

Ansökan om forskningsmedel

Datum
2021-02-01

Observera att ansökan och bilagor endast ska skickas elektroniskt till konkurrensverket@kkv.se.

1 Sökande (huvudansvarig för projektet)

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3 Projektbeskrivning

| | |
|---|---|
| Projekttitel | |
| Platform envelopment in the online pharmacy industry: an effects-based approach. | |
| Projektets relevans för Konkurrensverket (högst 240 tecken) The relevance for this project is that leading scholars such as Khan, Akman, Evans and Picker have addressed an effects-based approach in the context of abuse of dominance in digital markets however they have not focused on platform envelopment. Padilla and Concorelli have addressed the effects-based approach more concretely with regards to platform envelopment but a more profound analysis is needed regarding exclusionary and exploitative conduct. Most importantly however, this project is unique and pioneering since there is very limited research on the analysis of two-sided markets in the online pharmacy industry, especially with regards to platform envelopment strategies and an effects-based approach. | |
| Projektet avses starta/startade, datum | Projektet beräknas vara slutfört, datum |
| 2021-09-01 | 2026-08-31 |
| Sammanfattning på svenska av projektets syfte, betydelse och genomförande (högst 1 000 tecken). | |
| Purpose: The purpose of this project is to assess whether the use of platform envelopment strategies by multi-sided platforms in the online pharmacy industry requires an effects-based approach when determining abuse of dominance. | |
| Importance: The online pharmacy market has rapidly grown in Sweden and Europe over recent years and will continue to grow in a post-pandemic economy. Sweden has the potential to become a leader in Europe and even the world for online pharmacies. In order for Sweden to compete, regulators will need to understand the nature and functioning of these markets. Regulators will gain greater insight into abuse of dominance resulting from platform envelopment strategies. Regulators will | |

also obtain better insight into how multi-sided markets function in the online pharma industry. This will allow for a greater understanding of the efficiencies that may arise due to their unique features such as network effects and economies of scope and furthermore help identify the benefits and disadvantages of an effects-based approach.

Implementation:

This project will begin with an analysis of the structure, functioning and regulatory framework of two-sided online pharmacies in the US, Sweden and Europe. It will then carry out an economic analysis of platform envelopment strategies that could be conducted by online platforms in the industry. Finally, a comparative analysis of whether an effects-based approach is adequate to determine if these envelopment strategies are an abuse of dominance under article 102 TFEU will be carried out.

Bifoga även en utförligare projektbeskrivning (svenska eller engelska, max 10 A4-sidor) som bilaga till denna ansökan.

4 Kostnadsredovisning

Observera att den högsta tillåtna arbetstiden för disputerad forskare, docent och professor är 75 procent av heltid. För doktorand, forskningsassistent eller liknande är den högsta tillåtna arbetstiden 85 procent av heltid.

| Projektår 1 | | Månadslön (brutto) | Anställningstid i projektet, månader | Arbetstid i procent av heltid | Lönekostnad inkl. sociala avgifter |
|--|-----------------|--------------------|--------------------------------------|-------------------------------|------------------------------------|
| Personalnamn och akademisk titel (bifoga CV) Namn | Akademisk titel | | | | |
| | Doktorand | 23 840:- | 12 | 80% | 443 424:- |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Summa lönekostnader inkl. sociala avgifter | | | | | 443 424:- |
| Summa övriga kostnader (hämtas från tabell 4a) | | | | | 25 000 |
| Summa förvaltningskostnader inklusive lokalhyra | | | | | 224 843 |
| Total kostnad inklusive sociala avgifter och förvaltningsavgifter | | | | | 693 267 |

| Projektår 2 | | Månadslön (brutto) | Anställningstid i projektet, månader | Arbetstid i procent av heltid | Lönekostnad inkl. sociala avgifter |
|--|-----------------|--------------------|--------------------------------------|-------------------------------|------------------------------------|
| Personalnamn och akademisk titel (bifoga CV) | Akademisk titel | | | | |
| Namn | | | | | |
| | Doktorand | 25 100:- | 12 | 80% | 467 232:- |
| | | | | | |
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| Summa lönekostnader inkl. sociala avgifter | | | | | 467 232 |
| Summa övriga kostnader (hämtas från tabell 4a) | | | | | 25 000 |
| Summa förvaltningskostnader inklusive lokalhyra | | | | | 236 271 |
| Total kostnad inklusive sociala avgifter och förvaltningsavgifter | | | | | 728 503 |

| Projektår 3 | | Månadslön (brutto) | Anställningstid i projektet, månader | Arbetstid i procent av heltid | Lönekostnad inkl. sociala avgifter |
|--|-----------------|--------------------|--------------------------------------|-------------------------------|------------------------------------|
| Personalnamn och akademisk titel (bifoga CV) | Akademisk titel | | | | |
| Namn | | | | | |
| | Doktorand | 26 080:- | 12 | 80% | 485 088:- |
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| Summa lönekostnader inkl. sociala avgifter | | | | | 485 088 |
| Summa övriga kostnader (hämtas från tabell 4a) | | | | | 25 000:- |
| Summa förvaltningskostnader inklusive lokalhyra | | | | | 244 842 |
| Total kostnad inklusive sociala avgifter och förvaltningsavgifter | | | | | 754 930 |

4a Redovisning övriga kostnader

Maxbelopp för övriga kostnader per år är 25 000 kronor. Ifall detta belopp överskrids ska detta motiveras särskilt i ansökan.

| | År 1 | År 2 | År 3 |
|-------------------------|-----------------|-----------------|-----------------|
| Material och utrustning | 5 000:- | 5 000:- | 5 000:- |
| Resor | 6 200:- | 6 200:- | 6 200:- |
| Andra kostnader | 8 800:- | 8 800:- | 8 800:- |
| Summa | 25 000:- | 25 000:- | 25 000:- |

5 Kostnadssammanfattning (anges i kronor) för nu sökt anslag

| |
|-------------------------------------|
| Total projektkostnad 2 176 700:- |
|-------------------------------------|

| Därav söks från | | Tidigare erhållna anslag från | |
|---------------------------------|-----------------------|-------------------------------|------------------------|
| Konkurrensverket 2 176 700:- | Annan anslagsgivare * | Konkurrensverket | Annan anslagsgivare ** |

| | | |
|-------------------------|-------------------------|-----------------|
| * Anslagsgivarens namn | Ansökan inlämnad, datum | Sökt belopp |
| ** Anslagsgivarens namn | Ansökan beviljad, datum | Beviljat belopp |

6 Övriga projekt som samtidigt kommer att ledas av huvudansvarig

| |
|--------------|
| Projekttitel |
|--------------|

OBS! Namn och institution på personer som beviljas forskningsbidrag kommer att publiceras på Konkurrensverkets webbplats. Om en ansökan om forskningsbidrag skickas in till Konkurrensverket innebär det ett medgivande till att dina personuppgifter registreras och behandlas av Konkurrensverket samt att uppgifter om namn och institution för beviljade bidrag publiceras på webbplatsen.

Platform envelopment in the online pharmacy industry: an effects-based approach.

1. Introduction

Although abuses of dominance under article 102 TFEU have been considered *per se* illegal in the past, the EU Commission has adopted an effects-based approach over the past decade with a particular focus on consumer welfare. This approach is more in line with the rule of reason in the US, which is also an effects-based approach.

However, the European Commission has come to different conclusions than its American counterparts with regards to online platforms. For example, it fined Google 2.42 billion for abusing its dominant position yet the FTC conducted an investigation, which it ultimately closed. Although we will not scrutinise either decision here, it might be the case that the tolerant effects-based approach, adopted for decades by US regulators, may actually have a lot of relevance when applied to digital markets. This is because companies such as Amazon and Google are two-sided platforms and thus have a different structure, which means that conduct that would normally seem abusive may in fact be efficient.

If we address the platform envelopment strategies that are used by Big Techs, they do not necessarily present *per se* anticompetitive practices. The benefits to both consumers as well as the unique structural features of two-sided markets mean an effects-based approach may be more adequate to determine anti-competitive practices in the online pharmacy industry. However, maybe the effects-based approach is not entirely fair when assessing the entry of these dominant firms. There exists the possibility that an effects-based approach, incorporating notions of price theory and output, will allow for Big Tech to eliminate Swedish competitors and take the whole market for themselves. Maybe finding the right balance is the key to ensuring the online pharmacy market works fairly and efficiently.

2. Question and Purpose

2.1 Background

There is no doubt that Big Tech companies are looking to disrupt the health sector and reap the enormous rewards. Through platform envelopment strategies, they are targeting valuable companies in the industry to obtain a competitive advantage and acquire valuable data. By strategically acquiring these firms, they are able to carry out strategies such as self-preferencing and bundling but also crucially monetize data in their origin market and then price aggressively in the online pharmacy industry. Whether this behaviour is anti-competitive and harmful or whether it actually benefits overall consumer welfare requires a thorough analysis of the structure of these online platform markets, of how they will use platform envelopment strategies in the pharma distribution industry and of whether the effect of these strategies is positive for overall consumer welfare.

2.2 Purpose

The purpose of this project is to assess whether the use of platform envelopment strategies by multi-sided platforms in the online pharmacy industry requires an effects-based approach when determining abuse of dominance. In this sense, this thesis will compare the rule of reason and the consumer welfare standard to breaches of article 102 TFEU in the context of digital markets

and the online pharmacy industry. By carrying out this comparison, the objective will be to identify if and when an effects-based approach is the correct tool to apply.

2.3 Platform envelopment

Platform envelopment is a concept first published in 2011. According to Eisenmann, “*Through envelopment, a provider in one platform market [the origin market] can enter another platform market [the target market] and combine its own functionality with that of the target in a multi-platform bundle that leverages shared user relationships.*¹” The objective of platform envelopment is thus to leverage market power, user base and resources into the target market.² It is important to mention that there can be horizontal platform envelopment and vertical platform envelopment. The former involves entering the space of horizontal competing or complementary platforms and the latter is entering the space of vertically competing or complementary platforms.³

There are various strategies in platform envelopment that are used to gain control in the target market. With regards to horizontal envelopment, platforms can use exclusionary conduct such as tying/bundling and self-preferencing. For example, you could have contractual bundling such as seen in the case of Google news where publishers were obliged to use Google news if they wanted to appear in Google Search.⁴ Self-preferencing for example could be Google maps appearing first whenever you look for a certain restaurant or location on Google Search.

Privacy policy tying is a recently identified strategy of platform envelopment that is now an effective strategy for eliminating entrants to the origin market as well as establishing a dominant position in the target market. With privacy policy tying, the goal of the enveloper is to monopolize data generated in the target platform and combine it with the data of the origin platform.⁵ In order to ensure that the enveloper can combine this data, it will make sure that users in the origin platform grant access to data generated in the target market.⁶ The combination of data will allow the enveloper to monetize it in various ways. This monetization of data allows the enveloper to use the significant gains obtained from the combination of data in the origin market to price aggressively or even for free in the target market.⁷ By gaining control from this aggressive pricing, the enveloper can also protect its own market power in the origin market from the target market company.

To provide an example of vertical platform envelopment strategies, these could take the form of forced free riding. This is the case when platforms use data obtained from users of their platform to then enter their respective markets and compete. An example of this could be Amazon acting as a referee and a player to use third party seller data to identify in demand

¹ Eisenmann, Thomas, et al. “Platform Envelopment.” *Strategic Management Journal*, vol. 32, no. 12, Dec. 2011, p. 1.

² Padilla, Jorge and Concorelli, Daniele. “Harnessing Platform Envelopment in the Digital World.” Dec. 2019, p. 9.

³ Hermes, Sebastian, et al. “A taxonomy of Platform Envelopment: Revealing Patterns and Particularities” *AMCIS*, 2020. p.6.

⁴ Padilla, Jorge and Concorelli, Daniele. “Harnessing Platform Envelopment in the Digital World.” Dec. 2019, p. 11.

⁵ *ibid.* p. 27.

⁶ *ibid.* p. 30.

⁷ *ibid.* p. 30.

products and produce them cheaper thus eliminating downstream competition.⁸ The EU Commission has recently sent a Statement of Objections to Amazon for this type of conduct.⁹

2.4 Online pharmacy

Big Techs have identified this lucrative market with companies such as Amazon taking great strides to enter the industry. It recently purchased Pill Pack for an estimated 753 million dollars¹⁰ in the US and created Amazon Pharmacy, which allows customers to complete entire pharmacy transactions on their phone or desktop. It is only a question of *when* and not *if* Amazon and other Big Techs enter the European online pharma industry¹¹, especially in the wake of the Covid 19 health crisis and the demand for online shopping.

If we look to the Pill Pack acquisition as an example, we can see that Amazon can use envelopment strategies to gain significant control of its origin market. It will combine the data on consumer purchases of pharmaceuticals with its origin market to increase profits. This will also allow Amazon to entrench its dominant position in the e-commerce market as no competitor will have access to valuable health data.¹²

In addition to entrenching its monopoly in the origin market, Amazon can also gain control over the pharmacy distribution market. This it can do by using data in the origin market to price discriminate in the target market. It could offer prices of pharmaceutical products according to other data they have on consumers as well as sell medicines according to purchases of foods or other goods. Furthermore, they could use their valuable data to identify a high consumption of sugar and lack of exercise and offer products to detect and treat diabetes. This begs the question however that although this provides Amazon with a strong competitive advantage, is it inefficient? Is the consumer not better off having targeted health products to detect potential diabetes? Do the advantages of consumer welfare outweigh the cons of Big Techs gaining a strong position in the market?

Another consequence is that companies such as Amazon will also price aggressively in the pharma distribution market to gain control. They can firstly recoup the losses in the target market by combining the pharmaceutical data with the origin market to provide highly tailored personal shopping experiences.¹³ They also know that investors continue to have faith in Amazon's growth and are willing to invest even if they suffer losses.

⁸ Picker, Randall. "Prepared statement of Randal C. Picker before the U.S House of Representative Committee on the Judiciary Subcommittee on Antitrust, Commercial and Administrative Law." 11. May 2020. p.22.

⁹ "Press Corner." European Commission - European Commission. 10 Nov. 2020, ec.europa.eu/commission/presscorner/detail/en/ip_20_2077.

¹⁰ Farr, Christina. "The inside Story of Why Amazon Bought PillPack in Its Effort to Crack the \$500 Billion Prescription Market." CNBC, CNBC, 13 May 2019, www.cnbc.com/2019/05/10/why-amazon-bought-pillpack-for-753-million-and-what-happens-next.html.

¹¹ Rebholz, Christian, and Christian Ring-Knudsen. "Amazon as an Online Pharmacy in Europe." Amazon Online Pharmacy Europe, Simon Kucher, 24 Sept. 2019, www.simonkucher.com/en/blog/amazon-online-pharmacy-europe.

¹² See also Google/Fitbit Merger. Google has been prohibited by the EU Commission from using health data gathered from fitbit devices for advertising purposes for 10 years. The concern of the EU is that this would entrench Google's dominant position in this market as no advertising company could compete if Google held such valuable health data.

¹³ M. Khan, Lina. "Amazon's Antitrust Paradox." Yale Law Journal, Vol. 126, no.3, Jan. 2017, p. 788.

This potential predation is already being carried out by Big Tech in various markets and poses a threat to competition.¹⁴ To give an actual example, Amazon pharmacy in the US is offering its prime members large discounts when purchasing non-insured health products. Prime subscribers are being offered 80% discounts on generic medications and 40% off of brand name medications when paying without insurance.¹⁵ But once again one must ask if this is actually harmful for overall consumer welfare? If Amazon can bring down the price of essential pharmaceutical products, doesn't this ensure a healthier society with lower families having better access to healthcare?

This analysis of platform envelopment strategies in the online pharma industry is essential not only because of the clear threats to competition that may exist but also because the pharmacy industry has its own unique structure and functioning. The way these strategies may be used in the mobile device industry is not the same as the pharmacy industry. Here we are dealing with a highly regulated sector and extremely valuable health data. Will the regulatory barriers in Sweden and Europe prevent Big Tech companies from using these strategies to obtain a dominant position in this market? Will restrictions on sensitive health data prevent privacy policy tying techniques allowing the monetization of data? This makes this project unique because it will also analyse the regulatory framework and structure of this industry to determine the limitations that this could create for platform envelopment strategies.

2.5 Effects-based approach and the rule of reason

Online pharmacy platforms are unique both because of their regulatory framework but also because of their structure. They are what the law and economics field has described as two-sided platforms and therefore conduct that would normally seem abusive may in fact be efficient.

To provide an example, the structure in e-commerce platforms is unique because of their two-sidedness. This is due to the importance of network effects in two-sided platforms and how the greater the number of users and data on one side of the market can benefit the users on the other side of the market. If we use Amazon as an example, the more data Amazon has on consumers, the greater the value to retailers on the other side of the market. In this case, we are dealing with an indirect network effect.

These indirect network effects determine certain unique structural features of two-sided platforms. For example, by subsidizing one side of the market, this increases the user base, which in turn benefits the other side.¹⁶ This explains why often in these platforms, pricing is below marginal cost and in many cases zero. Normally, this would be considered to be predatory and non efficient.

However, pricing below marginal cost in two-sided platforms might improve overall consumer welfare. The reason for this is that prices can be increased on one side of the market to

¹⁴ *ibid.* p. 785.

¹⁵ Introducing Amazon Pharmacy: Prescription Medications Delivered." Amazon.com, Inc. - Press Room, Amazon, 17 Nov. 2020, 06.00, press.aboutamazon.com/news-releases/news-release-details/introducing-amazon-pharmacy-prescription-medications-delivered.

¹⁶ Akman, Pinar. "Competition Policy in a Globalized, Digitalized Economy." World Economic Forum, Dec. 2019, p. 6.

compensate for losses on the other and furthermore, the value to one side for having more users on the other side leads to greater efficiency.¹⁷

Another example is the fact that these platforms have strong economies of scope when expanding into new markets due to the increase in data.¹⁸ These economies of scope are both on the supply and demand side. On the supply side, retailers can access users through one online facility rather than several thus reducing costs of marketing activities.¹⁹ Could it be however that it is more practical and efficient for pharma retailers to have access to consumers in one place?

If we look at the demand side, the economies of scope are also strong because of the increasing benefit to have interconnected services.²⁰ Maybe this means it is actually more efficient and beneficial to consumer welfare to have online pharmacy services in the hands of a few players? Do consumers really want to have several Google's or Amazon's? Is it actually efficient and practical to have to switch between online pharmacies to buy different drugs? The monopolisation of these markets may actually be a natural result of indirect network effects and economies of scope. Could it be that the dominance of a firm in the online pharmacy industry is just inherent to the nature of two-sided platforms?

On the other hand, the result of economies of scope and indirect network effects may in fact be harmful to consumer welfare since they might violate privacy. Users would be sacrificing sensitive health data in order to use the online pharmacy platform. This exploitative behaviour has been identified in the *Bundeskartellamt v Facebook*²¹ case. Here Facebook was accused of forcing users to grant it access to an extensive range of data on third party websites and apps. With a lack of alternatives due to Big Techs size and dominance, users would be forced into providing sensitive health data they would normally have refused to provide. Maybe this suggests that price and output are not the key factors to determine consumer welfare in digital markets? Maybe it is necessary to weigh price and output with the decrease in their privacy?

Whether price and output are in fact the correct measure for assessing potentially harmful platform envelopment strategies is not only a concern for privacy but also because companies such as Amazon and Uber can sustain losses for years. Some experts claim Amazon Prime Subscription was losing 1-2 billion dollars a year when it was first implemented.²² This might be beneficial to consumer welfare but is it actually fair for competition? Are Amazon's 80% discounts on non-insured generic medicines to be analysed through solely an effects based approach? The effects on consumer welfare will of course increase due to extremely low prices. But maybe it is necessary to assess these potentially predatory pricing tactics with a different approach. How do we determine whether this conduct is intended solely to increase user base in the online pharmacy market or to actually eliminate rival competitors?

¹⁷ S. Evans, David and Schmalensee, Richard, "The Industrial Organisation of Markets with Two-Sided Platforms" *Competition Law International*, Vol. 3, no. 1, May. 2007, p.151.

¹⁸ Padilla, Jorge and Concorelli, Daniele. "Harnessing Platform Envelopment in the Digital World." Dec. 2019, p. 14.

¹⁹ *ibid*

²⁰ *ibid* pg. 15

²¹ *Bundeskartellamt (2019), Decision of the Bundeskartellamt B6-22/16 regarding Facebook.*

²² M. Khan, Lina. "Amazon's Antitrust Paradox." *Yale Law Journal*, Vol. 126, no.3, Jan. 2017, p. 751.

As we can see from this brief analysis, understanding the dynamics and functioning of online pharmacy platforms in the context of two-sided markets is key to determining the pros and cons of platform envelopment strategies. In addition, a profound study of the effect-based approach and its relevance in the online pharmacy industry is essential in order to avoid the mistake of overregulating and thus restricting conduct that might be beneficial for consumers and society.

3. Delimitations

The main focus of this project will be in the realm of article 102 TFEU and the abuse of a dominant position. This will also involve the analysis of EU doctrine and case law. Case law and doctrine in the US will also be analysed. The Sherman Act Section 2 will be the relevant law for the United States.

With regards to mergers, the EU Merger Regulation will not be used. However, when analysing certain conducts of platform envelopment, the EU Merger Regulation may be referred to, only to a limited extent, in order to provide greater clarity and improve the value of the analysis. As previously mentioned, the purpose of this thesis is to focus on an effects-based approach to abuses of dominance within the context of article 102, not the EU Merger Regulation.

Guidelines as well as other soft law published by the Commission will be assessed in the context of understanding the effects-based approach under article 102 TFEU that currently exists in Europe. The focus on these guidelines will be of significant relevance to provide guidance to understanding the stance that the EU has taken on this matter.

With regards to the sector, the project will generally be limited to the e-commerce sector and in particular online pharmacy. However, other sectors such as Media and Social networks will be addressed to a certain extent in order to draw valuable comparisons and conclusions. The reason for this is that a lot of the analysis of two-sided markets in other sectors is applicable to the e-commerce sector.

Regarding online pharmacy markets, a focus will be primarily made on the Swedish, European and American markets. Should other jurisdictions have online pharmacy markets that have unique structures, features or regulatory frameworks, and could provide certain valuable insights, they will only be briefly looked at. The reason for looking to the American markets is that companies such as Amazon are currently active and using platform envelopment strategies in the online pharmacy industry. This will allow for an analysis and comparison with potential practices in the European market should they decide to enter.

4. Method

This project will use a legal dogmatic method with a particular emphasis on legal sources such as case law, statutes and legal doctrine.

A comparative method will be used to compare the rule of reason of the United States with the European consumer welfare standard when analysing the effects-based approach in the context of abuses of dominance within article 102 TFEU. This comparative method will assess the different approaches found in case law, administrative doctrine and academic literature regarding digital markets and in particular the effects-based approaches of both continents. The benefit of this will be to clarify the advantages and disadvantage of the different approaches.

Regarding the economic analysis of law, a focus will be on the Chicago school and the Structuralism or Formalistic approaches. With regards to the Chicago school, the focus will be on efficiency and maximization of consumer welfare when analysing competition law. The Structuralism or Formalistic approach will focus more on promoting the actual competitive process and structure rather than solely consumer welfare. The analysis and comparison of this approach will again provide better insight into the applicability and relevance of an effects-based approach in the context of abuse of dominance under article 102 TFEU in the online pharmacy industry.

5. Previous research (sources)

Leading scholars such as Khan, Akman, Evans and Picker have addressed an effects-based approach in the context of abuse of dominance in digital markets. However there has not been a focus on platform envelopment. Padilla and Concorelli have addressed the effects-based approach more concretely with regards to platform envelopment but a more profound analysis is needed regarding exclusionary and exploitative conduct. Most importantly however, this project is unique and pioneering since there is very limited research on the analysis of two-sided markets in the online pharmacy industry, especially with regards to platform envelopment strategies and an effects-based approach to this conduct.

Another unique feature of this project will be to analyse the different doctrines regarding the objectives of competition law in order to understand whether an effects-approach is the adequate test. This will involve analysing the Chicago school, with scholars Akman and Evans, who put particular emphasis on price and output. On the other hand, the works of more Structuralism oriented legal scholars who believe that competition law should focus on the competitive process and structure will be assessed. American scholars such as Lina M. Khan and Barry C. Lynn have a significant reputation within this area and have shed light on the problems that may arise with the Chicago School approach in the context of digital markets. This project will be unique however as an analysis and comparison of these doctrines has not been carried out within the context of platform envelopment in the online pharmacy sector.

6. Target group / Relevance

The overall relevance for this project is that authors such as Khan, Akman, Evans and Picker have addressed an effects-based approach in the context of abuse of dominance in digital markets however there has not been a focus on platform envelopment. Padilla and Concorelli have addressed the effects-based approach more concretely with regards to platform envelopment but a more profound analysis is needed regarding exclusionary and exploitative conduct. Most importantly however, this project is unique and pioneering since there is very limited research on the analysis of two-sided markets in the online pharmacy industry, especially with regards to platform envelopment strategies and an effects-based approach to this conduct.

This project will also be relevant to various stakeholders with the most obvious being regulators and academics.

This project is relevant to regulators since Sweden has a growing online pharmacy market. Online pharmacy accounted for 12% of sales and 18% of total volume of the community

pharmacy market in Sweden in 2020 with a year on year growth of around 36%.²³ In Europe, the online pharmacy market is estimated to grow at a CAGR of 14 % between 2019-2025.²⁴ Sweden currently has three purely online pharmacies; Apotea, Meds and Apohem.²⁵ To provide an example of the current potential of this industry in Sweden, Meds raised 5 million euros in investment in January 2019 adding to a total of 10.5 million raised since its creation in 2017.²⁶

Sweden has the potential to become a leader in Europe and even the world for online pharmacies. The fact that 98% of Swedish pharmacy customers were satisfied with their most recent pharmacy visit demonstrates the quality and faith that exists in the Swedish pharmacy industry.²⁷ In addition, if we combine this confidence in the industry with the fact that Sweden is a leading nation in innovation and technology, Swedish online pharmacies have enormous potential to be strong players in the European and world market, just like Spotify and Klarna have done in their respective sectors.

In order for Sweden to compete, regulators will need to understand the nature and functioning of these markets. Regulators will gain greater insight into the potential barriers to entry and anticompetitive practices that may arise from platform envelopment strategies and thus better identify and prevent them. Regulators will also obtain a better insight into how multi-sided markets will function in the online pharma industry. This will allow for a better understanding of the efficiencies that may arise due to their unique features such as network effects and economies of scope and furthermore help identify the benefits and disadvantages of an effects-based approach.

Academics will also find this research relevant, as it will firstly contribute to the current literature on the challenges competition law faces in the digital world. In particular, academic literature exists on platform envelopment however a greater understanding of the potential benefits and disadvantages through an effects-based approach has not been profoundly analysed. Furthermore, as previously mentioned, there is limited literature discussing and analysing two-sided markets and platform envelopment strategies in the pharma industry. This makes this project unique as it will assess how these strategies will work in a highly regulated sector that is however vulnerable to significant disruption.

Lastly and on a general note, the post-pandemic economy will be more digital than it has ever been before. Furthermore, the fact that technologies to obtain general health digitally, genomic, transcriptomic, proteomic and metabolic data as well as deep immune phenotyping are evolving at an enormous speed whilst becoming increasingly cheap. Altogether, this implies that the regulatory response required by Swedish regulators will be extremely important, as the whole dynamic of competition within the health industry will dramatically change.

²³ Sveriges Apoteksförening, 2020, Annual Report 2020, p. 5.

²⁴ "Europe's Online Pharmacy Industry, 2020 Analysis by Platform, Type and Geography." GlobeNewswire News Room, "GlobeNewswire", 8 Apr. 2020, www.globenewswire.com/news-release/2020/04/08/2013547/0/en/Europe-s-Online-Pharmacy-Industry-2020-Analysis-by-Platform-Type-and-Geography.html.

²⁵ Sveriges Apoteksförening, 2020, Annual Report 2020, p. 5.

²⁶ "Swedish Online Pharmacy Meds Raises €5 Million to Conquer the Market." EU, 10 June 2019, www.eu-startups.com/2019/01/swedish-online-pharmacy-meds-raises-e5-million-to-conquer-the-market/.

²⁷ Sveriges Apoteksförening, 2020, Annual Report 2020, p. 5.

7. About me

I am a Swedish citizen, a qualified lawyer in Spain and I hold a bachelor degree in Comparative and EU law and a Degree in English Common Law. In addition, I have been on an exchange semester at Sciences Po Paris where I have studied the economic analysis of law with professor Roberto Galbiati (CEPR Research Fellow). Furthermore, I hold a Double Law Master Degree from IE University in access to the bar and business consultancy. Throughout my education, I have always led an international comparative approach to my work.

Regarding my professional experience, I am currently about to commence a Blue Book Traineeship for the EU Commission in Brussels ending in July 2021. In addition, I have one year of experience working for KPMG in Madrid in the Data Protection and Competition law department. Here I have dealt with large anti trust and cartel cases before the Spanish courts as well as working with data protection matters for the largest energy companies and banks in Spain.

I have also been working the past months in a legal startup advising Swedish and international startups on corporate matters. Here I have presented workshops on shareholders agreements and contract law at prestigious institutions in Europe including IE University and Cambridge University. Furthermore, this startup has been developing a legal tech workflow platform targeting some of the biggest law firms in the world. This has taught me about how digital platforms work and how data and algorithms can be used to enhance their capabilities.

Regarding languages, I speak English and Spanish fluently with the former being my mother tongue. I also speak Swedish at a fully professional level as I have a Swedish father a half Swedish mother and I have studied at grundskolan and gymnasium in Stockholm for 5 years.

I believe that my educational and professional experience makes me well equipped for this project, especially since a significant focus will be on a comparative approach.

8. Planning

Year 1

An analysis of the online pharmacy industry in Sweden, Europe and the US will be carried out to understand their structure, functioning and regulatory framework. This will be key to understanding how to approach and analyse this market within the context of platform envelopment and the effects-based approach.

A particular focus will be on the regulatory framework and functioning of the online pharmacy market in Sweden. Comparisons will then be made with Europe and the US to provide further insight into the potential competitive landscape upon entrance of Big Techs.

This will involve an economic analysis of the online pharmacy industry with a focus on how this industry works within the context of two-sided markets. It will require understanding how each side of the market interacts with the other and how network effects, economies of scale and economies of scope work in these markets. It will also be important to study the law and economics of e-commerce platforms.

Year 2

This part will focus on platform envelopment strategies and abuse of dominance within article 102 TFEU.

Here the project will identify the strategies and how they have been used in the past and are used in the present. Furthermore, academic work as well as legal statutes and case law will be analysed both in the US and in Europe to assess how regulators and courts have addressed these strategies within the context of abuse of dominance.

In addition, an analysis will be carried out to understand how these strategies are and could be used in the online pharmacy industry.

Year 3

An analysis of the current status of the effects-based approach within the context of digital markets will be performed.

A comparative analysis of the effects-based approaches in Europe and the US will specifically carried out. A focus will be on case law, statutes and legal doctrine as well as academic works. A particular focus will be on the US rule of reason as the effects-based approach in the US has been implemented more frequently.

An economic analysis will also be carried out to compare the Chicago School approach with the Structuralism or Formalistic approach. This will also include a brief and more general study of the effects-based approach beyond strictly digital markets.

Year 4

Apply the effects-based approach analysis to the identified platform envelopment strategies and assess their adequacy and applicability in order to determine whether this conduct is harmful to competition.

In particular, this analysis will identify whether the effects-based approach is adequate and applicable in the context of the online pharmacy industry. This will require understanding how the previously gained knowledge of the structure, functioning and regulatory framework might make these markets unique when assessing the adequacy of an effects-based approach.

Curriculum Vitae

Vladimir Bastidas Venegas



Education and academic titles

- 2016 Associate Professor (Docent), Uppsala University
- 2011 JD in European Law (juris doctor), Stockholm University
- 2001 LL.M. in European Law, Maastricht University, the Netherlands
- 2001 LL.B. in law (jur. kand.), Stockholm University

Working experience

- 2013 - Senior Lecturer in Competition Law, Uppsala University, Department of Law (current)
- 2012 - 2013 Senior Lecturer, Örebro University, Department of Law
- 2012 - 2013 Guest Lecturer, Stockholm University, Department of Law
- 2008 - 2012 Junior Lecturer, Örebro University, Department of Law
- 2009 - 2012 Guest teacher, Stockholm University, Department of Law
- June - August 2002 Internship, Swedish Ministry for Foreign Affairs, EU Legal Secretariat
- March - July 2000 Internship, European Commission, Directorate-General for Competition, Unit C3

Research related projects, assignments and consultancy work

- 2018- Research project, Swedish Competition Authority (current)
- 2018- National report, Spark (current)
Report on the enforcement of EU State Aid law in Sweden between 2007-2017. Spark is putting together an international report for the European Commission.

- 2013-** **Research project, Uppsala University (current)**
'Market Failure and EU Competition Law'. The project focuses on the rules on privileged undertakings and examines the normative value of the concept market failure. The project was financed by the Swedish Competition Authority between 2012-2015. The project is supposed to be finalized by the end of 2018.
- 2017** **Research project on rebates**
Collaboration with colleagues from Denmark and Norway. The task is to analyze Swedish Competition Law on rebates. The project was finalized and the book was published in 2017.
- 2017** **Legal opinion, Sporting rules and Competition Law**
Consultancy work for a private party.
- 2016** **Research for the Swedish Agency, Transport Analysis**
The report concerns a law and economics analysis of certain rules regarding liability for accidents caused by self-automated vehicles.
- 2016** **National reporter, research project by the Ligue Internationale de Droit de la Concurrence (LIDC)**
A national report on Swedish Competition Law and the Pharmaceutical sector.
- 2015 – 2016** **National reporter, research project by the University of Luxembourg**
One of two national reporters assisting a research project regarding criminal aspects of sanctions applied in Swedish environmental, financial and competition law. I was responsible for reporting on rules on competition law sanctions as well as a large part of the research on sanctions in financial law. A book chapter co-authored with my colleague will be published in 2018.
- 2017** **Opinion (Remissyttrande JURFAK 2017/74), Uppsala University**
Drafted opinion on behalf of the Department of Law regarding a proposal on a new law on the regulation of the distribution of electricity.
- 2017** **Opinion (Remissyttrande JURFAK 2017/33), Uppsala University**
Drafted opinion on behalf of the Department of Law regarding a proposal on an authorization system in the markets for lotteries and gambling.
- 2017** **Addendum to Opinion (Remissyttrande JURFAK 2016/55), Uppsala University**
Drafted opinion on behalf of the Department of Law regarding an addendum to the proposal to give the Swedish Competition Authority more power as regards merger control.
- 2016** **Opinion (Remissyttrande JURFAK 2016/55), Uppsala University**
Drafted opinion on behalf of the Department of Law regarding a proposal to give the Swedish Competition Authority the right to fine companies.
- 2016** **Opinion (Remissyttrande UFV 2015/1671), Uppsala University**
Drafted opinion on behalf of the Law Faculty regarding Commission Communication on 22 measures for the reinforcement of the Internal market.
- 2015** **Opinion (Remissyttrande JURFAK 2015/73), Uppsala University**
Drafted opinion on behalf of the Law Faculty regarding changes to the Lottery Act and Marketing Act on the advertising of gambling services.
- 2015** **Opinion (Remissyttrande JURFAK 2015/74), Uppsala University**

Drafted opinion on behalf of the Law Faculty regarding changes to the rules on the authorization of lotteries and gambling.

- 2013** **Opinion (Remissyttrande JURFAK 2013/80), Uppsala University**
Drafted opinion on behalf of the law faculty regarding suggested changes by the Commission affecting the Swedish Act on electronic communication (telecom sector).
- 2013** **Opinion (Remissyttrande JURFAK 2013/38), Uppsala University**
Drafted opinion on behalf of the law faculty regarding changes to the Swedish block exemption concerning technology transfer following the reform of the EU competition rules on technology transfer.
- 2012-2013** **Report on a private initiative proposing a reform regarding the rules on sickness and accident insurance for labor in Sweden**
The report consisted of an analysis of the proposal under the rules on competition, in particular Articles 106(2) and 102 Treaty of the Functioning of the European Union.
- 2012** **Legal opinion on rules on expropriation and EU State Aid Law**
Consultancy work for a Swedish environmental non-governmental organization.
- 2002-2011** **Doctoral project, Stockholm University**
The project encompassed a law and economics analysis of the European competition rules on technology transfer (patent and know-how licensing agreements). The project was partly financed by the Swedish Competition Authority. The doctoral thesis was awarded a prize for the best thesis at the Law Faculty during the period 2011-2014.
- Other (selection)*
- 2018** **Conference speaker, presentation of book on the treatment of rebates under EU Competition Law and Nordic competition Law. Hosted by Copenhagen Economics, Stockholm.**
- 2018** **Conference speaker. Commentator on presentation of book on the protection of the environment under the rules on free movement, competition and state aids in EU Law. Stockholm University**
- 2017** **Organizer, conference between the Nordic Networks on European Legal Studies, Swedish Network on European Legal Studies, Uppsala University**
- 2017** **Speaker on legal education and pedagogical issues, 20 year anniversary conference on the Legal Science Program, Örebro University**
- 2017** **Opponent, seminar, PhD project on plant patent rights and exhaustion, Linköping University**
- 2017** **Chair of panel discussion, International conference, ASCOLA network, Stockholm University**
- 2017** **Speaker and part of the organizing team, International conference on the implementation Damages Directive, Uppsala University**

- 2017** **Speaker, Conference on pedagogical issues, Örebro University**
- 2017** **Speaker, Seminars on the LIDC national report, Association on Competition and Marketing Law, Stockholm and Gothenburg**
- 2016** **Speaker, Annual seminar on case-law, arranged by the Academy on Intellectual Property, Marketing and Competition Law, Uppsala University**
Presentation on the Genentech case decided by the CJEU.
- 2016** **Speaker, conference, The Nordic Network for Researchers in Competition Law, Stockholm**
Review of recent case law on State Aid.
- 2016** **Opponent, final seminar, PhD project, Copenhagen University**
- 2016** **Speaker, Seminar, law firm Lindahls**
The seminar focussed on certain abuses of a dominant position.
- 2016** **Speaker, Conference, University of Luxemburg**
The conference concerned criminal law aspects on competition, environmental and financial law. The speech concerned the interplay between leniency programs and criminal sanctions.
- 2015** **Speaker and commentator, The Nordic Network for Researchers in Competition Law, Conference in Copenhagen**
Presentation on soft law, competition law and national courts. Commentator on presentations of doctoral projects.
- 2015** **Speaker, Seminar on the Huawei judgment, arranged by the Academy on Intellectual Property, Marketing and Competition Law, Uppsala University**
Seminar on the Huawei judgment of the Court of Justice of the European Union and abuse of dominance for practitioners.
- 2015** **Conference speaker, International Colloquium, Competition Law: Lessons from other jurisdictions, Porto's Catholic University**
On Swedish competition law and the Swedish Competition Authority.
- 2015** **Speaker, seminar on the Intel judgment arranged by the Academy on Intellectual Property, Marketing and Competition Law, Uppsala University**
Seminar on abuse of dominant position and the Intel judgment of the Court of Justice of the European Union for practitioners.
- 2015** **Moderator (and part of the organizing team), Conference on Competition Law, arranged by The Association of Competition Law Judges, European Commission and Uppsala University.**
Moderator in the panel on "two-sided markets" and the role of the judge. I was also part of the team organizing the practical arrangements in the conference.
- 2015** **Moderator, Conference on Sweden's 20 year membership in the EU, Swedish Network for European Research (SNEF)**
- 2014** **Conference speaker, on teaching EU Law at Swedish universities, SNEF**
- 2011-2014** **Conference speaker, Konkurrensrättsforum**
Update for practitioners of EU competition law.

- 2013** **Commentator, seminar on the EU Commission's proposal to new block exemption regulation on technology transfer**
Commented the Commission representative's presentation of the proposal. The seminar was arranged by the Swedish Market and Competition Law Association.
- 2012** **Seminar, Swedish Competition Authority**
Seminar on my article on the EU Commissions guidelines and notices.
- 2018-** **Private course for practitioners, News in EU and Swedish Competition Law**
The course is going to be held every 6 months giving practitioners an update on the latest development in EU and Swedish antitrust and merger law.
- 2017-** **Private course for practitioners, State Aid Law**
The course is going to be held every 6 months giving practitioners an overview of EU State Aid Law as well as an update on the latest development in EU antitrust law.
- 2012 – 2013** **Coordinator, Legal Science Program, Örebro University**
- 2015-** **Member of the steering group, the Swedish Network for European Studies**
The network arranges conferences and seminars, and publishes academic books in EU Law. The steering group consists of representatives (scholars working in EU Law) from the Swedish universities of Uppsala, Stockholm, Lund, Gothenburg, Umeå and Örebro.
- 2017** **Peer-reviewer, Market and Competition Law Review**
Reviewed an article on criminalization and competition law infringements.
- 2012 -** **Member of the editorial board, Ny Juridik (current)**
Ny Juridik belongs to the publisher Karnov. In 2017, one article were reviewed.
- 2010 -** **Member of the editorial board, Juridisk publikation (current)**
Two articles were reviewed in 2017.
- 2013 - 2018** **Co-supervisor for Jon Bergman, doctoral candidate, Uppsala university**
Project was finalized and approved 30 may 2018. The thesis concerned EU merger control within the pharmaceutical sector.
- 2012 -** **Co-supervisor for Katharina Voss, doctoral candidate, Stockholm University**
The project is expected to be finalized in 2019.
- 2005 - 2006** **Member of Expert Committee, TEEP II project (ENQUA)**
Student representative of the expert panel conducting site visits to Universities involved in the European Masters in Law and Economics. Purpose of project was to develop a methodology for quality assurance of academic programmes.
- 2004 - 2006** **Member of the executive board, Sveriges doktorandförening (SDF)**
SDF represents doctoral students in labor issues.
- 2003 - 2005** **Vice-president in the board of doctoral candidates, Stockholm**

University

Prizes

2015

Prize for best doctoral thesis

Prize for best doctoral thesis at the law faculty at Stockholm University (SU) in the period 2011-2014. Researchers at the Department of Law, SU, made the selection of the doctoral thesis.

Teaching (selection)

2018-

Course Director (current)

EU Commercial Law and Litigation (30 ECTS). Advanced course in the Law Program, Uppsala University.

2016-

Course Director (current)

Course comprising the third term in the basic law program at Uppsala University, Private Law (Civilrätt), covering certain aspects of private law, family law, intellectual property, marketing and competition law (30 Credits 'ECTS').

2015-

Course Director (current)

Advanced EU Law and the Internal Market (15 ECTS), advanced course in the Law Program, Uppsala University.

2009 - 2013

Course Director

Core Concepts of EU Law (15 ECTS), advanced course with focus on the internal market in the Law Program, Örebro University

2009 - 2012

Course Director

European Procedural Law (15 ECTS), advanced course in the Law Program, Stockholm University

2008 - 2013

Course Director

European Law, basic course in the Law Program (12 ECTS)
Örebro University

2008 - 2012

Course Director

Intellectual Property and Market Law, basic course in the Law Program (3 ECTS), Örebro University

2006 - 2013

Course Director

European Commercial Law
Advanced course in the Law Program (15 ECTS), Stockholm University

Publications

1. Forthcoming in 2019, editor for book with conference papers together with Magnus Strand and Marios Iacovides. Conference on the Damages Directive in Uppsala University 2017.
2. Forthcoming, *Transacting Technology Transfer*, the book proposal has been accepted by Edward Elgar Publishing.

3. Forthcoming, Book review, A Ezrahi, *EU Competition Law* (2nd ed, Hart Publishing, Oxford, 2018), in *European Competition Law Review* 2018/19.
4. 'Rättsekonomi', Chapter 7 in M Nääv and M Zamboni (ed.), *Juridisk metodlära* (Studentlitteratur, Lund, 2018). Revision of the first edition of 2013 (see publication no. 17).
5. 'Consumer Inertia, the New Economy and EU Competition Law' (2018), 2 *Market and Competition Law Review* 47.
6. 'Sweden', book chapter co-authored with Maria Bergström in K Ligeti and S Tosza, *White Collar Crime – a comparative study*, Hart Publishing/Bloomsbury 2018. National report on criminal law aspects on competition, environmental and financial law.
7. 'En kort not om instuderingen av EU:s konkurrens- och statsstödsrätt' (2018), *Juridisk publication nr 1* 2018, pp. 125-143. A short article on the study of EU Competition Law and State Aid Law from a student perspective.
8. "Where do We Stand on Discounts? – A Swedish Perspective", book chapter in Bergqvist, Christian (ed.), *Where do We Stand on Discounts? – A Nordic Perspective* (Ex Tuto 2017).
9. 'World Duty Free Group och selektivitetskriteriet' [World Duty Free Group and the selectivity criterion] (2017), *Ny juridik* 4:17, pp. 65-87. Case note on case C-20/15P and the selectivity requirement in Article 107(1) TFEU.
10. 'Sweden', chapter 12 in P Kobele, P Kellezi, and B Kilpatrick (ed.), *Antitrust in Pharmaceutical Markets & Geographical Rules of Origin* (Springer, 2017).
11. 'Genentechmålet – royaltyklausuler i licensavtal', *Ny Juridik* 3:16, p. 51, (2016). Case note on case C-567/14 and the competition law assessment of royalties in patent licensing agreements.
12. 'The Damages Directive and other enforcement measures in EU Competition Law', Chapter 5 in book, M Bergström, M Iacovides and M Strand (ed.), *Harmonizing EU Competition Litigation: The New Directive and Beyond* (Hart Publishing/Bloomsbury, 2015), pp. 83-97.
13. 'Svensk konkurrensrätt i ljuset av 20 års medlemskap i EU', in *De Lege, Yearbook of the Law Faculty at Uppsala University* (Iustus förlag, 2015), pp. 67-92.
14. Case note, 'Huaweimålet – förbuds föreläggande, villiga licenstagare, FRAND och missbruk av en dominerande ställning' (2015), *Ny juridik*, vol. no. 4, pp. 77-111.
15. Case note, 'DEI-målet och tillämpningen av artiklarna 106.1 och 102 FEUF' [The DEI case and the application of Articles 106(1) and 102 TFEU] (2015), *Europarättslig tidskrift*, pp. 595-627.
16. Case note, 'En effektbaserad kontra en formbaserad bedömning av missbruk enligt artikel 102 FEUF - Tribunalens avgörande i Intel' (2014), *Ny juridik* 31.
17. 'Det nya gruppundantaget om tekniköverföring – en skärpning av de konkurrensrättsliga reglerna för licensgivare' (2014-15), *Juridisk tidskrift* 276.
18. Case note, 'Inuitmålet – enskildas talerätt, regleringsakter och effektivt domstolsskydd' (2013), *Ny juridik* 59.
19. Case note, 'Expeditamålet: Särskilt allvarliga begräsningar och kravet på märkbarhet' (2013), *16 Europarättslig tidskrift* 557.
20. 'Rättsekonomi', chapter 7 in F Korling and M Zamboni (ed.), *Juridisk metodlära* (Studentlitteratur, Lund, 2013).

21. 'Autonomi och begreppet företag inom EU:s konkurrensrätt' (2013), 16 Europarättslig tidskrift 59.
22. 'The Technology Transfer Regulation and Dynamic Competition' (conference paper), chapter 3 in HH Lidgard (ed.), *Nordic Perspectives on Competition Law in Innovation Markets* (Maria Magle Publishing, Lund 2013).
23. Commentary (Lexino), Konkurrenslagen (SFS 2008:579) (Swedish Competition Act), Karnov's website (2013-02-25).
24. Case note, 'Premier League-målet – ytterligare konvergens inom EU:s inre marknadsregler?' (2012), Ny juridik 29.
25. Case note, 'Fra.bo – ett steg närmare horisontell direkt effekt av artikel 34?' (2012), Ny juridik 7.
26. Book review of P Sund-Norrgård, *Lojalitet i licensavtal* (doctoral thesis) (Oy Nord Print Ab, Helsingfors 2012) (2012), Juridisk tidskrift 682.
27. Case note, 'Kommissionen mot Gibraltar – ett hot mot medlemsstaternas suveränitet gällande direktbeskattning av bolag?' (2012), Juridisk publikation 111.
28. *Promoting Innovation?* (doctoral thesis, Stockholm University, 2011).
29. 'Riktlinjer och tillkännagivanden inom EU:s konkurrensrätt' (2011), 14 Europarättslig tidskrift 715.
30. Sections 1.5, 1.11 and 4.6.1- 4.6.4 in J Hettne and IO Eriksson (ed.), *EU-rättslig metod* (2nd ed., Nordstedts juridik, Stockholm, 2011).
31. Case note, 'AstraZaneca – mycket väsen för ingenting?' (2011), Ny juridik 60.
32. 'Shifting towards a dynamic Efficiency Test? Evaluating licensing agreements under Antitrust Law', chapter 20 in SD Anderman and A Ezrachi (ed.), *Intellectual Property and Competition Law – New Frontiers* (Oxford University Press, 2011).
33. 'Marknadsintegration fortfarande ett självständigt ändamål inom EU:s konkurrensrätt' (2009), case commentary, Karnov News (website).
34. Case note, 'House of Lords dom i Crehan-målet – när måste nationella domstolar respektera kommissionsbeslut?' (2007), 10 Europarättslig tidskrift 171.

Languages

- | | |
|---------|-----------------------|
| Swedish | - fluent. |
| English | - fluent. |
| Spanish | - fluent in speaking. |
| French | - Read. |

DAVID FAHRAEUS LAÍN

Madrid, Spain

KONKURRENSVERKET

2021-02-01

Avd AF

Dnr 27/2021

KSnr 363 Aktbil 31



PROFESSIONAL OBJECTIVE

I am a young professional with experience in administrative, regulatory and competition law (Spanish & EU). Furthermore, I am about to commence a Blue Book Traineeship at DG Legal Service in the competition law team. My objective is to further my knowledge of EU regulatory and competition law applied to the world of digital markets. I wish to carry out a PhD at Uppsala University analysing the current trend of Big Tech companies entering the online pharma industry. In particular, I wish to analyse whether an effects-approach is the correct tool to determine if platform envelopment strategies used by online platforms are abuses of dominance under article 102 TFEU.

EDUCATION

SPANISH BAR EXAM 2020 (COMPLETED)

MADRID, SPAIN

JUL. 2020

IE LAW SCHOOL (GRADE: 8/10)

MADRID, SPAIN

Double Master Degree in Access to Advocacy and Legal Business Advice Bilingual (In Spanish)

SEP. 2018 – JUL. 2019

SCIENCES PO

PARIS, FRANCE

Exchange Semester

SEP. 2017 – DEC. 2017

UNIVERSITY OF LAW

GUILDFORD, UNITED KINGDOM

Graduate Diploma in Law (Common Law)

SEP. 2014 – NOV. 2017

IE UNIVERSITY (GRADE: 8.1/10)

MADRID, SPAIN

Undergraduate degree in comparative law

SEP. 2014 – JUL. 2018

PROFESSIONAL EXPERIENCE

LEGOLEX

MADRID, SPAIN

Associate Lawyer

JUL. 2020 - PRESENT

- Currently shareholder in a legal tech startup building a network of clients in Spain, Sweden and the UK; we are offering an exclusive network including some of the most prestigious lawyers in the Iberian Peninsula.
- Working with the Swedish Chamber of Commerce & Business Sweden in Madrid to help assist Swedish companies implement the correct legal infrastructure to operate in the country.
- I am also an associate lawyer in the team working on helping companies establish in both Spain and abroad: this includes writing privacy policies and cookies policies as well as other essential documents such as bylaws and shareholder agreements.
- The company is also developing a legal transaction management software to be implemented by the largest law firms in Spain: this involves pitching to investors, creating developer teams and designing the software to best fit law firm needs.

KPMG LEGAL

MADRID, SPAIN

Legal Trainee

SEP. 2019 – JUL. 2020

- Researched and discovered key jurisprudence for a competition law infringement proceeding initiated by the Spanish Competition Law Authority involving sanctions worth tens of millions of euros.
- Explored and analysed a vast amount of Spanish law as well as the GDPR in order to create legal documents establishing the legal basis for the obtention of data for Banco Santander.
- Provided analysis of laws and jurisprudence (Spanish & EU) to a variety of administrative and contentious administrative proceedings for some of the largest transport and energy companies in Spain.
- Worked on public procurement advice for Spanish regional governments as well as the state owned transport company RENFE.

WOMEN'S LINK WORLDWIDE**MADRID, SPAIN**

Intern

JUN. 2018 – JUL. 2018

- Internship in a law firm defending the rights of women and children.
- Explored legal options to bring cases before the EU institutions; analysed the Seasonal Workers Directive and its vertical direct effect; assessed possible actions through the European Charter of Fundamental Rights.
- Presented a rights abuse case in a meeting, together with other members of the team, to partners of Herbert Smith Freehills (Madrid).

MOSCARDÓ Y ASOCIADOS**MADRID, SPAIN**

Intern

FEB.2018 – FEB.2018; APR.2018 – APR. 2018

- Provided legal assistance during two international arbitration hearings in a claim worth hundreds of millions of dollars.
- Sat next to the legal team throughout the proceeding at the Madrid Chamber of Commerce.
- Helped draft the opening and closing statements; observed and took notes of the witness statements; helped to create the cross-examination questions for the witnesses.

PEDRO ALEMÁN ABOGADOS**MADRID, SPAIN**

Intern

JUN. 2017- JUL. 2017

- Investigated legal consultations regarding Independent management entities wishing to enter the Spanish market; analysed various Directives including the Services Directive.
- Assisted a lawyer in completing a prestigious mediation course run by the Centre for Effective Dispute Resolution in England.
- Assisted in responding to claims relating to Google and "the right to be forgotten".

PRESENTATIONS

- **Cambridge Judge Business School (10th Dec 2020):** Invited to present to the Entrepreneurship Master Students on Shareholders' Agreements and Contract Law. The presentation received excellent feedback from the students.
- **IE Business School (5th Nov 2020):** Invited to present to IE Business School students on Shareholders' Agreements.
- **La Nave Startup Hub (17th Dec 2020):** Invited to present on Shareholders' Agreements to members of La Nave Start-up Hub which is one of the most renowned hubs in Spain.

LANGUAGES

English (Native); **Spanish** (Bilingual); **Swedish** (Advanced); **French** (A2).

ADDITIONAL RELEVANT INFORMATION

- **Active musician and composer:** won university awards, have a youtube channel and play concerts regularly in Madrid.
- **Interview for Expansión Jurídico (newspaper) with Alberto Estrelles, Managing partner of KPMG Abogados.**

REFERENCES

Borja Martínez Corral (KPMG Abogados) – [REDACTED]

Borja Carvajal Borrero (KPMG Abogados) – [REDACTED]

Marco de Benito Llopis-Llombart (Moscardó y Asociados) - [REDACTED]

Javier Martínez Bavière (Pedro Alemán Abogados) - [REDACTED]



David Fahraeus <david.fahraeus93@gmail.com>

(sin asunto)**KONKURRENSVERKET****2021-02-01****Avd AF**Vladimir Bastidas <[REDACTED]>
Para: David Fahraeus <[REDACTED]>**Dnr 27/2021**
KSnr 363 Aktbil 31

1 de febrero de 2021, 15:21

Dear David,

I approve that you submit this application to the Competition Authority for money to a doctoral project at Uppsala University.

best,

Vladimir
0721-500191

On 1 Feb 2021, at 15:12, David Fahraeus <[REDACTED]> wrote:

Here you have the application form filled in. If you need anything more just let me know.

Regards,
David.

När du har kontakt med oss på Uppsala universitet med e-post så innebär det att vi behandlar dina personuppgifter. För att läsa mer om hur vi gör det kan du läsa här: <http://www.uu.se/om-uu/dataskydd-personuppgifter/>

E-mailing Uppsala University means that we will process your personal data. For more information on how this is performed, please read here: <http://www.uu.se/en/about-uu/data-protection-policy>

<Application KKV Funding.doc>

 **Application KKV Funding.doc**
180K



David Fahraeus <david.fahraeus93@gmail.com>

(sin asunto)**KONKURRENSVERKET**

Vladimir Bastidas <[REDACTED]>
Para: Bengt Domeij <[REDACTED]>
Cc: David Fahraeus <[REDACTED]>

2021-02-01

Avd AF
Dnr 27/2021
KSnr 363 Aktbil 31

1 de febrero de 2021, 15:24

Hej Bengt,

Jag vet att du har gett ett allmänt klartecken för en ansökan om pengar till KKV.

Jag undrar dock om du kan godkänna specifikt denna ansökan till KKV så att David kan pdf:a ditt svar med vändande mejl (till oss båda) och bifoga det som ett godkännande från prefekten till ansökan?

vänligen,

Vladimir

Begin forwarded message:

From: David Fahraeus <[REDACTED]>
Subject: Re:
Date: 1 February 2021 at 15:12:35 CET
To: Vladimir Bastidas <[REDACTED]>

Here you have the application form filled in. If you need anything more just let me know.

Regards,
David.

[El texto citado está oculto]

 **Application KKV Funding.doc**
474K



David Fahraeus <david.fahraeus93@gmail.com>

(sin asunto)

Bengt Domeij [redacted]
Para: Vladimir Bastidas [redacted]
Cc: David Fahraeus [redacted]

KONKURRENSVERKET 1 de febrero de 2021, 15:36
2021-02-01
Avd AF
Dnr 27/2021
KSnr 363 Aktbil 31

Hej,

Jag godkänner att denna ansökan lämnas in.

Mvh
Bengt Domeij
Prefekt

Hämta [Outlook för Android](#)

Från: Vladimir Bastidas [redacted]
Skickat: måndag 1 februari 2021 15:24
Till: Bengt Domeij
Kopia: David Fahraeus
Ämne: Fwd:

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