EUROPEAN UNION
15/12/2020
Europe fit for the Digital Age: Commission proposes new rules for digital platforms
Commission propone nuevas reglas para los plataformas digitales

The Commission has proposed today ambitious reform of the digital space, a comprehensive set of new rules for all digital services, including social media, online market places, and other online platforms that operate in the European Union: the Digital Services Act and the Digital Markets Act. EU rules are at the heart of proposals. The new rules will better protect consumers and.

STATEMENT BY EXECUTIVE VICE-PRESIDENT VESTAGER ON THE COMMISSION PROPOSITION ON NEW RULES FOR DIGITAL PLATFORMS
Statement by the Executive Vice-President Vestager on the proposition of the Digital Services Act.

In a first ever review of the major players in the digital services, the Digital Services Act aims to ensure more choice and control for EU citizens, making online platforms and social media in line with our values.

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON DIGITAL SERVICE ACTIVITY FOR DIGITAL SERVICES (DIGITAL SERVICES ACT) AND AMENDING AND ADAPTING SEVERAL OTHER REGULATIONS
Propuesta para una regulación del Parlamento Europeo y el Consejo sobre la nueva normativa de servicios digitales.

Propuesta para regulación del Parlamento Europeo y el Consejo sobre la nueva normativa de servicios digitales.

Digital services have brought important innovative benefits for users and contributed deeply to societal and economic transformations in the Union and.

BLOG ARTICLES
07/12/2020
Online platforms: Commission publishes ranking
Comisión publica ranking de platofemas digitales

The European Commission has published a ranking of online platforms.

The ranking lists the 15 largest online platforms in the Union by number of monthly active users.

Commission publishes its short-term review of the Geo-blocking Regulation
Comisión publica su revisión breve de la regualación de la Geo-blockage.

New competition regime for tech giants to give consumers more choice and control over their data
Nuevo régimen de competencia para gigantes tecnológicas que permita más elección y control sobre los datos

10/12/2020
European Parliament, we have put forward a set of ambitious goals for Europe’s future: climate neutrality by 2050; making the 2020s Europe’s Digital Decade.

1 December 2019. With the mandate received from the European Council and the Europe fit for the Digital Age: Commission proposals.

Next competition, same business model: the new rules
Próxima competencia, mismo modelo de negocio: nuevas reglas.

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Discussing general trends of any legal matter in Latin America is never a simple task. The region does not have a uniform reference point with the same strength and relevance of European Union institutions. Legal systems are strong enough to nullify their original form. Although regional economic areas, such as the Mercosur or the Comunidade Andina, have some economic relevance in trade matters, they have limited to no influence in the development of common legal rules and enforcement practices. In competition law matters, Latin American authorities and practitioners tend to pay more attention – and be more influenced – by trends in the United States and Europe than in those of their neighbors. Furthermore, competition laws and institutions in the region are at very different stages of development.

This text discusses the expected impacts, in Latin America, of the enforcement of competition law in digital markets. It will start by evaluating current enforcement activities in the United States and Europe. We will have a different influence in the region when compared to what has been seen in the past. Then it will highlight some challenges for authorities in Latin America.

Over the past decades, global competition law trends have had a near universal impact in enforcement activities within the region. In some cases, they had no relevant impact – such as the cases against Microsoft of the past century. In others, there were noticeable developments concentrated in certain countries. Enforcement against cartels in the electronic payment industry, and more recently, the use of different analytical approaches – which is a challenge in itself. Digital markets involve not only dealing with novel issues that require the use of different analytical tools. They are also a more disruptive impact on different sectors of society. Consumers cannot properly measure the impact of a cartel affecting a component used in an electronic equipment. They might not even know what purpose that component serves. It is true that the same can be said of certain practices that are being investigated in digital markets.

The other reason is that digital markets have a more clear and pervasive impact on day-to-day activities, work and consumer patterns. They differ from regulations and enforcement activities. In this context, digital markets have a high social and economic relevance throughout the region and the types of competitive issues that appear are similar in all countries.

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While this is expected to increase the likelihood of investigations in the region, the types of competitive issues that appear are similar in all countries. There is much more awareness and debate concerning the issues posed by digital markets, which leads to more pressure and complaints from different players. There will also be an opportunity for enforcement to increase their status and relevance within the region.

Privacy issues appear to be the most relevant: one and more countries in the region are adopting legislation to increase protection of personal data. Privacy issues have an impact on competitive dynamics – the level of privacy protection can be seen as a form of competition based on quality for zero pricing services for example (or competition on price if you look at personal data as equivalent to a payment for these services). But there are privacy issues that are not related to and cannot be addressed by competition laws.

Another noticeable link can be seen in the social impact of certain platforms in labor relations. There are relevant claims that drivers and people delivering food or packages are in fact freelancers with no access to social security and other guarantees. Unfair the pricing of labor in these platforms has established the dynamic of competition and is relevant for competition law enforcement. However, competition law is not an adequate tool to substitute social security regulations.

Due to the high social and economic relevance throughout the region and the types of competitive issues that appear are similar in all countries, there are enough reasons to believe that digital markets will be more relevant in the region than past global trends, at the point of overenforcement is far from becoming a concern. There are still only a limited number of cases of some of them – such as the three cases against Google in Brazil – have been closed without relevant findings.

At the same time there are noticeable developments. There is an increasing awareness of enforcements on the specific types of issues raised in digital markets. Brazilian and Mexican authorities have prepared thorough reports on digital markets. In Brazil, CADE has also launched a market inquiry to assess past acquisition of tech firms, echoing a view that authorities worldwide may have been too lenient and reviewed such transactions under a wrong analytical framework. CADE (the Uni Economic Commission for Latin America and the Caribbean) has issued three reports on the matter in 2018. There is also an increasing number of academic research groups and papers regarding the subject.

The electronic payment industry, which fuels e-commerce and offers innovative solutions to compete with traditional payment methods, is receiving increasing attention in the context. In the Prisma case decided in 2017, the Argentinian authority used, for the first time, a full divestment solution for a behavioral matter to address several abuses of dominance charges in the acquisition and data processing markets. In Brazil, CADE has several ongoing investigations regarding this industry. In 2020 it temporarily blocked Facebook’s WhatsApp’s attempt to introduce the WhatsApp payment service together with Google, a dominant player in the Brazilian payment industry. Although CADE later suspended the prohibition until a final decision on the merits was issued, the services are still unavailable due to a temporary suspension imposed by the Brazilian Central Bank. This illustrates the increasing concern in the region with the expansion of big tech to new fields of activities.

In turn, there are enough reasons to believe that digital markets will be among the main topics in competition law enforcement in the region. At the same time, there are new challenges to national authorities and may require improved analytical tools.