

# COMPETITION LAW & ECONOMICS SYLLABUS

EMLE 2019/2020  
Rotterdam, 2<sup>ND</sup> term

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## GOALS OF THE COURSE

The course aims at showing how economic arguments may be used to decide real-life cases within the limits of the existing legal framework. Also, the course will teach students to critically assess the current rules of competition law from an economic perspective.

## MAIN LITERATURE

Textbook: Van den Bergh, R., *Comparative Competition Law and Economics*, Cheltenham, Edward Elgar, 2017.

## LECTURE SCHEDULE

The course's schedule contains 10 lectures, being two of them in the form of class discussion.

### **1. Introduction and Goals of Competition Law (12 February 2020)**

- Efficiency vs. Welfare goals
- Goals of Competition Law in the US and in the EU

Lit: R. Van den Bergh (2017), Chapter 3: The goals of competition law

### **2. Evolution of economic thinking on competition law (17 February 2020) (by Prof. Dr. Roger Van den Bergh)**

- Harvard/Chicago debate in the US
- Ordoliberalism in the EU competition law
- Contestable markets theory
- Current state of the industrial organisation literature

Lit: R. Van den Bergh (2017), Chapter 2: Economic Approaches to Competition Law, sections 2.4.- 2.8 and 2.10

**3. Market power (18 February 2020)**

- Economic and legal approaches
- Definition of the relevant market
- Empirical methods to define markets

Lit: R. Van den Bergh (2017), Chapter 4: Market Power, Market Definition and Entry Barriers, sections 4.1-4.5.

**4. Horizontal agreements (20 February 2020)**

- Economic analysis of horizontal restraints
- Comparative analysis US and EU Law
- Per se illegality and Rule of Reason
- Cartel policies

Lit: R. Van den Bergh (2017), Chapter 5 and Chapter 8, section 8.2

**5. Vertical Agreements (25 February 2020)**

- Economic analysis of vertical restraints
- Price-restrictions: Resale price-fixing
- Non-price restrictions: Exclusive and Selective Distribution
- Comparative analysis US and EU Law

Lit: R. Van den Bergh (2017), Chapter 2, section 2.9 and Chapter 6

**6. Abuse of a dominant position/Monopolization (26 February 2020)**

- Tying and bundling
- Predatory Pricing
- Price discrimination
- Discounts and Rebates

Lit: R. Van den Bergh (2017), Chapter 7, sections 7.3-7.6

**7. Enforcement of Competition Law (27 February 2020)**

- Public enforcement
- Private enforcement

Lit: R. Van den Bergh (2017), Chapter 8, section 8.3

**8. Merger Control (3 March 2020)**

- Economic analysis of merger control
- Comparative analysis US and EU Law
- Current cases

Lit: R. Van den Bergh (2017), Chapter 9

**9. Class Discussion 1 (5 March 2020)**

- Case study on Vertical Agreements.

**10. Class Discussion 2 (5 March 2020)**

- Case study on Abuse of dominant position

Obs: Regarding the Class Discussions, the students will be divided in four different groups. **Group A and B** will present on the day of Class Discussion 1 and **Group C and D** will present on the day of Class Discussion 2. Further information about the dynamics of the Class Discussions, and the composition of the groups will be sent to students in due time.

**EXAM**

The final grade consists of two parts: participation in the Class Discussions (20%) and a written exam (80%).

**Written exam:**

The written test is an *open book* exam. It counts for 80 % of the final grade.

The questions are divided as follows:

- 15 multiple choice questions (30 points)
- 2 open questions (15 points each, 30 points in total)
- 1 case study (20 points)