Abstract

This thesis deals with the selected vertical restraints on competition that occur in the sector of e-commerce, namely resale price maintenance, dual pricing and most-favoured-nation clauses. The thesis raises the research question what stance the European Commission, the Court of Justice of the European Union, and particularly national competition authorities and courts of the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland, the Italian Republic, the Kingdom of the Netherlands and the Kingdom of Sweden take to the above-mentioned practices. The decisions of the authorities are considered in terms of their degree of strictness towards the vertical restraints in question.

From a systematic point of view, the thesis is divided into eight chapters. Its subject, basic questions, aims and methods used are outlined in the introductory chapter. The second chapter, which deals with the concept of e-commerce, mainly provides the definition of the scope of the sector under consideration from a material point of view. The third chapter analyses the results of the European Commission’s inquiry into the e-commerce sector, especially its conclusions on the functioning of the sector, its features and trends in this sector, particularly with regard to their positive and negative effects on competition. The fourth chapter is devoted to the legal framework common to all vertical restraints that are analysed in the subsequent chapters. The main part of the thesis, which is focused on resale price maintenance, dual pricing and most-favoured-nation clauses in the e-commerce sector, is included in chapters five to seven. First, the notion of the practice in question, its potential positive and negative effects on competition and the relevant legislation at European Union level are presented. This is followed by an analysis of the decision-making practice of the institutions in question, whose main conclusions regarding the strict or liberal approach of specific competition authorities are summed up at the end of the relevant chapter. The last chapter summarizes the partial conclusions included in each of the preceding chapters.