

COMMUNIQUE DE PRESSE

Regulate too powerful large digital platforms with access and behavioural measures

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An EU authority must be able to regulate entrenched market positions of large digital platforms with the possibility of imposing both access obligations and behavioural obligations and prohibitions on a case-by-case basis. These considerations regarding so called gatekeeper or structuring platforms are published today in a non-paper by State Secretaries Cédric O (France, Digital Transition and Electronic Communications) and Mona Keijzer (The Netherlands, Economic Affairs and Climate Policy) which will be proposed to the European Commission.

These measures should apply to platforms that are unavoidable for businesses to reach their customers or for consumers to find certain products or services. Both State Secretaries propose, for example, the possibility for a European authority to prohibit these platforms from halting access to their services, unless they have an objective justification. Another possible measure is the prohibition of distortionary self-preferencing where digital platforms favour their own services above others. Beside these do's and don'ts, the authority should also be in position to impose, through a fast process and based on a "tailor-made" approach more far-reaching access measures such as an obligation to share specific data, to ensure interoperability of their services or to proactively offer alternative options to their own services touses.

"The platform economy offers consumers great benefits and the opportunity for economic growth for entrepreneurs. However, some platforms might become too powerful. Their market positions become increasingly difficult to challenge and damage can be hard to reverse. It is therefore important that timely action can be taken if a digital platform does hamper competition. These platforms can hinder the entry of new companies and limit the freedom of choice for consumers and entrepreneurs. An EU authority must be able to tackle these issues effectively and stimulate a more fair digital economy, so that consumers and businesses can take full advantage of the benefits of the platform economy", stated Mona Keijzer regarding the joint non-paper.

According to Cedric O, "Our common ambition is to design a framework that will be efficient enough to address the economic footprint of such actors on the European economy and to be able to 'break them open'. Access to data, to services, interoperability... these are efficient tools that we should be able to use, with a tailor-made approach, in order to tackle market foreclosure and ensure freedom of choice for consumers. We are glad to see eye to eye with The Netherlands and with other European countries on this important topic. We also welcome the ambition that has been expressed by Commissioner Breton regarding this undergoing work, including the possibility to ultimately opt for structural remedies, if need be. The French government will remain proactive in making sure that we do not shy away from this ambition".

With this non-paper, France and The Netherlands are further elaborating on their ideas in order to contribute to a concrete proposal regarding this matter which the European Commission is expected to present in Q4 of this year.

The full non-paper with all proposed measures can be read here:
<https://www.rijksoverheid.nl/documenten/publicaties/2020/10/15/considerations-of-france-and-the-netherlands-regarding-intervention-on-platforms-with-a-gatekeeper-position>

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