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Monopolisation, Moat Building and Entrenchment Strategies – Note by Germany

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1. Introduction

1. The concept of an “economic moat” can be understood to refer to structural competitive advantages that allow a company to protect its (core) market(s) in which it holds a dominant or at least an economically strong position from competition with rivals over the long term.¹ Such a moat often includes the existence of high barriers to entry around one or more products or services. In particular as regards digital markets, these barriers to entry can be caused or increased by network effects, data-driven advantages as well as “ecosystem effects” brought about by economies of scale and scope from the different products and services offered by the respective undertaking.

2. Relatedly, while the concept of an economic moat can be considered to be a more static one that focuses on structural aspects, the notion of entrenchment seems to put more emphasis on actions and strategies employed by companies with the goal of maintaining or expanding their positions of economic power.² Compared to structural factors that contribute to an economic moat, entrenchment strategies can, at least in some instances, be considered anti-competitive, for example when they impede market entry of innovative challengers or foreclose existing competitors.

3. The note discusses how the concepts of economic moats and entrenchment relate to recent developments in German competition law. In doing so, it will focus on the digital sector and in particular highlight potential links with Section 19a of the German Competition Act (*Gesetz gegen Wettbewerbsbeschränkungen*; hereinafter “GWB”). While this should not be taken to mean that the Bundeskartellamt considers concepts like moats or entrenchment irrelevant for non-digital markets, there are – as will be laid out in the following in more detail – certain characteristics of digital markets that make them particularly prone to the proliferation of economic moats and entrenchment strategies.

2. Economic Moats and Section 19a GWB

4. German competition law does not consider “moat building” or “entrenchment” as formal terms which carry a specific legal meaning or which can be subsumed under a specific legal norm. However, in January 2021, the German legislator introduced Section 19a into the GWB, which is a specific provision in the context of abuse control, applicable to companies which are of *paramount significance for competition across markets*.³ Therein, Section 19a(1) GWB lists 5 (non-exhaustive) factors which can be considered by the Bundeskartellamt in determining the paramount significance of an undertaking for competition across markets. When an undertaking is designated as an addressee of Section

¹ Cf. OECD Secretariat, Monopolisation, Moat Building and Entrenchment Strategies – Background Note, June 2024, p. 6, [https://one.oecd.org/document/DAF/COMP/WP3\(2024\)1/en/pdf](https://one.oecd.org/document/DAF/COMP/WP3(2024)1/en/pdf)

² Ibid, p.7.

³ In November 2023, another amendment to the GWB was passed. Unlike the 10th amendment from January 2021 and apart from provisions related to the implementation of the European Digital Markets Act (Regulation (EU) 2022/1925, DMA), the 11th amendment from November 2023 does not contain provisions meant to address the digital sector specifically and is thus not discussed further in this note.

19a(1) GWB, unlike in the case of a dominant position under traditional abuse control, this finding does not automatically prohibit specific conduct. Rather, only in a second step, the Bundeskartellamt may then prohibit the addressee from engaging in certain behaviour as per the provisions in Section 19a(2) GWB.

5. Section 19a(1) GWB thus provides a number of structural criteria which are applied to the respective undertaking with a view as to how these factors have the potential of adversely affecting the competitive process. However, for declaring a company as being of paramount significance for competition across markets, it is not necessary to analyse specific conduct or prove the anti-competitive nature of certain practices. As laid out in the introduction, our understanding of the OECD's notion of an economic moat is that it also focuses on structural factors and also that even a wide and durable economic moat does not constitute an infringement of competition law in itself. Hence, it could be argued that the 5 factors listed in Section 19a(1) GWB and the economic principles underlying them can serve as useful guidance for the central aspects that might be considered when analysing the (anti-)competitive potential of an undertaking's economic moat.

6. In so far as the digital economy is concerned, the concepts of economic moats and entrenchment strategies seem to be closely linked to the concept of digital ecosystems.⁴ Companies whose products and services constitute a large digital ecosystem typically benefit from economies of scope and scale, ecosystem-wide network effects and data-driven advantages. This often leads to a number of core markets within the digital ecosystem which are, at least to a certain degree, protected from direct competition from rivals.

3. The Concept of Paramount Significance for Competition Across Markets

7. The purpose of the concept of paramount significance for competition across markets (Section 19a(1) GWB) is to capture special positions of power and their possible anti-competitive effects on and threats to competition as regards digital ecosystems in which individual companies may have a so-called gatekeeper function.

8. In what follows, this chapter will describe first general principles behind Section 19a(1) GWB and highlight some overall themes related to structural aspects of the digital economy and their implications for competition. This is followed by a more detailed description of the role and meaning of each of the 5 specific criteria explicitly contained in Section 19a(1) GWB.⁵

3.1. General Principles

9. Large digital companies which offer a wide variety of products and services can hold a position of economic power across markets which is difficult for competitors to challenge and gives rise to a scope of action that allows the relevant company to further consolidate, expand or otherwise use this position to its own advantage without sufficient control by competition. Such positions of power and their expansion are enhanced by the dynamics of the digital and internet economy. Especially on markets where network effects

⁴ Cf. OECD Roundtable in December 2020 on Digital Ecosystems and the materials available on the OECD's website: <https://www.oecd.org/daf/competition/competition-economics-of-digital-ecosystems.htm>

⁵ In addition, a necessary condition for the status as addressee of Section 19a GWB is that the company is to a significant extent active on multi-sided markets or as a network.

play an important role, these dynamics lead to accelerated and increased concentration and bring about conglomerate or vertically integrated business structures. Within such structures, cross-market systems of products and services, which often are scalable and – for example, by combining the data generated from different sources – connected in various ways, can be operated and expanded.⁶

10. In the digital economy, markets are constantly expanded through expansion strategies, and the tendency to form ecosystems can blur market boundaries. Competition from alternative providers can often take place only at the fringes of an ecosystem. This is because competitors offer, for example, individual services which cover only a subarea of the portfolio of offerings or which, for their part, can be offered as part of the ecosystem only – for example on its technical platform. Operators of ecosystems are regularly well equipped to fend off competition from other providers, e.g., in the form of innovation competition in subareas and the expansion of competitors' activities. Expansion into a new service and into new markets is also easy for such undertakings, e.g., because they themselves organise the markets, their access conditions and thus the competitive opportunities within their ecosystem and/or high switching costs for users may exist due to the breadth and characteristics of the ecosystem. In addition, large digital corporations regularly have a particular amount of resources that can be deployed in a variety of different areas, such as a large user base, access to data and data sources, knowhow, technology, their own computing capacities or financial resources.

3.2. Market Dominance

11. The factor of market dominance is, according to the meaning and purpose of the provision, not a mandatory requirement for an undertaking to be declared as being of paramount significance for competition across markets. This is because the provision aims precisely to take account of the cross-market nature of ecosystems and the resulting blurring of market boundaries. This is also in line with the government's explanatory memorandum which clarifies that the factors listed in Section 19a(1) GWB do not have to be met cumulatively and their order does not imply any guidance for their weighting.⁷

12. However, if the criterion of market dominance is fulfilled, this circumstance can carry considerable weight. This applies in particular if the company concerned has a dominant position in a multi-sided market or as a network, which potentially forms the basis for its ecosystem. Dominance in such a market demonstrates its particular threat to competition, especially with regard to the dangers of “tipping” due to consolidated market positions.

3.3. Financial Strength and Access to Other Resources

13. Another important aspect to consider is the extent to which a company has financial strength or access to other resources which can be used across markets and lead to a competitive advantage. The degree to which the use of financial strength or other resources contributes to the expansion and/or safeguarding of an ecosystem and thus (as a reinforcing element) to its systemic importance is relevant. Ultimately, the factors “financial strength”

⁶ Cf. German Government's statement of legislative intent to the 10th amendment of the GWB, Bundestag printed paper 19/23492, p. 73, <http://dipbt.bundestag.de/dip21/btd/19/234/1923492.pdf> [in German].

⁷ Ibid., p. 74.

or “other resources” are intended to capture all the capabilities available to a company, in particular its potential for innovation.

14. These factors are taken into account also because of the self-reinforcement effect associated with their use, which poses a threat to competition: On the one hand, the great financial strength of large digital corporations results from the multiple uses of certain resources, as this in particular lowers the costs of market entries for the company. This enables increasingly better access to resources and ultimately an increase in financial strength. On the other hand, the market entry barriers for competitors that have yet to acquire the relevant resources continue to rise, at least in relative terms, so that a competitive advantage can arise with which competitors can no longer catch up.

15. Within the framework of digital business models, financial resources can be generated on a large scale due to the often high scalability of the business models as well as the low marginal costs in case of an established market position. Such an advantage creates the possibility to buy out innovative competition through high investments or high-priced acquisitions.

16. Moreover, the mere presence of large digital corporations in certain markets can already weaken access to financial resources for other companies,⁸ creating so-called “kill zones” in which no one wants to invest. This may increase the barriers to market entry for third parties and lead to a reduction in innovation dynamics, which are increasingly limited to defensive innovations by the addressee of the provision to protect the business model and possibly to (merely) complementary offers by third parties.⁹

3.4. Vertical Integration and Activities in Otherwise Related Markets

17. A key element of Section 19a(1) is to capture the particularities of digital ecosystems arising from the vertical and/or conglomerate relationship of their products, services or offers. The term “digital ecosystem” in particular refers to a strategy in which the service provider combines various products for its customers in a portfolio-like manner so that they can perform as many activities as possible on its platform or within its ecosystem. This includes the formation of an ecosystem around a strong platform without any real tying of services on the same platform, but that allows users to move back and forth between various services in the system. The different forms of digital service offerings from the same provider have the potential to keep the end user in the ecosystem.

18. However, the characteristic of “relatedness” goes beyond user-side content-related connections and aims to determine whether vertical integration or other connections between a company’s fields of activity give rise to possibilities to achieve competitive

⁸ Federal Ministry for Economic Affairs and Energy, A new competition framework for the digital economy – Report of the Competition Law 4.0 Commission, 2019, p. 62 with further references in footnote 173, <https://www.bmwk.de/Redaktion/DE/Publikationen/Wirtschaft/bericht-der-kommission-wettbewerbsrecht-4-0.pdf>
https://www.bmwk.de/Redaktion/EN/Publikationen/Wirtschaft/a-new-competition-framework-for-the-digital-economy.pdf?__blob=publicationFile

⁹ See also: Stigler Center, Stigler Committee on Digital Platforms – Final Report, 2019, p. 75, <https://www.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report--stigler-center.pdf>

advantages or even control market access.¹⁰ In the case of functional or value-adding links between products, the possibility of digital ecosystems to leverage or deploy resources and capabilities in different areas of activity represents a considerable potential threat in contrast to a mere conglomerate. At the same time, a broad ecosystem allows companies in an exceptional way to offer certain services without monetary payment or at very low cost by financing them through revenues achieved elsewhere.

19. Furthermore, the criteria of vertical integration and activity on otherwise related markets are not different in terms of their significance. Rather, they take into account that in the internet economy boundaries between “true” vertical integration and other interconnections are blurring. By determining the range of activities and services of an undertaking, the aim is to capture the threat to competition, which is also caused by potential conglomerate effects, i.e., effects that are not (only) based on the combination of value-added stages that build on one another, but also result from activities in different fields that are otherwise related to one another. Companies that operate digital platforms and networks can be of central significance for a number of different markets due to the advantages of conglomerate structures and because these companies occupy key positions relevant to competition.¹¹

3.5. Access to Data Relevant for Competition

20. Data are an important resource for building and strengthening digital ecosystems. The term “data” should be understood broadly and ultimately encompasses any piece of information relevant to the operation of the ecosystem. Many digital business models are based on personal data, i.e., information relating to an identified or identifiable individual person. In addition, however, non-personal data can also be of considerable cross-market relevance for an ecosystem.

21. For the classification of access to data as a factor of paramount significance for competition across markets, it is significant that the data are typically “shareable input”, i.e. they can be used across products and services.¹² If there is a possibility to use data across different areas, this can be a “bracket” for connecting markets or services to form a system reaching across markets. The generation and commercial processing of data can be the aspect which keeps together otherwise differing business areas and can establish overarching positions of power.¹³

22. The possibility to use data across markets can affect competition in several ways: if it is possible to combine data derived from the use of different services, additional information that would not be available to the same extent or in the same quality if the different datasets were analysed separately may be obtained, potentially enabling the

¹⁰ Cf. German Government’s statement of legislative intent to the 10th amendment of the GWB, Bundestag printed paper 19/23492, p. 75, <http://dipbt.bundestag.de/dip21/btd/19/234/1923492.pdf> [in German].

¹¹ Ibid., p. 73.

¹² Cf. M. Bourreau, A. de Stree, Digital Conglomerates and EU Competition Policy, 2019, p. 11, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3350512

¹³ Cf. Schweitzer, Haucap, et al, Modernisation of abuse control for companies with market power – final report, 2018, pp. 84 et seq., <https://www.bmwk.de/Redaktion/DE/Publikationen/Wirtschaft/modernisierung-der-missbrauchsaufsicht-fuer-marktmaechtige-unternehmen.pdf> [in German]

development of new products and services.¹⁴ This effect is reinforced by the use of machine learning methods, which offer high added value especially when applied to large or high-quality datasets. Improved personalisation through the collected data within an ecosystem is of additional significance. This allows existing products to be improved and new ones to be developed that are tailored to the specific needs of users. This can facilitate entering into new markets. However, the personalisation options can also reinforce the ecosystem's lock-in effect. Furthermore, the data can hold enormous potential to prevent innovative offers from competitors and thus further solidify the company's significance across markets.

23. Access to data relevant for competition can also become highly significant for monetisation through online advertising: access to data across markets allows targeted advertising to be optimised across products, providing the core form of financing for the entire ecosystem. Thus, in the event of user overlaps between different services, the corresponding user data can be combined and the extensive user profiles thus obtained can be used for targeted advertising. Targeting can be continuously refined and, in turn, generate new data about the user. In addition, financing by means of online advertising makes it possible to offer or continuously expand and cross-finance the portfolio of free services, the data of which thus become, to a certain extent, the economic consideration for the use of the service. This facilitates market entry with products that can be financed through online advertising, since with a particularly large amount of data personalised advertising does not require a particularly wide reach.

3.6. Third-party access to supply and sales markets/influence on business activities of third parties

24. Dependencies on the part of other market participants can result in possibilities to shape the competitive process according to one's own ideas or to distort it to one's own advantage. Vis-à-vis the (potential) business customers of an undertaking with paramount significance for competition across markets, an important aspect to consider is the company's so-called "intermediation power" or "power to set rules".

25. An intermediation activity can generally exist in quite different forms. As with trading platforms or booking portals, it can consist in mediating specific transactions. However, in the run-up to such transactions, the activity can also consist in the communication of information or the attraction of attention, as is the case with search engines or advertising platforms. A characteristic feature of these platforms is that the intermediary selects or prioritises the offers and information and determines the framework for their presentation. If this activity is sufficiently important, the company may thus exert a significant influence on the visibility of third-parties' offerings or their access to customers.

26. If third-party companies are dependent on access to these users, for example for marketing their products, e.g., because the users exclusively or at least predominately use the ecosystem, these digital corporations have considerable power over the third-party providers and may dictate the terms of access to them.¹⁵ In addition, the sovereignty over the design and presentation of the offer and the superior information from comprehensively

¹⁴ Crémer, deMontjoye, Schweitzer, Competition Policy for the Digital Era, 2019, p. 33, <https://data.europa.eu/doi/10.2763/407537>

¹⁵ Federal Ministry for Economic Affairs and Energy, A new competition framework for the digital economy – Report of the Competition Law 4.0 Commission, 2019, p. 19., https://www.bmwk.de/Redaktion/EN/Publikationen/Wirtschaft/a-new-competition-framework-for-the-digital-economy.pdf?__blob=publicationFile

collected data regularly result in a wide range of possibilities for influencing and directing user behaviour. On the part of the third-party companies dependent on access, this may lead to a significant reduction in the scope for action and competition and an increasing shift of the value creation towards the ecosystem.

27. The “power to set rules” therefore refers first and foremost to the ability to dictate the conditions under which companies may use the ecosystem’s offerings. In addition, however, setting rules can also be understood as “regulation” of the markets created by the platforms within the ecosystem and the competition that takes place there. This is because significant sales and supply markets that are indispensable for companies can emerge within the system – e.g., on large trading platforms or within a proprietary operating system – whose framework and conditions of participation, including, for example, the characteristics of the products, their visibility and/or certain sales strategies, have been set from the outset by the ecosystem and its different areas.

4. Envelopment as a Particular Type of Entrenchment Strategy

28. As laid out in the previous chapter, large digital ecosystems typically benefit from high barriers to entry around one or more of their products or services, combined with strong network effects working in their favour and data-driven advantages. Risks to competition in these markets are abundant, especially as the large, oftentimes dominant, digital players aim at consolidating their already existing economic moats or expanding their reach even further. The latter then serves a double purpose: it increases their ecosystem to encompass even more products and services while at the same time entrenching further their already existing “core markets”, protecting them even more from competitive pressure.

29. The types of anti-competitive practices which can, in some way or another, be interpreted as being aimed at consolidating or expanding one’s existing positions of economic power are numerous and discussing them all is beyond the scope of this note. In this chapter, we therefore focus on selected conduct that can be subsumed under the concept of envelopment. Underlying strategies can be characterized by an expansion of power of established platforms or digital ecosystems into new markets, for example through strategies like the bundling of specific products or services as well as the leveraging of already existing relationships with users to gain competitive advantages in other markets.¹⁶ Arguably, in many cases the goal behind such strategies is indeed to ensure that a company’s economic moat is protected from competition sufficiently well.

30. As described above, under Section 19a GWB, after having declared by order that an undertaking is of paramount significance for competition across markets, the Bundeskartellamt can prohibit the addressee from engaging in certain behaviour. The list in Section 19a(2) GWB contains, inter alia, a provision which – when activated in a specific case – prohibits the addressee from “directly or indirectly impeding competitors on a market on which the undertaking can rapidly expand its position even without being dominant.” The idea behind this provision is that when undertakings of paramount significance for competition across markets employ strategies e.g. of bundling or tying, predatory pricing or exclusive dealing, in particular involving markets where they do not

¹⁶ Crémer, deMontjoye, Schweitzer, Competition Policy for the Digital Era, 2019, p. 108, <https://data.europa.eu/doi/10.2763/407537>; Eisenmann, Parker, van Alstyne, Platform envelopment, *Strategic Management Journal* 32(12), p. 1271, <https://onlinelibrary.wiley.com/doi/full/10.1002/smj.935>

hold a strong position (yet), this can impede market entry of innovative challengers or foreclose existing competitors.¹⁷

31. In particular, such strategies are likely to be successful if the undertaking in question can leverage its ecosystem of already existing products and services to its advantage. For example, consumers may prefer new products of the same company due to its seamless integration with other of its existing products. At the same time, sharable inputs, such as (personal) data which the ecosystem already has access to, or ecosystem-wide network effects allow the company to offer their products at prices which are hard to match by incumbents.

32. Subsequently, the provision described above explicitly mentions two specific cases in which it can be presumed that the aforementioned impediment of competitors is fulfilled: The first concerns the case where the use of an offer provided by the undertaking is linked to the automatic use of another offer provided by the undertaking which is not necessary for the use of the former offer, without giving the user of the offer sufficient choice as to whether and how the other offer is to be used. The inherent danger to the competitive process of such bundling or tying strategies stems from the fact that users are being bound closer to the ecosystem, in particular when they do not have a real choice but to accept different offerings being linked with each other.¹⁸ The second explicitly mentioned example prohibits making the use of an offer provided by the undertaking conditional on the use of another offer provided by the undertaking. This may be relevant in situations where registering for a service requires the user to have a user account of another service of the respective company.¹⁹

5. Enforcement of Section 19a GWB by the Bundeskartellamt

33. Finally, this note will briefly describe the current enforcement of Section 19a GWB by the Bundeskartellamt. Since, as argued above, a certain link can be identified between the concept of an economic moat and the structural factors considered for whether an undertaking is designated as being of paramount significance for competition across markets, it might be useful to highlight some of the key considerations behind the Bundeskartellamt's decisions to declare Alphabet, Meta, Amazon and Apple as addressees of Section 19a GWB.²⁰

34. In its first decision based on Section 19a GWB, already taken in December 2021, the Bundeskartellamt concluded that Alphabet is of paramount significance for competition across markets because, inter alia, Google Search has a dominant position on the market for general search services with a market share of more than 80 percent and it is the main provider of search advertising. The high vertical integration of Google's digital ecosystem

¹⁷ Recommendation by Bundestag's Committee on Economic Affairs the for a resolution regarding the 10th amendment of the GWB, Bundestag printed paper 19/25868, p. 116, <https://dserver.bundestag.de/btd/19/258/1925868.pdf> [in German]

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ An overview of proceedings based on Sec. 19a GWB, including references to case summaries, is available at https://www.bundeskartellamt.de/SharedDocs/Publikation/EN/Downloads/List_proceedings_digital_companies.html; the proceeding against Microsoft based on Section 19a(1) GWB is still ongoing as of May 2024.

is exemplified, for instance, as regards the connection between the Android mobile operating system and the Play Store or its portfolio of advertising services with a wide reach, covering the entire value chain. Google also has significant influence over other companies' access to its users and advertising customers and can set rules and conditions for other businesses across markets.

35. For Meta, which was declared as an undertaking of paramount significance for competition across markets in May 2022, the Bundeskartellamt in particular emphasized that the company is the key player in social media. Owing to its large user base and the user data available to the company, Meta is also the leading provider of social media advertising. Meta's position of power goes beyond its core service Facebook and is characterized by considerable economies of scope, which intensify the lock-in effects and allow Meta to ward off competition in innovation. Meta has superior access especially to personal user data, also due to its ability to combine data from various sources; such data are highly relevant across markets for user retention and product development as well as for monetising the company's overall product range.

36. In July 2022, the Bundeskartellamt issued its decision which found that Amazon is an undertaking of paramount significance for competition across markets, which was confirmed by the Federal Court of Justice in April 2024. Importantly, Amazon holds a key strategic position in the German online retail sector by virtue of its trading platform; the Bundeskartellamt estimates that over every second euro spent in the German online retail business derives from purchases made on amazon.de. Amazon can thereby control the access of other companies to sales and procurement markets and use its dual role as a seller and as a marketplace. Amazon has combined its wide business portfolio, including its Amazon Prime offerings, logistics services, advertising and cloud services to form a highly integrated digital ecosystem, which facilitates the retention of user groups within it.

37. Apple was declared as an undertaking of paramount significance for competition across markets in April 2023. The Bundeskartellamt found that Apple holds a dominant, or at least powerful, position on all vertically related levels based on its smartphones, tablets and smart watches as well as proprietary operating systems and the App Store, so far the only digital distribution platform for Apple devices. Apple is active in many ways on market levels and business areas that are linked to each other and is therefore in a position to tie its users to its complex ecosystem on a long-term basis. This is associated with a strong power to set rules for third parties, above all for app developers. Apple controls access to Apple customers and shapes this access based on its rules and economic framework conditions. Apple's structurally ensured presence across markets makes it easier for Apple to safeguard its ecosystem and to expand its activities into new business areas, such as the advertising business.

38. As of May 2024, the Bundeskartellamt has several ongoing cases against the aforementioned undertakings based on Section 19a(2) GWB. In an ongoing proceeding against Meta, the company has responded to the Bundeskartellamt's concerns and now offers users the possibility to use the VR headsets with a separate Meta account instead of a Facebook or Instagram account. Moreover, the Bundeskartellamt investigates Apple's App-Tracking-Transparency-Framework (ATTF) and has two ongoing cases against Amazon, the first of which examines price control mechanisms on the Amazon marketplace, while the second deals with issues of brandgating, e.g. agreements of Amazon with (brand) manufacturers. With respect to Google, ongoing proceedings concern possible anti-competitive restrictions with its licensing practices of services for infotainment systems ("Google Automotive Services") and terms of use of the Google Maps Platform. In addition, two cases which concerned Google's data processing conditions and its service Google News Showcase have been completed.

39. Overall, the Bundeskartellamt is of the opinion that Section 19a GWB is a useful instrument in order to address the challenges for competition in digital markets posed by large digital ecosystems. As pointed out by the OECD Background Note for this roundtable, there are a number of potential enforcement challenges related to economic moats and entrenchment, such as the need for swift action in rapidly evolving markets, ideally taken before entrenched positions or unassailable moats have been created.²¹ Section 19a GWB offers a useful tool which differs from traditional abuse control to address related challenges and allows for fast and effective competition enforcement in and across digital markets.

²¹ Cf. OECD Secretariat, Monopolisation, Moat Building and Entrenchment Strategies – Background Note, June 2024, pp. 24 et seq., [https://one.oecd.org/document/DAF/COMP/WP3\(2024\)1/en/pdf](https://one.oecd.org/document/DAF/COMP/WP3(2024)1/en/pdf)