



Computer & Communications Industry Association

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CCIA Submission to the European Commission's Evaluation of the Commission Notice on market definition in EU competition law

The Computer & Communications Industry Association ("CCIA") welcomes this opportunity to provide feedback on the European Commission's roadmap on its evaluation to decide whether to update the Market Definition Notice ("Evaluation").

CCIA represents large, medium, and small companies in the high technology products and services sectors, including computer hardware and software, electronic commerce, telecommunications, and Internet products and services. CCIA is committed to protecting and advancing the interests of our members, the industry as a whole, as well as society's beneficial interest in open markets, open systems and open networks.

CCIA agrees on the purpose and scope of the Evaluation, and has the following comments, which applies to both the consultation strategy and data collection and methodology. The Commission has noted that the consultation will be of interest to undertakings with business operations and economic advisers, and plans a conference in Q4/2020 to include technical experts and representatives from all main stakeholder groups. The Commission correctly recognises that its *"evaluation will also need to analyse new technical and market developments – mainly deriving from the digitisation and globalisation of the economy – that could have an influence on the competitive constraints faced by undertakings and that may already be reflected in the case practice of competition authorities in the EU and elsewhere as well as in academic research."* However, the Commission proposes only *"desk research, a literature and case review (to be carried out internally or externally), as well as from stakeholders in the public consultation and in targeted consultations and possibly during a stakeholder conference or workshop."*

CCIA encourages the Commission to investigate, as broadly as possible, the prospect of supply-substitutability and of rapidly evolving consumer demand causing shifting definitional boundaries between markets. In this respect, CCIA suggests that the Commission look not only at academics and representatives of stakeholders, nor solely at legal literature and case review, but rather, should pay particular attention to the views of engineers, technologists, computer scientists, developers, innovators, inventors and futurists. Based on its industry knowledge, CCIA believes that those working on future technologies are well placed to inform the Commission on the factors relevant, particularly in respect of supply-side substitutability, in determining dynamic market definitions in light of the digitisation and globalisation of the economy.

Respectfully submitted,

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