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## EUROPEAN UNION

**10/02/2021**

**Europe's digital decade: 2030 digital targets – Roadmap**

LA DÉCADE DIGITAL EUROPEA – 2030 OBJETIVOS DIGITALES.

**09/02/2021**

**Study - Update the Unfair Contract Terms directive for digital services**

ESTUDIO: ACTUALIZAR LA DIRECTIVA DE TÉRMINOS DE CONTRATOS INJUSTOS PARA SERVICIOS DIGITALES

**The EU Digital Markets Act A Report from a Panel of Economic Experts JRC report by Luís Cabral, Justus Haucap, Geoffrey Parker, Georgios Petropoulos, Tommaso Valletti, Marshall Van Alstyne**

LA LEY DE MERCADOS DIGITALES DE LA UNIÓN EUROPEA:

Un informe de un panel de expertos económicos.

**20/01/2021**

**Antitrust: Commission fines Valve and five publishers of PC video games € 7.8 million for “geo-blocking” practices**

ANTIMONOPOLIO: LA COMISIÓN MULTA A VALVE Y A CINCO EDITORES DE VIDEOJUEGOS PARA PC CON 7,8 MILLONES DE EUROS POR PRÁCTICAS DE “BLOQUEO GEOGRÁFICO”

**12/01/2021**

**FairSearch' summary of the letter sent to the European Commission to commence proceedings against Google for failing to comply with the Commission's decision**

LA COMISIÓN EUROPEA DEBE REQUERIR REMEDIOS ANDROID EFECTIVOS.

## UK

**23/02/2021**

**Facebook, Inc / Giphy, Inc merger inquiry Derogation published.**

**FACEBOOK, INC/GIPHY, INC MERGER INQUIRY.**

CONSULTA DE FUSIÓN DE FACEBOOK, INC/GIPHY, INC.

**09/02/2021**

**Competition and Markets Authority's digital markets strategy A refreshed Digital Markets Strategy**

**COMPETITION AND MARKETS AUTHORITY'S DIGITAL MARKETS STRATEGY.**  
ESTRATEGIA SOBRE MERCADOS DIGITALES DE LA AUTORIDAD DE COMPETENCIA Y MERCADOS.

**09/02/2021**

**Price comparison website: use of most favoured nation clauses Full text of the non-confidential infringement decision published**

SITIO WEB DE COMPARACIÓN DE PRECIOS: USO DE LAS CLÁUSULAS MÁS FAVORITAS DE LA NACIÓN.

**14/01/2021 - 1377/5/7/20**

**Epic Games, Inc. and Others v Apple Inc. and Another - Summary of claim**

**NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998 – EPIC GAMES, INC. AND OTHERS V APPLE INC. AND ANOTHER.**

AVISO DE RECLAMO BAJO LA SECCIÓN 47A DE LA LEY DE COMPETENCIA – EPIC GAMES, INC. Y OTROS VERSUS APPLE INC. Y OTROS.

**14/01/2021 – 1378/5/7/20**

**Epic Games, Inc. and Others v Alphabet Inc., Google LLC and Others - Summary of claim**

**NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998 – EPIC GAMES, INC. AND OTHERS V ALPHABET INC., GOOGLE LLC AND OTHERS.**

AVISO DE RECLAMO BAJO LA SECCIÓN 47A DE LA LEY DE COMPETENCIA – EPIC GAMES, INC. Y OTROS VERSUS ALPHABET INC., GOOGLE Y OTROS.

**07/01/2021**

**CMA to investigate Google's 'Privacy Sandbox' browser changes The CMA has opened an investigation into Google's proposals to remove third party cookies and other functionalities from its Chrome browser.**

**CMA TO INVESTIGATE GOOGLE'S “PRIVACY SANDBOX” BROWSER CHANGES.**

CMA INVESTIGARÁ LOS CAMBIOS EN EL NAVEGADOR “PRIVACY SANDBOX” DE GOOGLE.

## GERMANY

**19/01/2021**

**Amendment of the German Act against Restraints of Competition**

MODIFICACIÓN DE LA LEY ALEMANA CONTRA LAS RESTRICCIONES A LA COMPETENCIA.

## JAPAN

**17/02/2021**

**Final Report Regarding Digital Advertising**

INFORME FINAL DE PUBLICIDAD DIGITAL

## SPAIN

**08/01/2021**

**El comercio electrónico superó en España los 12.000 millones de euros en el segundo trimestre de 2020, un 0,2% más que el año anterior**

ELECTRONIC COMMERCE IN SPAIN EXCEEDED 12,000 MILLION EUROS IN THE SECOND QUARTER OF 2020, 0.2% MORE THAN THE PREVIOUS YEAR.

## SWEDEN

**26/02/2021**

**Risk for competition problems on Swedish digital markets**

RIESGO DE PROBLEMAS DE COMPETENCIA EN LOS MERCADOS DIGITALES SUECOS.

## AUSTRALIA

**23/02/2021**

**Additional amendments to News Media and Digital Platforms Mandatory Bargaining Code**

ENMIENDAS ADICIONALES AL CÓDIGO DE NEGOCIACIÓN OBLIGATORIO PARA LOS MEDIOS DE NOTICIAS Y PLATAFORMAS DIGITALES.

## SOUTH AFRICA

**19/02/2021**

**Commission to initiate a Market Inquiry on Digital Markets**

COMISIÓN PARA INICIAR UNA INVESTIGACIÓN DE MERCADOS DIGITALES

## UNITED STATES

**24/02/2021**

**FTC to Hold Virtual Workshop Exploring Digital “Dark Patterns”**

LA FTC CELEBRARÁ UN TALLER VIRTUAL QUE EXPLORA LOS “PATRONES OSCUROS” DIGITALES.

## BLOGS/ARTICLES

■ [Oxera: Insights from Oxera's 'The future of digital' event](#)

■ [Promarket: Why Are Google and Facebook Now Okay with Australia's News Media Bargaining Code?](#)

■ [Oxford Business law blog: Taming Big Tech: What Can We Expect from Germany's New Antitrust Tool?](#)

■ [Competition Policy International: New Enforcement Tool Against Abusive Market Conduct](#)

■ [Frontier Economics: DIGITAL BREXIT The implications of different digital regulation in the EU and the UK](#)

■ [Kluwer blog: China to Discipline Online Platforms with Antitrust Enforcement?](#)

■ [Chillin Competition: NEW PAPER | The Draft Digital Markets Act: a legal and institutional analysis](#)

## PRESS

■ [25/02/2021 - 'Change Is Coming' In Big Tech, House Antitrust Dem Vows – Competition law360](#)

■ [23/02/2021 - Reaction to Facebook agreeing a concession deal with Australia on media bill - Reuters](#)

■ [22/02/2021 - UK competition watchdog warns Big Tech of coming antitrust probes – Financial Times](#)

■ [19/02/2021 - House Antitrust Panel Keeping Up Pressure On Platforms - Competition law360](#)

■ [19/02/2021 - Facebook just handed its critics in Washington a lot more ammunition – Politico](#)

■ [18/02/2021 - Facebook ban on news in Australia provokes backlash – Financial Times](#)

■ [17/02/2021 - Google's search choice screen had virtually no effect on search market share, perhaps by design - Search Engine Land](#)

■ [17/02/2021 - Epic Games files EU antitrust complaint against Apple – Financial Times](#)

## CONFERENCES

■ [18/02/2021 - House Judiciary Antitrust Subcommittee Announces Series of Hearings on Proposals to Curb the Dominance of Online Platforms and Modernize Antitrust Law](#)

■ [Competition Policy International series of webinars “Antitrust in the Digital World: Does it Work?”:](#)

■ [25/02/2021 - What Is Next for the Digital Markets Act?](#)

■ [11/03/2021 12 pm ET - Analyzing the Antitrust Remedies in Digital Markets](#)

■ [04/03/2020 12 pm ET - Antitrust in America: How a New Administration Tackles Digital Platforms](#)

■ [18/03/2020 12 pm ET - Assessing the Global Approaches to Digital Platform Regulation through Antitrust](#)

# MAPPING OF ACTUAL REGULATORY INITIATIVES ON DIGITAL MARKETS AND FREE COMPETITION IN EUROPE

## EUROPEAN UNION

On December 15, 2020, the European Commission set forth a proposal for its “Digital Markets Act” (hereafter “DMA”). The Commission aims to regulate digital platforms acting as so-called “gatekeepers” on the European market. More concrete, the DMA will apply to major providers of “core platform services”. It will prohibit a number of practices and require gatekeepers to put in place certain measures, to prevent them from entering into practices that are considered to limit competition. The DMA will introduce a sanction regime for non-compliance, with fines up to 10% of the gatekeeper’s worldwide turnover.

Articles 5 and 6 of the DMA Proposal provide a list of 18 obligations, such as:

- Prohibition of combining personal data sourced from a core platform service with data from other services offered by the gatekeeper or from third-party services.
- Obligation for search engine gatekeepers to provide their rivals with access on fair, reasonable and non-discriminatory terms to user-generated search data.
- It prohibits a gatekeeper from conditioning access to a gatekeeping core service upon registering for or subscribing to any other core platform service.
- A gatekeeper must allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper.

The DMA Proposal also empowers the Commission to carry out targeted market investigations, allowing it to examine whether the rules are effective or whether new rules need to be added.

In parallel to the DMA Proposal, the Commission unveiled a proposal for a Digital Services Act to ensure a safe online environment, transparency and accountability of online intermediary services providers.

The DMA Proposal will now be discussed by the European Parliament and the Member States of the European Union in the ordinary legislative procedure. If adopted, the final text will be directly applicable in all Member States.

## GERMANY

On January 18, 2021, the 10th amendment to the German Act against Restraints of Competition has entered into force.

The new law provides preventative rules, so competition authorities can act ‘ex-officio’ against Digital Platforms companies, before they have abused a dominant market position. The new section 19 (a) establishes that the Competition Authority can prohibit certain abusive conduct patterns of platforms of utmost importance for competition in markets, such as self-preferencing practices, or impeding third companies from entering the market by processing data relevant for competition.

The Act also seeks to speed up and shorten antitrust proceedings, as appeals on decisions issued by the German Competition Authority on the basis of the section 19 (a), can only be heard by the Federal Court of Justice, by-passing the court of first instance.

The German Competition Authority could start compiling as of March the list of companies considered of utmost importance on competition across markets, which will have to obey the rules and prohibitions that the Authority establishes.

## UNITED KINGDOM

On February 21, 2019, The Competition and Market Authority (CMA), published “Proposals for legislative and institutional reforms to competition and consumer protection law and policy”, to promote competition and address new and existing forms of consumer harm.

It is proposed that new consumer-related duties and responsibilities be given to the CMA. In addition to granting new tools and powers to support those duties and responsibilities, including to facilitate the use of provisional measures. To help the CMA focus more effectively on its core responsibilities, it is proposed that the CMA transfer some of its existing powers and functions to other bodies.

Edición realizado por abogadas de la Corporación Innovarte, Bárbara Ulloa y Francia Candia, con la colaboración de las abogadas Nuna Van Belle, y Ana Hergouth de Clifford Chance.\*

Some of the key proposals are an improved toolkit for consumer law enforcement, consumer protection at the heart of the proposals, particularly in the digital economy, and a more efficient and flexible market regime, among others.

Additionally, a Digital Markets Unit (DMU) within the CMA was created. This Unit will start operating in April 2021 with the aim of introducing and enforcing a new code to govern the behavior of platforms with dominant market positions.

## NETHERLANDS

On February 17, 2021, The Dutch Government published its position on the proposal for the Digital Markets Act (DMA Proposal), where the Dutch government has advocated for regulation for big platforms with a gatekeeper role.

The Dutch position comprises three pillars: (1) European authority should be given the competence to impose ex-ante obligations on gatekeeper platforms; (2) European competition guidelines should be amended, in light of the fact that they cannot always be sufficiently applied to the digital economy; and (3) The thresholds for reporting mergers or acquisitions to the Commission should be updated, so that the Commission will be able to look at mergers and acquisitions in the digital economy that may currently escape scrutiny.

In addition, the Ministry of Economy and Climate Policy published its position on competition policy in relation to online platforms on January 27, 2020, in order to establish the Dutch position on the future guarantee competition policy in the digital economy.

## SPAIN

On December 15, 2020, the Spanish Commission of Markets and Competition (CNMC) published its position document on the public consultation of the European Commission on the New Competition Tool (NCT) and the Digital Services Act (DSA).

There is a tendency to identify a series of generic issues associated with the functioning of the markets in which platforms operate. Uncertainty is generated regarding the regulatory instruments that will be designed and subsequently applied. The debate is focusing on the “how and who” should intervene, rather than “when” to intervene.

In this position paper, Spain emphasizes that the need for intervention on markets should not be taken for granted. A test is required to determine whether an intervention is necessary to protect effective competition, innovation and growth. It also indicates that the plurality of regulatory instruments should be avoided. They prefer the independence of the CNMC to defend competition, among others.

## FRANCE

The French Competition Authority (Autorité de la Concurrence) created the Digital Economy Unit (DEU) on January 2020. The DEU aims to develop in-depth expertise in digital sector, develop investigatory tools using algorithms, big data and artificial intelligence, and cooperating in the investigation of anticompetitive practices in the digital economy.

This Unit will also cooperate with industry regulators, relevant government departments and other competition authorities at European and international level to develop convergent and standardised methods of analysis and intervention.

## ITALY

On July, 2019, the Italian Competition and Market Authority (Autorità Garante della Concorrenza e del Mercato) published its Big Data Policy Guidelines and Recommendations.

The report seeks to delve into the relation between competition, privacy and pluralism, to integrate ways of solving problems related to abusive behavior of large digital operators in the use of personal data. It also proposes to reduce information asymmetries between users and digital operators in the data collection phase; Extend antitrust law to digital markets; Strengthen international cooperation for big Data (DMA by EU); and reform the control of merge operation in the digital market.

Study carried out by lawyers from Corporación Innovarte, Bárbara Ulloa and Francia Candia, with the collaboration of lawyers Nuna Van Belle, and Ana Hergouth of Clifford Chance.\*



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