

Syllabus

for free standing course (preliminary)

Practical Merger Control
Praktisk fusionskontroll

Credits: 3.5 ECTS credits

Approved from: Spring 2019

Period: Summer

Study pace: 100%

Prerequisites and conditions for access to the course

The course is intended for foreign students enrolled in an exchange programme at the Department of Law or in the Stockholm Business School Summer programme at Stockholm University. The course is interdisciplinary but requires no prior knowledge in the subject.

Course content

The course focuses solely on mergers & acquisitions, but can be combined with the course Practical Antitrust Assessment for an additional dimension. The course will deal with how a merger application from a company is filed by a consultancy or law firm, and how it is handled by an enforcement authority with respect to substantive and procedural issues. The course reviews when an application is rejected by the authorities and when it is approved, with or without commitments imposed on the companies. The course, which mixes theory with practice, is aimed at students interested in a career in economic consultancies, law firms or enforcement authorities/the European Commission. It combines (1) substantive content, (2) procedural steps as well as (3) practical solutions arising when advising companies or trying to make markets work better.

The purpose of the course is to give students the tools they need to apply the substantive foundations in a business setting. It reviews not only the material rules but examines the procedural process that need to be followed, as well as guides the students in strategy, drafting and remedy assessment of a merger or acquisition. The course has a focus on society by highlighting how the enforcement authorities normally assess claims put forward by consultancies and law firms. In enforcement authorities, professionals of various backgrounds: legal, business, economics, mathematics and political science work together, contributing with their skills. This course intends to give a flavour of practical work, by using substantive material.

Intended learning outcomes

Knowledge and understanding

Upon completion of the course, students are expected to be able to:

- demonstrate knowledge of the procedures undertaken by enforcement authorities when assessing a merger between companies and the social implications, in either a positive or negative direction
- demonstrate knowledge of which requirements are put on parties filing for mergers based on procedure and substance.

Skills and abilities

Upon completion of the course, students are expected to be able to:

- Strategically assess the economic and legal implications of a merger or acquisition, and advise transactions.

Judgement and approach

Upon completion of the course, students are expected to be able to:

- Critically assess, evaluate and present pros and cons for a prospective merger in English, both orally and in writing, independently and in groups.

Instruction

Instruction comprises 2 weeks of full-time studies and consists of lectures and seminars. On the basis of the given course material, students will work in groups to answer questions during each seminar. Active participation in 2/3 of seminars and lectures is compulsory. A more detailed description of the course content is available in the course description and course schedule. The language of the course is English.

Forms of examination

Examination is conducted through:

- Active participation in the compulsory elements of the course,
- A simulation of a hearing at the European Commission, and
- A take-home assignment.

Assessment criteria applicable to the simulation of hearing:

- ability to identify, analyse and oral present the relevant legal issues
- ability to work with others and argue in a constructive manner, and
- ability to assess and draw conclusions from the discussion.

Assessment criteria applicable to grading of the take-home assignment:

- problem formulation
- structure and presentation
- insight into the topic, as well as materials and knowledge
- investigation and analysis
- argumentation and conclusions
- independence
- language, formal requirements and
- the ability to submit the required work in time.

All of the course's learning outcomes must be met and all activities passed in order to pass the course.

Students who fail the regular examination are given the opportunity for re-examination. Students who have passed are not entitled to undergo re-examination for higher grades. Students who are failed twice by the same examiner have the right to demand a different examiner when doing additional re-examinations. This does not however apply if there are specific reasons for not appointing a different examiner.

The grading scale for the course is as follows: Pass (G) or Fail (U).

Other

Completed course requirements are valid for two years. This also applies to students who de-register from the course through early withdrawal.

The course requirements in effect at the time of the student's first registration on the course may be completed within two years. After two years, the course requirements included in the most recently revised syllabus will apply.

Course literature

The course literature is approved by the head of department. Please refer to the course website and the course description for information about the required reading. The current reading list will be made available at least two months before the course starts.