



EU Competition Law and the Information and Communication Technology Network Industries: Economic versus Legal Concepts in Pursuit of (Consumer) Welfare

Andrej Fatur

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Competition policies have long been based on a scholarly tradition focused on static models and static analysis of industrial organization. However, recent developments in industrial organization literature have led to significant advances, moving beyond traditional static models and a pre-occupation with price competition, to consider the organization of industries in a dynamic context. This is especially important in the field of information and communication technology (ICT) network industries where competition centers on network effects, innovation, and intellectual property rights and the key driver of consumer benefit is technological progress. Consequently, when an antitrust intervention is considered, a number of considerations, which arise out of the specific nature of the ICT sector, have to be taken into account to ensure improved consumer welfare. This book considers the adequacy of existing EU competition policy in the area of ICT industries against the findings of modern economic theory. Particular attention is given to the implications of these dynamic markets for the competitive assessment and treatment of most common competitive harms in this area, such as non-price predatory practices, tying and bundling, cooperative standard setting, platform joint-ventures, and cooperative research and development.

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