

## Master in European Economic Governance 2020-2021

### Course Syllabus

<b>Course</b>	Internal Market and Competition
<b>Lecturer</b>	Ginevra Bruzzone
<b>Course Description</b>	<p>This course illustrates the evolution of the institutional framework for the establishment of a Single Market in the EU, as well as the role of competition policy within the process of European integration.</p> <p>For the Single Market, the course starts from the Treaty principles and the four fundamental freedoms and analyses the tools of negative and positive integration. Emphasis is placed on the principles of non-discrimination and mutual recognition, on the role of EU common rules for the internal market as well as on exclusions and safeguards clauses. The way in which the Single Market project was affected by other objectives of the Treaty, such as a high level of consumer protection, environmental protection and protection of personal data, is also considered.</p> <p>Specific topics include: the features of the EU Single Market for goods and the role of standards; the Single Market for services and its remaining challenges; EU rules on network industries; EU rules on public procurement and the role of national public administrations in the governance of the internal market; the challenges raised for the Single Market by the digital transformation.</p> <p>The second part of the course provides a reasoned overview of EU competition rules and the institutional setting for their enforcement. It covers the prohibition of anticompetitive agreements and abuses of a dominant position, merger control, the obligations of Member States under article 106 TFEU and the control of State aid, with a focus on the case-law and on the interaction between law and economics. The open issues concerning the future of EU competition policy are also discussed.</p>
<b>Primary References</b>	<p>Lecture Notes</p> <p><i>Internal market</i></p> <p>Barnard C. and S. Peers (2017), <i>European Union Law</i>, Oxford University Press, Second Edition.</p> <p>Micossi S. (2016), <i>30 Years of the Single European Market</i>, BEEP N.41, College of Europe.</p>

	<p><i>Competition</i></p> <p>Geradin D., A. Layne-Farrar and N. Petit (2012), <i>EU Competition Law and Economics</i>, Oxford University Press (hereinafter, GLP, selected chapters).</p> <p>Whish R. and D. Bailey (2018), <i>Competition Law</i>, Oxford University Press (selected chapters).</p> <p>*Additional references for each topic are indicated below; further readings will be suggested throughout the course</p>
<b>Course Objectives</b>	<ul style="list-style-type: none"> <li>➤ To provide students with sufficient knowledge of Internal Market rules, policies, strategies and <i>acquis communautaire</i>, which are fundamental pillars of European policies and European integration.</li> <li>➤ To give students an understanding of the role of competition policy in European economic governance and to make them familiar with the tools for enforcement of EU competition rules with a focus on the interaction between law and economics</li> <li>➤ To provide students with the analytical background necessary to understand the current challenges both for the Single Market and for EU competition policy</li> </ul>
<b>Prerequisite</b>	<p>Basic knowledge of the EU institutional structure, functions and legal sources.</p> <p>Intermediate level microeconomics.</p>
<b>Teaching Method</b>	<p>Interactive lecturing sessions and discussion of case studies. Students must prepare the assigned readings before the class.</p>
<b>Assessment Method and Grading Policy</b>	<p>Final written exam (80%) + oral presentation of a topic chosen by the student (20%).</p>

## Extended Course Plan and References

*Lecture Duration: 2 hours*

Lecture 1:

**Introduction to the Single Market: historical perspective and institutional framework. Single Market tools: negative and positive integration. The Treaty principles and the four fundamental freedoms**

*References:*

- Barnard & Peers, Introduction and Chapter 11
- Pelkmans, *The Single Market remains the decisive power of the EU*, CEPS Policy Brief 18 October 2019

Lecture 2:

**Beyond fundamental freedoms: a high level of consumer protection, environmental protection and data protection in the Single Market. The role of EU regulation and the Better Regulation Agenda**

*References:*

- Pelkmans J. (2012), *The Economics of Single Market Regulation*, Bruges European Economic Policy Papers 25/2012
- Barnard & Peers, Chapter 23

Lecture 3:

**The Single Market for goods. The role of standards**

*References*

- Barnard & Peers, Chapter 12

Lecture 4:

**Free movement of persons, workers and capital. The freedom of establishment**

*References*

- Barnard & Peers, Chapters 13, 14 and 15

Lecture 5:

**The Internal Market for services and its remaining challenges**

*References:*

- Barnard & Peers, Chapter 14

Lecture 6:

**Network industries in the Internal Market**

*References:*

- M. Brons, F. Kalantzis, L. Vergano, *Market Functioning and Market Integration in Network Industries: Telecommunications, Energy and Transport* – European Economy Discussion Paper no. 111, September 2019

Lecture 7:

**Public procurement: common rules and policy challenges. The role of national public administrations in the Single Market**

*References:*

- European Commission (2016) *EU Public Procurement Reform : less bureaucracy, higher efficiency*, available on the Commission's website
- European Commission, *Making Public Procurement Work in and for Europe*, COM(2017) 272 final

<p>Lecture 8</p> <p><b>Challenges of the digital transformation: the Digital Single Market</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• European Commission, <i>Shaping Europe's Digital Future</i> COM(2020) 192 final</li> <li>• Factsheet on the achievements of the DSM Strategy on the Commission's website</li> </ul>
<p>Lecture 9:</p> <p><b>The role of competition policy in the governance of the internal market. History – sources</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• D. Geradin-A. Layne Ferrar-N. Petit (2012), <i>EU Competition Law and Economics</i>, Oxford University Press, pp.1-39, Chapter 1</li> <li>• Articles 101-109 TFEU + Protocol 27</li> </ul>
<p>Lecture 10:</p> <p><b>Goals and scope of EU competition law Assessment of market power. Art. 101 TFEU: cartels</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• Whish &amp; Bailey, Chapter 1 and Chapter 13</li> <li>• DG Comp, Cartel statistics</li> </ul>
<p>Lecture 11:</p> <p><b>Agreements other than cartels: when are they restrictive of competition?</b></p> <p><i>References</i></p> <ul style="list-style-type: none"> <li>• GLP, Chapters 7 and 8</li> </ul>
<p>Lecture 12:</p> <p><b>Abuse of dominant position</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• GLP, Chapter 4</li> </ul>
<p>Lecture 13:</p> <p><b>Exploitation of market power. Merger control.</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• GLP, Chapter 9 (pp. 51-58)</li> </ul>
<p>Lecture 14:</p> <p><b>Public restrictions of competition and State Aid control</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• Whish &amp; Bailey, Chapter 6</li> </ul>
<p>Lecture 15</p> <p><b>The institutional framework for the application of EU competition rules. The future of EU competition policy: open issues</b></p> <p><i>References:</i></p> <ul style="list-style-type: none"> <li>• Whish &amp; Bailey, Chapters 7 and 8</li> </ul>