

SYLLABUS

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International and Comparative Competition Law

Stetson Institute for Comparative and International Law
University of Granada, Faculty of Law
Granada, Spain
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This course examines the laws that protect consumers, and national and international economies, by ensuring competition in the marketplace. We will consider the necessity, role, and structure of competition law in the modern world. In order to understand international competition law, we will first explore its roots and theory in American antitrust law. We will then compare American and EU competition law as well as convergence and divergence in other nations. Finally we will examine current issues and controversies in international competition law.

Although economics concepts are integrated throughout the course, the economic content of the course is readily accessible to students without any background in that field.

Please note that the readings for Monday, Tuesday and Wednesday are likely to overlap. We will likely finish Monday's readings on Tuesday, and we will likely begin discussion of Wednesday's material on Tuesday – so please be prepared.

Your final exam will be comprised of multiple choice questions and will

I. Monday -- Overview

1. Antitrust Primers
 - a. *FTC Competition Counts*
 - b. *EU Competition Policy and the Consumer*
 - c. *Loyola Consumer Guide to Antitrust*
 - d. *The Global Dominance of European Competition Law Over American Antitrust Law*
 - e. Relevant laws: Sherman 1 & 2; Clayton 7; EU Articles 81 and 82.

2. Primary US and EU Concern - Sherman § 1 and Article 81 (Collusive Behavior):
 - a. Sherman § 1: Cartels and Price Fixing
 - i. *US v. Andreas*, 216 F.3d 645 (7th Cir. 2000)

3. Primary EU Concerns
 - a. Single Market
 - i. Consten and Grundig, (1966) ECR 429
 - b. State monopolies
 - i. Franzen, (1997) ECR I-5909

II. Tuesday -- Sherman § 2 and Article 82 (Dominant Firm Behavior)

1. Sherman § 2: Monopoly and Exclusionary Conduct
 - a. Lorain Journal v. US, 342 US 143 (1951)
2. Sherman § 2: Monopoly and Refusal to Deal
 - a. Aspen Ski v. Aspen Highlands, 472 US 585 (1985)

III. Wednesday -- Sherman § 2 and Article 82 (Dominant Firm Behavior-- Continued); and Mergers (US Clayton § 7/EU Admin Regs)

1. Dominant Firm Behavior: Monopoly and Predatory Pricing
 - a. Akzo Chemie, (1991) ECR I-3359
2. Mergers
 - a. Elhauge & Geradin, *Global Antitrust Law and Economics* (pp. 871-78)
 - b. FTC v. Heinz, 246 F.3d 708 (DC Cir. 2001)
3. US/EU Divergence on Mergers
 - a. Fox & Crane, *Global Issues in Antitrust and Competition Law* (pp. 304-308; 348-349)

IV. Thursday – US/EU Divergence and Convergence: Different Interpretations of the Same Concepts or Undeclared Trade War?

1. Google and Tying Apps Together
 - a. Both EU and US want to protect competition – so why do they disagree about Google’s €4.32 billion fine?
 - b. The Big Problem With the EU’s Approach to Antitrust Enforcement in Tech
 - c. Why Trump Is Right About the E.U.’s Penalty Against Google

2. American Tech Companies and the EU
 - a. Amazon's looming challenge: Europe's antitrust laws
 - b. Why Were Facebook, Amazon, Apple, and Google Allowed to Get So Big?
 - c. The Monopoly-Busting Case Against Google, Amazon Uber, and Facebook
 - d. The case for why Big Tech is violating antitrust laws