

## Evaluation of the Commission Notice on the definition of relevant market for the purposes of Community competition law

Fields marked with \* are mandatory.

# Public questionnaire for the 2020 Evaluation of the Commission Notice on the definition of relevant market for the purposes of Community competition law

---

## Introduction

---

### Background and aim of the public questionnaire

Market definition is a tool to identify and define the boundaries of competition between undertakings. The main purpose of market definition is to identify in a systematic way the competitive constraints that the undertakings involved face. The objective of defining a market in both its product and geographic dimension is to identify those actual competitors that are capable of constraining the commercial decisions of the undertakings concerned (such as their pricing decisions). It is from this perspective that the market definition makes it possible, among other things, to calculate market shares that would convey meaningful information for the purposes of assessing market power.

The Commission Notice on the definition of relevant markets ([‘the Notice’](#)) has the purpose of providing *‘guidance as to how the Commission applies the concept of relevant product and geographic market in its ongoing enforcement of Community competition law [...]’. By rendering public the procedures which the Commission follows when considering market definition and by indicating the criteria and evidence on which it relies to reach a decision, the Commission expects to increase the transparency of its policy and decision-making in the area of competition policy.* (Excerpts of paragraphs 1 and 4 of the Notice)

This public questionnaire represents one of the methods of gathering information in the evaluation of the Notice, which was launched on 3 April 2020. Among other steps, the Commission will also carry out research, exchange views with the EU national competition authorities and may hold a conference or workshop with technical experts as well as representatives from the main stakeholder groups.

The purpose of this questionnaire is to collect views and evidence from the public and stakeholders on how the current Notice works for them. The Commission will evaluate the current Notice, based on the following criteria:

- Relevance (Do the objectives of the Notice match current needs or problems?)

- Effectiveness (Does the Notice meet its objectives?)
- Efficiency (Are the costs involved proportionate to the benefits?)
- Coherence (Is the Notice internally coherent? Does the Notice complement other actions or are there contradictions?)
- EU added value (Does the Notice at EU level provide clear added value?)

Please note that the purpose of this questionnaire is to evaluate the guidance described in the Notice and not to evaluate the requirement of defining a relevant market for the purpose of application of EU competition law or of having to comply with EU competition law.

The collected information will provide part of the evidence base for determining whether and how the Commission should change the Notice.

The responses to this public consultation will be analysed and the summary of the main points and conclusions will be made public on the Commission's central public consultations page. **Please note that your replies will also become public as a whole, see below under section 'Privacy and Confidentiality'.**

Nothing in this questionnaire may be interpreted as stating an official position of the Commission.

## Submission of your contribution

You are invited to reply to this public consultation by answering the questionnaire online. To facilitate the analysis of your replies, we kindly ask you to keep your answers short and concise. You may include documents and URLs to relevant online content in your replies.

We invite all respondents to provide answers to all the questions in the questionnaire. In case a question does not apply to you or you do not know the answer, please choose the field 'Not applicable' or 'Do not know'.

You have the option of saving your questionnaire as a 'draft' and finalising your response later. In order to do this, you have to click on 'Save as Draft' and save the new link that you will receive from the EUSurvey. Please note that without this new link you will not be able to access the draft again.

The questionnaire is available in English, French and German. You may however respond in any EU language.

In case of questions, you can contact us via the following functional mailbox: [COMP-MARKET-DEFINITION-EVALUATION@ec.europa.eu](mailto:COMP-MARKET-DEFINITION-EVALUATION@ec.europa.eu).

In case of technical problems, please contact the Commission's [CENTRAL-HELPDESK@ec.europa.eu](mailto:CENTRAL-HELPDESK@ec.europa.eu).

## About you

---

\* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ Gaelic
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority

- ☐ Trade union
- ☒ Other

If you chose "Other", please specify.

Association of in-house competition lawyers including more than 450 members in their personal capacity

\* First name

Ief

\* Surname

Daems

\* Email (this won't be published)

ief.daems@inhousecompetitionlawyers.com

\* Organisation name

*255 character(s) maximum*

In-house Competition Lawyers' Association (ICLA)

\* Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☒ Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

513747339430-11

\* Country of origin

Please add your country of origin, or that of your organisation.

- ☐ Afghanistan
- ☐ Djibouti
- ☐ Libya
- ☐ Saint Martin

- |                       |                                       |                    |  |
|-----------------------|---------------------------------------|--------------------|--|
| ◉ Åland Islands       | ◉ Dominica                            | ◉ Liechtenstein    | ◉ Saint Pierre and Miquelon                    |
| ◉ Albania             | ◉ Dominican Republic                  | ◉ Lithuania        | ◉ Saint Vincent and the Grenadines             |
| ◉ Algeria             | ◉ Ecuador                             | ◉ Luxembourg       | ◉ Samoa  |
| ◉ American Samoa      | ◉ Egypt                               | ◉ Macau            | ◉ San Marino                                   |
| ◉ Andorra             | ◉ El Salvador                         | ◉ Madagascar       | ◉ São Tomé and Príncipe                        |
| ◉ Angola              | ◉ Equatorial Guinea                   | ◉ Malawi           | ◉ Saudi Arabia                                 |
| ◉ Anguilla            | ◉ Eritrea                             | ◉ Malaysia         | ◉ Senegal                                      |
| ◉ Antarctica          | ◉ Estonia                             | ◉ Maldives         | ◉ Serbia                                       |
| ◉ Antigua and Barbuda | ◉ Eswatini                            | ◉ Mali             | ◉ Seychelles                                   |
| ◉ Argentina           | ◉ Ethiopia                            | ◉ Malta            | ◉ Sierra Leone                                 |
| ◉ Armenia             | ◉ Falkland Islands                    | ◉ Marshall Islands | ◉ Singapore                                    |
| ◉ Aruba               | ◉ Faroe Islands                       | ◉ Martinique       | ◉ Sint Maarten                                 |
| ◉ Australia           | ◉ Fiji                                | ◉ Mauritania       | ◉ Slovakia                                     |
| ◉ Austria             | ◉ Finland                             | ◉ Mauritius        | ◉ Slovenia                                     |
| ◉ Azerbaijan          | ◉ France                              | ◉ Mayotte          | ◉ Solomon Islands                              |
| ◉ Bahamas             | ◉ French Guiana                       | ◉ Mexico           | ◉ Somalia                                      |
| ◉ Bahrain             | ◉ French Polynesia                    | ◉ Micronesia       | ◉ South Africa                                 |
| ◉ Bangladesh          | ◉ French Southern and Antarctic Lands | ◉ Moldova          | ◉ South Georgia and the South Sandwich Islands |
| ◉ Barbados            | ◉ Gabon                               | ◉ Monaco           | ◉ South Korea                                  |
| ◉ Belarus             | ◉ Georgia                             | ◉ Mongolia         | ◉ South Sudan                                  |
| ◉ Belgium             | ◉ Germany                             | ◉ Montenegro       | ◉ Spain  |
| ◉ Belize              | ◉ Ghana                               | ◉ Montserrat       | ◉ Sri Lanka                                    |

- |  |   |  |  |
|--|---|--|--|
| <input type="radio"/> Benin                            | <input type="radio"/> Gibraltar                         | <input type="radio"/> Morocco                  | <input type="radio"/> Sudan                    |
| <input type="radio"/> Bermuda                          | <input type="radio"/> Greece                            | <input type="radio"/> Mozambique               | <input type="radio"/> Suriname                 |
| <input type="radio"/> Bhutan                           | <input type="radio"/> Greenland                         | <input type="radio"/> Myanmar                  | <input type="radio"/> Svalbard and Jan Mayen   |
| <input type="radio"/> Bolivia                          | <input type="radio"/> Grenada                           | <input type="radio"/> Namibia                  | <input type="radio"/> Sweden                   |
| <input type="radio"/> Bonaire Saint Eustatius and Saba | <input type="radio"/> Guadeloupe                        | <input type="radio"/> Nauru                    | <input type="radio"/> Switzerland              |
| <input type="radio"/> Bosnia and Herzegovina           | <input type="radio"/> Guam                              | <input type="radio"/> Nepal                    | <input type="radio"/> Syria                    |
| <input type="radio"/> Botswana                         | <input type="radio"/> Guatemala                         | <input type="radio"/> Netherlands              | <input type="radio"/> Taiwan                   |
| <input type="radio"/> Bouvet Island                    | <input type="radio"/> Guernsey                          | <input type="radio"/> New Caledonia            | <input type="radio"/> Tajikistan               |
| <input type="radio"/> Brazil                           | <input type="radio"/> Guinea                            | <input type="radio"/> New Zealand              | <input type="radio"/> Tanzania                 |
| <input type="radio"/> British Indian Ocean Territory   | <input type="radio"/> Guinea-Bissau                     | <input type="radio"/> Nicaragua                | <input type="radio"/> Thailand                 |
| <input type="radio"/> British Virgin Islands           | <input type="radio"/> Guyana                            | <input type="radio"/> Niger                    | <input type="radio"/> The Gambia               |
| <input type="radio"/> Brunei                           | <input type="radio"/> Haiti                             | <input type="radio"/> Nigeria                  | <input type="radio"/> Timor-Leste              |
| <input type="radio"/> Bulgaria                         | <input type="radio"/> Heard Island and McDonald Islands | <input type="radio"/> Niue                     | <input type="radio"/> Togo                     |
| <input type="radio"/> Burkina Faso                     | <input type="radio"/> Honduras                          | <input type="radio"/> Norfolk Island           | <input type="radio"/> Tokelau                  |
| <input type="radio"/> Burundi                          | <input type="radio"/> Hong Kong                         | <input type="radio"/> Northern Mariana Islands | <input type="radio"/> Tonga                    |
| <input type="radio"/> Cambodia                         | <input type="radio"/> Hungary                           | <input type="radio"/> North Korea              | <input type="radio"/> Trinidad and Tobago      |
| <input type="radio"/> Cameroon                         | <input type="radio"/> Iceland                           | <input type="radio"/> North Macedonia          | <input type="radio"/> Tunisia                  |
| <input type="radio"/> Canada                           | <input type="radio"/> India                             | <input type="radio"/> Norway                   | <input type="radio"/> Turkey                   |
| <input type="radio"/> Cape Verde                       | <input type="radio"/> Indonesia                         | <input type="radio"/> Oman                     | <input type="radio"/> Turkmenistan             |
| <input type="radio"/> Cayman Islands                   | <input type="radio"/> Iran                              | <input type="radio"/> Pakistan                 | <input type="radio"/> Turks and Caicos Islands |
| <input type="radio"/> Central African Republic         | <input type="radio"/> Iraq                              | <input type="radio"/> Palau                    | <input type="radio"/> Tuvalu                   |
| <input type="radio"/> Chad                             | <input type="radio"/> Ireland                           | <input type="radio"/> Palestine                | <input type="radio"/> Uganda                   |

- |  |                                   |   |  |
|--|-----------------------------------|---|--|
| <input type="radio"/> Chile                            | <input type="radio"/> Isle of Man | <input type="radio"/> Panama                                      | <input type="radio"/> Ukraine                              |
| <input type="radio"/> China                            | <input type="radio"/> Israel      | <input type="radio"/> Papua New Guinea                            | <input type="radio"/> United Arab Emirates                 |
| <input type="radio"/> Christmas Island                 | <input type="radio"/> Italy       | <input type="radio"/> Paraguay                                    | <input type="radio"/> United Kingdom                       |
| <input type="radio"/> Clipperton                       | <input type="radio"/> Jamaica     | <input type="radio"/> Peru  | <input type="radio"/> United States                        |
| <input type="radio"/> Cocos (Keeling) Islands          | <input type="radio"/> Japan       | <input type="radio"/> Philippines                                 | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia                         | <input type="radio"/> Jersey      | <input type="radio"/> Pitcairn Islands                            | <input type="radio"/> Uruguay                              |
| <input type="radio"/> Comoros                          | <input type="radio"/> Jordan      | <input type="radio"/> Poland                                      | <input type="radio"/> US Virgin Islands                    |
| <input type="radio"/> Congo                            | <input type="radio"/> Kazakhstan  | <input type="radio"/> Portugal                                    | <input type="radio"/> Uzbekistan                           |
| <input type="radio"/> Cook Islands                     | <input type="radio"/> Kenya       | <input type="radio"/> Puerto Rico                                 | <input type="radio"/> Vanuatu                              |
| <input type="radio"/> Costa Rica                       | <input type="radio"/> Kiribati    | <input type="radio"/> Qatar                                       | <input type="radio"/> Vatican City                         |
| <input type="radio"/> Côte d'Ivoire                    | <input type="radio"/> Kosovo      | <input type="radio"/> Réunion                                     | <input type="radio"/> Venezuela                            |
| <input type="radio"/> Croatia                          | <input type="radio"/> Kuwait      | <input type="radio"/> Romania                                     | <input type="radio"/> Vietnam                              |
| <input type="radio"/> Cuba                             | <input type="radio"/> Kyrgyzstan  | <input type="radio"/> Russia                                      | <input type="radio"/> Wallis and Futuna                    |
| <input type="radio"/> Curaçao                          | <input type="radio"/> Laos        | <input type="radio"/> Rwanda                                      | <input type="radio"/> Western Sahara                       |
| <input type="radio"/> Cyprus                           | <input type="radio"/> Latvia      | <input type="radio"/> Saint Barthélemy                            | <input type="radio"/> Yemen                                |
| <input type="radio"/> Czechia                          | <input type="radio"/> Lebanon     | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia                               |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho     | <input type="radio"/> Saint Kitts and Nevis                       | <input type="radio"/> Zimbabwe                             |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia     | <input type="radio"/> Saint Lucia                                 |  |

\* The main activities of your organisation

*Text of 1 to 250 characters will be accepted*

ICLA is an informal association of in-house competition lawyers with currently more than 450 members across the globe. The Association does not represent companies but is made up of individuals as experts in the area of competition law.

- \* Please describe the sectors where your organisation or your members are conducting business, if applicable

*Text of 1 to 250 characters will be accepted*

ICLA is not a business/economic operator. ICLA members work for companies which are active in a wide range of sectors. This submission represents the position of ICLA and does not necessarily represent the views of all of its individual members.

- \* The 2 digit NACE Rev.2 code(s) referring to the level of "division" that applies to your business (see part III, pages 61 – 90 of Eurostat's statistical classification of economic activities in the European Community, [available here](#)):

If you cannot provide the information, please write "Do not know" or "Not applicable", as the case may be.

Not applicable

- \* Mark the countries/geographic areas where your main activities are located

at least 1 choice; multiple choice is possible

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Austria            | <input type="checkbox"/> France        | <input type="checkbox"/> Lithuania       | <input type="checkbox"/> Slovenia            |
| <input checked="" type="checkbox"/> Belgium | <input type="checkbox"/> Germany       | <input type="checkbox"/> Luxembourg      | <input type="checkbox"/> Spain               |
| <input type="checkbox"/> Bulgaria           | <input type="checkbox"/> Greece        | <input type="checkbox"/> Malta           | <input type="checkbox"/> Sweden              |
| <input type="checkbox"/> Croatia            | <input type="checkbox"/> Hungary       | <input type="checkbox"/> Netherlands     | <input type="checkbox"/> United Kingdom      |
| <input type="checkbox"/> Cyprus             | <input type="checkbox"/> Iceland       | <input type="checkbox"/> Norway          | <input type="checkbox"/> The Americas        |
| <input type="checkbox"/> Czech Republic     | <input type="checkbox"/> Ireland       | <input type="checkbox"/> Poland          | <input type="checkbox"/> Asia                |
| <input type="checkbox"/> Denmark            | <input type="checkbox"/> Italy         | <input type="checkbox"/> Portugal        | <input type="checkbox"/> Africa              |
| <input type="checkbox"/> Estonia            | <input type="checkbox"/> Latvia        | <input type="checkbox"/> Romania         | <input type="checkbox"/> Australia & Oceania |
| <input type="checkbox"/> Finland            | <input type="checkbox"/> Liechtenstein | <input type="checkbox"/> Slovak Republic |  |

- \* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☒ **Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

☒ **Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

☒ I agree with the [personal data protection provisions](#)

## I. General Questions on the Notice

---

\* I.1. In the last five years, have you or your company / (business) organisation been required to assess the relevant product and geographic market for competition law purposes?

- ☒ Yes
- ☐ No
- ☐ Do not know
- ☐ Not applicable

\* I.2. If your reply to question I.1. was 'yes', please specify the type of competition law assessment

at least 1 choice; multiple choice is possible

- ☒ Assessment of a concentration between undertakings under Council Regulation N° 139/2004 (the EU Merger Regulation)
- ☒ Assessment of concerted practices and agreements between companies under Article 101 of the Treaty
- ☒ Assessment of abuse of dominance by an undertaking under Article 102 of the Treaty
- ☒ Assessment under the national competition law of one of the 30 states of the European Economic Area
- ☒ Assessment under the national competition law of a jurisdiction outside of the European Economic Area
- ☐ Other
- ☐ Not applicable

\* I.3. How often do you consult the Notice?

- ☒ Frequently (several times per year)
- ☐ Occasionally (once or twice per year)
- ☐ Rarely (once every couple of years)
- ☐ Never

☐ I do not know

\* I.4. Do you consult the Notice for any purpose other than competition law assessment?

☐ Yes

☐ No

☒ I do not know

☐ Not applicable

## II. Relevance (Do the objectives of the Notice match current needs or problems?)

---

In this section, we would like to understand if the objectives pursued by the Notice, namely to provide correct, comprehensive and clear guidance on market definition in EU competition law assessments, are relevant.

\* II.1. Is there still a need for a Notice to provide correct, comprehensive and clear guidance on market definition?

☒ Yes

☐ No

☐ I do not know

\* II.1.1. Please explain your reply

*Text of 1 to 5000 characters will be accepted*

1. The Notice, issued in 1997, has proved to be a substantive and useful guidance. It has increased transparency of competition policy by indicating the criteria on which the European Commission (EC) usually relies to reach its decisions.
2. ICLA very much values the existence of a Notice in this domain, and thus strongly encourages the EC to update the Notice, as opposed to removing the Notice altogether. In the upcoming review, a thorough analysis of the principles and criteria underlying a market definition is needed, in order to ensure a new framework which is able to respond satisfactorily to the challenges ahead. In particular, the current principles should be re-thought having in mind both the features of the Digital Economy and the challenges brought by globalization.
3. Updated, correct, comprehensive and clear guidance on market definition (including practical examples) is extremely useful for companies with a view to determining their market power, thus allowing them to self-assess whether any intended concentration, unilateral practice or agreement to be entered into is in compliance with applicable competition law.
4. There is a need for full consistency between the new Market Definition Notice and those parts of existing competition legislation and Guidelines which touch on market definition. The latter should be eventually amended in order to be consistent with the new Notice. In the meantime, the new Notice should make clear that it will take precedence over any conflicting market definition rule contained in any existing competition legislation or Guidelines. The same need of consistency applies regarding those competition tools that are currently under review (e.g. Vertical and Horizontal Guidelines). Any market definition rule they may eventually contain should be in line with the new Market Definition Notice.

### III. Effectiveness (Does the Notice meet its objectives?)

---

#### **The Notice in light of its aim to provide correct, comprehensive and clear guidance**

The Notice aims at streamlining the process of assessing the relevant markets for competition law purposes by companies and (business) organisations by providing correct, comprehensive and clear guidance to increase transparency and predictability.

In this section, we would like to have your opinion on the extent to which the Notice meets its objective of providing correct, comprehensive and clear guidance on market definition by the EU.

Please take the following definitions into account in your answer:

“Correct” guidance adequately reflects the case law of the EU courts, the best practices applied by the Commission and other leading competition authorities as well as the mainstream findings of high-quality academic research.

“Comprehensive” guidance is materially complete by summarising all the broad principles applicable in market definition as well as the main specific criteria applicable in the most important case constellations.

“Clear” guidance is easy to understand and follow.

III.1. Have the following aspects within “Definition of relevant market” (paragraphs 7-12) provided correct, comprehensive and clear guidance?

	Yes	Partially	No	I do not know
* Definition of relevant product market and relevant geographic market (7-9)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Concept of relevant market and objectives of Community competition policy (10-11)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Differences between market definition in assessing past behaviour (antitrust) and in assessing a change in the structure of supply (merger control) (12)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* III.1.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear

*Text of 1 to 5000 characters will be accepted*

Concept of relevant market and objectives of Community competition policy (10-11)

1. Need to define always a relevant product market? The EC should reassess the necessity to define a relevant product market in each and every case, as it is in some cases burdensome and inefficient. This is particularly so in merger cases, where more emphasis could be put on who are the closest competitors to the merging parties, and on the identification of anti-competitive strategies. This approach has been followed by the US antitrust authorities for a long time.

2. The reference to the objective of the merger control regime needs to be updated. Para. 10 of the Notice should slightly be updated in order to bring it in line with the new substantive test in merger cases, which was adopted in 2004.

Differences between market definition in assessing past behaviour (antitrust) and in assessing a change in the structure of supply (merger control) (12)

1. Differences also apply to the scope of the product market. Para. 12 of the Notice provides the example of differences in the geographic market definition depending on whether we are assessing either a past behaviour or a merger case. For reasons of legal certainty, the paragraph should also make clear that, in merger cases, the prospective analysis may also affect the relevant product market definition. In particular, it should be clarified that potential competitors at the time of the assessment, which are likely to become actual competitors in the near-medium term future, should be taken into account when prospectively defining the relevant product market. In addition, it would also be helpful to indicate how, in merger cases, potential competition should be assessed and taken into account in order to prospectively define a relevant product and geographic market.

III.2. Have the following aspects within “Basic principles for market definition” (paragraphs 13-24) provided correct, comprehensive and clear guidance?

	Yes	Partially	No	I do not know.
* Competitive constraints (13-14)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Demand-side substitutability (15-19)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Supply-side substitutability (20-23)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Potential competition (24)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* **III.2.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear**

*Text of 1 to 5000 characters will be accepted*

**General**

- The Notice should be clear that past market definitions should not prejudge future market definition analysis. A market should be defined in accordance with the features prevailing at the moment the exercise takes place.

**Competitive constraints (13, 14)**

- Digitalisation requires a new approach to demand/supply substitution and potential competition. The gist of our comments below might be added to Notice paras. 13-14.

**Demand substitution (15-19)**

- Indirect networks in digital markets. These markets are often multi-sided as they link two or more different user groups. Indirect network effects occur where the value of a good/service for users of one group increases with the number of users of other groups. As a result, demand from the users of one group may not only (or no longer) depend on prices. Rather, it may depend on the amount/type of data the other group provides, or on the time spent (attention) by users of the other group on the platform. Hence, the price-centric SSNIP test may no longer be suitable here. Guidance is needed on a suitable replacing quantitative test (e.g. based on attention, amount/type of data), or on whether we should rely on qualitative evidence.

- Zero-price platforms. Digital platforms often apply zero prices to one user group making the SSNIP test unsuitable for defining the market for the products/services offered to that group. Price becomes irrelevant. "Free services" may well compete with "paid services". Guidance is needed on what other variable could substitute price in a quantitative test (e.g. number of users, privacy) or if we should rely on traditional qualitative evidence.

- Convergence. Services from digital players increasingly compete in traditional markets. E.g. over-the-top (OTT) media services compete with traditional telecom operators but via different technologies (i.e. the Internet). However, customers do not focus on the technology used to provide the service. As a result, these digital players should be considered part of the traditional markets when defining the product market.

- New products with little quantitative data. In innovative sectors, products with completely new/ largely improved functionalities are constantly launched. There will be no evidence of substitution in the recent past for these products. There will also be little/no quantitative data available. Thus, the SSNIP test may not be a suitable tool. However, companies need to define the market to determine the selling practices for their new products. Guidance is needed in these cases. The EC could expressly (i) accept the bona fide application of a more speculative version of an existing quantitative test, or (ii) indicate that a market definition in these cases can be based exclusively on qualitative data.

**Supply substitution (20-23)**

- Higher relevance of supply substitution for dynamic markets. Existing suppliers in a sector may be concerned about technologies that other suppliers are using in a different sector, and the fact that such technologies can be adapted to the 1st sector and have a significant impact upon it. Adapting such technologies (and thus switching production) to the 1st sector may entail significant time and costs. Under the traditional approach this supply substitution would not be considered when defining the relevant product market. However, technology in the 2nd sector exercises a disciplinary effect on suppliers in the 1st sector long before there is a switch of production to the latter. It is this more immediate competitive constraint which

should count to determine when “supply substitution” is relevant.

#### Potential Competition (24)

- Higher relevance of potential competition in dynamic markets. Potential competition (whether new or from companies with partially similar/neighboring offerings) may quickly become actual strong competition. Digitalisation can also make market entry easier and quicker. As a result, a market definition which does not take account of potential competition may soon become misleading. If potential competition is to remain within the subsequent “market power” assessment step, then para. 24 of the Notice should make it very clear that the EC will consider “potential competition” and market dynamics very seriously and thoroughly when running the “market power” step.
- State-owned/subsidised companies. When assessing potential competition, the EC should stress the importance of state owned/subsidised companies that are preferred suppliers in their home country and are expanding worldwide. The possibility that such subsidized companies could enter geographic markets other than their home market may constitute a very significant competitive constraint.
- Potential competition in merger cases. In line with Notice para. 12, it should be clear that potential competition is considered when defining the relevant market in merger cases. Guidance as to how such potential competition is considered would be helpful.

III.3. Have the following aspects within “The Process of defining the relevant market in practice” (paragraphs 25-35) provided correct, comprehensive and clear guidance?

	Yes	Partially	No	I do not know.
* Product dimension (25-27)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Geographic dimension (28-31)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Market integration in the Community (32)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The process of gathering evidence (33-35)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

- \* III.3.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear

*Text of 1 to 5000 characters will be accepted*

#### General

In line with Notice para.12, in merger cases the assessment of potential competition should be part of the process to define the market for both the product and geographic dimensions.

#### Product dimension (25-27)

1. Refining para. 26. This paragraph portrays a flexible market definition process: the EC will usually be able to broadly establish the possible relevant markets using “preliminary information available” or “information submitted by the undertakings involved”. The flexible approach is also seen at para. 40 and at para. 34, which refers to requests for information to gather the “perceptions” of companies about “reactions to hypothetical price increases”. Thus, the EC does not have to engage with economic experts and enter into complex ad hoc studies to define a market. ICLA agrees with this approach and understands that it also applies to undertakings when they self-assess. But para. 26 focuses on the process the EC would follow. It says nothing about the process for undertakings. Para. 26 should make it clear that companies may rely on a similar flexible approach, i.e. on a mixture of qualitative and quantitative evidence applied in good faith (taking into account in good faith (i) internal general knowledge from a company’s experts, (ii) reasonable

external intelligence readily available at the time of the assessment, and (iii) existing factual evidence) rather than undertaking an exhaustive, economically complex, ad hoc study.

2. Refining para. 27. This paragraph states that the precise definition of a relevant market will be left open if the operation at hand does not raise concerns, “reducing thereby the burden on companies to supply information”. However, in merger cases the EC has hardly applied this practical approach. Instead, under Section 6 of the Form CO, merging parties need to define “all plausible alternative product and geographic market definitions” and provide data for all these markets. In practice, the EC often interprets “plausible” as meaning any possible market. This approach often relates to purely theoretical market definitions and so creates significant burdens for all parties involved, without adding to the quality and result of the clearance decision.

Para. 27 should clarify that the market definition should be left open without further analysis in merger cases where a concentration clearly does not raise concerns. The EC should also amend its own merger guidance and the Form CO information requirements so that companies no longer have to provide market information for all plausible markets.

In merger cases where there are no horizontal overlaps, the EC should consider whether the request for information on vertically related markets is really needed.

Market integration in the Community (32).

1. The Notice rightly takes account of the process of market integration when defining geographic markets. However, this process is even more significant now due to digitalisation and globalisation. The Notice should stress this point, so that “market integration” is given even a higher relevance when defining the geographic market. The title of this subsection should reference “the Community and the world”. Finally, the Notice focuses on “market integration” when defining the geographic market for assessing “concentrations”, but this concept is equally important for defining the geographic market when assessing a practice or an agreement.

Process of gathering evidence (33-34)

1. Requests for information (RFIs) in merger cases. In merger cases, the EC puts a strong focus on information gathered through RFIs. These RFIs often include detailed questions on all possible markets (defined as narrowly as possible), creating a substantial burden for the parties consulted. RFIs are also often structured according to prejudged markets which leads the consulted parties in a specific direction. The degree of detail in RFIs is in most cases neither required nor helpful to the analysis. And they are often identical for customers and competitors rather than being tailored to the specific addressee.

The EC should greatly reduce this burden by making meetings and calls with the merging parties and third parties (followed by minutes) the norm, rather than (and not followed by) RFIs. If in exceptional cases an RFI is needed, it should be short and self-explanatory. The information required should be limited to what is strictly necessary. This approach is consistent with US authorities’ practice. There should be a well-balanced approach between reducing the burden on the merging parties and market participants and providing the EC with the information needed to decide on the case.

2. Inspections. Where the sole purpose of the inspection is to define a market, the Notice should state that an inspection needs the consent of the inspected undertaking, and that no penalty can be imposed upon a company where it objects to an inspection for legitimate business reasons.

III.4. Have the following aspects within “Evidence to define markets – product dimension” (paragraphs 36-43) provided correct, comprehensive and clear guidance?

	Yes	Partially	No	I do not know.

* Introductory paragraphs (36-37)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evidence of substitution and quantitative tests (38-39)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Views of customers/competitors and consumer preferences (40-41)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Barriers and costs of switching (42)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Different categories of customers and price discrimination (43)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

\* **III.4.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear**

*Text of 1 to 5000 characters will be accepted*

**Introductory paragraphs (36-37)**

1. Para. 36 seems to refer to “the responsiveness of customers to relative price changes” as the cornerstone in the product market definition exercise. However, as explained at section III.2 above, digital markets make sometimes price, and thus price changes, irrelevant to the analysis. New parameters need to be adopted in order to properly define digital markets. See more on this issue further below in this section.
2. Para. 36 downplays and puts in question the relevance of qualitative evidence, such as product characteristics and intended uses. This is somehow at odds with para. 25 of the Notice, which states that the EC does not follow a rigid hierarchy of different types of evidence. ICLA agrees that quantitative (as opposed to qualitative) evidence should play an important role in the market definition. However, ICLA refers to its comments at section III.2 above (item on “New products with little quantitative data”). In cases of brand-new complex products there may be no or little quantitative data available. Perhaps in these instances qualitative data should play a much more relevant role in the market definition exercise.

**Quantitative tests (39)**

1. The Notice rightly points out that there are various quantitative tests that can be applied in defining a market. However, all quantitative tests to which para. 39 refers are price centric. As mentioned above, the digital world makes it necessary to bring about additional quantitative tests, which are not based on the price parameter. There could perhaps be “Small Significant Non-transitory Increase” type of tests where the increase does not relate to price but to another “non-monetary” variable, such as attention, number of users, amount of data, type of data, privacy or other. It could even be based on quality, although in this latter case quality may not be easy to quantify.
2. Despite the importance of quantitative tests as evidence in the market definition analysis, when reading through recent merger decisions it appears that the EC bases its assessment primarily on the responses to RFIs sent to market participants as part of the market test, thereby leaving aside other types of evidence (including quantitative tests). This is not fully in keeping with the open approach to empirical evidence that para. 25 of the Notice proclaims. Moreover, when assessing the market test results, the EC appears to put more emphasis on the statistical outcome of the market test than on the qualitative responses.

**Views of customers and competitors (40)**

1. The current practice puts too much emphasis on individual customers’ perspective of the market. The practice should however be more balanced and take more into account the suppliers’ perspective of the market, products and companies involved to reflect market reality. The EC should put more emphasis on the views from the supply side than it does today. The Notice should stress that this should be the case. Otherwise there is a risk that the overall dynamics of the market will be disregarded.

Different categories of customers and price discrimination (43)

1. ICLA believes that this paragraph does not belong in this section in the Notice. It rather belongs in the section on “Additional considerations”.

III.5. Have the following aspects within “Evidence for defining markets – geographic dimension” (paragraphs 44-52) provided correct, comprehensive and clear guidance?

	Yes	Partially	No	I do not know.
* Evidence of diversion to other areas (45)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Demand characteristics and views of customers and competitors (46-47)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Geographic patterns of purchases and trade flows (48-49)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Barriers and switching costs (50)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Examples from Commission practice and relevance of different factors (51-52)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- \* III.5.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear

*Text of 1 to 5000 characters will be accepted*

ICLA has no comments on these paragraphs.

- \* III.6. Have paragraphs 53 to 55 on the “Calculation of market share” provided correct, comprehensive and clear guidance?

- ☐ Yes  
☒ Partially  
☐ No  
☐ I do not know

- \* III.6.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear

*Text of 1 to 2000 characters will be accepted*

1. As stated at III.2, in digital markets price may not be the key parameter of competition, and thus sales in value/associated market share may not be the best criterion to determine a supplier's strength in the market. This is most obvious with zero-price platforms. Market share should be calculated using non-sales indicators (e.g. user numbers, amount of data provided to/time spent on the platform).
2. Para. 54 of the Notice allows the option of using other indicators depending on the specific products /industries in question. However, the digital era requires clearer guidance on the proper indicators to be used

in digital markets, and on how to estimate market shares using these other indicators.

3. The Notice should be clear that in bidding markets with a “lumpy” demand (because there are only few, large, infrequent tenders) market shares at a moment in time are not a good first indicator of market strength. In these situations, market shares can fluctuate greatly over time. Guidance is needed as to alternative good first indicators of market power in these bidding markets. Perhaps historic market shares or the trend of market shares over time should be considered, but the relevant duration of each may vary depending on the market, the frequency of tenders or the tendering cycle.

4. Further, in dynamic markets with rapid innovation, the emergence of a new product giving rise to a “new” market will provide the product’s supplier with a substantial market share early after launching (“first mover” advantage). The Notice should relativize the reliability of this initial market share as a way to measure market power. It might indicate a certain period of time after launching where high shares are not relevant, or the factors that should be present to relativize the reliability of high market shares in that initial period, e.g. number of potential competitors intending to enter the market, or expected time for potential competitors to enter the market.

\* III.7. Have paragraphs 56 to 58 on the “Additional considerations” provided correct, comprehensive and clear guidance?

- ☐ Yes
- ☒ Partially
- ☐ No
- ☐ I do not know

\* III.7.1. Please explain your reply, including, if applicable, how the guidance may be incorrect, incomplete or unclear

*Text of 1 to 2000 characters will be accepted*

1. General comment. ICLA suggests changing the title of this section to “Specific issues in market definition”.
2. “Aftermarket” or “secondary” market scenario. The Notice should elaborate on and provide clearer guidance regarding the “secondary market” scenario. This guidance may draw from the case-law and practice on the topic. The scenario mainly arises where the “secondary” product/service works exclusively with one supplier’s “primary” product. The Notice should clarify that, for a “secondary market” to exist, it is not enough that the customer is “locked in” with the “primary” product, but other additional factors need to be shown, like the presence of independent economic operators specializing in the provision of the secondary product/service. However, the fact that the contract for the secondary product/service is awarded separately from the primary product cannot in itself indicate a separate “secondary” market. The Notice should clarify in what circumstances a customer can be considered “locked in” with the primary product. Equally, it should clearly set out the additional factors that are needed to conclude that a separate “secondary market” exists.
3. “Chain of substitution”. The Notice could elaborate on when a “chain of substitution” approach is applicable. In particular the EC should provide guidance on how clear the overlap/interchangeability between different ranges of products (e.g. low-end, mid-range and high-end semiconductors) should be to apply a “chain of substitution” approach, and what parameters (e.g. functionalities, prices, manufacturing process of each range) should be taken into account.
4. Markets defined by group of customers. ICLA believes that para. 43 of the Notice should come under this section.

## **The Notice in light of major trends and developments since its publication**

In this section, we would like to understand if the Notice is up-to-date considering the developments that have taken place since its publication.

\* III.8. Do you consider that there are any major points of continuity (for example legal, economic, political, methodological, or technological) that have not changed since 1997 and that you consider should continue guiding the principles of the Market Definition Notice going forward?

- ☒ Yes
- ☐ No
- ☐ I do not know

III.9. If yes, please identify in the following table the major points of continuity that have not changed since 1997 and that you consider should continue guiding the principles of the Market Definition Notice going forward.

Text of 1 to 1000 characters max. for each row

	Major points of continuity	Short explanation/concrete examples	Paragraphs of the Notice where those ideas are expressed
1	“Demand substitution” is the first and most important perspective to define a market.	ICLA has flagged the higher relevance of supply substitution and potential competition in dynamic and digital markets. But ICLA recognises the continuing importance of demand substitution as corner stone of market definition.	Notice para. 13
2	The SSNIP test is a first general approach to demand substitution.	The SSNIP test is still useful as a first general approach to market definition. But it should be made clear that this is so only for “traditional” markets (i.e. where price remains the one key parameter of competition). As explained at sections III.2 and 4 above, the SSNIP test is no longer suitable in some new scenarios.	Notice, para. 15 et seq.
3	The EC does not follow a rigid hierarchy of types of evidence.	This provides flexibility to companies when running a market definition exercise.	Notice, para. 25
4	No obligation to use quantitative tests in a strict manner (i.e. using complex and accurate econometrics).	Applying quantitative tests in a very strict manner would be very onerous for companies. And it may stifle competition, since companies may be reluctant to apply a practice/agreement if they feel that they are not able to carry out the test with sufficient accuracy.	Notice paras. 15, 26, 34, 38, 40.
5			
6			

7			
8			
9			
10			

\* III.10. Do you consider that there are major trends and developments (for example legal, economic, political, methodological, or technological) that have affected the application of the Notice but are currently not reflected in it?

- ☒ Yes
- ☐ No
- ☐ I do not know

III.11. If yes, please identify in the following table the major trends and developments that you consider have affected the application of the Notice but are currently not reflected in it. Please describe the specific shortcomings of the Notice in this regard, including concrete examples.

Text of 1 to 1000 characters max. for each row

	Major trends/changes	Short explanation/concrete examples	Paragraphs of the Notice that may require an update	Specific shortcoming of the Notice
1	ICLA refers to its comments throughout this questionnaire			
2				
3				
4				
5				
6				
7				
8				
9				
10				

\* III.12. Is there any area for which the Notice currently does not provide any guidance but which would be desirable?

- ☒ Yes
- ☐ No
- ☐ I do not know

\* III.12.1. Please explain your reply.

*Text of 1 to 3000 characters will be accepted*

ICLA refers to its responses throughout the questionnaire, particularly at III.2, and raises the following new issues (1-2 under “Basic principles”, 3-6 under “Additional considerations”).

1. Focal product in asymmetric scenarios. There may be asymmetry in products under scrutiny. E.g. multi-mode products that support several standards/can communicate with different networks, and single-mode products that support only one standard/network. Here the relevant market may vary depending on what product is “focal”. If the multi-mode product is focal, some customers may find it non-substitutable with a single-mode product. If the single-mode product is focal, customers may find a multi-mode product a suitable alternative. The Notice should state the importance of the product which acts as focal product in the analysis.
2. New-comers v established customers. Customers’ position in a timeline may determine the products they find interchangeable. E.g. in IT a new-comer may choose between products that belong to competing architectures, but after adopting a certain architecture it may be that only products compliant with the adopted architecture are an option for its future demand. Switching costs of changing architectures may be so high that a customer is unlikely to change. For an established customer, products which support a different architecture will not be part of the relevant market. Guidance is needed as to which customers (new-comers or established) should be considered in a demand substitution analysis.
3. Integrated v standard solutions. Some products integrate two different components each with a different functionality essential to the end solution. The market also offers these components on a standalone basis. Customers can buy the integrated solution or the two components separately. The Notice should clarify that in these situations, for each functionality the market consists of the integrated solution and the standalone solution with that functionality.
4. Less important v key components. Devices are made of different components, each with a different functionality. For the device manufacturer, not all components have the same importance. One may be key to the device. The choice of less important components may depend on the choice of the key component, since less relevant components should be compatible with the key component. This narrows the market definition of those less relevant components. Guidance is needed as to when a component would be considered key in an end device, and so conditions the market definition of less relevant components.
5. Captive production v merchant market. Guidance is needed as to what factors would lead captive products (self-supplied by vertically integrated players) to be included as part of the relevant “merchant” market.
6. Hardware segmented by required software. Guidance is needed as to whether/when similar hardware can be segmented by the software they need to be functional.

## IV. Efficiency (Are the costs involved proportionate to the benefits?)

---

In this section, we would like to have your view concerning the efficiency of the Notice in the process of assessing relevant market definitions. In particular, we would like to understand whether the (possible) costs of following the guidance described in the Notice in the process of market definition (for example, increased legal fees or delays) are proportionate to the (possible) benefits of following the guidance described in the Notice (for example, decreased legal fees, transparency or legal certainty).

\* IV.1. Are the net benefits – benefits net of costs - associated with following the guidance described in the Notice positive (compared to a situation without the Notice in place)?

- ☒ Yes, the net benefits are positive (the benefits of having the Notice in place exceed the costs thereof)
- ☐ No, the net benefits are negative (the costs of having the Notice in place exceed the benefits thereof)
- ☐ I do not know
- ☐ Not applicable

\* IV.1.1. Please explain your reply and, if possible, quantify the magnitude of the (positive or negative) net benefits.

*Text of 1 to 2000 characters will be accepted*

A revised Notice will provide legal certainty and thus will help companies to reduce or save costs, including costs associated with external legal assistance to properly define the markets, costs caused by the negative effects of adopting an strategy based on the incorrect market definition, legal costs in order to defend an allegedly incorrect decision, costs represented by an eventual penalty, and opportunity costs.

## V. Coherence (Is the Notice internally coherent? Does the Notice complement other actions or are there contradictions?)

---

In this section, we would like to understand the extent to which the Notice is internally coherent as well as coherent with other EU rules or policies.

\* V.1. How well do the different components set out in the Notice operate together?

- ☒ The different components of the Notice work well together without apparent contradictions.
- ☐ There are some contradictions between different components of the Notice.
- ☐ I do not know

\* V.1.1. Please explain your reply, especially if you have identified any contradictions

*Text of 1 to 2000 characters will be accepted*

The current Notice is in general coherent. However, ICLA would suggest moving current para. 25 of the Notice to the section of Evidence (i.e. paras. 35 et seq. of the Notice). In addition, ICLA would suggest moving para. 43 of the Notice (re different categories of customers and price discrimination) to the last section on "Additional considerations".

\* V.2. Is the Notice coherent with other instruments that provide guidance on the interpretation of the EU antitrust rules (based on Articles 101 and 102 TFEU)?

- ☒ Yes  
☐ No  
☐ I do not know

\* V.2.1. Please explain.

*Text of 1 to 2000 characters will be accepted*

ICLA believes that the Notice is in general coherent with other EU competition instruments. Going forward, and as stated at section II.1 above, it is important to ensure that there is full consistency between the new updated Market Definition Notice and those parts of existing (and future) competition legislation and Guidelines which touch (or will touch) on market definition.

\* V.3. Is the Notice coherent with the [Merger Regulation](#) and with other instruments that provide guidance on the interpretation of the EU merger control rules, such as the [Guidelines on the assessment of horizontal mergers](#) and the [Guidelines on the assessment of non-horizontal mergers](#)?

- ☐ Yes  
☒ No  
☐ I do not know

\* V.3.1. Please explain.

*Text of 1 to 2000 characters will be accepted*

The Notice is in general coherent with existing EU merger control instruments. However, ICLA refers to section III.1 above (item on "The reference to the objective of the merger control regime needs to be updated"). ICLA would also refer to section III.3 above (item on "Product dimension / Refining para. 27"), where ICLA suggests some changes to some merger control instruments, in particular to Section 6 of the Form CO.

\* V.4. Is the Notice coherent with the case law of the General Court and the Court of Justice of the European Union?

- ☒ Yes  
☐ No  
☐ I do not know

\* V.4.1. Please explain.

*Text of 1 to 2000 characters will be accepted*

But the Notice should be updated taking into account both the EC practice and the European Courts' case-law dealing with market definition issues.

\* V.5. Is the Notice coherent with other existing or upcoming EU legislation or policies (including legislation and policies in fields other than competition law) ?

- ☐ Yes
- ☐ No
- ☒ I do not know

## VI. EU added value (Does the Notice at EU level provide clear added value?)

---

In this section, we would like to understand if the Notice at EU level has had added value (compared to a situation without such Notice at EU level).

In the absence of the Notice, undertakings would have had to, where applicable, self-assess the definition of relevant markets for the purposes of EU competition law with the help of the remaining legal framework at EU and possibly national level. This would include for instance the case law of the EU and national courts, the enforcement practice of the Commission and national competition authorities, as well as other guidance at EU and national level.

\* VI.1. Has the Notice at EU level had added value in the assessment of relevant product and geographic market in the application of EU competition law (including application by national competition authorities)?

- ☒ Yes
- ☐ No
- ☐ I do not know

\* VI.1.1. Please explain your reply. If your reply differs between product and geographic market, please also explain that.

*Text of 1 to 2000 characters will be accepted*

n/a

\* VI.2. Has the Notice helped in aligning the definition of the relevant markets by the national competition authorities of the EU member states and the European Commission?

- ☒ Yes

- ☐ No
- ☐ I do not know

- \* VI.2.1. Please explain your reply. If your reply differs between product and geographic market, please also explain that.

*Text of 1 to 2000 characters will be accepted*

n/a

## VII. Specific questions

---

### Final comments and document upload

VII.1. Please make any further comments you may have with regard to the Notice.

*Text of 1 to 3000 characters will be accepted*

VII.2. Please feel free to upload a concise document, such as a position paper, explaining your views in more detail or including additional information and data. **Please note that the uploaded document will be published** alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

- \* VII.3. Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

- ☒ Yes
- ☐ No

### Contact

COMP-A2-MAIL@ec.europa.eu

