

COURSE SYLLABUS
COMPARATIVE COMPETITION LAW
(Univ. Lisbon)

European Competition Law I: The Law of Market Structure

1. Course Description

Basic understanding of law of market structure and of unfair competition law; introduction into European and national competition procedure including the leniency programs.

2. Daily course outline

Class 1 Monday, March 28, 2016, Prof. Bernd Oppermann

Topic A: personal introduction, general introduction (intro on the course structure; introduction to European competition law; methods of legal reasoning in Europe; TEU and TFEU, competence, conferral, subsidiarity, proportionality, and other principles of European law and its relationship to national law of EU member states; The EU freedom of market, competition on the market, and economic policy).

Topic B: Economic and legal concepts of competition; markets and market structure; competition theory; history of European competition law. Relationship to the law of consumer protection. Relationship to SME policy. Relationship to the law of state aid.

Topic C: European competition law as a part of European law; European competition law and National competition law.

Topic D: The so-called Airline Cargo Cartel as a more recent example of theoretically possible horizontal trade restraints

Assigned reading: course script, introductory part, essay on the political content of competition law

Class 2 Tuesday, March 29, 2016, Prof. Bernd Oppermann

Topic A: Competition law and cartel law: horizontal trade restraints, concerted practices. The structure of a European statute (Art. 101 TFEU) under the Lisbon Treaty.

Topic B: Exemptions and block exemption of Art. 101 (1) in European and national cartel law.

Topic C: Legal consequences of Art. 101 in administrative cartel law, criminal law, and private law (some basics in competition procedure).

Topic D: European cartel law: vertical trade restraints, distribution systems, licensing.

Assigned reading: course script, provisions of the Lisbon Treaty (TEU, TFEU), provisions of Reg. 1/2003, more cases on cartels, case on vertical trade restraints

Class 3 Wednesday, March 30, 2016, Prof. Bernd Oppermann

Topic A: The structure of general and specific exemptions of European cartel law; examples as for licensing, franchising. Commission Regulation No. 330/2010 esp.

Topic B: Art. 101 and its relationship to European jurisdiction on the prohibition of measures having equivalent effect (Cassis / Keck); the Leclerc Case and other case studies

Assigned reading: course script, Reg. 330/2010, more cases on vertical trade restraints, cases on the Cassis jurisdiction

Class 4 Thursday, March 31, 2016, Prof. Bernd Oppermann

Topic A: Repetition of prior Topics.

Topic B: Merger and acquisition control in European competition law. History and Dir. Conglomerate concentration. SIEC test. Relationship to national law of concentration. Other details.

Topic C: Introductory remarks on Art. 102 and more general concepts of market dominance

Assigned reading: course script, Reg. 139/2004, cases on concentration control

Class 5 Friday, April 1, 2016, Prof. Bernd Oppermann

Topic A: Art. 102 and anti-discrimination clauses under European law and national law; basic concepts; the rise and fall of “doctrine of essential facilities” and its present application, dumping and other examples of case law under Art. 102. Differences between Art. 102 and national law of EU member states.

Topic B: European market law; basic liberties of the European market and the Competition Law; fundamental rights and substantial competition law.

Topic C: some more basics in competition procedure.

Assigned reading: course script, provisions of the Lisbon Treaty (TEU, TFEU), cases on Art. 102 and anti-discrimination clauses

Final written examination as assigned by the Faculty