

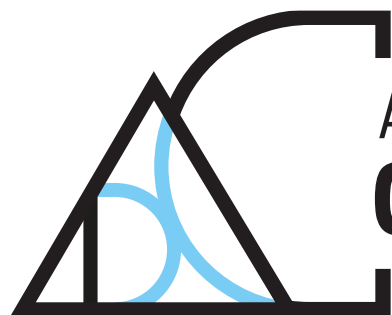
**Twenty-Second Intergovernmental Group of Experts on
Competition Law and Policy
Room XIX, Palais des Nations, Geneva
3-5 July 2024**

Enforcing Competition Law in Digital Markets and Ecosystems

Presentation

*Mr. Nuno Cunha Rodrigues
President
Portuguese Competition Authority
Portugal*

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Enforcing competition law in digital markets and ecosystems

Nuno Cunha Rodrigues
Autoridade da Concorrência
Portuguese Competition Authority

4 July 2024



**What are the major
competition
concerns related to
the digital
markets?**

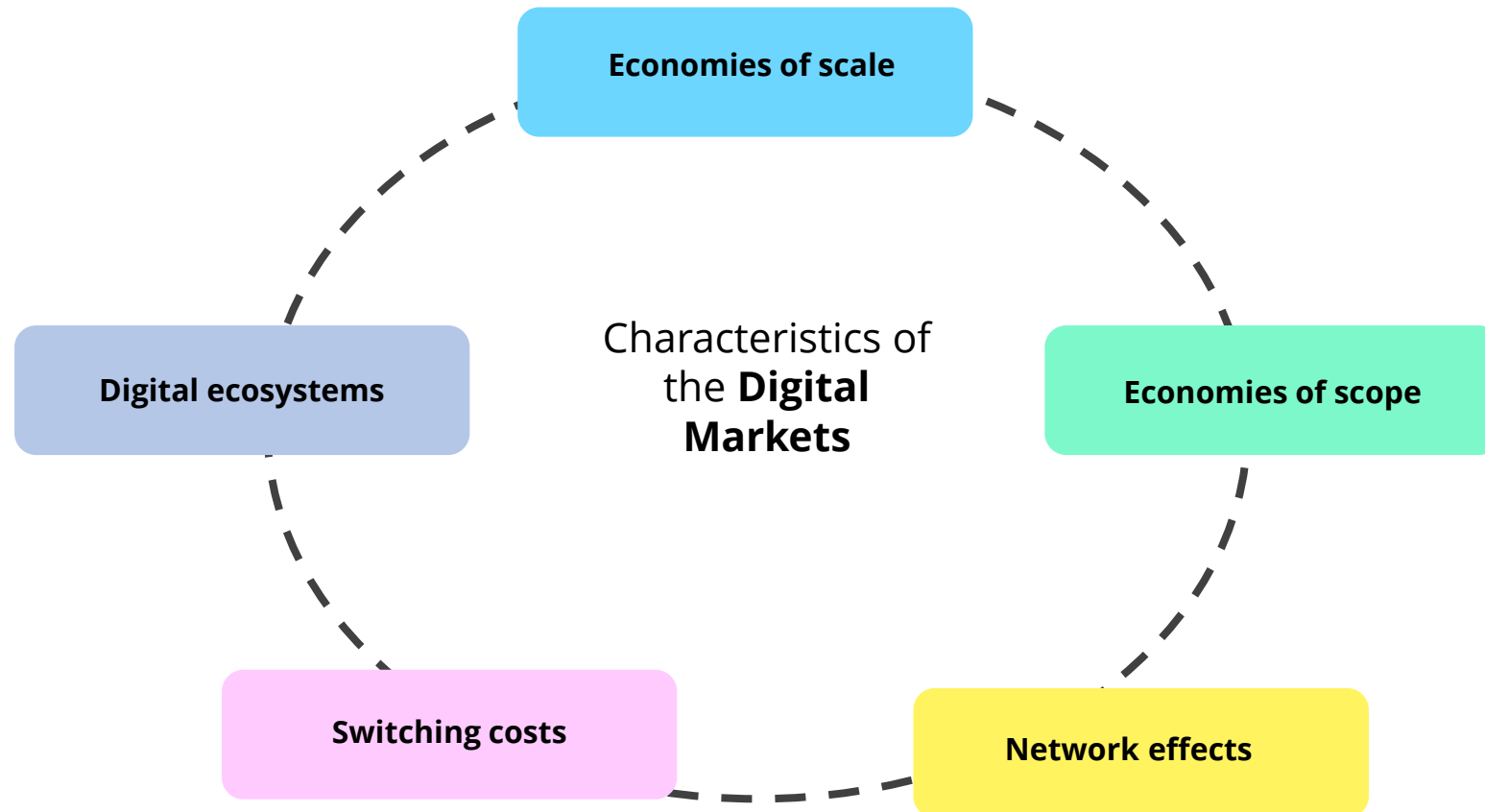


**How to address the
competition
concerns?**



**How can
competition
agencies use AI?**

02 Major competition concerns related to the digital markets



Market entrenchment and bottlenecks

- **Incumbents** tend to have both the **incentives** and the **ability to exploit the bottlenecks**
- Anticompetitive effects may operate both **vertically and in adjacent markets**
- Risk that incumbents **leverage their market power** to neighboring markets

03 How to address the competition concerns?

Capacity building

- **Sector Inquiries**
- **Digital market expertise**
- **AdC's Digital taskforce (2020)**

03 How to address the competition concerns?

Antitrust

- **Exclusionary abuse** cases (e.g. Google Android, Amazon Buy Box, Microsoft Teams)
- **Exploitative abuse** cases (e.g. Facebook marketplace, Apple music streaming)
- **International cooperation** (e.g., the **ECN**)

03 How to address the competition concerns?

Merger control

- Article 22 European Union Merger Regulation – **referral mechanism**
- Updated merger **notification thresholds** (e.g. market-share-based; value of the transaction)
- **New theories of harm** (e.g. innovation effects)

03 How to address the competition concerns?

Regulatory efforts

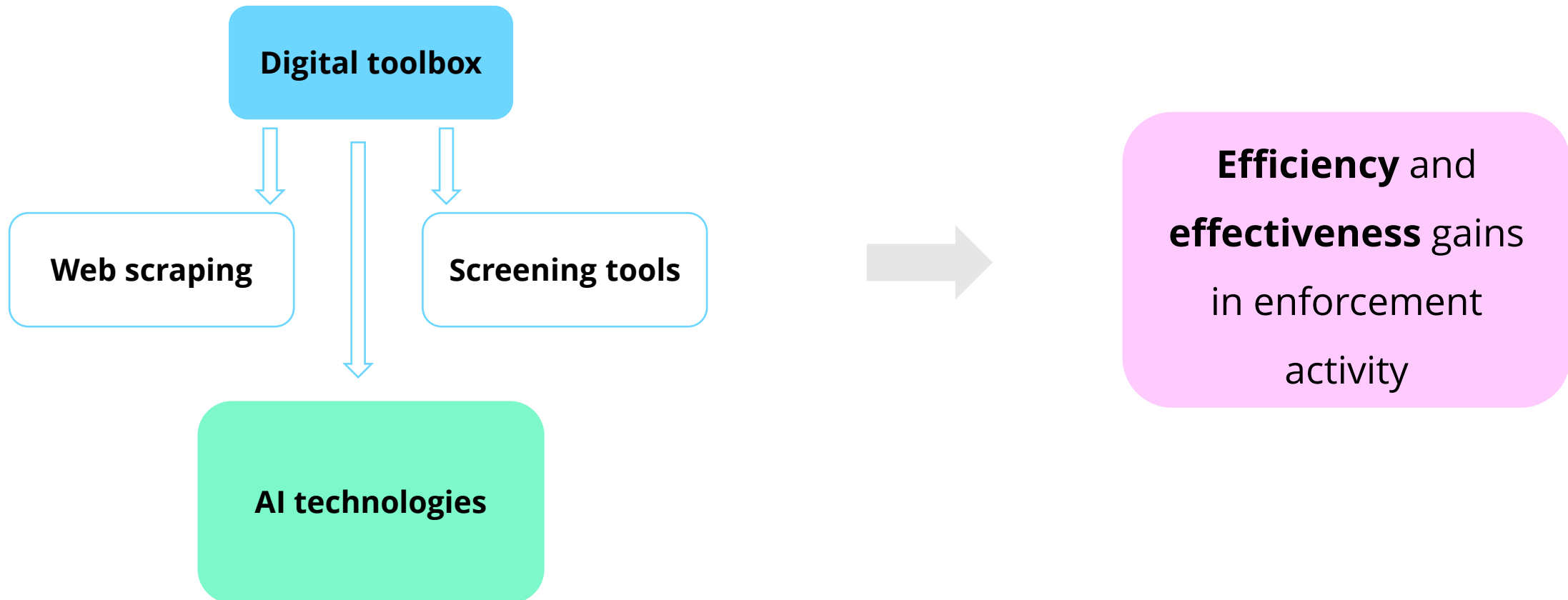
- **Digital Markets Act:**
 - contestability and fairness considerations
 - complementary to antitrust enforcement

03 How to address the competition concerns?

Inter-policy dialogue

- Interplay between competition policy and other fields of knowledge (**Competition 2.0.**)
- Competition authorities can act as **nudges for other public policies**
- Importance of **international *fora***

04 The use of digital tools and AI by NCAs





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