

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BL1, 2BL2, 2CW1, 3BC1, 3BL1, 3BL2, 3CL1, 3CW1, 4BC2, 4BC3, 4BC4, 4BL2, 4CL2.
Exams(s)	2 nd 3 rd & 4 th LL.B. 3 rd & 4 th Bachelor of Corporate Law 2 nd & 3 rd Bachelor of Civil Law 3 rd & 4 th Bachelor of Commerce Degree Erasmus & Occasional Students
Module Codes(s)	LW333
Module(s)	Comparative Competition Law
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Dermot Walsh
Internal Examiner(s)	Ms Anna-Louise Hinds
<u>Instructions</u>	Students must answer THREE questions in total. Section 1 contains the compulsory question . Students may choose any two questions from Section 2. All questions carry equal marks. Students are requested to indicate which questions they have answered on the front of their answer book.
Duration	TWO hours. Erasmus students have TWO hours and THIRTY MINUTES.
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Students are allowed to refer to the Treaty Establishing the European Community (consolidated version including the Treaty of Amsterdam) or to photocopies or downloaded versions thereof or to copies of Foster, N., Blackstone's EC Legislation (any edition) in the examination room. Students may also refer to secondary EC legislation in downloaded or photocopied version, in particular to the Vertical Restraints Regulation. Students may likewise refer to the Sherman Act 1890, the Clayton Act 1914, the Robinson Patman Act 1914 and the Fair Trade Commission Act 1914. Erasmus students are allowed to use dictionaries.
No. of Pages	2
Department(s)	Law

SECTION 1: Case Study - Students must answer the question in this section.

1. *"In Consten & Grundig (C-56/64) [1966] E.C.R. 556), the Court of Justice clearly demonstrated the dynamic scope of the prohibition set out in Article 81 of the Treaty."* Griffin, P., *European Commercial Law*, First Law, Johnswood Press Ltd., 2002.

Discuss this statement, with reference to relevant EC Treaty provisions, secondary EC legislation, the decision the Commission in this case, the opinion of the Advocate General assigned to the case and the decision of the Court itself.

SECTION 2: Answer TWO questions from this section.

2. In *Continental Can Europemballage and Continental Can v. Commission (C-6/72 [1973] E.C.R. 215*, the European Court of Justice stated that:

"the provision [Article 82] is not only aimed at practices which may cause damage to consumers directly, but also those which are detrimental to them through their impact on an effective competition structure ..."

Discuss Article 82 EC Treaty in light of this statement, with reference to the relevant EC Treaty provisions, decisions of the Commission and case law of the European Court of Justice in relation to Article 82 EC Treaty.

3. Discuss the *per se illegal* and the *rule of reason* approaches to the application of Section 1 Sherman Act 1890. Is there a similar approach in the European Community or has Article 81(3) prevented the full development of the rule of reason in EC Competition Law?
4. Explore the offence of monopolisation under Section 2 of the Sherman Act 1890.
5. *"Any system of competition law must be properly enforced in order to be effective."*

Discuss.

6. Discuss the new regime for dealing with vertical restraints of trade under the Vertical Restraints Regulation in EC Competition Law.

END