

Subject Title:		COMPETITION LAW		
Subject Code	Subjects status	Semester	Number of ECTS credits	Weekly class schedule
	Obligatory	II	8	4P+1V
Academic Master's Degree Programs Offered by the Faculty of Law: Business Law (studies last for 4 semesters and consist of 120 ECTS credits).				
Prerequisite for Other Subjects: It is not conditional on passing an exam in another subject.				
Name and surname of the professor: Prof. dr Dražen Cerović – professor				
Course Objectives: The subject of Competition Law deals with Montenegrin and European competition law and market competition. The main substantive areas of competition law include agreements that restrict market competition, abuse of dominant position, and concentrations of entrepreneurs. In addition, the subject explains procedural and status aspects of competition law, such as the role of national and European bodies for protecting market competition. The subject also covers the prohibition of state aid. After successfully mastering the course, a student can: define the concept and purpose of competition law; identify sources of competition law; describe the historical development of competition law; recognize bodies ensuring free market competition; explain the concept of the relevant market; discuss prohibited agreements and their consequences; explain the concept and consequences of monopolistic behavior and concentration; name the bodies that ensure free market competition; discuss state aid; explain the impact of economic theories on qualifying a specific violation of market competition.				
Teaching Methods: Teaching methods include lectures by instructors and experts from practice, discussions, research, written projects or seminars, individual assignments and activities, including comparative examples from European practice. The teaching encompasses a systematic overview of the subject matter with an interactive approach and participant involvement in discussions and problem-solving.				
Practical training is conducted during a portion of the scheduled lectures and exercises, and it includes the following: lectures by guest speakers, familiarization with the work practices of the Competition Protection Agency, the procedures conducted before it, and decision-making standards, the sanctions it imposes, and legal remedies against its decisions.				
Learning Outcomes - After successfully completing the course, students will be able to: Apply relevant legal rules and concepts; Interpret the role of competition law in the overall functioning of the state; Independently use regulations in the field of competition law; Conduct independent research of sources to find the most appropriate solution in a specific situation; Differentiate between public and private legal protection; Analyze the concepts of market power and the relevant market; Categorize different types of restraints on market competition through cartels; Distinguish between different forms of prohibited agreements (horizontal and vertical), abuse of a dominant position, and concentrations; Examine the concepts of prohibited agreements, abuse of a dominant position in the market, and prohibited concentrations of entrepreneurs; Propose specific protective measures to a damaged client against unlawful actions by entrepreneurs; Formulate measures for protecting market competition that competent regulators can take; Devise how to prepare a notification of a concentration to the relevant authority; Construct hypothetical cases of market competition violations.				
Subject content:				
I week	Competition and Competition Law; Definition of the Concept of Competition; Effects of Competition; Concept of Perfect Competition;			
II week	Defining the concept of distortion of competition; Defining competition policy and law; A brief history of competition law;			
III week	Monopoly and monopolistic behavior; Effects of monopolistic behavior; Economic regulation and competition law; Definition and basic mechanisms of cartels;			
IV week	The legal aspect of the treatment of cartels (including mechanisms and exemptions); Legal aspect of the treatment of other horizontal agreements (including mechanisms and exemptions)			
V week	Practical classes - visiting experts - practitioners from the field of competition law (venue: Faculty of Law);			
VI week	Colloquium			
VII week	Legal aspects of the treatment of vertical agreements (including mechanisms and exemptions); Dominant position and its abuse; Legal treatment of abuse of a dominant position towards consumers;			
VIII week	Remedial Colloquium			
IX week	Defining and types of concentrations; Legal treatment of concentration control;			
X week	Institutions of competition law; Legal solutions from the Law on Protection of Competition in Montenegro; Powers of the Agency for the Protection of Competition;			
XI week	Application of the rules of the General Administrative Procedure and Misdemeanor Procedure in the work of the Agency for the Protection of Competition;			
XII week	Concept and types of state aid; State aid control; Control of state aid in the EU and outside the EU;			
XIII week	Practical teaching - visit to the Agency for the Protection of Competition and insight into the conduct of procedures (venue: Agency for the Protection of Competition);			
XIV week	Procedural competition law; Jurisdiction; Decision-making procedure and standards; Sanctions;			
XV week	Legal remedies against the decisions of the Agency for the Protection of Competition;			
XVI – XIX week	Final Exam Remedial Final Exam			
Student Workload				
Weekly		During the semester		
8 credits x 40/30 = 10 hours and 40 minutes Structure: 4 hours classes 1 hours exercises 5 hours and 40 minutes of individual student work (preparation for laboratory exercises, colloquiums, homework) including consultations		Classes and Final Exam: (10 hours and 40 min) x 16 = 170 h and 40 min Necessary preparation before the beginning of the semester (administration, registration, certification):2 x (10 hours and 40 minutes) = 21 hours and 20 min Final workload for the Subject: 8 x 30 = 240 hours Additional work for exam preparation in the make-up exam period, including taking the make-up exam from 0 - 30 hours. Load structure: 170 hours and 40 minutes (teaching) + 21 hours and 20 minutes (preparation) + 30 hours (additional work)		

Students are required to attend classes, participate in debates and take tests. Students who prepare a seminar paper defend it publicly, while other students participate in a debate after the presentation of the paper.

Literature

Obligatory literature:

1. "Jones and Sufrin's EU competition law : text, cases, and materials", Jones, Alison ; Sufrin, Brenda ; Dunne, Niamh, Oxford University Press, 2019;
2. "An introduction to competition law", Slot, Piet Jan ; Farley, Martin, Oxford, Portland, Hart, 2017;
3. "Competition Law", Whish Richard, Bailey David, Oxford University Press, 2021;
4. "The reform of EC competition law : new challenges", Austin [etc.] : Wolters Kluwer Law & Business ; Alphen aan den Rijn : Kluwer Law International, 2010;
5. "Competition Law in Montenegro", Mijat Jocović, Wolters Kluwer, 2020;
6. "The law and economics of monopolization standard" in "Antitrust Law and Economics", Keith N. Hylton (ed. K. N. Hylton), Edward Elgar, 2010, chapter V;
7. Eleanor M. Fox, "US and EU Competition Law – A Comparison" in "Global Competition Policy" (eds. J. D. Richardson, E. M. Graham), Institute for International Economics, 339-354, available on: www.iie.com
8. Zakon o zaštiti konkurencije, ("Sl. list Crne Gore", br. 44/12 od 09.08.2012);

Additional reading:

1. Šoljan Vedran; *Diskriminacija u cijenama kao oblik ograničavanja tržišnog natjecanja: I dio*; Hrvatska pravna revija 3 (2003), 2 (2003), str. 34-49, 37-50;
2. Boris Begović, Vladimir Pavić, Uvod u pravo konkurencije, Beograd: Pravni Fakultet Univerziteta u Beogradu, 2012;
3. Butorac Malnar, V., Pecotić Kaufman, J., Petrović, S.; Pravo tržišnog natjecanja; Pravni fakultet Sveučilišta u Zagrebu (2013).
4. Maja Stanivuković, „Primena domaćih pravila o zaštiti konkurencije na pravne odnose sa međunarodnim elementom po uzoru na pravo Evropske zajednice“, Anali Pravnog fakulteta u Beogradu 2/2009, str. 110-134, available on: www.ius.bg.ac.rs

Forms of Knowledge Assessment and Grading:

Students are evaluated based on the following:

Mid-term exam in the form of a test (allows for earning up to 40 points). If a student takes a make-up mid-term exam, the points from the regular mid-term exam are nullified.

Practical training and seminar work with defense, worth up to 20 points (seminar activities take place during exercise classes).

Final exam in the form of a test, allowing for up to 40 points.

A student passes the exam if they cumulatively score at least 50 points across all assessment methods, and the grade is determined according to the scheme outlined below.

No. of points	90 - 100	89 - 80	79 - 70	69 - 60	59 – 50
Grade	A	B	C	D	E

Special indication for the subject:

Name and surname of the teacher who prepared the data: Prof. Dr. Dražen Cerović

Note: Additional information on the Subject on www.pravni.ucg.ac.me and www.drazencerovic.me