

## **COURSE DESCRIPTION**

***EU COMPETITION POLICY AND LAW***

***THIRD YEAR (FIRST SEMESTER)***

***DEGREE (S): INTERNATIONAL RELATIONS AND  
EUROPEAN UNION***

***ATTENDANCE REQUIRED***

***ACADEMIC YEAR 2021/2022***

***LAW SCHOOL***

## 1. COURSE/SUBJECT IDENTITY

### 1.- COURSE/SUBJECT:

Name: EU Competition Law & Policy		
Code: 12260		
Year (s) course is taught: 3rd		Semester(s) course is taught: 1st
Language: English:	Type: Compulsory	ECTS: 6
Degree (s) in which course is taught: International Relations and EU		
School in which course is taught: Law School		

### 2.- ORGANIZATION OF THE COURSE:

Department: Public Law Department
Area of knowledge: International Public Law & International Relations
Head of Area: José María Beneyto

## 2. TEACHING STAFF OF THE COURSE

### 1.- IDENTITY OF TEACHING STAFF:

Professor in charge	
Name	Prof. Dr. Jerónimo Maillo
Tlfno (ext):	91 514 04 22
Email:	<a href="mailto:maigon@ceu.es">maigon@ceu.es</a>
Office:	Real Instituto Universitario de Estudios Europeos. Julián Romea, 22
Academic profile:	Full Professor of EU, International Public Law and International Relations. Head of the Public Law Department. Coordinator of the Center for Competition Policy & Market Regulation. Jean Monnet Chair
Research field:	EU Law- Single European Market- Competition Law & Policy- Trade & Economic Regulation

### 2.- TUTORIAL ACTIVITY:

For any queries students can contact teachers by e-mail, phone or visiting their office during the teacher's tutorial times published on the students' gateway.

## 3. COURSE DESCRIPTION

The course focuses on both Private and Public Restraints to competition in Europe, including the control of collusion and abuses of a dominant position, merger control, state aids, the granting of exclusive or special rights and other public restraints..

The main aims are:

- to understand the goals, the evolution and current stage of development of EU Competition Law & Policy
- to assimilate the fundamental principles of EU Competition Law, in particular control of collusion and abuses of a dominant position, merger control, state aids, the granting of exclusive or special rights and other public restraints.
- To get used to a fluent reading and analysis of the Commission's and Court of Justice's case law regarding these issues.
- To learn how to solve hypothetical cases related to these issues.

## 4.COMPETENCES & SKILLS

**4.1.- COMPETENCES**

Basic competences : CB 1, 2, 3, 4 & 5)

CB1 - Students should prove to possess and understand knowledge in an area of study that starts from the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects which imply knowledge coming from the forefront of their field of study

CB2 - Students should know how to apply their knowledge to their work in a professional manner and have the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study

CB3 - Students should have the ability to gather and interpret relevant data (usually within their area of study) in order to reach conclusions that include an assessment of relevant issues of social, scientific or ethical nature

CB4 - Students should be able to transfer information, ideas, problems and solutions to a specialized and non-specialized public

CB5 - Students should have developed those learning skills necessary to undertake further studies with a high degree of autonomy

Specific competences: CE ,6,7,10,15, 16 &17.

CE6 – To gain knowledge about the relevant sources.

CE7-To understand the theoretical fundamentals of European Economic Integration & the International Economic Framework

CE10 – To apply the principles of public law to the international regime of human and gender rights.

CE15- To understand the institutions, norms and decision-making procedures in the European Union in order to know how to analyze the decisions and policies carried out in the social fields and in its external, security and defense relations.

CE16 – Acquire specific knowledge about global economic and financial globalization and the challenges posed by globalization.

CE17- To be able to make a critical analysis, evaluation and synthesis of new and complex ideas in the framework of the international relations.

**4.2.- LEARNING OUTCOMES**

- a) to understand the goals, the evolution and current stage of development of EU Competition Law & Policy
- b) to assimilate the fundamental principles of EU Competition Law, in particular control of collusion and abuses of a dominant position, merger control, state aids, the granting of exclusive or special rights and other public restraints.
- c) To get used to a fluent reading and analysis of the Commission's and Court of Justice's case law regarding these issues and to learn how to solve hypothetical cases related to these issues.

## 5. TEACHING METHODOLOGY OF THE COURSE

### LEARNING ACTIVITIES

#### 1. – LECTURE (AF1):

Along the semester, six lectures will systematically introduce the student to each of the blocks of the program, offering an overview and their main keys. In particular, the 6 lectures will devoted to:

- L1: Concept and development of EU Competition Law: Aims, evolution and achievements.
- L2: Cartels and other restrictive agreements: an overview
- L3: The abuse of a dominant position
- L4: Merger control in Europe
- L5: State measures and EU competition Law
- L6: State aid control

#### 2.- SEMINAR (AF2):

Seminars require prior reading and preparation of materials by the students. Seminars are conceived as dynamic and promote active participation by the students so that doubts, debate and personal opinions contribute to mature high education and critical assessment.

Resolution of hypothetical cases will compel the students to apply the ideas and concept previously developed in lectures and other seminars.

#### 3. - GROUP WORKSHOP (AF3):

Six workshops will take place along the semester, all of them requiring a very active role of the students. They will have to resolve cases (both individually and in teams format), preparing short written and oral pleadings.

## 6. ASSESSMENT OF LEARNING

### 1.- CLASS ATTENDANCE:

A minimum of 75% attendance of lectures and seminars is indispensable for continuous assessment

Workshops attendance and exercises are also compulsory (75% as a minimum)

### 2.- ASSESSMENT SYSTEMS AND CRITERIA:

- **ORDINARY EXAMINATION. CONTINUOUS ASSESSMENT:**
  - Attendance minimum respected
  - Active participation in seminars and workshops
  - Pass on both theory and practice (case resolution and/or text commentaries), and on both continuous assessment and final exam
- **EXTRAORDINARY EXAMINATION:**
  - No continuous assessment. Pass on the Final extraordinary exam (a pass both on theory and practice).

#### 5.- STUDENTS' FINAL RESULTS:

PARAMETER TO ASSESS	PERCENTAGE
SE5: Attendance and continuous assessments in lectures and seminars	10
SE2: Partial exam	20
SE4: Workshops, case simulations and other presentations	10
SE2: Final exam	60
FINAL RESULTS FOR THE COURSE	100

## 7. COURSE PROGRAMME

#### 1.- COURSE PROGRAMME:

##### BLOCK 1: EU Competition Law: Private Restraints

##### PART I: INTRODUCTION

##### Lesson 1: Goals, history and economic fundamentals

Why does the EU need a competition policy and competition rules?

Objectives of EU competition law.

History and evolution of antitrust law and EU Competition Law

Economics of market power. Schools of economic thought on competition policy.

##### Lesson 2: Institutions and law sources in competition law

Division of competences between EU and Member States. Interaction of national and EU competition law.

What institutions create and enforce EU competition law?

##### PART II: SUBSTANTIVE ELEMENTS OF EU COMPETITION LAW: PRIVATE RESTRAINTS

##### Lesson 3: Article 101 TFEU and the prohibition of collusion between undertakings

**What is an undertaking? The concept of agreements, decisions by associations of undertakings and concerted practices. Effect on trade between Member States. Restriction by object or effect.**

**Is a restrictive agreement always prohibited under EU law? Conditions for individual exceptions. Block exemptions.**

**Consequences of the breach of article 101.**

**Lesson 4: Horizontal and vertical agreements**

**The fight against cartels.**

**The treatment to other type of cooperation between competitors.**

**Vertical Restraints**

**Lesson 5: Article 102 TFEU and the abuse of dominance**

**What is a dominant position? Individual and collective dominant positions**

**What is an abuse? Types of abuses**

**Lesson 6: Public and Private Enforcement of EU antitrust rules**

**How do the EU and Member States enforce EU law?**

**How do private parties enforce EU law?**

**Lesson 7: EU Merger Control**

**What are mergers and why do they need to be controlled?**

**Which mergers are controlled at EU level and how?**

**Which concentrations will raise problems?**

**The treatment to horizontal and non-horizontal mergers and joint ventures**

**Lesson 8: State aid control**

**What is an State aid? Article 107.1**

**Which State aids are or could be authorised? Article 107.2 and 3**

**Prior control of Notified Aid**

**Unlawful aid. Recovery of incompatible and unlawful aid**

**Control of Existing Aid Schemes**

**Lesson 9 : Exclusive or special rights (article 106 TFEU) and other State measures**

**Which State measures fall under the prohibition of article 106.1?**

**When the distortion is admissible to defend the Public Service Mission (article 106.2)?**

**State aid and financing of Services of General Economic Interest**

**Decisions under Article 106.3. The special infringement proceedings**

**Directives under Article 106.3**

**The limits imposed by the combination of Articles 4.3 TEU and 101 & 102 TFEU**

**Final Conclusions**

## 8. RECOMMENDED READING

### 1.- BASIC READING:

- Craig, P. y De Búrca, G.: "EU Law. Text, cases and materials", Seventh ed., Oxford, 2020, Chapters on Competition Law.

- **Whish & Bailey, Competition Law, 9<sup>th</sup> ed., Oxford 2018**

- Ortiz, L., Maillo, J., Ibáñez, P. y Lamadrid, A.: "Manual de Derecho de la Competencia", Tecnos, Madrid, 2008 (1<sup>a</sup> reimpresión, 2011)

### 2. - COMPLEMENTARY READING:

- Jones & Sufrin: "EU Competition Law. Text, Cases and Materials", Oxford, 2019.
- Geradin, Layne-Farrar & Petit, EU Competition Law & Economics, Oxford, 2012.
- Monti, G., EC Competition Law, Cambridge 2007
- Monti, G., Derecho UE de la Competencia: Restricciones privadas, en Beneyto, Maillo y Becerril (eds.), Tratado de Derecho y Políticas de la UE, Tomo VII, Thomson Reuters Aranzadi, 2016.
- Maillo, J., Derecho UE de la Competencia: Restricciones públicas, en Beneyto, Maillo y Becerril (eds.), Tratado de Derecho y Políticas de la UE, Tomo VII, Thomson Reuters Aranzadi, 2016.

### 3.- WEB SOURCES:

- European Commission, DG COMP: [http://ec.europa.eu/competition/index\\_en.html](http://ec.europa.eu/competition/index_en.html)
- European Court of Justice: <http://curia.europa.eu/>
- Spanish Antitrust Authority: <http://www.cnmc.es/>
- Center for Competition Policy, IDEE, CEU San Pablo University, <http://www.idee.ceu.es/en-us/research/specializedcenters/centreforcompetitionpolicy.aspx>
- Centro de Documentación Europea: <http://www.uspceu.es/pages/servicios/cde/centro-documentacion-europea-home.html>

## 9. ATTITUDE IN THE CLASSROOM

### 1.- REGULATIONS:

Any irregular act of academic integrity (no reference to cited sources, plagiarism of work or inappropriate use of prohibited information during examinations) or signing the attendance sheet for fellow students not present in class will result in the student not being eligible for continuous assessment and possibly being penalized according to the University regulations.

## 10. EXCEPTIONAL MEASURES

Should an exceptional situation occur which prevents continuing with face-to-face teaching under the conditions previously established to this end, the University will take appropriate decisions and adopt the necessary measures to guarantee the acquisition of skills and attainment of learning outcomes as established in this Course Unit Guide. This will be done in accordance with the teaching coordination mechanisms included in the Internal Quality Assurance System of each degree.