

BTO – CCIA

- (CCIA): Markets generally working well; type of rules like *ex ante* not really warranted.
- Certain points where regulation could help; information asymmetry; negotiating power.
- Option 3b – preference for case by case approach.
- Role of digital gatekeepers:
 - i. Happy about acknowledging the role of platforms;
 - ii. Paradox about calling large platforms gatekeepers; they allowed circumventing traditional gatekeepers (e.g. media companies; retailers).
 - iii. Rules on how options are displayed in search; so some rules setting is happening.
 - iv. Platforms are quite light touch; because platforms are basing themselves on scale and match-making.
 - v. “Act as gatekeepers” is counter-productive. But we see the desire on the other side of the platforms to set more responsibilities for behaviour of their suppliers.
 - vi. P2B 2.0 – is this about digital rule setting rather than digital gatekeeping?
- [REDACTED]: Rule setting seems to be one of the features of gatekeeping.
- (CCIA): Important to keep in mind the competitive constraints from traditional business models; many indeed have early mover advantage – but race is not over.
- Rule setting should be done in fair and transparent way, when influencing large part of the economy.
- “Choice vs. efficiency” – one-stop shop and size/scale efficiencies: features of digital markets. We think that intermediary business model is based on increasing choice. What is a concern; leading to less choice?
- [REDACTED]: One element is indeed the long term perspective; we see the perspective of growing ecosystems of related and adjacent services; these are more and more integrated. What choice does it stay at the end of the day? Maximum choice should be ensured today.
- (CCIA): Making it accessible; with regard to ecosystems; consumer facing services and products. Focusing what is consumer demand and what they are looking for.
- (CCIA): Contestability – we agree that there should be no lock-in. But there are also structural and natural barrier to market entry and expansion.
- [REDACTED]: We are well aware of particularities of these markets that may lead to entry barriers. Focus is artificial barriers.
- (CCIA): Are you not picking winners-losers when talking about tipping markets?
- [REDACTED]: We are discussing under *ex ante* tool practices/behaviour once the market may already have tipped. We want to capture situations where you have gatekeepers and identify type of behaviour that is not acceptable.
- (CCIA): We call for more pro-competitive approach; assessments need to be adapted to different business models of the platforms, not to chill innovation.
- *Ex ante* regulation is an opportunity to come up with pro-competitive framework that will facilitate innovation.
- Leveraging vs. self-preferencing – later only in case of vertical integration; leveraging when entering into a new market. Potentially creating competition that would not be there; if you are using data you have access to you are providing efficient/innovative solution.
- Such entry is closer to pro-competitive entry. Market definition in situations like this can be very blurry; leads to bad assessments.

- Artificially segmenting services from other services; we have hard time how can that go on a clear don't list.
- [REDACTED]: We are well aware to pin down does and don't – but indeed in certain circumstances there may be a need for a certain flexibility.
- (CCIA): Rule setting – what kind of rules are problematic? Leveraging is not really about the rule setting.
- Self-preferencing:
 - i. **Supply-side** – discrimination of supplier on one owns platform. Concern only intentional degradation of services. (MK): No problem with competition on the merit.
 - ii. **Demand-side** – distorting the ranking of search results to give more prominence to your services. By biasing results, you are not giving the most optimal results. If there is sufficient competitive constraints – degradation to the quality to the user search query. There is always possibility of platform-to-platform competition.
 - iii. **Favouring owns input** – users experience is much better if not sourcing from third party database. More seen from terms of integration of the service.
- Access to data and infrastructure – in the long term, integration is better for consumers. Competition framework of “essential facility”. Push for re-distribution of that data to facilitate competition. Where do you draw the line?
- [REDACTED]: When we talk data access this is about complex field. We are trying to consider all elements; one has to make distinction between raw data and data that has been enriched and data analytics data. Very different things.
- (CCIA): Rule setting in relation to unfair bargaining power and information asymmetry; this should indeed be addressed; we are looking at different sectors (e.g. food retail; pubs). Trying to develop ideas of a framework that can address those issues.
- [REDACTED]: We see three overall blocks how people operate on the platforms. We are not looking that much at outcomes (e.g. not looking at appropriate level of the fee). We are looking at framework and processes that will lead to fair fees.