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# Competition Law of the European Union

Cases and Materials  
Riga 2005

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## Table of Contents

### First weekend

#### Introduction to Competition Law

##### Reading

- Alison Jones and Brenda Sufrin: EC Competition law, Text, Cases and Materials, Oxford University Press, 2001, p. 3-84

### Friday 1 April 2005

#### 18.00 - 19.30                      Session No. 1

##### *Objectives of EU competition policy*

- This session will concern economic goals and other policy goals, the development and historic background of EU competition law and policy, as well as the relationship between EU and national competition laws of Member States

##### Materials

- Commission Notice on the definition of relevant market for the purposes of Community competition law (97/C 372/03) ..... p. 009

#### 19.30 - 21.00                      Session No. 2

##### *Sources of EU competition law*

- This session will concern the institutional framework, an overview of the substantive competition rules of EU, the procedural framework, and the direct effect of competition rules

##### Materials

- Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ..... p. 029

**Saturday 2 April 2005**

09.00 - 10.30                      Session No. 3

*Market power, market definition and barriers to entry*

- This session will concern the role and importance of market definitions, as well as the Commission Notice on the definition of the Relevant Market

Materials

- Judgement of the Court of 14 February 1978, United Brands v. Commission, Case 27/76, ECR [1978] 207 ..... p. 061

10.30 - 12.00                      Session No. 4

*Mergers*

- This session will concern the special regulation of mergers that have a potential impact on the competition policy of the EU

Materials

- Council Regulation 139/2004 on the control of concentrations between undertakings ..... p. 095

12.30 - 13.30                      Session No. 5

*Mergers*

- This session will concern work on a practical example related to mergers.

Materials

- Mergers – Practical case ..... p. 125

**Second weekend**

State Aid

Reading

- Leigh Hancher, Tom Ottovanger and Piet Jan Slot: EC State Aids, Sweet & Maxwell 1999, p. 3-95

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**Friday 8 April 2005**

18.00 - 19.30                      Session No. 6

*Scope and application of the EU-rules on state aid*

- This session will concern the purpose of the EU-rules on state aid and tendencies in the development of state aid policies and the state aid rules

Materials

- Judgment of the Court (Fifth Chamber) of 22 March 2001, French Republic v Commission of the European Communities, Case C-17/99, p. i-2481 ..... p. 130

19.30 - 21.00                      Session No. 7

*Procedural rules*

- This session will concern the obligation to notify, group-exemptions, de minimis aid, decisions by the Commission and on-site-monitoring, procedures for non-notified aid, and co-operation between national courts and the European Commission

Materials

- Judgment of the Court (Sixth Chamber) of 18 June 2002, Kingdom of Spain v Commission of the European Communities, Case C-398/00, ECR p. i-5643 ..... p. 141

**Saturday 9 April 2005**

09.00 - 10.30                      Session No. 8

*Enforcement*

- This session will concern the practical enforcement of the prohibition on state aid, as well as the co-operation between national and EU authorities

Materials

- Judgment of the Court of 24 July 2003, Altmark Trans, Case C-280/00, ECR p. i-7747 ..... p. 150

10.30 - 12.00                      Session No. 9

*Practical case example*

- During this session, the participants will work on a practical example concerning state aid

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Materials

- Practical case - state aid ..... p. 169

12.30 - 13.30      Session No. 10

*Presentation and discussion*

- During this session, the participants will present the outcome of the work in the previous session on the practical example

Materials

- Judgment of the Court of 13 March 2001, PreussenElektra, Case C-379/98, ECR p. i-2099 ..... p. 174

**Third weekend**

Anti-Competitive Agreements

Reading

- Mark Furse: Competition Law of the EC And the UK, Oxford University Press 2004, p. 141-222

**Friday 15 April 2005**

18.00 - 19.30      Session No. 11

*Scope and application of the EU-rules on anti-competitive agreements*

- This session will introduce the treaty rules on anti-competitive agreements, de minimis provisions, and their legal effects in the international and national business environment

Materials

- Judgment of the Court of 19 February 2002, Wouters, Case C-309/99, ECR p. i-1577 ..... p. 192

19.30 - 21.00      Session No. 12

*Vertical and horizontal agreements*

- This session will introduce the regulation on vertical and horizontal agreements, as well as their practical application within the internal market

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Materials

- Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices, Official Journal L 336, p. 21 ..... p. 216

**Saturday 16 April 2005**

09.00 - 10.30                      Session No. 13

*Enforcement*

- This session will concern the practical enforcement of the prohibition on anti-competitive agreements, as well as the co-operation between national and EU authorities

Materials

- Judgment of the Court of 28 February 1991, Delimitis, Case C-234/89, ECR p. i-935 ..... p. 226

10.30 - 12.00                      Session No. 14

*Practical case example*

- During this session, the participants will work on a practical example concerning state aid

Materials

- Practical case - competition law ..... p. 241

12.30 - 13.30                      Session No. 15

*Presentation and discussion*

- During this session, the participants will present the outcome of the work in the previous session on the practical example

Materials

- Judgment of the Court of 27 September 1988, Ahlström, Joined cases 89, 104, 114, 116, 117 and 125 to 129/85, ECR p. 5193 ..... p. 246

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**Fourth weekend**

Abuse of Dominant Positions

Reading

- Richard Wish: Competition Law, Lexis Nexis 2003, p. 653-732

**Friday 22 April 2005**

18.00 - 19.30                  Session No. 16

*Dominant positions and relevant markets*

- This session will concern the definition of dominant positions and the use of the concept of the relevant market

Materials

- Case/Legislation ..... to be handed out separately

19.30 - 21.00                  Session No. 17

*Trading and pricing*

- This session will concern pricing and non-pricing abuses, including exclusionary practices and predatory practices

Materials

- Case/Legislation ..... to be handed out separately

**Saturday 23 April 2005**

09.00 - 10.30                  Session No. 18

*Intellectual property*

- This session will concern abuse of dominant position in the special field of intellectual property rights

Materials

- IMS decision ..... to be handed out separately
- CFI judgment ..... to be handed out separately

10.30 - 12.00                  Session No. 19

*Parallel trade*

- This session will concern the abuse of dominant positions by restricting trade by means of parallel importation

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Materials

- Case/Legislation ..... p. 000

12.30 - 13.30      Session No. 20

*Network industries*

- This session will concern the special field of network industries, using the Microsoft case to illustrate the problems specific to this field

Materials

- Microsoft case ..... to be handed out separately

**Fifth weekend**

Exam

- Friday 29 April 2005
- Saturday 30 April 2005

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