

European Competition Law

Program of the course:

- 1) Foundations of EU Competition Law
 - Basic legal terminology (*English terminology emphasised*)
 - Sources of EU Competition Law (*Treaty, secondary legislation, soft law, case law*)
 - How to research competition law (*EUR-Lex, EC decisions database, OECD, ECN*)
 - Course requirements and assessment
- 2) Competition Policy in the Internal Market
 - Objectives and functions of EU Competition Law
 - Relationship between competition, market integration, and consumer welfare
 - Institutional framework: European Commission, NCAs, ECN+
 - Role of EU Courts (General Court, Court of Justice) and role of national courts
- 3) Article 101 TFEU – Collusion
 - Agreements, decisions, concerted practices
 - Horizontal vs. vertical restraints
 - Effect on trade between Member States
 - Object vs. effect restrictions (*Cartes Bancaires, Budapest Bank*)
- 4) Article 101 TFEU – Assessment and Exemptions
 - Nullity of restrictive agreements
 - Individual and block exemptions under Art. 101(3)
 - Vertical Block Exemption Regulation (VBER) and Horizontal Guidelines (2023)
 - Sustainability agreements and competition law
- 5) Article 102 TFEU – Dominance
 - Market definition (*SSNIP test, digital markets challenges*)
 - Single and collective dominance
 - Gatekeepers and structural market power
- 6) Article 102 TFEU – Abuse of Dominance
 - Exploitative and exclusionary abuses
 - Predation, tying, refusal to supply, margin squeeze
 - Data-related abuses (*self-preferencing, access to data, interoperability*)
 - Case studies: *Google Shopping, Amazon Marketplace, Apple App Store*
- 7) Enforcement and Procedure
 - Regulation 1/2003 and decentralised enforcement
 - ECN+ Directive
 - Investigatory powers, dawn raids, leniency
 - Rights of defence, judicial review
 - Fines and settlement procedures
- 8) Merger Control
 - What is a concentration?
 - Jurisdiction and thresholds
 - Regulation 139/2004 (EUMR)
 - Substantive test: SIEC (*significant impediment to effective competition*)
- 9) Advanced Merger Issues
 - Procedure and phases
 - Remedies (*structural vs. behavioural*)
 - Killer acquisitions and innovation markets
 - Minority shareholdings and control
 - Digital mergers (*data concentration, conglomerate effects*)

10) *International and Extraterritorial Aspects*

- *Globalisation and multi-jurisdictional mergers*
- *Cooperation with foreign authorities (ICN, OECD)*
- *Extraterritorial reach of EU competition rules*
- *Private enforcement and damages actions (Directive 2014/104)*

Literature:

Goyder D.G., Goyder J., Albors-Lorens A.: EU Competition Law, fifth edition, Oxford University Press, Oxford 2009

Korah V.: An Introductory Guide to EC Competition Law and Practice – ninth edition. Hart Publishing, Oxford and Portland, Oregon, 2007

Lane R.: EC Competition Law Pearson Education Limited, 2006

Craig P., de Búrca G.: EU Law, Text, Cases and Materials, 4th edition, Oxford 2008

Jones A., Sufrin B.: EU Competition Law: Text, Cases and Materials, 6th edition, Oxford University Press, Oxford 2016

Weatherill S, Beaumont P.: EU Law. Penguin Books, London 1999

Treaty on European Union (O.J. C 202 from 7 June 2016)

Treaty on Functioning of the European Union (O.J. C 202 from 7 June 2016)

Compilation of Antitrust legislation: https://ec.europa.eu/competition-policy/antitrust/legislation_en
https://ec.europa.eu/competition-policy/antitrust/legislation/compilations-legislation_en

Internet sites:

www.europa.eu

official internet site of the European Union

www.antimon.gov.sk

official internet site of the Slovak Antimonopoly Office

Assessment criteria:

- Attendance of the courses
- Active participation during the courses
- Innovative method of solving the submitted tasks
- Preparation for the lessons

Exam

- oral exam, the students will be asked a problem from the discussed issues, emphasis is put on practical approach

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