

## Competition Law as a “Must Have” Course in Legal Education

**Authors :** Noemia Bessa Vilela, Jose Caramelo Gomes

**Abstract :** All law student are familiarized, in the first years of their bachelor of laws with the concepts of “public goods” and “private goods”; often, such legal concept does not exactly match such economic concept, and there are consequences are some sort of confusion being created. The list of goods that follow under each category is not exhaustive, nor are students given proper mechanisms to acknowledge that some legal fields can, on its own, be considered as a “public good”; this is the case of Competition. Legal authors consider that “competition law is used to promote public interest” and, as such, it is a “public good”; in economics theory, Competition is the first public good in a market economy, as the enabler of allocation efficiency. Competition law is the legal tool to support the proper functioning of the market economy and democracy itself. It is fact that Competition Law only applies to economic activities, still, competition is object of private litigation as an integral part of Public Law. Still, regardless of the importance of Competition Law in the economic activity and market regulation, most student complete their studies in law, join the Bar Associations and engage in their professional activities never having been given sufficient tools to deal with the increasing demands of a globalized world. The lack of knowledge of economics, market functioning and the mechanisms at their reach in order to ensure proper realization of their duties as lawyers/ attorneys-at-law would be tackled if Competition Law would be included as part of the curricula of Law Schools. Proper teaching of Competition Law would combine the foundations of Competition Law, doctrine, case solving and Case Law study. Students should to understand and apply the analytical model. Special emphasis should be given to EU Competition Law, namely the TFEU Articles 101 to 106. Damages Directive should also be part of the curriculum. Students must in the first place acquire and master the economic rationale as competition and the world of competition law are the cornerstone of sound and efficient market. The teaching of Competition Law in undergraduate programs in Law would contribute to fulfill the potential of the students who will deal with matters related to consumer protection, economic and commercial law issues both in private practice and as in-house lawyers for companies.

**Keywords :** higher education, competition law, legal education, law, market economy, industrial economics

**Conference Title :** ICCLCP 2020 : International Conference on Competition Law and Consumer Protection

**Conference Location :** Copenhagen, Denmark

**Conference Dates :** July 15-16, 2020