

Enforcement of Competition Law: Dispute Resolution & Procedure

Univ.-Prof. DDr. Peter Lewisch
University of Vienna

Course description:

- The course deals with the enforcement of competition law in a twofold manner. On the one hand, it discusses the current EU-framework, the relevant case law and pertinent policy proposals and, on the other hand, it relates this competition-law specific policy approach to the general analysis of the respective topics (torts, criminal law, law enforcement, procedure). The seminar is held in English.
- This seminar aims at providing students with a research/literature-based analysis of advanced issues regarding the enforcement of competition law in the broad sense. The seminar also aims at increasing the students' employability in economic consulting firms, in law firms, and in other specialized units (such as competition authorities) in the area of competition law.

Topics covered:

- Fines, their calculation and their enforcement;
- The mix of enforcement instruments in competition law;
- Leniency and the interplay with other enforcement tools;
- Secrecy obligations and access to court files;
- The role of tort law in the enforcement of competition law;
- The passing-on defence;
- The role of criminal law in the enforcement of competition law;
- Penal/Criminal liability of the corporation;
- The role of "elite" enforcement agencies vis-à-vis that of regular courts in the enforcement of competition law;
- The law and economics of procedure and the role of "competition law-specific procedural law";
- Arbitration and competition law;
- State aid law and the enforcement of state aid rules.

Schedule:

- April 22nd 10:30-12:15
- April 29th 10:30-12:15
- May 6th 10:30-12.15
- May 13th 10:30-12:15
- May 20th 10:30-12:15
- May 27th 10:30-12:15
- June 3rd 10:30-12:15
- June 10th 10:30-12:15
- June 17th 10:30-12:15
- June 24th 10:30-12:15

Grading:

Based on a seminar paper.

For **EMLE students**: seminar paper (7 pages +/-) plus class participation. Papers **due June 24th 2020**.

For **Austrian students (Law, Economics)**: Possibility to obtain seminar-grading under same conditions as Erasmus-students.

For **Austrian Law students**: The seminar can be used for the “Wahlfachkörbe” **International Legal Practice and Language** and **Finance** and as the “Competence in a Foreign Language for Specific Purposes” (Fremdsprachenkompetenz).

Papers will be either chosen from a list of topics, as provided on our homepage (<https://strafrecht.univie.ac.at/team/lewisch-peter/040133-se-economic-analysis-of-competition-law-procedure-and-enforcement/>) or suggested by student (with approval by PL), **assignment in first session** (April 22nd 10:30 in seminar room Schenkenstraße 4).

For Austrian students, 5-10 places. Please register via u:space (<https://ufind.univie.ac.at/de/course.html?lv=040133&semester=2020S>). Requirement to be present in first seminar, not necessary to be present on June 17 and 24; one additional excuse possible.