

5 credits

30.0 h

Q1

Teacher(s)	Sibony Anne-Lise ;
Language :	English
Place of the course	Louvain-la-Neuve
Main themes	This course will be an opportunity to discover competition law from the point of view of firms. The focus will be on rules applicable to firms' conduct, not on State's conduct. We will focus on the strategies firms can develop in the face of antitrust rules. We will also see how a more realistic approach of firm's behaviour is progressively being incorporated in antitrust scholarship (behavioural antitrust).
Aims	<p>At the end of this course, you will be able to explain (e.g. to an entrepreneur) the key rules and concepts of EU Competition law, such as relevant market, restriction of competition, abuse of a dominant position, taking into account the case law and soft law studied during the course.</p> <p>When presented with a hypothetical set of facts, you should be able to i) identify whether EU competition rules apply, ii) if so, which substantive and procedural rules apply, iii) determine which authorities would be in charge of the matter and iv) outline the main steps of the reasoning to be conducted. You will be able to consider substantive and procedural issues both from the point of view of undertakings and from that of enforcement authorities.</p> <p>You will be able to research European courts case law and Commission decisions. You will be able to discuss certain competition law rules in light of empirical analyses of firm behaviour, based on scholarship you will have studied during the semester.</p> <p>-----</p> <p><i>The contribution of this Teaching Unit to the development and command of the skills and learning outcomes of the programme(s) can be accessed at the end of this sheet, in the section entitled "Programmes/courses offering this Teaching Unit".</i></p>
Evaluation methods	The evaluation for this course consists of a 3-hour written exam. You will have to explain competition rules and how they apply in a specific situation. The situation will be similar enough to those covered in the course for you to reason by analogy. Example of exam questions will be provided. The exam will take place in an IT room (you will type your answers on a computer). You will have access to Eur-Lex and to Moodle.
Teaching methods	This course is partly lecture-based and will partly be taught in a seminar format. You will have to prepare readings, questions and sometimes exercises before class and be ready to discuss them in class. On several occasions, we will have practitioners as guest speakers. Specific instructions will be posted on Moodle for each session.
Content	<ul style="list-style-type: none"> <li>• Introduction. Why do we protect competition? How do we protect competition? When do EU rules apply? Who applies EU Law? What use is economics to competition lawyers? Overview of EU substantive and procedural rules.</li> <li>• General notions: Undertaking, Market Power, Relevant Market</li> <li>• Article 101 TFEU. Associations of undertakings. Agreements, decisions and concerted practices. The object or effect of preventing, restricting or distorting competition. The de minimis doctrine. Exemptions. The Article 101, paragraph 3 criteria. Regulation 1/2003. Block exemptions in general. Vertical restraints block exemption (Regulation 330/2010).</li> <li>• Article 102 TFEU. Key issues. Protecting competitors or protecting competition? Dominant position. Special Responsibility. Notion of abuse. Types of abuse. Commission's enforcement priorities. Exclusionary abuses: Refusal to Supply ' Pricing abuses ' Predatory pricing ' Margin Squeeze ' Economic analysis ' Behavioural analysis.</li> <li>• Public enforcement of Article 101 and 102 TFEU. Overview of Regulation 1/2003 ' Commission's enforcement powers ' European Network of Competition Authorities ' Judicial Review.</li> <li>• Private enforcement of Article 101 and 102 TFEU. Competition Law as a Defence ' Actions for injunction and for damages ' Class actions</li> <li>• Merger Control: Merger Regulation ' National authorities and EU Commission ' Substantive analysis ' Judicial Review.</li> <li>• State Aids (brief introduction)</li> </ul>
Inline resources	werpoint presentations used in class, additional readings and exercises will be available on Moodle.

Bibliography	<p><b>Textbook</b></p> <p>Richard Whish et David Bailey, Competition Law, Oxford: Oxford University Press, 2015.</p> <p><b>Casebook</b></p> <p>Ariel Ezrachi, EU Competition Law: An Analytical Guide to the Leading Cases, Oxford : Hart Publishing, 2018 (6<sup>th</sup> ed).</p>
Faculty or entity in charge	BUDR

**Programmes containing this learning unit (UE)**

Program title	Acronym	Credits	Prerequisite	Aims
Master [120] in Law	<a href="#">DROI2M</a>	5		