

Sustainable competition syllabus

(09 June 2022.)

1st week

27-29. June: the basics of sustainability

Introduction to Corporate Sustainability (ESG) – Prof. Ibanez

- Complex society & typology of risk
- The purpose of the corporation
- Due diligence and materiality assessment. OCDE and SASB Standards
- Business and Human Rights. The UN Guiding Principles
- Group of interest and stakeholder capitalism
- Ethics & integrity as a cultural issue for the corporation
- Latin American situation regarding ESG, politics and the role of business

Sustainable development – general – Prof. Bándi

- Sustainable development – an introduction from UNCED to SDGs
- Sustainable development law
- Integration as a legal method of implementation
- Resilience as a way to SD

Voluntary instruments of companies – Prof. Bándi

Within the legal framework:

- *Voluntary agreements:* regulatory agreements, compliance schedule/contract of public administration, Standardization, Codes of conduct, Mediation
- *Environmental management (e.g. EMAS)*
- *Auditing and reporting*
- *Eco-label*

Beyond law:

- Environmental management
- CSR

ESG, Laudato si and the social teaching of the Catholic Church – Prof. Ibanez

- The common good
- The role of business, purpose
- The value of human rights; due diligence
- The role of free markets, ethics

1st Test, part A: 29. June

30. June - 1. July: The basics of competition law

Competition law and the social teaching of the Catholic Church – Prof. Tóth

EU competition law and non-economic interests – Prof. Devroe

- Goals of EU competition law, compared to “hipster antitrust” in the US

- Non-economic interests as exemption grounds?
- Abuse of relative dominance
- EU competition law and industrial policy (FDI, State aid by third countries)
- Article 106 TFEU: exclusive rights and public services
- The interplay between EU competition law and EU internal market law

1st Test, part B: 1. July

2nd week

4-7 July: Antitrust and sustainability

Green business cooperations under Article 101 TFEU: exploring possibilities for enhancing environmental considerations. – Prof. Maillo

- The scope of Article 101 – anti-competitive agreements
- Competition authorities and their use of possibilities to prioritize
- An exclusion route or how to exclude green cooperation out from 101 (1)
- The exemption route: re-interpreting and adjusting 101 (3)
- Managing the different options

Article 102 and merger control – Dr. Szilágyi

- Market power and competition law
- The notion of dominance, definition of the relevant market
- Different types of abuses – can sustainability be invoked as a justification?
- The key concepts of merger control
- Analysing mergers: competition law aspects and beyond

8. July: 2nd Test

3rd week

11-12. July: Misleading advertising and green washing

Unfair commercial practices and sustainability – Prof. Tóth and Ms. Köcse

- The regulatory concept of the Unfair Commercial Practices Directive (UCPD)
- The structure of the UCPD
- Green washing and other sustainability related misleading claims
- Industry specific examples: cars, food, cosmetics, retail, etc.

13-14. July: State aid – distorting competition, but promoting sustainability

Sustainability and state aid control in the EU – Prof. Tóth

- The key concepts of state aid control in the EU
- Procedural issues of state aid law
- Compatible state aid, block exemption regulation
- State aid measures supporting a sustainable economy

14 July: 3rd Test

15 July Award Ceremony

Readings

1st week

Principles for Purposeful Business. British Academy. Pages 10-17
<https://www.thebritishacademy.ac.uk/publications/future-of-the-corporation-principles-for-purposeful-business/>

Guiding Principles on Business and Human rights, 2011
https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

Laudato si encyclical letter [Laudato si' \(24 May 2015\) | Francis \(vatican.va\)](#) Chapter 4. Integral Ecology

Competition and Catholic social Teaching: [Is There a Vatican School for Competition Policy? by Tihamer Toth :: SSRN](#)

A critical summary of competition policy and sustainability [EU Competition Law and Sustainability in Food Systems: Addressing the Broken Links \(responsibleglobalvaluechains.org\)](#)

Compendium of The Social Doctrine of The Church. Chapter II. The Principle of The Common Good.
https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Meaning%20and%20primary%20implications

OECD Due Diligence Guidance for Responsible Business Conduct, 2018,
<https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>

References (useful, but not obligatory readings)

Sustainable development goals and Central Europe: [11 Zlinszky etalii IAS 2018 4.pdf \(ppke.hu\)](#)

Global Risks Report 2022. World Economic Forum
https://www3.weforum.org/docs/WEF_The_Global_Risks_Report_2022.pdf

Commission Delegated Regulation (EU) 2021/1253 of 21 April 2021 amending Delegated Regulation (EU) 2017/565 as regards the integration of sustainability factors, risks and preferences into certain organisational requirements and operating conditions for investment firms (Text with EEA relevance)

Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM/2022/71 final
https://ec.europa.eu/info/publications/proposal-directive-corporate-sustainable-due-diligence-and-annex_en

Environment Action Programme, 2022: Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030

Sustainable Development and Competition Law – Survey Report (Special Project for the 2021 ICN Annual Conference) Hungarian Competition Authority, 30.09.2021,

Resolution No. 4 /2020 The Role of International Law in Sustainable Natural Resources Management for Development, The 79th Kyoto Conference of the International Law Association held in Kyoto, Japan, 13th December 2020;

Our Common Agenda, Report of the Secretary-General, 2021

Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (Text with EEA relevance)

2nd week

Explanation to the draft horizontal guidelines: [Making EU competition law sustainable: all good things come in threes - Kluwer Competition Law Blog](#)

Abuse of dominance: [361070SBM_CLIMATE.indb \(concurrences.com\)](#)

M&A control: [The role of sustainability in merger control - Oxera](#)

3rd week

Misleading advertising, UCP directive, greenwashing:

EU Commission Guidance document: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016SC0163&from=EN> (pp 5-12, 16-18, main points of 29-63, 95-109)

[Greenwashing: definition and examples \(selectra.com\)](#)

State aid

EU Commission Guidelines: [Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 \(europa.eu\)](#) (pp 1-40 is sufficient)

Useful websites

http://ec.europa.eu/competition/index_en.html

<KD0117552ENN.en.pdf>

[OECD and the Sustainable Development Goals: Delivering on universal goals and targets - OECD](#)

<http://www.internationalcompetitionnetwork.org/>

<http://www.oecd.org/competition/>

[Competition Policy - fairtrade-advocacy.org](#)

<http://www.internationalcompetitionnetwork.org>

<http://www.concurrences.com/en/glossary-of-competition-terms/>

<https://webgate.ec.europa.eu/multisite/ecn-brief/en/brief/editorial>

<https://www.justice.gov/atr>

<https://www.ftc.gov/>