

Antitrust Law

Academic Year: (2020 / 2021)

Review date: 06-07-2020

Department assigned to the subject: Department of Private Law

Coordinating teacher: ROBLES MARTIN-LABORDA, ANTONIO

Type: Electives ECTS Credits : 6.0

Year : Semester :

STUDENTS ARE EXPECTED TO HAVE COMPLETED

There are no specific requirements.

COMPETENCES AND SKILLS THAT WILL BE ACQUIRED AND LEARNING RESULTS.

The subject will allow the student to acquire the following academic and professional skills and competencies:

- KNOWLEDGE SKILLS:

1. The meaning of competition law in the framework of private law.
 - a) The attitude of the liberal state to the processes of concentration of economic power.
 - b) The transformation of legal and economic assumptions: competition law as state intervention in the economy.
 - c) The evolution of the aims of competition law: from individual protection of the freedom of enterprise to the protection of competition as an institution.
 - d) The influence of the economic analysis of law
2. The method of analysis:
 - (a) Market definition: the substitutability of products or services
 - (b) Market power as power over price
3. The institutional framework.
 - (a) Community law.
 - (b) Spanish law.
4. Prohibited conducts.
 - a) Horizontal and vertical agreements.
 - b) Abuse of a dominant position.
 - c) Control of concentrations.
 - d) State aid.
5. Unfair competition law.
 - e) Historical training.
 - f) General clause and special clauses

- DISPUTES:

1. Critical analysis of judgments and resolutions.
2. Understanding and handling of the basic legal and economic concepts on which the regulation of the matter is built.
3. Practice of legal and economic argumentation.
4. Drafting of reports, complaints and other writings addressed to the competition authorities.

- ATTITUDES:

- a) Investigation of the economic reasons for certain legal decisions
- b) Criticism of the regulation and practice of the competition authorities.

DESCRIPTION OF CONTENTS: PROGRAMME

Part One: Antitrust Law.

Lesson One: Introduction.

Lesson Two: Restrictive agreements (I): Introduction

Lesson Three: Restrictive agreements (II) Horizontal agreements.
Lesson Four: Restrictive agreements (III) Vertical agreements.
Lesson Five: Abuse of dominant position
Lesson Six: Industrial and intellectual property Disturbance of free competition by unfair acts.
Lesson Seven - Economic concentrations
Lesson Eight: Public aid.
Lesson Nine: The application of competition law.

Part Two: Unfair competition.

Lesson Ten - Introduction.
Lesson Eleven - Scope of application.
Lesson Twelve: Prohibited conduct.
Lesson Thirteen - Procedural aspects.

LEARNING ACTIVITIES AND METHODOLOGY

The aim is to train students in the subjects covered by the programme through a teaching-learning system adapted to the new requirements of the Bologna process.

In order to pass the course, students will have to acquire theoretical and practical knowledge. The practical knowledge will be obtained through the elaboration of simulated trials, critical commentary of sentences and writing (reports, complaints, demands, etc.).

This theoretical-practical duality will allow the acquisition of general knowledge about competition law.

In addition, students' hours of study will be taken into account to calculate the ECTS credits of the course.

The course deals with a sector of the legal-marketing system of growing importance, so its mastery facilitates professional opportunities for future graduates.

ASSESSMENT SYSTEM

Overall, the assessment aims to check whether the learners have met the learning objectives. Through assessment, the learner must demonstrate that he or she possesses and understands knowledge of the discipline, is capable of making judgements, has the ability to communicate that knowledge and has acquired learning skills. In short, the aim is to achieve knowledge, professional skills or abilities and the ability to work in a team in the field of competition law.

The evaluation of the acquisition of competences will be based on:

1. The continuous evaluation of the student, taking into account the participation in class and the work and practices carried out during the course (60%).
2. A final theoretical-practical exam, in which it will be necessary to obtain at least a 4 out of 10 as a requirement to pass the course (40%).

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| % end-of-term-examination: | 40 |
| % of continuous assessment (assignments, laboratory, practicals...): | 60 |

BASIC BIBLIOGRAPHY

- Bellamy, Christopher Derecho de la competencia en el Mercado Común., Civitas.
- Calvo Caravaca, Alfonso-Luis: Mercado único y libre competencia en la Unión Europea, ed.
- J. Faull; A. Nipkay The EU Law of Competition, OUP, .
- Korah, Valentine: An introductory guide to EC competition law and practice., ed.
- Massaguer Fuentes, José, et al (coords): Comentario a la Ley de Defensa de la Competencia., Civitas.
- Massaguer Fuentes, José: Comentario a la Ley de competencia desleal., Civitas.
- Velasco San Pedro, Luis Antonio: Derecho europeo de la competencia : (antitrust e intervenciones públicas), ed.

BASIC ELECTRONIC RESOURCES

- CNMC . Página web de la Comisión Nacional de los Mercados y de la Competencia: <http://cnmc.es>

