

Abstract - Competitor's Dominant Position and Its Abuse in the Czech and European Law

The aim of this thesis is to identify and analyze issues of market dominance and its abuse as one of the most important areas of the competition law. An indispensable part of every analysis of such abuse is also a definition and assessment of the relevant market which we will deal with in a separate section of this thesis. The issue of abuse of a dominant position is analyzed with the help of the competition rules and the judicial practice of the competent authorities, both at the community and national level.

First chapters are designed as an introduction to the issue of dominance, offering readers a better understanding of often ambiguous approach to competition law, its restrictions and distortions. We will also be dealing with related terms such as the competitor, the company and their mutual interchangeability.

Special attention will be paid to the introduction and further analysis of the relevant market, where the correct definition is the basis for the assessment of any competition case. The issue of relevant market is demonstrated on particular examples, especially on the current case of Student Agency, where the mode of defining the relevant market also decides the final outcome of the case with respect to the abuse of dominant position.

Following parts analyze the concept of abuse of dominant position and its specific forms. Due to the extensiveness of the topic, I decided to focus my attention solely on one of the forms of the abusive conduct – predatory prices. This allows for an in-depth analysis of this abusive practice, which includes many examples from case law, where the gradual shift in the decision making process towards the more economic approach to competition matters is described.

An interesting and very current issue is the abuse of collective dominance, which will be analyzed in the last chapter. Although the Czech practice has seen only very few cases of alleged abuse of collective dominance, it is important to draw attention to this often neglected, yet very important area. In addition to the already processed cases containing certain aspects of collective dominance, the reader's attention is aimed at the current situation in the telecommunications sector, which offers perfect ground for the application of the concepts introduced in the previous chapters.