# Communications and Competition Law

## Prof. Debora Caldirola

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course proposes to offer a comprehensive view of the communications law, with special reference to new technologies and the Web, shedding light on the antitrust dimension in which the various player operate and the rules that govern that dimension. In particular, it aims to identify the rules underlying the different communication phenomena and the competition between economic actors, always considering the factual context in which law is applied and the case-law of independent administrative authorities.

*Intended learning outcomes*

At the end of the course, students will be able to distinguish the different communicative phenomena from a juridical point of view, identifying guarantees and limits, and understand the evolution of regulations over time. Furthermore, students will be able to identify the dynamics of the information and communication market through the analysis of case studies, and assess the impact of the Internet and the new technologies on competition and economic freedom.

***COURSE CONTENT***

The constitutional rules on freedom of information and communication with special reference to the content of those freedoms in the light of multimedia convergence. The antitrust dimension in the light of constitutional and EU principles. Unfair competition and unfair business practices in various cases. Antitrust law. The regulatory players: the Italian Competition Authority, the Italian Communications Authority. Convergence of markets and technology platforms. Electronic communications market. The discipline of commercial audio-visual communications. System of controls and liability of the provider. Personal data treatment: privacy – competition- Big Data.

***READING LIST***

The reading list will be provided during the first lecture of the course and will be later posted on the lecturer’s website. Further material will be provided on due course and posted and made available on *Blackboard*.

Further material will be provided during the course, details of which will be posted on the notice board.

1. ***TEACHING METHOD***

Lectures, seminars and analysis of caselaw and decisions of independent administrative authorities.

***ASSESSMENT METHOD AND CRITERIA***

Oral Exam. Attending students can decide to present to the class their individual or group work regarding the analysis of a resolution which will be object of the final exam and will give students two additional points in the final assessment. Non-attending students, instead, may carry out an analysis of three decisions of their choice (available on Blackboard) for the final exam; this will give them the possibility to increase the final mark of two additional points. The assessment criteria will take into account students’ knowledge of the topics listed in the course content (that will be outlined at the beginning of the lecture and on Blackboard), and the individual/group assignment conducted. In addition, students will be tested on their ability to find links between different topics, create a structured argumentation, and identify the principles and the *ratio* underlying the phenomena under analysis.

***NOTES AND PREREQUISITES***

Students are required to have the fundamental knowledge of Public Law. However, the first lectures will introduce some key concepts that will help students get a better understanding of the topics explained during the course.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.