



LUND
UNIVERSITY

Faculty of Law

JUFN09, State Measures Distorting Competition, 15 credits

State Measures Distorting Competition, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Educational Committee of the Law Faculty Board on 2012-03-07 and was last revised on 2012-03-07. . The revised syllabus applied from 2012-03-07. , spring semester 2012.

General Information

This is an optional course within the programme leading to a Swedish Law degree. It is open for students at the 7th or 8th semester of the programme, and to students participating in international exchange programmes with the Faculty of Law. The course is scheduled to require 10 weeks of full time studies.

Language of instruction: English

Lectures and course material are in English.

Main field of studies

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Depth of study relative to the degree requirements

A1N, Second cycle, has only first-cycle course/s as entry requirements

Learning outcomes

The aim of the course is to enable students to critically reflect upon the law on public undertakings and public monopolies in the EU, EU State Aids, the procedure available in this context and the legal remedies available before the European Court of Justice.

Knowledge and understanding

To pass the examination the student must be able to show a basic understanding of the state measures that affect competition relations. The student must also boast a very good knowledge of the scope of Articles 34, 37, 106, 107 and 108 of the Treaty of the Functioning of the European Union (TFEU) and their related jurisprudence. In that sense, the student should demonstrate a fundamental understanding of both substantive and procedural law in the context of free movement of goods, state aids, monopolies, public undertakings and to some extent competition law. Furthermore, the student shall be able to show an in-depth understanding of the remedies available before the General Court, the Court of Justice and the national courts.

Competence and skills

The skills for which students will be trained consist mainly of presenting an analysis of EU legislation and ECJ case law, assessed both in oral and written form. Also, the students will be asked to cope with scientific literature related to the content of the course.

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 research and take full responsibility for the development of their own knowledge in an objective, but critical manner. Students shall also consider and be able to discuss social and ethical responsibilities within a commercial environment and make personal judgments based on these reflections. Students will learn to rely on their knowledge of Union law when analyzing and solving practical and theoretical issues through the preparation and presentation at seminars and the written paper.

Course content

The course aims at presenting the application and functioning of Articles 34, 37, 106, 107 (substantive law) and 108 (procedural law) TFEU as well as the most important cases given by the European Court of Justice in these fields. Also Articles 101 and 102 TFEU will be discussed in relation to state measures.

The course consists of the following topics:

- General Framework of Articles 34, 37 and 106
- General Framework of Articles 101 and 102 in relation to state measures
- General framework of Article 107
- Administrative Procedure
- Recovery of Unlawful Aids
- Judicial Protection
- The Role of the National Courts
- The meaning of Services of General Economic Interest

Course design

Teaching is structured in lectures and seminars.

In order to pass, students are required to have at least 80% attendance on seminars and lectures.

Assessment

Examination will be based on a written paper which relates to the course content. The paper will also be presented orally. In assessing the final grades, weight will be placed on the active participation on seminars and lectures the oral presentation of the paper (20%) and the quality of the paper.

Grades

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

A student may request ECTS marks as complement to the standard marks.

In order to pass (B) the student must show an ability to assess critically and analyse the jurisprudence of the European Court of Justice with support of problem based learning methods and to communicate conclusions to specialists and non-specialists.

In order to pass with credit (BA) the student must, in addition to what is required to pass, show an in-depth understanding of how the Treaty rules prohibiting state measures distorting competition work and show a systematic understanding of the working methods of the Union Courts.

In order to pass with distinction (AB) the student must, in addition to what is required to pass with credit, show an ability to reflect on the relationship between the Court of Justice and the Union legislator in developing Union law. The student shall also demonstrate a deep understanding of the relationship between the Union and the Member States as regards the regulation of the Internal market and the conflicts of interests and other complex problems that the Internal market faces today.

Entry requirements

For students studying for the professional Degree Master of Laws: prerequisites stated in the Curriculum for the Law Study programme.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level including basic knowledge of jurisprudence.

Further information

Note

The University views plagiarism as a very serious academic offence, and will take disciplinary actions 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 practice in examinations or assessments,

includes suspension from the University.