

Diploma in Law (Malta): Intake October 2024

Assessment Task: Written assignment based on chosen questions	
Module: <i>Award in Principles of Competition Law</i>	Tuition Centre: 21 Academy Licence Number: 2018-017
Level: Award MQF Level 5	Student Name:
Date:	ID Number: <same no. submitted in student profile>
Assignment Deadline: 8 May 2025	
<p>Task The purpose of this unit is to develop an understanding of a particular topic you will write about which forms part of Competition Law.</p> <p>Note This assessment provides students with an opportunity to put into practice the relevant provisions of the law in relation to the topic they choose to write about forming part of Competition Law.</p> <p>Note <i>You should plan to spend approximately 20 hours researching each assignment question, preparing for and writing the assignment for assessment. The nominal word count for each assignment is 1,700 words.</i></p> <p><i>Please ensure that you refer to 21 Academy's Assignment Guidelines for comprehensive information regarding the submission of your assignment. Additionally, the assignment submission form must be included with your completed work, clearly indicating which question you have chosen to answer by ticking the box next to the question number.</i></p>	
<p>Choose and answer 1 (one) question from the following:</p> <p>Question 1:</p> <p>Artisan Coffee BV is the exclusive distributor of coffee beans 'Koppi' in Belgium. It has an exclusive distribution agreement with the Dutch supplier of coffee beans and Koppi coffee machines (Cono) since 2005. A dispute arose when Artisan Coffee BV accused supermarket chain Carrefour of unfair trading by actively selling Koppi coffee beans purchased from the Netherlands in Belgium, thus infringing Artisan Coffee BV's exclusive distribution rights in Belgium. Carrefour denies these allegations. According to it, Artisan Coffee BV and Cono want to impose an 'active' sales ban on it, whilst the conditions to do so under EU competition law are not complied with.</p> <p>In advising Artisan Coffee BV and Cono whether there is a case against Carrefour in terms of Article 101 TFEU, please consider:</p> <ul style="list-style-type: none"> • What are the constitutive elements for an agreement to fall under Article 101 TFEU? • Can the Bayer judgement assist in this analysis as to whether Cono's buyers accepted the active sales ban? • Is there any EU block exemption regulation available to the exclusive distributor agreement? • What are the competition law rules on the 'parallel imposition' requirement and 'active' sales in this context? • Is there any case law that can assist in the formulation of the advice to Cono and Artisan Coffee BV? <p>Question 2:</p> <p>Cono as the leading producer of 'Koppi' in Belgium stipulates in its the user guides that damage to Koppi coffee machines also supplied to its customers would not be covered by the guarantee if it was caused by using other than Cono supplied coffee beans.</p> <p>Discuss whether Cono has infringed Article 102 TFEU. In preparing your advice please consider:</p> <ul style="list-style-type: none"> • What are the constitutive elements of an Article 102 TFEU case? 	

- How would the relevant market be defined? Has the European Commission defined coffee machine or coffee bean markets in previous EU merger control or Article 101/102 TFEU cases?
- How would the assessment of Cono's dominance on a relevant market be established in terms of Article 102 TFEU?
- Is Cono's conduct abusive in terms of Article 102 TFEU?
- Is there any case law that can assist in the formulation of this advice?

Question 3:

Cono entered into an agreement for the purchase of 40 % of the shares and accompanying voting rights in Artisan Coffee BV. In a separate shareholders' agreement with the other shareholders in this company, Cono was given the right to veto decisions in Artisan Coffee BV concerning its budget, business plan, major investments and appointment of senior management.

Assuming that the EU turnover thresholds are met, discuss whether Cono's agreement for the purchase of shares in Artisan Coffee BV, constitutes a concentration in terms of the EU Merger Regulation (Reg.139/2004).

Pass Mark - 50% of the total weighted score of both assessment methods.

Total Assignments Weighting - 80%

By submitting I confirm that this assessment is my own work

Mark:

Signature: <main assessor>

Date

Signature: <quality assurance>