



LUND
UNIVERSITY

Faculty of Law

JAEN33, EU Competition Law, 15 credits *EU Competition Law, 15 högskolepoäng* Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2010-12-07 and was last revised on 2018-12-05. . The revised syllabus applied from 2019-01-21. , spring semester 2019.

General Information

The course EU Competition Law is a mandatory course in the Master's programme in European Business Law at the Faculty of Law. The course is also open to students in the programme leading to a Swedish Professional Law degree as well as students participating in exchange programmes with the Faculty of Law, and who follow the courses on the Master's Programme in European Business Law in their studies at an advanced level.

Language of instruction: English

Teaching and course materials are in English.

The course requires 10 weeks of full time studies.

Main field of studies

European Business Law

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

The aim of the course is to enable students to critically reflect upon the basic principles, legislation and case law of European Union Competition Law.

Knowledge and understanding

To pass the course the student shall:

- show a basic knowledge of the role of competition law in relation to the internal

market

- show a basic understanding of the schools of economic thought influencing competition law
- show a basic understanding for the construction and application of Article 101(1) TFEU, which prohibits agreements, decision by associations of undertakings and concerted practices that are restrictive of competition
- show a basic understanding for the exemption criteria under Article 101(3) TFEU, the exemption procedure and the role and function of block exemptions
- show a basic understanding for Article 102 TFEU, prohibiting abuse of a dominant position
- show a basic understanding for the assessment of different types of anti-competitive conduct under Articles 101 and 102 TFEU
- show a basic understanding for the enforcement of Articles 101 and 102 TFEU in the courts of the Member States
- show a basic understanding for the role of national competition authorities in enforcing Articles 101 and 102 TFEU
- show a basic understanding for the regulation of mergers under the Merger Regulation.

Competence and skills

To pass the course the student shall:

- show the ability to master a wide range of diverse sources of legislation, case law and doctrine in European Union competition law
- show the ability to identify practical solutions in the application of competition law
- assess legal and economic issues in relation to competition law
- discuss competition law from a normative standpoint.

Judgement and approach

Students shall train inter-disciplinary working methods with colleagues from different cultural backgrounds and of the opposite gender. They shall simultaneously perform independent investigation and take full responsibility for the development of their own knowledge in an objective and critical manner.

Course content

The course includes a review of the European Union competition law – its economic basis, legal substance and current legal developments. The course relies heavily on the study of the case law of the Union Courts and the Decisions of the EU Commission. In the appropriate contexts, such as mergers, joint ventures and licensing agreements, the particularities of high-technology markets, including the intersection with intellectual property law, will be highlighted. Moreover, part of the course is devoted to Competition law procedure. Here, focus is drawn upon the procedural rules and other formal aspects in proceedings before the EU Commission and the Courts. Also, the modernisation of the procedural rules in Regulation 1/2003 including the role of national competition authorities and the Merger Control Reform will be addressed.

Course design

Teaching is provided in the form of lectures and seminars.

Assessment

Examination will take the form of a written exam. Grading will be based on oral and written presentations (20%) and the written exam (80%).

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA.

Grading criteria are applied to the dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes".

B – Pass

In order to achieve this grade the student must show good knowledge of diversity within competition law in both a theoretical and a practical perspective and demonstrate sound ability to critically evaluate the circumstances, workings and situations where this diversity plays a role[S1] . This includes sound knowledge of the European competition provisions, their application and scope. The student must demonstrate good knowledge of these instruments and of relevant secondary sources of law including Commission Decisions, the case law of the European courts and the evolving debate at EU level in relation to the enforcement of EU competition law provisions.

The student must demonstrate sound knowledge of the rules of interpretation, relevant to the rules[S2] of competition law and sound ability to apply these rules in an evaluation of a hypothetical factual scenario[S3] .

The students must demonstrate good analytical and argumentation skills in both the oral and written form, as well as good ability to identify and apply the necessary exemptions relevant to EU competition law.

The student must demonstrate sound ability to understand the role of national authorities and national courts in applying the European Union competition rules.

BA – Pass with credit

In order to achieve this grade the student must show very good knowledge of diversity competition law in both a theoretical and a practical perspective and demonstrate sound ability to critically evaluate the circumstances, workings and situations where this diversity plays a role. This includes good knowledge of the European competition provisions, their application and scope. The student must demonstrate good knowledge of these instruments and of relevant secondary sources of law including Commission Decisions and the case law of the European courts and

evolving debate at a EU level in relation to the enforcement of the rules.

The student must demonstrate very good knowledge of the rules of interpretation, relevant to the rules of competition law and sound ability to apply these rules in an evaluation of a hypothetical factual scenario.

The students must demonstrate very good analytical and argumentation skills in oral and written form as well as good ability to identify and apply the necessary exemptions to the rules.

The student must demonstrate very good ability to understand the role of national authorities and national courts in applying the European competition rules.

AB – Pass with distinction

In order to achieve this grade the student must show excellent knowledge of diversity within competition law in both a theoretical and a practical perspective and demonstrate sound ability to critically evaluate the circumstances, workings and situations where this diversity plays a role. This includes very good knowledge of the European competition provisions, their application and scope. The student must demonstrate good knowledge of these instruments and of relevant secondary sources of law including Commission Decisions and the case law of the European courts and evolving debate at a EU level in relation to the enforcement of the rules.

The student must demonstrate very good knowledge of the rules of interpretation, relevant to the rules of competition law and sound ability to apply these rules in an evaluation of a hypothetical factual scenario.

The students must demonstrate excellent analytical and argumentation skills in oral and written form as well as good ability to identify and apply the necessary exemptions to the rules.

The student must demonstrate excellent ability to understand the role of national authorities and national courts in applying the European competition rules.

Entry requirements

Passed examinations in courses corresponding to the first term of the Master's Programme in European Business Law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary action against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practices in examinations or assessments, includes suspension from the University.

Subcourses in JAEN33, EU Competition Law

Applies from V11

1001 EU Competition Law, 15,0 hp

Grading scale: Fail, Pass, Pass with credit, Pass with distinction