UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Eu Antitrust Law

2526-4-A5810236

Learning objectives

The course aims to provide a concrete view of the functioning of the European internal market and, in particular, of EU competition law that govern both the conduct of undertakings (agreements between undertakings restricting competition, abuse of dominant position and merger control under Articles 101-106 TFEU) and the interventions of public authorities in the economy (control of State aid and liberalization policies under Articles 107 and 108 TFEU).

Specifically, the course aims to enable students to:

A) Expertise and comprehension skills

Understand the importance of EU competition law for consumers

Understand the main regulatory elements concerning EU competition law, the sources of this law, the actors, EU and national, of this law, and the value of decisions, EU and national, taken in this area.

B) Applied knowledge and comprehension skills

Be able to find, interpret and apply relevant EU legal rules, EU case-law and European Commission's decisions.

Be able to assess the conformity of the conducts of undertakings and States with the EU competition law and thus to resolve legal cases.

C) Autonomy of in understanding EU Competition Law

Acquire autonomy in understanding EU Competition Law and in evaluating possible legal solutions to issues concerning the application of EU competition law in order to understand both current events and the behavior of undertakings in the business environment.

D) Communication Skills

Understand to communicate to public and private parties and those who draft or apply administrative or judicial measures the legal problems and key regulatory elements involved.

Contents

The course, which will be mainly focused on the analysis of the Commission's common practice and ECJ's case law, including well-known cases involving undertakings such as *Microsoft* and *Google*, will offer a very practical overview of the functioning of the Internal Market and, in particular, of EU competition law, through the analysis of competition rules applicable to the private field (anti-competitive agreements, abuse of dominant position and mergers ex artt. 101-106 TFUE), as well as rules governing public intervention in the economy (State aid rules, liberalization policies ex art. 107 and 108 TFUE).

The interrelation between Law and economics is very important in this field.

In light of the importance which the abovementioned issues have gained for a significant number of professionals, this course may be very useful for all *laurea magistrale* and *laurea triennale* students who intend to work within National or European public administration bodies, law firms, consulting firms, or enterprises.

Detailed program

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The course will take a very concrete and interactive approach with regard to the issues which will be dealt with from time to time and will always make reference to European Commission's common practice and Court of Justice of the European Union's case law. For this purpose, several meetings may be scheduled with lawyers, European Commission's high officials, economists or managers who generally apply such rules within their day-to-day activity, in order to provide students with their practical experience.

Prerequisites

Knowledge of EU Law is mandatory.

Teaching methods

The lecturing activity will be rendered in English will be organized in:

- frontal lectures also with external experts (lawyers and EU and national officiers);

- critical discussion of the selected topics;

- autonomous solution of cases from the student and homework;

- individual and group works and activities;

- case discussions.

Students are expected to take an active part in the course since the emphasis is placed upon seminars and discussion groups rather than formal lectures.

In particular:

- 18 lectures (2 hours) delivered, in English and in presence, in lecture mode the initial part but aimed at involving the
  students in an interactive manner in the subsequent part. Some lectures will be delivered by external experts (EU lawyers; judges; EU and/or national antitrust officials) and by the Professor.
- 3 lessons (2 hours) in remote delivery mode

Assessment methods

The oral test consists of an English-language interview on the topics covered by the examination text + the material published on the course elearning platform in English (which are then the same as those discussed in class). The objective is to test the ability to understand and expound in a clear and personal manner all the topics and fundamental aspects of the subject.

The criteria for assessing the skills indicated are based on knowledge and understanding of the fundamental content of the discipline and the ability to apply the knowledge acquired on the basis of concrete cases. The ability to organize the answer and the use of appropriate legal vocabulary is also given the highest consideration.
Possibily, a final written test will be held open questions on the topics covered in the lectures (based on the textbook + materials published on the elerning platform.

Textbooks and Reading Materials

Documents published on the platform elerning of the course

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EU Competition Law, 2023, 2 ed., Cases, Texts and Context
Eleanor M. Fox, Professor of Law Emerita, Walter J. Derenberg Professor of Trade Regulation Emerita, New York University School of Law, US and Damien Gerard, Visiting Professor, College of Europe and Université catholique de Louvain and Prosecutor General, Belgian Competition Authority
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Sustainable Development Goals

INDUSTRY, INNOVATION AND INFRASTRUCTURE