

## PLANO DE ENSINO

|                   |                           |                 |        |                |        |                 |         |                      |     |
|-------------------|---------------------------|-----------------|--------|----------------|--------|-----------------|---------|----------------------|-----|
| <b>DISCIPLINA</b> | COMPARATIVE ANTITRUST LAW |                 |        |                |        |                 |         |                      |     |
| <b>DOCENTE</b>    | NICOLO ZINGALES           |                 |        |                |        |                 |         |                      |     |
| <b>CÓDIGO</b>     | GRDDIRELE237              | <b>SEMESTRE</b> | 2024.1 | <b>PERÍODO</b> | 6º/10º | <b>NATUREZA</b> | ELETIVA | <b>CARGA HORÁRIA</b> | 60h |

|                                      |   |   |  |  |  |  |  |  |  |
|--------------------------------------|---|---|--|--|--|--|--|--|--|
| <b>EMENTA</b>                        | <p>Introduction: Reading, format of seminars, themes, structures and actors, goals.<br/>         Definitions and approaches to regulation.<br/>         Economics of online markets.<br/>         History of competition law.<br/>         Scope of application of competition law.<br/>         Horizontal agreements I: cartels, concerted practices<br/>         Horizontal agreements II: R&amp;D, standardization.<br/>         Horizontal Agreements III: keyword bidding &amp; other settlements.<br/>         Vertical agreements I: franchising, resale price maintenance, selective distribution systems.<br/>         Vertical agreements II: platform bans, platform parity, antisteering rules.<br/>         Vertical agreements III: Online platforms and agency.<br/>         Monopolization and Abuse of Dominant Position.<br/>         Pricing practices: excessive pricing, predatory pricing.<br/>         Pricing practices II: margin squeeze, loyalty-inducing rebates.<br/>         Non-pricing practices I: tying and bundling, leveraging, exclusive dealing.<br/>         Non-pricing practices II: discrimination, differentiated treatment, self-preferencing.<br/>         Enforcement procedures.<br/>         Mergers &amp; acquisitions I: general framework.<br/>         Mergers and acquisitions II: data-driven acquisitions and new theories of harm.<br/>         The Intersection of Antitrust &amp; Other Policies.<br/>         The Interaction of Antitrust &amp; Regulation.<br/>         2019 Reports on digital markets and new proposals.<br/>         Digital market units and digital regulatory cooperation.<br/>         Gatekeeper regulation I: the EU Platform to Business Regulation &amp; Germany's new Competition Law.<br/>         Gatekeeper antitrust II: The EU Digital Services Package and the US Klobuchar bills</p> |   |  |  |  |  |  |  |  |
| <b>OBJETIVOS</b>                     | <p>Students in this course will receive an in-depth introduction to the framework for antitrust/competition law in Brazil, the European Union and the United States. We will examine the basic rules, the underlying philosophy and the approach to enforcement in the context of the ongoing challenges for competition laws in Europe, United States, Brazil and (occasionally) other BRICS jurisdictions. This course will enable all participants to build solid foundations for the practice of competition law in any of these jurisdictions, bearing in mind both the common traits and the diversity of the antitrust enterprise in different jurisdictions around the world. Participants will also be able to deepen their knowledge in modern antitrust issues by discussing the parameters of the ongoing "revolution" of antitrust law, due to the increasing importance of online platforms, and more broadly the impact of digitalization.</p>   |   |  |  |  |  |  |  |  |
| <b>METODOLOGIA</b>                   | <p>The course will rely on a series of lectures combined with practical cases, drawing in particular from the long list of cases brought against digital platforms in the last decade.</p>  |   |  |  |  |  |  |  |  |
| <b>HABILIDADES</b>                   | x   | Interpretar/aplicar as normas (princípios e regras) do sistema jurídico nacional, observando a experiência estrangeira comparada, quando couber, articulando o conhecimento teórico com a resolução de problemas. |  |  |  |  |  |  |  |
|                                      | x   | Demonstrar competência na leitura, compreensão e elaboração de textos, atos e documentos jurídicos, de caráter negocial, processual ou normativo, bem como a devida utilização das normas técnico-jurídicas.      |  |  |  |  |  |  |  |
|                                      | x   | Demonstrar capacidade para comunicar-se com precisão.   |  |  |  |  |  |  |  |
|                                      | x   | Dominar instrumentos da metodologia jurídica, sendo capaz de compreender e aplicar conceitos, estruturas e racionalidades fundamentais ao exercício do Direito.   |  |  |  |  |  |  |  |
| Exigência MEC                        |   | Adquirir capacidade para desenvolver técnicas de raciocínio e de argumentação jurídicas com objetivo de propor soluções e decidir questões no âmbito do Direito.  |  |  |  |  |  |  |  |
|                                      |   | Desenvolver a cultura do diálogo e o uso de meios consensuais de solução de conflitos.  |  |  |  |  |  |  |  |
| CNE/CES nº 5, 18 de dezembro de 2018 | x   | Compreender a hermenêutica e os métodos interpretativos, com a necessária capacidade de pesquisa e de utilização da legislação, da jurisprudência, da doutrina e de outras fontes do Direito.                     |  |  |  |  |  |  |  |
|                                      |   | Ter competências para atuar em diferentes instâncias extrajudiciais, administrativas ou judiciais, com a devida utilização de processos, atos e procedimentos.  |  |  |  |  |  |  |  |
|                                      | x   | Utilizar corretamente a terminologia e as categorias jurídicas.   |  |  |  |  |  |  |  |
|                                      | x   | Aceitar a diversidade e o pluralismo cultural.  |  |  |  |  |  |  |  |
|                                      | x   | Compreender o impacto da inteligência artificial e das novas tecnologias na área jurídica.  |  |  |  |  |  |  |  |
|                                      |   | Possuir o domínio de tecnologias e métodos para permanente compreensão e aplicação do Direito.  |  |  |  |  |  |  |  |
|                                      | x   | Desenvolver a capacidade de trabalhar em grupos formados por profissionais do Direito ou de caráter interdisciplinar.   |  |  |  |  |  |  |  |
|                                      | x   | Apreender conceitos deontológico-profissionais e desenvolver perspectivas transversais sobre direitos humanos.  |  |  |  |  |  |  |  |

|                           | Outras:  |
|---------------------------|--|
| CONTEÚDO PROGRAMÁTICO     |  |
| AULA                      | TEMA   |
| 1                         | Introduction: Reading, format of seminars, themes, structures and actors, goals  |
| 2                         | Definitions and approaches to market regulation  |
| 3                         | Economics of online markets  |
| 4                         | History of competition/antitrust law   |
| 5                         | Golas and scope of application of competition law  |
| 6                         | Economics of competition law, market definition and market power Horizontal  |
| 7                         | Horizontal Agreements I: cartels, concerted practices  |
| 8                         | Horizontal Agreements II: R&D, standardization keyword bidding & other settlements   |
| 9                         | Vertical agreements I: franchising, resale price maintenance, selective distribution systems   |
| 10                        | Vertical Agreements II: Online platforms & agency, platform bans, platform parity, antisteering rules  |
| 12                        | Monopolization and abuse of dominant position  |
| 13                        | Pricing practices I: excessive pricing, predatory pricing,   |
| 14                        | Pricing practices II: margin squeeze, loyalty-inducing rebates   |
| 15                        | Non-pricing practices I: tying and bundling, leveraging, exclusive dealing   |
| 16                        | Non-pricing practices II: discrimination, differentiated treatment, self-preferencing  |
| 17                        | Enforcement procedures   |
| 18                        | Mergers and acquisitions I: general framework  |
| 19                        | Mergers and acquisitions II: data-driven acquisitions and new theories of harm   |
| 20                        | The intersection of antitrust & other policies   |
| 21                        | The interaction of antitrust & regulation  |
| 22                        | 2019 Reports on digital markets and new proposals  |
| 23                        | Digital markets units and digital regulatory cooperation forum   |
| 24                        | Gatekeeper regulation I: the EU Platform to Business Regulation & Germany's new Competition Law  |
| 25                        | Gatekeeper antitrust II: The EU Digital Services Package and the US Klobuchar bills  |
| TRILHA                    | Advocacia Empresarial  |
|                           | Carreiras Públicas   |
|                           | x Regulação  |
|                           | Justiça e Sociedade  |
|                           | x Tecnologias  |
| CRITÉRIOS DE AVALIAÇÃO    | Individual work (50%), oral presentation (40%), participation (10%)  |
| BIBLIOGRAFIA BÁSICA       | Mark R. Patterson, Antitrust Law in the Online Economy: Selected Cases and Materials (Amazon, 2020)<br>Mark R. Patterson, Antitrust Law in the New Economy: Google, Yelp, LIBOR, and the Control of Information (Harvard University Press, 2017)<br>MAJCHER, Klaudia. Coherence between Data Protection and Competition Law in Digital Markets. Birmingham: Oxford University Press, 2024. Ebook.  |
| BIBLIOGRAFIA COMPLEMENTAR | BRICS Competition Authorities, BRICS In the Digital Economy: Competition Policy in Practice (2019), at <a href="http://www.cade.gov.br/aceso-a-informacao/publicacoes-institucionais/brics_report.pdf">http://www.cade.gov.br/aceso-a-informacao/publicacoes-institucionais/brics_report.pdf</a><br>Jason Furman, Unlocking Digital Competition. Report from the Digital Competition Expert Panel (HM Treasury, 2019) at <a href="https://euagenda.eu/publications/unlocking-digital-competition-report-of-the-digital-competition-expert-panel-march-2019">https://euagenda.eu/publications/unlocking-digital-competition-report-of-the-digital-competition-expert-panel-march-2019</a><br>Jacques Cremer, Yves-Alexandre de Montoyer, Heike Schweizer, Competition Policy for the Digital Era (European Commission, 2019), at <a href="https://op.europa.eu/en/publication-detail/-/publication/21dc175c-7b76-11e9-9f05-01aa75ed71a1/language-en">https://op.europa.eu/en/publication-detail/-/publication/21dc175c-7b76-11e9-9f05-01aa75ed71a1/language-en</a><br>Stigler Committee, Digital Platforms- Final Report (2019) <a href="https://research.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report---stigler-center.pdf">https://research.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report---stigler-center.pdf</a><br>Australian Consumer and Competition Commission, Final Report- Digital Platforms Inquiry (2019), at <a href="https://www.accc.gov.au/publications/digital-platforms-inquiry-final-report">https://www.accc.gov.au/publications/digital-platforms-inquiry-final-report</a> |