

Course XXIII

Module 5 Brussels “Competition Law”: 14th January – 19th January 2019

Reading Materials

ABBREVIATIONS

PRM	PRE-READ MATERIALS: These materials have to be read in advance to follow the respective lecture
LM	LECTURE MATERIALS: You have to have these materials at hand (digitally or as hardcopies). Also, it helps to scan them, without reading them profoundly.
no specification	FURTHER MATERIALS: These materials are for students who want to dig deeper into the respective topic. Their reading is not required.

We would recommend downloading all materials on your I-Pads or other electronic devices. Of course you can also print them and take them with you to the lecture. Please note that course material will – apart from exceptional cases - not be printed by the Executive M.B.L.-HSG.

General Reading

General Reading	PRM	LM	FILE
• EC, Report on Competition Policy 2016 (18 pages)	X		GR01.pdf
• EC, Commission Staff Working Document accompanying the Report on Competition Policy 2016 (81 pages)			GR02.pdf
• <i>Deutscher/Makris</i> , Exploring the Ordoliberal Paradigm: The Competition-Democracy Nexus, <i>The Competition Law Review</i> , Volume 11, Issue 2 (pp 181-214) (23 pages)	X		GR03.pdf
• <i>Marcos</i> , Editorial – Public Enforcement of Competition Law across the EU, <i>The Competition Law Review</i> , Volume 12, Issue 1 (pp 1 -7) (34 pages)	X		GR04.pdf
• <i>Peperkorn</i> , Coherence in the Application of Articles 101 and 102: A Realistic Prospect or an Elusive Goal?, <i>World Competition</i> 39, no 3 (2016) (7 pages)	X		GR05.pdf

Monday, 14 January 2019

DAVIES: Antitrust Economics	PRM	LM	FILE
• Reading instruction (1 page)	X	X	Davies01.pdf
• Office of Fair Trading, Market definition, Understanding Competition Law, 2004 (27 pages)	X	X	Davies02.pdf
• U.S. Department of Justice and the Federal Trade Commission, Horizontal Merger Guidelines, 2010 (37 pages)	X	X	Davies03.pdf
• Commission, Guidance on Art 82 of the Treaty, (2009/C 45/02) (14 pages)	X	X	Davies04.pdf
• Kaplow, Louis; Shapiro, Carl, Antitrust, 2007 (153 pages)		X	Davies05.pdf

Tuesday, 15 January 2019

WOLLMANN: Article 102 TFEU-Abuse of Dominance	PRM	LM	FILE
• European Commission, What is Competition Policy? (1 page)	X	X	Wollmann01.pdf
• European Commission, Competition: Antitrust Procedures in Abuse of Dominance, Article 102 TFEU cases (2 pages)	X	X	Wollmann02.pdf
• GC, C-177/16 (2017), AKKA/LAA (abuse of dominant position) (14 pages)	X	X	Wollmann03.pdf
• GC, C-23/14 (2015), Post Denmark (abuse of dominant position) (13 pages)	X	X	Wollmann04.pdf

RITTER: Investigating & Sanctioning Cartels & Abusive Practices	PRM	LM	FILE
• 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, Articles 7-10 ONLY (1 page)	X	X	Ritter01.pdf
• European Commission, Proceedings for the application of Articles 101 and 102 TFEU: Key actors and checks and balances (7 pages)	X	X	Ritter02.pdf
• European Commission, Explanatory note on Commission inspections pursuant to Article 20(4) of Council Regulation No 1/2003 (4 pages)	X	X	Ritter03.pdf
• C. Ritter, Remedies for Breaches of EU Antitrust Law (36 pages)	X	X	Ritter04.pdf
• GC, C-501/11 P, 18 July 2013 - Schindler (validity & legality of the 1998 Commission guidelines) (29 pages)		X	Ritter05.pdf
• GC, T-289/11, T-290/11 & T-521/11, 6 Sept 2013, Deutsche Bahn (administrative proceedings, powers of inspection of the Commission) (39 pages)		X	Ritter06.pdf
• GC, C-441/07 P, 29 June 2010, Alrosa Co Ltd (Regulation No 1/2003, decision making a company's individual commitments binding and terminating the proceedings) (22 pages)		X	Ritter07.pdf

Wednesday, 16 January 2019

ALBERS/VON BONIN: The EU Merger Control-A Disputation	PRM	LM	FILE
• Albers/von Bonin, The EU Merger Control System, 2018 (lecture script) (22 pages)	X	X	Alb_Bon01.pdf
• Vestager, Refining the Merger Control System (5 pages)	X	X	Alb_Bon02.pdf
• Vestager, Merger Review: Building a Global Community of Practice (4 pages)	X	X	Alb_Bon03.pdf
• Mosso, The Contribution of Merger Control to the Definition of Harm to Competition (7 pages)	X	X	Alb_Bon04.pdf
• Mosso, Merger Enforcement: Getting the Priorities Right (17 pages)	X	X	Alb_Bon05.pdf
• McGeown/Barthélemy, Recent Developments in EU Merger Control 2015 (17 pages)	X	X	Alb_Bon06.pdf
• EU Merger Control Regulation (EC) No 139/2004; OJ L 24/1, 29.1.2004 (22 pages)		X	Alb_Bon07.pdf
• Implementing Regulation (EC) No 802/2004; OJ L 802/2, 23.10.2008 (71 pages)		X	Alb_Bon08.pdf
• Jurisdictional Notice, OJ C 95/1, 16.04.2008 (48 pages)		X	Alb_Bon09.pdf
• Market Definition Notice, OJ C 372/5, 09.12.1997 (20 pages)		X	Alb_Bon10.pdf
• Horizontal Merger Guidelines, OJ C 31/5, 05.02.2004 (14 pages)		X	Alb_Bon11.pdf
• Non-horizontal Merger Guidelines, OJ C 265/6, 18.10.2008 (20 pages)		X	Alb_Bon12.pdf
• Remedies' Notice, OJ C 267/1, 22.10.2008 (27 pages)		X	Alb_Bon13.pdf

• Best Practices on the conduct of EC merger control proceedings (12 pages)		X	Alb_Bon14.pdf
• GC, T-102/96 (1999) ECR II-753 – Gencor/Lonrho (prohibition of horizontal merger confirmed – collective dominance) (99 pages)		X	Alb_Bon15.pdf
• GC, T-310/01 (2002) ECR II-4071 – Schneider/Legrand (prohibition of horizontal merger annulled – single dominance) (88 pages)		X	Alb_Bon16.pdf
• GC, T-342/99 (2002) ECR II-2593 – Airtours/First Choice (prohibition of horizontal merger annulled – oligopolistic dominance) (100 pages)		X	Alb_Bon17.pdf
• GC, T-5 & 80/02 (2002) ECR II-753 – Tetra Laval (prohibition of conglomerate merger annulled) (121 pages)		X	Alb_Bon18.pdf & Alb_Bon19.pdf
• GC, T-210/01 (2005) ECR II-5575 – General Electric/Honeywell (prohibition of conglomerate merger annulled) (243 pages)		X	Alb_Bon20.pdf
• GC, T-87/05 (2005) ECR II-3745 – EDP/ENI/GDP (prohibition of vertical merger confirmed) (86 pages)		X	Alb_Bon21.pdf
• GC, T-342/07 (2010) nyp – Ryanair/Aer Lingus (prohibition of horizontal merger confirmed – single dominance) (220 pages)		X	Alb_Bon22.pdf
• GC, T-175/12 (2015) nyp – Deutsche Börse/NYSE Euronext (prohibition of horizontal merger confirmed – single dominance) (80 pages)		X	Alb_Bon23.pdf

POLLEY: Antitrust Economics	PRM	LM	FILE
All documents below are compiled in: Polley01			
• Article 101 Treaty of the Functioning of the European Union (1 page)	X	X	Polley01.pdf
• 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 (consolidated version) (29 pages)	X	X	Polley01.pdf
• Commission Regulation 773/2004/EC of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (consolidated version) (17 pages)	X	X	Polley01.pdf
• Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (9 pages)	X	X	Polley01.pdf
• Commission Notice on the best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (27 pages)		X	Polley01.pdf
• Commission Notice on cooperation within the Network of Competition Authorities (11 pages)		X	Polley01.pdf
• Commission Notice on the co-operation between the Commission and the courts of the EU Member States in the application of Articles 81 and 82 EC (11 pages)		X	Polley01.pdf
• Amendments to the Commission Notice on the cooperation between the Commission and courts of the EU Member States in the application of Articles 81 and 82 EC (1 page)		X	Polley01.pdf
• Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (4 pages)		X	Polley01.pdf
• Commission Notice on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of		X	Polley01.pdf

Council Regulation (EC) No 1/2003 in cartel cases(consolidated version) (12 pages)			
• Commission Notice on Immunity from fines and reduction of fines in cartel cases (consolidated version) (12 pages)		X	Polley01.pdf
• Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (6 pages)		X	Polley01.pdf
• Commission, Compliance matters - What companies can do better to respect EU competition rules, 2012 (26 pages)	X	X	Polley01.pdf
• ECN Model leniency programme (as revised in November 2012) (19 pages)	X	X	Polley01.pdf
• Articles 53-65 of the EEA Agreement (41 pages)		X	Polley01.pdf
• Protocol 21 on the implementation of competition rules applicable to undertakings (6 pages)	X	X	Polley01.pdf
• Commission Decision of July 19, 2016, AT.39824 – Trucks (33 pages)		X	Polley01.pdf
• Commission, Press Release of June 17, 2015, Antitrust: Commission fines parking heaters producer €68 million in cartel settlement (2 pages)	X	X	Polley01.pdf
• Judgment of the European General Court of May 20, 2015 – Timab (36 pages)		X	Polley01.pdf
• Commission, Press Release of July 24, 2018, Antitrust: Commission fines four consumer electronics manufacturers for fixing online resale prices	X		Polley01.pdf
• Commission Decision of 22 November 2017, AT.39881 – Occupant Safety Systems (39 pages)			Polley01.pdf
• Commission Decision of 21 February 2018, AT.40009 – Maritime Car Carriers (34 pages)			Polley01.pdf
• Commission Decision of 21 February 2018, AT.40113 – Spark Plugs (25 pages)			Polley01.pdf
• Commission Decision of 21 February 2018, AT.39920 – Braking Systems (28 pages)			Polley01.pdf
• Joined Cases T-325/16 and T-621/16, České dráhy v Commission, judgment of 20 June 2018			Polley01.pdf
• Case T-180/15 Icap plc v Commission, judgment of 10 November 2017, EU:T:2017:795* Note: the Commission has appealed the case which is still pending			Polley01.pdf
• Commission, Daily News of December 12, 2018, Antitrust: new guidance to facilitate access to Commission files	X	X	Polley01.pdf
• European Commission: The use of confidentiality rings in antitrust access to file proceedings	X	X	Polley01.pdf
• Proposal for a Directive of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (56 pages)		X	Polley01.pdf
• Text adopted by the European Parliament – Proposal for a Directive of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (113 pages)		X	Polley01.pdf

Friday, 18 January 2019

KOVACIC: US Antitrust: The Mother of all Antitrust	PRM	LM	FILE
• H. Hollman, E. Kovacic, The International Competition Network: Its Past, Current and Future Role (50 pages)	X	X	Kovac01.pdf
• W. Kovacic, C. Shapiro, Antitrust Policy: A Century of Economic and Legal Thinking (19 pages)	X	X	Kovac02.pdf
• W. Kovacic, The Intellectual DNA of Modern US Competition Law for Dominant Firm Conduct: The Chicago Harvard Double Helix, (80 pages)		X	Kovac03.pdf