



5 credits

30.0 h

Q1

Teacher(s)	Gerard Damien (compensates Nihoul Paul) ;Nihoul Paul ;
Language :	English
Place of the course	Louvain-la-Neuve
Main themes	Consumer law covers various fields of law, which it examines from the perspective of consumers. A choice is made of various themes to examine every year : - safety of consumers - food safety - commercial practices.
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.</p> <p>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.</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 lecture-based. You will have to prepare readings, questions and sometimes exercises before class and be ready to discuss them in class. We will have a practitioner as a guest speaker and you will need to prepare an exercise for this session. Specific instructions will be posted on Moodle.
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, paragraph 1, TFEU. Associations of undertakings. Agreements, decisions and concerted practices. The object or effect of preventing, restricting or distorting competition. The de minimis doctrine.</li> <li>· Article 101, paragraph 3, TFEU. 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 basics. Key issues. Protecting competitors or protecting competition? Dominant position. Special Responsibility. Notion of abuse. Types of abuse. Commission's enforcement priorities.</li> <li>· Article 102 TFEU. 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 Defense ' 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>· Member States and Competition Rules: Duty of sincere cooperation ' State Monopolies ' Prohibition of State Aids</li> </ul>
Inline resources	Powerpoint presentations used in class, additional readings and exercises will be available on Moodle.

Bibliography	<p><b>Casebook (obligatoire)</b></p> <p>Pour ce cours, vous devrez obligatoirement vous procurer l'ouvrage suivant :</p> <p>Ariel Ezrachi, EU Competition Law: An Analytical Guide to the Leading Cases, Oxford : Hart Publishing, 2016.</p> <p>Cet ouvrage est extrêmement bien fait. Il remplace avantageusement un recueil de documentation. En effet, les arrêts de droit de la concurrence sont souvent longs. Dans cet ouvrage, vous trouverez les extraits les plus importants accompagné d'un résumé des faits et d'une mise en contexte. C'est un outil d'étude indispensable pour suivre le cours.</p> <p><b>Manuel recommandé</b></p> <p>L'ouvrage ci-dessus n'est pas un manuel (texte suivi exposant systématiquement la matière). Pour cette raison, il est conseillé d'étudier aussi sur un manuel. Les ouvrages généraux de droit européen comportent généralement quelques chapitres pour le droit de la concurrence. Ceux-ci peuvent être utiles pour un survol de la matière mais sont insuffisants dans le cadre de ce cours. Le manuel suivant est recommandé (il est généralement plébiscité par les étudiants).</p> <p>Richard Whish et David Bailey, Competition Law, Oxford : Oxford University Press, 2015.</p>
Faculty or entity in charge	BUDR

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Aims
Master [120] in European Studies	<a href="#">EURO2M</a>	5		
Master [120] in Law	<a href="#">DROI2M</a>	5		
Specialised master in European law	<a href="#">DREU2MC</a>	5		