



## STUDY PROGRAMME

ECO-ELEA, LAW-ELEA

## ACADEMIC YEAR

2021-2022

## SEMESTER

2

## COURSE TITLE

EU COMPETITION AND REGULATION: CASE ANALYSIS

## COURSE PROFESSOR

DAMIEN GERARD, MIKE WALKER

## COURSE ASSISTANT

Jeanne Mouton

## NATURE OF COURSE

COMPULSORY

## LANGUAGE OF INSTRUCTION

ENGLISH

## ECTS CREDITS

4

## 1. COURSE OBJECTIVES

At the end of the course, law students will be able to integrate economic analysis in their reasoning and economists will learn how legal rules can impact on economic reasoning and methods. Students will become acquainted with advanced topics in all areas of EU competition law and policy (excluding State aid), thus including illegal agreements between undertakings (Art. 101 TFEU), abuse of dominance (Art. 102 TFEU), and merger control (Reg. 139/2004). Students will combine legal and economic analysis to critically assess real-life cases. They will develop an ability to form their own opinion on competition cases from the point of view of both competition law and economics. They will learn how to integrate the analysis of their profession with the analysis of the other profession.

## 2. LEARNING OUTCOMES

By the end of the course, students should be able to:

1. Understand how economics can support the legal analysis of competition cases.
2. Understand how the law impacts on the approach to economic analysis in competition policy.
3. Use economic and legal theory to assess current competition problems and policies.
4. Integrate their knowledge of various disciplines (particularly microeconomics and EU law) into domain-specific competition analysis.
5. Think innovatively and provide constructive analytical commentary, as well as potential recommendations, on the evolution of EU competition policy and its possible future development.



The learning outcomes for this course tie in with the following learning outcomes for the European Economic Studies programme:

- Use economic theory to assess current problems and policies, with specific relationship to data protection and antitrust regulation.
- Understand the normative assumptions, implications and limitations of economic theory and economic policy making.
- Integrate knowledge of related disciplines (e.g. EU law, but also machine learning and computer science) into the domain-specific knowledge of the economics of digital innovation.
- Demonstrate knowledge of the European Union' institutions, competences and substantive principles; as well as their interaction with Member States' legislative powers, and private governance.
- Think innovatively and provide constructive analytical commentary on how the evolution of EU rules and policies may impact on future market development.
- Describe, explain and illustrate the core normative assumptions, implications and limitations of legal theory and political science theory related to economics.
- Use knowledge of economics, legal principles, strategic management and political science to analyse contemporary public policy problems.
- Work together in groups to solve problems, share tasks, prepare assignments, go through case studies and make presentations.
- Recognise, analyse, explain and critique economic developments and economic policies in Europe.
- Find, select, critically evaluate and use references, data and other sources of information within a short amount of time.

### 3. COURSE CONTENTS

The course will consist of 8 sessions. Half of these will consist in case presentations by students, with the professors providing guidance and critical analysis. The cases will cover Articles 101 and 102 TFEU, and the EU Merger Regulation. They will include merger cases such as Hutchison/Telefonica and Dow/Dupont and antitrust cases such as the pay-for-delay cases, pharma excessive pricing cases and the Qualcomm predatory pricing case. One session will include a mock case shaping workshop, whilst another will consist of a mock hearing where students will play the role of, respectively, officials of a competition authority, counsel/advisors to the defendant, and judges. The course will also feature a guest lecture on a current EU competition policy topic, as well as presentations by the professors.

### 4. TEACHING METHOD

Case presentations by professors and students.

Contact hours: 25 hours.

### 5. FURTHER DETAILS ON THE TEACHING METHOD

The main teaching method will be student presentations, guided and commented on by the professors. Each student will analyse and present two case studies. The student presentations will be done in teams of three or four with a mix of economists and lawyers. There will also be practitioner presentations from the professors and one from a guest lecturer, as well as a mock hearing.

Prior reading of the material and class participation are essential.



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## 6. COURSE MATERIAL

For a detailed list of compulsory and suggested readings for each session and case study, please refer to the syllabus on the Intranet page of the course.

## 7. EVALUATION

First examination session:

Course grading:

- Presentation 1 = 25%
- Presentation 2 = 25%
- Mock Trial and class participation = 20%
- Final written exam = 30%

The course will be evaluated with an open-book written exam held at the end of the semester. Students will have two hours to answer two questions. Students must answer all the questions.

The questions will be either theoretical essay-type questions or in the form of practical cases.

Second examination session:

Article 18a of the Study Regulation applies. The resit exam is written and counts for 100% of the mark.

The College of Europe reserves the right to change the delivery and assessment of the course in case of restrictions related to the Covid-19 pandemic. Any communication from the Department in this regard takes precedence over the information provided in this ECTS card.