**LLM in Competition Law – 1st semester – Compulsory course: Article 101 TFEU**

**8 credits**

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| **Day of the week** | **Wednesday** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 12:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks | 4 x 90 min + breaks  | 4 x 90 min + breaks |
| **Topic** | Introduction to the prohibition of anticompetitive Agreements | 1. Addressees of EU Competition Law
2. Anticompetitive Agreements (I.)
 | 1. Anticompetitive Agreements (II.)
2. Analysis on real examples, critical discussion of current developments
 |
| **Contents** | 1. Introduction to the topic, introduction to its content and learning outcomes
2. Basic concepts and sources
3. Classical EU doctrine/approach/interpretation and its evolution to the present
4. Examples from classical and recent case law
 | Ad I. Addressees1. Evolution of understanding the addressees of economic law
2. Economic activity as an outer limit of applicability of competition law
3. The boundaries of an economic unit – what entities form a single undertaking
4. The intra-enterprise doctrine
5. Succession of liability in an undertaking
6. Procedural and sanction aspects of an economic unit
7. Understanding of an undertaking in different areas of competition law

Ad II. Agreements (I.)1. The notion of an agreement, by object and by effect distinction, categorization of agreements, effect on trade between Member States
2. Horizontal cooperation agreements (information exchange agreements, sustainability agreements, mobile network sharing)
3. Vertical agreements (selective distribution, exclusive distribution, resale price maintenance)
4. Criteria for proving anticompetitive nature and effects
 | Ad. I Agreements (II.)1. Consequences of prohibition
2. Exceptions to the ban
3. Interpretation and application
4. Block Exemption Regulation

Ad II. Case analysis1. Case analysis – methods and techniques
2. Important Art 101 TFEU case law
3. Bid rigging in practice, examples from the Czech NCA practice
 |
| **Guarantor** | Václav Šmejkal  | Michal Petr (I.) Jiří Kindl (II.)  | Jiří Mňuk (I.), Kamil Nejezchleb (II.)  |
| **Other lecturers** | Michal Petr | Kamil Nejezchleb, Jiří Mňuk | Jiří Kindl, Barbora Dubanská, Nikola Ledvinková, Petra Košťálová |

**LLM in Competition Law – 1st semester – Compulsory course: Article 102 TFEU**

**8 credits**

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| **Day of the week** | **Wednesday** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:00 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks | 4 x 90 min + breaks | 4 x 90 min + breaks |
| **Topic** | Introduction to the prohibition of abuse of dominant position | 1. Relevant market and market power

Fundamentals of abuse of dominance1. Fundamentals of abuse of dominance
 | Analysis on real examples, critical discussion of current developments |
| **Contents** | 1. Introduction to the topic, introduction to its content and learning outcomes
2. Basic concepts and sources
3. Classical EU doctrine/approach/interpretation and its evolution to the present
4. Examples from classical and recent case law
 | Ad I. Relevant market1. Concept of the relevant market and methods for defining it
2. Critique of the relevant market as a tool, alternatives for determining market power
3. Definition of dominance
4. Evidence of dominance

Ad II. Abuse of dominance1. The EU concept of abuse
2. Typology of forms of abuse

Prima facie vs. based on proof of consequences prohibited practices | * 1. 1. Evolution of case law on abuse of dominance
	2. 2. Criteria, tests and evidence of abuse
	3. 3. Case analysis – methods and techniques
	4. 4. Examples from the Czech NCA practice
 |
| **Guarantor** | Václav Šmejkal  | Jiří Kindl, Michael Mikulík | Jiří Kindl, Michael Mikulík, Kamil Nejezchleb |
| **Other lecturers** | Michal Petr, Miroslav Jakab  | Miroslav Jakab, Václav Šmejkal  | Barbora Dubanská, Václav Šmejkal  |

**LLM in Competition Law – 1st semester – Compulsory course: Enforcement of arts 101, 102 TFEU**

**8 credits**

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| **Day of the week** | **Wednesday** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks | 4 x 90 min + breaks | 4 x 90 min + breaks |
| **Topic** | Introduction to the procedural antitrust and enforcement rules of Articles 101 and 102 TFEU | Practical insights into Czech enforcement practice | Application according to the Regulation 1/2003 and 773/2004 |
| **Contents** | 1. Public and private enforcement of competition law
2. Legal consequences of competition law infringements
3. Evolution of enforcement of competition law
4. The Modernization of 2004
5. The supranational and national level of enforcement
6. Legislation on enforcement of competition law
 | * 1. 1. Czech NCA’s powers in enforcement
	2. 2. Administrative proceedings at the Czech NCA
	3. 3. Specific tools: leniency, settlement, commitments
 | 1. Overview of EU legislation, soft law and application practice
2. Stages and milestones of the procedure
3. Best practices and leading case law
4. European competition network, coordination and convergence rules
5. Role of national judiciary
 |
| **Guarantor** | Michal Petr | Kamil Nejezchleb, Hynek Brom | Jiří Mňuk |
| **Other lecturers** | Aleš Musil | Petra Košťálová, Nikola Ledvinková | Aleš Musil |

**LLM in Competition Law – 2nd semester – Compulsory course: Control of State aid and State monopolies**

**8 credits**

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| **Day of the week** | **Wednesday** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks | 4 x 90 min + breaks |
| **Topic** | Introduction: the purpose and nature of the State aid and State monopolies regulation in the EU | EU State Aid law – substantive and procedural | State Aid – De minimis aid, GBER and specific issues  |
| **Contents** | 1. The purpose of EU-level rules governing State aid
2. The general scheme of EU State aid control and its position within the EU’s system of rules on competition
3. Article 106 TFEU: Rules governing State Monopolies and other Privileged Undertakings and Services of General Economic Interest
4. The rationale of art. 106 TFEU, Breach of art. 106 and 101 TFEU by EU Member states (public bodies)
 | 1. Notion of State Aid and its distinctive features – differentiating between State aids and general measures of economic policy.
2. EU/national procedural interface incl. role of EC and Office for the Protection of Competition
3. The control over existing State Aids
4. Judicial review in State Aid Law: role of the CJEU and of national courts
 | * 1. 1. De minimis aid and its administration
	2. 2. General block exemptions
	3. 3. Non-EU subsidised companies and their EU control (EU Regulation)

4. Temporary Crisis and Transition Framework  |
| **Guarantor** | Miroslav Jakab  | Jan Malíř  | Petr Solský |
| **Other lecturers** | Jan Malíř,  | Miroslav Jakab, Petr Solský Eva Slaměnová | Vojtěch Horsák, Eva Slaměnová |

**LLM in Competition Law – 2nd semester – Compulsory course: Control of concentrations**

**8 credits**

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| **Day of the week** | **Wednesday** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks | 4 x 90 min + breaks |
| **Topic** | Introduction to the EU control of concentrations | Concentrations – theory and assessment of their effect on competition | Control of concentrations - Procedural issues  |
| **Contents** | 1. Introduction to the topic, introduction to its content and learning outcomes
2. Basic concepts and sources
3. Classical EU doctrine/approach/interpretation and its evolution to the present
4. Examples from classical and recent case law
 | 1. Definitional and jurisdictional issues: the typology of concentrations, EU dimension and notification criteria
2. Practical examples and case studies
3. Substantive assessment of concentrations: various theories of harm, unilateral effects, coordinated effects, coordination effects associated with joint ventures, innovation related theories of harm, critical discussions of recent developments, case studies
 | 1. step by step discussion of the procedure (notification, cooperation and referrals within the ECN, commitments, remedies, types of outcomes)2. Prohibition of gun-jumping and related sanctions and measures (incl. transactional measures to decrease risks of gun-jumping)3. Critical discussion of recent developments, case studies4. Czech NCA’s procedure in concentrations  |
| **Guarantor** | Václav Šmejkal  | Jiří Kindl  | Jiří Kindl, Martin Vitula |
| **Other lecturers** |  | Jiří Mňuk, Martin Vitula  | Jiří Mňuk  |

**LLM in Competition Law – 1st/2nd semester – Elective course: Due process and Fundamental rights in antitrust**

**4 credits**

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| **Day of the week** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks |
| **Topic** | Due process – introduction and overview  | Due process – specific issues  |
| **Contents** | 1. The meaning of due process in competition law enforcement
2. Due process according to the Charter and the Convention
3. Consistency of case-law of the Court of Justice and the European Court of Human Rights
4. Overview of basic EU case law
 | 1. The ne bis in idem principle – jurisdictional aspects
2. The ne bis in idem principle – procedural aspects
3. Legal Professional Privilege
4. Right not to incriminate oneself
5. Right to be heard
6. On-site inspections
 |
| **Guarantor** | Michal Petr | Michal Petr |
| **Other lecturers** | Barbara Dufková | Barbara Dufková, Kamil Nejezchleb |

**LLM in Competition Law – 1st/2nd semester – Elective course: The economics and doctrines of antitrust**

**4 credits**

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| **Day of the week** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks |
| **Topic** | Economics of antitrust | Evolution and doctrines of antitrust |
| **Contents** | 1. The theory of efficient markets, supply and demand conflict and market failure due to monopoly; types of benefits (allocative, productive and dynamic efficiency); consumer welfare standard
2. Approach to market power in the context of antitrust; market power in the economic and legal sense; factors for assessing market power; methods for measuring market power (HHI, Lerner index, etc.)
 | 1. Evolution of antitrust law in the U.S.
2. Evolution of competition law in the EU
3. Diffusion of antitrust law globally: globalization and convergence
4. Classical schools antitrust (Harvard, Chicago and Freiburg Schools) and their impact on EU competition law
5. New trends in antitrust doctrine
6. Infusion of antitrust with non-competition and non-economic objectives
 |
| **Guarantor** | Jiří Kindl, Michael Mikulík | Barbara Dufková, Václav Šmejkal  |
| **Other lecturers** | Kamil Nejezchleb |  |

**LLM in Competition Law – 1st/2nd semester – Elective course: IPR and antitrust**

**4 credits**

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| **Day of the week** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks |
| **Topic** | IPR and antitrust – introduction and overview | IPR and antitrust - Specific issues |
| **Contents** | 1. Competition law, IP law, Innovation (principles, objectives, interaction)
2. Law and Economics of IP law and regulatory/non regulatory/open source alternatives
3. Competition policy beyond competition law: exhaustion doctrines
4. Overview of the basic EU case law
 | 1. Monopolistic practices involving IP rights (Art. 102 TFEU - refusals to license or sell IP rights; exclusionary practices: product design, interoperability, tying, bundling; abusive IP litigation, use and abuse of regulatory procedures; excessive royalties/exploitative abuses)
2. Antitrust analysis of technology and IP agreements (Art. 101 TFEU)
3. Competition Law in High-Tech Markets (Competition Law remedies in an IP context: the Microsoft, Google, Amazon case studies)
4. Online distribution and brand protection over the Internet
5. Standard setting and technology licensing, compulsory licensing, patent misuse doctrine, doctrine of equivalents
6. Case studies from various economic sectors: the food industry, pharma, IT sector, biotechnology, databases
 |
| **Guarantor** | Lucie Mikulíková  | Lucie Mikulíková  |
| **Other lecturers** |  |  |

**LLM in Competition Law – 1st/2nd semester – Elective course: Network industries and antitrust**

**4 credits**

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| **Day of the week** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks |
| **Topic** | Regulation of network industries  | Discussion of practical issues in telecom networks’ antitrust  |
| **Contents** | 1. Introduction to the regulation of network industries in general (railways, post, telecom, etc.)
2. Characteristic economic effects for network industries, reasons for specific ex ante regulation
3. Introduction to the intersection of antitrust and ex ante regulation of network industries
4. Overview of the basic concepts of telecom regulation and the EU regulatory framework for telecommunications; regulatory and antitrust issues regarding the definition of relevant markets in telecommunications; parallels of network industry regulation from the past and inspiration for current ex ante digital regulation (DMA, etc.)
 | 1. Access to infrastructure, horizontal agreements in telecoms (network sharing, joint investments in infrastructure) and horizontal mergers (mergers of MNOs, fixed operators, evolution of the Commission's view on the issue, commitments in merger cases, etc.)
2. Net neutrality (strong public debate in the US and EU, current regulatory approach in the EU, possibilities for further future developments and regulation in the EU)
3. Interaction between telecom operators and over-the-top digital service providers, interaction between telecom regulation and digital regulation, level playing field
4. Discussion of relevant decisions and case law
 |
| **Guarantor** | Jiří Mňuk | Jiří Mňuk |
| **Other lecturers** | Miroslav Jakab  | Miroslav Jakab  |

**LLM in Competition Law – 1st/2nd semester – Elective course: Private enforcement**

**4 credits**

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| **Day of the week** | **Thursday** | **Friday** |
| **Start and end** | 16:00-19:30 | 13:00-19:30 |
| **Block structure** | 2 x 90 min + breaks  | 4 x 90 min + breaks |
| **Topic** | Private enforcement – origins, legal basis, concepts and principles | Private enforcement – practice and procedure  |
| **Contents** | 1. Private Enforcement – Introduction, Development, Objectives, Role of Consumers, Relationship Between Public and Private Enforcement
2. Directive 2014/104 on Antitrust Damages vs. Czech Implementation (Act No. 262/2017 Coll.)
3. Antitrust Damages (Temporality measures, Active and Passive Legitimation, Limitation Period, Breach of Competition Law Causation, Fault, Joint and Several Liability) with focus on specifics and the decision-making practice of the ECJ
4. Other Private Law Consequences of Breaches of Competition Law (Invalidity, Unjust Enrichment, Cease and Desist Orders
 | 1. Practical Analysis of the Litigation Related to Action For Damages – National Experience; Obstacles to Damages Actions Brought Before National Courts by Victims of Anticompetitive Behaviour; the Practical Solution to Remove Those Obstacles
2. Quantifying antitrust damages (calculation methods of damages and overcharges and their usage in practical examples)
3. Discovery procedure and its usage in civil proceedings (types of evidence, disclosure of evidence controlled by third parties or included in NCA‘s files).
4. Discussion of the existing EU and national case law
 |
| **Guarantor** | Lucie Mikulíková | Lucie Mikulíková  |
| **Other lecturers** | Michael Mikulík, Barbara Dufková | Michael Mikulík, Barbara Dufková |

**LLM in Competition Law – 1st/2nd semester – ½ Elective course (to be combined with another ½ EC): Pharmaceuticals/Healthcare and antitrust**

**2 (+ 2 for the following ½ EC) credits**

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| **Day of the week** | **Thursday or Friday** |
| **Start and end** | 14:00-19:30 |
| **Block structure** | 3 x 90 min + breaks |
| **Topic** | Evolution and doctrines of antitrust |
| **Contents** | 1. Economic and Policy Background of the Sector and Market Structure, Sector Inquiries, EU vs USA healthcare models
2. Originators: R&D, patents and exclusivities, discrimination, pricing policies and abuse of dominance
3. Originators and cartels – licencing deals, non-compete arrangements; mergers and their effect on research and innovation
4. Competition between Originator and Generic Companies: patent filing strategies, patent settlement agreements, market entry and pay-for- delay agreements, effects on patients and healthcare system
5. Pharmacies and Distributors: distribution models, efficiencies and access to medicines, substitutability
6. Health insurance companies and state aid
7. Hospital services and competition issues
 |
| **Guarantor** | Barbora Dubanská |
| **Other lecturers** |  |

**LLM in Competition Law – 1st/2nd semester – ½ Elective course (to be combined with another ½ EC): Sports and antitrust**

**2 (+ 2 for the preceding ½ EC) credits**

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| **Day of the week** | **Thursday or Friday** |
| **Start and end** | 14:00-19:30 |
| **Block structure** | 3 x 90 min + breaks |
| **Topic** | Evolution and doctrines of antitrust |
| **Contents** | 1. Evolution of European case law on Sports and Antitrust
2. Prohibition of Cartel Agreements and Sports
3. Prohibition of Abuse of a Dominant Position and Sports
4. State Monopolies and other Privileged Undertakings, State Aid and Sports
 |
| **Guarantor** | Jan Exner |
| **Other lecturers** | Miroslav Jakab, Daniel Suchánek, René Milich |
| **Remarks** |  |