|  |  |
| --- | --- |
| **Module title** | *“Legal assessment of competition law violations in light of economic analysis”* |
| **Dates** | 26 October 2017 |
| **Instructor** | Dr. Lazaros Grigoriadis, Lecturer, Faculty of Law of NeapolisUniversity of Pafos, CyprusDr. Lazaros G. Grigoriadis, Lecturer, Faculty of Law of Neapolis University Pafos, Cyprus |
| **Module description** |
| The module focuses on the use of economic theory to assess undertakings’ behaviours under Articles 101 & 102 TFEU and Regulation (EC) 139/2004. In particular, it analyses the principles ofeconomic science used by the Court of Justice of the European Union to answer of whether cooperation between undertakings constitutes a violation of Article 101 TFEU by object or by effect. Further, it examines the economic principles employed by the Court of Justice of the European Union when the question is whether the conditions for Article 102 TFEU to apply are fulfilled. Finally, it examines the economic methods used by the European Commission in merger analysis under Regulation (EC) 139/2004.  |
| **Training outcomes** |
| The module aimed at showing how economic theory influences application of main EU competition law provisions, namely Articles 101 & 102 TFEU and Regulation (EC) 139/2004. Participants familiarized themselves with principles of economic science employed by the Court of Justice of the European Union in application of Articles 101 & 102 TFEU. Also, the module offered a presentation of the main economic tools used by the European Commission to assess the compatibility of mergers with Regulation (EC) 139/2004.The analysis was supported by many examples drawn from the case law developed by the EU courts and decisions issued by the European Commission. |
| **Training materials/bibliography** | 1) Alison Jones/Brenda Surfin, EU Competition Law: Text,Cases, and Materials, fifth edition, Oxford University Press, 20142) Frank Wijckmans/FilipTuytschaever, Vertical Agreements inEU Competition Law, second edition, Oxford University Press,20113) Damien Geradin, Anne Layne-Farrar, Nicolas Petit, EUCompetition Law and Economics, Oxford University Press, 20124) Richard Whish/David Bailey, Competition Law, seventhedition, Oxford University Press, 20125) Ariel Ezrachi, EU Competition Law: An Analytical Guide to theLeading Cases, Bloomsbury Publishing, 20146) Bellamy and Child, European Union of Competition, seventhedition, Oxford University Press, 20137) ΛάμπροςΚοτσίρης, ΕυρωπαϊκόΕμπορικόΔίκαιο, β’ έκδοση,εκδόσεις Σάκκουλα, 20128) Λάμπρος Κοτσίρης, Δίκαιο Ανταγωνισμού, ζ’ έκδοση, εκδόσειςΣάκκουλα, 20159) Δημήτριος Τζουγανάτος (επιμ.), Δίκαιο του ΕλεύθερουΑνταγωνισμού, Νομική Βιβλιοθήκη, 201310) Λάζαρος Γρηγοριάδης, Παράλληλες ΕισαγωγέςΦαρμακευτικών Προϊόντων για Ανθρώπινη Χρήση και ΔίκαιοΑνταγωνισμού της Ευρωπαϊκής Ένωσης, εκδόσεις Σάκκουλα,2012 (Δημοσιεύματα Μακεδονικής Ένωσης Εμπορικού Δικαίου)= Lazaros Grigoriadis, The Application of EU Competition Law inthe Pharmaceutical Sector: The Case of Parallel Trade,European Business Law Review, Vol. 25, No. 1, 2014, pp. 141-2011) Alison Jones/Brenda Surfin, EU Competition Law: Text, Cases, and Materials, fifth edition, Oxford University Press, 20142) Frank Wijckmans/‎Filip Tuytschaever, Vertical Agreements in EU Competition Law, second edition, Oxford University Press, 20113) Damien Geradin, ‎Anne Layne-Farrar, ‎Nicolas Petit, EU Competition Law and Economics, Oxford University Press, 20124) Richard Whish/David Bailey, Competition Law, seventh edition, Oxford University Press, 20125) Ariel Ezrachi, EU Competition Law: An Analytical Guide to the Leading Cases, Bloomsbury Publishing, 20146) Bellamy and Child, European Union of Competition, seventh edition, Oxford University Press, 20137) Λάμπρος Κοτσίρης, Ευρωπαϊκό Εμπορικό Δίκαιο, β’ έκδοση, εκδόσεις Σάκκουλα, 20128) Λάμπρος Κοτσίρης, Δίκαιο Ανταγωνισμού, ζ’ έκδοση, εκδόσεις Σάκκουλα, 20159) Δημήτριος Τζουγανάτος (επιμ.), Δίκαιο του Ελεύθερου Ανταγωνισμού, Νομική Βιβλιοθήκη, 201310) Λάζαρος Γρηγοριάδης, Παράλληλες Εισαγωγές Φαρμακευτικών Προϊόντων για Ανθρώπινη Χρήση και Δίκαιο Ανταγωνισμού της Ευρωπαϊκής Ένωσης, εκδόσεις Σάκκουλα, 2012 (Δημοσιεύματα Μακεδονικής Ένωσης Εμπορικού Δικαίου) = LazarosGrigoriadis, TheApplicationof EU CompetitionLawinthePharmaceuticalSector: TheCaseofParallelTrade, EuropeanBusinessLawReview, Vol. 25, No. 1, 2014, pp. 141-20111) Panagiotis N Fotis/Michael L Polemis, The Use of Economic Tools in Merger Analysis: Lessons From US and EU Experience, 7(2) European Competition Journal 323 (2011)12) ΓιώργοςΚαρύδης, Ευρωπαϊκό Δίκαιο Συναλλαγών, εκδόσεις Νομική Βιβλιοθήκη, Αθήνα 201213) Ιωάννης Παλαιολόγος/Μιχαήλ Πολέμης, Αξιολόγηση των επιδράσεων των συγχωνεύσεων και εξαγορών στο επίπεδο ανταγωνισμού, σε Τιμητικό Τόμο για τον Καθηγητή Παναγιώτη Ι. Κανελλόπουλο, εκδόσεις Σάκκουλα, Αθήνα – Θεσσαλονίκη 2015, σελ. 593 επ.14) Μιχαήλ Λ. Πολέμης, Η οικονομική ανάλυση στην εξέταση συγχωνεύσεων και εξαγορών υπό το πρίσμα του δικαίου του ανταγωνισμού, σε Τιμητικό Τόμο για τον Καθηγητή Παναγιώτη Ι. Κανελλόπουλο, εκδόσεις Σάκκουλα, Αθήνα – Θεσσαλονίκη 2015, σελ. 725 επ.15) Ibáñez Colomo, Pablo, (2012) Market failures, transaction costs and Article 101(1) TFEU case law. European Law Review, 37 (5). pp. 541-562.A selection of relevant cases and other material:Case T-139/98 AAMS [2001] ECR II-3413, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-139/98>Case 238/87 AB Volvo v [1988] ECR 6211, <http://curia.europa.eu/juris/showPdf.jsf;jsessionid=9ea7d0f130d58ca3ced35c9e42e39909d29b32006377.e34KaxiLc3eQc40LaxqMbN4OchiOe0?text=&docid=95470&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=105970>Case T-128/98 Aéroports de Paris [2000] ECR II-3929, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-128/98>Case C-62/86 AKZO Chemie [1991] ECR I-3359, <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=62/86&td=ALL>Case 77/77 Benzine en Petroleum [1978] ECR 1513, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61977CJ0077>Case T-65/89 British Gypsum [1993] ECR II-389, <http://curia.europa.eu/juris/showPdf.jsf?docid=102685&doclang=en>Case T-219/99 British Airways plc v Commission [2003] ECR II-5917, <http://curia.europa.eu/juris/showPdf.jsf?docid=71884&doclang=EN>Case C-95/04 P, British Airways [2007] ECR I-2331, <http://curia.europa.eu/juris/showPdf.jsf;jsessionid=9ea7d2dc30db6cd9f6d3f7744c0c993cdc951b9f1d75.e34KaxiLc3qMb40Rch0SaxuLbx10?text=&docid=62071&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=73323>Case 311/84 CBEM v CLT and IBP (Télé-Marketing) [1985] ECR 3261, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61984CJ0311>Case 283/81 CILFIT v Ministére de la santé [1982] ECR 3415, <http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A61981CJ0283>Case T-301/04 Clearstream [2009] ECR II-3155, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-301/04>Joined Cases T-24/93 to T-26/93 and T-28/93 Compagnie Maritime Belge [1996] ECR II-1201, <http://curia.europa.eu/juris/liste.jsf?num=T-24/93&language=en>Joined cases 40/73 et al, SuikerUnie [1975] ECR 1663, <http://eur-lex.europa.eu/legal-content/DA/TXT/?uri=CELEX:61973CJ0040>Case T-229/94 Deutsche Bahn [1997] ECR II-1689, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61994TJ0229>Case T-271/03 Deutsche Telekom v Commission [2008] ECR II-477, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-271/03>Joined Cases T 374/94, T-375/94, T-384/94 and T-388/94 European Night Services [1998] ECR II-3141, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-374/94>Case 6/72 Continental Can [1973] ECR 215, <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=6-72&td=ALL>Case T-340/03 France Télécom (Wanadoo) [2007] ECR II-107, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62003TJ0340>Case C-202/07 P, France Télécom (Wanadoo) [2009] I-02369, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-202/07>Case C-250/92 Gottrup-Klim [1994] ECR I-5641, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61992CJ0250>Case T-30/89 Hilti [1991] ECR II-1439, <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=T-30/89&td=ALL>Case 85/76 Hoffmann-La Roche (1979] ECR 461, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A61976CC0085>Joined Cases 6/73 and 7/73 ICI and Commercial Solvents [1974] ECR 223, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61973CJ0006>Case T-66/01 ICI [2010] ECR II-2631, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62001TJ0066>Case C-418/01 IMS Health [2004] ECR I-5039, <http://curia.europa.eu/juris/liste.jsf?num=C-418/01>Case T-5/97 Industrie des Poudres Sphériques [2000] ECR II-3755, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61997TJ0005>Case T-286/09 Intel Corp v Commission (2014), <http://curia.europa.eu/juris/liste.jsf?num=T-286/09>Case T-228/97 Irish Sugar [1999] ECR II-2969, <http://curia.europa.eu/juris/liste.jsf?pro=&nat=or&oqp=&dates=&lg=&language=el&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=T-228%252F97&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=327970>Joined Cases C-267/91 and C-268/91 Keck and Mithouard [1993] ECR 1-6097, <http://curia.europa.eu/juris/liste.jsf?&num=C-267/91>Case T-65/96 Kish Glass [2000] ECR II-1885, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-65/96>C-241/00 P, Kish Glass [2001] ECR I-07759, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62000CO0241>Case C-52/09 TeliaSonera [2011] ECR I-527, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-52/09>Case 322/81 Michelin I [1983] ECR 3461, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61981CJ0322>Case T-203/01 Michelin II [2003] ECR II-4071, <http://curia.europa.eu/juris/showPdf.jsf?docid=72091&doclang=en>Case T-201/04 Microsoft v Commission [2007] ECR II-3601, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-201/04>Opinion of AG Lenz in Case C-62/86 AKZO Chemie [1991] I-03359, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1497482010903&uri=CELEX:61986CC0062>Opinion of AG Mazak in Case C-202/07 P, France Télécom (Wanadoo) [2009] I- 02369, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-202/07>Opinion of AG Mazak in Case C-549/10 P, Tomra Systems ASA and Others v Commission (2012), <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-549/10%20P>Case C-7/97 Oscar Bronner [1998] ECR I-7791, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-7/97>Case C-209/10 Post Danmark [2012] ECR I-0000, <http://curia.europa.eu/juris/liste.jsf?num=C-209/10&language=EN>Joined cases C-241/91 P and C-242/91 P, RTE & ITP (Magill) [1995] ECR I- 743, <http://curia.europa.eu/juris/liste.jsf?num=C-241/91%20P>Case T-69/89 RTE [1991] ECR II-485, <http://curia.europa.eu/juris/liste.jsf;jsessionid=9ea7d2dc30d5b3fce4c472314d89a307c64709ced193.e34KaxiLc3qMb40Rch0SaxyKaNz0?num=T-69/89&language=en>Case T-57/01 Solvay [2009] ECR II-4621, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-57/01>Case T-336/07 Telefónica [2012], <http://curia.europa.eu/juris/liste.jsf?num=T-336/07>Case C-333/94 P, Tetra Pak II [1996] ECR I-5951, <http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A61994CJ0333>Case T-83/91 Tetra Pak II [1994] ECR II-755, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61991TJ0083>Case T-504/93 Tiercé Ladbroke [1997] ECR II-923, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61993TJ0504>Case C-549/10 P, Tomra Systems ASA and Others v Commission (2012), <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-549/10%20P>Case T-155/06 Tomra [2010] ECR II-4361, <http://curia.europa.eu/juris/liste.jsf?language=en&num=T-155/06>Case 27/76 United Brands [1978] ECR 207, <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=27/76&td=ALL>Case T-62/98 Volkswagen [2000] ECR II-2707, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1497482503067&uri=CELEX:61998TJ0062>Case 395/87 Ministère Public v Jean-Louis Tournier [1989] E.C.R. 2521, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-395/87>Case C-250/92 Gøttrup-Klim, [1994] E.C.R. I-5641, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61992CJ0250>Case C-234/89 StergiosDelimitis v HenningerBräu AG [1991] E.C.R. I-935, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61989CJ0234>Case 27/87 SPRL Louis Erauw-Jacquery v La Hesbignonne SC [1988] E.C.R. 1919 <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-27/87>Case 26/76 Metro I [1977] E.C.R. 1875, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61976CJ0026>Case 258/78 L.C. Nungesser KG and Kurt Eisele v Commission (258/78) [1982] E.C.R. 2015, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61978CJ0258>Case 7/95P John Deere Ltd v Commission [1998] E.C.R I-3111, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-7/95>Case 238/05 Asnef-Equifax, Servicios de InformaciónsobreSolvencia y Crédito, SL and Administración del Estado v Asociación de Usuarios de ServiciosBancarios (C-) [2006] E.C.R. I-11125, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-238/05>Case 262/81, Coditel II [1982] E.C.R. 3381, <http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A61981CJ0262>Case 439/09 Pierre Fabre Dermo-Cosmétique SAS v Président de l’Autorité de la concurrence and Ministre de l’Économie, de l’Industrie et de l’Emploi [2011] E.C.R. 9419, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-439/09>Case 42/84, Remia BV v Commission [1985] E.C.R. 2545, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61984CJ0042>Case 161/84, Pronuptia de Paris GmbH v Pronuptia de Paris IrmgardSchillgallis [1986] E.C.R. 353, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-161/84>Case 219/95, Ferriere Nord v Commission [1997] E.C.R. I-4414, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-219/95>Case 56/65, Société Technique Minière v Maschinenbau Ulm GmbH [1966] E.C.R. 235, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-56/65>COMP/M.2337 – Néstlé/RalstonPurina, <http://ec.europa.eu/competition/mergers/cases/decisions/m2337_en.pdf>IV/M.1221 – Rewe/Meinl, <http://ec.europa.eu/competition/mergers/cases/decisions/m1221_19990203_600_en.pdf>M.337 Knorr-Bremse/Allied Signal, <http://ec.europa.eu/competition/mergers/cases/decisions/m337_en.pdf>IV/Μ. 1684, Carrefour/Promodes,25.01.2000, <http://europe.eu.int/comm/competition/mergers//index/m33.html#m_1684>IV/Μ. 619, Gencor/Lonrho, ΕΕ 1997, L 11/30, <http://ec.europa.eu/competition/mergers/cases/decisions/m619_en.pdf>IV/Μ. 190, Nestlé/Perrier, EE 1992, L 356/1, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31992D0553>Απόφαση 97/610/ΕΚ της Επιτροπής στην υπόθεση Μ.774 – Saint-Gobain/Wacker-Chemie/NOM, EEL 247 της 10.09.1997, σελ. 1, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31997D0610>Απόφαση 94/811/ΕΚ της Επιτροπής στην υπόθεση Μ.269 – Shell/Montecatini, EEL 332 της 22.12.1994, σελ. 48, <http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX:31994D0811>Απόφαση 98/327/ΕΚ της Επιτροπής στην υπόθεση Μ.883 – TheCoca-ColaCompany/CarlsbergA/S, ΕΕ L 145 της 15.5.1998, σελ. 41, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998D0327:EN:HTML>Απόφαση 2002/156/ΕΚ της Επιτροπής στην υπόθεση COMP/M.2097 – SCA/Metsä Tissue, ΕΕ L 57 της 27.2.2002, σελ. 1, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32002D0156>Απόφαση της Επιτροπής της 12/05/2006 (COMP/M.4057 - KORSNē / ASSIDOMĎ CARTONBOARD), ΕΕ C 209/12 της 31.8.2006, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006M4057>Απόφαση της Επιτροπής της 18/01/2002 (υπόθεση IV/M.2502 - CARGILL / CERESTAR), ΕΕ C 40/7 της 14.2.2002, <http://ec.europa.eu/competition/mergers/cases/decisions/m2502_en.pdf>Απόφαση της Επιτροπής της 14ης Μαΐου 2008 (COMP/M.4854 — TomTom/TeleAtlas), ΕΕ C 237/8 της 16.9.2008, <http://ec.europa.eu/competition/mergers/cases/decisions/m4854_20080514_20682_en.pdf>Απόφαση της Επιτροπής της 02ης Ιουλίου 2008 (COMP/M.4942 — Nokia/Navteq), ΕΕ C 13/8 της 20.01.2009, <http://ec.europa.eu/competition/mergers/cases/decisions/m4942_20080702_20682_en.pdf>Απόφαση της Επιτροπής Kali-Salz, 14.12.1993, EEL 186, 21.07.1994, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31994D0449:EN:HTML>Commission Notice on the Definition of Relevant Market for the Purposes of Community Competition Law 1997 (OJ 1997 C372/5), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31997Y1209(01)>Guidance on the Commission’s Enforcement Priorities in Applying Article 82 of the EC Treaty to Abusive Exclusionary Conduct by Dominant Undertakings, OJ C 45, 24/02/2009, 7-20, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52009XC0224(01)>Guidelines on the Application of Article 81(3) of the Treaty, OJ C 101 2004 97, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2004:101:0097:0118:EN:PDF>Guidelines on the application of Article 101(3) TFEU (formerly Article 81(3) TEC), [Official Journal No C 101 of 27.4.2004], <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=URISERV:l26114>EX-POST REVIEW OF MERGER CONTROL DECISIONS, A study for the European Commission prepared by Lear – Laboratorio di economia, antitrust, regolamentazione, <http://ec.europa.eu/competition/mergers/studies_reports/lear.pdf>Κατευθυντήριες Γραμμές για την αξιολόγηση των μη οριζόντιων συγκεντρώσεων, σύμφωνα με τον Κανονισμό του Συμβουλίου για τον έλεγχο των συγκεντρώσεων μεταξύ επιχειρήσεων, ΕΕ C265, 18.10.2008, σελ. 6-25, <http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A52008XC1018%2803%29>Κατευθυντήριες Γραμμές για την αξιολόγηση των οριζόντιων συγκεντρώσεων, σύμφωνα με τον Κανονισμό του Συμβουλίου για τον έλεγχο των συγκεντρώσεων μεταξύ επιχειρήσεων, ΕΕ C31, 5.2.2004, σελ. 5-18, <http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=LEGISSUM:l26107> |
| **Teaching Methodology** | Slides and presentation of case studies |  |
| **Language** | Greek |