

Academic Year: ( 2022 / 2023 )

Review date: 04-05-2022

Department assigned to the subject: Private Law Department

Coordinating teacher: BAAMONDE GOMEZ, LAURA

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

Competition Law

**OBJECTIVES**

- Possess and acquire knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.
- Make the students able to apply the knowledge acquired, and their ability to solve problems in environments that are new or little known within broader contexts (or multidisciplinary) related to their field of study.
- Make the students able to integrate knowledge and face the complexity of exercising judgment from information that, being incomplete or limited, includes reflections over the social and ethical responsibilities linked to the application of their knowledge and judgments.
- Make the students capable to communicate their conclusions and the knowledge and ultimate reasons that support those conclusions, to a public that may be specialized or non-specialized in a clear and unambiguous manner.
- Make the students possess the learning skills that allow them to continue studying in a way that will, to a great extent, have to be self-directed and autonomous.
- Understand the multidisciplinary nature of the legal order and the necessarily interdisciplinary approach to legal problems, especially from an international perspective.
- To integrate, manage, identify, organize and analyze information of a legal nature.
- To formulate critical judgments, evaluate them, and communicate their conclusions in a clear and orderly manner.
- To evaluate the development of personal and collective actions, identifying rigorous and well-finished work, as well as mistakes, making arguments, and proposing alternative solutions to improve processes and outcomes.
- To acknowledge the growing importance of teamwork and show initiative, creativity and sense of responsibility, maintaining a lively interest during the whole process.
- To adapt and blend into different working groups, keeping fluid relationships and communication, respecting ideas and solutions proposed by others with an attitude of cooperation and tolerance, sharing responsibilities and issuing and receiving instructions.
- To develop professional works in interdisciplinary and international teams, with the ability to integrate diverse contributions in diverse and multicultural legal environments, all towards a common goal.
- To acquire an adequate and correct attitude at an international level, especially in the context of legal compliance and the management of conflicts of interest in the negotiation of contracts and their performance, as well as in the dispute resolution stage.
- Ability to understand the advisory role in the broader transnational environment.
- Ability to apply in new and multidisciplinary environments the concepts, principles, theories or models related to the globalization and internationalization of the law.

**DESCRIPTION OF CONTENTS: PROGRAMME**

1. Energy markets. Liberalization and competition in the energy market. Regulatory framework.
2. Regulated activities and competitive activities: generation, transport, distribution and commercialization
3. The energy sector as a network industry. Regulatory premises to promote competition: unbundling operations, access of third parties to the network
4. The competitive functioning of the electricity market: energy wholesale market (electric pool)
5. The competitive functioning of the electricity market: spot markets, bilateral contracts, intraday markets
6. Anticompetitive vertical agreements: problems in the supply of energy
7. Anticompetitive horizontal agreements: price fixation. Consumer protection. Distortion of free

competition by unfair acting in the commercialization and marketing of electricity

8. Abuse of a dominant position: machinations to alter prices. Abuse of the pivoting position and excessive prices. Margin squeeze.

9. Merger control in the energy sector: case study

10. State aids in the energy sector: State aids for environmental protection and energy. Assessment of the capacity mechanisms.

11. Competition in the distribution of fuels. Vertical agreements and anticompetitive practices

12. Competition in the gas sector. Study of the most relevant anticompetitive conducts.

## LEARNING ACTIVITIES AND METHODOLOGY

### TRAINING ACTIVITIES

Individual work to the study of theoretical and practical materials produced and provided by the professor.

Case analysis

Theoretical and practical classes.

Group work.

### EDUCATIONAL METHODOLOGIES

-Exhibitions with audiovisual and computer support, in which the main concepts of matter are developed and bibliography is provided to complement the learning of students.

-Critical reading of texts recommended by the course

## ASSESSMENT SYSTEM

The continuous evaluation (which will represent 40% of the final note) shall be carried out through the participation in class, the resolution of the cases proposed for each session and the student's work through the virtual platform. The final exam (60% of the note) will include a part with test-type questions and a practical question

Extraordinary evaluation:

In extraordinary calls, the subject will be evaluated on the basis of a final exam, made up of multiple-choice questions and a practical case. The test grade will account for 100% of the final grade.

In the event that the student has passed the continuous evaluation during the course with a grade higher than 6 out of 10, they may request that said grade be maintained. In this case, as in the ordinary evaluation, the continuous evaluation grade will compute 40% of the final grade, with the exam representing the remaining 60%.

**% end-of-term-examination:** 60

**% of continuous assessment (assignments, laboratory, practicals...):** 40

## BASIC BIBLIOGRAPHY

- AAVV, Sánchez Rodríguez, A. J (dir). Manual de Derecho y mercado de la energía, Tirant lo Blanch , 2019

- AAVV. García Delgado et al (Dir) Energía y regulación, Thomson Civitas, 2007

- AAVV. Guillén Caramés (Dir.) Derecho de la competencia y energía eléctrica, Civitas, 2009

- AAVV. Santiago Muñoz Machado (Dir). Derecho de la regulación económica. Vol 3. Tomos 1 y 2 Sector energético, lustel , 2010

- Encinar Arroyo, N. Derecho del comercio eléctrico, Aranzadi, 2018

- Mourenza Díaz. JR Derecho de la energía, Civitas, 2011

- Olmedo Peralta, E. Derecho de la competencia en el sector energético, forthcoming.