

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	<p>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.</p> <p>Assessment criteria for the essay questions are as follows:</p> <ul style="list-style-type: none"> • ability to identify correctly the relevant legal rules (including absence of irrelevant elements) • ability to adequately explain applicable legal rules • clear and adequate structure of written answer (link with the question, logical order of arguments, link between sentences and between paragraphs) <p>Assessment criteria for the problem questions are as follows:</p> <ul style="list-style-type: none"> • ability to identify correctly a legal issue in a given factual situation, • ability to identify correctly the applicable rule(s) • ability to enunciate clearly the relevant legal rule(s) • ability to adequately explain applicable legal rules, taking your fictitious interlocutor's needs into account • ability to justify the choice of a legal rule with regard to practical aims • exact knowledge of legal rules • ability to select relevant knowledge in relation to a given question or problem • logical reasoning, • quality and sufficiency of reasons given to justify the analysis proposed or the point of view argued, • correct use of legal vocabulary • adequate structure of written answer (link with the issues identified, logical order of arguments, link between sentences and between paragraphs)
Teaching methods	Readings will be assigned every week (textbook, cases, legislation), with questions or hypotheticals. Instructions will be posted on Moodle.
Content	<ul style="list-style-type: none"> • 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. • General notions: Undertaking, Market Power, Relevant Market • 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).

	<ul style="list-style-type: none"> • 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. • Public enforcement of Article 101 and 102 TFEU. Overview of Regulation 1/2003, Commission's enforcement powers, European Network of Competition Authorities, Judicial Review. • Private enforcement of Article 101 and 102 TFEU. Competition Law as a Defence, Actions for injunction and for damages, Class actions • Merger Control: Merger Regulation, National authorities and EU Commission, Substantive analysis, Judicial Review
<p>Inline resources</p>	<p>Legislation, ppt presentations, exercises, past exam questions.</p>
<p>Bibliography</p>	<p>Textbook: Eleanor M. Fox and Damien Gérard, EU Competition Law: Cases, Text and Context, Edward Elgar, 2017.</p>
<p>Faculty or entity in charge</p>	<p>BUDR</p>

Programmes containing this learning unit (UE)

Program title	Acronym	Credits	Prerequisite	Aims
Master [120] in Law	DROI2M	5		