



FACULDADE DE DIREITO
Universidade de Lisboa

Curricular unit sheet

Masters

Curricular unit

Competition Law – 2nd Cycle

Responsible Academic staff and respective workload in the curricular unit (enter full name)

Miguel José Pinto Tavares Moura e Silva – 40 hours TP

Other academic staff and respective workloads in the curricular unit

Not applicable

Learning outcomes of the curricular unit

This Curricular Unit is an introduction to the essential concepts of Competition Law as it applies to undertakings. The course aims to attain the following outcomes:

- To lead students to master the legal and economic concepts that underpin competition law in action, in a dynamic and critical perspective that allows future study of these subjects;
- To develop the ability to apply competition rules to real cases and to envisage how to solve problems from the different practical perspectives (undertakings injured by restrictive practices, undertakings facing an investigation; competition authorities; regulatory bodies called upon to give opinions on the application of competition law; courts).

For each particular topic within the programme, specific goals will be defined to serve as guidance for each participant's study as well as to serve as to define evaluation parameters.

Syllabus

1. The Foundations of Competition Law
2. Procedure and Sanctions
3. Vertical Agreements
4. Horizontal Agreements: Cartels and Facilitating Practices
5. Horizontal Agreements: Joint Ventures and other forms of cooperation
6. Abuse of Dominance
7. Merger Control

Demonstration of the syllabus coherence with the curricular unit's objectives.

This curricular unit syllabus integrates a comprehensive approach to competition law in Portugal and the EU as applied by the courts, comprising all the main topics regarding the competition rules applicable to undertakings. Although primary focus will be on substantive issues, an overall view of procedural rules will also be given, thus enabling the development of a deeper knowledge of Law in action.

Teaching methodologies (including evaluation)

Classes will be structured so as to combine traditional lectures with a high degree of student participation. Students are strongly advised to prepare in advance and the topics to be addressed as well as the mandatory reading materials to be analysed by students in class will be announced well in advance. As a complement to classes, e-learning methods will also be used, through the Moodle platform of the University of Lisbon, as a working tool and as an instrument to distribute further learning materials. (<http://elearning.ul.pt/>).

Individual assessment will be based on the following elements:

- Class participation (20%);
- Short Paper (40%) consisting of a commentary on a court case;
- Final written exam (40%) (2 hours); legislation and case-law may be used in the exam.

Demonstration of the coherence between the teaching methodologies and the learning outcomes

The course aims to lead students to master the legal and economic concepts that underpin competition law in action and to develop the ability to apply competition rules to real cases. Such competences shall be developed through active



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class participation in the discussion of selected essential court decisions that contribute to build a specialized knowledge of competition law. The main teaching material used will be my casebook, *Direito da Concorrência. Uma introdução jurisprudencial [Competition Law – An Introduction Through the Case-Law]*, Coimbra : Almedina, 2008. Cases will be assigned along the semester, using the US law schools case method.

Consolidation of the knowledge developed by students should be manifested in the ability to complete a short written comment on one of the cases analysed in class as well as in the written exam, where they will be asked to solve hypothetical cases.

Main Bibliography

BLASSELLE, Richard – *Traité de droit européen de la concurrence*, Tomo I, Paris : Publisud, 2002.

BISHOP, Simon ; WALKER, Michael – *The Economics of EC Competition Law*, 3.^a ed., Londres : Sweet & Maxwell, 2010.

FAULL, Jonathan ; NIKPAY Ali (orgs.) – *The EC Law of Competition*, 2.^a ed., Oxford : Oxford Univ. Press, 2007.

IMMENGA, Ulrich; MESTMÄCKER, Ernst-Joachim, (orgs.) – *Wettbewerbsrecht EG – Kommentar zum Europäischen Kartellrecht*, 4.^a ed., 2 vols., Munique: C.H. Beck, 2007.

KORAH, Valentine – *An Introductory Guide to EC Competition Law and Practice*, 9.^a ed., Oxford : Hart Publishing, 2007.

MESTMÄCKER, Ernst-Joachim; SCHWEITZER, Heike – *Europäisches Wettbewerbsrecht*, 2.^a ed., Munique: Verlag C.H. Beck, 2004.

MONTI, Giorgio – *Competition Law*, Cambridge : Cambridge Univ. Press, 2008.

MOTTA, Massimo – *Competition Policy. Theory and Practice*, Cambridge : Cambridge Univ. Press, 2004.

MOURA E SILVA, Miguel, *Direito da concorrência. Uma introdução jurisprudencial*, Coimbra: Almedina, 2008.

WHISH, Richard – *Competition Law*, 7.^a ed., Oxford : Oxford Univ. Press, 2012

NOTE: this map can be filled in as many times as necessary to describe the different curricular units.