

Title: EC Competition Law and its Enforcement in the National Jurisdictions: Policy Issues, Case Law and Compliance [COMPETA]

Project type: Training of national judges in EC competition law and judicial co-operation between national judges

Ref. no.: SI2.540074 – HT 1460 Training for judges

Promoter/coordinator: College of Social Sciences, Klaipeda, Lithuania

Duration: 1 year

Actual stage: Finalised

Total value of the Contract: 106.780 Euros

Total value for the University of Pitesti: approx. 28.750 Euros

Summary:

College of Social Sciences together with its partner institutions is dedicated to initiate this project that is aimed to improve and strengthen professional skills and competence of judges and other people that fall into the target group (e.g. apprentice national judges, prosecutors, and academicians) in the area of competition law, in particular with respect to Articles 81 and 82 of the European Community Treaty. Indeed, the EU Competition Law is complex enough. Lithuania along with other Member States from Eastern and Central Europe joined the European Union in 2004, but the EC Competition law is still a “*terra incognita*” for many legal

practitioners. The governments and private entities of EU Member States have to evaluate (from the perspective of competition law) important situations according to the national and EU Competition rules. The application of the EU competition law and its importance to the daily life will be presented during the target group training. National authorities that are responsible for observing and implementing the EC competition rules in their countries have to abide by the EU precedents of case law and may not deviate from the created

acquis communautaire

. With this respect, national adjudicators still need more comprehensive analyses/materials to adopt rulings based on the contemporary developments of the EU competition law. The project will provide a good background for raising the professionalism and qualification of specialists that is important for achieving the quality and practical applicability in research activity of the institutions supervising competition law.

Aim and objectives:

The project is twofold.

First of all, training seminars are aimed to present a comprehensive view on the EC Competition Policy. The Lisbon strategy adopted in 2000 committed to make the EU „the world’s most competitive and dynamic knowledge-based economy by 2010“, but it is clear that those goals will not be achieved by this time. However, the EC Commission and the EU Member States should take a proactive approach so that to improve framework for competition by implementing the best practices from the other EC jurisdictions.

Secondly, the lecturers should familiarize primarily the judges with practical enforcement of the EC competition law in the EC Member States. Many EC Member States have fully implemented the EC Competition Law. Nevertheless, it is still difficult to achieve the unanimous interpretation of the same provisions of the EC Treaty. In this light, the case law of the European Court of Justice and the Court of the First Instance is highly relevant for the national judicial authorities; but, this case law remains often disregarded by national authorities partly because of ignorance, partly because of difficulties to understand fully a ruling passed in a foreign language.

Time and location of project activities:

The project will be undertaken together with the partners from Bulgaria and Romania so that to ensure the uniform application of the EC law in all the jurisdictions covered. Twofold training will be organized in Bulgaria, Romania and in three major Lithuanian cities. Final project conference will be organized in Vilnius; participants – representatives of all partner countries.

The partnership of the project is significant because it stimulates co-operation, during which the experts will be able to share their experience. The respective co-operation will contribute to the effective exchange of information about new cases, pragmatic solutions and recent EU statutory developments. Practically speaking, the exchange of such information is hardly possible via other resources currently available (partly because the judges would be reluctant to disclose officially particular circumstances of the case, partly because they are uneager to publish scientific articles not being completely sure about the accuracy of the information they possess, partly because of the work-load they have. Finally, most judges of Eastern and Central Europe did not have sufficient time to learn and become fully proficient in a foreign language. English, German or French or any other foreign language skills were not really relevant for the practical work of the judicial authorities in this region because of the uniqueness of each legal system. Therefore, judges still have limited capacities to analyze directly the arguments of the ECJ and other sources of the EU competition law. The possibility to get acquainted with judgments passed in different countries pertaining to the EU Competition law would contribute mostly to the correct use of Articles 81 and 82 of the EC Treaty on the national level. Eventually, the national case law would correspond more to the European developments as well.

To sum up, this co-operation offers an excellent opportunity to raise awareness about the Competition law as applicable in the EU Member States.

Expected results:

102 trained target group members (from Romania, Bulgaria and Lithuania) in 2-day-length (16 Hours) twofold training. Total training length - 160 hours.

Prepared and published on the internet training distributive material, which will be easily accessible to all users. Organized 2-day final project conference.

Prepared and published final conference collection of reports in 600 copies.

Partnership:

1. College of Social Sciences, Klaipeda, LT
2. University of Pitești, RO
3. University “St. Kiril and Methodius” , Veliko Turnovo, BG

[Materials for the training courses in Romania \[ZIP\]](#)