Course Syllabus

COMPETITION LAW
LAW 311G

Number of ECTS credits: 6
Time and Place: Tuesday and Thursday 10:00 – 11:30, Vesalius College

Name of Professor: Chantal Lavoie, LL.M
E-mail: chantal@lavoielegal.eu
Office hours: Tuesday 11:30 – 12:30 (by appointment)

CONTENT OVERVIEW

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Course Prerequisites (if any)

BUS101G or LAW111G

Course Description

This course is designed to provide an introductory overview of the main principles of competition law and their application in today’s global economy. It will mainly focus on EU competition law but also refer and compare to key competition law regimes in the world, particularly the United States. Students are invited to focus on the rationale behind the adoption of regimes based on ‘free’ competition and the interplay between competition law and economics. Finally, students will be provided with the opportunity for enhanced use of appropriate legal research methods and tools within the framework of class assignments.

Further Detail on Course Content

In this course, students will examine the role of competition law and policy, primarily at the EU level and also more generally at international level and within the scope of the global economy. The different features of competition law will be closely analysed, including the interaction between trade, competition and the process of internationalisation of competition law and policy. Students will explore various aspects of competition law, including abuse of a dominant position, anti-competitive agreements, merger control, state aids and topical issues related to competition compliant business strategy in the current economy.

Course Learning Objectives (CLO)

At the end of this course, students should be able to:

In terms of knowledge:
➢ Understand the rationale behind the adoption of regimes designed to protect competition in the majority of jurisdictions in the world
➢ Demonstrate the knowledge of, and ability to apply, competition rules in a practical economic situation
➢ Acquire specialised legal training to apply knowledge, understanding and problem-solving abilities to issues of competition law
➢ Understand and analyse the interplay between competition law and economics
➢ Know how to find, understand and use effectively sources of EU competition law, including primary and secondary legislation, decisions, case-law, websites and database on competition law

In terms of skills
➢ Use appropriate referencing and bibliographic methods
➢ Construct an argument effectively
➢ Demonstrate effective oral presentation skills
➢ Demonstrate effective and integrative team-work
➢ Great attention to details and facts
➢ Ability to apply competition rules in an economic context
➢ Ability to opine on the business impact of competition rules

**In terms of attitudes, students should develop in this course:**
➢ critical attitudes, which are necessary for “life-long learning”
➢ an attitude of open-mindedness and self-critical reflection with a view to self-improvement
➢ sensibility towards the ethical dimensions of different aspects of the content of this course
➢ an open attitude towards inter-cultural team-work
LINK BETWEEN MAJOR OBJECTIVES, COURSE OBJECTIVES, TEACHING METHODS, ASSIGNMENTS AND FEEDBACK

(BA International and European Law)

Summary
The main objective of this course is for students to acquire a well-rounded and practical understanding of the key rules and concepts of competition law, with primary focus on EU competition law, and their application in the global economy. The course will be taught in a dynamic and interactive format and relying on current developments in case law and considering topical issues in the current economic context.

Number of assignments used in this course
3 (written case analysis; mid-term exam; final exam)

Number of Feedback occasions in this course
Ongoing, classes will be interactive and a general wrap-up session organised at the end of the semester

Number and Types of Teaching Methods
PP Presentations, case studies with opportunity to present and debate cases

<table>
<thead>
<tr>
<th>Major Learning Objectives</th>
<th>Course Objectives Learning objectives addressing the Major Objectives (testable learning objectives)</th>
<th>Methods used to Teach Course Objectives</th>
<th>Methods (and numbers/types of assignments) used to test these learning objectives</th>
<th>Type, Timing and Instances of Feedback given to Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquire knowledge of terminology, concepts and principles of competition law</td>
<td>Acquire specialised legal training to apply knowledge, understanding and problem-solving abilities to issues of competition law</td>
<td>PP Presentation Textbook</td>
<td>Mid-term exam and final exam will present a list of questions aiming to test students' understanding of the main concepts of competition law. The case analysis due in week 10 will also test students' ability to apply concepts and principles of EU competition law.</td>
<td>Students are strongly encouraged to participate and ask questions. The sessions will be interactive with debates regularly organised to test students' ability and understanding of the main concepts and principles of competition law.</td>
</tr>
<tr>
<td>Understand the rationale behind the adoption of competition law regimes designed to protect competition in the majority of jurisdictions in the world.</td>
<td>PP presentation inviting students to debate the link between free competition and consumer protection</td>
<td>Understanding of the rationale will be tested in the mid and final exams.</td>
<td>Same as above</td>
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<tr>
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<td>Course Learning objectives addressing the Major Objectives (testable learning objectives)</td>
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<tr>
<td>Understand and analyse the interplay between competition law and economics</td>
<td>Textbook</td>
<td>Exams: students will have to analyse the economic context before selecting the appropriate rule/approach Relevant also for the case analysis due in week 10.</td>
<td>Interactive sessions for each course with questions are particularly important to understand the interplay between economics and competition</td>
<td></td>
</tr>
<tr>
<td>Understand the competition law enforcement process in the EU</td>
<td>PP presentation Textbook</td>
<td>Final exam: students will be tested on their understanding of the enforcement process of EU competition law</td>
<td>Same as above</td>
<td></td>
</tr>
<tr>
<td>Know how to effectively use dedicated resources, including websites and databases on competition law Use appropriate referencing and bibliographic methods</td>
<td>The course will teach students where to find and use the main websites on competition and other useful resources</td>
<td>Submission of a case analysis by week 10 In the case analysis, students will have to correctly refer to the relevant rules, case law and other sources</td>
<td>Same as above. Students are also encouraged to familiarise themselves with existing resources and consult regularly during the semester the DGCOMP website</td>
<td></td>
</tr>
<tr>
<td>Develop analytical, oral and written presentation skills</td>
<td>PP presentation and review of literature Many practical examples will be given during the session, inviting students to reflect on a competition issue and propose adequate analysis and answers</td>
<td>Exams: questions aiming to test students’ understanding of, and ability to apply, the main concepts and to solve short practical cases. The case analysis due in week 10 will also test students’ ability to critically</td>
<td>Students are strongly encouraged to ask questions and participate. Some case studies with debates will be regularly organized to test ability to apply and understanding of the main concepts</td>
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<tr>
<td><strong>Major Learning Objectives</strong></td>
<td><strong>Course Learning objectives addressing the Major Objectives (testable learning objectives)</strong></td>
<td><strong>Methods used to Teach Course Objectives</strong></td>
<td><strong>Methods (and numbers/types of assignments) used to test these learning objectives</strong></td>
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<tr>
<td>analyse a decision or court judgment.</td>
<td>Submission of a case analysis by week 10. In the case analysis, students will have to correctly refer to the relevant rules, cases and other sources</td>
<td>Same as above</td>
<td></td>
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<tr>
<td>Use appropriate referencing and bibliographic methods</td>
<td>Case studies with debates and/or role play will be regularly organized to put students in a ‘real-life’ case/situation</td>
<td>Interactive session with regular focus on debates/role play</td>
<td>Same as above</td>
<td></td>
</tr>
<tr>
<td>Demonstrate effective and integrative team-work</td>
<td>Case studies with debates and/or role play will be regularly organized to put students in a ‘real-life’ case/situation</td>
<td>The case analysis and exams will test the ability to develop arguments for oral presentations</td>
<td>Feedback and methods of presentation will be given/addressed at each sessions that includes a case study with debates</td>
<td></td>
</tr>
<tr>
<td>Demonstrate effective oral presentation skills</td>
<td>Case studies with debates and/or role play will be regularly organized, to put students in a ‘real-life’ case/situation</td>
<td>Relevant for all exams and assignment</td>
<td>Feedback and methods of presentation will be given/addressed at each sessions that includes a case study with debates</td>
<td></td>
</tr>
<tr>
<td>Great attention to details and facts</td>
<td>Each session will focus on many practical examples showing the importance of facts</td>
<td>Students are strongly encouraged to participate and ask questions. The sessions will be interactive with case studies/ debates regularly organised to give students the opportunity to apply competition law taking into account all relevant facts, including the</td>
<td></td>
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</tr>
<tr>
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<tr>
<td>Ability to apply the law in an economic context</td>
<td>Each session will focus on many practical examples showing the importance of economics. Particularly relevant in week 1 on market definition and market power and weeks 8 and 9 on abusive conduct. Students are also encouraged to regularly review the press and consult the DGCOMP website.</td>
<td>Relevant for all assignments Exams will present a list of questions aiming to test students’ understanding of the main concepts of competition law. Students will also have to solve short practical cases. The case analysis due in week 10 will require an analysis of the facts of the case in order to provide a critical analysis.</td>
<td>Same as above</td>
<td></td>
</tr>
<tr>
<td>Ability to assess the business consequences of a legal rule</td>
<td>This aspect will be particularly addressed during the case studies sessions.</td>
<td>Relevant for the case studies in class and for the case analysis</td>
<td>Same as above</td>
<td></td>
</tr>
<tr>
<td>Develop a pro-active and critical approach to competition law</td>
<td>Critical attitudes which are necessary for ‘life-long’ learning</td>
<td>Each session will provide practical examples aiming to test students’ reaction to real-life examples.</td>
<td>Relevant for the exams and particularly for the case analysis Interactive sessions with opportunity to debate and ask questions</td>
<td>Same as above</td>
</tr>
<tr>
<td>An open attitude towards inter-cultural team-work</td>
<td>Each session will provide practical examples aiming to test students’ reaction to real-life examples.</td>
<td></td>
<td>Same as above</td>
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</tbody>
</table>

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Main Course Materials

Please note that you can find the readings for each week and session in the Course Schedule section below.

The course material consists of Power Point presentations, lecture notes and readings from the textbook. Power point presentations will be made available after the respective classes have taken place. A week-by-week overview of the course can be found in the section below. The course will also involve some case studies followed by debates and/or role plays to encourage interaction.

The syllabus, Power Point presentations, reading materials and important messages will be uploaded to ‘Canvas’. Students are expected to visit this site regularly to keep abreast of course evolutions. The professor is expected to upload relevant materials in a timely manner.

Course material marked as ‘suggested readings’ and ‘additional sources’ is helpful for research and to gain an increased understanding, but is not mandatory. This material can be found online or will be made available upon individual request.

Textbook

Required textbook

Richard Whish and David Bailey, Competition Law (9th edn Oxford University Press 2018)

Active Learning and Intensive ‘Reading around the Subject’: Additional Sources, Recommended Journals and Websites:

Learning should be an active and self-motivated experience. Students who passively listen to lectures, copy someone else’s notes, and limit their readings to required chapters are unlikely to develop their critical thinking and expand their personal knowledge system. At the exam, these students often fail to demonstrate a critical approach. Students are strongly recommended to have an updated understanding of developments related to this course. Active and engaged learning will turn out to be enriching to the overall course and class discussions. Students are invited to deepen their understanding of both theoretical and current issues from a variety of sources. Please find below a list of suggestions. You are encouraged to read and browse in the leading journals of competition law.

Leading Journals in Competition Law:

European Competition Law Review; Global Competition Review; Journal of Competition Law & Economics; Journal of European Competition Law & Practice; World Competition Law; e-journals: Competition Policy International; Competition Law Insight; Kluwer Competition Law Blog
Websites of Interest

https://ec.europa.eu/competition/index_en.html
https://curia.europa.eu/jcms/jcms/Jo1_6308/
https://www.internationalcompetitionnetwork.org/
http://www.oecd.org/competition/

Work load calculation for this course

This course counts for 6 ECTS, which translates into 150 – 180 hours for the entire semester for this course. This means that you are expected to spend roughly 10 hours per week on this course. This includes 3 hours of lectures or seminars per week and 7 hours ‘out of class’ time spent on preparatory readings, studying time for exams as well as time spent on preparing your assignment. Please see below the estimated breakdown of your work-load for this course.

Time spent in class: 3 hours per week / 45 hours per semester
Time allocated for course readings: hours per week / hours per semester: 5 hours per week; 75 per semester
Time allocated for preparing Assignment (case analysis): 18 hours
Time allocated for preparing/revising for written Mid-term Exam: 18 hours
Time allocated preparing/revising for written Final Exam: 24 hours

Total hours for this Course: 180

Course Assessment: Assignments Overview

The students will be evaluated on the basis of their performance in the following assignments:

- Case analysis 30%
- Mid-term exam 30%
- Final examination 40%
- TOTAL 100%

Grading Scale of Vesalius College

Vesalius College grading policy follows the American system of letter grades, which correspond to a point scale from 0 – 100. All assignments (including exams) must be graded on the scale of 0-100. To comply with the Flemish Educational norms, professors should on request also provide the conversion of the grade on the Flemish scale of 0-20. The conversion table below outlines the grade equivalents.

<table>
<thead>
<tr>
<th>Letter grade</th>
<th>Scale of 100 (VeCo Grading Scale)</th>
<th>Scale of 20 (Flemish System)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>85-100</td>
<td>17.0-20.0</td>
</tr>
</tbody>
</table>
Description of activities, grading criteria and deadlines

Written assignment (Case analysis)

The written assignment consists in the preparation of a case analysis of a decision of the European Commission or a judgment of the Court of Justice of the European Union.

A selection of cases are proposed below for you to choose from.

- **Case AT.40208** - International Skating Union’s Eligibility rules, European Commission decision of 8 December 2017: https://ec.europa.eu/competition/antitrust/cases/dec_docs/40208/40208_1579_5.pdf

The case analysis should contain the following elements:

- An introduction, including a description of the legal issue under review in the case
- Summary of the case (facts and legal findings)
- Critical analysis where you reflect on the case, in the light of the facts of the case and application of EU competition law rules (including reference to sources of competition law and other relevant cases or academic literature)
- Conclusion with sound concluding remarks
Your case analysis should be well-written, clearly structured and contain well-presented analysis. A mere summary of the case is insufficient. You are required to provide critical analysis of the case under EU competition rules. This assignment will test your attention to details and facts; your analytical and written skills; and your ability to understand and assess the application of competition law rules, to use dedicated resources and use appropriate referencing and bibliographic methods.

A bibliography of all sources consulted to write the case analysis must be included at the end of the paper. Sources must be referenced using the Oxford Standard for the Citation of Legal Authorities, complemented by the Method of citing the case-law of the Court of Justice of the European Union.

The case analysis will have numbered pages; a minimum of 2,500 words and a maximum of 3,500 words (Font Times New Roman, 12 points, 1.5 spaced).

The case analysis is due by **27 March at 10am**. You must submit your paper electronically on Turnitin.

**Mid-Term Exam (written)**

Questions requiring short answers and open questions requiring longer analytical replies. The exam will cover topics covered until week 7. It will test the students’ understanding of the main concepts of competition law and ability to apply relevant rules to practical situations.

**Final Written Exam (written)**

The final exam will cover topics covered from week 8 to week 15. The final exam will be an online open book exam of a duration of 140 minutes containing several open questions. It will test the students’ understanding of the main concepts of competition law and ability to apply relevant rules to practical situations.
Rubrics: Transparent grading criteria for each assignment

The following criteria will be applied in assessing your written work:

**Case analysis**

<table>
<thead>
<tr>
<th>Structure, including word count</th>
<th>An introduction and conclusion; word count respected</th>
<th>The assignment is wellstructured and coherent</th>
<th>A short intro, a good structure, use of separate paragraphs per topic and conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /6</td>
<td>/2</td>
<td>/2</td>
<td>/2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Critical analysis of the major elements</th>
<th>Major elements are covered and facts taken into account</th>
<th>Good legal reasoning in a logical way</th>
<th>Systematic analysis of all major elements and use of personal comments on critical questions. Paper is persuasive in its reasoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /8</td>
<td>/2</td>
<td>/2</td>
<td>/4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal sources and legal terminology including footnotes</th>
<th>Good use of relevant provisions of EU competition law and appropriate references to cases or academic literature</th>
<th>Appropriate use of legal terminology and concepts; an analytical-legal style; correct use of footnotes</th>
<th>The topic is placed in the broader context of the objectives of competition law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /6</td>
<td>/2</td>
<td>/2</td>
<td>/2</td>
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</tbody>
</table>

| Total: /20                                              |                                                          |                                        | /2                                                                               |

On a scale of 100: /100
<table>
<thead>
<tr>
<th>Correct understanding of the legal issues raised by the questions</th>
<th>Analysis of the facts outlined in the question</th>
<th>Selection of the correct legal rule applying to the facts</th>
<th>A correct answer, selecting the appropriate legal rule according to facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /6</td>
<td>/2</td>
<td>/2</td>
<td>/2</td>
</tr>
<tr>
<td>Analysis of the major elements in the questions</td>
<td>Major elements are covered and facts correctly taken into account</td>
<td>Good legal reasoning in a logical way, with reference to economic analysis, where relevant</td>
<td>Clear answer showing a good understanding of the main principles of competition law</td>
</tr>
<tr>
<td>Total: /8</td>
<td>/2</td>
<td>/2</td>
<td>/4</td>
</tr>
<tr>
<td>Structure of answer</td>
<td>Answer is concise and well-structured</td>
<td>Appropriate use of legal terminology and concepts; references to appropriate legal provisions</td>
<td>The topic is placed in the broader context of the objectives of competition law</td>
</tr>
<tr>
<td>Total: /6</td>
<td>/2</td>
<td>/2</td>
<td>/2</td>
</tr>
<tr>
<td>Total: /20 On a scale of 100: /100</td>
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<td></td>
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</tbody>
</table>
**Final exam**

<table>
<thead>
<tr>
<th>Correct understanding of the legal issues raised by the questions</th>
<th>Analysis of the facts outlined in the question</th>
<th>Selection of the correct legal rule applying to the facts</th>
<th>A correct answer, selecting the appropriate legal rule according to facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /6</td>
<td>/2</td>
<td>/2</td>
<td>/2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of the major elements in the questions</th>
<th>Major elements are covered and facts correctly taken into account</th>
<th>Good legal reasoning in a logical way with reference to economic analysis, where relevant</th>
<th>Clear answer showing a good understanding of the main principles of competition law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /8</td>
<td>/2</td>
<td>/2</td>
<td>/4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Structure of answer</th>
<th>Answer is concise and well-structured</th>
<th>Appropriate use of legal terminology and concepts;</th>
<th>The topic is placed in the broader context of the objectives of competition law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: /6</td>
<td>/2</td>
<td>/2</td>
<td>/2</td>
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</tbody>
</table>

Total: /20
On a scale of 100: /100

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**Vesalius College Attendance Policy**

As the College is committed to providing students with high-quality classes and ample opportunity for teacher-student interaction, it is imperative that students regularly attend class. As such, Vesalius College has a strict attendance policy. Participation in class meetings is mandatory, except in case of a medical emergency (e.g. sickness).

Students will need to provide evidence for missing class (doctor's note). If evidence is provided, the missed class is considered as an excused class. If no evidence is provided immediately before or after the class, the missed class is counted as an absence.
Participation implies that students are on time: as a general rule, the College advises that students should be punctual in this regard, but it is up to the professor to decide whether to count late arrivals as absences, or not.

**Additional Course Policies**

All students are encouraged to actively participate during class discussions and contribute to class lectures in a meaningful way.

Rules of the Classroom include the following:

1. “There are no stupid questions:” Please feel free to ask questions during class discussions.
2. Be prepared for class: Be ready to participate and share your thoughts and ideas related to the course materials. Except as otherwise instructed, bring your textbook to all class sessions.
3. Show professional courtesy:
   a. Be on time! Students are expected to be on time for class. If you anticipate that you will be late, please inform Professor Lavoie in advance by e-mail.
   b. Don’t interrupt others during class or carry on side-conversations.
4. Use of laptop or smartphone is only allowed to take notes only. It is prohibited to use them for other reasons. If you have an emergency and need to be available by phone/e-mail during class, please see Professor Lavoie before the start of class.

Late papers will not be accepted unless there are serious legitimate reasons. Provision of a signed medical note is required, and notice must be given prior to the deadline.

**Academic Honesty Statement**

Academic dishonesty is NOT tolerated in this course.

Academic honesty is not only an ethical issue but also the foundation of scholarship. Cheating and plagiarism are therefore serious breaches of academic integrity.

Following the College policy, cheating and plagiarism cases will be communicated in writing to the Associate Dean and submitted to the Student Conduct Committee for disciplinary action.

If you refer to someone else’s work, appropriate references and citations must be provided. Grammar, spelling and punctuation count, so use the tools necessary to correct before handing in assignments.

Please consult the Section “Avoiding Plagiarism” in the College Catalogue for further guidance.

**Turnitin**

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All written assignments that graded and count for more than 10% towards the final course grade need to be submitted via the anti-plagiarism software Turnitin. You will receive from your professor a unique password and access code for your Class.
<table>
<thead>
<tr>
<th>Week 1</th>
<th>21 January 2020</th>
<th>Overview of course requirements and introduction to competition law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>23 January 2020</td>
<td>Sources and overview of EU competition law</td>
</tr>
<tr>
<td>Week 2</td>
<td>28 January 2020</td>
<td>No class (but preparation and reading for in-class team assignment)</td>
</tr>
<tr>
<td></td>
<td>30 January 2020</td>
<td>In-class team assignment</td>
</tr>
<tr>
<td>Week 3</td>
<td>4 February 2020</td>
<td>Introduction to anti-competitive agreements I</td>
</tr>
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<td></td>
<td>6 February 2020</td>
<td>Introduction to anti-competitive agreements II</td>
</tr>
<tr>
<td>Week 4</td>
<td>11 February 2020</td>
<td>Cartels</td>
</tr>
<tr>
<td></td>
<td>13 February 2020</td>
<td>Cartels: Enforcement</td>
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<tr>
<td>Week 5</td>
<td>18 February 2020</td>
<td>Horizontal cooperation agreements under Article 101(3) TFEU: Conditions and principles of application</td>
</tr>
<tr>
<td></td>
<td>20 February 2020</td>
<td>Horizontal cooperation agreements under Article 101(3) TFEU: practical application</td>
</tr>
<tr>
<td>Week 6</td>
<td>25 February 2020</td>
<td>Vertical agreements</td>
</tr>
<tr>
<td></td>
<td>27 February 2020</td>
<td>Vertical agreements (case study)</td>
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<td>Week 7</td>
<td>3 March 2020</td>
<td>REVISION SESSION</td>
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<td>Mid-term Week</td>
<td>5 March 2020</td>
<td>Mid-Term Exams</td>
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<td>Week 8</td>
<td>10 March 2020</td>
<td>Introduction to abuse of dominant position (article 102 TFEU)</td>
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<td>12 March 2020</td>
<td>Abuse of dominant position: non pricing abuses</td>
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<td>Week 9</td>
<td>17 March 2020</td>
<td>Abuse of dominant position: pricing abuse</td>
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<td>19 March 2020</td>
<td>Abuse of dominant position: pricing abuse – case study</td>
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<td>Week 10</td>
<td>24 March 2020</td>
<td>State aid</td>
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<td>26 March 2020</td>
<td>Merger control I</td>
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<td>31 March 2020</td>
<td>Merger control II</td>
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<td>2 April 2020</td>
<td>Merger control case study</td>
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<td>3 April 2020</td>
<td>Written case analysis due at 6pm</td>
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<td>6 April to 17 April</td>
<td>Spring recess</td>
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<td>21 April 2020</td>
<td>Public enforcement of EU competition law I</td>
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<td>23 April 2020</td>
<td>Public enforcement of EU competition law II</td>
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<td>28 April 2020</td>
<td>Private enforcement of EU competition law</td>
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<td>30 April</td>
<td>Competition law in the Digital Economy</td>
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<td>5 May 2020</td>
<td>Case study: Google Android on appeal</td>
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<td>7 May 2020</td>
<td>General Q/A session and wrap-up in view of final exam</td>
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<td>12 May 2020</td>
<td>FINAL EXAMS</td>
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Detailed Session-by-Session Course Outline

Week 1, Session 1  Tuesday, 21 January 2020

Introduction to competition law and overview of course requirements.

Reading

• Chapter 1 of Textbook, sections 1 to 4

Guiding points for discussion

• Theory of Competition
• Competition law regimes in the world
• Theory of competition
• Goals of competition policy and scope of competition law: What does it cover? What are its limits?

Week 1, Session 2  Thursday, 23 January 2020

Sources and overview of EU competition law

Reading

• Chapter 1 of Textbook, section 5
• Chapter 2 of Textbook (except section 3)
• Case 27/76 United Brands v Commission [1978] ECR 207
• Commission notice on the definition of relevant market for the purposes of Community competition law (97/C 372/03) [1997] OJ C372/5

Guiding points/questions:

• Overview of relevant EU competition rules and institutional structure
• Scope of application of EU competition law
• Interaction with national competition laws
• Basic concepts: market power and market definition

Week 2, Session 3  Tuesday 28 January 2020

No class but preparation and reading for in-class team assignment during session 4 (further information to be provided in due course on Canvas)
Week 2, Session 4  Thursday, 30 January 2020

In-class team assignment - information to be provided in due course on Canvas.

Week 3, Session 5  Tuesday 4 February 2020

Introduction to anti-competitive agreements I

Reading

- Chapter 2, section 5 of Textbook
- Chapter 3, sections 1 to 3 of Textbook
- Case C-97/08 P Akzo Nobel NV and Others v Commission of the European Communities [2009] ECR I-8237

Guiding points/questions

- Structure and elements article 101 TFEU
- Key concept of undertaking and single economic entity doctrine
- Which types of agreements, concerted practices and decisions are caught by Article 101(1) TFEU?

Week 3, Session 6  Thursday 6 February 2020

Introduction to anti-competitive agreements II

Reading

- Chapter 3 of Textbook
- Case C-67/13 Groupement des Cartes Bancaires, EU:C:2014:2204
- Case C-8/08, T-Mobile Netherlands, EU:C:2009:343

Guiding points/questions

- What is the difference between a restriction by object and a restriction by effect?
- When is trade between Member States affected?
- What is the De Minimis doctrine?
- Practical application of elements of Article 101(1) TFEU

Week 4, Session 7  Tuesday 11 February 2020

Cartels
Reading

- Chapter 13 Textbook (except section 11)

Guiding points/questions

- Concept of cartels
- Types of cartel practices and common features
- Are cartels getting more sophisticated in the modern economy?
- Dealing with international cartels

Week 4, Session 8  Tuesday 13 February 2020

Cartels: Enforcement

Reading

- Commission Notice on Immunity from fines and reduction of fines in cartel cases, OJ [2006] C 298/17
- Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003, OJ [2006] C 210/2

Guiding points/questions

- Why is enforcement against cartels problematic?
- Are penalties appropriate to enforce competition law?
- Leniency
- Settlements
- The need for an international response

Week 5, Session 9  Tuesday 18 February 2020

Horizontal cooperation agreements under Article 101(3) TFEU: conditions and principles of application

Reading

- Chapter 4, sections 1 to 3, Textbook
- Chapter 15, section 1 to 4, Textbook

Guiding points/questions

- Conditions of application of Article 101(3)
- Difference between individual assessment and block exemptions
• Modernisation of EU competition law

Week 5, Session 10  Thursday 20 February 2020

Horizontal cooperation agreements under Article 101(3) TFEU: practical application

Reading

• Chapter 15, section 5 to 9, Textbook

Guiding points/questions

• Types of ‘good’ horizontal cooperation
• Practical examples of application of Article 101(3)

Week 6, Session 11  Tuesday 25 February 2020

Vertical agreements

Reading

• Chapter 16, section 1 to 10, Textbook
• Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices, OJ L 102/1
• Commission notice - Guidelines on Vertical Restraints

Guiding points/questions

• Application of Article 101(1) to vertical agreements
• Types of vertical agreements and Guidelines on vertical restraints
• Main theories of harm in relation to vertical agreements
• Vertical restraints and the digital world

Week 6, Session 12  Thursday 27 February 2020

Vertical restraints in the modern economy: case study

Week 7  2-6 March 2020 – Mid-term exams

Week 8, Session 13  Tuesday 10 March 2020

Introduction to abuse of a dominant position (Article 102 TFEU)

Reading
• Chapter 5 Textbook
• Communication from the Commission - Guidance on the Commission’s enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings, OJ [2009] C 45, p. 7–20

Guiding points/questions

• Difference between and complementarity of Articles 101 and 102 TFEU
• Concept of dominance
• Concept of abuse
• Concept of foreclosure
• Defences
• Collective dominance
• Comparing EU and US approach

Week 8, Session 14 Thursday 12 March 2020

Abuse of a dominant position: non-pricing abuse

Reading

• Chapter 17 Textbook

Guiding points/questions

• Examples of non-pricing abuses
• Essential facility doctrine
• Exclusive Dealing
• Refusal to supply

Week 9, Session 15 Tuesday 17 March 2020

Abuse of a dominant position: pricing abuse

Reading

• Chapter 18 Textbook

Guiding points/questions

• Examples of pricing abuses
• Predatory pricing
• Price discrimination
• Cost concept and importance of economic analysis
• Excessive pricing
• Rebates
Week 9, Session 16  Thursday 19 March 2020

Abuse of a dominant position: Case studies

Reading

• Chapter 18 Textbook
• Judgment of 6 September 2017, Intel Corp v European Commission, C-413/14 P, ECLI:EU:C:2017:632

Week 10, Session 17  Tuesday 24 March 2020

State aid

Reading

• Chapter 6, section 5 Textbook

Guiding points/questions

• What is state aid and why control it?
• What is a service of general economic interest
• Can aid measures be exempted? How and under what conditions?

Week 10, Session 18  Thursday 26 March 2020

Merger Control I

Reading

• Chapter 20 Textbook
• Chapter 21, section 1 to 4 of Textbook

Guiding points/questions

• International perspective of merger control
• Concepts of concentration and control under EU merger control
• When is a transaction notifiable?
• What does ‘one-stop-shop’ mean in the context of EU merger control?
Week 10 - 26 March 2019 10am: deadline to submit written case analysis

Week 11, Session 19 Tuesday 31 March 2020
Merger Control II

Reading
• Chapter 2, sections 5 to 10, Textbook

Guiding points/questions
• Importance of market definition
• Main theories of harm in merger control
• Significant impediment to effective competition (SIEC) test and how it has evolved
• Remedies

Week 11, Session 20 Thursday 2 April 2020
Merger control case study: Siemens/Alstom

Reading
• Case M.8677 - Siemens/Alstom, Commission decision of 6 February 2019, available on DG Comp's case law search engine

6 April to 17 April 2020 Spring recess

Week 12, Session 21 Tuesday 21 April 2020
Public enforcement of EU competition law I

Reading
• Chapter 7 Textbook

Guiding points/questions
• Scope and limit of Commission enforcement powers
• Types of decisions, remedies, penalties
• Description of investigation process

Week 12, Session 22 Thursday 23 April 2020
Public enforcement of EU competition law II

- Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003, OJ [2006] C 210/2

Week 13, Session 23 Tuesday 28 April 2020

Private enforcement of EU competition law

Reading

- Chapter 8 Textbook

Guiding points/questions

- Is there a right to claim damages under EU competition law? What about interim relief?
- Concept of direct effect
- The role of national courts in applying EU competition law
- The importance of a uniform application of EU competition law
- Relationship between public and private enforcement

Week 13, Session 24 Thursday 30 April 2020

Competition law in the Digital Economy: issues and challenges

Reading


Guiding points/questions

- Is the competition tool box fit for purpose?
- What are the new challenges posed by the digital economy?
• EU approach in the international context

Week 14, Session 25 Tuesday 5 May 2020

Case study: Google Android on appeal

Reading

• Case AT.40099, Google Android, Commission decision of 20 September 2019

Week 14, Session 26 Thursday 7 May 2020

General Q&A session and wrap-up in view of final exam

Week 15, 11-15 May 2020 Final exams