

INTRODUCTION TO EU COMPETITION LAW

INFORMATION ABOUT THE EXAMINATION

You will be asked to do TWO questions in two hours. One question must be a ‘problem type’ and the other question must be essay type. The examination paper will contain three questions which gives you a little choice.

YOU SHOULD BRING TO THE EXAMINATION YOUR TEXTBOOK AND ANY NOTES/
RESEARCH (IN HARD OR SOFT FORM)

YOU ARE NOT ALLOWED TO ACCESS THE INTERNET DURING THE EXAMINATION

When answering questions, you can assume Prof Lucey’s familiarity with the facts of the EU competition law cases, so you do not need to exhaustively recite the facts. If you cannot remember the name of a case (eg United Brands) then refer to it by its subject matter (eg importation of bananas case). Knowledge and understanding of relevant caselaw is expected.

REMEMBER: a question may examine your knowledge of Art 101 and Art 102.

In a 'problem-type' question remember that most marks are awarded for **applying** EU competition law to the facts, remember you are being asked to **advise**. So, advise that person and do not write a theoretical essay.

Do NOT waste examination time by writing down the facts of the case as the introduction to your answer. Refer to relevant facts as you offer advice on the Applicability of Treaty.

Also when answering a problem question in this examination you may identify any areas where more factual information is required (eg “ *we need to know the market share of next nearest rival*”) and explain why it is significant(“*because this figure may indicate the that market leader even if his market share is 30%*”).

Remember when advising a client you must point out not only the strengths of the case but also the weakness

(eg “ *however, we will have to deal with the countervailing argument, based on **United Brands** that our definition of the market (as fresh fruit) is too wide and that it should be limited to the fresh citrus fruit market*”)

You can introduce your answer simply by mapping out the bare bones of your answer. “First, I will examine if... Secondly, it is important to establish if

In the essay question you analyse the law and offer some informed opinion. Remember you must show an understanding of relevant case law.