

# **Abuse of dominance on the internet**

## **Abstract**

The topic of the thesis is the traditional competition law delict of abuse of dominant position, but on the internet. The first, theoretical, chapters of the thesis focus on the development of the concept of abuse of dominance in the European Union law during the past decades. Subsequently, they describe the digital market, its specifics and defining characteristics. The next part of this thesis uses this information to describe the specifics of competition law regulation in relation to internet services. In particular, the specifics of the definition of relevant markets and market power are analysed.

The practical part of the thesis deals with a case study of two European Commission decisions. Namely, the merger decision in Case COMP/M.7217 - Facebook / WhatsApp and the abuse of dominance decision in Case AT.39740 - Google Search (Shopping). The first decision was chosen because it provides a good example of definition of the relevant markets in relation to internet services, where the Commission had to define the relevant product market based on product characteristics. The antitrust decision is then described in the light of its complexity and the judicial review that has already taken place. It also touches the issue of *self-preferencing* as, in principle, a specific act of abuse of dominance in internet services.

In this respect, the practical part confirms the conclusions of the analytical part by showing that the Commission indeed does not use the SSNIP test, which is otherwise traditionally used, to define the relevant market of “unpaid” internet services. At the same time, it became clear that other quantitative methods (such as the SSNDQ test), presented as an option by some authors, are not used by the Commission. This part of the thesis also led to the description of alternative methods for measuring market power when a measuring it based on sales is not possible.

The paper also discusses the European Commission's legislative proposals currently going through the legislative process. In particular, the draft Digital Markets Act and the Digital Services Act. Especially the former will greatly expand the Commission's ability to regulate and direct the conduct of the tech giants - the so-called *gatekeepers*.

**Keywords:** abuse, dominance, internet, digital market, competition law