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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
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- Judgment of the Court of 29 June 1978 in Case 77/77 *BP v Commission* [1978] ECLI:EU:C:1978:141
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- Judgment of the Court of 13 February 1979 in Case C-85/76 *Hoffmann-La Roche v Commission* [1979] ECLI:EU:C:1979:36
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- 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 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
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- 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 Proionton, 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
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- Judgment of the Court of 11 September 2014 in Case C-67/13 P *Grupement 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
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- 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

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- 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
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- 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
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- 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.

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- 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/ Meini*
- 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*
- European Commission decision of 23 July 2004 in (Case COMP/ A.36.568/D3) *Scandlines Sverige AB v Port of Helsingborg*
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- European Commission decision of 25 July 2004 (Case COMP/C-1/36.915) in *Deutsche Post Ag – Interception of cross border mail*
- 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*
- European Commission decision of 3 July 2008 in (Case COMP/M.5112) *Rewe/Plus Discount*
- European Commission decision of 15 September 2008 in (Case No COMP/M.5272) *Sony/ Sony BMG*
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- European Commission decision of 16 February 2010 in (Case COMP/M.5721) *Otto/Primondo Assets*
- 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*
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- 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*
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- 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*
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- 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*
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- European Commission decision of 16 October 2019 in (Case AT.40608) *Broadcom*

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- 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

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- *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
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- *Pacific Bell Telephone Co v LinkLine Communication, Inc* 555 U.S. 438 (2009) Supreme Court.
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*United Kingdom*

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