
Economic Analysis of Competition Law

Master 1

Course objectives: the course contains a historical, institutional and theoretical presentation of certain economic issues related to competition law.

Prerequisites: (a) Game Theory course of Licence 3; (b) elements of industrial economics (monopoly, oligopoly, Cournot and Bertrand markets).

1 References

2 Introduction: Antitrust law and competition policy

3 Brief history of the Antitrust law

3.1 Antitrust law in the United-States

3.2 The Sherman Act

3.3 The Federal Trade Commission and the Antitrust Division

4 UnitedStates v. Microsoft Corporation

4.1 The “new economy”

4.2 Description of the case

4.3 Monopolization, anti-competitive conduct and tying

4.4 Comments

5 Law and Economics

5.1 The old “Law and Economics”

5.2 The institutionalist school and the Chicago school

5.3 The new “Law and Economics”

5.4. From “Law and Economics” to an Economic Analysis of Law

6 Game-theoretic modeling issues

6.1. Collusion in a simple static duopoly market

6.2 Static versus repeated oligopoly games and their equilibria

6.3 Collusion in price-setting oligopoly markets

6.4 Imperfection observation and random demand shocks

7 Impact of Antitrust policies on collusion

7.1 Cartel formation and duration

7.2 Penalties and the deterrence of unlawful collusion

7.3 The design of penalties

8 Strategic interaction between the Antitrust authority and the firms

8.1 Leniency programs as mechanisms

8.2 US and European leniency programs

8.3 Leniency programs and cartel prosecutions

References

Baumol W., Panzar J., Willig R. (1982), *Contestable markets and the theory of industry structure*. Harcourt.

Coase R. (1960), The Problem of Social Cost, *Journal of Law and Economics*, 3, pp. 1-44.

Combe E. (2002), *La politique de la concurrence*. Repères. La découverte.

Cooter R., Ulen T. (2007), *Introduction to Law and Economics*. Addison and Wesley.

-
- Commons JR.** (1925), Law and Economics, *Yale Law Journal*, n° 34, pp. 371-382.
- Deffains B., Langlais E.** (dir.) (2009), *Analyse Economique du Droit. Principes, méthodes, résultats*. De Boeck.
- Dequiedt V., Durieu J., Solal P.** (2011), *Théorie des jeux et applications*. Economica.
- Deschamps M., Marty F.** (2008), L'analyse économique du droit est-elle une théorie scientifique du droit ? *Revue de la Recherche Juridique de Droit Prospectif*, N° spécial 5, pp. 2541-2570.
- Encaoua D., Guesnerie R.** (2006), Politiques de la concurrence. Rapport du Conseil d'Analyse Economique.
- Ghosal V., Gallo J.** (2001), The cyclical behavior of the Department of Justice's antitrust enforcement activity, *International Journal of Industrial Organization*, vol 19, pp. 27-54.
- Green E., Porter R.** (1984), Non cooperative collusion under imperfect price information, *Econometrica*, 52, pp.87-100.
- Kempf H.** (1992), Comprendre le Sherman antitrust act de 1890. *Cahiers d'Economie Politique*, 20-21, pp.187-211.
- Harnay S., Marciano A.** (2003) *R.A. Posner. L'Analyse Economique du Droit*. Le bien commun. Michalon.
- Kirat T.** (1999), *Economie du droit*, La Découverte, Plon, Paris.
- Kirat T.** (1998), Économie et droit. De l'analyse économique du droit à de nouvelles alliances, *Revue Economique*, Vol 49, n° 4, Juillet, pp. 1057-1087.
- Kirat T., Marty F.** (2007), *Economie et droit le la réglementation*. Gualino éditeur.
- Manguy D.** (2013), Droit de la concurrence. Université Numérique Juridique Franco-phone.
- Marty F., Pillot J.** (2010) Divergences transatlantiques en matière d'application de la théorie des facilités essentielles aux actifs immatériels. *Revue d'Economie Industrielle*, 1er et 2nd trimestre, pp.129-130.
- Medema S.** (2014), Economics and Institutions. Lessons from the Coase Theorem. *Revue Economique*, 65, pp.243-261.
- Motta M.** (2004), *Competition Policy. Theory and Practice*. Cambridge University Press.
- Motta M., Polo M.** (2003), Leniency Programs and Cartel Prosecution, *International Journal of Industrial Organization*, 21, 347-379.
- Posner R.** (2001), *Antitrust Law*, (seconde édition), University of Chicago Press.
- Posner R.** (2001), Antitrust in the New Economy. *Antitrust Law Review*, Vol. 68, No. 3, pp. 925-943.
- Posner R.** (1998), *Economic Analysis of Law*, (cinquième édition), Aspen Law and Business, New York, 802 p.
- Posner R.** (1990), *The problems of Jurisprudence*, Harvard University Press, Boston, 512 p.
- Rutherford M.** (1994), *Institutions in Economics. The Old and New Institutionalism*, Cambridge University Press.
- Williamson O.E.** (1975), *Markets and Hierarchies : Analysis and Antitrust Implications*, Free Press.
- Williamson O.E.** (1985), *The Economic Institutions of Capitalism*, New York, The Free Press. Trad. française, *Les institutions de l'économie*, Inter-éditions, 1994.