

The Confederation of Swedish Enterprise's view of the Market Definition Notice

As being a business organization, gathering the vast majority of the Swedish business community, our main focus is to collect and represent the interests and needs of the business community. Our organization have thereby no first-hand experience using these rules in practice. Our main objective when it comes to competition rules is to advocate for clear and strict rules that are vigilantly maintained, to make sure markets are fair and transparent where competition can take place on the merits. Well-functioning markets are the best tool to stimulate growth and innovation and to reward the hard work that our members put down. These rules are also very important to our members to provide clear guidance in relation to how competition rules will be applied in each of their specific circumstances. In addition to granting legal certainty and predictability, these rules can also affect the general functioning of the markets, for example market concentration and competition on a global scale.

Our general opinion is that the market definition at its core still serves its purpose, and that there are no major changes to be requested. On the contrary, the perspective of the customer and customer choice and the changes of behavior in relation to price adjustments are still in most cases the most reasonable method to delimit markets. Thereby, the notice is not as much in need of changes as it is of some certain expansions.

New market behavior and digitalization has led to new market characteristics. A description on how these new characteristics and markets are to be dealt with should preferably be included in the notice. In particular the existence of zero-price-markets, two-sided-markets and the demarcation between digital and traditional markets should be elaborated upon in the notice. Also, the role of data in relation to market power could be explored, as one way of measuring market power in zero-price-markets.

When it comes to delimitation of geographical markets, the fundamental aspects of the notice are still true, and we see no apparent need of major changes of the method or perspectives when assessing the impact of for instance global competition. The assessment still needs to be fact-based and cannot rely on uncertain predictions of market developments too far in the future. However, the notice can certainly also in these aspects be expanded. It can be further described the parameters of global competition that should be adhered to, not necessarily only taking into consideration trade patterns as now is stated, but also taking into account the development on global markets, investment and merger patterns.

About us

The Confederation of Swedish Enterprise (Svenskt Näringsliv) is Sweden's largest and most influential business federation representing 50 member organizations and 60 000 member companies with over 1.6 million employees.