Valid from 2024.HS

Module description: Competition Law

Module Code	w.BA.XX.3WETR-BL.XX
ECTS Credits	3
Language of Instruction/Examination	German
Module Description	Students understand antitrust law as part of a comprehensive (national/international) competition policy. They have mastered intervention in merger control, in the case of companies with market power, and in cartels. Students will be able to design agreements and unilateral conduct in compliance with antitrust law.
Organizational Unit	IRW Ltg.
Module Coordinator	Andreas Abegg
Deputy Module Coordinator	Patrick Krauskopf
Program and Specialization	• Business Law
Legal Framework	Academic Regulations BSc dated 29.01.2009, for the degree programs in Business Administration, International Management, Business Information Technology, Business Law, Business Law and Applied Law, first adopted on 12.05.2009
Module Category	**Module Type** Compulsory **Program Phase** Main Study Period
Prerequisite Knowledge	Modules: Basis of Claims in Private Law, Legal Transactions in Private Law, Corporate Law, Constitutional and Administrative Law, International Public and Private Law, European Law
Contribution to Program Learning Objectives (by the concerned Module)	• Professional Competence • Methodological Competence • Social Competence • Self-Competence
Contribution to Program Learning Objectives	**Professional Competence** • Knowing and Understanding Content of Theoretical and Practical Relevance • Apply, Analyze, and Synthesize Content of Theoretical and Practical Relevance • Evaluate Content of Theoretical and Practical Relevance **Methodological Competence** • Problem-Solving & Critical Thinking • Scientific Methodology • Work Methods, Techniques, and Procedures • Information Literacy • Creativity & Innovation **Social Competence** • Written Communication • Oral Communication • Teamwork & Conflict Management • Intercultural Insight & Ability to Change Perspective **Self-Competence** • Self-Management & Self-Reflection • Ethical & Social Responsibility • Learning & Change

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Module Learning Objectives	Students... • can list sources of competition law at national and international level. • can explain the complex interrelationship of these sources. • can explain the key principles of competition law and their practical implications. • can identify the areas of tension between the principles of administrative, contract, and criminal law that apply simultaneously in antitrust law. • can demonstrate the areas of tension between economics and law using the example of the aforementioned state regulations. • are able to consider concrete cases in short legal briefs. • can draft distribution and licensing agreements (value chain) and decide on forms of cooperation between competitors (R&D, joint venture) in compliance with antitrust law. • can detect internal company antitrust violations and use selected instruments reactively to contain the damage.
Module Content	• Antitrust law: retrospective and outlook • (i) Means of competition and industrial policy; (ii) Regulations and misregulations; (iii) From the beginnings until today; (iv); The path towards global antitrust law. • Swiss antitrust law: principles • (i) Constitutional and cultural premises; (ii) Per se prohibitions vs. rule-of-reason; (iii) Conflicts with intellectual property law. • Swiss antitrust law: companies under the scrutiny of the authorities • (i) Merger control - procedures, prohibitions, and remedies; (ii) Market power - exploitative and predatory competition; (iii) Cartels - hardcore restrictions and distribution agreements (iv) Special issues - leniency, house searches, hearings, fines, and custodial sentences. • Swiss antitrust law: companies as target (victim) of other companies • EU antitrust law • (i) Main features - merger control, abuse of market power, and cartels; (ii) State aid; (iii) Investigative tools; (iv) Sanctions; (v) Relevance for Switzerland. • US antitrust law • (i) Basic features - Merger; monopoly, and monopolizing; cartels; (ii) Investigative tools of the US DOJ / FBI; (iii) Sanctions; (iv) Harvard vs. Chicago school.
Links to other modules	This module is linked to the following modules:
Digital Learning Resources	• Reader • Teaching Videos • Case Studies (with Key)
Methods of Instruction	• Exercises • Lecture • Literature Review • Interactive Instruction • Case Studies Social Settings Used: • Individual Work • Group Work
Type of Instruction	

	Classroom Instruction	**Guided Self-Study**	**Autonomous Self-Study**
Large Class	-	-	
Small Class	28 h	-	
Group Instruction	-	-	
Practical Work	-	-	
Seminar	-	-	
Total	**28 h**	**0 h**	**62 h**

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Performance Assessment	

End-of-module exam	Form	Length (min.)	Weighting
Written exam	closed book	60	100.00
Permitted Resources	No calculator	With dictionary	

Others	Assessment	Format	Length (min.)	Weighting
-	-	-	-	-

Classroom Attendance Requirement	None
Compulsory Reading	
Recommended Reading	• Zäch, R. (2005). Schweizerisches Kartellrecht. Bern: Stämpfli. ISBN 978-3-7272-1992-4. • Geiser, T., Krauskopf, P. & Münch, P. (2005). Schweizerisches und europäisches Wettbewerbsrecht. Basel: Helbing & Lichtenhahn. ISBN 3-7190-2284-6.
Comments	