

## PLANO DE TRABALHO

<b>FIELD PROJECT</b>	<b>COMPETITION WEEK 2025 – LONDON &amp; EDINBURGH</b>						
<b>AUTORIA</b>	NICOLO ZINGALES				<b>DISCENTES Nº MÁX.</b>	10	
<b>SUPERVISÃO</b>	NICOLO ZINGALES				<b>DISCENTES Nº MÍN.</b>	6	
<b>REQUISITOS</b>	Aberto para todo o corpo discente						
<b>PÚBLICO ALVO</b>	Legislators and enforcers of competition law						
<b>CÓDIGO</b>	GRDDIR003 / GRDDIR037 / GRDDIR039 / GRDDIR041	<b>PERÍODO</b>	2025.1	<b>NATUREZA</b>	PRÁTICA	<b>CARGA HORÁRIA</b>	60h

<b>EMENTA</b>	i. Competition in the digital economy. ii. The Digital Markets Act. iii. Comparative Look at Digital Market legislation iv. Infographics. v-vi DMA decisions; vii. Germany's decisions. viii. South Africa's decisions. ix. Comparative assessment of digital competition. X Presentation
<b>PROBLEMA</b>	The proposed project aims to track, compare, and measure the global initiatives currently underway to regulate competition in online platforms, with a view to informing and guiding policymaking across the numerous jurisdictions that have adopted or are considering adopting relevant rules (so far: Europe, Germany, United Kingdom, Turkey, Japan, South Korea, India, Brazil, United States, South Africa and Australia).
<b>PRODUTO</b>	The Project will produce a report with a comparative assessment, including through infographics and other visualization tools, about the current initiatives to regulate competition in online platforms. Participants will be invited to travel to two important events, in London and Edinburgh, to present the findings of the project before regulators. This activity will be developed in the context of the E-commerce Research Group (Núcleo de Estudos em E-commerce) and in partnership with relevant stakeholders. For more information about the Competition Week, see <a href="https://diretorio.fgv.br/competition-week">https://diretorio.fgv.br/competition-week</a> .
<b>OBJETIVO</b>	<p>The enactment of the Digital Markets Act (DMA) in 2023 in the European Union was a watershed moment for the regulation of competition in online platforms (such as Google Android, Apple App Store etc). It was the first comprehensive law internationally that allowed for the imposition of far-reaching ex ante obligations on online platforms that function as gatekeepers. The DMA was and is controversial, but more importantly it is still untested. Its effectiveness and impact on the market are unknown. This did not stop the UK and Germany from adopting their own versions of such obligations, and a long tail of other jurisdictions are also considering adopting similar laws, including Brazil, South Korea, India, the US, and Australia. The relevant laws under consideration around the world (as well as the ones adopted already) vary greatly in scope, powers, remedies, and procedures, but resemble each other in their overall objective of preserving and fostering competition in digital markets. This makes them ideal for comparison and cross-fertilization, as the ultimate goal is common but the means to achieve it are myriad. The need and the opportunity then arise for a meaningful juxtaposition of available options to inform jurisdictions on the approaches of their peers, as well as what has worked for them and what has not. This is valuable both for jurisdictions that already have relevant rules in place, as the implementation of the (recently adopted) rules is still an open issue, and for jurisdictions that are still considering rules, as they seek guidance and inspiration from the successes, failures, and challenges of their peers. Our project will track, compare, and measure existing and proposed DMA-like regulations in key jurisdictions, with the aim of informing and guiding authorities and governments on the adoption and implementation of such regulations:</p> <ul style="list-style-type: none"> <li>• Objective 1: Track. We will monitor international developments in legislation aimed at regulating competition in online platforms. For jurisdictions that are still considering relevant laws (i.e. Brazil, South Korea, Australia, India, US) we will monitor legislative proposals, while for jurisdictions where relevant laws exist (i.e. EU, UK, Germany), we will monitor implementation, and in particular, decisions on the designation of undertakings as gatekeepers (or similar roles), the imposition of obligations, breach of obligations, penalties, and market investigations. Legislative texts and implementing decisions are available online and, where necessary, we will translate these materials to English.</li> <li>• Objective 2: Measure. We will develop metrics on the application of adopted regulations, such as the number of designated undertakings, the time taken to reach designation decisions, the number of appeals, the success rate of appeals, the time taken to reach infringement decisions and to implement adequate remedies, the number of times the various obligations are imposed etc. Standardized and available in English, our measurements will provide a good international overview of the regulatory activity in the regulation of competition in online platform markets. Our goal is realistic as the total number of legal instruments and issued decisions is currently less than 100 in the jurisdictions studied.</li> <li>• Objective 3: Compare. We will compare enacted and contemplated laws to elicit meaningful cross-jurisdictional insights, particularly regarding their relative performance as per our metrics, major challenges and obstacles encountered in their adoption or implementation, and whether and to what extent regulators are influenced by the experiences and activities of their peers.</li> <li>• Overarching Objective 4: Guide. The ultimate goal of our project is to provide regulators, authorities, and academics with up-to-date, systematic, cross-jurisdictional information and guidance on the state and performance of international legal instruments on the regulation of competition in online platform markets. For jurisdictions that are still considering relevant rules, our data and analysis will provide the most comprehensive overview of international developments to help them draw inspiration and learn from others' experience, including by providing benchmarks to help regulators assess the resources needed to effectively enforce such laws. For jurisdictions that already have rules in place, our work will provide comparative insights into regulatory approaches, effectiveness, and performance.</li> </ul>

<b>METODOLOGIA</b>	The method is based on desk research starting from key materials shared by the supervisor. Participants will initially be directed to the text of the laws and required to prepare a presentation each of a specific jurisdiction, using a pre-set ontology of concepts that facilitate meaningful comparisons. They will then be introduced to the use of visualization tools to provide a first layer of characterization of the state of digital competition in each jurisdiction. In a second phase, participants will read and summarize the few decisions that have been made in this area, each providing elements that contribute to the interpretation of these initial frameworks. Then, each participant will be asked to assess the state of play in digital markets in those countries where such laws were introduced, once again drawing from key materials shared by the supervisor. Finally, a presentation will be jointly developed by participants and delivered during the Competition Week 2025 (5-9/5/2025) in London and Edinburgh, on the sideline of the annual conference of the International Competition Network, in the presence of competition authorities and specialists in the field.
<b>HABILIDADE</b>  Exigência MEC  RESOLUÇÃO nº 5, 18 de dezembro de 2018	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.
	<input checked="" type="checkbox"/> 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.
	<input checked="" type="checkbox"/> Demonstrar capacidade para comunicar-se com precisão.
	<input checked="" type="checkbox"/> Dominar instrumentos da metodologia jurídica, sendo capaz de compreender e aplicar conceitos, estruturas e racionalidades fundamentais ao exercício do Direito.
	<input checked="" type="checkbox"/> Adquirir capacidade para desenvolver técnicas de raciocínio e de argumentação jurídicas com objetivo de propor soluções e decidir questões no âmbito do Direito.
	<input checked="" type="checkbox"/> Desenvolver a cultura do diálogo e o uso de meios consensuais de solução de conflitos.
	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.
	<input checked="" type="checkbox"/> Utilizar corretamente a terminologia e as categorias jurídicas.
	<input checked="" type="checkbox"/> Aceitar a diversidade e o pluralismo cultural.
	<input checked="" type="checkbox"/> 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.
	<input checked="" type="checkbox"/> Desenvolver a capacidade de trabalhar em grupos formados por profissionais do Direito ou de caráter interdisciplinar.
Apreender conceitos deontológico-profissionais e desenvolver perspectivas transversais sobre direitos humanos.	
Outras:	
<b>PROGRAMA GERAL (cronograma dos encontros semanais presenciais (em média 15))</b>	
<b>ATIVIDADE</b>	<b>TEMA</b>
1	Introduction to competition law in the digital environment
2	Introduction to the Digital Markets Act
3	Presentations on each jurisdiction's proposal (Presentation 1)
4	Development of comparative infographics
5	First review of DMA decisions
6	Second review of DMA decisions
7	Review of Germany's decisions
8	Review of South Africa's decisions
9	Assessment of each jurisdiction's state of digital competition
10	First draft of presentation (Presentation 2)
11	Final presentation
<b>CRITÉRIOS DE AVALIAÇÃO</b>	Students will be evaluated for their delivery of each milestone (Presentation 1, infographics, Review of Decisions, Assessment of state of digital competition, Presentation 2) Conceitos: <b>A</b> (ótimo); <b>B</b> (bom); <b>C</b> (suficiente) e <b>D</b> (insuficiente).
<b>BIBLIOGRAFIA BÁSICA</b>	OECD (2021), Background Note on Competition in Digital Markets. At <a href="https://web.archive.oecd.org/2021-12-01/616997-ex-ante-regulation-and-competition-in-digital-markets-2021.pdf">https://web.archive.oecd.org/2021-12-01/616997-ex-ante-regulation-and-competition-in-digital-markets-2021.pdf</a> .

	<p>OECD (2024), Competition Policy in Digital Markets. The Combined Effect of Ex Ante and Ex Post Instruments in G7 Jurisdictions At <a href="https://www.oecd.org/en/publications/2024/10/competition-policy-in-digital-markets_554eb7d5.html">https://www.oecd.org/en/publications/2024/10/competition-policy-in-digital-markets_554eb7d5.html</a></p> <p>OECD (2024) Competition and Digital Economy Inventory . At <a href="https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/competition-and-digital-economy/g7-inventory-of-new-rules-for-digital-markets-2024-update.pdf/_jcr_content/renditions/original/g7-inventory-of-new-rules-for-digital-markets-2024-update.pdf">https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/competition-and-digital-economy/g7-inventory-of-new-rules-for-digital-markets-2024-update.pdf/_jcr_content/renditions/original/g7-inventory-of-new-rules-for-digital-markets-2024-update.pdf</a></p>
<p><b>BIBLIOGRAFIA COMPLEMENTA R</b></p>	<p>Victor Oliveira Fernandes, Lost in Translation? Critically Assessing the Promises and Perils of Brazil's Digital Markets Act Proposal in the Light of International Experiments, 52 Comput. Law Secur. Rev. (2024);</p> <p>Arthur Sadami et al., Is There a Brussels Effect in Brazil? The Case of Digital Platforms Regulation, 10 North East Law Review 134 (2024)</p> <p>Caio Mario da Silva Pereira Neto &amp; Antonio Bloch Belizatio, Rethinking the Path to Digital Platform Regulation in Brazil: A Critical Appraisal of DMA-Inspired Bill 2.768/22, 25 BLI 215 (2024)</p> <p>Teresa Rodríguez de las Heras Ballell, The Scope of the DMA: Pivotal for Success, Critically Assessed, Verfassungsblog (Aug. 30, 2021), <a href="https://verfassungsblog.de/power-dsa-dma02/#:~:text=Pivotal%20for%20success%2C%20critically%20assessed,actors%20operate%20as%20'gatekeepers">https://verfassungsblog.de/power-dsa-dma02/#:~:text=Pivotal%20for%20success%2C%20critically%20assessed,actors%20operate%20as%20'gatekeepers</a></p> <p>OECD, Recommendation of the Council for Agile Regulatory Governance to Harness Innovation (2021).</p>