

INTENSIVE POSTGRADUATE PROGRAMME AI IN LEGAL PRACTICE AND ITS REGULATION

Curricular unit

AI & Competition Law

Responsible Academic staff and respective workload in the curricular unit

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Syllabus

AI technologies have been subject to close scrutiny by competition authorities in various jurisdictions. This course will address the issues raised by the recent explosion of AI development and deployment from the perspective of competition law.

Learning Outcomes:

At the end of this course unit, students should be able to:

LO1: Explain the foundations of EU Competition Law (Articles 101/102 TFEU and EU Merger Regulation) and how it applies to digital markets, with a focus on the developing AI value chain;

LO2: Map the AI value chain and identify bottlenecks and potential sources of market power;

LO3: Apply the analytic framework to problems of: (i) collusion using AI under Article 101 TFEU; (ii) abuse of dominance in Generative AI under Article 102 TFEU; and (iii) concentration and partnerships in the AI value chain under the EU Merger Regulation.

Week 1 provides an introduction to competition law in digital markets, with a brief overview of the Single Digital Market, as well as to the value chain of AI technologies.

Week 2 looks at advanced issues such as AI and collusion; potential abuses of dominance that may prevent competitive outcomes in Generative AI; and cooperation and concentration between tech companies in the development and deployment of AI.

Week 3 is reserved for assessment.

Teaching methodologies

Seminars

Main Bibliography

Books:

ABBOTT, Alden; SCHREPEL, Thibault, (orgs.) *Artificial Intelligence and Competition Policy: Concurrences*, 2024.

Academic articles and papers:

Abrantes-Metz, Rosa M.; Metz, Albert D., "Antitrust and Regulatory Compliance in the 21st Century: New Challenges, New Opportunities and the Role of AI", in Thépot, Florence; Tzanaki, Anna, (orgs.) *Research Handbook on Competition Corporate Law*, Cheltenham: Edward Elgar, 2025, p. 410.

Albert, Simon, "An EU competition law analysis of potential collusion risks surrounding generative artificial intelligence", *E.C.L.R.*, vol. 45, n.º 4, 2024, p. 147.

ATHEY, Susan; Morton, Fiona Scott, "Artificial Intelligence, Competition, and Welfare", *NBER, WORKING PAPER 34444*, Economics of Transformative AI Workshop, Fall 2025, 2025.

Azoulay, Pierre; Krieger, Joshua; Nagarai, "Old Moats for New Models: Openness, Control, and Competition in Generative Artificial Intelligence", *Entrepreneurship and Innovation Policy and the Economy*, vol. 4, n.º 1, 2025, p. 7.



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- BARNETT, Jonathan M., "A "Minority Report" on Antitrust Policy in the Generative AI Ecosystem", 2025.
- Bostoen, Friso; Krämer, Jan, "Is the DMA Ready for Agentic AI (CERRE Report)", Bruxelas, 2025.
- Couéré, Benoît, "The competitive dynamics of generative artificial intelligence", *Journal of Antitrust Enforcement*, vol. 13, 2025, p. 1.
- Davies, Todd, "Innovation or Infringement? Generative AI and the Potential for Exclusionary Abuse under Article 102 TF", *CLES Policy Paper Series 1/2025*, 2025.
- Failla, Carla, "AIs and their competitive effects: a legal perspective on the impact of AIs on markets and consumer behavior", *E.C.L.R.*, vol. 46, n.º 11, 2025, p. 455.
- Hagiu, Andrei; WRIGHT, Julian, "Artificial intelligence and competition policy", *International Journal of Industrial Organization*, vol. 103, 2025.
- GAL, Michal S.; RUBINFELD, Daniel L., "Algorithms, AI, and Mergers", *Antitrust Law Journal*, vol. 85, n.º 3, 2024, p. 683.
- Gilbert, Paul; Tremolada, Riccardo, "GenAI and antitrust: tread lightly in times of uncertainty", *E.C.L.R.*, vol. 46, n.º 2, 2025, p. 115.
- Göhsel, Jan-Frederick, "Future Proofing the DMA for Agentic AI: Lessons from the AI Act", *World Competition*, vol. 48, n.º 3, 2025, p. 315.
- LIBERATORE, Francesco; Mackowski, Martin, "Artificial intelligence and antitrust issues: a competition law practitioner's perspective", *Solicitors Journal*, vol. 167, n.º 8, 2024, p. 23.
- Lorenzoni, Isabella, "Why Do Competition Authorities Need Artificial Intelligence?", *Yearbook of Antitrust and Regulatory Studies*, 2022, p. 33.
- Manta, Andreea-Mariana, "Recent Trends in the Use of Artificial Intelligence Tools for Competition Law Enforcement", *Romanian Competition Journal*, n.º 2, 2024, p. 72.
- Martínez, Alba Ribera, "Generative AI in Check: Gatekeeper Power and Policy Under the DMA", 2024.
- Meyers, Zach; BOURREAU, Marc, "What Policy Interventions for a Competitive AI Sector? (CERRE Report)", Bruxelas, 2025.
- Meyers, Zach; BOURREAU, Marc, "A Competition Policy for Cloud and AI", 2025.
- Mitra, Shourya, "Competition concerns with foundation models: a new feast for big tech?", *European Competition Journal*, 21, n.º 1, 2025, p. 140.
- SCHREPEL, Thibault, "Decoding the AI Act: Implications for Competition Law and Market Dynamics", *Journal of Competition Law & Economics*, vol. 21, n.º 3, 2025, p. 374.
- SCHREPEL, Thibault; Potts, Jason, "Measuring the openness of AI foundation models: competition and policy implications", *Information & Communications Technology Law*, vol. 34, n.º 3, 2025, p. 279.
- STUCKE, Maurice E.; EZRACHI, Ariel, "Antitrust & AI Supply Chains", *Theoretical Inquiries in Law*, vol. 26, n.º 1, 2025, p. 1.
- Weck, Thomas, "AI and competition policy: balancing innovation and market regulation", *Journal of AI Law and Regulation*, 1, n.º 4, 2024, p. 440.
- Wiegand, Eugenio José Ruiz-Tagle, "From theory to tech: computational antitrust; concept, origins, and a path moving forward", *E.C.L.R.*, vol. 46, n.º 8, 2025, p. 316.
- Zheng, Kena, "Antitrust in artificial intelligence infrastructure – between regulation and innovation in the EU, the US, and China", *Computer Law & Security Review*, vol. 59, 2025.

Official reports and papers:

- Autorité de la Concurrence, *Opinion 24-A-05. of 28 June 2024, on the competitive functioning of the generative artificial intelligence sector.* (https://www.autoritedelaconcurrence.fr/sites/default/files/commitments/2024-09/24a05_eng.pdf).
- OECD, "Artificial Intelligence, Data and Competition", *OECD Artificial Intelligence Papers May 2024 No. 18*, 2024. (https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/05/artificial-intelligence-data-and-competition_9d0ac766/e7e88884-en.pdf)
- Portuguese Competition Authority, *Issues Paper: Competition and Generative Artificial Intelligence*, 2023. (<https://www.concorrencia.pt/sites/default/files/documentos/Issues%20Paper%20-%20Competition%20and%20Generative%20Artificial%20Intelligence.pdf>).
- Competition Markets Authority, *AI Foundation Models: Initial Report*, 2023. (<https://www.gov.uk/government/publications/ai-foundation-models-initial-report>).
- "Competition in Generative AI and Virtual Worlds", *Competition Policy Brief*, n.º 3, 2024. (https://competition-policy.ec.europa.eu/document/download/c86d461f-062e-4dde-a662-15228d6ca385_en)