



## STUDY PROGRAMME

(1) European Legal Studies Programme

(2) Transatlantic Affairs

## ACADEMIC YEAR

2020-21

## SEMESTER

First+second

## COURSE TITLE

Law of Competition in the EU

## COURSE PROFESSOR

P. Marsden

## COURSE ASSISTANT

M. de la Cuesta

## NATURE OF COURSE (COMPULSORY, OPTIONAL)

Compulsory

## LANGUAGE OF INSTRUCTION

English

## ECTS CREDITS

7

## 1. COURSE OBJECTIVES

To allow students to be able to analyse Articles 101 and 102 TFEU and their implementation and application through legal instruments and case-law; an introduction to EU merger control. On completion of the course, students (including those following MATA programme) will be expected to have gained an in-depth knowledge of the policy and the law of the European Union competition rules applicable to private undertakings.

## 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

1. General introduction to competition law and policy; market definition; the assessment of market power;
2. Introduction to Article 101(1): agreements, concerted practices and decisions; Article 101(1): the object or effect of preventing, restricting or distorting competition, Article 101(3);
3. Vertical agreements; Cartels, fines and leniency;
4. Article 102 introduction; Article 102: examples of abuse, pricing and non-pricing abuses;
5. Article 102: non-pricing abuses: some case studies;
6. Mergers: substantive analysis under the EUMR.



## 4. TEACHING METHOD

A syllabus with the mandatory readings is distributed to students in advance, to allow them to prepare classes and actively participate in the debate. The syllabus is essentially composed of relevant case-law, legislation and Commission's guidelines and notices. R. Whish, D.Bailey, Competition Law (Oxford University Press, 9th edition, 2018) is indicated as background and mandatory reading as well, the precise relevant chapters being clearly designated. With very few exceptions, the Professor will not be introducing the facts of each case in class; students will be expected to know the facts and key findings of cases from the readings. Classes will focus on analytical, practical and normative issues. Tutorials are organized to revise some specific issues, out of which some being covered by the Professor in class and others being new topics; their purpose being essentially to go through some notions which are more difficult to understand and assist students in their study.

## 5. FURTHER DETAILS ON THE TEACHING METHOD

Preparation and presentation of assigned cases; group discussions on topics provided in advance.

## 6. COURSE MATERIAL

Syllabus consisting of relevant legislation and case-law; indicated chapters from the textbook.

## 7. EVALUATION

The course will be examined by a three hour open-book written examination.

Students are allowed to bring hard copies of any materials they wish into the examination room. The exam will consist of three questions covering any of the topics up to and including the first 20 hours of teaching for the ELEA economists, and of the totality of the course for law students. One out of three questions is a practical case. The same modalities apply for the second session exam.

The purpose of the exam is to evaluate the understanding by students of the subject, their legal reasoning and critical assessment. The exam is anonymous.

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

## 8. COVID

The College of Europe reserves the right to change the delivery and assessment of the course in case of restrictions related to the Covid-19 pandemic. Any communication from the Department in this regard takes precedence over the information provided in this ECTS card.