of living. (1.1) By preventing anti-competitive practices and monopolistic behavior, governments play a critical role in promoting economic, social and cultural rights. This includes supporting the right to work as articulated in Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Government's commitment to fair competition creates an environment where people have the opportunity to engage in meaningful employment, helping to realize this fundamental right. Likewise, governments promote the right to an adequate standard of living, as set out in Article 7 of the ICESCR, by curbing anti-competitive practices and preventing the emergence of monopolies. By creating a competitive economic environment, governments support job creation, encourage innovation and promote fair access to markets. This in turn improves the overall well-being of individuals and communities, strengthening the protection of the right to an adequate standard of living as provided for in the ICESCR. (1.17) In conclusion, competition law is a multifaceted tool that governments can use to achieve their human rights goals..

Collaboration between competition authorities and human rights institutions is critical to developing a comprehensive understanding of the intersection of competition law and human rights. This cooperation can facilitate joint initiatives, exchange of experiences and the development of guidelines specifically addressing human rights issues, in accordance with the principles set out in the EU Charter of Fundamental Rights. Such cooperation not only improves the effectiveness of the regulatory framework, but also contributes to the development of a harmonized approach to striking a balance between the objectives of competition law and the protection of fundamental human rights (4.1).

Article 6 of the EU Charter of Fundamental Rights recognizes the right to freedom and security. This provision emphasizes the importance of protecting freedom and protecting people. It is vital that any restrictions imposed by competition regulations are subject to careful scrutiny to ensure that they do not unfairly harm people's freedom and safety. This collaborative approach helps strike a balance between promoting fair competition and protecting fundamental human rights, while bringing regulations into line compliance with the principles enshrined in the EU Charter of Fundamental Rights.

In addition, Article 7 of the EU Charter guarantees the right to respect for private and family life..(1.1, 1.18)

The Charter, enshrined in the 2009 Lisbon Treaty, clearly defines a range of civil, political, economic and social rights afforded to EU citizens. In the area of competition law, which is governed by a balance between promoting market efficiency and protecting consumer welfare, it is important to take into account the principles of the Charter. Article 47, for example, guarantees the right to an effective remedy and a fair trial, emphasizing the importance of due process in competition proceedings. In addition, Article 17 on the right to property emphasizes the need for a detailed approach to competition policy that ensures respect for the property rights of individuals and legal entities. Using the EU Charter of Fundamental Rights as a guiding framework, joint initiatives between competition authorities and human rights institutions can help develop policies that strike the optimal balance between promoting healthy competition and protecting human rights. Efforts such as these strengthen the overall commitment to a more comprehensive and nuanced approach to policy-making in the European Union.(1.18)

5. Balancing Competition Law and Human Rights

5.1 Proportionality and Necessity

The European legal system emphasizes the need to strike a fair balance between the promotion of competition necessary for the functioning of the market and the protection of fundamental human rights.

Proportionality, a fundamental principle of competition law, requires that any restrictions on competition be consistent with the intended objectives of public policy. The essence of proportionality is to ensure that measures taken do not unduly violate human rights. This principle, expressly enshrined in Article 52(1) of the Charter of Fundamental Rights of the European Union (CFREU) and reaffirmed in Article 101(3) of the Treaty on the Functioning of the European Union (TFEU), concerns exclusions from competition. The law states that any restrictions on competition or interference with human rights must be balanced and proportionate to the legitimate objectives they seek to achieve. (1.19, 4.24).

Article 52(1) of the Charter is a key provision and expressly provides that any restrictions on competition or interference affecting human rights must be consistent with the principles of reasonableness and proportionality. This article serves as a protector of fundamental rights, forcing authorities and organizations to carefully evaluate the necessity and proportionality of any measures that may restrict competition or infringe human rights. By setting this standard, Article 52(1) establishes a framework that forces policymakers to navigate a complex situation in which public interest objectives intersect with principles of fair competition and individual rights. (1.19)

In parallel, Article 101(3) of the Treaty on the Functioning of the European Union (TFEU) emphasizes the fundamental principle set out in Article 52(1) CFREU, reinforcing the idea that any restrictions on competition must not only be justified by legitimate objectives, but must also meet the test of necessity and proportionality. From a practical point of view, Article 101 sets a strict framework for exceptions to antitrust laws.(3)

In the legal framework of the European Union (EU), the concept of necessity plays a key role, stipulating that any restrictive measures imposed must be considered as absolutely necessary to achieve a legitimate aim. This principle underlines the strict requirement that any restrictions on rights and freedoms in the EU legal system must be proportionate and justified, ensuring that they are not excessive or disproportionate to the

intended purpose. This principle is deeply rooted in the EU legal system and is expressed in several key provisions, in particular Article 52(1) of the Charter of Fundamental Rights of the European Union (CFREU) and Article 102 of the Treaty on the Functioning of the European Union. Union. Union (TFEU), which specifically addresses the issue of abuse of dominance (4.24).

Article 52(1) CFREU emphasizes the importance of necessity, stating that any restrictions on the exercise of fundamental rights must be provided for by law and respect the essence of those rights. Similarly, Article 102 TFEU focuses on the area of competition law, especially the fight against abuse of dominance. In this context, the principle of necessity implies that any restrictive measures applied to curb abuses by dominant entities must be necessary to protect fair competition..(1.19)

In conclusion, the fundamental principles of proportionality and necessity play a key role in the legal framework of the European Union, governing both competition law and human rights. These principles are enshrined in specific articles and regulations, providing a strong legal framework aimed at ensuring that competition enforcement measures are accurately designed to achieve legitimate objectives, while maintaining and protecting fundamental rights. The identified articles and provisions provide a clear and precise framework defining the boundaries within which competition-related activities must operate. While adhering to the principles of proportionality and necessity, the EU legal system seeks to strike a delicate balance by ensuring that enforcement measures are neither excessive nor insufficient, but instead are tailored to specific circumstances.

CONCLUSION

1) The interaction between competition law and human rights is complex and requires careful balancing. While competition law aims to promote market competition and prevent anti-competitive practices, human rights laws are designed to protect fundamental rights and freedoms.

2) Issues at the intersection of competition law and human rights often arise due to potential conflicts between the objectives of these legal regimes. Conflicts between competition law and human rights may arise in relation to:

- **Restrictions on competition.** Conflict regarding restrictions on competition may arise when rules aimed at ensuring fair competition may conflict with the implementation of specific human rights. Restrictions on mergers and acquisitions aimed at promoting fair competition may conflict with property rights or economic freedoms. There is an understanding in both the European Union and the UN that restrictions on competition must be embedded in a human rights context, thereby ensuring a balanced and ethical approach to business practices and competitiveness.

- **Dominant market players:** In the context of market competition, there is a certain contradiction between the approaches of the European Union (EU) and the view of the United Nations (UN) regarding dominant market players. The EU seeks to prevent the abuse of a dominant market position and prohibits dominant companies from abusing their position. The UN emphasizes the importance of a balanced approach to market intervention, ensuring freedom for entrepreneurs to conduct business while respecting competition rules and respecting consumer rights. Both the EU and the UN emphasize the importance of balancing competition and business rights, seeking to prevent abuse of market dominance while preserving fundamental economic freedoms.

- **Consumer welfare.** In competition law there is also a potential conflict between consumer welfare and the wider public interest.

3) Competition laws can encourage a business environment based on social responsibility. This can improve fairness and transparency in the business environment, which can ultimately support human rights to fair working conditions. On the one hand, respect for competition principles can help protect human rights by ensuring freedom of choice, diversity of goods and services, and promoting economic development. On the other hand, uncontrolled competition can lead to monopoly, violations of consumer rights, and the creation of unequal conditions for entrepreneurs. In such cases, competition law should aim to prevent discrimination and ensure fair competition. Thus, the impact of

competition law on human rights depends on the effectiveness of its regulatory mechanisms. Proper balancing of business interests and consumer rights allows us to create favorable conditions for sustainable economic development.

4) The protection of human rights in the area of competition law is a shared responsibility of governments and international organizations. Governments, particularly in the European Union, play a key role in developing and enforcing competition laws through instruments such as the Treaty on the Functioning of the European Union (TFEU) and Regulation (EC) No 1/2003. This legal framework aims to ensure fair competition, prevent monopolies and protect consumer rights. In the international arena, organizations such as the World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD) play a critical role in setting global competition law standards. The Universal Declaration of Human Rights (UDHR) and the United Nations Guiding Principles on Business and Human Rights are overarching principles that guide countries in developing and implementing competition policies that respect human rights. The joint efforts of governments and international organizations are creating a comprehensive framework for competition law that goes beyond economic considerations. By integrating human rights principles into competition policy, these organizations strive to create a fair and just global economic environment that protects people, promotes equal opportunity, and promotes prosperity.

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Summary

Competition law and human rights

Serhii Nikitin

The master's thesis analyzes the relationship between competition law and human rights, which requires a careful balance. Competition law aims to promote market competition and prevent anti-competitive behavior, human rights laws aim to protect fundamental rights and freedoms. Conflicts typically arise between these legal areas, particularly regarding restrictions on competition, dominant market players, and the balance between consumer welfare and broader public interests.

These conflicts can arise when rules that ensure fair competition conflict with the enjoyment of specific human rights. Disagreements also exist regarding dominant market players, with the EU focusing on preventing abuses of market dominance, while the UN advocates a balanced approach that respects competition rules and consumer rights.

Competition laws promote a socially responsible business environment by increasing fairness and transparency. By upholding the principles of competition, human rights are protected by preserving freedom of choice, diversity of goods and services, and promoting economic development. Finding a balance is critical because intense competition can lead to monopolies, consumer rights violations and an unequal playing field for entrepreneurs. The effectiveness of competition law in promoting human rights depends on the effectiveness of its regulatory mechanisms.

Organizations such as the UN, WTO and UNCTAD play an important role in setting competition law standards. Through joint efforts, governments and international organizations are forming a framework for competition law that goes beyond economic considerations. Integrating human rights principles into competition policy aims to create a fair and equitable economic environment.