



## STUDY PROGRAMME

(1) European Legal Studies Programme

(2) Transatlantic affairs

## ACADEMIC YEAR

2019-2020

## SEMESTER

Second

## COURSE TITLE

Procedural Aspects of EU Competition Law and Trade Defence Measures

## COURSE PROFESSOR

L. Ortiz Blanco

## COURSE ASSISTANT

C.Challet

## NATURE OF COURSE (COMPULSORY, OPTIONAL)

Optional

## LANGUAGE OF INSTRUCTION

English

## ECTS CREDITS

4

## 1. COURSE OBJECTIVES

This seminar is focused on the analysis of how the European Commission investigates infringements of Articles 101 and 102 TFEU, examining in detail its powers of investigation and analyzing the procedural rights of the parties concerned. Judicial review against Commission decisions and issues related to the decentralisation of EU competition law enforcement are also thoroughly tackled. Finally, this seminar also covers anti-dumping and other trade defence procedures.

On completion of the course, students will be expected to be able to master the basic rules of EU administrative law governing competition and trade defence proceedings. They will understand and apply these rules easily, with a critical approach at times.

## 2. LEARNING OUTCOMES

The course objectives tie in with the following learning outcomes of the programme **European Legal Studies**:

- 1.1. Possess advanced knowledge of the European Union (EU), its institutions, competences, substantive principles and legal doctrines;
- 1.2. Possess general knowledge on the main elements of the EU's law and policy at large;
- 1.3. Possess in-depth, scientific knowledge on specific areas of EU law;
- 2.1. Be able to think analytically, correctly analysing complex legal problems in a multi-level legal order, the various sources of law, legal instruments and actors, and to formulate a scientifically sound position on the basis of logical reasoning;



- 2.2. Be able to think dynamically, to understand the constantly changing and evolving nature of the European integration process and to provide constructive commentary on its possible future development;
- 2.3. Be able to think critically, formulating an independent opinion and interpretation of complex legal problems, contextualising findings and weighing a multitude of different factors, including findings from other disciplines;
- 2.4. Be able to process a large amount of information within a short amount of time and to deliver accurate and reflective outcomes;
- 2.5. Be able to work with primary sources of law, such as judgments and legislation, and to reflect independently on their significance and interpretation;
- 2.6. Be able to work in a multi-cultural context, understanding and mediating different legal systems, legal traditions and normative frameworks in a constructive way;
- 2.7. Be able to develop, research, discuss and critically answer questions regarding a scientific research question of EU law in a scientifically responsible way;
- 2.9. Draft a clear legal scientific text in the area of EU law;
- 2.10. Present and defend orally an issue relating to EU law on the basis of legal argumentation or a personal position;
- 2.11. Be able to study and work in the area of EU law in English and French, including through interaction with native speakers.

The course objectives tie in with the following learning outcomes of the programme **Transatlantic Affairs**:

- 1.1 The graduate masters the most important theoretical approaches and concepts of, depending on his or her disciplinary focus, Economics, International Relations and Diplomacy Studies, **Legal Studies** and/or Political Science relevant for the analysis of transatlantic affairs;
- 1.3 The graduate has good knowledge of, depending on his or her disciplinary focus, the political and/or legal systems, the decision-making processes, the economic structures and the main internal and external policies of the European Union and the United States;
- 2.4 The graduate is capable of processing a large amount of information and appropriately analyse relevant sources depending on his or her disciplinary focus within a short period of time and of suggesting possible actions that contribute to problem-solving in a creative way;
- 2.5 The graduate has the intellectual maturity and skills to take responsibilities and function autonomously in a professional environment at national or international level, and especially in a transatlantic context, and to work efficiently and effectively through planning, organizing, setting priorities, meeting deadlines, cooperating across cultural boundaries and networking.

### 3. COURSE CONTENTS

Course consists of the following topics, subject to eventual update:

1. Overview of Regulation 1/2003
2. Opening of the file and proceedings. Transparency
3. Leniency policy
4. Information requests, interviews and inspections
5. Procedures to establish the existence of an infringement. Rights of defendants: statement of objections, access to the file, written reply and oral hearings. Third parties' rights. Advisory Committee meetings
6. Settlements
7. Article 7 decisions. Remedies
8. Fines. Commission's policy and calculation methods



9. Rejection of complaints

10. Other procedures: Voluntary adjustments, commitments, declarations of inapplicability and informal guidance. Interim measures and withdrawal of the benefit of a block exemption. Monitoring. Closing of the file

11. Appeals before the EU courts against Commission's decisions

12. Decentralisation under Reg. 1/2003: The role of national competition authorities and national judges

13. Anti-dumping and anti-subsidies procedures

14. Other trade defence procedures.

## 4. TEACHING METHOD

The professor gives a short lecture at the beginning of each new topic. This is conceived to encourage debate in class and questions from students.

A syllabus with a detailed outline and a compilation of relevant mandatory readings is distributed to students in advance. The mandatory readings comprise case-law, legislation and doctrine for each of the topics covered, including the relevant parts of the indicated text book on the subject.

A selection of additional relevant materials for each topic is also made available by the Professor in the library of the College.

## 5. FURTHER DETAILS ON THE TEACHING METHOD

- Students are required to write a short paper (3.000-4.000 words) on a topic of their choice within the subjects covered;
- On a voluntary basis, students are also encouraged to take part in two practical case exercises. The exercise will be facilitated by the Academic Assistant. Depending on the quality of the work, students may obtain up to 1 point on their final grade.

## 6. COURSE MATERIAL

- Main text book: L. Ortiz Blanco (ed.), European Union competition procedure, Oxford University Press, 3rd edition, 2013.
- Syllabus comprising relevant legislation and case-law/decisional practice;
- Relevant doctrine.

## 7. EVALUATION

Final grade of the students is composed of several elements:

An oral examination of students' knowledge of the course material, which counts for maximum 10.5 points. Oral exam lasts approximately 30 minutes; there is no preparation time.

Short paper counts for maximum 3.5 points; Class participation counts for maximum 6 points.

Optional practical cases: Students solving the two cases correctly will receive one extra point on their final mark (1 additional point on top of their mark, up to a maximum of 20).

Participation in all evaluation forms (permanent and periodic evaluation) is compulsory and a prerequisite to receive an exam mark. In case of non-compliance the final score will automatically be reduced to the highest non-passing and non-compensable grade.

Exams organised in second session period are 100% written exams.