

EUROPEAN COMPETITION LAW SEMINAR

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M. 8:00-9:50 p.m.

European Union (EU) competition law is authorized by various provisions of the European Constitution, also known as the Treaty of Rome. As competition laws proliferate around the world, EU competition law has become the chief rival to American antitrust as a source of legal and policy influence. Indeed, many observers would argue that the EU competition law model is today the world “market leader.” Key enforcement actions taken against global companies such as Microsoft and Intel have placed the spotlight on the European competition law system.

This seminar will survey the key areas of EU competition law and policy, and, in appropriate instances, compare European rules with U.S. antitrust standards. The primary (and required) text will be Eleanor M. Fox, *The Competition Law of the European Union in Comparative Perspective* (West, 2009) (“Fox”), supplemented by readings taken from Internet-accessible sources. New readings may be assigned during the semester, in response to “breaking developments” in European case and regulatory law. The last two weeks of the seminar will be devoted to discussion of students’ paper topics (I will take questions), “hot developments,” and a possible guest lecture.

The course grade will be based primarily on a research paper (20-40 double-spaced pages), which focuses on some aspect of the general topics covered in the seminar. I expect all students to prepare a paper proposal of no more than one single-spaced page and email it to me (at aabbott@ftc.gov by no later than Monday evening, September 28 (the date of the 6th class meeting). (Keep in mind that the earlier you prepare your paper proposal the more time you will have to work on it.)

As this is a seminar, I also will take class participation into account. The final course grade may be raised or lowered by one-half grade from the paper grade (or kept the same), based on the nature and quality of your participation. At the beginning of each class (other than the first, which I will lead), I will ask one or two individuals to be “particularly well prepared” to play a major role in the next week’s class. The paper will be due in my box (in a sealed envelope) no later than Wednesday, December 16.

Course topics and assignments are set forth below.

- Week 1 An introduction to EU competition policy: constitutional structure and federalism, Fox, chapter 1 (pp. 1-28), appendices 1 and 2 (pp. 360-396)
- Week 2 Finish Week 1 Materials and Discuss Cartels, Fox, chapter 2 (pp. 29-66)
- Week 3 Abuse of a Dominant Position, Fox, 67-82, 397-408
- Week 4 Abuse of a Dominant Position, continued, Fox, 82-109

- Week 5 Abuse of a Dominant Position, continued, Fox, 109-146, 408-422; *Pacific Bell v. Linkline* (U.S. Supr. Ct. 2009), available at <http://www.supremecourtus.gov/opinions/08pdf/07-512.pdf>; summary of European Commission's May 13, 2009 *Intel* decision, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/745>
- Week 6 Horizontal Restraints, Fox, 147-180, 437-468
- Week 7 Horizontal Restraints, continued, finish week six assignment, plus Fox, 180-196
- Week 8 Vertical Restraints, Fox, 197-227
- Week 9 Vertical Restraints, continued, Fox, 227-253, 468-477
- Week 10 Mergers, Fox, 254-273, 478-487, 512-515
- Week 11 Finish Week 10 Materials and Discuss State Monopolies, Fox, 310-335
- Week 12 State Measures and State Aids, Fox, 335-357
- Weeks 13-14 Discussion of Student Papers, Hot Topics, and Possible Guest Lecture