

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2024/25

Part I Course Overview

Course Title: European Competition Law and Policy

Course Code: LW5664

Course Duration: One Semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Medium of Assessment: English

Prerequisites: LW5621 Legal Systems of Hong Kong and Mainland China or LW5601 Hong Kong Legal System, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract or LW5602A Law of Contract I
(Course Code and Title)

Precursors: Nil
(Course Code and Title)

Equivalent Courses: LW4664 European Competition Law and Policy
(Course Code and Title)

Exclusive Courses: Nil
(Course Code and Title)

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.	Describe and explain the concepts and principles related to the individual law course under the G-LEAP				✓	
2.	Justify and apply the concepts and principles to solve hypothetical or real situations				✓	✓
3	Describe and evaluate 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 real-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. Learning and Teaching Activities (LTAs)

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

LTA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
Lecture	Students will engage with key legal concepts and principles.	✓				
Group discussion/ exercise	Students will discuss, clarify and debate the legal principles to practical situations.		✓			
Tutorials	Students will expand and consolidate their knowledge by engaged with the assigned readings in advance and taking turns during tutorials for peer-teaching the classes and leading the discussion.			✓		

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 by 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		
Continuous Assessment: 50%					
Participation in tutorials and other exercises	✓	✓	✓		
Coursework and/or End-of-course examination: 50%					
				100%	

5. Assessment Rubrics

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

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Attendance and participation in tutorials and other exercises (presentation)	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.	High	Significant	Moderate	Inadequate
End-of-course examination	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.	High	Significant	Moderate	Inadequate

To pass this course, students must obtain an aggregate mark of 50% and a minimum of 50% in each of the coursework, class participation and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Attendance and participation in tutorials and other exercises presentation)	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. End-of-course examination	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.

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework, class participation and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

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* (6th 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.]