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| <b>Course title</b>                         | Competition Law     |
| <b>Course Code</b>                          | LAW403.1            |
| <b>Category (core/elective)</b>             | Core                |
| <b>Level</b>                                | LLM in EU Law       |
| <b>Duration (semesters)</b>                 | 1                   |
| <b>Semester when taught (autumn/spring)</b> | Spring              |
| <b>ECTS</b>                                 | 7.5                 |
| <b>Prerequisites</b>                        | None                |
| <b>Responsible</b>                          | Dr. Dimitris Loukas |

### **Course objectives**

Competition law constitutes the building block of market regulation and the establishment of the EU internal market. The objective of this course is to provide students with a comprehensive knowledge of EU competition law, focusing both on substantive law provisions as well as on the procedural and practical aspects of enforcing them. In addition, the course aims to provide participants with a better understanding of the economic and business context in which EU competition rules are applied.

### **Course Description**

All businesses in all market areas are directly affected by EU competition law, in Europe and abroad. Monitoring compliance with competition laws and market regulations is of vital importance for both the economies of the Member States and the EU. The course starts with an introduction to the basic concepts of competition policy and economics. It then turns to the three main pillars and ensuing constituent provisions of EU competition law, as they are applied in business agreements and unilateral conduct, in particular:

- The rules applicable to vertical and horizontal agreements (Article 101 TFEU)
- The rules applicable to abuse of a dominant market position (Article 102 TFEU)
- The rules applicable to mergers & acquisitions (Merger Control – EUMR)

In each of these areas, lectures are complemented by case studies and further exemplified by reference to selected markets and/or sectors of the economy (e.g. banking, energy, retail, media etc.). The course then shifts towards the procedural and practical aspects of applying the key substantive rules, notably by examining the system of public enforcement by the European Commission and National Competition Authorities (NCAs) as well as the current

state-of-play regarding the private enforcement of competition rules. Subsequently, the course focuses on special areas of EU competition law, such as the rules applicable to state aid measures as well as specific rules applicable to public undertakings and the provision of services of general economic interest, while further introducing students to adjacent issues pertaining to ex post impact assessment of law & regulations affecting competition. Finally, the course describes the system for the judicial review of infringement and merger control decisions issued by the European Commission and NCAs.

As economic notions and principles inform much of the analysis and are necessary for the comprehensive understanding of the principles and mechanisms of EU Competition Law, the course is designed with a view to incorporating an interdisciplinary approach.

### **Course Outline**

The course is organized on the basis of 13 lectures as follows:

1. The basic concepts of competition policy and economics
2. Article 101 TFEU – General principles and key distinctions
3. Article 101 TFEU – Cartels, horizontal cooperation agreements (incl. R&D and specialization agreements) and cooperative joint ventures
4. Article 101 TFEU – Vertical agreements (incl. distribution systems and licensing of intellectual property rights)
5. Article 102 TFEU – General principles and common typology of unilateral abusive conduct (exclusivity, rebates, refusal to supply and essential facilities, tying and bundling, predatory pricing)
6. Public enforcement of Articles 101 & 102 TFEU – Regulation 1/2003
7. Private enforcement of Articles 101 & 102 TFEU – The evolution of jurisprudence and the new Damages Directive
8. Merger Regulation – Jurisdiction and procedure
9. Merger Regulation – Substantive assessment of mergers, acquisitions and full-function joint ventures
10. Application of competition rules in specific industries / sectors (emphasis on banking, energy, retail and media)
11. Articles 106 & 107-109 TFEU – The rules applicable to state aid measures, to public undertakings and the provision of services of general economic interest
12. Judicial review
13. Competition in context: Regulatory obstacles to competition, competition assessment of laws and regulations, the role of advocacy and structural reforms

### **Educational Outcomes**

By the end of the course, participants will have acquired an in-depth understanding of EU competition law. Students will also be able to engage in critical analysis of a number of areas of EU competition law and to apply the rules in various market and business contexts.

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| Participants having followed the course will possess the necessary knowledge in order to be able to work in any field of EU competition law, either as litigators and lawyers in private practice, in-house legal advisers, economists, public administrators and policy officers |   |
| <b>Basic Textbook(s)</b>  | <ul style="list-style-type: none"> <li>• A. Jones &amp; B. Sufrin, EU Competition Law. Text, Cases &amp; Materials (OUP 6th edition, 2016)</li> <li>• Richard Whish &amp; David Bailey, Competition Law, 8th ed. OUP 2015</li> <li>• I. Lianos &amp; D. Geradin, Handbook on European Competition Law (E. Elgar Publ. 2013).</li> </ul>   |
| <b>Basic Bibliography</b>   | <ul style="list-style-type: none"> <li>• Bellamy &amp; Child, European Union law of competition, 7th ed. 2015 update pack, OUP 2015</li> <li>• Jonathan Faull &amp; Ali Nikpay, The EU law of competition, 3rd ed. OUP 2014</li> <li>• Luis Ortiz Blanco, EU Competition Procedure, 3rd ed. OUP 2013</li> <li>• Massimo Motta, Competition policy theory and practice, Cambridge University Press 2004</li> <li>• A. Ezrahi, EU Competition Law. An Analytical Guide to the Leading Cases (Hart, 3rd edn, 2012).</li> <li>• S. Bishop &amp; M. Walker, The Economics of EC Competition Law: Concepts, Application and Measurement (Sweet &amp; Maxwell, 2010)</li> </ul>  |
| <b>Additional Bibliography</b>  | <ul style="list-style-type: none"> <li>• Nicholas Levy, European Merger Control Law: A Guide to the Merger Regulation (looseleaf), LexisNexis 2015</li> <li>• Robert O' Donoghue &amp; Jorge Padilla, The law and economics of Article 102 TFEU, 2nd ed. Hart Publishing 2013</li> <li>• Daniel Gore, Stephen Lewis, Frances Dethmers &amp; Andrea Lofaro, The Economic Assessment of Mergers Under European Competition Law, Cambridge University Press 2013</li> <li>• Phillip Areeda, Louis Kaplow &amp; Aaron Edlin, Antitrust Analysis: Problems, Text, and Cases (Casebook Series), Wolters Kluwer Law &amp; Business 2013</li> <li>• Δίκαιο του ελεύθερου ανταγωνισμού (επιμ. Δ. Τζουγανάτος), Νομική Βιβλιοθήκη 2013</li> <li>• Damien Geradin, Dr Anne Layne-Farrar &amp; Nicolas Petit, EU Competition Law and Economics, OUP 2012</li> <li>• Luis Ortiz Blanco, Market Power in EU Antitrust Law, Hart Publishing 2012</li> <li>• Gunnar Niels, Helen Jenkins, James Kavanagh, Economics for competition lawyers, OUP 2011</li> <li>• Van Bael &amp; Bellis, Competition Law of the European Community, 5th ed. Kluwer Law International 2010</li> </ul> |

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|                             | <ul style="list-style-type: none"> <li>• Ulrich Schwalbe &amp; Daniel Zimmer, Law and economics in european merger control, OUP 2009</li> <li>• Giorgio Monti, EC Competition Law, Cambridge University Press 2007</li> <li>• Okeoghene Odudu, The Boundaries of EC Competition Law: The Scope of Article 81, OUP 2006</li> <li>• Lennart Ritter &amp; David Braun, European Competition Law: A Practitioner's Guide, Kluwer Law International 2005</li> <li>• L. Lovdahl Gormsen, A Principled Approach to Abuse in Dominance in European Competition Law (CUP, 2010).</li> <li>• G. Cumming, Merger Decision and the Rules of Procedure of the European Community Courts (Kluwer, 2011).</li> </ul> |
| <b>Teaching Methodology</b> | Lectures: 13 lectures x 2 hours = 26 hours<br>Tutorials: 5 tutorials x 2 hours = 10 hours<br>Total: = 36 hours  |
| <b>Evaluation</b>           | Final Exam = %<br>Course Participation = %<br>Paper(s) = %<br>Total = %   |
| <b>Language</b>             | English   |
| <b>Location</b>             | Athens  |
| <b>General note</b>         | While the 'Course Objectives' and 'Educational Outcomes' above remain immutable, the 'Course Content' and 'Course Outline' may be altered in order to accommodate students' needs and individual professors' approaches. Bibliography and reading materials may vary accordingly.   |