

Abstract

The aim of this thesis is to describe and critically assess legislation of dominant position and its closely connected term relevant market in the Czech Republic, European Union and in the United States of America as the “cradle” of modern antitrust law. Emphasis was placed on comparative analysis of the systems, especially to introduction of the key concepts and the overall approach. The thesis outlines the historical development of competition law with focus on the dominant position, which can cause unpleasant consequences for competitors and need for greater caution when attaining it. Subsequently, legislation of selected systems is introduced with regard to major issues determining dominant position. Simultaneously with detailed presentation of defining relevant market, where the dominant position is judged, through continuous clarifying and discussing other terms used in the legislations. A considerable space was given to questions concerning the substitutability of goods and services, which represented fundamental difficulties in defining the relevant market. During the interpretation I used primarily legal regulations, leading decisions of judicial authorities, additional interpretive materials and literature. The thesis also partly assesses effectiveness and relevance of the legislations.

In the practical part of the thesis I analysed two sample cases of the Office for the Protection of Competition where the definition of relevant market and subsequent dominant position was at least questionable and due to which competitors should have been penalized. These cases show that determination of dominant position without considering all relevant circumstances can be unpredictable and misleading.

The conclusion of the thesis summarises that determination of relevant market and dominant position is not, despite its development and legislation, completely clear. It also states that there is interconnection of regulations in the field of consumer protection and generally beneficial economic competition. On the other hand, it shows differences such as diverse European and American approach. The thesis also points out increasing importance of economics during investigation and its ability to bring more exactness into law. The conclusion outlines a possible future evolution of competition law.