



STUDY PROGRAMME

European Interdisciplinary Studies, Natolin campus (Advanced Academic Master)

YEAR

2022-2023

COURSE TITLE

EU Competition Policy

SEMESTER

2

COURSE PROFESSOR(S)

LIANOS Ioannis

ACADEMIC ASSISTANT(S)

MARTÍN MORÁN Álvaro

COURSE TYPE

Specialist Course

MAJOR(S)

EPAP

ECTS CREDITS

4

TEACHING HOURS

20

INDIVIDUAL & GROUP STUDY TIME

80

TUTORIAL(S)

COEFFICIENT

1

LANGUAGE(S)

EN

COURSE OBJECTIVE

The module will examine the principles of EU competition policy and the fundamental provisions of EU competition law in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) and the EU Merger Regulation. It will also explore the interaction between competition law and other tools of competition policy, such as the Digital Markets Act (DMA) in the regulation of digital ecosystems. During the course, we will take a comparative law perspective and we will provide examples from cases in other major non-EU jurisdictions (such as the United States, China, Japan) that highlight the specificity of the European approach in competition law & policy.

COURSE LEARNING OUTCOMES

Having successfully completed the module, students will be able to demonstrate

- a sound **understanding** of the functioning of the institutions of the European Union to protect competition, their decision-making processes and their principal policies. They are able critically to analyse and evaluate the legitimacy and efficacy of EU competition law institutions and processes.
- a sound understanding of the functioning of European Union's legal order to protect competition and the concepts and contexts which underpin them. They are able to make reasoned and informed choices between alternative legal arguments in an EU context
- a sound understanding of EU economic integration, including the making of EU competition policy. They are able to employ basic economic theory to analyse and evaluate the effectiveness of EU competition law and policy
- a critical **knowledge** of the legal framework of EU competition law & policy and of the political economy of EU governance in competition policy with particular focus on:
 - vertical and horizontal agreements (e.g. cartels)
 - abuse of dominant position
 - EU merger control law and policy
 - competition policy in the digital economy: the intersection of competition law and regulation (e.g. DMA, DSA, Data Act)

- the interaction between competition law and policy and other EU policies (sustainability & environmental protection, innovation, industrial policy, social policy)
- Ability to analyse complex social processes and economic problems along with their causes and formulate their own opinions thereon through evaluation and integration of information from various sources. They are able to define and critically assess the EU institutions that shape competition policy and the processes these institutions use to achieve their goals in addressing issues of unemployment, inflation, exchange rates, balance of payments, or economic growth.

By completing this module, students will also be able to develop the following **skills**:

- ability to construct, present and defend a case clearly and coherently in writing as well as before their peers orally, and constructively to question and critique the cases made by others;
- ability to formulate research questions and to design and pursue an autonomous research project, making use of appropriate methodologies and theories;
- ability autonomously to gather, sift, assess and interpret information from multiple sources. On the basis of referenced evidence, they are able to formulate and develop a coherent and reasoned stance, justifiable conclusions, specific policy recommendations and/or historical arguments;
- they will become acquainted with different, and often new, professional fields (law, economics), facilitating their access to the constantly evolving job market.

RECOMMENDED PREPARATION

Students will benefit from reading Amato 'Antitrust and the Bounds of Power: The Dilemma of Liberal Democracy in the History of the Market' (Hart, 1997)

TEACHING METHOD(S)

Seminars

ASSESSMENT METHOD AND CRITERIA

- Standardised summative assessment (24 hours Take-home written exam): 50%
- Academic paper: 50%
 - Topics will be distributed the second week of class
 - Topics are pre-defined but students are also allowed to select their own topic following consultation with the Professor or the Academic Assistant
 - This is an individual exercise
 - Maximum length: 5000 words, including footnotes but excluding annexes, cover page, table of contents, abstract and bibliography

The College of Europe reserves the right to change the delivery and assessment of the course in case of circumstances beyond the reasonable control of the College (*force majeure*). Any communication from the campus administration in this regard takes precedence over the information provided in this ECTS card.

Retake examinations, i.e. exams passed in the second examination session, will have the same format as those taken during the first exam session. The only exception concerns oral exams, which are replaced in the second exam session by written exams. When a student takes an examination during the second session, the final mark for the course is based solely on the result of the retake examination. No other element of evaluation which would have been taken into consideration in the calculation of the final mark during the first examination session will be considered in the second session.

COURSE CONTENTS

The course will examine the following topics:

- Introduction to competition law and policy:
- Theories of competition and competition law
- How do economic concepts fit in the legal system?
- EU competition federalism
- Cartels
- Horizontal cooperation agreements
- Oligopoly under EU Competition Law
- Vertical agreements and distribution practices
- Abuse of a dominant position
- EU Merger Regulation
- Regulating Ecosystems
- Competition Law and Government Intervention

COURSE MATERIALS (readings and other learning resources/tools)

A complete list of readings per seminar will be provided one week before the beginning of term.

Main course materials

- Lianos, I., Korah, V., Siciliani, P. (2019). *Competition Law: Analysis, Cases & Materials* (OUP 2019)
- Niels, G., Jenkins, H., and Kavanagh, J. (2016). *Economics for Competition Lawyers*. 2nd ed. (Oxford University Press) [economic supplement]

Additional books

Amato 'Antitrust and the Bounds of Power: The Dilemma of Liberal Democracy in the History of the Market' (Hart, 1997)

Andriychuk, 'The Normative Foundations of European Competition Law' (Edward Elgar, 2017)

Brisimi 'The Interface Between Competition and the Internal Market' (OUP, 2014)

Gerber 'Law and Competition in Twentieth Century Europe: Protecting Prometheus' (OUP, 2001)

Ibáñez-Colomo 'The Shaping of EU Competition Law' (CUP, 2018)

Monti 'EU Competition Law' (CUP, 2007)

Motta 'Competition Policy' (CUP, 2004)

Nazzini, 'Competition Enforcement and Procedure' (OUP, 2016)

Patel & Schweitzer (eds.) 'The Historical Foundations of EU Competition Law' (OUP, 2013)

Svetiev, 'Experimentalist Competition Law and the Regulation of Markets' (Hart, 2020)

Townley 'A Framework for European Competition Law: Co-ordinated Diversity' (Hart, 2018)