On 24 April 2018, the Court of Justice (CJEU) issued an important ruling in the MEO case on the interpretation of Article 102 TFEU. Article 102 prohibits, as incompatible with the EU’s internal market, any abuse of a dominant position, be it one by one or more undertakings, and under Article 102(3), any type of dominant firms conduct that may constitute such an abuse by applying discrimination conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage.

The MEO ruling is important because it sheds light on the notion of “competitive disadvantage” under Article 102. It is also interesting because the CJEU applied Intel’s effects-based principles to the case of discriminatory pricing.

In conclusion, the MEO ruling contributes greatly to the overall coherence of the Article 102 case law by: applying Intel’s effects-based principles are clearly not limited to rebate cases, but are applicable by analogy in all cases involving alleged pricing abuses.

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