

## COURSE OF STUDY: LM-52 – RISE - International Relations and European Studies

(in common with 2<sup>nd</sup> LM-63 Administrative Sciences)

**ACADEMIC YEAR: 2023/2024**

**ACADEMIC SUBJECT: EU Competition Law: market and undertakings**

General information	
Year of the course	Second
Academic calendar (starting and ending date)	I semester (18/07/2023-7/12/2023)
Credits (CFU/ETCS):	8
SSD	IUS-14
Language	Italian
Mode of attendance	Although the attendance is not compulsory, it is highly recommended

Professor/ Lecturer	
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Department and address	Department of Political Sciences
Virtual room	Microsoft Teams
Office Hours (and modalities: e.g., by appointment, on line, etc.)	Wednesday mornings from 9 a.m. preferably on appointment by e-mail. The day and hour may be subject to change as a result of the teaching timetable. Precise details will be published on the web page <a href="http://www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti">www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti</a>

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
200	50	14	136
CFU/ETCS			
8			

<b>Learning Objectives</b>	The aim of the course is to acquire knowledge of the different areas of European competition law and to grasp its practical effects in the internal and european market. Starting from the historical evolution of the antitrust law, the institutional aspects within the framework of European Union law will be analysed, as well as the legal categories and institutes specific to this branch of law, knowledge of which, from both a public and a private point of view, is increasingly required by consultants assisting companies operating on a permanent cross-border basis.
<b>Course prerequisites</b>	Basic knowledge of EU law is recommended

<b>Teaching strategy</b>	Frontal teaching with the support of media tools (slides, videos, documentaries), enriched by complementary seminar-based activities such as the
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	<p>discussion of practical cases or debates.</p> <p>In order to encourage student participation and to develop the hermeneutic and critical skills necessary for a correct approach to the subject, individual or group research will be encouraged, as well as classroom presentations by students.</p> <p>If possible, colleagues from other universities, foreign lecturers and experts in the field will also be involved in the teaching activities.</p>
<b>Expected learning outcomes in terms of</b>	
<b>Knowledge and understanding on:</b>	<p>Students must be able to:</p> <ul style="list-style-type: none"> <li>- to understand the theoretical and applicative elements inherent to EU legal system.</li> <li>- to understand the legal texts</li> <li>- to know the contents of the most significant Court rulings and Commission and AGCM decisions submitted to them.</li> </ul>
<b>Applying knowledge and understanding on:</b>	<p>Students will be able to:</p> <ul style="list-style-type: none"> <li>• deal with the issues involved in the application of EU rules</li> <li>• analyse concrete cases brought to their attention by the lecturer;</li> <li>• analyse and interpret legal texts and case law;</li> </ul>
<b>Soft skills</b>	<p>By the end of the course the student must be able to</p> <ul style="list-style-type: none"> <li>- investigate, on the basis of the acquired knowledge tools, the application outcomes of the EU rules,</li> <li>- autonomously elaborate a critical, legally supported evaluation of the cases,</li> <li>- develop original ideas on the basis of a systematic and critically aware understanding of the acquired knowledge</li> </ul>
<b>Syllabus</b>	
<b>Content knowledge</b>	<p>The course examines the competition rules applying to undertakings and Member States. Classes explore the tools used by Commission and competition authorities in Europe.</p> <p>The course will analyse the following topics:</p> <ul style="list-style-type: none"> <li>- COMPETITION RULES APPLYING TO UNDERTAKINGS: arts. 101-102 TFEU on the agreements between undertakings and the abuse of dominant position Regulation No 1/2003, the modernization of EU competition law and the role of the Commission and the national competition authorities; Directive No 2014/104, actions for Damages for infringements of competition law and the procedural tool for the protection of damaged parties;</li> <li>- COMPETITION RULES APPLYING TO MEMBER STATES: arts. 107-108 TFEU; Regulation No 2015/1589 and the procedure for the assessment of the compatibility of a national measure; illegal, incompatible and abusive aids; damage compensation.</li> <li>- MERGERS BETWEEN UNDERTAKINGS.</li> <li>- PUBLIC and PRIVATE ENFORCEMENT</li> </ul>
<b>Texts and readings</b>	<p>M. LIBERTINI, Diritto della concorrenza dell'Unione europea, Milano (Giuffrè Editore), 2014, only the following Chapters :</p> <p>I, II parr. 1-12 (fino a pag. 165) e parr. 15 (up to pag.225) 16,III, IV, V, VI, parr 1,2,3 ( up to pag.468, skipping parr. da 3.1 a 5.5) 6 VII, parr. 1,2,3 (up pag. 521), 4 e 5 (up to pag.542), VIII</p>

	<p>with the integration of judgments, essays and up-to-date articles on private antitrust enforcement indicated on the teacher's web page.</p> <p><b>OR</b></p> <p>F. GHEZZI, G. OLIVIERI, "Antitrust law", Giappichelli, 2019, with additional sentences, essays and articles on state aid indicated on the teacher's website.</p> <p><b>OR</b></p> <p>P. MANZINI, Diritto antitrust dell'Unione europea, Torino, 2022 (for students who passed EU law exam) with additional sentences, essays and articles on state aid indicated on the teacher's website.</p> <p><b>E</b></p> <p>- A.M. ROMITO, Ruolo e funzioni dell'European Competition Network, Bari, 2020.</p>
<b>Notes, additional materials</b>	<p>The books abovementioned are to be understood as tools for the systematic framing of the subject matter and a support for the interpretation of the relevant rules of EU law. Therefore, it is compulsory to study with the contextual analysis of the European norms of the Treaty of Lisbon and the relevant Regulations and Directives.</p> <p>Those are available online.</p> <p>Legal sources are also in</p> <ul style="list-style-type: none"> <li>- F. Rossi Dal Pozzo, CODICE DELLA CONCORRENZA, Torino</li> <li>- F. Rossi Dal Pozzo, CODICE DEGLI AIUTI DI STATO, Torino</li> </ul>
<b>Repository</b>	Additional teaching material will be made available via the lecturer page.

<b>Assessment</b>	
Assessment methods	<p>The method of verifying the expected learning outcomes is represented by the oral exam.</p> <p>For students who have carried out individual activities (e.g. the classroom presentation of a written paper or PowerPoint) or group activities (case debates), the syllabus may be reduced (accordingly to the teacher's instructions) and the final examination will be the result of an oral examination that takes due account of the individual activity.</p>
Assessment criteria	<p>The method of assessing the knowledge and skills acquired is as described above. The final mark is determined by all the assessments made by the examining board with reference to clarity of presentation, completeness of knowledge acquired, ownership of subject-specific vocabulary, depth of knowledge, ability to analyse the questions and provide appropriate answers.</p> <p><i>Knowledge and understanding:</i></p> <p>The student will be familiar with the basic institutes of EU competition law and its impact on markets;</p> <p><i>Applied knowledge and understanding:</i></p> <p>The student will acquire the ability to systematically and critically apply theoretical notions to the practical experience of markets;</p> <p><i>Autonomy of judgement:</i></p> <p>The student will acquire an ability to critically evaluate the phenomenon of European competition law within the framework of a global</p>

	<p>international community.</p> <p><i>Communication skills:</i> The student will master the communication techniques related to the discipline being examined by acquiring the terminology proper to the technical-legal language.</p> <p><i>Learning skills:</i> The student will have to demonstrate his or her learning skills and autonomy of judgement in relation to the complexity of the phenomenon of European integration by means of timely consultation of texts and documents, analysis of cases, group activities.</p>
<p>Final exam and grading criteria</p>	<p>The way of testing the expected learning outcomes is the oral test, which consists of a minimum of three questions on the teaching programme. The grade is expressed in thirtieths. If the candidate does not demonstrate at least sufficient knowledge of the basic topics of the teaching programme, subsequent questions cannot be taken. The criteria followed for the assessment of learning outcomes expressed in thirtieths are:</p> <p><b>Insufficient: 0-17</b> Lack of, incomplete and inadequate knowledge of the topics contained in the syllabus, candidates' use of non-legal vocabulary.</p> <p><b>Sufficient: 18-20</b> Sufficient knowledge of the topics contained in the syllabus and overall adequacy of the legal vocabulary used by candidates.</p> <p><b>Fair: 21-23</b> Fair knowledge of the topics contained in the syllabus, fair ability to argue and make connections between the various topics, use of appropriate legal vocabulary by the candidates.</p> <p><b>Good: 24-26</b> Good knowledge of the topics contained in the syllabus, good capacity for in-depth analysis and criticism, through the use of an adequate legal vocabulary by the candidates.</p> <p><b>Distinguished: 27-28</b> More than good knowledge of the topics contained in the syllabus, more than good capacity for in-depth study, for linking the various topics, for critique and mastery of legal vocabulary by the candidates.</p> <p><b>Excellent: 29-30</b> Very good knowledge of the topics contained in the syllabus, very good ability to deepen, to link between the different topics, as well as criticism and mastery of the legal vocabulary by the candidates.</p> <p><b>Excellent: 30L</b> Excellent knowledge of the topics contained in the syllabus, excellent capacity for in-depth study, for linking the various topics, for critique and mastery of the legal vocabulary on the part of the candidates.</p>
<p><b>Further information</b></p>	
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