



Course Guide  
08 – 12 July  
2024

Dear participant,

Welcome to the summer school 'Ins- and outs- of market competition in the EU'! We have carefully compiled this one-week intensive course with the aim to introduce the basics of EU competition law and economics to an audience of interested current and future social science students. This years' group comprises of a broad spectrum of participants with profiles in law, economics and political science, which will enable a lot of learning from each other as well as from your lecturers. Enjoy the learning process and also do make sure to check the events in the rich social program of the Utrecht Summer School (listed [here](#))!

Best regards,  
The organizers

**Table of contents**

|  |    |
|--|----|
| <b>I. Course details, description and program</b> .....      | 3  |
| I.1. Course Details .....                                    | 3  |
| I.2. Course Description .....                                | 4  |
| I.3. Course program.....                                     | 4  |
| <b>II. Course readings</b> .....                             | 6  |
| <b>III. Course requirements</b> .....                        | 8  |
| III.1. Attendance and class participation.....               | 8  |
| III.2. Group oral pleadings on the mock case .....           | 8  |
| <b>IV. Code of conduct</b> .....                             | 10 |
| <b>V. Annex: List of places to eat out or order in</b> ..... | 11 |

## I. Course details, description and program

### I.1. Course Details

Course title: Ins- and outs- of market competition in the EU

Language of instruction: English

ECTS credits: 1,5 credits (these credits are obtained after completion of the written assignment for the course > see information ‘Special preparation’ at the bottom of this page)

Course lecturers (with hyperlinks to their respective profiles):

|  |  |
|--|--|
| <a href="#">Victoria Daskalova</a> , Utrecht University    | <a href="#">Malgorzata Kozak</a> , Utrecht University        |
| <a href="#">Timo Klein</a> , Utrecht University and Oxera  | <a href="#">Wessel Geursen</a> , Dutch Competition Authority |
| <a href="#">Jasper Sluijs</a> , Utrecht University         | <a href="#">Kate Bolger</a> , Dutch Competition Authority    |
| <a href="#">Viktorija Morozovaite</a> , Utrecht University | <a href="#">Sarah Joppe</a> , Dutch Competition Authority    |
| <a href="#">Hana van Ooijen</a> , Utrecht University       | <a href="#">Freek van Gils</a> , Dutch Competition Authority |

Coordinator and contact person: [Zlatina Georgieva](#), Utrecht University  
([z.r.georgieva@uu.nl](mailto:z.r.georgieva@uu.nl))

Course locations:

Main location: Janskerkhof 15a, 3512 BL, Utrecht, Room 101

Location for Wednesday and Thursday, 10.07 and 11.07, at 13:00-17:00 hrs:  
Janskerkhof 2-3, 3512 BK, Utrecht, Room 021

Contact hours: 30 hours, and 10-15 hours of preparation

Daily preparation: do the prescribed readings and case law; where it is mentioned that a specific reading/part of a reading is (highly) recommended, you have discretion on whether to prepare it or not; all other readings are obligatory.

Also, prepare oral pleadings for the mock case assignment on Friday, 12.07 (for more details, see pp. 8-9 below and folder ‘Materials for mock case assignment’ via [Teams](#))

Special preparation:

For students that wish to receive ECTS for their home institutions, the assignment is to convert your oral pleadings into a written paper (see instructions on how to do this in folder ‘Materials for mock case assignment’ via [Teams](#))

NB: all students receive a certificate of attendance after having completed the academic program of this summer school (see pages 4-5 below for the program).

## I.2. Course Description

The principles of market competition have spread over the globe with an extreme speed. From less than 50 jurisdictions having a competition law after World War II, now we have more 150 countries who have adopted the principles of open markets and free competition. All of them have also enacted competition laws. Given the growing importance of these principles, and the leadership position of the EU in enforcing them, this summer school focuses on teaching the ins- and outs- of EU competition law.

Specifically, we will pay in-depth attention to the law-and-economics behind the prohibition of cartels under Article 101 TFEU (day 1) and the prohibition of abuse of dominant position under Article 102 TFEU (day 2). During day 3, we will examine the merger control system of the European Union through the same law-and-economics lens. We also have specialized lectures on the enforcement system of EU competition law, as well as on current EU digital market regulation (the Digital Markets Act) and its interaction with competition law (day 4). This summer course is going to draw on theory as well as practice, with specific examples from the enforcement challenges faced by the European Commission and national competition authorities of the European Union.

Finally, as the course progresses, the students will be asked to already apply the knowledge they acquire from lectures through a mock case assignment that is closely related to the course materials. The detailed instructions of the mock case assignment are provided separately in the folder 'Materials for mock case assignment' via [Teams](#).

## I.3. Course program

|  |   |
|--|---|
| <b>Monday, 08.07: Introduction to EU Competition law. The workings of Article 101 TFEU</b> | <b>Venue: <a href="#">Janskerkhof 15a</a>, room 101</b>   |
| 10:30-11:00  | Welcome and introduction to the summer school   |
| 11:00 – 12:45 (with 15 min. break)   | Objectives of EU competition law<br><i>(by Victoria Daskalova, UU)</i>  |
| 12:45 – 13:30  | Lunch   |
| 13:30 – 15:15 (with 15 min. break)   | Legal aspects in the enforcement of Article 101 TFEU<br><i>(by Wessel Geursen, ACM)</i>   |
| 15:15 – 17:00 (with 15 min. break)   | Economic aspects in the enforcement of Article 101 TFEU<br><i>(by Kate Bolger, ACM)</i>   |
| 17:00 – 17:30  | Introduction to the mock case assignment students need to work on throughout the summer school<br><i>(by Zlatina Georgieva, UU)</i> |
| 18:00  | Welcome dinner at restaurant <a href="#">De Rechtbank, Utrecht</a>  |

|   |   |
|---|---|
| <b>Tuesday, 09.07: The workings of Article 102 TFEU</b>                       | <b>Venue: <a href="#">Janskerkhof 15a</a>, room 101</b>   |
| 10:00 – 11:45 (with 15 min. break)  | Legal aspects in the enforcement of Article 102 TFEU<br>(by Jasper Sluijs, UU)  |
| 11:45 – 12:45   | Lunch   |
| 12:45 – 14:30 (with 15 min. break)  | Economic aspects in the enforcement of Article 102 TFEU<br>(by Timo Klein, Oxera & UU)  |
| 14:30 – 16:30   | Make progress on the substance of the pleadings for the mock case assignment (with coaching from Zlatina Georgieva at 14:30-15:30 hrs)  |
| 17:00 – 18:00   | Social activity – visit to the Dom Tower  |
| <b>Wednesday, 10.07: The EU Merger Control Regulation (MCR)</b>               | <b>Venue: <a href="#">Janskerkhof 15a</a>, room 101</b>   |
| 10:00 – 11:45 (with 15 min. break)  | Lecture on procedure/ enforcement of EU competition law<br>(by Zlatina Georgieva, UU)   |
| 11:45 – 12:45   | Lunch<br><b>NB: after lunch, change of venue to <a href="#">Janskerkhof 2-3</a>, room 021</b>   |
| 12:45 – 14:30 (with 15 min. break)  | Legal aspects in the enforcement of the MCR<br>(by Sarah Joppe, ACM)  |
| 14:30 – 16:15 (with 15 min. break)  | Economic aspects in the enforcement of the MCR<br>(by Freek van Gils, ACM)  |
| 17:00   | Further work on the mock case assignment (create a bullet-point list of the oral argument and send it to < <a href="mailto:h.m.a.e.vanooijen@uu.nl">h.m.a.e.vanooijen@uu.nl</a> > and < <a href="mailto:z.r.georgieva@uu.nl">z.r.georgieva@uu.nl</a> >) |
| <b>Thursday, 11.07: digital markets and competition principles</b>            | <b>Venue: <a href="#">Janskerkhof 15a</a>, room 101</b>   |
| 10:00 – 11:45 (with 15 min. break)  | Lecture on the Digital Markets Act<br>(by Viktorija Morozovaite, UU)  |
| 12:00 – 13:00   | Lunch. <b>NB: after lunch, change of venue to <a href="#">Janskerkhof 2-3</a>, room 021</b>   |
| 13:00 – 15:00   | Game ‘Competition Monopoly’<br>(by Malgorzata Kozak, UU)  |
| 15:00 – 17:30   | Time to make progress on oral pleadings for the mock case assignment (with coaching from Hana van Ooijen at 14:45-15:45 hrs)  |
| <b>Friday, 12.07: students present oral pleadings on mock case assignment</b> | <b>Venue: <a href="#">Janskerkhof 15a</a>, room 101</b>   |
| 09:30 – 10:30   | Solving the mock case by Group 1  |
| 10:30 – 11:30   | Solving the mock case by Group 2  |
| 11:30 – 12:30   | Solving the mock case by Group 3  |
| 12:30 – 13:30   | Lunch break   |
| 13:30 – 14:30   | Solving the mock case by Group 4  |

## II. Course readings

The textbook that will be used as core reading for this summer school is as follows: Rusu/Van der Gronden, 'Competition Law in the EU: Principles, Substance and Enforcement' (Edward Elgar, second edition, 2024). We refer to this book as *Rusu/Van der Gronden (2024)* in the reading list below.

The book can be accessed as an e-book via the Utrecht University Library [here](#). Please note it is available under a single-user license, which means that only one student can read the book at any given time. Please consider this limitation and make arrangements between yourselves as to how to use the said book.

|                      |   |   |
|----------------------|---|---|
| D<br>A<br>Y<br><br>1 | Objectives of EU competition law<br><i>(by Victoria Daskalova, UU)</i>                            | Literature:<br>- Victoria Daskalova, 'Consumer welfare in EU competition law: what is it (not) about?' (2015) 11(1) The Competition Law Review, available <a href="#">here</a>  |
|                      | Legal aspects in the enforcement of Article 101 TFEU<br><i>(by Wessel Geursen, ACM)</i>           | Literature:<br>- Read Article 101 TFEU, available <a href="#">here</a><br>- Chapter 2 and Chapter 3 of Rusu/Van der Gronden (2024)  |
|                      | Economic aspects in the enforcement of Article 101 TFEU<br><i>(by Kate Bolger, ACM)</i>           | Literature:<br>- Chapter 2 and Chapter 3 of Rusu/Van der Gronden (2024), same as above  |
|                      | CASE LAW FOR THE DAY  | - Judgment of 21 December 2023, <i>European Superleague Company SL v Fédération internationale de football association (FIFA), Union of European Football Associations (UEFA)</i> , C- C 333/21, ECLI:EU:C:2023:1011, available <a href="#">here</a> .<br><br>Read the following: par. 153-170 (Article 101(1) TFEU); par. 183-200 (exemption under Wouters-doctrine or justification under Article 101(3) TFEU)<br><br><i>Highly recommended: par. 23-47 (facts); par. 82-94 (sports and EU-law); par. 108-119 (introduction to competition law)</i> |
| D<br>A<br>Y<br><br>2 | Legal aspects in the enforcement of Article 102 TFEU<br><i>(by Jasper Sluijs, UU)</i>             | Literature:<br>- Read Article 102 TFEU, available <a href="#">here</a><br>- Chapter 4 of Rusu/Van der Gronden (2024)  |
|                      | Economic aspects in the enforcement of Article 102 TFEU<br><i>(by Timo Klein, Oxera &amp; UU)</i> | Literature:<br>- Massimo Motta and Chiara Fumagalli, 'Economic principles for the enforcement of abuse of dominance provisions' (2024) Journal of Competition Law and Economics, available <a href="#">here</a>   |

|                  |  |  |
|------------------|--|--|
|                  |  | <ul style="list-style-type: none"> <li>- Lindsey McCallum et al., 'A dynamic and workable effects based approach to abuse of dominance' (2023) Competition Policy Brief, available <a href="#">here</a></li> </ul>   |
|                  | CASE LAW FOR THE DAY   | <ul style="list-style-type: none"> <li>- Judgment of 21 December 2023, <i>European Superleague Company SL v Fédération internationale de football association (FIFA), Union of European Football Associations (UEFA)</i>, C- C 333/21, ECLI:EU:C:2023:1011, available <a href="#">here</a>.</li> </ul> <p>Read the following paragraphs: par. 129-131 (on abuse of dominance tests) and 201-209 (on objective justification)</p> |
| D<br>A<br>Y<br>3 | Lecture on procedure/enforcement of EU competition law<br>(by Zlatina Georgieva, UU) | <p>Literature:</p> <ul style="list-style-type: none"> <li>- Part III of Rusu/Van der Gronden (2024), pp. 191-198</li> <li>- Maciej Bernatt and Laura Zoboli, 'The Enforcement of competition law in the EU: a critical overview' (2022) Edward Elgar Research Handbook on the Enforcement of EU Law, available on SSRN <a href="#">here</a></li> <li>- Read Regulation 1/2003, available <a href="#">here</a></li> </ul>         |
|                  | Legal aspects in the enforcement of the MCR<br>(by Sarah Joppe, ACM)                 | <p>Literature:</p> <ul style="list-style-type: none"> <li>- Chapter 8 of Rusu/Van der Gronden (2024)</li> </ul>  |
|                  | Economic aspects in the enforcement of the MCR<br>(by Freek van Gils, ACM)           | <p>Literature:</p> <ul style="list-style-type: none"> <li>- Refresh Chapter 2 and Chapter 8 of Rusu/Van der Gronden (2024)</li> </ul>  |
| D<br>A<br>Y<br>4 | Lecture on the Digital Markets Act<br>(by Viktorija Morozovaite, UU)                 | <p>Literature:</p> <ul style="list-style-type: none"> <li>- Chapter 7 of Rusu/Van der Gronden (2024)</li> </ul>  |
|                  | Game 'Competition Monopoly'<br>(developed and facilitated by Malgorzata Kozak, UU)   | <p>Literature:</p> <ul style="list-style-type: none"> <li>- Refresh Regulation 1/2003</li> <li>- Own reader, prepared by Dr. Kozak, available via Teams</li> </ul>   |
|                  | Coaching on oral pleading from Hana van Ooijen at 14:45-15:45 hrs                    | <p>Literature:</p> <ul style="list-style-type: none"> <li>- IRAC method 2-page guide, available <a href="#">here</a></li> <li>- Christopher Kee, 'Chapter 6: Oral submissions' in 'The Art of Argument: A Guide to Mooting' (CUP, 2007), available <a href="#">here</a></li> </ul>   |
| D<br>A<br>Y<br>5 | Students present oral pleadings on mock case assignment                              | <ul style="list-style-type: none"> <li>- Materials for mock case on Teams</li> </ul>   |

### III. Course requirements

- 1) Attendance and class participation
- 2) Group oral pleadings on the mock case
- 3) Written pleadings on the mock case (optional, for ECTS credits only; for those interested, instructions on how to write the written pleadings are provided in the folder 'Materials for mock case assignment' via [Teams](#))

#### III.1. Attendance and class participation

Students are expected to attend all classes, while the social program is optional. In case you cannot attend either some of the classes or parts of the social program as listed on pp. 4-5 above, please advise the contact person ([z.r.georgieva@uu.nl](mailto:z.r.georgieva@uu.nl)) in advance.

In case of emergency, please follow the procedures outlined in the general information for students on the summer school website (<https://support.utrechtsummerschool.nl/hc/en-us/articles/226574027-What-should-I-do-in-case-of-emergency->). Please note attendance will be checked.

Students are also expected to participate in class. This means two things:

Preparation: read the literature provided in advance, make note of any questions you may have

Participation: join in the discussion during each session. You may be asked directly to contribute. Participation also means paying attention during sessions.

#### III.2. Group oral pleadings on the mock case

The mock case (see Teams folder 'Materials for mock case assignment') is a [preliminary ruling](#) to the [Court of Justice of the EU \(CJEU\)](#) and consists of 4 questions that students should answer during their oral pleadings on Friday, 12.07.20204.

For the purposes of the exercise, students will be divided into 4 groups, with 6 participants each. Each group will then be sub-divided into team 'plaintiffs' (3 students) and team 'defendants' (3 students). Per question, the opposing teams/sides will 'meet' each other in short oral rounds as per the scheme on pp. 9 below.

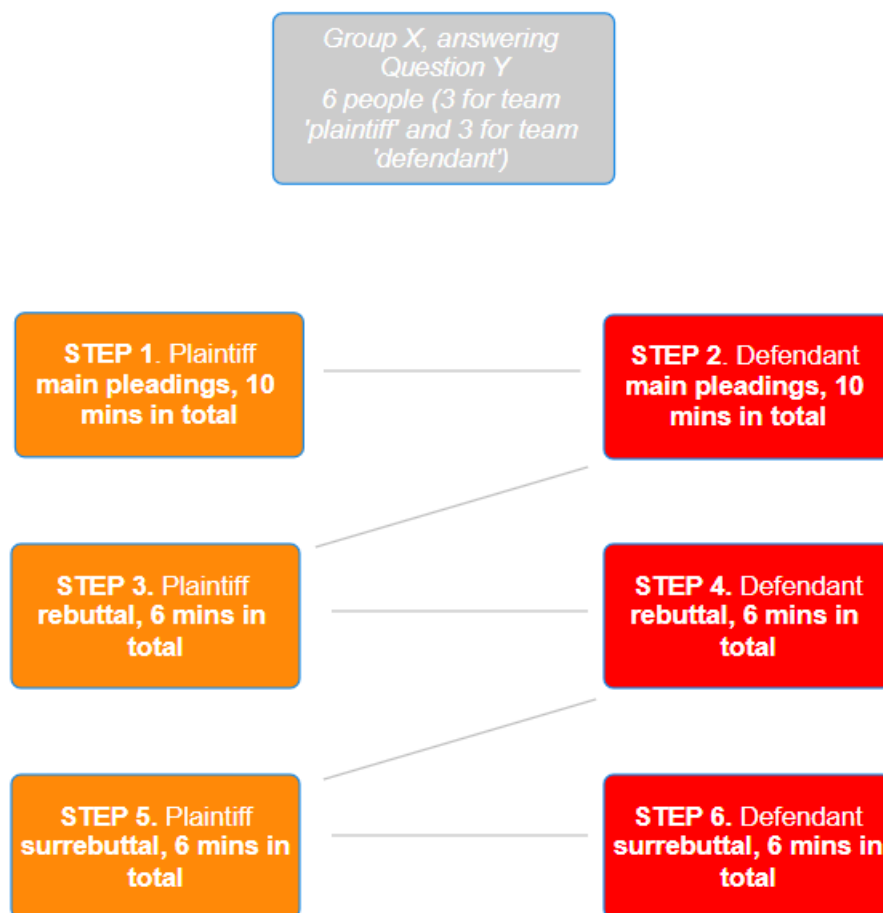
First, the plaintiff team has 10 minutes *in total* to present its main/opening pleadings (STEP 1), after which the same time is allotted to the defendant team for their respective main/opening pleadings (STEP 2). At STEP 3, the plaintiff gets 6 minutes *in total* for rebutting the points made by the defendants, after which (at STEP 4) the defendant also has the same time to respond to the plaintiff. At STEP 5, the plaintiff gets a last chance for countering the



defendant in surrebuttal (6 minutes *in total*). At STEP 6, the defendant also exercises their right to surrebuttal for the same amount of time. Therefore, in total, each oral round (for each of the 4 groups) takes 44 minutes. Additionally, during the pleadings, each team has the right to 'stop the clock' for a maximum of 10 minutes; these minutes could be used by each team to coordinate the rebuttal and surrebuttal phases, for instance.

The time will be strictly kept by the 'Bench' (the coordinator of the mock case assignment) and students will get a warning when they have 1 minute left to speak. The students should address the 'Bench' and each other according to the rules of this mock case assignment, described in the folder 'Materials for mock case assignment' via [Teams](#). Additionally, students should be prepared to be challenged with questions by the 'Bench' and must respond to them on the spot, to their best ability. In that respect, clarification questions to the 'Bench' or to peers are allowed and even encouraged if something is left unclear. At the end of the mock case assignment, its coordinator will provide the students with verbal feedback on their performance.

Lastly, and importantly, in the spirit of the Code of conduct described in Section IV below, students should behave courteously to each other and avoid unprofessional or otherwise inappropriate behavior and language during their oral pleadings.



#### IV. Code of conduct

Importantly, please also note the following points on the code of conduct we encourage everyone to abide by:

It is to be expected that some students are more confident in speaking up than others, and some school systems are much more geared towards active participation and developing discussion skills than others. Such differences will be taken into account, but some form of participation is expected from all students. Students should always show respect to other students, including to those for whom English is not their first, or even their second language.

Some issues under discussion may raise fundamental differences of opinion. All students' reasoned opinions and insights are valued. Please be aware that, in most matters concerning values and principles as well as touching on economic and political systems, there are no right or wrong answers. There may, however, be choices that have been inherently adopted in certain legal and economic systems. This is not to say that a discussion on values and principles is impossible! But at all times be respectful of the cultural and normative differences that may surface; aim to inform and to learn, not to impose or convert. Again, for some students, coming from countries or school systems where diversity is encouraged and an ingrained aspect of daily life, such an attitude comes naturally, but please be aware that not all students have the same experiences.

We wish you the best of time during our summer school 'Ins- and outs- of market competition in the EU'!

V. Annex: List of places to eat out or order in

| Venue                  | Location  | Cuisine  |
|------------------------|---|--|
| <i>Thuisbezorgd.nl</i> | <i>Online food delivery platform;<br/>doorstep delivery</i> | <i>Various</i>                                     |
| Broodje Mario          | Janskerkhof   | Italian sandwiches and pizza slices (take-away)    |
| Broodje Carlo          | Janskerkhof   | Italian sandwiches and pizza slices (take-away)    |
| Poke Perfect           | Korte Jansstraat 17-19, 3512 GM Utrecht                     | Poke bowls   |
| Dimitri Petit          | Servetstraat 4, 3511 KH Utrecht                             | Gyros (take-away)                                  |
| FLFL Utrecht           | Servetstraat 10, 3512 JG Utrecht                            | Falafel (to sit & take-away)                       |
| Boons Markt            | Ganzenmarkt 2-6, 3512 GD Utrecht                            | Supermarket  |
| HEMA                   | Steenweg 59, 3511 JN Utrecht                                | Hotdogs, sandwiches, salads (to sit & take-away)   |
| Broodje Ben Utrecht    | Oudegracht 31, T/O, 3511 AH Utrecht                         | Sandwiches (take-away)                             |
| Frietwinkel            | Vinkenburgstraat 10, 3512 AB Utrecht                        | Fries  |
| SLA                    | Voorstraat 52, 3512 AR Utrecht                              | Salads and soups                                   |
| Dogma                  | Voorstraat 17, 3512 AH Utrecht                              | Hotdogs  |
| The Village Coffee     | Voorstraat 44-46, 3512 AP Utrecht                           | Specialty coffee, food, cakes (to sit & take away) |