

EUROPEAN COMPETITION LAW
7 ECTS
(Prof. Margherita Colangelo, Ph.D., LL.M.)
starting October 4, 2017
Wednesday – Thursday – Friday h. 12,00-13,45

Course description:

This course aims at providing the fundamental notions of competition law as a central area in the EU Single Market policy. To this end, it will focus on the competition provisions that are directly applicable to companies throughout the European Union, i.e. the prohibition of cartels and restrictive practices, the prohibition of abuses of dominant position and merger control.

More in detail, it will cover:

- The objectives of competition law;
- Essentials of US antitrust law;
- The role of competition rules in the EU;
- Market power, market definition and barriers to entry;
- Article 101 TFEU;
- Article 102 TFEU;
- Competition law and regulation;
- Public and private enforcement;
- Mergers.

Moreover the course includes an experimental moot court competition.

The course intends to adopt a comparative approach (mainly with regard to the US system) and will involve the study of the main relevant case-law and recent policy documents.

Objectives

The course intends to introduce students in an extremely important area of EU law. In particular, it is aimed towards students being able to: i) demonstrate knowledge of EU competition law, taking a critical look at competition policy and its development; ii) deal with the primary sources of EU competition law (legislation, Commission decisions, CJEU/GC rulings); iii) carry out a presentation and a discussion on a competition law topic; iv) simulate a dispute (moot court).

Course Learning Activities

The course consists of lectures on the main subjects of EU competition law, followed by presentations that are meant to support the lectures and encourage interactive student participation. A number of guest lectures (held by professionals, regulators and experts) is included in the course.

The course also comprises an experimental project of *Competition Law Moot Court*. The Moot Court intends to provide an important opportunity for students to practise and improve the skills acquired working together as a team and measuring themselves with a team of students of Bocconi University (course of Competition Law, held by Professor Mariateresa Maggiolino) in simulated court proceedings on an assigned case. A minimum number of participants is required.

Assessment tools

Student evaluation will be based on class work and class participation (i.e. oral presentations given during the semester and participation in the moot court) and a final written exam.

Attendance policy

Class attendance is compulsory.

Course textbook(s):

In addition to cases examined in class, a selection of readings will be recommended, mainly from the following textbook:

R. Whish – D. Bailey, *Competition Law*, Oxford University Press 2015 (8th ed.), as follows: Chapter 1; Chapter 2 paras. 1, 2, 4; Chapters 3, 4, 5; Chapter 8, paras. 1, 2; Chapter 13, paras. 1, 2, 3, 4, 8; Chapter 14, paras. 1, 2, 3, 4; Chapter 15, para. 3; Chapter 16, paras. 1, 2, 3, 4, 5, 6, 7, 8; Chapter 17, paras. 1, 2, 3, 4; Chapter 18 (excluding subparagraphs dedicated solely to the UK).

Cases:

- ECJ, Case C-67/13 P, *Groupement des cartes bancaires v Commission*;
- ECJ, Case C-519/04 P, *David Meca-Medina and Igor Majcen v Commission*;
- Commission, Case COMP/AT.39847, *E-BOOKS*;
- ECJ, Case C-241/91 P, *Radio Telefis Eireann (RTE) and Independent Television Publications Ltd (ITP) v Commission*;
- ECJ, Case C-7/97, *Oscar Bronner GmbH & Co. KG v Mediaprint Zeitungs- und Zeitschriftenverlag GmbH & Co. KG, Mediaprint Zeitungsvertriebsgesellschaft mbH & Co. KG and Mediaprint Anzeigengesellschaft mbH & Co. KG*;
- ECJ, Case C-202/07 P, *France Télécom SA v Commission*;
- ECJ, Case C-52/09, *Konkurrensverket v TeliaSonera Sverige AB*;
- ECJ, Case C-23/14, *Post Danmark A/S v Konkurrenserådet*;
- ECJ, Joined Cases C-295/04 to C-298/04, *Vincenzo Manfredi v Lloyd Adriatico Assicurazioni SpA (C-295/04), Antonio Cannito v Fondiaria Sai SpA (C-296/04) and Nicolò Tricarico (C-297/04) and Pasqualina Murgolo (C-298/04) v Assitalia SpA*;
- ECJ, Case C-453/99, *Courage Ltd v Bernard Crehan and Bernard Crehan v Courage Ltd and Others*;
- Commission, Case AT.39530 (*Microsoft – Tying*);
- Commission, Case No COMP/M.7217 - *Facebook/ Whatsapp*.

Fall 2017 Schedule of lessons

(Wednesday-Thursday-Friday 12,00-13,45)

Class	Topic
4 Oct	The origins of competition law
5 Oct	Basic economic principles
6 Oct	Market definition and market power
11 Oct	Article 101(1) TFEU
12 Oct	Article 101(1) TFEU
13 Oct	Article 101 TFEU and Section 1, Sherman Act
18 Oct	Article 102 TFEU
19 Oct	Article 102 TFEU and Section 2, Sherman Act
20 Oct	Cartels and oligopoly
25 Oct	Horizontal and vertical agreements
26 Oct	Vertical agreements
27 Oct	Competition in the pharmaceutical market – <i>Guest lecture by Dr. Claudia Desogus (AGCM)</i>
2 Nov	Predatory pricing
3 Nov	Exclusive purchasing; Discounts and rebates

9 Nov	Conference: <i>Competition, IP and Regulation in the Pharmaceutical Sector</i> , 2.30 p.m.-6.30 p.m.*
10 Nov	Tying and bundling; Refusal to supply
15 Nov	Competition law and the telecommunications sector; margin squeeze
16 Nov	Competition law in digital markets
17 Nov	Moot court competition (training)
22 Nov	Abuse of dominant position and IP rights – <i>Guest lecture by Avv. Pietro Merlino (Cleary Gottlieb Steen & Hamilton) - tbc</i>
23 Nov	<i>Guest lecture by Avv. Vito Auricchio (Legance)</i>
24 Nov	Moot court competition (training)
29 Nov	Public and private enforcement
30 Nov	Mergers
1 Dec	Conclusive Lecture
6 Dec	Moot court competition Roma Tre – Bocconi (all day - tbc)

Slight changes to this scheme may occasionally occur and will be communicated in due time in class and on the Department website.

**Note: No class will take place on November 8. On November 9 a seminar on “Competition law, IP and regulation in the pharmaceutical sector” (hours: 14,30-18,30, Sala del Consiglio) will take place.*