

Faculty of Law / BUSINESS LAW / COMPETITION LAW

Course:	COMPETITION LAW			
Course ID	Course status	Semester	ECTS credits	Lessons (Lessons+Exercises+Laboratory)
12626	Mandatory	2	8	4+1+0
Programs	BUSINESS LAW			
Prerequisites	/			
Aims	<p>Competition law is a subject that 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. Additionally, the subject explains procedural and status aspects of competition law, such as the role of national and European bodies for the protection of market competition. The subject also covers the prohibition of state aid. After successfully mastering the subject, the 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 relevant market; discuss prohibited agreements and the consequences of such agreements; explain the concept and consequences of monopolistic behavior and concentrations; name bodies ensuring free market competition; discuss state aid; explain the impact of economic theories on qualifying specific violations of market competition.</p>			
Learning outcomes	<p>After successfully mastering the subject, the student will be able to: apply relevant legal rules and institutes; interpret the role of competition law in the state as a whole; independently use regulations in the field of competition law; independently conduct research on sources to find the most appropriate solution in a specific situation; differentiate between public law and private law protection; analyze concepts of market power and relevant market; categorize different types of restrictions on market competition through cartels; distinguish different manifestations of prohibited agreements (horizontal and vertical), abuse of dominant position, and concentration; examine the concepts of prohibited agreements, abuse of a dominant position in the market, and prohibited concentrations of entrepreneurs - propose specific measures of protection against unlawful actions of entrepreneurs to the injured client; formulate measures of market competition protection that competent regulators can take; devise how to submit a concentration application to the relevant body; construct hypothetical cases of market competition violation.</p>			
Lecturer / Teaching assistant	prof. dr Dražen Cerović			
Methodology	Teaching methods include lectures by teachers and experts from practice, discussions, research and written projects or seminars, individual tasks and activities, including comparative examples from European practice. The teaching involves a systematic overview of the material with an interactive approach and participants involvement in discussion and problem-solving.			
Plan and program of work				
Preparing week	Preparation and registration of the semester			
I week lectures	Competition and Competition Law; Definition of the concept of competition; Effects of competition; Concept of perfect competition;			
I week exercises				
II week lectures	Definition of the concept of competition infringement; Definition of competition policy and law; Brief history of competition law;			
II week exercises				
III week lectures	Monopoly and monopolistic behavior; Effects of monopolistic behavior; Economic regulation and competition law; Definition and basic mechanisms of cartels;			
III week exercises				
IV week lectures	Legal aspects of cartel treatment (including mechanisms and exemptions); Legal aspects of treatment of other horizontal agreements (including mechanisms and exemptions);			
IV week exercises				
V week lectures	Practical training – guest lectures by experts - practitioners in the field of competition law (venue: Faculty of Law);			
V week exercises				
VI week lectures	Colloquium			
VI week exercises				

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VII week lectures	Legal aspects of treatment of vertical agreements (including mechanisms and exemptions); Dominant position and its abuse; Legal treatment of abuse of dominant position towards consumers;
VII week exercises	
VIII week lectures	Colloquium
VIII week exercises	
IX week lectures	Definition and types of concentrations; Legal treatment of concentration control; Concept and types of state aid; State aid control; State aid control in the EU and beyond EU;
IX week exercises	
X week lectures	Competition law institutions; Legal solutions from the Law on Protection of Competition in Montenegro; Competencies of the Competition Protection Agency;
X week exercises	
XI week lectures	Application of the General Administrative Procedure Act and the Misdemeanor Procedure Act in the work of the Competition Protection Agency; State aid control: legal treatment and mechanisms of state aid control;
XI week exercises	
XII week lectures	Practical training – visit to the Competition Protection Agency and insight into the conduct of procedures (venue: Competition Protection Agency)
XII week exercises	
XIII week lectures	Procedural competition law; Jurisdiction;
XIII week exercises	
XIV week lectures	Procedure and decision-making standards; Sanctions;
XIV week exercises	
XV week lectures	Legal remedies against decisions of the Competition Protection Agency.
XV week exercises	
Student workload	
Per week	Per semester
8 credits x 40/30=10 hours and 40 minuts 4 sat(a) theoretical classes 0 sat(a) practical classes 1 excercises 5 hour(s) i 40 minuts of independent work, including consultations	Classes and final exam: 10 hour(s) i 40 minuts x 16 =170 hour(s) i 40 minuts Necessary preparation before the beginning of the semester (administration, registration, certification): 10 hour(s) i 40 minuts x 2 =21 hour(s) i 20 minuts Total workload for the subject: 8 x 30=240 hour(s) Additional work for exam preparation in the preparing exam period, including taking the remedial exam from 0 to 30 hours (remaining time from the first two items to the total load for the item) 48 hour(s) i 0 minuts Workload structure: 170 hour(s) i 40 minuts (courses), 21 hour(s) i 20 minuts (preparation), 48 hour(s) i 0 minuts (additional work)
Student obligations	Students are required to attend classes, participate in debates, and take tests. Students preparing a seminar paper defend it publicly, while other students participate in a debate after the presentation of the paper.
Consultations	
Literature	Begović B., Pavić V., Popović B. D., Introduction to Competition Law, Faculty of Law, University of Belgrade (2019). Butorac Malnar, V., Pecotić Kaufman, J., Petrović, S.; Competition Law; Faculty of Law, University of Zagreb (2013). Boris Begović, Vladimir Pavić, Introduction to Competition Law, Belgrade: Faculty of Law, University of Belgrade, 2012. Competition Protection Law, ("Official Gazette of Montenegro", No. 44/12 dated 09.08.2012); Regulation on the method and criteria for determining the relevant market (Official Gazette, No. 9/2011); State Aid Law (Official Gazette, No. 47/2014); Regulations from: http://www.aztn.hr and http://ec.europa.eu/competition/index_en.html ; Dušan Popović, "Competition Protection in the Law of the World Trade Organization – State and Perspectives" in "Harmonization of Serbian Business Law with EU Law (2014)" (ed. V. Radović), Faculty of Law, University of Belgrade, 2014, pp. 221-244. Katarina Damjanović, Dušan Popović, "EU Competition Law Reform: Regulation No. 1/2003", European Law Review 1/2004, pp. 27-41.

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							<p>Maja Stanivuković, "Application of Domestic Competition Protection Rules to Legal Relations with an International Element following the Example of European Community Law", Annals of the Faculty of Law in Belgrade 2/2009, pp. 110-134, article available at: www.ius.bg.ac.rs. Keith N. Hylton, "The law and economics of monopolization standard" in "Antitrust Law and Economics" (ed. K. N. Hylton), Edward Elgar, 2010, Chapter V. 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, article available at: www.iie.com. Additional literature: Liszt M.; Legal Regulation of State Aid in Croatia; Law in the Economy 43 (2004), 4 (2004), pp. 260-290. Šoljan Vedran; Price Discrimination as a Form of Restriction of Market Competition: Part I; Croatian Legal Review 3 (2003), 2 (2003), pp. 34-49. Šoljan Vedran; Price Discrimination as a Form of Restriction of Market Competition: Part II; Croatian Legal Review 3 (2003), 3 (2003), pp. 37-50.</p>
Examination methods							<p>Colloquium (allows earning up to 40 points), For a student retaking the colloquium, points from the regular colloquium are invalidated. Practical training and seminar paper with defense up to 20 points (seminar classes are conducted during exercise hours); Final exam in the form of a test – (allows earning up to 40 points). A student passes the exam if they cumulatively accumulate at least 50 points (either from the colloquium and seminar or from the colloquium and final exam), and the grade is determined according to the scheme below.</p>
Special remarks							
Comment							
Grade:	F	E	D	C	B	A	
Number of points	less than 50 points	greater than or equal to 50 points and less than 60 points	greater than or equal to 60 points and less than 70 points	greater than or equal to 70 points and less than 80 points	greater than or equal to 80 points and less than 90 points	greater than or equal to 90 points	