

Faculty of Law



DROI2311 European Competition Law

[30h] 4.5 credits

This course is taught in the 2nd semester

Teacher(s): Paul Nihoul
Language: English
Level: Second cycle

Aims

In addition to teaching key concepts and rules, the purpose of the course is to develop competencies which are essential in the professional life of a jurist.

- Acquisition of a personal strategy as regards work. Each course is envisaged as an encounter between jurists and their clients. You are the jurists, I am the client. I ask you questions, and you have to prepare them, before the course, organising yourself as you see fit.
- Learning how to read a document. Several categories of documents will be analysed, among which regulations, directives, communications and judgments. The purpose is to learn how to read them efficiently - not losing time and getting the most out of these documents.
- Learning how to think. Law is about reasoning, arguing, convincing. For this reason, it is important for students to learn how they build and structure a reasoning.
- Learning to be original and personnel. A significant part of the work of a jurist is a try to think personally on the basis of documents which have been adopted by other persons (Parliament, etc.). Furthermore, law is about the organisation of society. It is important for jurists to think about the place of the law in society.

Main themes

Content.- First, we discuss the place of competition in the European society. Second, we examine the main concepts which are used for the application of competition rules (relevant market, market power, undertaking). Then, we successively analyse the main rules applicable to undertakings : cartels, abuses of a dominant position, mergers and acquisition. Fourth, we examine the rules applicable to public undertakings : state aids, special and exclusive rights. Finally, we say a few words about enforcement by European and national authorities.

Method.- The course is based on a exchange between the students and the professors. The students are asked to prepare for the classes, through readings. Then, questions are asked about cases. Nobody is never obliged to speak. The participation is encouraged, but purely voluntary. The purpose is to create a climate where students can discuss in class, without a fear of committing mistakes.

A syllabus will be provided by the Professor, as well as a bundle of documents to read.

Content and teaching methods

The course seeks to analyse the main rules of European competition law, namely: Articles 85 and 86 EC Treaty, regulations (private undertakings); Article 90 (public undertakings and undertakings with special and exclusive rights); Articles 92 et 94 (State aids); and merger control. The course also provides the international and European law elements necessary to understand the rules. The course is not given exclusively in the form of lectures and, if need be, relies on practical cases.

Other credits in programs

DREU3DS/E	Diplôme d'études spécialisées en droit international et européen (Droit européen)	Mandatory
DREU3DS/I	Diplôme d'études spécialisées en droit international et européen(4 credits) (Droit international)	