

**STARTPAGE**

PEOPLE  
MARIE CURIE ACTIONS

**Marie Curie Career Integration Grants (CIG)**

**Call: FP7-PEOPLE-2012-CIG**

PART B

PROPOSAL

**Anchoring the Consumer: Legitimacy and Accountability in  
Competition Law**

“ACLACL”

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## B1 SCIENTIFIC AND TECHNOLOGICAL QUALITY

### B1.1 Research and technological quality, including any interdisciplinary and multidisciplinary aspects of the proposal

This proposal offers interdisciplinary, empirical and comparative research into the legitimacy and accountability problems facing the post-modernisation European Union (EU) competition law regime. EU competition law has gone through an extensive modernisation process orchestrated by the Directorate General (DG) for Competition of the European Commission. In terms of the substance of EU competition law, this process involved a reconsideration of the rules regarding vertical agreements, mergers and the abuse of dominance (Regulation 330/2010; Regulation 139/2004; Commission 2009). In terms of enforcement, a decentralisation project took place that aimed at increasing enforcement of competition rules before the national authorities (Regulation 1/2003; Commission 2008). At the same time, the administrative discretion and enforcement powers of the Commission have been greatly increased to include quasi-regulatory measures, such as settlements with parties under investigation and structural remedies to break-up companies. The overarching objectives in this extensive modernisation project, according to the Commission, were to place the concept of ‘consumer welfare’ at the centre of the enforcement of competition rules and to achieve a more efficient and effective enforcement regime. In contrast to the prominent role of consumer welfare in the design of **substantive rules**, consumer participation in the **reform process** was very limited. Likewise, after the reforms institutions representing consumer/citizen interests enjoy a somewhat limited leverage over EU competition law regime. These render EU competition law regime prone to accountability and legitimacy problems:

- 1) Institutions representing consumer (and/or citizen) interests directly, such as civil society and the European Parliament, were largely absent in the process leading to the design of new rules. This raises **impediments to legitimacy** in the post-modernisation EU competition law regime. Legitimacy in this context refers to ‘the acceptability and credibility of the organisation to those it seeks to govern’ (Weber 1948; Barker 1990; Beetham 1991; Black 2008). Lack of consumer representation and participation results particularly in poor **input legitimacy** that is understood as the existence of mechanisms whereby policy choices can be derived ‘directly or indirectly from the authentic preferences of citizens’ (Scharpf 1997).
- 2) As an agent delegated the task of policy enforcement, the Commission is subject to ex post monitoring by the EU courts (The Court of Justice of the European Union and the General Court) and the European Parliament. The former ensure, on behalf of citizens, compliance with the rule of law, whereas the latter ensures compliance with the original conditions of delegation (Thatcher, Stone Sweet 2003). After modernisation, these institutions enjoy a somewhat limited leverage over EU competition law. The reasons for this are the ever-increasing economic technicality in the enforcement of competition rules, increased discretion of the Commission; and finally, increased reliance on new governance methods, such as soft-law and multi-level networks involving national and EU officials. There is a consensus in the law and political science literature that in the presence of these new governance mechanisms law enforcement becomes extremely technical and opaque (Cengiz 2010; 2011; Curtin 2007; Papadopoulos 2007; Peters 2006; Scott 2000; Thompson 1980). The weakening of ex post control mechanisms raises **impediments to accountability** in EU competition law regime. Accountability in this context refers to ‘a relationship between an actor and a forum, in which the actor has an obligation to explain conduct...the forum can pose questions and pass judgment, and the actor may face consequences’ (Bovens 2007). Diminished accountability exacerbates also the legitimacy issues, since in neo-liberal markets **accountability and legitimacy are strongly intertwined**: rules and institutions enjoy greater legitimacy in the presence of independent control and review mechanisms that individuals can initiate when they are

not happy with the policy outcomes (Black 2008).

These legitimacy and accountability problems do not only result in ethical consequences. They **jeopardise the effective enforcement of competition rules**. As a part of the modernisation agenda, European Commission has actively promoted private enforcement of competition rules through individual consumer damages actions and representative actions by consumer organisations (Commission 2008). The Commission's efforts failed to generate tangible results. Arguably, consumers and consumer organisations who were not a part of the rule-making process do not entertain sufficient incentives to partake in rule-enforcement. As a result, potentially immense welfare losses caused by anticompetitive activities remain unaddressed at the expense of restorative justice. This constitutes a concrete example of the **adverse effects of lack of consumer participation**. Additionally, due to the Commission's increased discretion, the EU Courts apply a deferential judicial review standard post-modernisation (Cengiz 2011). The deferential review falls short of subjecting the Commission to **effective judicial accountability** particularly in light of the Commission's new enforcement powers that could potentially be utilised for market regulation purposes. For instance, in the infamous E.On Case (Cases COMP/39.388 & 389) the Commission restructured the German energy market through a settlement, thus, leaving a minimal margin for judicial review as to whether such restructuring serves consumer welfare.

Against this background, this project aims to tackle the central research question: **what mechanisms should be adopted and how should the existing mechanisms be improved to address the legitimacy and accountability facing the EU competition law regime?** This research question reflects an essential **governance approach** to competition law.

The central claim of this project for increased accountability and legitimacy is novel and challenging in light of the law and political science literature of delegation and regulation through independent authorities. The literature approaches to legitimacy and accountability claims with extreme precaution. This precaution is well-founded, since extensive involvement of political accountability mechanisms in particular may overshadow the political independence of the authority in question, thus, compromising the very reason for delegation in the first place (Craig 2003). Nevertheless, certain mechanisms could be designed to improve legitimacy and accountability without compromising independence: for instance, structured parliamentary committee reviews and civil society participation could force the authority in question to be transparent and speak in a non-technical voice (Cengiz 2010). Similarly, in the delegation literature it is often argued that in technical policy fields, such as competition policy, the lack of input legitimacy is compensated with output legitimacy, i.e. the fact that the authority in question is able to take decisions for the best interest of society thanks to its political independence (Scharpf 1997). However, this 'ends-justify-means' approach does not sit comfortably with the EU competition law regime. Currently, the ends of EU competition law appear as contested as it means, as the epistemic community as well as the EU institutions remain deeply divided with regard to what should be the dominant policy objective (i.e. consumer welfare, economic efficiency and/or economic integration) of EU competition law (Cengiz 2010). This project will involve a thorough review of the law and political science literature of delegation. Potential costs and benefits of strong legitimacy/accountability mechanisms identified as a result of this literature review will be the main theoretical framework in the analysis of the research question (see also section B1.2 on methodology).

Likewise, the central claim of this project also challenges the traditional principal-agent approach to legitimacy and accountability. In this traditional approach it is assumed that competition law benefits from indirect legitimacy for two key reasons: first, European Commission enjoys policymaking and enforcement powers delegated to it by the EU legislator, which includes the European Parliament elected directly by citizens. Thus, in this

understanding the Commission and its actions enjoy indirect legitimacy. Second, the fact the Commission enforces competition rules for consumers and to protect their interest displaces the need for more direct participation of consumers and consumer organisations. However, this top-down approach does not reflect the institutional dynamics of EU competition law. First, indirect legitimacy arguments do not sit comfortably with the EU institutional framework in general, due to the disengagement between the EU legislator and citizens and the resulting ‘democratic deficit’ (Hix 2008). Second, the aforementioned concrete examples legitimacy/accountability problems demonstrate that the existing top-down approach somewhat falls short of producing good governance. There is indeed a need for improved legitimacy and accountability mechanisms.

The project’s central research question has become all the more pressing in light of the **EU’s ongoing accession to the European Convention on Human Rights (ECHR)**. Once the accession is completed, individuals will be able to challenge actions of EU institutions before the European Court of Human Rights (ECtHR) on the basis of the rights and freedoms guaranteed in the ECHR and the relevant Protocols. The ECtHR has consistently considered competition law a field of criminal law (see e.g. *Menarini*). In light of this established case-law, it is not entirely certain whether the EU Courts’ deferential judicial review would satisfy the conditions of the right to a fair trial guaranteed in Article 6 of the ECHR. The ECtHR scrutiny and increased dialogue with the ECHR regime might result in alterations in the central judicial review concepts employed by the EU Courts, such as **proportionality** and the **margin of discretion** of the European Commission. There is a growing literature on how particular rights and freedoms will affect the daily practical enforcement of EU competition rules (see e.g. Wils 2006; 2011). EU’s accession to the ECHR will also result in potential broader effects on EU governance, such as the aforementioned transformation in judicial review standards. This project will analyse thoroughly such potential governance effects particularly on the judicial review standards followed by the EU Courts.

The project will rely on four key sources in its search for answer(s) to the central research question: the law and political science literature of delegation, semi-structured interviews with members of consumer organisations and parliamentary committees, the US federal antitrust regime that provided the main inspiration for the Commission’s reform agenda and the ECHR regime, including the case-law of the ECtHR. In other words the project will employ **diverse methodological tools**, including legal, empirical and comparative analyses (see also section B1.2 on methodology). The project also represents a genuine effort to initiate a dialogue between the law and political science literatures in the field, thus, is truly **interdisciplinary** in nature.

In terms of output, the project will result in **four principal articles** published in excellent quality international journals that address respectively:

- legitimacy and the participation of civil society in competition law,
- political accountability and parliamentary control in competition law,
- judicial accountability and judicial review in competition law,
- the potential governance effects of EU’s accession to the ECHR in the field of competition law.

The research findings in these individual topics will also be integrated together in the larger framework of a research monograph with a view to making a greater contribution to the EU competition law and EU governance literatures. In addition to dissemination through presentations in international conferences, Dr Cengiz will organise a **conference on legitimacy and accountability in competition law**. This conference will involve a comparison and discussion of the legitimacy and accountability mechanisms of different competition law regimes, including those of the EU, US, UK and a number of other EU Member States. Papers presented in the conference will be published in an edited volume (see also section B4.5 on dissemination). In the longer term the project’s findings will be used in

the design of a **larger project** with the aim of applying *inter alia* to the **European Research Council Starting Grants**.

## **B1.2 Appropriateness of research methodology and approach**

In its search for answer(s) to the central research question the project will rely on four key methodological tools: the review of the law and political science literature of delegation, comparative methodology, empirical methodology and legal analysis. Below each methodology's contribution to the project is explained in detail.

### *B1.2.1 Review of the law and political science literature of delegation*

As explained in the previous section, the claims for increased accountability and legitimacy prove novel and challenging in light of the literature of delegation and regulation through independent institutions. The literature is particularly wary of increased political accountability that is perceived an impediment to political independence. Some of the premises of this literature, such as those regarding output legitimacy, do not sit comfortably with the dynamics of EU competition law. Likewise, Dr Cengiz has found in her previous research that mechanisms short of political coercion, such as structured civil society participation and parliamentary committee reviews, could increase legitimacy and accountability in competition law (Cengiz 2010). The law and political science literature of delegation and regulation through independent authorities will provide the key theoretical framework of the project. This literature will be reviewed thoroughly in order to identify the perceived costs and benefits of different legitimacy and accountability mechanisms in the presence of delegation. Dr Cengiz will further analyse to what extent those costs and benefits prove credible in the context and institutional setting of competition law. The project will rely on the framework of guiding principles reached as a result of this literature review in the analysis of the research question.

### *B1.2.2 Comparative methodology*

The project will compare the EU regime to the US and the ECHR regimes. The US federal antitrust regime provided the main inspiration for the European Commission's modernisation agenda. In fact, one of the key reasons for the Commission's extensive reform initiative has been the intense pressure by the European epistemic community of competition scholars and practitioners, who, inspired by the US regime, called for a more economic approach to competition law enforcement in Europe (Gerber 2007). Particularly the new enforcement powers of the Commission constitute 'legal transplants' from the US antitrust regime (Georgiev 2007; Schweitzer 2010). Therefore, relations between civil society, judiciary, parliamentary committees and the US Federal Trade Commission (FTC) provide useful sources to draw policy lessons to address the legitimacy and accountability issues facing the EU competition law regime.

Naturally, due to the significant institutional differences between the EU and the US regimes, comparisons between these two regimes may not always be methodologically sound and may not always lead to scientifically plausible policy recommendations. Dr Cengiz has vast previous experience in comparative research into the EU and the US competition law regimes (see section B2.4 on the match between fellow's profile and project). Thus, through her previous research Dr Cengiz is familiar with the institutional dynamics of the EU and the US and is aware of the caveats of drawing policy lessons between the two polities. Nevertheless, even if institutional differences prove too great to draw direct lessons at the end of the analysis, comparative methodology will contribute to this project by informing the theory with findings regarding how legitimacy/accountability mechanisms work in different institutional contexts. The comparison between the EU and the US regimes will take two

different forms: first, an empirical comparison between the role of civil society and parliamentary committees in the two polities as sources of legitimacy and political accountability respectively. Second, legal analysis of judicial review standards followed by the EU Courts and the US federal courts in competition law cases with a view to compare judicial accountability in the two polities (see also the next two subsections on empirical methodology and legal analysis).

As mentioned in the previous section, EU's accession to the ECHR might potentially but significantly affect the governance of EU competition law. The judicial scrutiny of actions of EU institutions by the ECtHR will result in a closer relationship between the EU Courts and the ECtHR and between the EU and the ECHR legal orders. This close relationship and the ECtHR scrutiny particularly in the context of the right to a fair trial might result in EU Court's readjustment of central concepts of judicial review, such as proportionality and the Commission's margin of discretion. The project will compare the judicial review standards applied by the EU Courts with the standards set by the ECtHR. As a result of this analysis the project will identify the aspects (if any) of the current EU judicial review standards that prove potentially problematic in light of the ECHR regime, thus, need readjustment.

### *B1.2.3 Empirical methodology*

The project will verify the dynamics of legitimacy/ accountability mechanisms in competition law through empirical analysis. Empirical analysis will provide a more accurate determination of the reasons for poor legitimacy/accountability in the EU competition law regime. Consequently, the project will propose plausible policy recommendations addressing those specific reasons. The project will involve the following specific empirical methods:

- The procedures followed by the DG Competition in the preparatory phases of policymaking (through legislation or soft-law) will be analysed from the perspectives of openness and transparency. The procedures followed by the FTC will be subject to a similar analysis. The results of two analyses will be compared and contrasted in the context of comparative methodology.
- The Commission's reform initiatives will be analysed in light of the European Parliament's and civil society's contributions during the preparatory phases of the initiatives. This analysis will reveal to what extent the Commission has reflected on those contributions in the final reform initiative. Similarly, the impact of the contributions of the US Congress and the American civil society in the policy actions of the FTC will be analysed as a part of comparative methodology.
- Semi-structured factual interviews will be conducted with the members of consumer organisations in the EU and the US (most notably Bureau Européen des Unions des Consommateurs in the EU and the Consumer Federation of America in the US). Interviews will also be conducted with the members of the relevant committees of the European Parliament and the US Congress (most notably the European Parliament Committee on Internal Market and Consumer Protection and the US House and the Senate judiciary committees). These interviews will reveal the dynamics of civil society-competition authority and legislature-competition authority relations respectively. In both series of interviews, the number of interviewees will be determined based on the saturation method.

Dr Cengiz has significant past experience in empirical research particularly in the form of interviews and triangulation of results. Her doctoral research relied on a series of interviews with US federal and state antitrust officials in the analysis of multi-level governance (see also section B2.4 on the match between fellow's profile and project). The host institution, Liverpool School of Law and Social Justice brings together the disciplines of law, sociology and social policy. This unique multidisciplinary environment provides plenty of opportunities for further empirical research skills training. Particularly, Liverpool Law School runs a

programme in empirical legal research that is funded by the Economic and Social Research Council of the UK (see also section B3.1 on the quality of host organisation). Dr Cengiz will take full advantage of these opportunities as required for the successful implementation of this project. Liverpool Law School also operates rigorous ethical review and approval processes to ensure that empirical projects meet the highest professional standards. This is notwithstanding the fact that this project does not raise any significant ethical issues (see section B.6 ethical issues table).

#### *B1.2.4 Legal analysis*

The project will involve legal analyses of the case-laws of the EU Courts, US federal courts and the ECtHR. As explained above (see section B1.2.2 on comparative methodology) these analyses will reveal the dynamics of judicial review and judicial accountability in the EU and the US; and the potential effects of EU's accession to the ECHR on judicial review in the EU competition law regime.

### **B1.3 Originality and innovative nature of the project, and the relationship to the 'state of the art' of research in the field**

The project is highly original and innovative in its interdisciplinary, comparative and empirical approach to legitimacy/accountability in competition law, in its effort to bridge the gap between the literatures of competition law and governance, and in its ambition to employ a variety of methodological tools.

Law and economics scholars have devoted remarkable attention to the modernisation of EU competition law. There is a voluminous literature on the substantive elements of modernisation that continues to grow. However, this literature has left unaddressed **the process of reform and the legitimacy/accountability issues identified in this proposal**. The fundamental reason for this gap in the literature is the aforementioned traditional top-down understanding that relies on indirect legitimacy through consumer's election of the legislature and indirect accountability through policy outcomes assumed to serve the consumer's best interest. The project is original and innovative in its fundamental challenging of this top-down approach. The project searches for methods to anchor the consumer to competition law directly through structured civil society participation and indirectly through effective judicial review and effective involvement of majoritarian institutions. Nevertheless, the project is also extremely cautious in not calling for politicisation of competition law. In order to avoid a populist approach the project takes its main theoretical foundation from the law and political science literature of delegation and regulation through independent authorities.

Searching for methods to increase citizen interest and involvement is not a new theme for European governance. There has been great scholarly interest in citizen attitudes towards and participation in EU institutions and policymaking (see e.g. Hix 2008; Follesdal and Koslowski 2010; Schmidt 2006). Similarly, particularly since the 1992 rejection of the Maastricht Treaty in the Danish referendum, the European Commission and other EU institutions have adopted various mechanisms to reverse the citizen disinterest in the EU and Euro-scepticism. In the Commission's White Paper on Governance citizen participation was determined a key principle of good governance (Commission 2001). The efforts for increased citizen participation have been intensified after the rejection of the Treaty Establishing a Constitution for Europe in the French and Dutch referendums in 2005. For instance, the EU Founding Treaties now foresee a 'European citizens' initiative' for the direct involvement of citizens in the EU legislative process subject to certain conditions (see Dougan 2011). EU's recent accession to the ECHR is another strategy to create a deeper relationship between citizens and the EU governance. **The growing interest in the citizen's role in EU governance has not penetrated to competition law studies**. This is unsurprising given that

the epistemic community and the literature of competition law are known to have developed an extremely technical language with very limited communication with the broader debate on governance (Dezalay 1995; McGowan and Wilks 1995). This project reflects a dialogue between **the EU governance and competition law literatures**. On the one hand, the project will contribute to competition law literature with its analysis of EU competition law in light of current themes in EU governance. On the other hand, the project will inform the EU governance literature with its specific findings in consumer participation in competition law that are potentially applicable also in EU policies with similar institutional dynamics, such as energy and telecommunications.

Finally, the project is highly **ambitious in terms of its methodology**. It relies on a variety of methodological tools, including the review of law and political science literatures in the field, comparative and empirical methodology and legal analysis. These methodological tools have been carefully chosen in order to find scientifically plausible answer(s) to the central research question. This methodological diversity and ambition is original and innovative in the field of legal studies in general and competition law studies in particular.

#### **B1.4 Timeliness and relevance of the project**

The project is particularly timely and relevant in light of the European Commission strategy for Europe 2020 that aims to ‘turn the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion’ (Commission 2010, p.5). This objective ‘requires well functioning and well connected markets where competition and consumer access stimulate growth and innovation’ (Commission 2010, p.20). Commission’s call for an effective competition policy is particularly well founded in the wake of the European economic and financial crisis. At times of economic crises markets become particularly prone to anticompetitive activities, as many businesses collapse leading to high concentration levels. An effective competition law regime would target those specific markets and practices causing the greatest harm to consumer welfare. Nevertheless, competition authorities suffer from information asymmetries that prevent them from responding to market conditions instantaneously. These asymmetries can be overcome through active involvement of consumers and consumer organisations that would provide the authorities up-to-date information regarding consumer experiences. As explained in detail in this proposal, consumer organisations and other institutions representing consumer interests play less than a limited role in rule-making and enforcement in EU competition law. European Commission operates a competition advocacy programme to increase the consumer awareness of competition rules; and it actively supports enforcement by consumers through damages actions (Commission 2008). Nevertheless, the numbers of consumer complaints and damages actions remain worryingly low. As one of the reasons, it may be argued that the limited consumer input in rulemaking results in the lack of ex post consumer incentive to take part in enforcement. The Commission DGs for Competition, Health and Consumers, and Justice are currently working on a legal framework creating a collective redress mechanism for consumers. Given the poor consumer participation, this initiative could also not engender the expected consumer interest. In light of these, the project is particularly **timely and relevant**, as it aims to contribute to the **development of more effective mechanisms to anchoring the consumers to competition law**.

The project is also timely and relevant in light of the increasing efforts to **make EU governance more open to citizen participation** that are summarised in the previous subsection. The project has a strong focus on the participation of individual consumers and consumer organisations in rule-making and enforcement in competition law. In this respect the project represents an extension of the general participatory approach to European governance to the field of competition law. Finally, in light of the **EU’s ongoing accession to the ECHR**, the project’s focus on judicial review and accountability appears particularly timely and relevant.

## B2 QUALITY OF THE RESEARCHER

### B2.1 Research career potential

Dr Cengiz has a strong publication record, teaching experience and experience in other academic activities. Thus, she has shown a great potential for a successful research career that is already underway. Dr Cengiz's central research interest is in **governance in competition law**. The overarching objective of Dr Cengiz's research agenda is to initiate a dialogue between the governance and competition law scholarships. She conducts interdisciplinary research using economics and political science models in the analysis of law and its enforcement. Dr Cengiz's research is also comparative with its focus on the EU and the US regimes. Through comparative analysis Dr Cengiz aims to draw lessons for the design of more effective policies and more accurate scientific models. With this aim Dr Cengiz studied in her doctoral and post-doctoral research respectively multi-level governance and private enforcement in the EU and the US competition law regimes. Dr Cengiz's doctoral and post-doctoral research agenda produced **seven articles** published in excellent quality peer reviewed international journals and a **book**. This proposal represents a natural extension of Dr Cengiz's central research interest into a larger project. The project has an essential focus on public law concepts of legitimacy and accountability, thus, foresees a more prominent role for governance in Dr Cengiz's future research agenda (see also section B2.4 on the match between the fellow's profile and project).

The project will contribute further to Dr Cengiz's career potential in the following ways: in the context of the project Dr Cengiz will study and publish scholarly work analysing the fundamental governance and public law concepts of legitimacy and accountability. Thus, as a result of the project, Dr Cengiz will establish herself as a **European governance and public law scholar** in general beyond her immediate field of competition law. Likewise, with its methodological ambition and diversity this project not only builds on Dr Cengiz's existing research skills but also requires their further improvement. The Liverpool School of Law and Social Justice provides various opportunities for training in empirical research with its unique interdisciplinary environment bringing together the disciplines of law, sociology and social policy (see also section B3 on implementation). As a result, at the end of the project Dr Cengiz will also be able to establish herself more strongly in the field of **empirical legal studies**. From a more practical perspective, funding of this project with a Marie Curie Career Integration Grant will enable Dr Cengiz to devote a consistent and significant amount of her time to research and scientific activities. Thanks to the funding, Dr Cengiz will find the invaluable opportunity of producing scholarly publications without being overburdened by teaching and administration tasks. As a result, at the end of the project, having produced a significant number of publications, Dr Cengiz will be able to confidently move to a **more senior academic position** in Liverpool Law School.

Dr Cengiz will also further improve her **management and organisational skills** as a result of the implementation of this project. With her research time reserved to be spent on the project, she will also find the time to develop a strategy for the contribution of the project to her research career in the longer term. Primarily, Dr Cengiz aims to design a larger project based on the conclusions reached at the end of this project with a view to apply, among others, to the **European Research Council Starting Grants**.

Finally, the project will also contribute to the further improvement of Dr Cengiz's **teaching skills**. Liverpool Law School agreed to offer Dr Cengiz flexibility in the design of her teaching portfolio if the project receives Marie Curie funding. In this case Dr Cengiz will be able to design and teach courses or seminars in her key research interests reflected in this proposal. As a result, she will be able to use her research results directly in her teaching. Also her research will benefit from discussions she will have with students. The synergy between

Dr Cengiz's research agenda and her teaching tasks will contribute to the quality of her teaching as well as her research.

## **B2.2 Research and technological quality of previous research**

Dr Firat Cengiz has been a very mobile and productive young researcher with a proven ambition to become an outstanding scholar. After completing her bachelors studies in law in **Ankara (Turkey)** with first class honours, Dr Cengiz was offered a full scholarship by the University of East Anglia in **Norwich (UK)** to pursue a masters degree that she completed with distinction and at the top of her class. Afterwards Dr Cengiz was offered the prestigious **Overseas Research Award** by the UK Government and a full scholarship by the Faculty of Social Sciences of the University of East Anglia to pursue a PhD degree. Dr Cengiz completed her PhD studies in less than three years, more than a year before the official deadline. During her PhD studies Dr Cengiz was also a member of the **ESRC Centre for Competition Policy** in Norwich and a visiting scholar at **Georgetown University in (Washington D.C., USA)**. Afterwards Dr Cengiz was accepted to the **Max Weber Post-doctoral Programme** of the **European University Institute in Florence (Italy)** funded by the European Commission. After spending a year in Florence, Dr Cengiz took an assistant professorship at **Tilburg Law School (Netherlands)**. During the first two years of her stay in Tilburg, Dr Cengiz also acted as the research coordinator of **Tilburg Law and Economics Center**. In this position she was responsible *inter alia* for the effective scientific communication between law and economics scholars in the multidisciplinary environment of the Center. Starting from September 2012 Dr Cengiz will continue her career in **Liverpool Law School (UK)** as lecturer in European and competition law. These achievements stand as sufficient proof for the quality of Dr Cengiz's scholarly work. The following three accomplishments can be mentioned as further evidence (in 250 words):

- 1) Dr Cengiz has a **solid publication record** with seven articles published in excellent journals, including the International and Comparative Law Quarterly and European Law Review. She has recently published her first book entitled 'Antitrust Federalism in the EU and the US', which became quickly a success selling many copies around the world. The book can be found *inter alia* in the US Congress Library, Supreme Court Library, Canadian National Library, British Library and the Australian National Library. In a very positive review, Prof Herbert Hovenkamp, an established American antitrust scholar, described the book as an 'excellent' work reaching 'significantly beyond legal analysis to examine the economics federalism' (Hovenkamp, 2012).
- 2) Dr Cengiz's research **influenced policymakers** as well as the scientific community. Her publications in antitrust damages actions were quoted extensively in the external impact study for the European Commission's White Paper (Renda et al 2007). In 2010 Dr Cengiz was invited to speak at the Sixth United Nations Conference for the Review of Competition Rules. At this conference Dr Cengiz addressed more than six hundred officials from around the world on the accountability effects of networking between competition authorities.
- 3) Dr Cengiz has a firm belief in mutual reinforcement between **research and teaching excellence**. She has developed two courses respectively in advanced competition law and multi-level governance reflecting her key research interests. She has taught these courses for the last three years and revised them regularly in light of her research findings. Both courses received consistently excellent student evaluation.

### **B2.3 Independent thinking and leadership qualities**

Dr Cengiz has proven her independent thinking and leadership qualities and her project management and inter-personal skills through various accomplishments. Firstly, Dr Cengiz has a solid previous experience in drafting research proposals and **securing research grants**. During her masters studies and doctoral research Dr Cengiz was granted more than €110,000 in funding.

Dr Cengiz managed successfully her doctoral and post-doctoral research projects with a minimum need for the involvement of her supervisors. Despite the demanding interdisciplinary, comparative and empirical nature of her doctoral research, Dr Cengiz wrote and **submitted her PhD thesis in less than three years**. Likewise, in order to achieve high quality in comparative research Dr Cengiz planned and successfully carried out a research visit to Georgetown University in Washington D.C. Dr Cengiz used her time in Georgetown creatively to network and build long lasting relationships with US antitrust officials and scholars based in the US capital.

Dr Cengiz has proven her inter-personal skills through various extracurricular activities. During her masters and PhD studies she volunteered at the international office of the University of East Anglia as **student advisor**. In this capacity she advised existing and future students of the University as well as their families in all aspects of student life in the UK. Also, during her PhD studies Dr Cengiz acted as the **founding co-editor** of the Norwich Law School Working Paper Series. Post-doctoral researchers of the European University Institute elected her as their **representative to the Academic Council of the Institute**. Thus, Dr Cengiz sat in the central decision-making body of the Institute for a year. During her first two years in Tilburg Dr Cengiz acted as the **research coordinator** of the Tilburg Law and Economics Center. In this capacity the tasks of Dr Cengiz were extensive and included the provision of administrative assistance to large-scale research projects, drafting of the Center's newsletters and annual reports, running the Center's seminar series and organising other events, representing the Center before the administrations of the Law and Economics Faculties and, finally, acting as the liaison between scholars from the disciplines of law and economics. In other words this position required excellent organisational, management and interpersonal skills.

As further proof of her independent thinking and leadership qualities, Dr Cengiz taught various courses in competition law, EU law and legal methodology at the University of East Anglia, European University Institute and Tilburg University. She has **designed and coordinated courses** in advanced competition law and multi-level governance. Dr Cengiz has also been a **very active supervisor**: she has supervised successfully sixteen masters students and she has acted as informal supervisor to the five PhD students of the European and International Public Law Department of Tilburg Law School.

Finally, Dr Cengiz is the **co-organiser of a large-scale international conference** in Turkey-EU relations (her secondary and emerging research interest) that will take place in September 2012. Dr Cengiz actively sought and secured funding for this conference from Tilburg Law School and the Department of European and International Public Law. Papers presented in this conference will be published in a book co-edited by Dr Cengiz.

### **B2.4 Match between the fellow's profile and project**

The project matches very closely to Dr Cengiz's profile and her past research experience. In fact, this proposal represents a natural extension of Dr Cengiz's central research interests and her past research experience into a larger comparative, interdisciplinary and empirical project. Overall the project reflects Dr Cengiz's strengths as a researcher as well as her key ambition for **initiating a dialogue between the competition law and governance scholarships**.

The start of Dr Cengiz's doctoral research coincided with the decentralisation in the enforcement of EU competition rules. In contrast, in the US the federal government was under pressure to centralise the enforcement of antitrust rules at the time. Intrigued by this contrast, Dr Cengiz decided to study multi-level governance in competition law in the EU and the US in her doctoral research. Likewise, Dr Cengiz began her post-doctoral research shortly after the release of the European Commission's White Paper on antitrust damages actions. With its established private enforcement regime the US antitrust law has provided a natural source for European competition law scholars to draw policy lessons. Therefore, in her post-doctoral research Dr Cengiz looked into consumer damages actions in the EU and the US. In this context Dr Cengiz was primarily interested in procedure, judicial cooperation and management of multi-state actions. Thus, the subjects of Dr Cengiz's doctoral and post-doctoral research agenda have gone beyond substantive competition law. Additionally during her doctoral research Dr Cengiz partake in a large research project commissioned by the UK Department of Enterprise and Regulatory Reform. In the context of this project Dr Cengiz was responsible for the analysis of US federal and state consumer protection regimes. Successful implementation of these comparative projects required close familiarity with the institutional and constitutional dynamics of the EU and the US. In order to be able to conduct high quality comparative research, Dr Cengiz studied extensively American constitutional law, American constitutional history and administrative law. She presented her research frequently at international workshops and conferences. She discussed her research particularly with American scholars on every occasion. Through international conferences, Dr Cengiz has built long lasting relations with established American antitrust scholars who kindly checked the accuracy of Dr Cengiz's analyses of the US antitrust regime (see also section B4.4 on capacity to develop lasting cooperation). Likewise, Dr Cengiz interviewed federal and state antitrust officials as a part of her doctoral research and built long-lasting relations with them. As a result of her efforts and the support she received, Dr Cengiz has become a **successful comparative researcher** with a strong record in comparative publications. Dr Cengiz also follows comparative methodology in her teaching. Therefore, Dr Cengiz will not face any difficulties in **applying comparative methodology successfully** in the context of this project.

Dr Cengiz made a deliberate decision to take policy network models (the key political science models in multi-level governance) as the underlying theoretical framework for her doctoral research. Dr Cengiz believed that this would significantly improve the quality of her doctoral project for two reasons: first, looking at the legal regime from the lens of a political science model would systematise otherwise a very complex project. Second, the project would reach greater scientific relevance and significance if it could propose improvements to the models based on empirical analysis. Based on the analysis of networks between competition law officials in the EU and the US, Dr Cengiz's doctoral research informed the policy network models on the role of constitutional courts in the design of networks and opacity and accountability in network governance. Dr Cengiz came to acknowledge the legitimacy and accountability problems identified in this proposal in the first instance through her comparative analysis of multi-level network governance. Similarly, in her post-doctoral research in antitrust damages actions Dr Cengiz applied successfully economic models of pricing and passing-on of damages in the production chain. Thus, Dr Cengiz is a **skilful interdisciplinary researcher** and will be able to implement successfully the interdisciplinary elements of this project. Since the beginning of her doctoral research, Dr Cengiz has been affiliated with interdisciplinary research groups, including the Centre for Competition Policy in Norwich, the European University Institute and the Tilburg Law and Economics Center. As a result, Dr Cengiz is very well connected to the international interdisciplinary community of competition scholars (see also section B4.4 on capacity to develop lasting co-operation and collaborations with other countries). These networks will provide sufficient support if Dr Cengiz needs assistance in implementing the interdisciplinary elements of the project.

Finally, Dr Cengiz is **experienced in empirical methodology** through her doctoral research that involved interviews with the US federal and state antitrust officials. The interdisciplinary environment of the Liverpool School of Law and Social Justice will provide institutional support for the further improvement of Dr Cengiz's skills in empirical research (see also section B.3 on implementation). Likewise, Dr Cengiz's strong networks with competition law scholars and practitioners will support her in targeting the most knowledgeable individuals and institutions with interview requests and in securing their cooperation.

## **B2.5 Curriculum Vitae**

### **Professional experience**

September 2012 –: Lecturer in competition and EU Law, Liverpool Law School  
 2009 – 2012: Assistant Professor, Tilburg Law School  
 2009 – 2011: Research Coordinator, Tilburg Law and Economics Center  
 2008 – 2009: Max Weber Post-doctoral Fellow, European University Institute  
 2007: Visiting Scholar, Georgetown University Law Center, Washington, D.C.

### **Education**

2005 – 2008: PhD in Law, University of East Anglia, Norwich Law School and the ESRC Centre for Competition Policy  
 2004 – 2005: Bar Training and Admission, Bar of Ankara, Turkey  
 2003 – 2004: LL.M. in 'International Competition Law and Policy', University of East Anglia (Completed ranking first with distinction)  
 1998 – 2002: LL.B., University of Ankara (equivalent of First Class Honours Degree)  
 2001: 'Summer Training in European and German Law', Ludwig-Maximilians University of Munich (Completed with an 'excellent' average grade)

### **Grants and awards**

2012 – Funding by Tilburg Law School for the organisation of international conference in Turkey-EU relations (€ 10,000)  
 2005 – 2008: Overseas Research Award by the UK Government for the funding of PhD degree studies (£ 27,000)  
 2005 – 2008: Studentship award by the University of East Anglia, Faculty of Social Sciences for the funding of PhD degree studies (£ 45,000)  
 2007 – Funding by the Faculty of Social Sciences of the University of East Anglia for research visit to Washington (£ 5000)  
 2002 – 2003: Full scholarship award by Norwich Law School for the funding of masters degree studies (£ 12,000)  
 2001: Scholarship award by the German Academic Exchange Service (DAAD) for visiting studentship at Munich University

### **Publications**

#### **Books**

Antitrust Federalism in the US and the EU (London & New York: Routledge, 2012)  
 Turkey and the European Union: Facing New Challenges and Opportunities (co-edited by Lars Hoffmann, under review of Routledge)

#### **Book Chapter**

'The Modernisation of EU Competition Law: Institutional Design Lessons for China?', in Michael Faure, Xinzhu Zhang (eds.), *Competition Policy and Regulation: Recent Developments in China, the US and Europe* (Cheltenham: Edward Elgar, 2012)

### Journal Articles

- ‘Rethinking Conditionality: Turkey’s EU Accession and the Kurdish Question’ (with Lars Hoffmann, forthcoming in the *Journal of Common Market Studies*)
- ‘The 2011 General Elections in Turkey: Potential Implications on Domestic and International Politics in the Shadow of a Discourse Change?’, 65 *Parliamentary Affairs* 255 (2012, with Lars Hoffmann)
- ‘Judicial Review and the Rule of Law in EU Competition Law Regime After *Alrosa*’, 7 *European Competition Journal* 127 (2011)
- ‘Multi-level Governance in Competition Policy: the European Competition Network’, 35 *European Law Review* 660 (2010)
- ‘White Paper on Antitrust Damage Actions: Lessons from the American Indirect Purchaser Litigation’, 59 *International and Comparative Law Quarterly* 39 (2010)
- ‘Management of Networks between the Competition Authorities in the EC and the US: Different Polities, Different Designs’, 3 *European Competition Journal* 315 (2007)
- ‘US Federal Merger Regime from the Network Management Perspective’, 30 *World Competition Law and Economics Review* 307 (2007)

### Working Papers

- ‘Rethinking Conditionality: Turkey’s EU Accession and the Kurdish Question’, TILEC Discussion Paper 2012-010 (with Lars Hoffmann)
- ‘*Alrosa v. Commission* and *Commission v. Alrosa*: Rule of Law in Post-Modernisation EU Competition Law Regime’, TILEC Discussion Paper No.2010-033
- ‘Regulation 1/2003 Revisited’, TILEC Discussion Paper No.2009-042
- ‘The European Competition Network: Structure, Management and Initial Experiences of Policy Enforcement’, European University Institute, Max Weber Working Paper 2009/05
- ‘Passing-on Defense and Indirect Purchaser Standing in Actions for Damages against the Violations of Competition Law: what can the EC learn from the US?’, CCP Working Paper 07-21
- ‘The Role of State Attorneys General in US Antitrust Policy: Public Enforcement through Private Enforcement Methods’, CCP Working Paper 06-19

### Opinion pieces and reports

- ‘Turkey's 1980 coup lives on its legal system’, *The Guardian*, 11 April 2012
- Submission of evidence – UK Parliament House of Commons inquiry into UK-Turkey Relations and Turkey's Regional Role, September 2011 (with Lars Hoffmann)
- ‘How not to manage a political crisis: the Turkish example’, *Euractiv*, 15 July 2011 (with Lars Hoffmann)
- ‘Turkey after the elections: internal and external expectations’, *Euro-Atlantic Quarterly*, July 2011 (with Lars Hoffmann)
- ‘Parliamentary crisis: imprisoned politicians in Turkey’, *Open Democracy*, 8 July 2011 (with Lars Hoffmann)
- ‘The 2011 Turkish elections and the prospects for Turkey-EU relations’, *Open Democracy*, 29 June 2011 (with Lars Hoffmann)
- ‘News Form the US: Report of the Antitrust Modernisation Commission’, *Centre for Competition Policy Newsletter*, November 2007

### Contributions to International Conferences and Workshops (selected)

- ‘Turkey and the European Union: Rethinking a Multifaceted Relationship’, Tilburg, 2012 (co-organised with Lars Hoffmann)
- ‘The Europeanisation of Gender Politics in Turkey’, invited speaker, Conference on Women’s Rights in Turkey, Maastricht University, 2012
- ‘How not to unite a Country? Turkish Constitutional Reforms in light of the Kurdish Minority’, the 13<sup>th</sup> Mediterranean Research Meeting, European University Institute, Montecatini, 2012 (with Lars Hoffmann)

- ‘The Modernisation of EU Competition Law Regime: Policy Lessons for Other Jurisdictions?’, invited speaker, International Conference on Regulation and Competition Policy: New Developments and Empirical Evidence, Nanchang (China), 2011
- Invited Speaker, the 6<sup>th</sup> Conference on the Review of the United Nations Set of Principles and Rules of Competition, Panel on Networking and Exchange of Non-confidential Information at the International and Regional Level, Geneva, 2010
- ‘The Second Transformation of EU Competition Policy’, Society of Legal Scholars Conference, Southampton, 2010 (with Kathryn Wright and Lindsay Stirton)
- ‘The Second Transformation of EU Competition Policy’, Political Studies Association Annual Conference, Edinburgh, 2010 (with Kathryn Wright and Lindsay Stirton)
- ‘European Competition Network: Structure, Management and Initial Experiences of Policy Enforcement’, 14<sup>th</sup> Clasf Workshop, City College London, 2009
- ‘Strategies for a European Judicial Network from the Perspective of Competition Policy’, UACES Conference, Edinburgh, 2008 (with Kathryn Wright)
- ‘Competition Policy in Multi-level Polities: Comparing Competition Networks in the United States and the European Union’, The 4<sup>th</sup> Transatlantic Dialogue on Public Administration, University of Bocconi, Milan, 2008 (with Hussein Kassim and Kathryn Wright)
- ‘Comments on the Commission’s White Paper: Indirect Purchasers and Judicial Cooperation’, Workshop on Antitrust Damage Actions in Europe, European University Institute, Florence, 2008
- ‘Indirect Purchasers Actions for Damages against the Violations of Competition Law: What Can the EC Learn from the US?’, Workshop on Law and Economics of Competition Policy, Max Planck Institute for Collective Goods, Bonn, 2007
- ‘Management of Networks between Competition Authorities of Different Layers in the US and the EC: Different Polities, Different Designs’, Centre for Competition Policy, Annual International Conference, Norwich, 2007

### **Teaching experience**

- Advanced European Law – Tilburg Law School (undergraduate)
- Advanced Competition Law and Economic Regulation – Tilburg Law School (graduate)
- Introduction to European Law – Tilburg Law School (graduate)
- Governance and Institutions of the European Union – Tilburg Law School (graduate)
- The EU and its Member States – Tilburg Law School (graduate)
- Legal Methodology – European University Institute (PhD)
- Competition Law in Global Economies – University of East Anglia (graduate)
- Advanced Issues in Competition Policy – University of East Anglia (graduate)

### **Academic administration experience**

- 2009 – 2011: Research coordinator, Tilburg Law and Economics Center
- 2008 – 2009: Post-doctoral representative to the Academic Council, European University Institute
- 2007 – 2008: Co-founder and co-editor of the Norwich Law School Working Paper Series
- 2005 – 2007: International student advisor, University of East Anglia, International Office

### **Other academic experience**

- Supervision: on average five masters students per year, informal supervision to five doctoral researchers of the department
- Regular referee for Journal of Competition Law and Economics, referee for Journal of European Public Policy, African Journal of Political Science

### **Languages**

- Turkish (mother tongue)
- English (fluent)

German (passive)

Dutch (working language)

**Memberships of academic societies**

ESRC Centre for Competition Policy Alumni

European University Institute Alumni

British Institute of International and Comparative Law

Competition Law Scholars Forum

## B3 IMPLEMENTATION

### B3.1 Quality of host organisation, including adequacy of infrastructures/facilities

The University of Liverpool, founded in 1881, has more than a hundred and thirty years of experience in research and education excellence. The University is one of the UK's top twenty-four research led universities, thus, is a member of the 'Russell Group'. The University has hosted countless excellent researchers, including **8 Nobel laureates**. A world-leader in innovation, the university attracts more than £93 million every year in research funding. There are more than hundred and seventy research groups in Liverpool University. The University has active research collaborations with universities in Europe, Africa, China, India, South East Asia and the US that include joint research projects and staff exchanges. The University's international vision is also reflected in its education policy: the University operates joint degree programmes with the Xi'an Jiaotong-Liverpool University in China and Istanbul Bilgi University. In 2012 alone more than **2,500 international students from 110 countries** studied in Liverpool. The University has one of the best libraries in the UK that offers access to a wide selection of electronic and printed resources. The Centre for Lifelong Learning, the Staff Development and Training Office, and the Computing Services Department organise various workshops and activities for the development of university staff's research, teaching and other professional skills.

The University of Liverpool received excellent results in the 2008 Research Assessment Exercise of the UK universities. This is particularly the case for the Liverpool Law School: 45% of the School's research output was considered '**internationally excellent**' and 10% of its output was considered '**world-leading**'. In the area of wider **European studies** 20% of the University output was considered '**world-leading**'. The University has recently appointed a number of excellent young scholars in different disciplines with the aim of further improving its performance in the forthcoming 2012 assessment exercise. Dr Firat Cengiz is one of those scholars. Dr Cengiz accepted Liverpool Law School's job offer primarily because the School provides excellent research infrastructure and has a staff profile matching very closely to Dr Cengiz's research interests. The proposed project requires extension of Dr Cengiz's existing research expertise to new domains in the following ways: there is a significant public law dimension to the project due to the central role played by the concepts of legitimacy/accountability. Therefore, the project requires further enrichment of Dr Cengiz's general public law knowledge. The project will also give Dr Cengiz the opportunity to further improve her understanding of European human rights concepts and norms, as one of the central pillars of the project is the accession of the EU to the ECHR. Finally, Dr Cengiz will benefit from improved empirical research skills at the end of this project, as the project relies substantially on semi-structured interviews and their scientific analysis.

Liverpool Law School will provide the necessary institutional support for the further improvement of Dr Cengiz's research skills as required specifically for the successful implementation of this project. The Law School has an extremely vibrant research environment with an energetic staff profile and **fifteen fully funded PhD students**. The School hosts **six active specialised research groups**. The groups organise regular internal seminars where Law School members present their work to the internal membership to receive feedback. Each research group also regularly organises large international conferences with internal and external funding. One such conference took place in 2011 in the aforementioned 'European Citizens' Initiative', a subject that closely parallels the research theme of this proposal (see p.8 above). Three research units are particularly relevant for the purposes of this project: **Liverpool European Law Unit** brings together fifteen scholars with a specific interest in European Public Law. The expertise of group members covers a wide area, including EU institutional and constitutional law, the relationship between the EU and national legal orders and EU citizenship. **The Human Rights and International Law Unit** brings together nine established scholars in the field. The Group is not only active in research

but also in wider outreach activities with its strong networks with NGOs, civil society and practitioners. **The Governance and Business Regulation Unit** brings together seventeen scholars with diverse research interests, including the limits of state power and the role of civil society in market regulation, both of which are highly relevant for the purposes of this project. The three research groups will provide essential support in the further development of Dr Cengiz's understanding of general public law concepts, human rights norms and their enforcement. Together with the Department of Sociology, Social Policy and Criminology, Liverpool Law School comprises the **Liverpool School of Law and Social Justice**. This **unique interdisciplinary School** hosts a number of experienced scholars in the field of **empirical legal research**. Furthermore, the Law School regularly organises series of workshops in empirical legal research under the framework of a specific programme called **'Building Capacity in Empirical Socio Legal Research'** that is funded by the UK Economic and Social Research Council. Thus, it is beyond doubt that Dr Cengiz will find plenty of opportunities in Liverpool to improve her skills in empirical legal research. Liverpool Law School operates rigorous ethical review and approval processes to ensure that empirical projects meet the highest professional standards. This is notwithstanding the fact that this project does not raise any significant ethical issues (see section B.6 ethical issues table).

The following scholars, with their extensive research experience in areas highly relevant to the project will make the **supervisory board** of the project:

- **Prof Michael Dougan** is a world-leading scholar in the field of European public law; and is the **scientist in charge** of this project. After working at Cambridge University and University College London, Prof Dougan was appointed as professor and chair in EU law at Liverpool Law School, impressively, at the age of 29. He has published over seventy-five scholarly contributions in edited books and international peer-reviewed journals. Highly relevant for the purposes of this project, Prof Dougan's recent publications include the *Empowerment and Disempowerment of the European Citizen* (Hart Publishing, 2012). Prof Dougan is a contributor to the famous *Wyatt and Dashwood's European Union Law* (Hart Publishing, 6<sup>th</sup> ed, 2011). As the joint editor of *Common Market Law Review*, the leading international journal in European law, Prof Dougan has extremely strong international networks. He has vast past experience in doctoral and post-doctoral research supervision. He is currently supervising four doctoral candidates of the Law School in different fields of EU institutional and constitutional law. Prof Dougan is also the Dean of Liverpool Law School.
- **Dr Helen Staltford** is Reader in Law and the Director of Research in Liverpool Law School. Dr Staltford is an established scholar in EU governance with vast experience in empirical projects in EU governance and citizenship. Thus, Dr Staltford will provide substantial guidance for the implementation of the project's substantive and methodological aspects. Additionally, in her capacity as the Director of Research, Dr Staltford will ensure effective communication with the University's central research office and Dr Cengiz's active participation in all skills development opportunities provided by the University.
- **Dr Gaetano Pentassuglia** is Reader in Law and the Director of the Human Rights and International Law Unit. He is an established scholar in the fields of European and international human rights law, thus, will oversee the implementation of the project's human rights-related aspects.

### **B3.2 Feasibility and credibility of the project, including work plan**

The supervisory board will meet at the commence of the project to discuss a **five-year career plan** for Dr Cengiz that will include the project's implementation and Dr Cengiz's enrolment in all necessary research skills training activities. The board will also discuss the project's

contribution to Dr Cengiz's research career in the longer term. This contribution should ideally take the form of writing of a grant proposal based on the project's research findings with the aim of applying to, among others, the **European Research Council Starting Grants**. The supervisory board will further meet once every semester to oversee the project's implementation. Prof Dougan (scientist in charge) and Dr Cengiz will meet every month to oversee and discuss implementation and other project related matters.

The project will be implemented based on five task packages detailed below:

- Task 1** – Article on legitimacy and participation of civil society in competition law
- Task 1.1** – Literature review (law and political science literature)
  - Task 1.2** – Empirical research (interviews with civil society members)
  - Task 1.3** – Writing up and presentation of the article to internal and external audience
  - Task 1.4** – Finalising of the article and submission
- Task 2** – Article on political accountability and parliamentary control in competition law
- Task 2.1** – Literature review (law and political science literature)
  - Task 2.2** – Empirical research (interviews with parliamentary committee members)
  - Task 2.3** – Writing up and presentation of the article to internal and external audience
  - Task 2.4** – Finalising of the article and submission
- Task 3** – Article on judicial accountability and judicial review in competition law
- Task 2.1** – Literature review (law and political science literature on judicial review)
  - Task 2.2** – Legal research (case-law of the EU Courts and the US federal courts)
  - Task 2.3** – Writing up and presentation of the article to internal and external audience
  - Task 2.4** – Finalising of the article and submission
- Task 4** – Article on the potential governance effects of ECHR in the field of competition law
- Task 4.1** – Literature review (law and political science literature on the ECHR regime and its effects)
  - Task 4.2** – Legal research (analysis of the case-law of the EU Courts and the ECtHR)
  - Task 4.3** – Writing up and presentation of the article to internal and external audience
  - Task 4.4** – Finalising of the article and submission
- Task 5** – Organisation of the international conference
- Task 5.1** – Publication of the call papers
  - Task 5.2** – Selection of papers based on abstracts
  - Task 5.3** – Invitation of selected authors & submission of edited volume proposal
  - Task 5.4** – Holding of the conference
  - Task 5.5** – Submission of the edited volume manuscript

The timetable below summarises the project's planned implementation. The timetable is designed flexibly in three-month blocks to allow contingency and swap of tasks between different blocks if necessary. If necessary and possible various task packages may be initiated simultaneously.

**Table 1 - Project Timetable**

	<b>Block 1</b>	<b>Block 2</b>	<b>Block 3</b>	<b>Block 4</b>
<b>Year 1</b>	Task 1.1	Task 1.2	Task 1.3	Task 1.4
<b>Year 2</b>	Task 2.1	Task 2.2	Task 2.3	Task 2.4
<b>Year 3</b>	Task 3.1	Task 3.2	Task 3.3	Task 3.4 Task 5.1
<b>Year 4</b>	Task 4.1 Task 5.2	Task 4.2 Task 5.3	Task 4.3 Task 5.4	Task 4.4 Task 5.5

**Table 2 - Project budget (in Euros)**

	<b>Year 1 (2012-2013)</b>	<b>Year 2 (2013-2014)</b>	<b>Year 3 (2014-2015)</b>	<b>Year 4 (2015-2016)</b>
<b>Researcher's salary*</b>	47,396	48,811	50,275	51,722
<b>Research visits</b>	5,000**	1,000	1,000	2,000**
<b>Dissemination</b> (Conference attendance, website start-up and maintenance and other dissemination costs)	2,000	2,000	2,000	2,000
<b>Conference organisation</b>	-	-	-	8,000
<b>Miscellaneous</b> (Acquisition of books and other research related material and research training costs)	2,000	2,000	2,000	2,000
<b>Total</b>	56,396	53,811	55,275	65,722
<b>Marie Curie contribution</b>	25,000	25,000	25,000	25,000
<b>Liverpool University contribution</b>	31,396	28,811	30,275	40,722

\* Calculated based-on the conversion rates given at [www.xe.com](http://www.xe.com) on 6 September 2012.

\*\* Research visits to the US.

The budget of the project over four years is summarised in the table above. Liverpool Law School guarantees that Dr Cengiz's research time will comprise at least 40% of her general task package and will not in any case be lower than the full time equivalent of the Marie Curie grant's contribution to her salary.

### **B3.3 Management: Practical arrangements for the implementation of the research project**

The project's implementation mostly requires individual research by Dr Cengiz based on printed and electronic materials. Thus, she will need an office, access to computing services and the library as well as inter-library loan services to bring resources from other libraries in the UK and the wider world if necessary. In order to ensure the project's smooth commencing, Liverpool Law School Management Office will have arranged these practicalities by the time of Dr Cengiz's arrival in Liverpool. The University Human Resources Office will assist Dr Cengiz in all aspects of her moving to Liverpool and pay for her moving expenses. Afterwards the Law School Management Office as well as the Computing Services will continue assisting Dr Cengiz in practical aspects of project implementation. Apart from these, the only aspect of the project that requires practical arrangement is empirical research in the form of interviews with officials based in Brussels and Washington D.C. In order to conduct the interviews Dr Cengiz will make research visits to Brussels and Washington. Several daily low cost flights connect Liverpool to Brussels. Thus, occasional research visits to Brussels as required by the project can be arranged on relatively short notice and little cost. Dr Cengiz will combine these visits with other activities, such as presentations in international conferences, for efficiency reasons. Dr Cengiz will make a three month research visit to Washington in the first year of the project. Dr Cengiz will combine this visit with a visiting scholarship in Georgetown University, as she did in her doctoral research, in order to have access to the excellent resources of the Georgetown Library, including the archives. Liverpool Law School will arrange Dr Cengiz's teaching and other obligations flexibility in order to leave sufficient time for the research visit. If necessary Dr Cengiz will continue her empirical research on the US regime with phone interviews after leaving Washington. Dr Cengiz followed the same method successfully during her doctoral research. In the final year of the project, after having worked in Liverpool for four years Dr Cengiz will be entitled to one semester sabbatical that will be used for a final research to the US.

## **B4 IMPACT**

### **B4.1 Contribution to research excellence by attracting and retaining first class researchers**

This project is highly original and innovative. It aims to find answer(s) to a research question that has not been addressed before. It is truly interdisciplinary in its effort to initiate a dialogue between the legal and political science literatures in the field. The project is ambitious with the diversity of methodologies it aims to follow that include comparative and empirical research as well as legal analysis. In contrast to dominant tendencies in the field, the project aims to incorporate the perceptions and experiences of civil society in its analysis. The project is particularly timely in light of the European Commission's strategy for Europe 2020 that aims to turn the EU into a productive economy based on *inter alia* effective competition and consumer protection policies. The project is also timely given the recent policy initiatives to bridge the gap between citizens and the EU governance that includes the EU's accession to the ECHR. Liverpool Law School is a particularly suitable host for the successful implementation of this project. The School does not only have impressive staff profile and active research groups in the areas covered by the project but it also has a strong programme in empirical legal research funded by the UK Economic and Social Research Council. This **essential match and synergy between Liverpool Law School and the project** will ensure the project's successful implementation. As a result, the project will contribute substantially to excellence in European scholarship and research in competition law and EU governance in general.

As explained in detail in the following sub-sections, Dr Cengiz is an ambitious and determined young scholar with recent experiences in international job and education markets. Dr Cengiz has already reached a high quality in research and teaching. She is well positioned in international networks thanks to her previous and on-going affiliations with leading European research institutions in the field. She has a concrete plan for the dissemination of the projects' research results through scientific output as well as outreach activities. With all these qualities, Dr Cengiz will further **contribute to research and teaching excellence in Liverpool Law School**: she will reflect on her research in her teaching by designing interesting courses involving current issues in competition law and EU governance. She will take full advantage of her networks by inviting scholars from different parts of the world to Liverpool to give seminars and meet the faculty and students. She will provide guidance to students as well as her less experienced colleagues in different aspects of professional life with her recent experiences in the job and education markets.

The successful implementation of this project will further improve Dr Cengiz's skills as a researcher and her reputation in her field. Thus, as a result of the project, Liverpool Law School will have a stronger profile in the project's subjects. Consequently, the School will be able to attract **a higher number of high quality students and researchers**, including PhD students, who are interested in competition law and EU governance. In the past Liverpool Law School declined a number of PhD applications in competition law due to lack of staff expertise in this area. Thus, Dr Cengiz's presence and her further establishment in competition law scholarship through this project will close an important gap in Law School's research expertise.

### **B4.2 Potential and quality of the researcher's long term professional integration in Europe**

This project will substantially impact the future career development of the researcher. As a result of this project Dr Cengiz will extend her existing interdisciplinary expertise and knowledge in competition law to the fundamental governance/public law concepts of legitimacy and accountability. Thus, as a result of this project Dr Cengiz will be able to

establish herself as a scholar in European public law and governance in general beyond her immediate field of competition law. This will not only extend Dr Cengiz's **networks in European law and political science scholarship** but also further improve her chances for employment in European academia; and for **promotion to a more senior position, including professorship** in the near future. Dr Cengiz will use the research findings of this project in the design of a larger project with the aim of applying to, among others, the **European Research Council Starting Grants**. If this strategy is implemented successfully, Dr Cengiz will become an established scholar in European law and political science scholarship.

Liverpool Law School has offered Dr Cengiz a Grade 8 Lectureship position. This position comprises research, teaching and administration tasks. It is a permanent position subject to satisfactory performance in the probationary three-year period. The position comes with an attractive package of staff benefits, including occupational pension and health schemes, family support policies, mentoring and staff development opportunities, leave of absence and study leave opportunities, sports and other facilities and policies promoting diversity and equality. If the Marie Curie funding is granted, Dr Cengiz will be able to devote a substantial and consistent amount of her time to research in the next four years. Liverpool Law School guarantees that Dr Cengiz's research time will comprise at least 40% of her duties and will in no case be lower than the Marie Curie grant's contribution to her staff costs (see the project budget in section B3.2 above). Thanks to this project Dr Cengiz will be able to produce a significant number of high quality scholarly publications. This will substantially contribute to Dr Cengiz's successful performance in the probationary period and her **future promotion in Liverpool Law School to a more senior position**.

#### **B4.3 Potential for transferring knowledge to the host organisation**

Dr Cengiz has substantial past experience in interdisciplinary, comparative and empirical research. She has been affiliated with the leading European research institutes in her field. She has strong networks with cutting-edge scholars from not only Europe but also other parts of the world, including the US, Canada, Australia and China (see also the next subsection on networking). Thus, she has up-to-date knowledge of current developments in her field; and she takes active part in the discussion of those developments. Dr Cengiz's experiences and networks enrich not only her research but also her teaching. She has developed two courses, one in advanced competition law the other in multi-level governance that she revises regularly in light of her research findings and the current developments in these fields. With her skills in comparative, empirical and interdisciplinary research, her strong networks and her up-to-date knowledge of her field Dr Cengiz will significantly **contribute to research and teaching quality** in Liverpool Law School.

Additionally, Dr Cengiz has had extensive **personal and cultural experiences** as a **mobile researcher**. She has studied/worked in **six countries**, including Turkey, Germany, the UK, the US, Italy and the Netherlands. She is a prime example of how an ambitious and determined researcher from the periphery of Europe can clear hurdles to integrate in the European and wider international community of scholars. With these valuable experiences, Dr Cengiz will surely contribute to the research environment and student experiences in Liverpool Law School from a broader perspective.

Finally, as a young international scholar, Dr Cengiz has had **recent first-hand experiences in the education and job markets**. As an international student she successfully secured funding for her masters and PhD degree studies in competition against an immense number of applicants. Despite the financial crisis and the shrinking job market, she has successfully secured positions in respectful academic institutions in different European countries. Dr Cengiz has substantial past experience and training in different aspects of professional life, such as drafting applications, grant proposals, covering letters, CVs and performance in job interviews. With these international professional experiences, Dr Cengiz will also provide

**guidance to students and young researchers in Liverpool Law School in their professional endeavours.**

#### **B4.4 Capacity to develop lasting co-operation and collaborations with other countries**

Dr Cengiz has been affiliated with leading European research institutions in her field, including the Centre for Competition Policy in Norwich, European University Institute and the Tilburg Law and Economics Center. These three institutions are connected to each other through the **CLEEN (Competition Law and Economics European Network)** which includes also the Amsterdam Center for Law and Economics, the Centre for Infocommunication Law at the Hungarian Academy of Sciences in Budapest, the Centre for Market and Public Organisation in Bristol and the Max Planck Institute for Research on Collective Goods in Bonn. CLEEN organises annual conferences that rotates between its members and operates an active student and staff exchange programme. Through CLEEN Dr Cengiz has built strong and lasting connections with a wider group of scholars within and outside Europe. Additionally, Dr Cengiz has worked and studied in six countries, therefore, have had fellow students and colleagues many of whom are now established young scholars, practitioners and bureaucrats in different countries. Dr Cengiz has **collaborated actively** with some of her fellow students/colleagues, most notably with Dr Kathryn Wright (University of York), Dr Lars Hoffmann (Maastricht University) and Dr Nikos Skoutaris (London School of Economics). In other words, Dr Cengiz has already been part of a strong international network. Thanks to this network Dr Cengiz regularly receives invitations to publish contributions and present in international conferences. Most notably, Dr Cengiz addressed over six hundred competition officials from different parts of the world at the 6<sup>th</sup> United Nations Conference for the Review of Competition Rules. Likewise, in December 2011, Dr Cengiz was invited to the Jiangxi University of Finance and Economics in Nanchang to comment on the operation of the Chinese Antimonopoly Law. During her doctoral research visit to Washington Dr Cengiz built **lasting relationships with leading US antitrust scholars and practitioners**. Dr Cengiz has benefitted from the continued guidance of Prof Andrew Gavil (Howard University), Prof William Kovacic (George Washington University), Prof David Gerber (Chicago Kent School of Law), Prof Susan Beth Farmer (Penn State University), Mr Russell Damtoft (Federal Trade Commission) and Prof Gregory Sidak (Georgetown University). Dr Cengiz's connections with the US scholarship have been further improved after the publication of her comparative book. Prof Herbert Hovenkamp (Iowa University) published a very positive review of the book. Prof Spencer Weber Waller (Loyola University Chicago) informed Dr Cengiz that he is in the process of writing a review.

Needless to say Dr Cengiz will take full advantage of her networks in the implementation of this project and in the dissemination of the research results. Likewise, Dr Cengiz will actively widen the reach of her networks as required for the implementation of the project. The most obvious benefit of the project from this perspective will be the extension of Dr Cengiz's networks to **members of civil society** through semi-structured interviews. Likewise, the conference that Dr Cengiz will organise in the project's fourth year will provide an invaluable opportunity to connect with scholars who share an interest in the subject.

#### **B4.5 Plans for dissemination and exploitation of results**

Dr Cengiz has very clear and concrete objectives for the dissemination of research results: she will publish **four scholarly articles in excellent peer-reviewed international journals**. These articles will address respectively legitimacy and civil society participation in competition law; political accountability and parliamentary control in competition law; judicial accountability and judicial review in competition law, and finally the potential governance effects of EU's accession to the ECHR in the field of competition law. Dr Cengiz will also bring together the findings of the project in these individual themes in the context of a **research monograph** with the aim of making a broader contribution to competition law and

EU governance scholarships. Dr Cengiz will present her work and specifically the research findings of this project in various international conferences and workshops, such as the annual conferences of the Society of Legal Scholars (SLS), The University Association for Contemporary European Studies (UACES), the Political Studies Association (PSA) and the International Studies Association (ISA). Additionally, in the fourth year of the project Dr Cengiz will organise an **international conference** specifically on legitimacy and accountability in competition law. The objective of this conference will be to compare the experiences of different polities and countries, including the EU, US, UK a number of EU Member States as well as other countries from around the world. Papers for this conference will be chosen through an international open call for abstract submission. Presented papers will be published in an **edited volume** (either a book or a special journal issue). The plans for dissemination also include popular contributions addressed to wider public as explained in the next subsection.

#### **B4.6 Impact of proposed outreach activities**

The primary aim of this project is to contribute to the anchoring of consumers to the EU competition law regime by proposing improved accountability and legitimacy mechanisms. Competition law is supposed to make markets work to the benefit of consumers by preventing activities that increase the price or reduce consumer choice. However, the limited consumer participation in the making and enforcement of competition laws suggests that this vital function of competition rules is not well understood and appreciated by consumers. This project's outreach activities will aim to contribute to better consumer information in competition rules. The project will follow several methods to achieve this goal: in the past Dr Cengiz has communicated her research findings to **general public** through **short non-technical articles** published in widely read newspapers and other public information and discussion platforms, such as the Guardian, Open Democracy and Euractiv. These articles have been particularly successful in attracting civil society and general public interest to the subject of research. Dr Cengiz will publish such non-technical pieces in widely read newspapers and magazines to inform the public on competition law in general and the project's research findings in particular. Dr Cengiz will also design and operate a special project website to publicise the project and to communicate the research findings to the public. Dr Cengiz will use the interviews with **civil society members** strategically to seek their collaboration and support in the project's popular outreach activities. This civil society support, if secured successfully, will ensure a more structural approach to outreach activities that can take the form of regular publications in civil society blogs and magazines as well as information sessions for consumers. Finally, in her competition law course Dr Cengiz will design an **interactive group task for students**. In this task students will be required to organise a group activity, such as an information session in the framework of the local science festival, to inform the local community about competition law and various rights consumers enjoy in light of the EU and the UK competition rules.

**B6 ETHICAL ISSUES TABLE**

<b>Research on Human Embryo/ Foetus</b>		<b>YES</b>	<b>Page</b>
*	Does the proposed research involve human Embryos?		
*	Does the proposed research involve human Foetal Tissues/ Cells?		
*	Does the proposed research involve human Embryonic Stem Cells (hESCs)?		
*	Does the proposed research on human Embryonic Stem Cells involve cells in culture?		
*	Does the proposed research on Human Embryonic Stem Cells involve the derivation of cells from Embryos?		
	I CONFIRM THAT NONE OF THE ABOVE ISSUES APPLY TO MY PROPOSAL	YES	

<b>Research on Humans</b>		<b>YES</b>	<b>Page</b>
*	Does the proposed research involve children?		
*	Does the proposed research involve patients?		
*	Does the proposed research involve persons not able to give consent?		
*	Does the proposed research involve adult healthy volunteers?		
	Does the proposed research involve Human genetic material?		
	Does the proposed research involve Human biological samples?		
	Does the proposed research involve Human data collection?		
	I CONFIRM THAT NONE OF THE ABOVE ISSUES APPLY TO MY PROPOSAL	YES	

<b>Privacy</b>		<b>YES</b>	<b>Page</b>
	Does the proposed research involve processing of genetic information or personal data (e.g. health, sexual lifestyle, ethnicity, political opinion, religious or philosophical conviction)?		
	Does the proposed research involve tracking the location or observation of people?		
	I CONFIRM THAT NONE OF THE ABOVE ISSUES APPLY TO MY PROPOSAL	YES	

<b>Research on Animals</b>		<b>YES</b>	<b>Page</b>
	Does the proposed research involve research on animals?		
	Are those animals transgenic small laboratory animals?		
	Are those animals transgenic farm animals?		
*	Are those animals non-human primates?		
	Are those animals cloned farm animals?		
	I CONFIRM THAT NONE OF THE ABOVE ISSUES APPLY TO MY PROPOSAL	YES	

<b>Research Involving Developing Countries</b>		<b>YES</b>	<b>Page</b>
	Does the proposed research involve the use of local resources (genetic, animal, plant, etc)?		
	Is the proposed research of benefit to local communities (e.g. capacity building, access to healthcare, education, etc)?		
	I CONFIRM THAT NONE OF THE ABOVE ISSUES APPLY TO MY PROPOSAL	YES	

Dual Use		YES	Page
	Research having direct military use		
	Research having the potential for terrorist abuse		
	I CONFIRM THAT NONE OF THE ABOVE ISSUES APPLY TO MY PROPOSAL	YES	

Consistency with part A		YES	No
	I CONFIRM THAT THE INFORMATION GIVEN IN THIS TABLE IS CONSISTENT WITH THE INFORMATION PROVIDED ON ETHICS PART A, PAGE A1	YES	

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**ENDPAGE**

**PEOPLE  
MARIE CURIE ACTIONS**

**Marie Curie Career Integration Grants (CIG)**

**Call: FP7-PEOPLE-2012-CIG**

**PART B**

**PROPOSAL**

**Anchoring the Consumer: Legitimacy and Accountability in  
Competition Law**

**“ACLACL”**