COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
LAW ON COMPETITION IN DIGITAL ECONOMY	

Lecturer(s)	Department(s)
Coordinator: Lect. Dr. Gintarė Surblytė-Namavičienė **Other(s):**	Vilnius University, Faculty of Law, Department of Public Law Saulėtekio av. 9, Building 1, LT-10222, Vilnius, 405 room, phone (8 5) 2366175, e-mail: vtkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
Second	Elective

Mode of delivery	Course unit delivery period	Language(s) of instruction
Face-to-face	1 (autumn) semester	English

Requirements for students	
Pre-requisites: basic knowledge of EU competition law	**Co-requisites (if any):** none

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed
The purpose of this course is to deepen students' knowledge in EU competition law and to develop competences to critically evaluate legal risks and to assess legal competition questions that may be raised by the developments of the technology in the digital economy, particularly, those related to Artificial Intelligence (AI). Students should gain abilities to provide legal argumentation on the complex issues of competition law, *inter alia*, based on case-law, which may be related to the intersection with other areas of law, such as intellectual property law or data protection.

Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will be able to critically assess competition law issues in the digital economy.	An interactive method of teaching during lectures and seminars (comparative assessment and systemic analysis of legal norms, the analysis of problematic issues, case studies, group discussions), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Participation in class activities (discussion), written exam (essay-type questions).
Students will be able to compare relevant legal norms, *inter alia,* of some of the Member States of the EU, to interpret them and to apply them to hypothetical practical situations or provide their own assessment on their application.	An interactive method of teaching during lectures and seminars (comparative assessment and systemic analysis of legal norms, the analysis of problematic issues, case studies, group discussions), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Participation in class activities (discussion), written exam (essay-type questions).
Students will be able to identify possibly new challenges posed to competition law by the developments of technology (particularly those related to Artificial Intelligence) and to provide solutions.	An interactive method of teaching during lectures and seminars (the analysis of problematic issues, case studies, brainstorming, group discussions), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Participation in class activities (discussion), written exam (essay-type questions).
Students will be able to integrate knowledge of other areas of law (such as intellectual property law or data protection) when analysing legal questions in the intersection of these areas of law with competition law.	An interactive method of teaching during lectures and seminars (the analysis of problematic issues, case studies, brainstorming, group discussions), individual studies (analysis of the relevant	Participation in class activities (discussion), written exam (essay-type questions).

	legal framework, policy and case-law, reading of academic literature).	
Students will be able to apply their knowledge to practical situations and analyse hypothetical cases, including their competences to base their arguments on the relevant case-law of the ECJ and the European Commission's decisions in the area of competition law in the digital economy.	An interactive method of teaching during lectures and seminars (the analysis of problematic issues, case studies, group discussions), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Participation in class activities (discussion), written exam (essay-type questions).
Students will be able to provide arguments orally and in written in a clear and logical manner to the questions of the complex issues regarding Competition Law and will be able to trigger or to contribute to the discussion with specialists and non-specialists providing their own insights and developing their capabilities of arguing, discussing and learning.	An interactive method of teaching during seminars (the analysis of problematic issues, case studies, group discussions), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Participation in class activities (discussion), written exam (essay-type questions).

	Contact hours							Self-study: hours and assignments	
Content: breakdown of the topics	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	**Contact hours**	Self-study hours	**Assignments**
1. Fundamentals of competition law and the digital economy. The concept of Artificial Intelligence (AI)	1						**1**	5	Overview of the relevant legal framework and literature
2. Data (data sets) and algorithms in competition – what issues for competition law?	1						**1**	6	Reading of the relevant academic literature
3. Data protection and intellectual property law in the intersection with competition law	2		2				**4**	15	Analysis of the relevant legal provisions related to data protection and intellectual property law; academic literature
4. Anti-competitive agreements. Challenges to the competition law assessment raised by the use of algorithms.	4		4				**8**	20	Analysis of Article 101 TFEU and the relevant case-law of the European Court of Justice; academic literature
5. Abuse of a dominant position. The analysis of the EU cases, such as *Microsoft, Google, Intel* and others.	4		4				**8**	20	Analysis of Article 102 TFEU and the relevant case-law of the European Court of Justice; academic literature
6. EU Merger control. The analysis of the EU cases, such as *Facebook/WhatsApp* and others. Comparison of the relevant legal norms of some of the EU Member States (for example, on the thresholds of merger control).	2		4				**6**	20	Analysis of the EU Merger Regulation and the relevant decisions of the European Commission as well as the relevant legal norms of some of the EU Member States; academic literature
7. Remedies for competition law infringement.	2		**2**				**4**	15	Analysis of the relevant case-law of the ECJ and reading academic literature
Total	**16**		**16**				**32**	**101**	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Written	60	At the end of	The assessment will be based on the student's capability to provide

		the course	arguments in writing in a clear, structured, logical manner, to base their arguments on relevant legal provisions and case-law, to explain possibly different opinions of the academic debate, to provide their own insights and to base them on their own reasonable and convincing argumentation.
			The maximum number of points that may be received for the written exam is 6 (i.e. 6 points out of the final grade, which is 10 points). In the written exam, two essay-type questions will be provided. They both will have the same weight for the exam grade - 3 points each:
			2.1 - 3 points: from excellent to good knowledge and abilities. The questions are fully answered and the arguments provided are complete, clear, coherent and persuasive. The answers are well-structured and the ideas are easy to follow.
			1.1 - 2 points: from good to average knowledge and abilities. The arguments provided in the answers show a good level of knowledge of the student, but the arguments are incomplete, not clearly structured, there are some mistakes or some points are missing or are imprecise.
			0.1 - 1 point: knowledge and abilities are below average, but they still meet minimum requirements. The answers to the questions consist of basic ideas, the arguments are mentioned, but not developed, major mistakes as regards the legal assessment are present.
exam			0 points: failure to meet minimum requirements. The answers to the questions miss the point or are completely underdeveloped.
Participation in the class activities	40	During the semester	The assessment will be based on the student's capability to orally discuss, to raise questions, to provide his or her own insights and arguments in a logical and structured manner, to critically assess the discussed issues, to provide clear arguments in support of their points made.
			The maximum number of points that may be received for the participation in class is 4 (i.e. 4 points out of the final grade, which is 10 points).

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
Whish/Bailey	2021	Competition Law	10th edition	Oxford: Oxford University Press
Surblytė-Namavičienė, G.	2020	Competition and Regulation in the Data Economy: Does Artificial Intelligence Demand a New Balance? *Elgar Studies in Law and Regulation*		Cheltenham, UK, Massachusetts, USA: Edward Elgar Publishing
Jones/Sufrin/Dunne	2019	EU Competition Law: Text, Cases, and Materials	7th edition	Oxford: Oxford University Press
Ezrachi/Stucke	2016	Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy		Cambridge, Massachusetts: Harvard University Press
Heinemann/Gebicka	2016	Can Computers Form Cartels? About the Need for European Institutions to Revise the Concertation Doctrine in the Information Age	Vol. 7, No. 7	Journal of European Competition Law & Practice
Surblytė, G.	2017	Data-Driven Economy and Artificial Intelligence: Emerging Competition Law Issues?	Vol. 67, Issue 3	Wirtschaft und Wettbewerb (WuW)
Rochet/Tirole	2003	Platform Competition in Two-Sided Markets	Vol. 1, Issue 4	Journal of the European Economic Association
Recommended reading				
Ezrachi, A.	2021	EU Competition Law: An Analytical Guide to the Leading Cases	7th edition	Hart Publishing
O'Donoghue/Padilla	2020	The Law and Economics of Article 102 TFEU	3rd edition	Hart Publishing
Russell/Norvig	2020	Artificial Intelligence: A Modern Approach	4th edition	

Bakhoum/Conde Gallego/Mackenrodt/ Surblytė-Namavičienė	2018	Personal Data in Competition, Consumer Protection and Intellectual Property Law – Towards a Holistic Approach? *MPI Studies on Intellectual Property and Competition Law*	Vol. 28	Berlin/Heidelberg: Springer
Stucke/Grunes	2016	Big Data and Competition Policy		Oxford: Oxford University Press
Surblytė, G. (Ed.)	2015	Competition on the Internet. *MPI Studies on Intellectual Property and Competition Law*	Vol. 23	Berlin/Heidelberg: Springer
Surblytė, G.	2015	Competition Law at the Crossroads in the Digital Economy: is it all about Google?	Vol. 4, Issue 5	Journal for European Consumer and Market Law (EuCML)
Surblytė, G.	2011	The Refusal to Disclose Trade Secrets as an Abuse of Market Dominance – *Microsoft* and Beyond. *Munich Series on European and International Competition.*	Law, Vol. 28	Berne: Stämpfli