



KONKURRENSVERKET
Swedish Competition Authority

The competition on digital platform markets in Sweden

Summary

REPORT 2021:1

Summary

Background

As a result of digitalisation, Swedes use the internet to an ever greater degree for shopping, searching for information, consuming media, carrying out assorted tasks and socialising.¹² Market actors that provide the digital services that make this possible are to an increasing degree characterised by the fact that they provide a space – a digital platform – that they let users fill with value-creating content. Today, a large share of Swedes' consumption can be attributed to such digital platforms, which sort, rank and present different content, goods and services to consumers. The ongoing COVID-19 pandemic has also underlined the importance of being able to access goods and services online through digital platforms.

The rise of digital platforms has allowed for important efficiencies, innovative business models and new, quicker ways to reach customers (businesses and consumers). At the same time, the question of digital platforms' increasing influence in society has come to be scrutinized from a number of different perspectives. Within the field of competition, a number of different international expert panels and competition authorities in the past two years have argued that digital platforms give rise to structural competition concerns that cannot be addressed effectively by existing rules.

The role of the Swedish Competition Authority (SCA) is to work for efficient competition in the private and public sectors to the benefit of consumers. The fact that some digital platforms have grown to a significant size and importance does not in itself indicate a risk of consumer harm. On the contrary, size may indicate that many consumers see the platform as the superior alternative. However, if a platform grows by preventing alternative platforms from entering and growing in the market, this could result in fewer consumer options, weakened competition and a slower rate of innovation.

¹² The percentage of Swedes who use the internet almost daily has doubled between 2002 and 2019, from 45 per cent to 91 per cent. About four out of five Swedes consider the internet to play an important role in their private lives and use the internet for a number of different purposes, including searching for information, buying physical and digital goods, watching films and video, listening to music, podcasts and audiobooks and communicating with friends and family. Furthermore, seven out of ten use digital public services such as digital services for tax declaration, travel booking, healthcare and digital mailboxes. Source: The Swedish Internet Foundation and the Swedish Post and Telecom Authority.

A platform can also act in such a way that it restricts competition between business users (sellers) on the platform.¹³ An example of this is where a platform with dual roles (meaning that the platform distributes both its own and its business users' products through the platform) benefits its own business by promoting and increasing the visibility of its own products without doing the same for the products of its business users. This negatively affects consumers' ability to choose the most interesting and affordable product for them. Another example is when a platform uses its strong market position to weaken and marginalise its business users, e.g. by charging large commissions or by withholding access to important customer data. This may lead to a reduced choice of products on the platform, to business users passing their increased costs onto consumers and to a decrease in business users' incentives to innovate. It is therefore important to safeguard effective competition, both between and on digital platforms, for the benefit of the consumers.

Purpose of the sector inquiry

In order to gain a deeper knowledge of the competitive and market conditions on digital platform markets in Sweden, the SCA has conducted a sector inquiry. The SCA has analysed five selected markets along with the SCA's previous competition cases concerning digital markets in order to assess whether there are obstacles to effective competition on digital platforms, and whether it is possible to exercise effective enforcement, or if there is a need for regulatory reforms or supplementary regulation.

Summary of findings

The sector inquiry has shown that digital platform markets can be very complex and that there are significant differences both between platforms within the same market and between different platform markets. It is therefore difficult to draw general conclusions. In order to gain a clear understanding of a market's functionality and the business models that are used, a separate and detailed analysis of the market is necessary. The risk of competition concerns arising as a result of market structure and the types of conduct that are potentially problematic vary across markets. A number of the findings presented in this report are not necessarily specific to platform markets, even though the risk of certain competition concerns arising may be larger on them.

¹³ Business users are independent businesses who use a platform to distribute products, services or content to the customers who visit the platform. The customers are generally consumers, but can also be other businesses. An example of the latter is on the market for intermediation of digital advertising space, where the customers are comprised of advertisers.

The analysis that has been made within the scope of this sector inquiry of the selected markets and the SCA's case experience shows that it is possible in a number of cases to address competition concerns on digital markets with the current competition law framework, which is applicable irrespective of the market. However, the current competition law framework, which prohibits anti-competitive agreements and the abuse of a dominant position,¹⁴ has a number of built-in limitations. Even if a certain competition concern could be investigated as a potential infringement, the presence of a competition concern is merely one of several requisites that need to be met in order to intervene in a particular case. Some types of concerns may also fall outside of the scope of the current competition rules. Irrespective of the opportunities to intervene in a certain situation, there may be more efficient, quick and cost-effective ways to address competition concerns. At an EU level, legislative proposals have been presented for regulating large digital platforms. The SCA proposes that the question of additional regulation should be investigated at a Swedish level. Such an investigation should look at what regulation is required to prevent or address competition concerns that cannot be addressed, or that are not suited to being addressed, prevented or counteracted under the current competition law prohibitions or other existing rules. In the view of the SCA, this is a topical and important question for competition and consumers in Sweden.

Selection of markets and platforms

Part of the analysis in this sector inquiry is based on a selection of 16 platforms on five different markets in Sweden.¹⁵ The selection was made after a review of markets that had been examined in sector inquiries in other countries and in previous cases from the SCA, as well as markets that had been mentioned in tip-offs and complaints to the SCA. The selection was also made after considering information submitted to the SCA during the consultation phase of this sector inquiry.

¹⁴ Chapter 2, Article 1 of the Swedish Competition Act and article 101 in the Treaty of the Functioning of the European Union (TFEU), and Chapter 2, Article 7 of the Swedish Competition Act and article 102 TFEU respectively. Furthermore, there is a possibility on both a Swedish and EU level to prohibit mergers between undertakings that lead to or strengthen market structures that are harmful to competition, e.g. by acquisitions of competitors in already concentrated markets.

¹⁵ The markets would not necessarily correspond to a relevant market in a competition assessment.

The table below displays the markets, platforms and types of business users and customers that have been examined in the course of this study.¹⁶

Market	Mobile app stores	Digital market-places	Sub- scription services for digital books	Digital order placement platforms for takeout food	Inter- mediation of digital advertising space
Platforms	Apple, Google	Afound, Cdon, Elgiganten, Fyndiq, Tradera	Bokus Play, Bookbeat, Nextory, Storytel	Foodora, Uber Eats, Wolt	Facebook, Google
Business users	App owners	Merchants	Publishing houses	Restaurants	Publicists
Customers	Consumers	Consumers	Consumers	Consumers	Advertisers

Results

The sector inquiry confirms, in line with what other international expert panels and competition agencies have already established, that there is a risk for a number of different competition concerns on digital platform markets. Several of these may, depending on the issue at hand and the market actor, in a formal sense be possible to remedy using the existing competition rules. However, the sector inquiry has shown that the SCA has not always had the possibility to address certain types of competition concerns and that some of the identified competition concerns would likely not be possible to address effectively with existing competition rules.¹⁷ Other types of concerns identified on digital platform markets may also fall entirely outside the scope of existing competition rules.

¹⁶ There are a number of other services and business models that could be included in the concept of *digital platforms*, other than those included in this sector inquiry. Advertising-financed platforms and platforms that provide communication services or social media services, are examples easily brought to mind but that are not included in the selection for this sector inquiry.

¹⁷ See the SCA's statement to the Ministry of Enterprise and Innovation, matter number 479/2020.

There are several important differences between platforms and between platform markets

Although digital platforms is used as a collective term in this sector inquiry, there are significant differences between the platforms included in the study. For example, the platforms may have different business models. While some platforms are part of larger ecosystems of products and services, others are more specialized, only providing one single platform service. Furthermore, some platforms are vertically integrated, selling their own products or services in competition with connected business users, while others are stand-alone platforms with no sales of their own.

There are also other significant differences between the markets. For example, the degree of concentration differs, as do the number of alternatives to particular platforms available to business users. The importance of customer data to the platforms' and business users' competitiveness also varies between markets. Moreover, the market the business users are active on affects the platforms' margin for manoeuvre. For example, markets can differ with regard to cost structure, capacity limitations and whether competition is local or national.

There are thus a number of differences between platforms and between markets, meaning that the risk for competitive concerns also varies between them.

The risk of "tipping" is different on different platform markets

The value-creating role of platforms largely comprises connecting different user groups to the platform, facilitating interactions between them. The benefit to a user of using a platform often increases when there are many other users on the platform. Platforms are therefore often said to be characterised by network effects. Network effects can be *direct*, which means that the benefit to a user is affected by other users in the same user group. A social network, for example, would not have any value without friends to share status updates with. Network effects can also be *indirect*, which means that the benefit to a user of using a platform is affected by users in another user group. For example, the more gamers who chose a certain gaming console, the more interesting it will be for game developers to develop games for that console, and vice versa.

Several international expert panels have observed that there is a risk that platforms that have reached a certain size in terms of number of users may acquire an unattainable advantage over their competitors, who because of their limited size are perceived as less attractive and are therefore rejected by users. The prospect of attaining such a strong position often motivates an intense expansion with great initial losses. This is often described as platforms competing to "tip" the market. In this case, competition is *for* the market, rather than *on* the market. As network effects increase the benefit to user groups of staying on the same platform, they also increase the platforms' possibilities to tip the market.

The sector inquiry shows that on several of the five markets, there are mechanisms that prevent such a tipping event. For example, it is common on several markets that users value factors other than a platform's user count, and that they want to try out the offerings of several platforms. On most markets, users can easily switch between or use several platforms, which increases the possibilities of several platforms coexisting on the market and competing with each other. The study also supports the finding that there are indirect network effects on the examined markets, even though their strength has not been subject to closer examination. However, the sector inquiry also shows that platforms may have incentives to lock their users into their platform in order to shift the balance and tip the market to their advantage. How this is achieved may vary depending on whether it is businesses or consumers that are locked in.

Consequently, an important conclusion of the sector inquiry is that platforms can try to tip the market to their advantage, for example by locking their users in and making it more difficult for them to switch to competing platforms. Altogether, it is clear that platforms that aim to tip the market may in some cases act in a way that restricts effective competition and ultimately leads to consumer harm.

If a platform makes it more difficult for consumers to connect to other platforms, thereby excluding its competitors, this could give the SCA reason to start an investigation into whether or not this behaviour constitutes a violation of the competition rules. It is the SCA's experience that it may be especially important to do this at an early stage when it comes to new digital markets in order to safeguard competition between platforms. This is because digital markets are dynamic, and there may be factors contributing to markets tipping relatively quickly, which the SCA's enforcement work is not able to prevent or remedy.

The degree of platforms' intermediation power towards business users varies

Several international expert panels describe how a platform can become an unavoidable partner to business users wishing to reach certain customers. The position as intermediary between business users and customers may allow the platform to charge high fees or otherwise apply less favourable terms towards business users. The international expert panels have referred to this as *intermediation power*.¹⁸ In pace with digitalisation, transactions intermediated by platforms have become an ever more important source of income for many business users. There is thus a risk of growing intermediation power in digital markets.

¹⁸ There are similarities between this term and the terms buyer power and seller power which are more commonly used to describe traditional markets. An explanation as to why the reports have omitted the use of these terms is that digital platforms fulfil different functions and can therefore only seldom be categorised as traditional sellers or buyers.

The sector inquiry shows that most platforms allow business users to reach customers that they would have a hard time to reach in other ways. What is more, the sector inquiry shows that intermediation power is not binary but rather exists on a gradual scale, meaning that platforms can have a higher or lower degree of intermediation power. The weaker the actual or potential competition for customers that the platform encounters, the stronger the platform's intermediation power becomes towards business users, and the larger the risks are of the platform acting in a way that limits competition. The degree of intermediation power increases when customers, for example due to lock-in effects, network effects, costs or habit, use only one platform. In such situations, it will be difficult for business users to reach individual customers in other ways than through the platform they are currently using. Platforms may therefore also have incentives to lock their customers into the platform and make switching more difficult.

Furthermore, the sector inquiry shows that the degree of intermediation power does not necessarily depend on the platform's size or on market concentration. It is therefore possible for a platform to have intermediation power without the market being tipped. This result is consistent with the results presented in the reports of the international expert panels.

However, the sector inquiry also shows that in situations where the platform does not have a pure intermediary role, but buys and resells the business users' products, it might be less appropriate to use the term intermediation power to describe the power that the platform has over its business users. In these cases, buyer power might be a more appropriate term, even though the analysis would largely be based on the same factors as in an analysis of intermediation power.

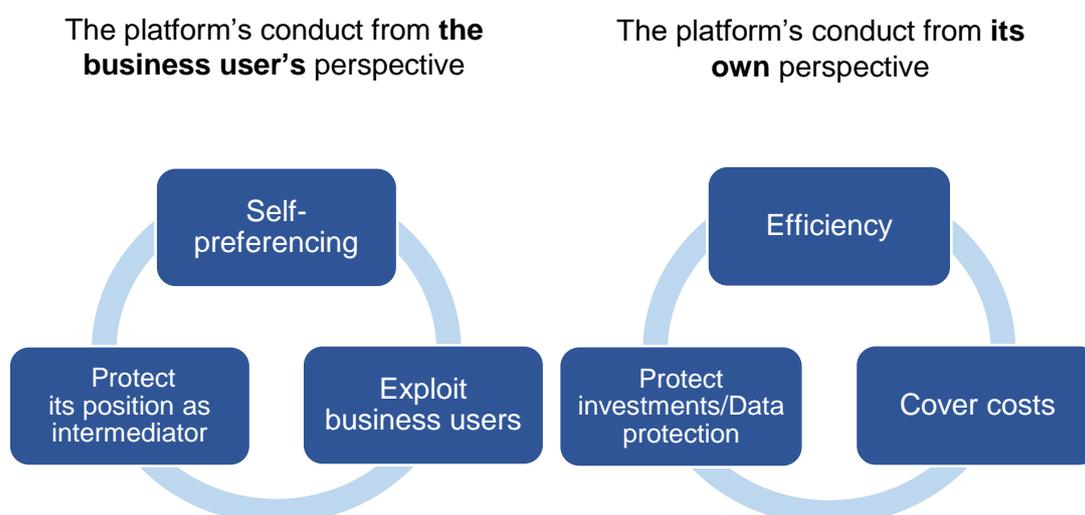
The SCA has experience of investigating platforms' intermediation power, but notes that there is a lack of clear case law that explains how intermediation power should be assessed on digital markets. In cases where platforms have strong intermediation power despite a relatively low market concentration, there is a risk that anti-competitive practices cannot be addressed by competition enforcement within the scope of existing competition rules.¹⁹

¹⁹ In investigations of potential infringements of Chapter 2, Article 1 of the Swedish Competition Act and article 101 TFEU regarding vertical restraints, the Commission's Vertical Block Exemption Regulation (VBER) and its Swedish equivalent are applicable to most agreements. In simplified terms, this means that contract clauses that could restrict competition, except for some explicitly listed restrictions, are exempted from the application of Chapter 2, Article 1 of the Swedish Competition Act and article 101 TFEU, as long as the market share of each of the parties is lower than 30 per cent (the so called threshold).

Platforms' conduct towards business users can have different effects on competition

On the platforms included in the study, business users compete with each other for the customers that use the platform. The platforms report that it is in their interest to have competitive business users and that they act to maximise the value of the platform not only for business users but also for customers. On the other hand, those business users that report that they have few alternatives to the platform to reach customers, in certain cases experience that platforms take advantage of this fact by designing their terms and conditions in a way that marginalises and weakens the business users.

Platforms' conduct can therefore be perceived completely differently from different perspectives. While individual business users that are being affected by the conduct might feel marginalised, the conduct can increase the value of the service from the platform's perspective.



One example of when platforms and business users view platform conduct from different perspectives is when the platform is vertically integrated and sells its own products or services on the platform in competition with the business users, and thus has a dual role. On most of the markets included in the study, there are examples where businesses have taken on the role of a platform by opening up their own distribution channel to competing businesses. The advantage of such an approach is that it allows the business to widen the range of products and attract more traffic. However, this also means that the platform adopts a dual role as both distributor and competitor to the business users. Business users that use these vertically integrated platforms to sell their products or services have concerns that the dual role will affect the platform's neutrality and give it incentives to promote its own products ahead of those of its competitors.

The degree to which customers allow themselves to be steered by what is most prominently presented to them on the platform varies between markets, and therefore the importance of a more prominent product placement also varies. In situations where visibility on the platform is important and there are many competing business users, it can be difficult for the platform to appear objective in terms of, for example, the ranking and presenting of business users' offerings. Therefore, the platform may have incentives to signal neutrality through clear ranking criteria, public price lists or organisational structure. How credible this is deemed to be by business users is difficult to say and most likely varies from platform to platform.

Another example is the use of user information, i.e. customer data. How important customer data is to the platforms' and business users' ability to compete varies both on and between markets. Many market actors on markets where data is considered important are of the opinion that the platforms do not share enough data with their business users and that this weakens the business users' ability to compete. According to the platforms there are both legal and technical obstacles to data sharing. There may, however, also be economic considerations. Customer data that is generated on a platform can be used not only for improving the business users' offerings on the platform, but also to steer customers away from the platform to the business users' own distribution channels. This would decrease the platforms' revenues. On markets where more detailed customer data is an important asset for both the platforms and the business users, there may therefore be conflicts between different interests.

Altogether, the sector inquiry shows that an assessment of whether platforms' dual roles lead to anti-competitive conduct that causes consumer harm is complex and depends on context. The fact that platforms do not allow their business users access to certain types of customer data does not necessarily imply that the platform has a competitive advantage or behaves in a way that leads to consumer harm. In summary, it is therefore not possible to draw any general conclusions about how platforms' dual roles or business users' access to customer data affects competition and consumers. There can be a great deal of variation from market to market, and making an assessment requires a thorough analysis of a number of factors.

The competition concerns that emanate from the relationship between platforms and their business users only partially fits within what has so far been established in case law. There is therefore a need for new case law to be developed to establish how competition law can be applied to the specific conditions of digital markets. At the same time, it is not certain that applying existing competition law is always the most effective way to remedy this type of behaviour, which is further explained below.

Existing competition law does not always provide effective remedies for competition concerns

The current competition law framework rests upon a number of established prohibitions, of which the sector inquiry primarily focuses on the prohibition of abuse of a dominant position and the prohibition of anti-competitive agreements.²⁰ Competition law enforcement has historically developed and been adapted to new business models and market conditions. In principle, the prohibitions could cover a number of different anti-competitive conducts that give rise to competition concerns on, among others, digital platforms. The SCA's experience of competition enforcement shows that the competition law framework is in many cases flexible enough to be able to remedy anti-competitive conduct arising from digital platforms. A number of the potential competitive concerns identified in the sector inquiry would, at least in principle, be possible to address within the framework of the SCA's enforcement of existing competition rules. The sector inquiry also shows that further development is necessary, for example in terms of theories of harm and analytical tools. Continued active competition enforcement, including on new and dynamic markets, is an important instrument to ensure that markets function properly. There is also a need for case law from the Court of Justice of the European Union as well as the Swedish Patent and Market Courts to provide clarity in a number of important aspects.

The current competition law framework has a number of built-in limitations that can mean that even though a certain conduct could be investigated as an infringement of competition law, there might be more effective, faster and more cost-efficient ways to address the issue:

1. The SCA can only investigate *conducts* that are prohibited in Chapter 2, Article 1 or 7 of the Swedish Competition Act and article 101 or 102 TFEU. Anti-competitive *market structures* are not generally covered by these prohibitions.
2. The competition rules can only be applied *after* an anti-competitive conduct has been initiated or announced. This means that competition law cannot be applied to prevent anticipated anti-competitive conducts. An intervention against a potential anti-competitive conduct must also be preceded by careful investigation to determine whether the conduct is prohibited by competition law or not, which means that conduct might proceed for some time before the enforcement takes effect.

²⁰ It can be noted that the Swedish Competition Act also prohibits anti-competitive sales activities by public entities. The SCA may also prohibit concentrations of undertakings that can lead to significantly harmful effects on competition.

3. The behavioural or structural remedies that can be designed if an undertaking is found to have infringed the competition rules must aim to eliminate the anti-competitive conduct. This means that the SCA has limited possibilities to shape remedies that have a forward-looking perspective or dictate in detail how undertakings should eliminate a conduct that has been found to infringe one of the prohibitions in the Swedish Competition Act or in TFEU.
4. Investigations of potential infringements of competition law only concern the undertakings that are suspected of infringing said laws, and not all undertakings on a certain market or in a certain sector. If a competition concern pertains to a whole market, this could mean that the SCA would have to investigate each undertaking on that market separately. Under certain circumstances, for example when a certain conduct falls under the vertical block exemption, there is in practice no possibility for the SCA to intervene in an appropriate manner against all of the undertakings in a market, even if it would be beneficial if the same rules applied to all of these undertakings.

Insights from competition enforcement at an EU level and a number of expert reports also point to the conclusion that the current competition law framework is not necessarily the most effective means to remedy competition concerns on digital platform markets. Based on the SCA's experiences from competition enforcement it can be noted that some competition concerns have not been able to be addressed in an optimal way with the means currently at the SCA's disposal. An example of this is the SCA's investigation of the government-owned passenger train operator SJ, whereby SJ had denied competing train operators access to SJ's platform for selling train tickets. The SCA found that an intervention would not be a suitable course of action to achieve effective competition, even though the market conditions at hand were creating barriers to entry and expansion. In a communication to the government, the SCA therefore proposed that the government appoint an investigation into the need for and design of regulation for the sale of train tickets.²¹

The results of the sector inquiry also show that competition concerns may be attributable to structural risks on platform markets. This applies to markets that show a tendency to tip or that have already tipped. It also applies to markets where one or several platforms have strong intermediation power, which may mean that the market is segmented. This can make it difficult for business users to reach consumers in other ways than through the platform that the consumer is currently using. Under these circumstances, platforms may have the ability and incentive to engage in potentially anti-competitive conduct. Such conduct may, depending on the circumstances, be subject to competition law intervention. However, it is the SCA's opinion that such intervention is not always the most effective way to address competition concerns in such a market if the competition concern has its roots in the market's structure or if more forward-looking measures are needed to ensure satisfactory competition in the market.

²¹ The SCA, communication to the Ministry of Infrastructure, matter numbers 230/2018 and 380/2018.

Looking ahead

The limitations identified in the sector inquiry suggest that there is a need for the current competition law framework to be supplemented with a new set of rules that can be applied when the current rules either cannot, or cannot in an effective manner, be used to remedy potential competition concerns.

New legislation concerning digital platforms is being proposed at an EU level

The various international expert panels that have published reports about digital platform markets have made a number of proposals about changes to the competition rules and about new legislation. During the course of this sector study, some important initiatives and proposals at an EU level that concern or affect the competition law framework in Sweden have also been presented by the European Commission. A number of initiatives have also been taken elsewhere. In the report, the SCA describes a selection of legislative proposals from the European Commission and other EU member states relevant for assessing the need for supplementary rules in the field of competition at a Swedish level.

One specific legislative proposal from the European Commission is the *Digital Markets Act*, which was published on 15 December 2020. The regulation proposal contains two lists of obligations related to conducts that limit competition in the market or are unfair. According to the proposal, the lists will only apply to so called *gatekeepers*. This term refers to large digital platforms in sectors such as online social networking services, online search engines and operating systems. In addition to these new obligations, the European Commission also proposes that the platforms be subject to a duty to provide certain information, among other things concerning all planned acquisitions. The proposal also contains provisions relating to the European Commission's enforcement.

At the time of publication of this report, the Digital Markets Act is a legislative proposal subject to considerations and presumably changes within the framework of the EU's ordinary legislative procedure, which involves both the Council of the EU and the European Parliament. In the SCA's opinion the proposal has the potential to remedy some of the competition concerns identified in this report. However, the regulation would only apply to certain large platforms that have been designated as gatekeepers, amongst other things, based on their position in a significant part of the internal market. This means that a potential regulation would probably exclude many platforms, e.g. platforms that only operate in one member state. The proposed regulation would not affect the application of existing competition law.

The results from the sector inquiry indicate a need for a supplementary legal framework in Sweden

In addition to legislation at an EU level, there are also grounds for reviewing how the rules intended to ensure effective competition should be designed at a Swedish level. Such work should be initiated to make sure that Swedish markets are given the best conditions to be defined by effective competition, with higher quality, lower prices, increased innovation, growth and competitiveness as a result.

As the sector inquiry has shown, there are significant differences between the markets that have been investigated, not least concerning market structures and business models. What is more, some conducts that may give rise to competitive concerns under certain circumstances might not do so if the circumstances are different. The markets included in the sector inquiry are, like most others, constantly changing. Because of this, a thorough investigation of the competition concerns of each market would be needed before any conclusions about specific concerns and necessary measures could be drawn. Therefore, the results of the sector inquiry do not indicate that there is a need for *ex ante* rules to promote competition for digital platforms at a Swedish level, i.e. over and above the proposed Digital Markets Act at an EU level.

However, the sector inquiry does conclude that there is a need for a flexible supplementary legal framework at a Swedish level to be able to remedy effectively competition concerns on platform markets. Such a framework could be used in situations where competition concerns have been established, or the development of anti-competitive market structures in the near future can be avoided, and where an intervention using the existing competition law framework would not be sufficiently effective. A potential supplementary legal framework should take into consideration the need for flexibility to enable a targeted and tailored intervention on specific markets. It should also make it possible to investigate individual market conditions in a thorough and legally secure manner. It would be beneficial if this legal framework, as opposed to existing competition law, enabled interventions that apply to whole markets rather than only to specific market actors. Furthermore, the framework should make it possible to remedy structural market failures instead of prohibiting specific conducts.

The SCA proposes that work be initiated to design a supplementary legal framework in the field of competition

The SCA proposes that work be initiated to investigate the need for and design of a flexible legal framework that can be used to investigate and remedy competition concerns that cannot, or cannot in an effective manner, be remedied under the current competition law prohibitions. One legal framework that may be able to fulfil these needs is that of *market investigations* that the British competition authority CMA has the possibility to conduct. A similar proposal was also presented by the European Commission (“New Competition Tool”, NCT), but this proposal has only in part been integrated within the DMA proposal. However, this

model is not necessarily the only possible option, and the SCA suggests that different alternatives that could provide suitable solutions are investigated. Similar to the duty to provide information regarding planned acquisitions in the DMA proposal, Swedish work to design a supplementary legal framework should also include an analysis of the need for supplementary rules for merger control, something which has been beyond the scope of this sector inquiry.²²

This report focuses on digital platform markets. However, this does not imply that a supplementary legal framework for competition is only needed for these markets. The SCA stated in its opinion to the government concerning NCT that the increasing number of digital aspects to “analogue” markets, as well as future challenges in terms of delineation, suggest that a potential supplementary legal framework should be horizontal, i.e. not sector-specific. Moreover, the SCA stated that competition concerns relating to market structure can occur on markets other than digital platform markets. The existing competition rules, which the new legal framework would supplement, are also horizontal as they apply to all businesses, irrespective of market.

²² In Norway and Iceland, for example, there are possibilities to impose an information duty for planned mergers, among others within a sector that is characterised by competition concerns or high concentration. See for example *Digital platforms and the potential changes to competition law at the European level – The view of the Nordic competition authorities*, p. 13–16. https://www.konkurrensverket.se/globalassets/publikationer/nordiska/nordic-memorandum-digital-platforms-and-the-potential-changes-to-competition-law-at-the-european-level_september2020.pdf



Adress 103 85 Stockholm
Telefon 08-700 16 00
konkurrensverket@kkv.se

www.konkurrensverket.se