

Competition Law in Practice: an introduction to EU Competition Law through Landmark Cases

MAPO_017260

Departments	Department of Law
Teaching Languages	English
ECTS	3
Teacher responsible	David Jesus Velazquez Vioque - david.velazquez@esade.edu

Bibliography

- , Richard Whish and David Bailey, Competition Law, 11th edition, Oxford University Press, 2024. Richard Whish and David Bailey, Competition Law, 11th edition, Oxford University Press, 2024. (Document)
- , Faull & Nikpay, The EU Law of Competition (latest edition) (Document)
- , Pablo Ibáñez Colomo, The New EU Competition Law (Bloomsbury, 2023) (Document)
- , Curia – Court of Justice of the European Union (Document)
- , CNMC – Comisión Nacional de los Mercados y la Competencia. (Document)

Activities

Case study analyses

Case study of some of the most relevant judgments of the EU Courts reviewing the European Commission enforcement of competition policy

The Course aims at interactive in-class discussions of the cases, which requires students having read the rulings and materials relevant for each session beforehand.

Content

#	Topic
1	Sessions 1 & 2– Introductory lessons (4 hours) • Overview of the course, its rationale and goals. • Overview of EU competition law: objectives, sources, and enforcement architecture. • Role of the European Commission and EU Courts; administrative and judicial phases. • Basic procedural framework: investigations, statements of objections, decisions, appeals, interim measures. • Core substantive concepts: agreement, dominance, market power, merger

#	Topic
1	theories of harm, and evidentiary standards.
2	• Sessions 3–9 – Case analysis (14 hours, 7 sessions) 1. Article 101 TFEU – Oligopolistic coordination – Cartels (Woodpulp; Cement) • Notion of “concerted practice” and collusion between competitors in oligopolistic markets. • Evidence, parallel conduct and the fine line between lawful interdependence and unlawful coordination. 2. Article 101 TFEU – Vertical agreements (Bayer Adalat) • Concept of “anti-competitive agreement” • Vertical Agreements: agreements between a producer and its distributors. • Restrictions on parallel trade, unilateral vs. bilateral conduct, and the limits of Article 101. 3. Article 101 TFEU – Restrictions by object and by effect (Groupement des Cartes Bancaires) 4. Article 102 TFEU – Abuse of dominance (Intel; Google cases, Alrosa, Broadcom) • Exclusive rebates, foreclosure and the requirement to assess anti-competitive effects. • Evolution of the case law and the interaction between legal tests and economic analysis. • The alternative quicker enforcement routes of DG COMP • Interim measures and settlement-based enforcement and • the regulatory shortcut in Digital Markets (DMA) 5. Merger control – Coordinated effects and collective dominance (Airtours) • Theories of harm based on coordinated effects and the notion of collective dominance. • Standard of proof in merger decisions and the importance of economic evidence. 6. Merger control – Rights of defense in administrative proceedings (UPS) • Procedural guarantees, disclosure of economic models, and due process in complex mergers. • Judicial review of the Commission’s assessment by the General Court and Court of Justice. 7. Merger control – Jurisdiction and “killer acquisitions” (Illumina/GRAIL) July 1st 2026 6 • Role of EC and national enforcers in applying the merger regulation: Use of Article 22 referrals, review of below-threshold transactions, and emerging markets. • Policy implications for digital and innovation-driven sectors of the judgment that reshaped belowthreshold “killer acquisition” EC’s policy
3	Recap and synthesis (2 hours) • Horizontal recap of the main substantive and procedural lessons drawn from the eight cases. • Discussion of current and future challenges in EU competition enforcement (digital markets, data-driven strategies, sustainability). • Open Q&A, exam/assessment guidance, and reflection on career paths in antitrust practice.

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)
DD05 Year 1 (Optative)

LAF23-Master of Lifelong Learning in Tax Law (Masters: MUA)
LAF23 Year 1 (Optative)

LCL23-Master of Lifelong Learning in Corporate Law (Masters: MUA)
LCL23 Year 1 (Optative)

LCP23-Master of Lifelong Learning in Corporate Compliance and Criminal Law (Masters: MUA)
LCP23 Year 1 (Optative)

LDL23-Master of Lifelong Learning in Labor Law and People Management (Masters: MUA)
LDL23 Year 1 (Optative)

LIB23-Master of Lifelong Learning in International Business Law (Masters: MUA)
LIB23 Year 1 (Optative)

LIT23-Master of Lifelong Learning in New Technologies and Intellectual Property Law (Masters: MUA)
LIT23 Year 1 (Optative)