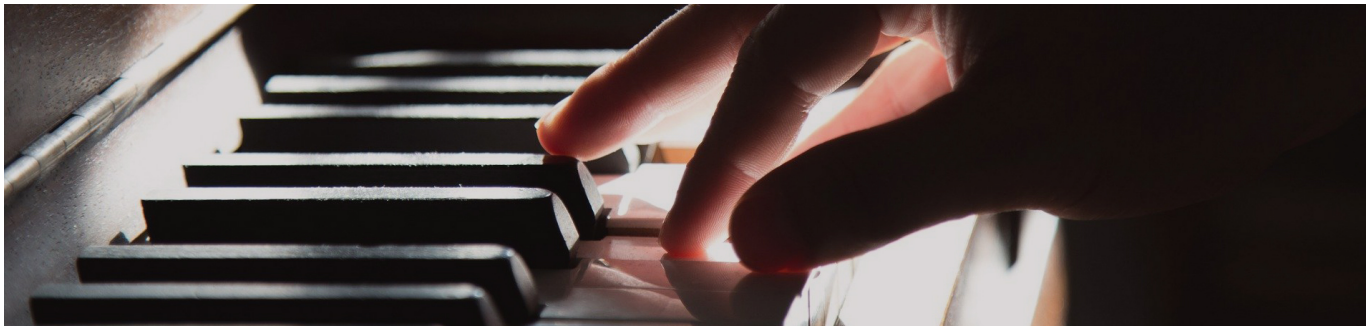
Home [1]

Commissione UE – Risposta consultazione New Competition Tool (NCT)

Pubblicato il 30/6/2020



Assogestioni is the Italian investment management association. Assogestioni's membrs include UCITS managers, AIFs, portfolio managers and open-ended pension schemes. Assogestioni represents the interests of all Italian investment managers and the majority of foreign investment managers operating in Italy, consisting in more than 60 investment groups managing assets in excess of 2.2 trillion Euros. The mission of Assogestioni is to promote growth and innovation in the asset management industry through the development of efficient regulation and market conditions and the promotion of high standards of investor protection. Since 1984, Assogestioni has been representing the interests of the industry towards institutions and market authorities, actively contributing to the debate on regulation at the domestic and European level. Assogestioni's ID number in the EU Transparency Register is 89046007765-76. For more information, please visit www.assogestioni.it [2].

Assogestioni supports the EU Commission inception impact assessment as well as the public consultation inviting comments on the need for a possible New Competition Tool that would allow addressing structural competition problems in a timely and effective manner. The rapid digitalisation of society and the economy is creating new risks to fair competition in both digital and non-digital markets, by making it easier for market power to become concentrated in the hands of those companies best able to monitor their customers and competitors' behaviour. This initiative is also of relevance to the financial services sector and the buy-side companies represented by our association. The buyside associations AFG, Assogestioni and BVI as well as EFAMA previously communicated to the Commission the risks to competition in the financial services area created by digital platforms, financial market data sources and the market data distributors. We therefore support a New Competition Tool which should not solely apply to the digital sector, but should have a broader application to other sectors, including the financial services sector. We especially support the idea behind the new competition law tool to enable the Commission to intervene before the „tipping" of a market to occur, i.e. the intervention point where a company in a network or platform market takes almost the entire market share due to its network and access to data and customers (Option 3). Under today's tool kid, that the Commission can only intervene after a company became market dominant, and then its powers are restricted to the classical competition law tools, which are too

limited to deal effectively with single- and double-sided digital data platforms. Digital markets develop very quickly, and network effects can easily lead to monopolies or almost-monopolies where the company with the network advantage can dictate how the entire market works. The most common example is Google which became the common search engine and later started to monopolise downstream and neighbouring markets, such as shopping tools and internet advertising. Another example is Amazon which uses its dealers' data to boost its own brands and sales. But also, the proposed merger of an exchange and benchmark provider, LSE/FTSE with the second largest market data distributor globally, Refinitiv, raises concerns for the digital economy. The EU Commission has issued statements both on Amazon and LSE/Refinitiv recently. The new tool will limit the risks that the competition authorities step in too late going forward.

Risposta al documento per la consultazione recante "Single Market – new complementary tool to strengthen competition enforcement"