

Derecho de la Competencia

MAPO_014129

Departments	Department of Law
Teaching Languages	English and Spanish
ECTS	3
Teacher responsible	Javier Menor Pérez - javier.menor@esade.edu Carlos Alberto Ruiz Garcia - carlosalberto.ruiz@esade.edu

Course Goals

Upon successful accomplishment of the course, students will:

- Have a greater overview of the subject; i.e. each of the fields of EU Competition Law that may affect companies (in particular, restrictive practices and economic concentrations).
- Have knowledge of not only European Union law but also the foundations upon which such legislation is built.
- Be able to identify business practices that might affect the different fields of application of EU Competition Law.
- Be able to provide preliminary advice on the legality of the analysed business practices and, where appropriate, to assess the effects that the enforcement by EU and National Competition Authorities might have on business behaviour.
- Understand the institutional architecture related to the public entities involved in the application of EU Competition Law, as well as the procedures to follow before them.

Previous knowledge

No specific previous knowledge of the subject is required, despite students may have basic knowledge of this subject from their Law degree —usually covered in Commercial Law— or from its specific study as an optional subject when studying abroad within the framework of the Erasmus Programme.

Prerequisites

No specific previous requirements are essential to successfully pass the course.

Teaching methodology

The approach of the course will be essentially practical. For the most part, the case study method will be employed where possible, focusing on decisions by competition authorities, case law of different jurisdictional bodies, as well as (fictional) cases specifically designed for the course (and based on actual professional practice). At the end of certain sessions, students may be provided with practical cases to be solved individually or in group, prior to the next session during which students will contribute to the discussion,

assessment and solution of the case.

Students will have to be able to handle autonomously the relevant legislation, decisional practice and case law, with the purpose of studying the subject and solving the practical cases.

It is necessary to use the Moodle platform to ensure the proper attendance of the course.

Description

Course contribution to program

In the framework of the current market environment and the functioning of the markets, it is essential for every practicing corporate or in-house lawyer to be familiar with the essential legal rules of free competition. It becomes increasingly essential and transversal, at the present time, to add this knowledge of Competition Law to any field of legal advice in order to assist companies upon business and strategic decision-making and to avoid, accordingly, serious legal, economic and reputational risks.

Activities

In-class discussions and debates
(Pro)Active participation during the sessions.

Written and/or oral exams
Final exam

Role-play exercises and simulations
If time allows, role-play exercises will be conducted.

Content

#	Topic
1	Introduction
2	Agreements I - General Concepts
3	Agreements II - Horizontal Agreements - Cartels
4	Agreements III - Vertical Agreements
5	Abuse of a Dominant Position I
6	Abuse of a Dominant Position II
7	Rules of procedure - Regulation 1/2003
8	Control of Concentrations I
9	Control of Concentrations II
10	State Aid - Foreign Subsidies

Assessment

Tool	Assessment tool	Category	Weight %
Written and/or oral exams	Final Exam (80%) - Participation in class (20%)	Ordinary round	

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)

113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)

DD05 Year 1 (Optative)

LCL23-Master of Lifelong Learning in Corporate Law (Masters: MUA)

LCL23 Year 1 (Mandatory)

LIB23-Master of Lifelong Learning in International Business Law (Masters: MUA)

LIB23 Year 1 (Mandatory)

MUA23-Master in Professional Legal Practice and Procuring (Masters: MUA)

MUA23 Year 1 (Optative)