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The application of EU antitrust law to (dominant) online platforms

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Annex 1 – Legislation

- Commission Guidelines on the application of Article 81(3) of the Treaty (2004) OJ C 101/97
- Commission Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003, (2006) OJ C 210/02
- Commission Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings (2009) OJ C 45/2
- Commission Guidelines on vertical restraints (2010) OJ C 130/1
- Commission Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements (2011) OJ C 11/1
- Commission Notice on the application of competition rules to access agreements in the telecommunication sector – framework, relevant markets and principles [1998] OJ C265/2
- Commission Notice on the definition of the relevant market for the purposes of Community competition law [1997] Official Journal C 372/5
- Commission Notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004 OJ C267/1
- Commission Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act), COM(2020) 842 final.
- Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices, OJ L 102/1
- Consolidated version of the Treaty on the Functioning of the European Union OJ C 326/ 47
- Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance) OJ/L 1
- Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings OJ L 24/1
- Directive (EU) 2015/2366 of the European Parliament and the of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L377/35.
- EEC Council Regulation No 17: First Regulation implementing Articles 85 and 86 of the Treaty (1962) OJ 13/ 3
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) OJ L 119/1

Annex 2 – List of Cases

EUROPEAN COURT OF JUSTICE

- Judgment of the Court of 13 July 1966 in Joined cases 56/64 and 58/64 *Consten and Grundig* [1966] ECLI:EU:C:1966:41
- Judgment of the Court of 14 July 1972 in Case 48/69 *ICI v Commission* [1972] ECLI:EU:C:1972:70
- Judgment of the Court of 6 March 1974 Joined cases 6 and 7/73, *Commercial Solvents v Commission* [1974] ECLI:EU:C:1974:18
- Judgment of the Court of 13 November 1975 Case 26/75, *General Motors Company v Commission* [1975] ECLI:EU:C:1975:150
- Judgment of the Court of 29 June 1978 in Case 77/77 *BP v Commission* [1978] ECLI:EU:C:1978:141
- Judgment of the Court of 14 February 1978 in Case 27/76, *United Brands Company v. Commission* [1979] ECLI:EU:C:1978:22
- Judgment of the Court of 13 February 1979 in Case C-85/76 *Hoffmann-La Roche v Commission* [1979] ECLI:EU:C:1979:36
- Order of the Court of 17 January 1980 in Case C 792/79R *Camera Care v Commission* [1980] ECLI:EU:C:1980:18
- Judgment of the Court of 9 November 1983 in Case 322/81 *NV Nederlandsche Banden Industrie Michelin v Commission* [1983] ECLI:EU:C:1983:313
- Judgment of the Court of 28 March 1985 in Case 298/83, *CICCE v Commission* [1985] ECLI:EU:C:1985:150
- Judgment of the Court of 3 October 1985 in Case 311/84 *CBEM v CLT* [1985] ECLI:EU:C:1985:394
- Judgment of the Court (Fifth Chamber) of 11 November 1986 in Case 226/84 *British Leyland Public Limited Company v Commission* [1987] ECLI:EU:C:1986:421
- Judgment of the Court (Fifth Chamber) of 19 April 1988 in Case C- 27/87 *SPRL Louis Erauw-Jaquery v La Hebignonne SC* [1988] ECLI:EU:C:1988:183
- Judgment of the Court of 11 April 1989 in Case 66/86, *Ahmed Saeed Flugreisen and Silver line Reisbüro GmbH v Zentrale zur Bekämpfung unlauteren Wettberbs e. V.* [1989] ECLI:EU:C:1989:140
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- Judgment of the Court of 13 July 1989 in Case C-395/87 *Ministere Public v Jean-Louis Tournier* [1989] ECLI:EU:C:1989:319
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- Judgment of the Court of 27 September 1988 in Case C-89/85 *A. Ahlström Osakeyhtiö and others v Commission* [1993] ECLI:EU:C:1993:120
- Judgment of the Court of 6 April 1995 in Joined cases C-241/91 P and C-242/91 P *RTE and ITP v Commission* [1995] ECLI:EU:C:1995:98
- Judgment of the Court of 6 April 1995 in Case C-241/91 P *Magill* [1995] ECLI:EU:C:1995:98

- Order of the Court of 19 July 1995 in Case C-149/95 P(R) *Commission v Atlantic Container* [1995] ECLI:EU:C:1995:257
- Judgment of the Court of 30 June 1996 in Case C- 56/95 *Societe Technique Miniere v Maschinen Ulm* [1996] ECLI:EU:C:1966:38
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- Judgment of the Court of 8 July 1999 in Case C-199/92 P *Huls v Commission* [1999] ECLI:EU:C:1999:358
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- Judgment of the Court of 29 March 2001 in Case C-163/99 *Portuguese Republic v Commission* [2001] ECLI:EU:C:2001:189
- Order of the Court of 11 April 2001 in Case C-471/00 P(R) *Commission v Cambridge Health Care* [2001] ECLI:EU:C:2001:218
- Judgment of the Court of 29 April 2004 in Case C-418/01 *IMS Health GmbH & Co. OHG v NDC Health GmbH & Co. KG.* [2004] ECLI:EU:C:2004:257
- Judgment of the Court of 15 March 2007 in Case C-95/04 P *British Airways plc v Commission* [2007] ECLI:EU:C:2007:166
- Judgment of the Court of 11 December 2008 in Case C-52/07 *Kanal 5 Ltd and TV 4 AB v Föreningen Svenska Tonsättares Internationella Musikbyrå (STIM) upa* [2008] ECLI:EU:C:2008:703
- Judgment of the Court of 20 November 2008 in Case C- 209/07 *Competition Authority v Beef Industry Department Society and Barry Brothers (Cargimore) Meats* [2008] ECLI:EU:C:2008:643
- Judgment of the Court of 16 September 2008 in Joined Cases C-468/06 to C-478/06 *Sot. Lélos kai Sia EE and Others v GlaxoSmithKline AEVE Farmakeftikon Proïonton, formerly Glaxowellcome AEVE* [2008] ECLI:EU:C:2008:504
- Judgment of the Court of 4 June 2009 Case C-8/08 *T-Mobile Netherlands BV v Raad van bestuur van de Nederlandse Mededingingsautoriteit* [2009] ECLI:EU:C:2009:343
- Judgment of the Court of 25 March 2009 Case C-159/08 P *Isabella Scippacercola and Ioannis Trezakis v Commission* [2009] ECLI:EU:C:2009:188
- Judgment of the Court of 2 April 2009 Case C-202/07P, *France Telecom SA v Commission* [2009] ECLI:EU:C:2009:214
- Judgment of the Court of 17 February 2011 in Case C-52/09 *TeliaSonera Sverige* [2011] ECLI:EU:C:2011:83
- Judgment of the Court of 27 March 2012 in Case C-209/10 *Post Danmark* [2012] ECLI:EU:C:2012:172
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- Judgment of the Court of 7 February 2013 in Case C-68/12 *Protimonopolný úrad Slovenskej republiky v Slovenská sporiteľňa a.s.*, [2013] ECLI:EU:C:2013:71
- Judgment of the Court of 11 September 2014 in Case C-67/13 P *Groupement des Cartes Bancaires v Commission* [2014] ECLI:EU:C:2014:2204
- Judgment of the Court of 11 September 2014 in Case C-382/12 P *MasterCard Inc and Others v Commission* [2014] ECLI:EU:C:2014:2201
- Judgment of the Court of 22 October 2015 in Case C-194/14 P *AC-Treuhand AG v Commission* [2015] ECLI:EU:C:2015:717
- Judgment of the Court of 6 October 2015 in Case C-23/14 *Post Danmark* [2015] ECLI:EU:C:2015:651

- Judgment of the Court of 26 November 2015 in Case C-345/14 *SIA Maxima Latvija v Konkurences padome* [2015] ECLI:EU:C:2015:784
- Judgment of the Court of 21 January 2016 in Case C-74/14 *Eturas and others* [2016] ECLI:EU:C:2016:42
- Judgment of the Court of 6 September 2017 in Case C-413/14P *Intel v Commission* [2017] ECLI:EU:C:2017:63
- Judgment of the Court of 14 September 2017 in Case C-177/16 *Latvian Copyright* [2017] EU:C:2017:689
- Judgment of the Court of 20 December 2017 in Case C-434/15 *Asociación Profesional Élite Taxi V Uber Systems Spain SL* [2017] ECLI:EU:C:2017:981
- Judgment of the Court of 18 April 2018 in Case C-525/16 *MEO — Serviços de Comunicações e Multimédia SA v. Autoridade da Concorrência* [2018] ECLI:EU:C:2018:270
- Judgment of the Court of 25 November 2020 in Case C-372/19, *Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Weareone. World BVBA and Wecandance NV* [2020] ECLI:EU:C:2020:959

AG OPINIONS

- Opinion of AG Trstenjak of 11 September 2008 in Case C-52/07 *Kanal 5 Ltd and TV 4 AB v Föreningen Svenska Tonsättares Internationella Musikbyrå (STIM) upa* [2008] ECLI:EU:C:2008:491
- Opinion of AG Kokott of 19 February 2009 in Case C-8/08 *T-mobile Netherlands BV and Others* [2009] ECLI:EU:C:2009:110
- Opinion of AG Wahl of 6 April 2017 in Case C-177/16 *Latvian Copyright* [2017] EU:C:2017:286
- Opinion of AG Szpunar of 11 May 2017 Case C-434/15 *Asociación Profesional Élite Taxi V Uber Systems Spain SL* [2017] ECLI:EU:C:2017:364
- Opinion of AG Wahl of 20 December 2017 in Case C-525/16 *MEO — Serviços de Comunicações e Multimédia SA v. Autoridade da Concorrência* [2017] ECLI:EU:C:2017:1020

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- Order of the Court of First Instance of 21 May 1990 in Case T-23/90 *Peugeot v Commission* [1990] ECLI:EU:T:1990:31
- Judgment of the Court of First Instance of 10 July 1990 in Case T-51/89 *Tetra Pak Rausing SA v Commission of the European Communities* [1990] ECLI:EU:T:1990:41
- Judgment of the Court of First Instance of 12 December 1991 in Case T-30/89 *Hilti AG v Commission* [1991] ECLI:EU:T:1991:70
- Judgment of the Court of First Instance of 24 January 1992 in Case T-44/90 *La Cinq v Commission* [1992] ECLI:EU:T:1992:5
- Judgment of the Court of First Instance of 6 October 1994 in Case T-83/91 *Tetra Pak International SA v Commission* [1994] ECLI:EU:T:1994:246
- Judgment of the Court of First Instance of 27 October 1994 in Case T-34/92 *Fiatagri v Commission* [1994] ECLI:EU:T:1994:258
- Judgment of the Court of the Court of First Instance of 19 June 1997 Case T-260/94 *Air Inter v Commission* [1994] ECLI:EU:T:1994:265
- Judgment of the Court of First Instance of 8 June 1995 in Case T-7/93 *Langnese-Iglo v Commission* [1995] ECLI:EU:T:1995:98
- Judgment of the Court of First Instance of 11 March 1999 in Case T-136/94 *Eurofer v. Commission* [1999] ECLI:EU:T:1999:45

- Judgment of the Court of First Instance of 7 October 1999 in Case T-228/97 *Irish Sugar v Commission* [1999] ECLI:EU:T:1999:246
- Judgment of the Court of First Instance of 15 March 2000 in Joined Cases T-25/95 *Cimenteries and Others* [2000] ECLI:EU:T:2000:77
- Judgment of the Court of First Instance of 26 October 2000 in Case T-41/96 *Bayer AG v Commission* [2000] ECLI:EU:T:2000:242
- Judgment of the Court of First Instance of 6 July 2000 in Case T-62/98 *Volkswagen v Commission* [2000] ECLI:EU:T:2000:180
- Order of the Court of First Instance of 10 March 2005 in Case T-184/01 R, *IMS Health Inc. v Commission* [2001] EU:T:2001:259
- Judgment of the Court of First Instance of 23 October 2003 in Case T-65/98 *Van den Bergh Foods v Commission* [2003] ECLI:EU:T:2003:281
- Judgment of the Court of First Instance of 17 December 2003 in Case T-219/99 *British Airways v Commission* [2003] ECLI:EU:T:2003:343
- Judgment of the Court of First Instance of 27 September 2006 in Case T-168/01 *GlaxoSmithKline Services Unlimited* [2006] ECLI:EU:T:2006:265
- Judgment of the Court of First Instance of 30 January 2007 in Case T-340/03 *France Telecom SA v Commission* [2007] ECLI:EU:T:2007:22
- Judgment of the Court of First Instance of 17 September 2007 in Case T-201/04 *Microsoft* [2007] ECLI:EU:T:2007:289
- Judgment of the Court of First Instance of 9 September 2009 in Case T-301/04, *Clearstream Banking AG and Clearstream International SA v Commission* [2009] ECLI:EU:T:2009:317
- Judgment of the General Court of 6 July 2010 in Case T-342/07 *Ryanair v Commission* [2010] EU:T:2010:280
- Judgment of the General Court of 24 May 2012 in Case T-111/08 *MasterCards Inc and Other v Commission* [2012] ECLI:EU:T:2012:260
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- Judgment of the General Court of 11 January 2017 in Case T-699/14 *Topps Europe Ltd v Commission* [2017] EU:T:2017:2
- Judgment of the General Court of 10 November 2021 in Case T-612/17 *Google and Alphabet v Commission* [2021] ECLI:EU:T:2021:763.

EUROPEAN COMMISSION DECISIONS

- European Commission decision of 17 December 1975 in (Case IV/26699) *Chiquita*
- European Commission decision of 29 July 1983 in (Case IV/30.698) *ECS v Akzo: interim measures*
- European Commission decision of 29 July 1987 in (Case IV/32.279) *BBI/ Boosy & Hawkes- Interim measures*
- European Commission decision of 22 December 1987 in (Case IV/30.787 and 31.488) *Eurofix -Bauco v. Hilti*
- European Commission decision of 27 May 1998 in (Case IV/JV.1) *Telia/Telenor/ Schibstedt*
- European Commission decision of 3 October 1999 in (Case IV/M.1439) *Telia/Telenor*
- European Commission decision of 3 February 1999 in (Case IV/M.1221) *Rewe/ Meinel*
- European Commission decision of 20 July 2000 in (Case IV/M.0048) *Vodafone/ Vivendi/Canal Plus*

- European Commission decision of 13 October 2000 in (Case No COMP/M.2050) *Vivendi/ Canal+ Seagram*
- European Commission decision of 20 March 2001 in (Case COMP/35.141) *Deutsche Post Ag*
- European Commission decision of 20 April 2001 in (Case COMP D3/34493-DSD) *DSD*
- European Commission decision of 25 July 2001 in (Case COMP/C-1/36.915) *Deutsche Post Ag – Interception of cross border mail*
- European Commission decision on 16 July 2003 in (Case COMP/38.233) *Wanadoo Interactive*
- European Commission decision of 24 March 2004 in (Case COMP/C-3/37.792) *Microsoft*
- European Commission decision of 2 June 2004 in (Case COMP/38.096) *Clearstream (Clearing and Settlement)*
- European Commission decision of 19 July 2004 in (Case No COMP/M.3333) *Sony/BMG*
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- European Commission decision of 15 November 2004 in (Case COMP/M.3464) *Kesko/ ICA / JV*
- European Commission decision of 2 May 2005 in (Case COMP/D3/38469) *Complaint relating to charges levied by ALA SA and the Olympic Fuel Company SA*
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- European Commission decision of 8 March 2008 in (Case COMP/M.4731) *Google /DoubleClick*
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- European Commission decision of 12 October 2010 in (Case COMP/M.5932) *News Corp/ BSkyB*
- European Commission decision of 6 January 2011 in (Case No COMP/M.5996) *Thomas Cook/ Travel Business of Cooperative Group/ Travel Business of Midlands Cooperative Society*

- European Commission decision of 30 May 2011 in (Case No COMP/M.6163) *Axa/Permira/Opodo/Go Voyages/EDreams*
- European Commission decision of 7 November 2011 in (Case COMP/M.6281) *Microsoft/Skype*
- European Commission decision of 19 April 2012 in (Case No COMP/M.6459) *Sony/Mubadala Development/EMI Music Publishing*
- European Commission decision of 7 May 2012 in (Case COMP/M.6543) *Ahold/Flevo*
- European Commission decision of 4 September 2012 in (Case COMP/M.6314) *Telefónica UK/Vodafone UK/Everything Everywhere/JV*
- European Commission decision of 21 September 2012 (Case No COMP/M.6458) *Universal Music Group/EMI Music*
- European Commission decision of 20 December 2012 in (Case COMP/39230) *Rio Tinto Alcan*
- European Commission decision of 22 February 2013 in (Case COMP/M.6847) *Triton/Suomen Lähikauppa*
- European Commission decision of 14 May 2013 in (Case No COMP/M.6884) *ACCESS/PLG*
- European Commission decision of 14 August 2013 in (Case COMP/M.6956) *Telefonica/CaixaBank/Banco Santander/JV*
- European Commission decision of 20 September 2013 in (Case COMP/M.6990) *Vodafone/Kabel Deutschland*
- European Commission decision of 9 September 2014 in (Case No COMP/M.7288) *Viacom/Channel 5 Broadcasting*
- European Commission decision of 16 September 2014 in (Case COMP/M.7282) *Liberty Global/Discovery/All3media*
- European Commission decision of 9 October 2014 in (Case COMP/M.7360) *21st CENTURY FOX/APOLLO/JV*
- European Commission decision of 3 October 2014 in (Case COMP/M.7217) *Facebook/WhatsApp*
- European Commission decision of 10 October 2014 in (Case COMP/M.7000) *Liberty Global/Ziggo*
- European Commission decision of 24 February 2015 in (Case COMP/M.7194) *Liberty Global/Corelio/W&W/De Vijver Media*
- European Commission decision of 23 February 2016 in (Case COMP/M.7813) *Sanofi/Google/DMI*
- European Commission decision of 3 August 2016 in (Case COMP/M.7978) *Vodafone/Liberty Global/Dutch JV*
- European Commission decision 20 October. 2016 in (Case COMP/M.8046) *Tui/Transat France*
- European Commission decision of 6 December 2016 in (Case COMP/M.8124) *Microsoft/LinkedIn*
- European Commission decision dated 4 May 2017 in (Case AT.40153) *E-book MFNs and related matters (Amazon)*
- European Commission decision of 30 May 2017 in (Case COMP/M.8465) *Vivendi/Telecom Italia*
- European Commission decision of 27 June 2017 in (Case AT.39740) *Google Search (Shopping)*
- European Commission decision of 18 July 2018 in (Case AT.40099) *Google Android*
- European Commission decision of 6 September 2018 (Case COMP/M.8788) *Apple/Shazam*

- European Commission decision of 18 July 2019 in (Case AT.39711) *Qualcomm (pre-dation)*
- European Commission decision of 16 October 2019 in (Case AT.40608) *Broadcom*

NATIONAL COURT CASES

Netherlands

- District Court of Amsterdam Judgement of 21 March 2018 in case C/13/528337/HA ZA 12-1257 *VBO Makelaars v. Funda*, ECLI: NL: RBAMS:2018:1654

United Kingdom

- *ATTHERRACES Ltd & Anr v. The British Horse Racing Board & Anr*, [2007] EWCA Civ 38
- *Flynn Pharma Limited v. Competition and Market Authority and Pfizer Inc. v. Competition and Markets Authority*, Nos. 1275-1276/1/12/17, [2018] CAT 11
- *Albion Water Limited v Water Services Regulation Authority* [2009] CAT 31
- UK Employment Tribunal Appeal No. UKEAT/0056/17/DA- *Uber BV v. Mr. Y Salam and Others*.

United States

- *Verizon Communication Inc v Law Offices of Curtis V Trinko LLP* 540 U.S. __ (2003) Supreme Court
- *Pacific Bell Telephone Co v LinkLine Communication, Inc* 555 U.S. 438 (2009) Supreme Court.
- *Ohio et al v. American Express Co. et al*, 585 U. S. (2018) Supreme Court.
- *Apple, Inc. v. Pepper*, 587 U.S. ____ (2019) Supreme Court.
- *SC Innovations, Inc. v. Uber Techs.* Case No. 18-cv-07440-JCS (N.D. Cal. May. 1, 2020) District Court.

South Africa

- *Mittal Steel South Africa Limited and Others v Harmony Gold Mining Company Limited*, Case No. 70/CAC/Apr07, Competition Appeal Court of South Africa.

NATIONAL COMPETITION AUTHORITY DECISIONS

Germany

- Bundeskartellamt Prohibition decision of 20 December 2013 in the case of *HRS*, B9-66/10;
- Bundeskartellamt Prohibition decision of 22 December 2015 in the case of *Booking.com B.V.*, B9-121/13.

Switzerland

- Competition Commission COMCO prohibition decision of 19 October 2015 in the case of *Online-booking Platforms for Hotels*

United Kingdom

- CMA decision of 14 August 2012 in case ME/5525/12 *Acquisition of Instagram by Facebook*
- CMA decision of 7 December in Case CE/9742-13 *Phenytoin*

Annex 3 – List of References

LITERATURE

- Ackermann T, 'Excessive pricing and the goals of competition law' (2012) in Daniel Zimmer (ed.) *The Goals of Competition Law* (Cheltenham, UK, Edward Elgar Publishing, 2012)
- Akman P, 'Searching for the Long-Lost Soul of Article 82 EC' (2009) 29(2) Oxford Journal of Legal Studies 267
- Akman P, 'The Theory of Abuse in Google Search: A Positive and Normative Assessment Under EU Competition Law' (2017) 1(2) Journal of Law, Technology and Policy 301
- Ahlborn C, Evans D. S and Padilla J. A, 'The Antitrust Economics of Tying: a Farewell to Per Se Illegality', (2004) 49(1) Antitrust Bulletin 287
- Albors-Llorens A, 'The Role of Objective Justification and Efficiencies in the Application of Article 82 EC', (2007) 44(6) CMLRev. 1727
- Alexiadis P and De Streel A, 'Designing an EU Intervention Standard for Digital Platforms' [2020] EUI Working Paper RSCAS 2020/14 <<https://ssrn.com/abstract=3544694>>
- Ambrus A and Argenziano R, 'Asymmetric networks in two-sided markets' (2009) 1(1) American Economic Journal 17
- Amelio A and Jullien B, 'Tying and Freebies in Two-Sided Markets' (2012) 30(5) International Journal of Industrial Organization 436
- Areeda P and Turner D. F, 'Predatory Pricing and Related Practices under Section 2 of the Sherman Act' (1975) 88(4) Harvard Law Review 697
- Armstrong M, 'Competition in two-sided markets' (2006) 37(3) The RAND Journal of Economics 668
- Armstrong M and Wright J, 'Two-sided markets, competitive bottlenecks and exclusive contract' (2007) 32 Economic Theory 353.
- Auer D and Petit N, 'Two-Sided Markets and the Challenge of Turning Economic Theory into Antitrust Policy' (2015) 60(4) Antitrust Bulletin 426
- Bailey D and John L. E (eds.), *Bellamy and Child: European Union Law of Competition*, 8th edn (OUP, 2018)
- Ballon P and Van Heesvelde E, 'ICT platforms and regulatory concerns in Europe' (2011) 35(8) Telecommunications Policy 702
- Baumol W. J, 'Predation and the logic of the Average Variable Cost Test' (1996) 39(1) The Journal of Law & Economics 49
- Bedre-Defolie Ö and Nitsche R, 'When do markets tip? An overview of some insights for policy' (2020) 11(10) Journal of Competition law and Practice 610
- Behringer S and Filistrucchi L, 'Areeda-Turner in two-sided markets' Tilec Discussion paper No.2014-024 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2454392>
- Belleflamme P and Toulemonde E, 'Negative Intra-Group Externalities in Two-Sided Markets' (2009) 50(1) International Economic Review 265

- Belleflamme P and Peitz M, 'Managing competition on a two – sided platform' (2019) 28(1) Journal of Economics & Management Strategy 5
- Bolton P, Brodley J. F and Riordam M. H, ' Predatory Pricing: Strategic Theory and Legal Policy' (2000) 88(8) Georgetown Law Journal 2239
- Bork R. H, *The Antitrust Paradox*, (New York, Basic Books, 1978).
- Bostoen F and Mandrescu D, 'Assessing Abuse of Dominance in the Platform Economy: A Case Study of App Stores' (2020) 16 (2-3) European Competition Journal 431
- Botta M and Wiedemann K, 'Exploitative Conducts in Digital Markets: Time for a Discussion after the Facebook Decision' (2019) 10(8) Journal of European Competition Law & Practice 465
- Boudreau K. J and Hagiu A, 'Platform Rules: Multi-Sided Platforms As Regulators' in A. Gawer, (ed.), *Platforms, Markets and Innovation* (Edward Elgar, 2009)
- Bowman W. S, 'Tying Arrangements and the Leverage Problem' (1957) 67(19) Yale Law Journal 19
- Bure F and Bary L, 'Disruptive Innovation and Merger Remedies: How to Predict the Unpredictable?' (2017) 3 Concurrences 1
- Caillaud B and Jullien B, 'Chicken & Egg: Competition among Intermediation Service Providers' (2003) 34(2) The RAND Journal of Economics 309.
- Calcagno C and Walker M, 'Excessive Pricing: Towards Clarity and Economic Coherence' (2010) 6(4) Journal of Competition law & Economics 891
- Calzado J. R and Scordamaglia-Tousis A, 'Groupement des Cartes Bancaires v Commission: Shedding Light on What is not a 'by object' Restriction of Competition (2015) 6(7) Journal of European Competition Law & Practice 495
- Carlton D. W and Waldman M, 'The strategic use of tying to preserve and create market power in evolving industries' (2002) 33(2) RAND Journal of Economics 194
- Carroni E, 'Behavior-based price discrimination with cross-group externalities' (2018) 125(2) Journal of Economics 137
- Chakravoti S and Roson R, ' Platform competition in two-sided market: the case of payment networks' (2006) 5(1) Review of Network Economics 118
- Choi J. P and Stefanidis C, 'Tying, Investment and the Dynamic Leverage Theory' (2001) 32(1) The RAND Journal of Economics 52
- Choi J. P and Jeon D. S, 'A Leverage Theory of Tying in Two-sided Markets' (2016) CESIFO Working Paper No. 60073 <<https://www.cesifo.org/en/publikationen/2016/working-paper/leverage-theory-tying-two-sided-markets>>
- Choudary S. P, *Platform Scale: How an emerging business model helps start-ups build large empires with minimum investment* (1st ed. Platform Thinking Labs publishing, 2015)
- Coate M. B and Fischer J. H, 'A Practical Guide to the Hypothetical Monopolist Test for Market Definition' (2008) 4(4) Journal of Competition Law & Economics 1031
- Condorelli D and Padilla J, ' Harnessing platform envelopment in the digital world' (2020) 16(2) Journal of Competition Law & Economics 143
- Crane D. A, 'Market Power Without Market Definition' (2014) 90 (1) Notre Dame L. Rev 31
- Daigle L, 'On the nature of internet', (2015) Global Commission on internet Governance, Paper series no.7 <https://www.cigionline.org/sites/default/files/gcig_paper_no7.pdf>
- Davis P and Mani V, 'The Law and Economics of Excessive and Unfair Pricing: A Review and a Proposal' (2018) 64(4) The Antitrust Bulletin at 414

- Dubé JP, Hitsch G. J and Chintagunta P, 'Tipping and Concentration in Markets with Indirect Network Effects' (2008) (Chicago GSB, Research paper No.08-08) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1085909>
- Duch-Brown N, 'The Competitive landscape of Online Platforms, JRC technical reports, Digital Economy working paper 2017-04, at 4- 10 <<https://ec.europa.eu/jrc/sites/jrcsh/files/jrc106299.pdf>>
- Easterbrook F. H, *Predatory Strategies and Counterstrategies* (1981) 48 U. Chicago Law Rev 263
- Eben M, 'Fining Google: a missed opportunity for legal certainty?' (2018) 14 (1) *European Competition Journal* 129.
- Eisenmann T, Parker G and van Alstyn M , 'Strategies for two-sided platforms' (2006) 84(10) *Harvard Business Law Review* 1
- Eisenmann T, Parker G and van Alstyne M, 'Platform Envelopment' (2011) 32(12) *Strategic management Journal* 1270
- Etro F and Caffarra C, 'On the economics of the Android case' (2017) 13(2-3) *European Competition Journal* 282
- Evans D. S, 'The Antitrust Economics of Multi-Sided Platform Markets' (2003) 20(2) *Yale Journal on Regulation* 327
- Evans D. S, 'Some Empirical Aspects of Multi-Sided Platform Industries' (2003) 2(3) *Review Of network Economics* 191
- Evans D. S and Padilla J. A, 'Excessive Prices: Using economics to Define Administrable Legal Rules' (2005) 1(1) *Journal of Competition Law and Economics* 97
- Evans D. S, Padilla J. A and Slinger M, 'A pragmatic approach to identifying and analyzing Legitimate Tying cases', in C. D. Ehlermann and I. Atanasiu (eds.) *European Competition Law Annual 2003: What is an Abuse of a Dominant Position?* (Hart Publishing, 2006)
- Evans D. S and Schmalensee R, 'The Industrial Organization of Markets Based on Two-Sided Platforms' (2007) 3(1) *Competition Policy International* 151
- Evans D. S, 'The Economics of the Online Advertising Industry' (2008) 7(3) *Review of Network Economics* 359
- Evans D. S, 'The Online Advertising Industry: Economics, Evolution and Privacy' (2009) 23 *Journal of Economic Perspectives* 37
- Evans D. S, 'How Catalysts Ignite: The Economics of Platform-Based Start-Ups'. In A. Gawer, (ed.), *Platforms, Markets and Innovation* (Edward Elgar, 2009).
- Evans D S, 'Two-Sided Market Definition' (2009) in ABA Section of Antitrust Law, *Market Definition in Antitrust: Theory and Case Studies* <<https://ssrn.com/abstract=1396751>>
- Evans D. S and Schmalensee R, 'Failure to Launch: Critical Mass in Platform Businesses' (2010), 3-4 <<https://ssrn.com/abstract=1353502>>
- Evans D. S, 'The Antitrust Economics of Free' (2011) 7(1) *Competition Policy International*, 1.
- Evans D. S, 'Governing Bad Behavior By Users of Multi-Sided Platforms' (2012) 27(2) *Berkeley Technology Law Journal* 1201
- Evans D. S, 'Attention Rivalry Among Online Platforms' (2013) University of Chicago Institute for Law & Economics Online Research Paper No. 627 <<https://ssrn.com/abstract=2195340>>.
- Evans D. S, 'Economics of Vertical Restraints for Multi-Sided Platforms' (2013) University of Chicago Institute for Law & Economics Online Research Paper No. 626 <<https://ssrn.com/abstract=2195778>>.
- Evans D. S, 'The Antitrust Analysis of Rules and Standards for Software Platforms' (2014) 10(2) *Competition Policy International* 71.

- Evans D. S and Schmalensee R, *The Antitrust Analysis of Multi-Sided Platform Businesses* in Roger Blair and Daniel Sokol, (eds.), *Oxford Handbook on International Antitrust Economics* (Oxford University Press 2014).
- Evans D. S, 'Mobile Advertising: Economics, Evolution and Policy' (2016) < <http://ssrn.com/abstract=2786123>>
- Evans D. S, 'Multisided Platforms, Dynamic Competition, and the Assessment of Market Power for Internet-Based Firms' (2016). University of Chicago Coase-Sandor Institute for Law & Economics Research Paper No. 753 < <https://ssrn.com/abstract=2746095>>
- Ezrachi A and Gilo D, 'Are Excessive Pricing Really Self-Correcting?' (2009) 5(2) *Journal of Competition law and Economics* 249
- Ezrachi A and Gilo D, 'Excessive Pricing, Entry, and Investment: Lessons from the Mittal Litigation' (2010) 76(3) *Antitrust Law Journal* 873
- Ezrachi A and Stucke M. E, 'Artificial Intelligence & Collusion: When Computers Inhibit Competition', (2015) *Oxford Legal Studies Research Paper No. 18/2015*; *University of Tennessee Legal Studies Research Paper No. 267* < <https://ssrn.com/abstract=2591874>>.
- Faull J and Nikpay A (eds) *The EU Law of Competition* (3rd edn, OUP, 2014)
- Feases A. R, 'Sharpening the European Commission's tools: interim measures' (2020) 16(2-3) *European Competition Journal* 404
- Filistrucchi L, Geradin D and van Damme E, *Identifying Two-Sided Markets* (Tilburg Law School Research Paper, No. 008/2012, 2012) <<http://ssrn.com/abstract=2008661>>.
- Filistrucchi L, Geradin D and van Damme E, 'Identifying Two-Sided Markets', (2013) 36(1) *World Competition* 33
- Filistrucchi L, Geradin D, van Damme E and Affeldt P, 'Market Definition in Two-Sided Markets: Theory and Practice' (2014) *Journal of Competition Law & Economics* 293
- Fletcher A, 'Predatory pricing in two-sided markets: a brief comment', (2007) 3(1) *Competition Policy International* 1
- Fletcher A and Jardine A, 'Towards an Appropriate Policy for Excessive Pricing' in Claus-Dieter Ehlermann and Isabela Atanasiu (eds), *European Competition Law Annual 2007: A reformed approach to Article 82 EC* (Oxford, Hart Publishing, 2008)
- Fletcher A and Hanse D, 'Chapter 2: The Role of Demand Side Remedies in Resolving Competition Concerns' in Damien Gerard and Assimakis Kominos (eds), *Remedies in EU Competition law: Substance, Process and Policy* (Wolters Kluwer, 2020)
- Friederiszick H. W and Gratz L, 'Hidden efficiencies: The relevance of business justifications in abuse of dominance cases', (2015) 11(3) *Journal of Competition law and Economics* 671
- Gabszewicz J. J, Laussel D and Sonnac N, 'Does advertisement lower the price of newspapers to consumers? A theoretical appraisal' (2005) 87 *Economic Letters* 127
- Gal M. S and Rubinfeld D. L, 'The Hidden Costs of Free Goods: Implications for Antitrust Enforcement' (2015) *UC Berkeley Public Law Research Paper No. 2529425*; *NYU Law and Economics Research Paper No. 14-44*. < <https://ssrn.com/abstract=2529425>>
- Gebicka A and Heinemann A, 'Social Media & Competition Law' (2014) 37(2) *World Competition* 149

- Genevaz S and Vidal J, 'Going Digital: How Online Competition Changed Market Definition and Swayed Competition Analysis in Fnac/Darty' (2017) 8(1) Journal of European Competition Law & Practice 30
- Geradin D, Petit N, Walker M, Hofer P and Luis F, 'The Concept of Dominance in EC Competition Law' (2005) <<https://ssrn.com/abstract=770144>>
- Geradin D and Petit N, 'Price Discrimination under EC Competition Law: The Need for a case-by-case Approach' (2005) GCLC Working Paper 07/05 <file:Users/danielmandrescu/Downloads/gclc_wp_07-05.pdf>
- Gerard D and Kominos A (eds), *Remedies in EU Competition law: Substance, Process and Policy* (Wolters Kluwer, 2020).
- Gore D, van Rooijen A, 'Ex-Post Assessment of European Competition Policy: The Microsoft cases (2021) <https://www.coleurope.eu/system/tdf/uploads/page/gclc_report_draft_-_the_microsoft_cases.pdf?&file=1&type=node&id=5829&for ce=>>
- Gowrisankaran G, Rysman M and Park M, 'Measuring Network Effects in a Dynamic Environment' (May 1, 2010). NET Institute Working Paper No. 10-03 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1647037>
- Gökçe E, 'Restoring competition in 'winner-take-all' digital platform markets' (2019) UNCTAD Research Paper No. 40 <https://unctad.org/system/files/official-document/ser-rp-2019d12_en.pdf>
- Graef I, 'Market Definition and Market Power in Data: The Case of Online Platforms' (2015) 38(4) World Competition: Law and Economics Review 473
- Graef I, 'Stretching EU competition law tools for search engines and social networks' (2015) 4 Internet Policy Review 1
- Graef I and Wahyuningtyas Y and Valcke P, 'Assessing Data Access Issues in Online Platforms' (2015) 39 Telecommunications Policy 375
- Gürkaynak G, İnanılır Ö, Diniz S and Yaşar A. G, 'Multisided markets and the challenge of incorporating multisided considerations into competition law analysis' (2017) 5 Journal of Antitrust Enforcement 100
- Hagiu A, 'Pricing and Commitment by Two-Sided Platforms' (2006) 37(3) The RAND Journal of Economics 720
- Hagiu A, 'Multi-sided platforms: From micro foundations to design and expansion strategies' (2007) Harvard Business School Strategy Unit Working Paper (09-115) <<https://ssrn.com/abstract=955584>>
- Hagiu A and Wright J, 'Enabling Versus Controlling', (2015) Harvard Business School Working Paper, No. 16-002 <<https://www.hbs.edu/faculty/Pages/item.aspx?num=49375>>.
- Hagiu A and Wright J, 'Marketplace or reseller?' (2015) 61(1) Management Science 184.
- Haucap J and Heimeshoff U, 'Google, Facebook, Amazon, eBay: Is the Internet driving competition or market monopolization?' (2014) 11 Int Econ Econ Policy 49
- Hein A, Schrieck M, Wiesche M and Krcmar H, 'Multiple-Case Analysis on Governance Mechanisms of Multi-Sided Platforms' (2016) <http://andreas-hein.info/portfolio/MKWI_2016_Paper_Camera_Ready_256.pdf>
- Heinemann A and Gebicka A, 'Can Computers Form Cartels? About the Need for European Institutions to Revise the Concertation Doctrine in the Information Age' (2016) 6 (7) Journal of European Competition Law & Practice 431
- Hjelmeng E, 'Competition Law Remedies: Striving for Coherence or Finding New Ways?' (2013) 50(4) Common Market Law Review 1007

- Hoppner T, 'Defining Markets for Multi-Sided Platforms: The Case of Search Engines' (2015) 38(3) *World Competition* 349
- Hou L, 'Excessive Prices within EU competition Law' (2011) 7(1) *European Competition Journal* 47
- Hovenkamp E, 'Platform Antitrust' (2018) 44(4) *The Journal of Corporation Law* 721.
- Hull D. W, 'Tying: A Transatlantic Perspective', in *Handbook of Research in Trans-Atlantic Antitrust*, ed. by P. Marsden, pp. 287-318 (Edward Elgar Publishing Limited, 2006).
- Jones A and Sufrin B, *EU Competition law – Text, Cases and Materials* (6th edn. OUP, 2016)
- Jullien B, 'Two-sided markets and Electronic Intermediaries' (2005) 51(2-3) *CESifo Economic Studies* 233
- Kathuria V, 'Platform competition and market definition in the US Amex case: lessons for economics and law' (2019) 15(2-3) *European Competition Journal* 254.
- Kaplow L, 'Why (Ever) Define Markets?' (2010) 124 *Harv. L. Rev* 437;
- Katz M and Shapiro C, 'Systems Competition and Network Effects' (1994) 8(2) *Journal of Economic Perspectives* 93.
- Katz E, 'Uber-algorithm alleged to constitute price-fixing', (2016) 225 *New York Law Journal* 1.
- Khan L. M, 'Amazon's Antitrust Paradox' (2017) 127 *Yale Law Journal* 710
- Konstantinos S, '*Apple v Pepper*: the unintended fallout in Europe' (2019) 7(3) *Journal of Antitrust Enforcement* 457
- Kovacic W. E, 'Designing Antitrust Remedies for Dominant Firm Misconduct' (1999) 31(4) *Connecticut Law Review* 1285
- Lang T, 'European Community Antitrust Law: innovation markets and high technology industries' (1996) 20(3) *Fordham International Law Journal* 717
- Lamadrid de Pablo A, 'The Double Duality of Two-Sided Markets' (2015) 64 *Comp Law* 5
- Lerner A. V, 'The Role of 'Big Data' in Online Platform Competition' (2014) <<http://ssrn.com/abstract=2482780>>
- Levine M. E, 'Price Discrimination Without Market Power' (2002) 19(1) *Yale Journal on Regulation* 2
- Lianos I, 'Competition law remedies in Europe' in *Handbook on European Competition law* (Edward Elgar, 2013)
- Loertscher B and Maier-Rigaud F, 'On the Consistency of the European Commission's Remedies Practice' (2020) in Damian Gerard and Assimakis Komninos (eds.) *Remedies in EU Competition Law- Substance, Process and Policy* (Wolters Kluwer, 2020)
- Maier-Rigaud F. P, 'Behavioral versus Structural Remedies in EU competition Law' (2016) in Philip Lowe, Mel Marquis and Giorgio Monti (eds.), *European Competition Annual 2013, Effective and Legitimate Enforcement of Competition Law* (Hart Publishing, 2016)
- Mantzari D, 'Interim Measures in EU competition Cases: Origins, Evolution and Implications for digital Markets' (2020) 11(9) *Journal of European Competition Law & Practice* 487
- Marsden P, 'Google Shopping for the Empress's New Clothes – When a Remedy Isn't a Remedy (and How to Fix it)' (2020) 11(10) *Journal of Competition Law and Practice* 553
- Martens B, 'An Economic Policy Perspective on Online Platforms', Institute for Prospective Technological Studies Digital Economy working paper 2016/05.

- Maxwell W. J and Pénard T, 'Regulating Digital Platforms in Europe – A White Paper' (2015) <<https://ssrn.com/abstract=2584873>>.
- Mehra S. K, 'US v. Topkins: can price fixing be based on algorithms?' (2016) 7(7) Journal of European Competition Law and Practice 470
- Monti G, 'Behavioral Remedies for Antitrust Infringements- Opportunities and Limitations' (2013) European Competition Law Annual 185
- Motta M and de Streel A, Exploitative and exclusionary pricing in EU law in Claus-Dieter Ehlermann and Isabela Atanasiu (eds), *European Competition Law Annual 2003, What Is an Abuse of a Dominant Position?* (Oxford, Hart, 2006).
- Motta M and de Streel A, 'Excessive Pricing in Competition Law: Never Say Never?' in Swedish Competition Authority (ed.), *The Pros and Cons of High Prices* (Stockholm, Konkursverket, 2007)
- Motta M and Vasconcelos H, 'Exclusionary Pricing in a Two-sided Market' (2012) Centre for Econ. Pol'y Research, Discussion Paper No 9164 <https://cepr.org/active/publications/discussion_papers/dp.php?dpno=9164#>
- Nalebuff B, 'Bundling, Tying and Portfolio Effect' (2003) DTI Economics Paper No.1 Part 1. <http://faculty.som.yale.edu/barrynalebuff/BundlingTyingPortfolio_Conceptual_DTI2003.pdf>
- Nalebuff B, 'Exclusionary bundling' (2005) 50(3) The Antitrust Bulletin 321
- Nazzini R, 'The wood began to move: an essay on consumer welfare, evidence and burden of proof in Article 82 EC cases', (2006) 31(4) European Law Review 518
- Nazzini R, 'The Evolution of the Law and Policy on Tying: A European Perspective From Classic Leveraging to the Challenges of Online Platforms' (2016) 26 Journal of Transnational Law and Policy; King's College London Law School Research Paper No. 2018-04 <<https://ssrn.com/abstract=3112557>>
- Newman J. M, 'Antitrust in Zero-Price Markets: Foundations' (2014) 164 University of Pennsylvania Law Review 149
- Newman J. M, 'Antitrust in Zero-Price Markets: Applications' (2016) 94(29) Wash U L Rev 51
- Niels G, Jenkins H and Kavanagh J, *Economics for Competition Lawyers* (2nd Ed, Oxford press publishing, 2016)
- O'Connor D, 'understanding online platform competition: common misunderstandings', (2016) Internet Competition and Regulation of Online Platforms, Competition Policy International 1
- O'Donoghue R and Padilla J, *The law and Economics of Article 102 TFEU* (2nd Edition, Hart Publishing, 2013)
- O'Donoghue R and Padilla J, *The law and Economics of Article 102 TFEU* (3rd Edition, Hart Publishing, 2020)
- Ostrovosky M, 'Choice Screen Auctions' NBER Working paper Series, WP28091 <<https://www.nber.org/papers/w28091>>
- Parker G. G, Van Alstyne M. W and Choudary S. P, *Platform Revolution* (W.W. Norton & Company, 2016)
- Paulis E, 'Article 82 and Exploitative Conduct' in Claus-Dieter Ehlermann and Isabela Atanasiu (eds), *European Competition Law Annual 2007: A reformed approach to Article 82 EC* (Oxford, Hart Publishing, 2008)
- Poolsoombat R and Vernasca G, 'Partial Multihoming in Two-sided Markets' (2006) Discussion Papers, Department of Economics, University of York, <<https://EconPapers.repec.org/RePEc:yor:yorken:06/10>>
- Posner R. A, *Antitrust Law: An Economic Perspective* (University of Chicago Press, Chicago, 1976)

- Pozdnakova A, 'Excessive Pricing and the Prohibition of the Abuse of Dominant Position under Article 82 EC' (2010) 33(1) *World Competition* 120.
- Richman B. D and Usselman S. W, 'Elhauge on Tying: Vindicated by History' (2014) 49(3) *Tulsa Law Review* 689
- Rindova V. P, Yeow A, Martins L. L and Faraj S, 'Partnering portfolios, value! creation logics, and growth trajectories: A comparison of Yahoo and Google (1995 to 2007)' (2012) 6(2) *Strategic Entrepreneurship Journal* 133
- Ritter C, 'Does the Law of Predatory Pricing and Cross-Subsidisation Need a Radical Rethink?' (2004) 27(4) *World Competition* 622.
- Robertson V.H.S.E, 'Excessive data collection: Privacy considerations and abuse of dominance in the era of big data' (2020) 57(1) *Common Market Law Review* 161
- Rochet J. C and Tirole J, 'Platform competition in two-sided markets' (2003) 1(4) *Journal of the European Economics Association* 990
- Rochet J. C and Tirole J, 'Two-sided markets: An overview', (2004) <<https://pdfs.semanticscholar.org/1181/ee3b92b2d6c1107a5c899bd94575b0099c32.pdf>>
- Rochet J. C and Tirole J, 'Two-sided markets: a progress report' (2006) 37(3) *The RAND Journal of Economics* 645
- Roller L.H, 'Exploitative Abuses' in Claus-Dieter Ehlermann and Isabela Atanasius (eds), *European Competition Law Annual 2007: A reformed approach to Article 82 EC* (Oxford, Hart Publishing, 2008)
- Rose V and Bailey D (eds), *Bellamy and Child: European Union Law of Competition* (7th edn, Oxford 2013)
- Rousseva E (ed.) *EU antitrust Procedure* (Oxford University Press, 2020)
- Rysman M, 'The Economics of Two-sided Markets', (2009) 23(3) *Journal of Economic Perspectives* 125
- Schirmacher N. B, Ondrus J and Kude T, 'Launch strategies of digital platforms: platforms with switching and non-switching uses' In Proceedings of the 25th European Conference on Information Systems (ECIS), Guimarães, Portugal, June 5-10, 2017 (ISBN 978-989-20-7655-3) *Research Papers*. <https://aisel.aisnet.org/ecis2017_rp/43>
- Schneider C, Weinmann M and vom Brocke J, 'Digital Nudging-Guiding Choices by Using Interface Design' (2018) *Communications of the ACM*, 61(7) <<https://ssrn.com/abstract=3052192>>
- Schmalensee R and Evans D. S, 'Industrial Organization of Markets with Two-Sided Platforms' (2007) 3(1) *Competition Policy International* 151.
- Shampanier K, Mazar N and Ariely D, 'Zero as a Special Price: The True Value of Free Products' (2007) 26(6) *Marketing Science* 742.
- Staykova A. S and Damsgaard J, *Platform Expansion Design as Strategic Choice: The Case of WeChat and Kakaotalk* (2016). *Research Papers* 78 <https://aisel.aisnet.org/ecis2016_rp/78>
- Sufrin B, 'The notion of dominance in competition law: An overview of EU and national case law', (2012) *e-Competitions* <<http://awa2013.concurrences.com/business-articles-awards/article/the-notion-of-dominance-in>>
- Sullivan T. E, 'Antitrust Remedies in the U.S and EU: Advancing a Standard of Proportionality' (2003) 48(2) *Antitrust Bulletin* 377
- Thépot F, 'Market Power in Online Search and Social Networking: A Matter of Two-Sided Markets' (2013) 36(2) *World Competition* 195
- Thomas C, Harengel P and Hock-Döpgen M, 'The perception of value of platform-based business models in the sharing economy: Determining the drivers of user loyalty' (2019) 13(3) *Review of Managerial Science* 1.

- Thurman N and Fletcher R, 'are newspapers heading toward post-print obscurity?' (2018) 6(18) *Digital Journalism* 1003
- Tiwana A, *Platform Ecosystems* (Elsevier, 2014)
- Van Den Berg R, *Comparative Competition Law and Economics*, (Edward Elgar, 2017)
- Van der Vijver T, 'Article 102 TFEU: How to Claim the Application of objective justification in the case of prima facie dominance abuses?' (2013) 4(2) *Journal of Competition law and Practice* 121
- Vezzoso S, 'Online Platforms, Rate Parity, and the Free Riding Defense' (2016) <<https://ssrn.com/abstract=2802151>>
- Vuorinen J, 'Better together: the Evolution of tying theory and Doctrine in EU competition Law and US Antitrust Law' (2015) 1(1) *Nordic Journal of Commercial Law* 1
- Völcker S. B and Baker D, 'Why there is no antitrust case against Apple's App Store: a response to Geradin & Katsifis' (2020) <<https://ssrn.com/abstract=3660896>>.
- Weller S. W, 'The past, Present and Future of Monopolization Remedies' (2009) 76(1) *Antitrust Law Journal* 11
- Whinston M. D, 'Tying, Foreclosure and Exclusion' (1990) 80(4) *The American Economic Review* 837
- Williamson O. E, 'Predatory Pricing: A Strategic and Welfare Analysis' (1977) 87(2) *Yale Law Journal* 284.
- Wish R and Bailey D, *Competition law* (8th edn, OUP, 2016).
- Wright J, 'One-Sided Logic in Two-Sided Markets ' (2003) AEI-Brookings Joint Center Working Paper No. 03-10. <<https://ssrn.com/abstract=459362>>
- Wu T, *The attention merchants* (Alfred A. Knopf, 2016).
- Zeng Y, Houba H and van der Laan G, 'Note on 'Competition in Two-sided Markets' (2015) Tinbergen Institute Discussion paper (TI 2015-080/II) < <https://papers.tinbergen.nl/15080.pdf>>
- Zinngal F and Becker F, 'Drivers of optimal prices in two-sided markets: the state of the art' (2013) 63(12) *Journal für Betriebswirtschaft* 87

OTHER SOURCES

Publications by international organizations

- International Competition Network, ' Report on Predatory Pricing' (2007) < <http://old.internationalcompetitionnetwork.org/uploads/library/doc354.pdf>>
- OECD (2005) Roundtable on Barriers to Entry DAF/COMP(2005)42 < <https://www.oecd.org/competition/abuse/36344429.pdf>>
- OECD (2006) Roundtable on remedies and sanctions in abuse of dominance cases < <https://www.oecd.org/competition/abuse/38623413.pdf>>
- OECD (2006) Competition on the merits DAF/COMP(2005)27.
- OECD (2009) Roundtable on two-sided markets DAF/COMP/WD(2009)69 < <https://www.oecd.org/daf/competition/44445730.pdf>>
- OECD (2009) Roundtable on Two-sided Markets DAF/COMP/WD(2009)69, note by the Delegation of the European Commission in <https://ec.europa.eu/competition/international/multilateral/2009_jun_twosided.pdf>
- OECD (2012) Roundtable on Excessive pricing DAF/COMP(2011)18 < <https://www.oecd.org/competition/abuse/49604207.pdf>>
- OECD (2012) Roundtable on Market Definition DAF/COMP(2012)19 < <https://www.oecd.org/daf/competition/Marketdefinition2012.pdf>> .

- OECD (2012) Roundtable on Market Definition – Note by the Delegation of the European Union 31 May 2012 (DAF/COMP/WD(2012)28) < https://ec.europa.eu/competition/international/multilateral/2012_jun_market_definition_en.pdf>
- OECD (2013) Roundtable on The Role and Measurement of Quality in Competition Analysis DAF/COMP(2013) <<http://www.oecd.org/competition/Quality-in-competition-analysis-2013.pdf>>
- OECD (2013) Exploring the Economics of Personal Data: A Survey of Methodologies for Measuring Monetary Value, OECD Digital Economy Papers, No. 220 <http://dx.doi.org/10.1787/5k486qtxldmq-en>
- OECD (2015) Global Forum for Competition Law, The impact of disruptive innovation on Competition Law Enforcement, DAF/COMP/GF(2015)16/FINAL < <https://www.oecd.org/competition/globalforum/disruptive-innovations-competition-law-enforcement.htm>>
- OECD (2016) Roundtable on Price Discrimination – Background note from the Secretariat DAF/COMP(2016)15 <[https://one.oecd.org/document/DAF/COMP\(2016\)15/en/pdf](https://one.oecd.org/document/DAF/COMP(2016)15/en/pdf)>
- OECD (2017) Network Effects and Efficiencies in Multisided Markets – Note by H. Shelanski, S. Knox and A. Dhillon, DAF/COMP/WD(2017)40/FINAL <[https://one.oecd.org/document/DAF/COMP/WD\(2017\)40/FINAL/en/pdf](https://one.oecd.org/document/DAF/COMP/WD(2017)40/FINAL/en/pdf)>
- OECD (2018) Rethinking Antitrust Tools for Multi-Sided Platforms < <https://www.oecd.org/daf/competition/Rethinking-antitrust-tools-for-multi-sided-platforms-2018.pdf>>
- OECD (2018) Roundtable, Implications of E-Commerce on competition policy DAF/COMP(2018)3 < [https://one.oecd.org/document/DAF/COMP\(2018\)3/en/pdf](https://one.oecd.org/document/DAF/COMP(2018)3/en/pdf)>
- OECD (2020) Abuse of dominance in digital markets' <www.oecd.org/daf/competition/abuse-of-dominance-in-digital-markets-2020.pdf>
- OECD (2020) Roundtable on Merger Control in Dynamic Markets < <http://www.oecd.org/daf/competition/merger-control-in-dynamic-markets.htm>>.

Authority Publications

- Bundellekartellamt and Autorite de la concurrence, Joint report on competition law and data (10th of May 2016), 11-25 < <http://www.autoritedelaconcurrence.fr/doc/reportcompetitionlawanddatafinal.pdf>>.
- Bundeskartellamt, Working Paper – The Market Power of Platforms and Networks, Ref. B6-113/15, June 2016 < https://www.bundeskartellamt.de/Shared-Docs/Publikation/EN/Berichte/Think-Tank-Bericht-Langfassung.pdf?__blob=publicationFile&v=2> .
- Data Protection Supervisor, Preliminary Opinion of the European Data Protection Supervisor- Privacy and competitiveness in the age of big data: The interplay between data protection, competition law and consumer protection in the Digital Economy (March 2014). Available online at: < https://edps.europa.eu/sites/edp/files/publication/14-03-26_competition_law_big_data_en.pdf>.
- European Commission Press Release, Commission clears the creation of the Covisint Automotive Internet Marketplace IP/01/1155 (31 July 2001) < https://ec.europa.eu/commission/presscorner/detail/en/IP_01_1155>
- European Commission Press Release, Commission clears electronic multi-bank trading platform for foreign exchange products IP/02/943 (27 June 2002).

- European Commission, 'Discussion paper on the application of Article 82 of the Treaty to exclusionary abuses (2005) < <https://ec.europa.eu/competition/antitrust/others/discpaper2005.pdf> >
- European Commission, Study on the coverage, functioning and consumer use of comparison tools and third-party verification schemes for such tools', Final report prepared by ECME Consortium (2013) (EAHC/FWC/2013 85 07) < https://ec.europa.eu/info/sites/default/files/final_report_study_on_comparison_tools_2013_en.pdf > .
- European Commission staff working document on online platforms accompanying the document Communication on online platforms and the digital single market [COM(2016) 288] , SWD(2016)172 < [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2016\)172&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2016)172&lang=en) >
- European Commission, Staff Working Document Accompanying the document Report from the Commission to the Council and the European Parliament Final report on the E-commerce Sector Inquiry, COM (2017) 229 final < https://ec.europa.eu/competition/antitrust/sector_inquiry_swd_en.pdf >.
- European Commission, Expert report by Crémer J, de Montjoye YA and Schweitzer H 'Competition Policy for the Digital Era' (2019) < <https://ec.europa.eu/competition/publications/reports/kd0419345enn.pdf> >
- European Commission Press release, ' Commission opens investigation into Apple's App Store rules' (16 Jun. 2020) at: <https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1073>
- MonopolKommission, Special Report by the Monopolies Commission pursuant to section 44(1)(4) of the Act Against Restraints on Competition, 'Competition Policy: the challenge of digital markets', (2015) special report n 68 < http://www.monopolkommission.de/images/PDF/SG/s68_fulltext_eng.pdf >.

Other publications

- Altexsoft, 'History of Flight booking: CRSs, GDS Distribution, Travel Agencies, and Online Reservations' (Altexsoft, 12 Apr. 2019) <<https://www.altexsoft.com/blog/travel/history-of-flight-booking-crss-gds-distribution-travel-agencies-and-online-reservations/>>
- BBC New technology, ' Slack makes EU antitrust claim against Microsoft over Teams' (22 Jul. 2020, BBC News) at: < <https://www.bbc.com/news/technology-53503710> >
- Bohn D, 'Google to phase out third party cookies in Chrome, but not for two years' (The Verge, 14 Jan. 2020) < <https://www.theverge.com/2020/1/14/21064698/google-third-party-cookies-chrome-two-years-privacy-safari-firefox> >
- Bursztynsky J, 'Apple becomes first U.S company to reach a \$2 trillion market cap' (CNBC Tech, 19 Aug. 2020) <<https://www.cnbc.com/2020/08/19/apple-reaches-2-trillion-market-cap.html>>
- Curry D, 'PayPal revenue and usage statistics 2021' (Business of Apps, 18 Mar. 2021) < <https://www.businessofapps.com/data/paypal-statistics/> >
- Darrow B, 'Shocker! Amazon remains the top dog in cloud by far, but Microsoft, Google make strides', (Fortune, May 2015)< <http://fortune.com/2015/05/19/amazon-tops-in-cloud/> >
- Del Rey J, ' After 15 years, eBay plans to cut off PayPal as its main payment processor' (Vox, 31, Jan. 2018) <https://www.vox.com/2018/1/31/16957212/ebay-adyen-paypal-payments-agreement> >

- Drozdiak D, 'Hotel site accuses Booking, Expedia of EU Antitrust breaches' (Bloomberg, 11 Jun. 2019) < <https://www.bloomberg.com/news/articles/2019-06-11/hotel-site-accuses-booking-expedia-of-breaking-eu-antitrust-law>>
- European Parliament, DG for internal policies, 'Challenges for Competition Policy in a Digitalized Economy' (2015) IP/A/ECON/2014-12, PE 542.235 < [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/542235/IPOL_STU\(2015\)542235_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/542235/IPOL_STU(2015)542235_EN.pdf)>.
- Ibanez Colomo P, 'The Android decision is out: the exciting legal stuff beneath the noise' ChillingCompetition Blog (18 July 2018) <https://chillingcompetition.com/2018/07/18/the-android-decision-is-out-the-exciting-legal-stuff-beneath-the-noise-by-pablo/>>
- Jeffries A, 'To Head Off Regulators, Google Makes Certain Words Taboo' (The Markup, August 7 2020) < <https://themarkup.org/google-the-giant/2020/08/07/google-documents-show-taboo-words-antitrust>>
- Jordan J 'How Much Does an eCommerce Website Cost in 2018?' (*Atlantic BT*, 9 April 2018) <<https://www.atlantictbt.com/blog/how-much-does-ecommerce-website-cost/>>
- Knopper S, 'The end of owning music: How Cd's and Downloads Died' (RollingStone, 14 Jun. 2018) <<https://www.rollingstone.com/pro/news/the-end-of-owning-music-how-cds-and-downloads-died-628660/>>
- Kompaniets A, 'How much does it cost (and the cost structure) to build an app like UberEats' (Uptech) < <https://uptech.team/blog/how-much-to-build-app-like-ubereats>>
- Lomas N, 'Europe's Android 'choice' screen keeps burying better options' (Techcrunch, 8 Mar. 2021) <<https://techcrunch.com/2021/03/08/europes-android-choice-screen-keeps-burying-better-options/>>
- Mamiit A, 'Google removes Disconnect, other privacy apps from Android Play store' (Tech Times 29 August 2014) <<http://www.techtimes.com/articles/14379/20140829/google-removes-disconnect-mobile-other-privacy-apps-from-android-play-store.htm>>
- May K, 'how 25 years of the Web inspired the travel revolution' (The Guardian, 12 Mar. 2014) < <https://www.theguardian.com/travel/2014/mar/12/how-25-years-of-the-web-inspired-travel-revolution>>
- Schulze E, 'Amazon faces probe from Italy's antitrust authority over abuse of market position' (16 Apr. 2019, CNBC) <https://www.cnn.com/2019/04/16/amazon-faces-probe-from-italys-antitrust-authority-over-abuse-of-market-position.html>>
- Shah S, 'The History of social networking' (Digital Trends, 14 May 2016) <<https://www.digitaltrends.com/features/the-history-of-social-networking/>>
- Stigler Center for the study of the economy and state, 'Stigler Committee on Digital Platforms (2019) < <https://www.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report---stigler-center.pdf>>
- Spotify 'Time to Play Fair – Frequently Asked Questions' www.timetoplayfair.com/frequently-asked-questions/
- Sutter, J. D, 'Amazon seller lists book at \$23,698,655.93 – plus shipping' (CNN, April 2011) < <http://edition.cnn.com/2011/TECH/web/04/25/amazon.price.algorithm/>>
- Toplensky R, 'Brussels poised to probe Apple over Spotify's fees complaint' Financial Times (Brussels 5 May 2019) < <https://www.ft.com/content/1cc16026-6da7-11e9-80c7-60ee53e6681d>>

- UK Data and Marketing Association, Guidelines for data collection and usage (subject to the current GDPR framework) < <https://dma.org.uk/uploads/misc/third-party-data-guide-1.0.pdf>>
- Walker M. A, 'Myspace removes 90,000 sex offenders', CNBC News (2 march 2009) available online at: < http://www.nbcnews.com/id/28999365/ns/technology_and_science-security/t/myspace-removes-sex-offenders/#.WM0WV-FUrKUk>.
- Wiewiórowska-Domagalska A, 'Online Platforms: How to Adapt Regulatory Framework to the Digital Age?' (Briefing for the IMCO Committee of the European Parliament, 2017) 3-4<[http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/607323/IPOL_BRI\(2017\)607323_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/607323/IPOL_BRI(2017)607323_EN.pdf)>

Platform usage policies

- Amazon, Marketplace seller policies < <https://sellercentral.amazon.com/gp/help/external/G1801>>
- Apple, App Store information for developers based on the business model they intend to implement in their app < <https://developer.apple.com/app-store/business-models/>>
- Apple, App Store pricing guidelines for developers< <https://developer.apple.com/app-store/review/guidelines/>>
- Apple, App Store review policies for new and existing apps approved for commerce in the App Store < <https://developer.apple.com/app-store/review/>>
- Booking.com, Pricing information for property owners < <https://partner.booking.com/en-us/help/commission-invoices-tax/how-much-commission-do-i-pay>>
- Instagram, Privacy Policy for all users <<https://help.instagram.com/519522125107875>>
- Google, Play Store developer policy < <https://play.google.com/about/developer-content-policy/>>
- Google, Privacy policy for all users <<https://policies.google.com/privacy?hl=en-US>>
- PayPal, Usage policy for Ebay: <https://www.paypal.com/ws/smarthelp/article/do-i-need-a-paypal-account-to-pay-for-an-ebay-item-faq427>
- Tripadvisor, Sponsored search service page concerning ranking and placement results upgrades <<https://www.tripadvisor.com/business/sponsored-placements>>
- UberEats, Pricing policies for restaurants< <https://restaurants.ubereats.com/us/en/pricing/>>
- Youtube, Premium membership services policy < <https://www.youtube.com/premium>>

