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Global Forum on Competition

ABUSE OF DOMINANCE IN DIGITAL MARKETS

Summaries of contributions

-- Session II --

8 December 2020

This document reproduces summaries of contributions submitted for Session II at the 19th Global Forum on Competition on 7-10 December 2020.

More documentation related to this discussion can be found at oe.cd/dmkt.

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*Abuse of dominance in digital markets***-- Summaries of contributions --****Abstract**

This document contains summaries of the various written contributions received for the discussion on "Abuse of dominance in digital markets" held during the 19th meeting of the Global Forum on Competition (7-10 December 2020, Session II). When the authors did not submit their own summary, the OECD Competition Division Secretariat summarised the contribution. Summaries by the OECD Secretariat are indicated by an *.

Belgium

1. How many abuse of dominance cases has your authority undertaken in digital markets in the last 10 years? Do you expect these cases to become an increasing priority in future years?

We have since the establishment of the present BCA in September 2013 taken two decisions on abuse of dominance in digital markets: one on MFN clauses on a website for the real estate market, and one refusal of an interim measure concerning the market for meteo navigation software

2. Please describe any recent abuse of dominance cases your authority has undertaken in recent years, and in particular the challenges you faced, both analytical and legal, in bringing these cases.

We took since the start of the present BCA in September 2013 8 decisions establishing an infringement or granting provisional measures: (i) excessive pricing when selling surplus reserved capacity on the wholesale electricity market, (ii) provisional measures concerning the market for international jumping events, (iii) abuse of personal data obtained in the exercise of a monopoly on the lottery market, (iv) provisional measures in respect of television rights on cyclocross events, (v) exclusionary practices on the yeast market, (vi) provisional measures concerning price squeeze practices on the market for components for electricity meter boxes, (vii) provisional measures concerning the market for the use of radio emission antennas, and (viii) exclusionary practices by the Institute of pharmacists.

3. Do you believe that digital markets involve particular challenges in abuse of dominance cases, for example in terms of determining whether a position is dominant, market definition, evaluating effects (e.g. zero price markets) and negotiating remedies?

Yes, in particular with regard to the market definition (geographic markets, the relation between platforms, own platforms and other distribution channels), the calculation of market shares involving zero price markets etc.

4. Does your authority have sufficient legislative tools and resources to bring cases based on new theories of harm? Have there been any proposals in your jurisdiction to modify, or make greater use of, abuse of dominance provisions in digital markets?

We do not require additional legislative tools to bring abuse cases, and our lack of resources is not limited to digital cases. It is less concerned with the type of cases than with the number of complex investigations we can run in parallel.

5. Has your authority considered pursuing new theories of harm associated with abuses of dominance in digital markets, such as self-preferencing, or issues associated with data portability? Why, or why not?

We do not consider self-preferencing to be a new theory of harm and imposed remedies in a merger control case.

6. What is the view of your authority regarding the effectiveness of abuse of dominance cases in addressing competition concerns in digital markets relative to other competition policy tools?

Abuse of dominance cases are and remain a key instrument in respect of competition concerns in digital markets. But more is needed.

In their joint Memorandum of 2 October 2019 the three competition authorities of the Benelux countries advocated more ex ante guidance by guidance paper and in individual cases, and the introduction of an ex ante tool allowing for the imposition of remedies without the establishment of an infringement.

Brazil

The debate involving abuse of dominance in digital markets and competition enforcement has been gathering momentum in Brazil. CADE has already assessed a number of cases involving the subject, such as Bradesco/Guiabolso (2020), Microsoft/Google (2019), Buscapé/Bondfaro/Google (2019), Online travel agencies (2018) and Telecom/zero-rating (2017), and there are still several ongoing cases being looked into.

According to the Brazilian Competition Law, a dominant position is not unlawful in itself, but it might be should there be any evidence that the leading firm is benefiting from such position in an abusive way by creating artificial barriers for competitors; and/or that the leading firm is engaging in other anticompetitive practices which could be harmful to consumers welfare. Such abuse must be identified and assessed in a case-by-case basis.

However, it must be considered that digital markets pose great challenges for antitrust assessment due to characteristics such as multi-sided markets, network effects, and essential facilities, especially with regards to the definition of relevant markets and the design (if necessary) of a remedy in a timely and effective manner. On the one hand, digital markets have a tendency to concentration and could hinder competition through non-trivial theories of harm (e.g. self-preferencing, or predatory innovation). On the other, any inappropriate intervention might discourage innovation and be harmful to consumers.

At present, the prevailing understanding in Brazil is that there is no need to alter the legislation in place or neglect consumer welfare standards in order to face such challenges. However, antitrust authorities should monitor digital markets closely, and be aware that international cooperation could play a great role in enhancing antitrust enforcement.

Colombia

This contribution shows the established legal framework for assessing potential abuses of dominance in Colombia. We depart from a (1) description of our current competition law regime and (2) some case examples concerning abuse of dominance to address the question on the (3) adequateness of our normative framework to effectively capture and enforce potential harmful distortions to competition in digital markets. The Superintendence of Industry and Commerce (SIC, henceforth), as an administrative authority that enforces Consumer, Competition and Data Protection regimes, is well aware that (4) some business strategies used by dominant digital firms may be potentially damaging to consumers and to the markets. We also recognize that some of their activities may raise concerns in different areas of the law, thus the need to be attentive to their behavior and compliance with norms from the abovementioned regimes, (5) for they may play a relevant role when assessing compliance of competition standards.

The key question we aim to answer with the contribution concerns (6) whether the current tools available for the assessment of abuse of dominant cases are fit for the particular challenges raised by the different and dynamic features in digital markets. Specifically, (7) we will develop on the adequateness and flexibility of Colombia's general normative framework for addressing novel market dynamics and will (8) comment on the enhancement of traditional analytical tools for determining whether a position is dominant, to approach market definition, the evaluation of the effects of a certain activity or strategy and eventual negotiation of remedies.

Germany

Digitalisation has revolutionised markets across all sectors of the economy. Fundamentally new business models have emerged, creating new challenges for competition policy and competition law enforcement. This contribution will address the main characteristics of the digital economy and discuss the Bundeskartellamt's Facebook decision as well as its proceeding regarding Amazon's German marketplace. The contribution will also provide an overview of the envisaged amendment to the German Competition Act.

India

In 2019 the Competition Commission of India ('CCI'/'Commission') completed the first decade of its enforcement mandate. In the last 11 years, CCI has strived to build a culture of competition in the markets through credible antitrust enforcement and regular engagement with stakeholders through advocacy outreach initiatives. During this period, CCI reviewed over 1000 antitrust cases, 750 merger filings and have held around 800 advocacy events.

The nature of these cases, and also the industries under scrutiny, underwent a sea-change in all these years. The initial years witnessed cases concerning simpler evidence-backed horizontal arrangements, contraventions by smaller market participants exhibiting lack of awareness of new regulatory framework, markets having legacy issues, policy induced distortions and pure consumer issues devoid of competition concerns. On the other hand, the past couple of years have seen an upsurge of more complex cases, many of them concerning hi-tech industries and digital platforms.

While those traditional market economy cases involved simpler remedies to address market imperfections, the digital economy cases posed different set of challenges. In the context of digital markets, one of the biggest challenges lies in formulation of remedies. Devising intervention in a market situation pre-supposes understanding of the market dynamics and distortions that such intervention is supposed to address. Given the very nature of digital markets, it is becoming increasingly challenging to understand how these markets will evolve, what the business models the players will employ and what incentives will guide their functioning.

To supplement its enforcement tool, CCI has been using market studies as an advocacy tool and particularly in e-commerce sector to engage with industry and other stakeholders to get greater clarity on market developments, emerging impediments to competition, if any, and formulate the CCI's advocacy priorities.

CCI has received cases concerning allegations of anti-competitive practices by the e-marketplace platforms, Online search engine, Online cab aggregators, Online Travel Agents, Online food delivery apps, instant messaging apps *etc.* In the fast-evolving digital markets, CCI has responded dynamically in crafting remedies and targeting interventions which are proportionate and targeted to preserve the innovation incentives while ensuring market corrections.

Kenya

The Competition Authority of Kenya ('the Authority') has a mandate to promote and protect effective competition in the markets, and prevent misleading market conduct in Kenya. The Authority enforces the Competition Act No. 12 of 2010 ('the Act') through regulation of market conduct and market structure. In the recent past, competition in the digital space has raised concerns with three cases handled by the Authority, and cited in the contribution, touching on specific aspects of abuse of dominance in digital markets; enforcement of recommendations of the USSD market inquiry; alleged predatory pricing in the app-based taxi industry, and alleged abuse of dominance by platforms in the food retail sector.

The Authority sought to determine whether accessing financial services through USSD channel constrained competition in financial services and related markets. Three theories of harm that relate to abuse of dominant position were investigated: (i) excessive pricing by a dominant firm; (ii) price discrimination by a dominant firm, and (iii) exclusionary abuse of dominance. The study established that the dominant MNO prices for USSD services were unfairly high and even more excessive in prior years compared to other MNOs with similar services in the region; discriminatory pricing applied to different parties, and the effect of the higher prices was deemed as unfair as exploitative. MNO prices were likely to harm the ability of downstream firms (e.g. mobile money services providers and banks) to offer a competitive service; leading to margins squeeze. The Authority engaged the dominant firm and compelled it to commit, in lieu of investigations, to lower its USSD costs and apply uniform pricing to all players. The MNO was also compelled to publish and maintain updated schedule on its website of its standard offered prices for USSD services to inform consumers' costs of its products.

On the allegations of predatory pricing, the Authority opined that the proliferation of digital app-based taxis enhanced the competition in the market to the ultimate benefit of consumers. Any interventions that may deter forces of supply and demand signalling market rates should be avoided, rather, regulations aimed at deepening safety standards and quality of service standards were advocated for.

On the alleged abuse of dominance in the food retail sector, specifically that one player was signing exclusive agreements with third party vendors that imposed restrictions on the vendor's ability to develop or market applications that are in direct competition during the term of the contractual relationship. Investigations revealed that the relevant market was characterized by low barriers to entry and exit with a wide range of substitutes, hence absence of retailer's market power and lack of direct violation of the Act. Even so, the said clauses were expunged from the contracts given they tended to limit third party vendors' access to other competing platforms, which is prohibited under the Act. The compliance by the App was evidence of a risk of creation and abuse of dominance in the digital markets.

The Authority remains vigilant to identify and remedy any competition concerns in these markets. In furtherance of its commitments, the Authority has revised its Market Definition Guidelines to include multi-sided markets, non-price markets, digital markets and temporal dimensions in defining markets. These guidelines have been instrumental in the investigations undertaken by the Authority in digital markets. We are currently reviewing Consolidated Restrictive Trade Practices Guidelines to incorporate principles that the Authority considers in handling competition concerned in the digital space. This includes clarifications on aspects of finding of dominance and market power in the digital markets.

Korea

Dominant platform operators that have preempted the market often engage in various strategies to maximize cross-network effects and attract more users to their platform. Thus, competition authorities are required to monitor and properly intervene in platform operators to prevent abuse of dominance or unfair trade practices that could take place in the process. Two cases described as follows are deemed as major cases reaffirming the KFTC's commitment to enforce the law on competition restrictive practices as well as unfair trade practices of online platform operators.

1. Corrective measures against Naver's abuse of market dominance

1.1 The practice of foreclosing competitors by Naver Real Estate

Naver used its dominant position in the online real estate information platform market to prevent CPs from providing information on properties for sale to its rival platform. Hence, in September 2020, the KFTC decided to impose a corrective order and an administrative fine of KRW 1.032 billion(USD 888,506) on Naver for excluding its competitors, the practice of which falls under abuse of market dominance.

1.2 The practice of self-preferencing by Naver Shopping

Naver manipulated its search algorithms to place the products sold on its platform on the top of search results and lower the rankings of products sold by its competitors by abusing its dominance in the online shopping-comparison service market, thereby restricting competition in the online marketplaces. In response to such unfair practices, in October 2020, the KFTC decided to impose a corrective order along with an administrative fine of KRW 26.5 billion(USD 22.8 million) on Naver for abusing its market dominant position.

2. Corrective measures against Delivery Hero Korea's abuse of superior trading power

In June 2013, Yogiyo unilaterally implemented the lowest price guarantee policy on restaurants registered with its app, through which the company prohibited the restaurants from selling at lower prices via other sales routes. The company even went as far as to detect restaurants that violated its lowest price policy and terminated the contract if the restaurants refused to abide by the policy.

In June 2020, the KFTC decided to impose a corrective order along with an administrative fine of KRW 400 million(USD 327,198) on Yogiyo for intervening in delivery restaurants' right to freely set prices, which constitutes abuse of superior trading power.

Mexico (IFT)

In this contribution, the IFT describes the Mexican legal framework in Mexico regarding abuse of dominance in the telecommunications and broadcasting (T&B) sectors. It sets out the challenges and elements of analysis to determine, in digital markets, whether an economic agent has a dominant position (substantial market power) and whether it has incurred in an abusive conduct (relative monopolistic practices). These include considering analytical tools to evaluate dominance, winner-takes-all dynamics, multi-homing practices, the existence of direct and indirect network effects, access and accumulations of data, barriers to entry, and other abusive conducts such as predatory pricing, exclusive dealing, price discrimination and refusal to deal.

In addition, the IFT shares its experience conducting studies and surveys regarding digital markets, especially in audiovisual content provision and distribution in traditional and digital platforms, given their growing importance in the Mexican economy and their close interdependence with telecommunication networks and services. It also shares its main findings in two merger cases (AT&T/Time Warner and Disney/Fox) in which issues related to abuse of dominance in digital markets were analyzed.

Romania

For any competition authority, the main objective is to prevent or limit possible negative effects of anticompetitive actions. The online environment has become an essential sector in the economy, both at national, regional and global levels. That's why we have to understand how online businesses work, the competitive mechanisms in the digital market and to try to evaluate the risks of competition infringement. Therefore, research and analysis of this area must be a priority and in the context of the strong development of the digitized economy and e-commerce in Romania, the Romanian Competition Council (RCC) considers it necessary to strengthen the expertise in this field.

In 2017, RCC conducted an internal study regarding online platforms in Romania and their impact on competition and markets. The conclusion of the study showed that online platforms improve consumers access to products and services and help new businesses enter into the market or develop existing ones. Following the study, at the end of 2017 RCC launched an ex-officio investigation regarding a possible abuse of a dominant position on the market of online intermediation services in Romania via marketplaces platform. The investigation focuses on a possible abuse of dominant position as a marketplace player against 3rd party sellers.

The case presented a series of challenges, such as defining the correct relevant product and geographical market, identifying the correct competitors or determining market shares.

The conclusions of the investigation showed that the focus must be as follows:

- how algorithms are built and used
- how often they are modified and with what results
- which part of the organizational chart is involved
- how transparent the algorithms are
- how 3rd party sellers' data is stored and used and by whom

Russian Federation

In a number of sectors, large digital companies continue to occupy dominant positions, having a significant impact on the economy. The direct influence of transnational corporations on competition in national markets increases, the global economy is digitized.

The basis of the market power of companies has changed significantly with their ability to influence markets, monopolize entire industries, uniting them with a system of digital platforms' links. At the heart of modern market power is the ownership of information and its processing technologies, not the ownership of production facilities.

Antimonopoly legislation has to take into account all these innovations and implement policies that not only effectively suppress the restriction of competition, but also ensure the development of innovations in the future.

Significant changes in the structure of commodity markets in connection with the digitalization of the economy lead to the need to change the methods for determining the boundaries of commodity markets, assessing the influence of adjacent markets on each other.

Over the past five years, the FAS Russia has been actively considering cases of abuse of a dominant position in digital markets in relation to the largest Russian and foreign companies, providing conditions for competition in both the Russian and global IT markets.

Serbia

The Commission for Protection of Competition of the Republic of Serbia (hereafter, Commission) takes into account the growing significance of digital economy as an ongoing concern for competition policy and generally is flexible enough to address the challenges posed by digital markets. It is considered that Serbian competition law is already equipped to adapt such challenges and to apply a consumer welfare standard, without extensive changes to its guiding principles and goals. As an EU candidate country, Serbia has a key goal of joining the EU and its single (digital) market and introducing the national law in line with EU framework.

Application of the competition rules in the context of abuse of dominance in digital markets represents an additional challenge for the Commission. The Commission is aware of the importance of accounting for the specific features of digital markets that are particularly relevant to competition policy issues. These features affect the practical application of existing tools but it is generally accepted that methodologies for defining relevant market and assessing market power in digital markets are similar to those used in traditional ‘offline’ markets.

It seems that Commission does not need a new theory of harm and new rules to consider abuses in the digital age as it already has the necessary tools to handle with such conducts that are forbidden in line with Article 16. The Commission relies on traditional theories of harm extended to new technologies and digital platforms, having in mind that it has sufficient legislative tools and resources to bring these cases. However, it is ready to adapt its approach in order to deal with new types of potentially illegal conduct committed by undertakings in digital markets.

The Commission has dealt with only one case of abuses in digital markets in the last 10 years. It is the case Eki Transfers/Tenfore, concerning the issue of collective dominance and abuse on the market of cross-border fast money transfers. In this case, the Commission found that Eki Transfers and Tenfore, companies that were Western Union’s agents in Serbia, have abused their joint dominant position on the market of cross-border fast money transfer between natural persons, without opening an account, in the territory of the Republic of Serbia, by contracting restrictions in agreements on cooperation concluded with 24 out of 32 commercial banks in Serbia, with the possibility of automatic renewal, which form a network of resellers contracts. During the investigation, the Commission found that, when adding the two banks - Société Générale and Postal Savings Bank, which also were the Western Union representatives, Eki Transfers and Tenfore have reached a collective dominant position in the relevant market. The Administrative Court and the Supreme Court both confirmed the Commission’s decision in this case.

Chinese Taipei

The industrial characteristics and transaction patterns in the digital market may facilitate competition and enhance consumer interests, but businesses can also make use of such characteristics to create competition restraints when making transactions. The management practices of many businesses in the digital market are simultaneously characterized by the effects of “anti-competition” and “promoting competition”. When reviewing cases associated with search engine services and mobile device app download platforms, the competent authority has to analyze the justifiability of such practices in accordance with the nature of each case as well as evaluate the anti-competition and competition-promoting effects of the practices. This challenges the ability of the competition law authority to conduct its investigations and perform analysis.

After reviewing the tendencies of foreign competition authorities in law enforcement involving the digital industry, the CTFTC’s own law enforcement experience and the opinions of competition law scholars and specialists, the CTFTC’s conclusion is that the regulations set forth in the existing Fair Trade Act suffice and there is no need to stipulate further regulations specifically to govern the digital industry. Nonetheless, it is necessary to adjust the measures and instruments for competition analysis. In order to have a firm grasp of the development and changes in markets related to the digital industry, the CTFTC created the Digital Economy Competition Policy Team in April 2017 to keep a close watch on the development of new business patterns in the country and study competition issues likely to occur as well as work out solutions in advance.

The CTFTC will continue to investigate and study the digital market to understand the dynamic development of the industry and likely competition concerns, establish law enforcement standards with regard to competition problems in the digital market in accordance with the experience accumulated from handling actual cases, and assess the necessity of establishing law enforcement standards at the right time to ensure that enterprises and the competent authorities of related industries clearly understand the standpoints of the CTFTC toward competition issues in the digital market and the factors to be taken into account, so that enterprises can know exactly the regulations to follow and continue to innovate and increase the overall social welfare without jeopardizing market competition.

Turkey

The number of applications and the resulting examinations concerning abuse of dominance in digital markets brought before the Turkish Competition Authority (the Authority) has been increasing in the last 10 years, and currently make up a significant portion of the workload of the related Supervision and Enforcement Department. The Competition Board (the Board) has been establishing a level of case law to deal with the claims of infringement falling under Article 6 of the Act no 4054 on the Protection of Competition (Act no 4054), which concerns abuses of dominant position.

Gathering complete and correct information in each investigation is one of the challenges TCA faces in abuse of dominance cases. The process of accessing the parties as well as that of gathering quality data may become hard and complicated, especially for multi-sided platforms, due to various factors such as the diversity of the parties (for instance: consumers making purchases over the platforms, suppliers making sales over the platforms, etc.) and the high number of users on each side.

Various issues including the dynamic structure of digital markets, the existence of platforms which do not require a material or monetary service charge from the users on one side (zero price markets), network effects, market tipping, lock-in effect, the existence of multi-homing, etc. are among the topics that need careful consideration when defining markets and establishing market power in digital markets. Besides, another major discussion in relation to the application of competition law in digital markets is the subject of proportional intervention. This is because underenforcement/ overenforcement in these markets has the risk of affecting investment and innovation incentives of undertakings, which is one of the fundamental conditions staying in the market.

To conclude, the Turkish Competition Authority (the Authority) has been increasingly dealing with abuse of dominance cases in digital markets. In building its capacity to successfully handle these cases, the Authority attaches the utmost importance to gathering constant, complete and up-to-date information, as well as detecting dominant position in line with the dynamic structure of the markets in question.

BEUC

The issue of abuse of dominance in digital markets is important to consumers. Digital markets today have a central and increasing place in the lives of consumers who spend an ever-growing amount of time using digital and online services. Therefore, BEUC considers it is essential that the welfare and well-being of consumers is both safeguarded and strengthened online through effective competition law enforcement.

Digital markets are characterised by particular market structures and elements which give dominant companies immense power. Several digital markets feature gatekeepers who can use this position to entrench, and even strengthen, their position as an essential point of access to online and digital products and services, to raise barriers to entry and to hamper or prevent the emergence of new rivals. They may also be able to leverage their position as gatekeeper in one market to enter and capture new markets. Dominant digital players can furthermore exploit demand-side market characteristics in consumer-facing markets through the use of mechanisms taking advantage of recognised consumer behavioural biases, including through dark patterns and manipulation of choice architecture. All of this can lead to consumers paying a higher price – even if not in monetary terms but, for example in data, and facing reduced choices and innovation in digital markets. This risks undermining many of the undoubted benefits that digital markets have brought to consumers.

Against this background it is essential that competition agencies step up their enforcement activities. Whilst over-enforcement is always a concern, the state of digital markets suggests that this is not the issue today. Effective enforcement requires not only dealing with the important issues of establishing dominance and abuse, using where necessary, new theories of harm to match the challenges thrown up by dominance in digital markets but also importantly from the consumer perspective, imposing effective remedies on infringers. This has often received insufficient attention. From the consumer perspective however, if a dominance case does not fix the harm to the market caused by the abuse, the value of bringing the case is undermined.

It is essential that remedies effectively put an end to abuses of dominance in digital markets and to their effects on these markets. This may require further thinking, first on what remedies should be trying to achieve at the conceptual level and the best options for this. Given the characteristics of digital markets a simple cease and desist order is often unlikely to be enough. Well-designed restorative remedies may be required. Second, in order to ensure that remedies are truly effective in practice, agencies could consider some specific practical steps to assist in this. These could comprise systematic ex post evaluation of remedies which has been generally lacking to date, together with mechanisms to improve remedy design, including specialist remedy teams, considering remedies early in the abuse of dominance investigation and involving all parties with relevant expertise in remedy design. In consumer-facing digital markets where the effectiveness of remedies depends on consumers, it will be essential to consult consumer organisations, consider behavioural economics insights and consumer testing to optimise remedies.

*BIAC*¹

The creation and expansion of digital markets has significantly changed the global economy. Within a few decades, digital goods and services have become an integral part of the economy. The term “digital markets” is extremely broad and does not necessarily align with traditional antitrust notions of relevant product markets. It is clear that the rise of the digital economy has created both new opportunities and challenges for businesses, consumers and competition authorities.

Business at OECD appreciates that competition authorities may have a high degree of interest in reviewing business practices in digital markets. Legal certainty and predictability of investigation and enforcement of abuse of dominance prohibitions should apply in the same way as for enforcement activity in non-digital markets.

Where there are legitimate competition concerns, enforcement action should be taken in a manner that is proportionate and effectively addresses that failure or those concerns but does not necessarily chill innovation or hinder investment. As in non-digital markets, this requires a solid understanding of the unique characteristics of and business incentives in digital markets. This can be achieved, for example, by conducting market studies to understand digital markets and solicit feedback from market participants prior to advancing novel theories of harm. Competition authorities should only take enforcement and/or remedial action where a firm has abused its dominance and any such actions should be based on sound economic and factual underpinnings that justify intervention.

Comments in this paper build on previous contributions of Business at OECD on related subjects, including Consumer Data Rights and Impact of Competition, Personalised Pricing in the Digital Era, and Quality Considerations in Digital Zero-Price Markets. In particular, this paper attempts to:

- outline the benefits of digital markets;
- examine policy challenges associated with regulating digital markets;
- highlight the consequences of over-enforcement;
- analyze the abuse of dominance framework in digital markets.

¹ Business at OECD lead drafters: Michael Koch, Partner, Goodmans LLP; and Munesh Mahtani, Head of Legal, ViaVan & Vice Chair of Business at OECD Competition Committee