

**GIAN COURSE**  
**ON**  
**EUROPEAN COMPETITION LAW**

**September 11 - 15, 2017**

**Organised By :**

Centre for Corporate Law and Governance  
National Law University, Delhi

**Under the grant from:**

GLOBAL INITIATIVE OF ACADEMIC NETWORKS  
(GIAN)  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
(MHRD),  
GOVERNMENT OF INDIA

## Overview

Competition law has an imperative influence on companies' business approach both nationally and internationally. Indian competition law is becoming an increasingly important facet of the everyday life of an Indian business. Competition Act, 2002 has been influenced by European Competition Law to a great extent. It is important for scholars in this field to understand similarities and distinctions between European Competition Law and Indian law. Keeping this need in mind, the course has been devised.

The course will cover Introduction to European Competition Law along with introduction to European and National Competition Procedure. The course will be taught in a comparative manner with Indian Competition Law.

The course will be from September 11 - 15, 2017. Candidates will earn ONE Credit upon successful completion of this course, as per MHRD Guidelines on GIAN.

### **Objectives of the Course :**

- Basic understanding of law of market structure and of unfair competition law;
- Introduction into European and national competition procedure including the leniency program;
- Basic knowledge and structural competence about the EU, about the European and national system of competition law;
- Practicing independent reasoning and judgement on competition cases;
- Development of skills for legal comparison;
- Basic knowledge in the related fields of cartel procedure, unfair competition procedure, and European law;
- Methods of Continental judicial reasoning.

## Modules

### Day 1 : September 11, 2017

#### **Lecture 1:**

Personal introduction, general introduction, Specificities of European competition law as a part of European law; European competition law and National competition law. Economic and legal concepts of competition; markets and market structure; competition theory; history of European competition law; Relationship to the law of consumer protection. Relationship to SME policy; Relationship to the law of state aid. Assigned reading: course script, introductory part, essay on the political content of competition law.

#### **Tutorial 1 :**

Case law discussions, group discussions on assigned readings

### Day 2 : September 12, 2017

#### **Lecture 2:**

Introduction to Indian Competition law and principles

**Lecture 3:** Competition law and cartel law: horizontal trade restraints, concerted practices; the structure of a European statute (Art. 101 TFEU). The Lisbon Treaty, regulation, directive, and decision. The Airline Cargo Cartel as a more recent example of theoretically possible horizontal trade restraints. Other cartel cases. Art. 101, horizontal trade restraints; principles on interpreting statutes in Continental tradition, comparative law, exemptions of Art. 101 (introduction); legal consequences of Art. 101 in administrative cartel law, criminal law, and private law.

#### **Lecture 4 :**

Vertical trade restraints, distribution systems and licensing;  
The structure of general and specific exemptions of European cartel law; examples as for licensing, franchising. Commission Regulation No. 330/2010 esp.

#### **Tutorial 2 :**

Case law discussions, group discussions on assigned readings

### Day 3 : September 13, 2017

#### **Lecture 5:**

Cartels, horizontal restraints and vertical restraints in Indian markets

#### **Lecture 6:**

Art. 101 and its relationship to European jurisdiction on the prohibition of measures having equivalent effect (Cassis / Keck); the Leclerc Case and other case studies

Merger and acquisition control in European competition law. History and Reg. on Conglomerate concentration; SIEC test; Relationship to national law of concentration; Other details.

The treatment of airline code-share agreements and similar joint ventures

Assigned Reading: course script, cases on the Cassis jurisdiction, Reg. 139/2004, cases on concentration control.

**Tutorial 3:**

Case law discussions, group discussions on assigned readings

**Day 4 : September 14, 2017**

**Lecture 7 :**

Introductory remarks on Art. 102 and more general concepts of market dominance; Art. 102 and antidiscrimination clauses under European law and national law; basic concepts; the rise and fall of “doctrine of essential facilities” and its present application, dumping and other examples of case law under Art. 102. Differences between Art. 102 and national law of EU member states.

Assigned Reading: course script, provisions of the Lisbon Treaty (TEU, TFEU), cases on Art. 102 and antidiscrimination clauses

**Lecture 8 & 9:**

Abuse of dominance in Indian context.

**Tutorial 4 :** Case law discussions, group discussions on assigned readings

**Day 5 : September 15, 2017**

**Lecture 10 :**

Elements of cartel procedure law and enforcement of European competition law; fundamental rights and procedural principles in European competition law. The leniency program and policy of the EU. An overview on European elements of national competition law on market behavior (unfair competition), how to apply Dir. 2005/29/EC. Relationship between cartel law, intellectual property law and unfair competition law; B2B and B2C relationship. Once more: consumer protection and competition. Assigned Reading: course script, Reg. 1/2003, outline and cases on European cartel procedure; Dir. 2005/29/EC.

**Tutorial 5 :**

Case law discussions, group discussions on assigned readings

**Day 6 : September 16, 2017**

Examination

<b>Eligibility</b>	<ul style="list-style-type: none"> <li>▪ Law and Economics students at all levels.</li> <li>▪ Faculty from law schools, universities, colleges and institutions of higher education</li> <li>▪ Lawyers, In-house counsels</li> <li>▪ Professionals from Industry</li> </ul>
<b>Fees</b>	<ul style="list-style-type: none"> <li>➤ Participants from outside India: US \$250/-</li> <li>➤ Professionals/Lawyers/Non-Academics (without accommodation): Rs.5,000 /-</li> <li>➤ Faculty Members from academic institutions with accommodation: Rs. 5000/-</li> <li>➤ Students from academic institutions requiring accommodation: Rs 4000/-</li> <li>➤ Faculty/Students from academic institutions not requiring accommodation: Rs. 2,500/-</li> <li>➤ Faculty and Students from National Law University, Delhi: No Fees (Limited Number of Seats)</li> </ul> <p>Registration Fee shall be payable via an online payment link (which shall be communicated to registered participants) or a Demand Draft.</p> <p>The registration form along with the DD should be sent to the Registrar, National Law University, Delhi.</p> <p>Address: National Law University Delhi, Sector-14, Dwarka, New Delhi-110078.</p>
<b>Important Dates</b>	<p>Last Date of Submission of Form : September 1, 2017</p> <p>Intimation to the Selected candidates : September 4, 2017</p> <p>Payment : September 4 – 11, 2017</p> <p>Course Dates : September 11 – 15, 2017.</p>

## The Faculty



**Prof. Bernd Oppermann**

Prof. Bernd Oppermann has more than 25 years experience in teaching, research and practice in law and 15 years experience in European and international network management. He is an expert in European Competition Law and Corporate Law and is currently Chair for German, European and International Private Law and Commercial Law at Law of Faculty, Leibniz University Hanover, Germany. He has received an award on activity in the European program Erasmus Mundus by DAAD (German International Academic Service) at Berlin Academy of Science, 2009. Presently he serves as the Advising Council, Faculty of Law, University of Lisbon, Portugal; guest Editor of Law Journal of SYMBIOSIS University, Pune, India; Adv. Board Law Review and designated visiting professor at UiTM, Shah Alam, Kuala Lumpur, Malaysia (2014 -2017); and the Coordinating Scholar of the German National Fellowship Foundation



**Prof. Dr. Harpreet Kaur**

Prof. Harpreet Kaur is a Professor of Law at NLU Delhi, as well as the faculty incharge for certificate and diploma courses on Competition Policy and Law. She is a Fulbright Scholar in Residence and has served as Chair Professor of Indian Studies at Leibniz University, Hannover, Germany for a semester. She was selected for the International Visitor Leadership Programme on Competition Law sponsored by US State Government and visited USA for three weeks exchange programme in 2015. She has authored many books on Business and Corporate Laws and various fields of law. She also has vast experience as a resource person for management and faculty development programs in company and competition law, and contract management and international contracts. She has presented papers and chaired sessions at various seminars and national and international conferences

## Course

### Co-ordinator

**Prof. Harpreet Kaur**

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### Student Co-ordinators

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Yash Kumar

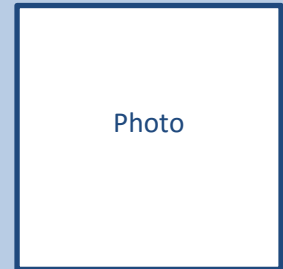
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**GIAN COURSE**

**European Competition Law**



**Registration Form**

<b>Name</b>	
<b>Designation and Institution/Roll No.</b>	
<b>Address</b>	
<b>E-mail Id.</b>	
<b>Mobile No.</b>	
<b>Accommodation Required (Y/N) (only for outstation candidates)</b>	
<b>Payment Details</b>	
<b>Amount</b>	

**Declaration:** I hereby agree to pay the above-mentioned registration charges and declare that the information provided above is true.

Signature

- Kindly attach a copy of the institution ID card.
- Demand Draft to be made in favour of The Registrar, National Law University, Delhi, and made payable at Delhi.
- Kindly superscribe “GIAN Course on European Competition Law” on envelope.