

# LAWS70301 Internat and Comparative Competition Law

<b>Credit Points:</b>	12.5						
<b>Level:</b>	7 (Graduate/Postgraduate)						
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.						
<b>Prerequisites:</b>	<p><b>Melbourne Law Masters Students:</b> None</p> <p><b>JD Students:</b> Successful completion of the below subject:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50063 Competition Law</td> <td>November, Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50063 Competition Law	November, Semester 2	12.5
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LAWS50063 Competition Law	November, Semester 2	12.5					
<b>Corequisites:</b>	None						
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.						
<b>Non Allowed Subjects:</b>	None						
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.						
<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Professor Mark Furse</b> (<a href="http://www.law.unimelb.edu.au/staff/Mark%20Furse">http://www.law.unimelb.edu.au/staff/Mark%20Furse</a>) (Coordinator)</p> <p>Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> (<a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a>)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> (<a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a>)</p>						
<b>Subject Overview:</b>	This subject will provide students with international and comparative insights into a field of growing significance to practitioners in Australia and the region. While the subject will focus on the federal antitrust law of the United States ('US') and the competition law of the European Union ('EU'), we will examine also the extent to which these two regimes provide models for						

	<p>other regimes, with particular attention paid to the Anti-Monopoly Law of the People's Republic of China ('PRC'). The subject will explore how competition laws are justified, and the extent to which different regimes converge and diverge, and the reasons for this. An understanding of the US and EU regimes will equip students to analyse the likely responses to anti-competitive actions in many other regimes, and the focus on China will be particularly useful to students within the Pacific region.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># The policy foundations of, and history of approaches to, antitrust law in the US and competition law in the EU</li> <li># The structure of the two regimes, the role of competition authorities, and the role of public and private enforcement</li> <li># Comparative analysis of the substantive laws relating to agreements and multi-lateral anti-competitive conduct (s 1 of the Sherman Act, and article 101 of the Treaty on the Functioning of the European Union ('TFEU'))</li> <li># Comparative analysis of the approach taken to cartels, with an examination in particular of differing enforcement methods (civil and criminal)</li> <li># Comparative approaches to the treatment of oligopolies, with particular reference to the concept of 'conspiracies' in the US, and 'concerted practices' in the EU</li> <li># Comparative approaches to the control of monopolisation and dominant firm abuse (s 2 of the Sherman Act and article 102 of the TFEU), with particular reference to pricing conduct (excessive, predatory and discriminatory pricing practices)</li> <li># The development, structure, and application of competition law in the PRC, including a consideration of the challenges facing new regimes</li> <li># Comparative approaches to merger control in the US, EU and PRC, with particular reference to the establishment of jurisdiction, the operation of the substantive test, and the application of remedies</li> <li># Jurisdiction, extra-territoriality, and bi-lateral and multi-lateral cooperation mechanisms in the application of competition law</li> </ul>
<p><b>Learning Outcomes:</b></p>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the similarities and differences between competition law systems around the world, mostly those of the United States and the European Union, and how they compare to the Australian system</li> <li># Be able to critically examine, analyse, interpret and assess the effects of such different systems on global and national welfare</li> <li># Have a sophisticated appreciation of the bases for and the limitations of extra-territorial application of competition law</li> <li># Have an advanced understanding of the current global antitrust legal system, and have the cognitive and technical skills to generate critical and creative ideas relating to the benefits and costs of a variety of international enforcement and harmonisation proposals that are under consideration or are being implemented</li> <li># Have the communication skills to clearly articulate and convey complex information regarding various aspects of international and comparative competition law to specialist and non-specialist audiences</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of international and comparative competition law.</li> </ul>
<p><b>Assessment:</b></p>	<p>Class participation (10%) Take-home examination (5,000-6,000 words as specified in the subject reading guide) (90%) (23 - 26 September) A minimum of 75% attendance is a hurdle requirement.</p>
<p><b>Prescribed Texts:</b></p>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
<p><b>Breadth Options:</b></p>	<p>This subject is not available as a breadth subject.</p>
<p><b>Fees Information:</b></p>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<p><b>Links to further information:</b></p>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70301/2016">www.law.unimelb.edu.au/subject/LAWS70301/2016</a></p>
<p><b>Related Course(s):</b></p>	<p>Graduate Diploma in Competition and Consumer Law Graduate Diploma in Legal Studies Juris Doctor</p>

Master of Commercial Law  
Master of Competition and Consumer Law  
Master of Laws  
Master of Public and International Law