

## REVIEWS AND ANNOTATIONS

Václav Šmejkal: *Digitální antitrust: EU a ochrana hospodářské soutěže v éře velkých online platform* (Digital Antitrust: EU Competition Law in the Era of Large Online Platforms). Prague: Karolinum, 2026, 216 pp.

The rapid rise of large digital platforms has profoundly challenged traditional assumptions of competition law, both in Europe and globally. Václav Šmejkal's monograph *Digital Antitrust* offers a comprehensive and analytically ambitious account of how European Union competition law is responding to this transformation. While the subject has been widely discussed in international literature, the book stands out as one of the first systematic, book-length treatments of the topic emerging from the Czech, and more broadly Central and Eastern European, academic context. In this sense, it represents not only a scholarly contribution but also an important attempt to embed the regional debate within the wider European discourse.

The author defines “digital antitrust” as the application of competition policy and law to large online platforms with the aim of preserving markets that remain, at least potentially, competitive. The book focuses primarily on the dominant global platforms typically associated with the GAFAM group, whose economic power, technological capabilities, and ecosystem-based expansion have fundamentally reshaped market dynamics. Against this background, the central problem addressed throughout the monograph is how to strike a balance between the risks of excessive platform power and the equally significant dangers of overregulation, which may undermine innovation and long-term economic development.

Structurally, the book is divided into two main parts. The first part provides a general analytical framework for understanding competition law in the digital economy. It begins with an overview of the defining features of platform markets, including their multi-sided nature, the centrality of data, strong network effects, and the tendency towards concentration and “tipping.” These structural characteristics are then linked to specific competitive strategies and practices employed by large platforms, such as self-preferencing, tying, exclusivity arrangements, and the strategic use of data. The analysis is grounded in EU case law and enforcement practice, offering the reader a well-contextualised overview of how competition authorities have approached these issues. The first part concludes with a discussion of new regulatory instruments, in particular the Digital Markets Act (DMA), which the author interprets as a response to the limitations of traditional ex post enforcement under Article 102 TFEU.

The second part turns to more specific doctrinal and conceptual questions. It examines the adequacy of traditional tools such as market definition in the context of platform ecosystems, the role of algorithms and artificial intelligence in shaping competitive dynamics, and the emergence of new theoretical approaches to antitrust, including neo-Brandeisian perspectives and insights from complexity economics. The book thus moves from descriptive analysis to a more reflective and forward-looking discussion of the conceptual foundations of competition law.

A central theme running through the monograph is the inadequacy of conventional analytical frameworks when applied to digital markets. In particular, the author convincingly argues that the consumer welfare standard, especially in its price-based formulation, fails to capture key aspects of competition in platform environments, where many services are provided at zero monetary cost. As a result, the assessment of competitive harm must increasingly rely on alternative criteria, such as market openness, user autonomy, and the ability of competitors to access essential inputs, including data and interoperability. This shift, however, raises complex methodological questions, as these criteria are inherently more difficult to measure and operationalise.

The book's analytical strength lies in its ability to connect these conceptual challenges with concrete legal developments in EU competition law. Rather than merely describing regulatory trends, Šmejkal seeks to identify underlying patterns and tensions in the evolving approach of EU institutions. His treatment of the DMA is particularly noteworthy in this regard. The regulation is presented not as a definitive solution, but as an experimental and complementary instrument, reflecting a broader move towards ex ante regulation of "gatekeepers" in response to the structural features of digital markets.

At the same time, the author adopts a consistently balanced and cautious normative stance. He explicitly rejects both the view that market forces alone will discipline large platforms and the opposite tendency towards overly interventionist regulation. Instead, he advocates a principle of proportionality, emphasising the ambivalent nature of digital platforms, which generate significant consumer benefits while simultaneously posing risks to competition and market structure. This nuanced approach enhances the credibility of the analysis and avoids the pitfalls of more polarised contributions to the debate.

From a critical perspective, several aspects of the book merit further discussion. First, while the focus on EU law is justified, the analysis would benefit from a more extensive engagement with comparative perspectives, particularly developments in US antitrust or other major jurisdictions. Given the global nature of digital platforms, such a comparison could have enriched the discussion and highlighted distinctive features of the EU approach more clearly. Second, the book is stronger in diagnosing problems than in proposing concrete solutions. Although it identifies the limitations of existing tools and the need for new analytical frameworks, it remains relatively cautious in advancing specific reform proposals or operational criteria for enforcement. This restraint may be deliberate, but it leaves certain questions open.

A further limitation lies in the inherent complexity of the subject matter, which occasionally results in dense and demanding passages. While this is perhaps unavoidable in a work of this scope and ambition, it may pose challenges for readers who are not already familiar with competition law and economic analysis. Finally, as the author himself acknowledges, the rapidly evolving nature of digital markets and regulation means that some of the book's conclusions may be subject to revision in light of future developments.

Despite these reservations, *Digital Antitrust* is a highly valuable contribution to the literature on EU competition law. It succeeds in providing a structured and conceptually informed account of the challenges posed by digital platforms, while also situating these challenges within broader theoretical and policy debates. Its significance is further enhanced by the relative scarcity of comparable works in the Czech and regional context, where it represents one of the first attempts to offer a comprehensive and analytically rigorous synthesis of the transformation of competition policy in the digital age.

Overall, the book can be recommended to both academic and professional audiences interested in EU competition law, digital regulation, and the future of antitrust in platform economies. It offers not only an informative overview of current developments but also a thoughtful and balanced framework for understanding the direction in which the field is evolving.

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