

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Summer Term 2016**

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**Part I Course Overview**

<b>Course Title:</b>	European Competition Law and Policy
<b>Course Code:</b>	LW5664
<b>Course Duration:</b>	One Semester
<b>Credit Units:</b>	3
<b>Level:</b>	P5
<b>Medium of Instruction:</b>	English
<b>Medium of Assessment:</b>	English
<b>Prerequisites:</b> (Course Code and Title)	For all cohorts: JD students who completed Year 1 are eligible to apply. For 2013 cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract
<b>Precursors:</b> (Course Code and Title)	Nil
<b>Equivalent Courses:</b> (Course Code and Title)	LW4664 European Competition Law and Policy
<b>Exclusive Courses:</b> (Course Code and Title)	Nil

## Part II Course Details

### 1. Abstract

*This course aims to*

- enable students to reflect critically upon the basic principles and policies at the heart of European Competition law;
- offer an understanding of how the law governs business practices that may restrict competition in economic markets through private and public enforcement; and
- equip students to analyse how competition law can curb anticompetitive activities and facilitate free competition.

### 2. Course Intended Learning Outcomes (CILOs)

*(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)*

Although exact CILOs are likely to vary from each individual G-LEAP course and will be determined by the G-LEAP partner institutions, below is a tentative outline of what CILOs might look like.

No.	CILOs	Weighting (if applicable)	Alignm ent with MILOs	DEC related learning outcomes		
				A1	A2	A3
1.	<b>Describe and explain</b> the concepts and principles related to the individual law course under the G-LEAP				✓	
2.	<b>Apply</b> the concepts and principles to solve hypothetical or real situations				✓	✓
3.	<b>Communicate</b> ideas, arguments or advice clearly and coherently both orally and in writing			✓	✓	✓
4.	<b>Critically analyse and evaluate</b> concepts, principles and policy underpinning the area of law covered by the course			✓	✓	✓
		100%				

A1: *Attitude: Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

A2: *Ability: Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

A3: *Accomplishments: Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

*Alignment of CILOs with PILOs:*

Programme Intended Learning Outcomes (PILOs)		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	1, 4
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	2, 3
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	2,
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	3, 4

**3. Teaching and Learning Activities (TLAs)**

*(TLAs designed to facilitate students' achievement of the CILOs.)*

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
1	<b>Lectures</b> – students will acquire basic knowledge of the relevant concept and principles, including by asking or responding to questions	✓				
2	<b>Group discussions/exercises</b> – students will get an opportunity to apply law or legal principles to practical situations; <b>Tutorials</b> – students will apply their understanding of legal concepts and principles to solve hypothetical situations		✓			
3	<b>Tutorials</b> – oral presentations and written submissions; <b>Consultations</b>			✓		
4	<b>Lectures</b> – students will develop critical analytical abilities by observing and participating in discussions; Guided reflective pre/post-class reading				✓	

**4. Assessment Tasks/Activities (ATs)**

*(ATs are designed to assess how well the students achieve the CILOs.)*

Again, although precise assessment tasks will be determined the visiting faculty and/or the course leader so as to ensure a proper alignment with CILOs and TLAs, few potential assessment tasks are specified below. Taking into account the nature of the subject and the duration of the course, the visiting faculty and/or the course leader will decide if the assessment will be wholly by coursework or by a combination of coursework and examination. The nature of examination (whether closed book or open book) will also be determined by the visiting faculty and/or the course leader. The exact assessment tasks will be notified to students at the beginning of the course.

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: to be decided by the individual course leader						
<b>Participation in tutorials and other exercises</b>	✓	✓	✓	✓		
<b>Coursework and/or End-of-course examination:</b> to be decided by the individual course leader						
					100%	

## 5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. <b>Attendance and participation in tutorials and other exercises presentation)</b>	Demonstration of concentration on tutorials and other exercises. Demonstration of ability and willingness to answer questions in tutorials and to participate in group discussion. Demonstration of oral presentation skills and willingness.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. <b>End-of-course examination</b>	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Keyword Syllabus**

*(An indication of the key topics of the course.)*

European Community Law, European Competition Law, Antitrust law, Mergers and acquisitions, Cartels, Monopoly, Dominance, Market power, Abuse of dominance, Globalisation, Co-operation, Public enforcement, Private enforcement, Article 81 EC, Article 82 EC, Regulation 1/2003, European Community Merger Regulation (ECMR).

#### **Detailed Syllabus**

*(You may incorporate the information from the course syllabus)*

The course comprises the following units which are covered in lectures and tutorials:

- [1] Introduction to European Community law;
- [2] Introduction to European competition law and policy;
- [3] Antitrust economics;
- [4] Article 81 EC - horizontal & vertical agreements;
- [5] Article 82 EC - abuse of dominant position;
- [6] Oligopolies, tacit collusion and unilateral action;
- [7] The European Merger Regulation;
- [8] Public Enforcement of competition law;
- [9] Private enforcement of competition law;
- [10] The international dimension – extraterritoriality, cooperation and harmonisation.

#### **2. Recommended Reading**

Students will receive handouts and extracts of the relevant legislation to accompany the lectures. It is recommended that students also use one of the following sources in preparation for the course.

1) D Chalmers, C Hadjiemmanuil, G Monti and A Tomkins, *European Union Law* (CUP, 2006). Students are advised to read chapter 1.

2) M Furse, *Competition Law of the EC and UK* (6<sup>th</sup> edition, OUP, 2008). Students are advised to read the following chapters: 1, 4, 5, 6, 8, 9, 13, 14, 16, 18, and 19.

[This text book covers both the EC and UK competition laws. It provides a detailed account of the relevant policy and law. The above chapters focus on EC Competition Law.]

3) A Ezrachi, *EC Competition Law, An Analytical Guide to the Leading Cases* (Hart, 2008). Students are advised to read the following chapters: 1, 2, 3, 4, 5, 6, 7, 8, and 10.

[This case book focuses on EC competition law. It includes an introduction to each of the subjects covered in the course and analysis of the leading cases from the European Courts and Commission.]