

## **Abstract**

The aim of this thesis is to analyse how the margin squeeze developed within the reasoning of the European Union. Margin squeeze is a special type of abuse of dominant position. This type of abuse has massively developed in last years. However, we cannot say that it is totally new form of abuse as we can find certain cases that concern margin squeeze already in the 70s. Nevertheless, especially because of the liberalisation of network industries in the 90s, this abuse has substantially spread up and because of that there was a necessity to answer certain questions that were unclear until that time.

This thesis is composed of four main chapters that are further composed of particular subchapters for the purpose to analyse this development.

Chapter one is dedicated to general characteristic of the margin squeeze. This abuse is first of all classified as a special type of the abuse of dominant position according to article 102 TFEU. Afterwards, the chapter concerns about the definition of this abuse and its particular legal and economical characters. This all from theoretical point of view.

Chapter two briefly discuss the most significant cases that concern margin squeeze and that were decided by European institutions. All these cases are ordered chronologically and the main goal is to describe its factual basis.

Chapter three represents core of this thesis. It is the longest one as well. This chapter relates deeply to conclusions made up in cases that are discussed in the chapter two. The most important part is dedicated to problem of margin squeeze as a standalone abuse. The thesis briefly compares margin squeeze with other abuses that have some similar characteristics. This discussion is completed by conclusions of the European Court of Justice about its relations. The following parts of this chapter concern about particular aspects that courts have to assess in order to find out whether there was a margin squeeze abuse or not. These are imputation test, margin spread and measure of costs, anticompetitive effect or regulated markets. Next to this, chapter briefly discuss aspects that European Court of Justice do not consider relevant for the assessment of margin squeeze.

The last chapter concerns about the approach of the American antitrust authorities relating to margin squeeze. First of all, it briefly discusses development of this abuse in front of American courts. Then it moves to description of underlying differences between American and European approach.