

Belgian market for online platforms: Assessment of competition and the regulatory framework

Executive summary



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The digital economy has transformed online platforms into key players in economic progress, bringing significant benefits to a variety of sectors. Yet, this evolution has concurrently led to certain platforms wielding considerable control over access to goods, services and content. Such influence on markets can lead to behaviour that is likely to be anti-competitive and unfair. In response to these developments, ambitious European regulations, such as the Digital Markets Act (DMA), have been put in place to regulate the growing power of dominant players, also known as gatekeepers.

The aim of this study is to assess the extent to which the current Belgian regulations, alongside the DMA and other legislations applicable to platforms, creates an environment conducive to fair competition on the Belgian market. To accomplish this, the study undertakes a comprehensive analysis that includes exploring the platform economy in Belgium, analyzing current competitive conditions, reviewing both national and European regulatory measures and comparing the legislative approach in other EU Member States. Finally, this research present specific legal and institutional policy recommendations for Belgium.

The emergence of powerful platforms capable of undermining fair competition

Online platforms bring many benefits to the economy

Online platforms are transforming markets by facilitating interaction between citizens, consumers and businesses, reducing transaction costs and creating significant network effects. They leverage digital interfaces to simplify access to a broad array of services to consumers , enhancing price transparency through ratings and feedback systems. For businesses, particularly small and medium-sized enterprises (SMEs) and micro-businesses, platforms provide entry into new markets, generate efficiency gains in terms of logistics and distribution, and enable more precise targeting of consumers thanks to the data collected, thereby increasing their productivity.

Furthermore, these platforms are catalysts for innovation, fostering new business models, especially within the collaborative economy. For instance, they open up commercial opportunities for millions of app developers through ecosystems like the Apple App Store and Google Play Store. In terms of employment, online platforms are creating novel job opportunities, particularly for the self-employed, and offering greater flexibility . This, in turn, aids certain worker segments in achieving a more satisfactory work-life balance.

However, some of them develop a position of power , resulting in users becoming dependent on them

The inherent characteristics of the platform economy - such as significant economies of scale and scope, pronounced network and ecosystem effects, data usage reinforcement, and in some cases, the lack of multi-homing and user lock-in - can usher in dependencies, or even captivity, of professional users towards the platforms necessary for accessing their clientele.

The trend towards concentration in the platform economy is primarily driven by economies of scale and network effects. These dynamics enable platforms to potentially dominate specific markets, attracting a ever-growing user base and strengthening their market stance. [Economies of scale](#) allow platforms to reduce their costs per user as they expand, thus offering more competitive prices or enhanced services. At the same time, [cross-network effects](#) encourage users on one side (e.g. buyers) to join the platform due to the increasing number of users on the other side (sellers), fostering a virtuous circle. Nevertheless, in the realm of marketplaces, factors such as specialization in specific niches and visibility and the challenges related to visibility and costs for sellers may act as a counterbalance to this trend of concentration.

Vertical integration practices, economies of scope and [the strategic use of data](#) can further strengthen the market power of platforms. [Vertical integration](#) allows these platforms to control several stages of the value chain, from production to distribution, giving significant competitive advantages. For example,

Amazon leverages transaction data to spot consumer trends and launch its products, while Booking.com broadens its services to include car and restaurant reservations, benefiting from [economies of scope](#). This approach not only locks users and sellers into the platform's ecosystem but also creates high barriers to entry for newcomers, reducing market contestability.

The [costs of switching platforms](#), coupled with a lack of interoperability, constitute major obstacles to user mobility between platforms, consolidating established players' market position. Network effects create the first barrier to change, presenting substantial entry challenges for new competitors. The main hurdle for newcomers is persuading enough users from the incumbent to switch, even if the new service is superior. This situation reflects a [collective action problem](#) where, despite a potential collective benefit from changing platforms, the individual incentive to make the first move is absent. The absence of [interoperability and data portability aggravates this issue](#), as users find it difficult to transfer their 'reputation capital' or historical data to a new platform. These technical barriers make users reluctant to change platforms, even when superior alternatives are available. Furthermore, [some 'platforms' commercial practices](#), including bundled subscriptions, loyalty programs, and gamification techniques, though potentially enhancing their value proposition, also increase the costs of switching.

The inherent dynamics of the online platform economy creates breeding ground for anti-competitive and unfair practices

The strong market position of online platforms has led to a significant reliance by users, which in turn encourages the rise of practices detrimental to the economic landscape. These practices, both anti-competitive and unfair, fall into various categories.

One category involves the [anti-competitive use of third-party data](#): platforms leverage this data to enhance their services, making them more appealing than those of their competitors.

Problems of [data access and portability](#) have also been identified, with the reluctance of *gatekeepers* to share data or engage in data sharing practices. The unwillingness of platforms to share data, particularly regarding non-critical data, can hinder the development of innovative services and alternative platforms. For example, the lack of access and portability of customer rating and reputation which can elevate the costs for users switching platforms, making it more difficult for new platforms to emerge, particularly in the sharing economy (e.g. Airbnb). An example of "access problems" is the case of the French Competition Authority against *Google Ads* in the online advertising market.

Self-preferencing is a widespread practice among vertically integrated online platforms, where platforms favor their own services over third-party options, distorting competition. This can manifest as increased visibility for their services through greater exposure in listings and *rankings*. The *Google Shopping* case serves as a clear illustration of leveraging a dominant market position to favor one's services in an adjacent market. This strategy, known as self-preferencing, includes practices like [tying and bundling services](#) together, which steer customers towards the platforms' own services, thereby reducing the chances for competitors. A well-known instance of this is Microsoft's strategy, utilizing its near-monopoly in the operating system market to promote its own integrated services.

Unfair contractual conditions can amplify harmful market practices. For instance, [parity clauses](#), restrict professional users from providing better deals through alternative channels, thereby limiting competition. Meanwhile, [anti-steering clauses](#) prevent professionals from directing customers towards alternative offers. A notable example of the consequences of such practices is *Epic Games'* lawsuit against *Apple* following the withdrawal of the game *Fortnite* from its application shop (the App Store), along with a recent decision by the European Commission to fine Apple nearly €2 billion for hindering streaming services that compete with *Apple Music* from telling their customers about alternative payment options outside of its App Store..

Another problem frequently encountered is that of [excessive commissions or fees](#) imposed by platforms on professionals, thereby exploiting their dependence on their digital ecosystems.

In addition, gatekeepers might block access to crucial functionalities or components within their technology, thereby hindering the development of new, innovative services. The [denial of access to key functionalities or essential components of the platform](#) is illustrated by the *Apple Pay* case. Furthermore,

business users may struggle regarding data access due to [interoperability issues](#), preventing them from [establishing a direct relationship with their customers](#), a situation known as [disintermediation](#). The *Portima* case in Belgium exemplifies an interoperability challenge intensified by vertical integration, though it hasn't led to a decisive legal judgment on its compatibility with Belgian competition law.

Moreover, the phenomenon of '[killer acquisitions](#)' represents another significant concern, where large tech companies purchase smaller, potentially competitive businesses to eliminate future competition.

The study compiled and categorized numerous instances of practices alleged or judged to be anti-competitive, organizing them into distinct groups as outlined in table 1.

Table 1 - Broad categories of anti-competitive and/or unfair practices and references to cases identified in the study

| Broad categories of practices | Practices | References of cases developed in the study and mentioned in the table in the appendix (A.1.1.) |
|--------------------------------------|---|---|
| Data practices | Anti-competitive use of third-party data (cases 1 to 4) | (1) Amazon Marketplace (2) Google Ads in the Italian advertising market (3) and (4) Facebook and Apple practices relating to the use of user data |
| | Data access or portability problems (cases 5 to 7) | (5) Google Ads in France (5) Apple on advertising data (6) Booking.com, AirBnB and Ebay |
| Self-preferencing | Self-preferencing problems in rankings and lists (cases 8 to 10) | (8) Google Shopping (9) Google - Android Auto (10) Amazon logistics |
| | Other forms of self-preferencing, tying and bundling (cases 11 to 14) | (11) Amazon Prime (12) Google Android (13) Microsoft (Windows Media Player, Internet Explorer, Office and Teams) (14) Apple Music |
| Access conditions | Unfair contract terms: <i>anti-steering</i> clauses (case 15) | (15) Apple Store / Epic Games v Apple |
| | Unfair contract terms: parity clauses and other unfair terms (cases 16 to 19) | (16) Booking.com (17) Immoweb (18) Amazon (19) Uber |
| | Potentially excessive commissions (cases 20 to 22) | (20) Apple (21) Amazon Retail (22) Booking.com |
| | Denial of access and barriers to interoperability (cases 23 to 30) | (23) Facebook API for Developers (24) Apple Find My (25) Microsoft Cloud and Azure (26) Portima vs CRM (27) Google vs Weople |

| | | |
|----------------------------|--|---|
| | | (28) Apple and Amazon vis-à-vis Italian retailers (29) Apple Pay (30) Apple Pay |
| Killer acquisitions | Acquisitions to strengthen the <i>gatekeepers'</i> strong position in their respective markets and eliminate potential competition (cases 31 and 32) | (31) Acquisition of Instagram by Facebook (32) Acquisition of Waze by Google |

The platform landscape in Belgium: an overview

Assessing the economic importance of online platforms on the Belgian market can be complex, as indicators such as the number of active Belgian users or the total transaction value relevant to the Belgian sector are often unavailable. Another major challenge lies in defining the market boundaries in which these platforms operate, alongside segmenting these markets appropriately for analysis.

The platform economy in Belgium has remained, until recently, relatively underexplored; this can be attributed mainly to the challenges in accessing necessary data. Addressing this gap, the study embarked on identifying a broad spectrum of platforms active in Belgium. It then applied various methodologies to identify those with a significant market presence.. The findings of this investigation provides a structured overview of the platform economy in Belgium through a series of classifications.

The e-commerce landscape in Belgium is dominated by a handful of online platforms

A first classification highlights the position of online shops and platforms according to their direct sales to Belgian consumers, termed as first-party revenues (or direct revenues). This revenue stream includes sales from products or services marketed under the company's brand. Yet, for platforms, this metric does not capture the entirety of economic activities they enable, which also encompasses transactions made by third parties on these platforms.

While highlighting a classification based solely on first-party revenues might appear simplistic, especially for assessing platforms, this criterion gains importance when considering the presence of platforms at the top of the ranking. The reason for the notable positioning of platforms atop such rankings is not merely coincidental but rather indicative of the substantial leverage afforded by network effects and other reinforcing dynamics emanating from their platform activity. Indeed, platforms benefit from a greater flow of users on their digital space and access to the commercial data of their commercial users, providing them with a strategic edge in marketing their products compared to other online retailers.

In 2022, among the 20 largest e-commerce players in Belgium in the product categories covered by table 2 – which represents 55% of all e-commerce according to BeCommerce data for this period and does not include other sectors such as travel services (airline ticketing, accommodation, etc.) - Bol.com, Zalando and Amazon stand out in first, second and fourth place respectively. These three hybrid platforms dominate the market by effectively combining direct sales with the provision of intermediation services for other sellers, capturing significant market shares in their respective sectors.

Bol.com stands out as a multi-category leader, with a strong presence across various segments such as toys, leisure, DIY, electronics, media and fashion. Amazon, on the other hand, leads particularly in electronics and media, boasting a significant share. These two companies are mainly positioned in markets defined by language. Bol.com predominates in the Dutch-speaking market, while Amazon is concentrated in the rest of the country. The Zalando distinguishes itself in the fashion sector, especially within the footwear and clothing categories.

Table 2 - Three platforms dominate the ranking of online shops in Belgium

% of first-party revenues in Belgium in 2021

| Product category | Sub-category | Bol.com | Zalando ¹ | Amazon ² |
|------------------------------------|-------------------------------|-------------|----------------------|---------------------|
| Electronics and media | Books, films, music and games | 22% | 0% | 35% |
| | Consumer electronics | 5% | 0% | 12% |
| Mode | Clothing | 7% | 23% | 1% |
| | Bags and accessories | 19% | 9% | 2% |
| | Shoes | 8% | 37% | 1% |
| Food and personal care | Food and drink | 4% | 0% | 3% |
| | Personal care | 4% | 1% | 2% |
| Furniture and household appliances | Furniture and household items | 3% | 0% | 4% |
| | Domestic appliances | 10% | 1% | 3% |
| Toys, losers and DIY | DIY, gardening and pets | 10% | 0% | 2% |
| | Hobbies and stationery | 20% | 0% | 10% |
| | Sports and outdoors | 9% | 0% | 2% |
| | Toys and baby | 15% | 3% | 6% |
| | TOTAL | 9,2% | 6,6% | 5,5% |

Source: Compiled by IDEA Consult on the basis of data from EcommerceDB (Statista)

It should be noted that to fully appreciate the economic importance of a marketplace, it's critical to consider not just the direct sales (first-party revenues) but the entire market value funneled through these platforms. Take Bol.com, for example: the platform's first-party revenues in the Netherlands and Belgium are estimated at €2.685 billion in 2022, yet the total gross market value flowing through Bol.com in these countries reached €6.456 billion, indicating that the platform's trade volume more than doubles its direct sales. This significant discrepancy reveals that the aggregate commerce conducted via the platform vastly overshadows the revenues from direct sales alone. If we apply this ratio to Bol.com's share in the e-commerce market, it suggests that while only 9.2% of online sales are directly through Bol.com (for the product categories specified in the table), in reality, the platform would account for over 22% of e-commerce in Belgium.

Furthermore, the classification method employed, which focuses exclusively on direct sales by the platforms and is limited to certain product categories, while omitting platforms specializing in services such as travel, renders several key players in the market invisible. Essentially, this approach brings into focus primarily the so-called hybrid platforms, those that marry direct product sales with marketplace services, thereby overlooking the broader spectrum of the e-commerce landscape.

An analysis of web traffic reveals a larger number of platforms

Employing a second classification based on web traffic, by analyzing visits to domain names by Internet users located in Belgium, unveils another perspective on the Belgian e-commerce scene, bringing to light

¹ Includes zalando.be and zalando-lounge.be

² Includes amazon.fr, amazon.de, amazon.nl, amazon.com

both hybrid and non-hybrid (or “third-party”) platforms. Leading the charge are familiar giants Amazon, Bol.com and Zalando, which remain at the top of the ranking, while other major players such as 2dehands/2ememain and AliExpress come in 4th and 5th position.

This web-traffic-oriented ranking uncovers a rich diversity of business models and specializations across platforms operating in Belgium. The majority of platforms are generalist, with B2C (Business-to-Consumer) models predominating. There is also a strong presence of C2C (Consumer-to-Consumer) platforms, such as 2dehands / 2ememain and Etsy, that serve as venues for individuals to sell second-hand or handmade items. Alibaba.com stands out as the only player primarily focused on B2B (20th position).

Table 3 - Top 20 e-commerce marketplaces in Belgium in terms of web traffic (2022)

| Name | Main category | Main type of marketplace | Main model | Hits in millions of views (2022) | Parent company | Country |
|---------------------|--------------------------|--------------------------|------------|----------------------------------|---------------------------------|---------|
| Amazon | Generalist | Hybrid | B2C | 728 | Amazon.com, Inc. | US |
| bol.com | Generalist | Hybrid | B2C | 356 | Koninklijke Ahold Delhaize N.V. | NL |
| 2dehands / 2ememain | Generalist | Third parties | C2C | 277 | Adevinta ASA | NO |
| AliExpress | Generalist | Third parties | B2C | 215 | Alibaba Group Holding | CN |
| Zalando | Mode | Hybrid | B2C | 155 | Zalando SE | DE |
| eBay | Generalist | Third parties | C2C | 107 | eBay, Inc. | US |
| Booking.com | Travel and accommodation | Third parties | B2C | 124 | Booking Holdings Inc. | US |
| Tripadvisor | Travel and accommodation | Third parties | B2C | 81 | Tripadvisor Inc. | US |
| Fnac | Generalist | Hybrid | B2C | 76 | Fnac Darty Group | FR |
| Takeaway | Meal delivery | Third parties | B2C | 69 | Takeaway.com | NL |
| Etsy | Generalist | Third parties | C2C | 64 | Etsy, Inc. | US |
| Vinted | Mode | Third parties | C2C | 62 | UAB Vinted | LT |
| Vanden Borre | Electronics and Media | Hybrid | B2C | 43 | Fnac Darty Group | FR |
| Airbnb | Travel and accommodation | Third parties | C2C | 38 | Airbnb, Inc. | US |
| Marktplaats | Generalist | Third parties | C2C | 37 | Adevinta ASA | NO |
| Cdiscount | Generalist | Hybrid | B2C | 30 | Cnova N.V. | FR |
| Discogs | Electronics and Media | Third parties | C2C | 28 | Zink Media, Inc. | US |
| Catawiki | Generalist | Third parties | B2C | 22 | Catawiki B.V. | NL |
| Bandcamp | Electronics and Media | Third parties | B2C | 17 | Bandcamp, Inc. | US |
| Alibaba.com | Generalist | Third parties | B2B | 15 | Alibaba Group Holding | CN |

Source: Compiled by IDEA Consult on the basis of data from Semrush, EcommerceDB (Statista), OpenCorporates and Google searches.

The travel and accommodation, electronics and media, and fashion sectors are also represented. The ranking reveals the presence of parent companies based in the United States, France, the Netherlands and China, and highlights the absence of major Belgian contenders among the leading platforms.

However, the analysis comes with limitations, notably the exclusion of data on mobile app visits, and the reliance on web visit counts as the sole metric, which does not account for user engagement or transaction volumes. For example, sites such as Amazon and Booking.com frequently used for browsing and comparison, might not accurately reflect their transactional importance. Additionally, this approach tends to favor C2C platforms due to their inherently higher volume of sellers and resultant web traffic, which might not directly correlate with their market power compared to B2C and B2B platforms.

Identifying key players in the Belgian market

To more accurately pinpoint platforms with significant market power, the study introduces a third method of analysis.

This approach leverages keyword matching to identify a platform's competitors, allowing for the identification and ranking of the most significant competing domains within Belgium. This refined method uncovered the presence of several hundred platforms across various market segments.

A subsequent table outlines the proportion of web traffic captured by the leading platform in each identified market segment, offering a snapshot of market positioning and diversity across the digital landscape in Belgium. The following table shows the percentage of web traffic captured by the main platform in each market identified.

Table 4 - Platforms with a significant market position in terms of visibility

| Leading platform | Market | Type of player | Indicator (2022) | Value |
|--------------------------|---|-----------------------------------|------------------------------------|-------|
| Alibaba | E-commerce General B2B | platforms | % of traffic on TOP 5 | 79% |
| 2dehands/2ememain | E-commerce General C2C | platforms | % of traffic on TOP 5 | 67% |
| Vinted | C2C second-hand fashion | platforms | % of traffic on TOP 5 | 88% |
| Etsy | Handmade and vintage C2C items | platforms | % of traffic on TOP 5 | 85% |
| Autoscout24 | B2C and C2C used cars | platforms | % of traffic on TOP 5 | 47% |
| Booking.com | B2C online travel agencies | metasearch platforms and websites | % of traffic on TOP 19 | 51% |
| Airbnb | C2C online travel agencies | platforms | % of traffic on TOP 5 | 97% |
| Immoweb | B2C and C2C property advertising market | metasearch platforms and sites | % attendance on TOP 17 | 42% |
| Uber | on-demand passenger transport | platforms | % of traffic on TOP 4 | 73% |
| | | | Ranking of the app in January 2023 | 133 |
| Takeaway | hot meal delivery | platforms | % of traffic on TOP 5 | 69% |

| | | | | |
|------------------|--|-----------|--|-----|
| | | | Ranking of the app (in terms of downloads) in January 2023 | 50 |
| Blablacar | C2C carpooling | platforms | % of traffic on TOP 2 | 97% |
| Outbrain | B2B native online advertising | platforms | % of traffic on TOP 2 | 65% |
| RingTwice | Generalist / C2C home services market | platforms | % attendance on TOP 7 | 82% |
| Fiverr | Correspondence for self-employed workers | platforms | % of traffic on TOP 5 | 82% |

Sources: Compiled by IDEA Consult on the basis of Semrush and data.ai

The study drew on a variety of sources, including surveys, to gather measurements on platforms in the areas of social media, streaming services, search engines, and operating systems. The results of this investigation are presented in the table below.

Table 5 - Other platforms with a significant market position

| NAME | Type of service | Indicator | Value |
|---------------------------|---------------------------------------|------------------------------------|-------|
| Netflix | Video on Demand subscription services | Penetration rate (April 2022) | 51% |
| Spotify | Music streaming subscription services | Ranking of the app in January 2023 | 13 |
| Youtube | Social media platforms | Penetration rate (January 2022) | 80% |
| Facebook | Social media platforms | Penetration rate (January 2023) | 79% |
| Whatsapp | Social media platforms | Penetration rate (January 2023) | 72% |
| Facebook Messenger | Social media platforms | Penetration rate (January 2023) | 66% |
| Instagram | Social media platforms | Penetration rate (January 2023) | 59% |
| Tiktok | Social media platforms | Penetration rate (January 2023) | 30% |
| Pinterest | Social media platforms | Penetration rate (January 2023) | 30% |
| Google | Search engine | Number of pages visited | 93% |
| Android | Mobile operating system | Number of pages visited | 51% |
| iOS | Mobile operating system | Number of pages visited | 49% |

Sources: Compiled by IDEA Consult on the basis of various surveys

While the results do not allow us to determine the competitive position of the platforms, they do provide the means to identify a roster of key players that hold a substantial presence and attract a considerable amount of attention from Belgian consumers. In the end, the study highlighted 34 platform services belonging to 29 distinct companies, each holding a significant position in the market.

Focusing on five crucial sectors of the Belgian economy

After a broad exploration of the platforms landscape in Belgium, the research narrowed its focus to five crucial sectors of the Belgian economy: e-commerce, hotels, restaurants, car sales and shoe sales. The study aims to shed light on the competitive dynamics in these sectors in relation to the presence of platforms.

The study enriches its analysis with testimonials collected from industry federations that speak on behalf of commercial users, offering a glimpse into how platforms are perceived and experienced by businesses.

Major trends in e-commerce

Overall, 2022 confirmed the shift towards the adoption of new online shopping habits among Belgian consumers, a trend accelerated by the Covid-19 pandemic. In 2022, online purchases accounted for no less than 25% of household, a significant leap from 14% seven years earlier.

The pandemic also stimulated the growth of Belgian online retailers, with a growing number of online shops launched since 2020. Despite a decline by 2022, the number of online shops remained 80% higher than pre-pandemic levels, which is further evidence of the growing importance of online commerce in the Belgian landscape.

Moreover, the study reveals several key trends within the e-commerce sector, highlighting the crucial role platforms play, though they are not always the dominant force:

- **Platformization:** This trend is evidenced by the evolution of leading traditional brands into marketplace models. Of the top ten e-commerce companies in Belgium, three are marketplaces, and a further three are established brands planning to start a marketplace in the near future.
- **Online visibility challenges :** For retailers and brands wishing to reach their customers effectively, online visibility emerges as a significant hurdle . The high cost of advertising on search engines limits the use of this option and is driving many retailers towards marketplaces. However, on marketplaces too, the competitive pressure is such that it becomes necessary to use additional advertising services to maintain sufficient visibility, leading retailers to explore other alternatives such as social media or services like Shopify for better exposure.
- Ultimately, to ensure satisfactory visibility in a context where competitive pressure is pushing for differentiation, retailers are resorting to **diversification of distribution channels and to so-called omnichannel or 'phygital' strategies**, which combine physical and digital presence and aim to offer a harmonious customer experience that leverages the strengths of both e-commerce and brick-and-mortar stores. This approach has been observed across all analyzed sectors.
- Generally speaking, the landscape is characterized by competition among retailers, brands employing direct-to-consumer (D2C) strategies, and platforms, all vying for control over **the customer interface**. Technological innovations, including artificial intelligence and the Internet of Things, are opening up new opportunities in terms of consumer engagement and personalized experiences. It is therefore highly likely that competition for the customer interface will intensify over the next few years.

The sector analysis reveals a strong presence of a few platforms and a high dependence of commercial users.

In the **hotel sector**, Booking.com stands out as the pre-eminent leader in the online reservations market, with a market share of over 70% in Europe. Industry federations have acknowledged the positive aspects of their partnerships with Booking.com, particularly praising the platform's constructive approach. However, concerns have been raised about the platform's market dominance potentially leading to unilateral changes in terms, which could disproportionately impact independent hotels in need of visibility. Despite stable commission rates, there is apprehension regarding future increases. The lack of competition is a concern, with platforms like Expedia not seen as viable competitors, which highlights the need for more players in the market to ensure fair competition.

"Today, we see commissions have increased for several years, but there's no assurance that tomorrow we won't see a movement in the opposite direction".

"What's missing is competition between platforms [...] Booking.com has no competitor. Expedia is not a platform competitor, in this case. We can see that Expedia does not yet carry enough weight in European countries. But in any case, two players are not enough to compete in a market. Two players who, on top of that, have ramifications in other respects, whether it's in terms of carriers, etc. They have exclusive contracts with a number of different companies. They have exclusive contracts with a whole series of other channels for the purchase of tourist consumer goods".

The restaurant sector is examined from the point of view of the hot meal delivery services market. The introduction of online delivery platforms has significantly transformed the home delivery market, which was previously limited to a few restaurants with their own delivery services. These platforms have opened up new digital distribution channels, leading to a rapid increase in adoption among restaurants. By 2021, approximately 3,000 restaurants had embraced these services, representing around 10% of restaurants in the country. Belgian consumer spending on meal delivery services more than doubled between 2017 and 2022, demonstrating a shift in consumer habits, particularly accentuated by the health crisis of 2020, with a post-crisis trend suggesting a permanent change in Belgian consumption patterns. However, despite the increase in turnover these platforms bring, many restaurants now report that operating within this model is unprofitable. The financial downsides notwithstanding, exiting these platforms is not seen as a viable option for many. The revenue from delivery services has become a significant part of their business model, especially as consumer habits have increasingly adapted to this new mode of dining.

"We now find ourselves with large high street retailers who are in fact total slaves towards the delivery platforms".

In the vehicle distribution sector, intermediation platforms such as Autoscout24 have acquired a powerful position in the used vehicle market, which is experiencing significant growth. The company is said to be the leader in terms of the combined number of advertisements from private individuals and professional dealers. Many independent sellers find themselves almost entirely dependent on these platforms for visibility and sales.

"When we suggest to an independent garage that it should no longer display its vehicles on the platform, the response is generally that they can't afford to do so because the platform's reputation is exceptional. This presence on the platform translates into a wealth of contacts or 'leads' with potential customers, making the platform a critical tool for business and a significant source of revenue.. The platform has become indispensable, and they are reaping the rewards by generating significant revenue.

In the footwear retail sector, there's a noticeable shift towards e-commerce. By 2022, approximately a third of all consumer footwear purchases were made online. Among the top 500 fashion-related websites, Zalando emerged as the leader, capturing over 20% of the traffic. Moreover, Zalando itself accounted for a third of all first-party revenue from online shoe sales. Additionally, the success of Vinted, a consumer-to-consumer (C2C) marketplace for second-hand clothing, underscores the growing consumer interest in pre-owned items.

The market is under the influence of very powerful entities that place considerable pressure on all Belgian retailers. Interviews reveal that platforms are viewed as a primary source of concern and threat across all retail categories. This dependency isn't limited to smaller entities; even major brands find it increasingly difficult to avoid platforms like Zalando. *"Their idea (Zalando) is that their position is so dominant that they have control, because brands feel obliged to sell through them. And I think it's the same problem with all platforms, they become so big and so ubiquitous that brands feel obliged to sell through them."*

In Belgium, shoe brands and retailers are navigating significant challenges due to the fierce competition on online platforms.. Despite these difficulties, these entities feel compelled to engage with platforms as it ensures their visibility online and broadens their customer reach, seeing no viable alternatives due to the high costs involved elsewhere.

Sectors could be increasingly exposed to commoditisation, a situation that leads to diminished bargaining power and reduced profit margins.

Online platforms are reshaping the competitive landscape in different sectors by serving as both complements to and substitutes for traditional value chain functions. This complex dynamic is affecting the way in which value is created, shared and captured within industries.

As substitutes, platforms replace certain traditional functions in Porter's value chain, particularly in the areas of marketing, sales, transaction management and sometimes logistics. By doing so, they establish themselves as pivotal in the distribution and promotion of goods and services. Traditional companies, which previously managed these functions, are now compelled to evolve or reinvent themselves to survive in the face of the market changes brought about by these platforms.

As complements, platforms offer additional benefits that enrich a company's pre-existing ecosystem. They add value by providing access to new customers, using advanced marketing tools and optimising processes. By presenting themselves as strategic partners, they attract companies, expand their market opportunities and create network effects, reinforcing their own value and encouraging more companies to join them. This dynamic encourages established companies to collaborate with platforms to benefit from these new advantages, despite intensifying competition on the platforms themselves.

This increased competition is accompanied by a standardisation of the rules of engagement on platforms, putting established companies in direct competition not only with each other but also with new entrants. This standardisation reduces the bargaining power of traditional companies and puts pressure on their profit margins, forcing them to reconsider their market positioning.

This scenario is indicative of *commoditization* (Adner and Lieberman (2021)), which unfolds in two phases. At first, an industry's offering benefits from the addition of a complement, reinforcing the value created. However, over time, this complement may itself become the locus of differentiation or reduce barriers to entry for new competitors, threatening the unique status and bargaining power of the original business. Although the original company (A) and the complement (B) continue to coexist, company A may see its margin, bargaining power and influence diminish. Demand for A remains stable, but the emergence of new players may reduce its market share.

An exploration of these phenomena across the four sectors analysed reveals the results shown in the table below:

| Sector considered | Disruption by substitute | Disruption by complement |
|-------------------|--|---|
| Hotels | Traditional travel agencies are facing competition from platforms like Airbnb and Booking.com, which directly connect travelers with accommodations. | Hotels that lack specialized services initially gain from their presence on platforms like Booking.com, which help to broaden their market reach. However, over time, the process of commoditization might kick in, making hotels seem more and more alike in the eyes of consumers. This commoditization could have a more detrimental impact than the initial benefit of market expansion, as discussed by Meyer et al. (2021). Moreover, an increase in available options on similar platforms, such as Airbnb, not only intensifies competition among accommodations but also hastens the shift in consumer behavior towards preferring online platforms for their travel and lodging needs. |
| Shoe sales | Amazon, Bol.com and Zalando bypass traditional retail channels, | Through their practices, generalist platforms standardise the offering by increasing fees, adjusting |

| | | |
|---|---|---|
| | connecting manufacturers and brands directly to consumers | recommendations to focus on price, imitating sellers' products and, sometimes, restricting the prices that sellers can set elsewhere. These actions lead to a more uniform market, where products begin to look increasingly similar to consumers, thereby diminishing the unique value propositions of individual sellers. This commoditization effect reduces the ability of sellers to distinguish themselves, impacting their profit margins negatively. Nevertheless, specialised platforms such as Zalando are taking a different approach by granting brands more control over how they present themselves on the platform,, allowing them to preserve a certain brand identity. |
| Catering | UberEats and Deliveroo are transforming the food delivery landscape by supplanting traditional delivery services and stimulating the demand within the meal delivery sector. This shift is also fueled by the rise of "dark kitchens," which are commercial kitchen spaces set up for the sole purpose of preparing meals for delivery. | Platforms tend to make restaurants more interchangeable in the eyes of consumers, diminishing the significance of a physical location's value.. This has the effect of reducing profit margins for many establishments. |
| Automotive Traditional channel for new vehicles | Car manufacturers have so far retained their power and value as system integrators, overseeing complex supply chains, coordinating distribution channels and maintaining their role as guarantors of quality in the eyes of end consumers. However, a form of disintermediation is occurring with the traditional role of the dealership undergoing substantial transformation, or in some cases, disappearing altogether. | |
| Automotive Second-hand market | Platforms like Autoscout24 are stepping in to fill the role once held by traditional dealerships. | Platforms such as Autoscout24, by incorporating services like assessments of ad quality, these platforms shift the focus of differentiation to the digital realm. This change enhances the comparability of listings, fostering a trend towards commoditization in the used car sector and heightening the competitive pressures among sellers. |

A high level of dependency is generated, leading to concerns and harmful practices

Regarding [Booking.com](https://www.booking.com), while many hotels appreciate the company as a crucial partner and distribution channel, several concerns have been raised. Hotels' dependence on Booking.com has sparked concerns, especially given the power imbalance favoring Booking.com. Commissions, although stable in recent years, remain a major source of cost for hotels, with a base rate of 15% that can rise to 20% or 22% for better visibility and ranking. The situation of dependency is fueling concerns about a possible increase in commissions in the future, exacerbated by Booking.com's unique position in the market. Indeed, Booking.com is essentially seen as a monopoly, with competitors like Expedia not providing substantial competition in Belgium. Furthermore, despite the prohibition of parity clauses in Belgium since 2019, their influence persists. Many hotels feel compelled to align their rates with those on Booking.com out of fear that non-compliance would result in lower rankings and visibility on the platform.

Transparency around the ranking algorithms is another source of concern. Despite the advice given by Booking.com to improve hotel positioning, there is still a lack of clarity about how the algorithm evaluates and prioritises different criteria such as conversion rate, cancellation rate and customer satisfaction. This uncertainty generates apprehension among hoteliers, who may feel encouraged to sign up to rate parity rather than risk a loss of visibility. In addition, pressure tactics on consumers, such as displaying limited availability to encourage quick bookings, have also been reported, calling for more transparency and verification of Booking.com's practices.

Restaurant associations have expressed concerns regarding the heavy reliance on [Delivery platforms like UberEats and Deliveroo](#), a dependency that grew notably during the Covid-19 pandemic. This era necessitated the adoption of these delivery services by many establishments to maintain operations, making them crucial for the survival of restaurants. Yet, this reliance has often resulted in unprofitable outcomes and financial losses for numerous restaurants. Despite these disadvantages, it is often unthinkable for restaurants to withdraw, as this income has come to represent a significant proportion of their turnover, whereas consumer habits have become anchored in this new mode of consumption.

The commissions charged by UberEats and Deliveroo are also a source of concern, with rates ranging from 18% to 35%, a significant financial burden for restaurateurs, especially as these rates have tended to increase, reducing the margins of establishments. Another point mentioned was the refund policy practiced by these platforms, which systematically favours the customer in the event of a dispute, adding another layer of financial pressure on restaurateurs. The management of customer reviews, essential to the reputation of establishments in the digital environment, is another facet of the partnership with UberEats and Deliveroo that gives cause for concern. Negative or unjustified reviews can have a significant impact on a restaurant's image. The concentration of booking and review functions on these platforms raises questions about the need for separation to ensure fairness and objectivity in handling restaurants.

On the [AutoScout24](#) platform, a number of specific concerns have been identified, reflecting the challenges faced by independent sellers and professional advertisers in the used vehicle market. One major concern is the excessive increase in the cost of advertising on the platform, which has become a key channel for the sale of used vehicles. Advertisers are noting a gradual rise in prices, which they see as an abuse of their economic dependence on AutoScout24. This situation is exacerbated by the introduction of additional paid-for services aimed at increasing the visibility of ads, such as 360-degree views of vehicles or 'boost' options to improve the ranking of ads. These new features are driving up costs for advertisers, as they have to subscribe to them in order to maintain relative visibility on the platform.

In addition, AutoScout24 reportedly applies pressure on sellers through the quality of ads, which are labeled as good or bad according to their criteria. This practice creates confusion and frustration among professionals, who feel that the platform should not substitute for their own professional judgement. In addition, AutoScout24 reportedly adopts an individual negotiation approach with each advertiser, offering temporary discounts or contractual changes, for example. This is seen as a divisive strategy that limits advertisers' ability to organise themselves collectively or to negotiate fairer terms. Transparency is also called into question, particularly with regard to the way in which prices are set and the way in which the ranking algorithm is applied, as well as the practice of selling new vehicles under the guise of "0 km" used vehicles, which are in reality new vehicles registered abroad, creating unfair competition with traditional dealers.

Retail platforms such as [Bol.com](#), [Amazon](#), and [Zalando](#) present complex dynamics that raise a variety of concerns among industry federations and experts. One of the main concerns is the growing dependence of retailers and brands on these platforms, which exert significant control over market conditions. This dependence is exacerbated by the practice of these platforms of using data collected from their sellers to develop and promote their own competing products. In addition, the opacity of the algorithms that govern the ranking and visibility of products on these sites is a source of frustration for sellers, who struggle to understand how to optimize their presence and improve their sales.

In addition, it is reported that these platforms favor their own products to the detriment of those offered by third-party sellers, creating a worrying competitive imbalance. Such favoritism, coupled with high commission fees and reduced visibility for third-party products, compels sellers to spend more on platform advertising to gain visibility. Retailers are also expressing concern about the severe penalties

imposed for missed shipping deadlines and the unfavourable returns policy that holds them liable even if there are no defects in the products. The platforms' practice of suspending or banning sellers based on consumer complaints—often without the chance for dialogue or rebuttal—adds to the sellers' sense of insecurity and vulnerability.

The issues identified by interviewees have been categorized into four main areas: "lack of transparency," "vertical integration, abuse, and conflicts of interest," "pricing conditions," and "platform as regulator."

Table 6 - Issues raised by the sector federations and experts interviewed

| | Booking.com | UberEats / Deliveroo | Autoscout24 | Bol.com/ Amazon | Zalando |
|---|-------------|----------------------|-------------|-----------------|---------|
| General complaints | | | | | |
| High dependency | X | x | x | X | x |
| Increasing cost of visibility | X | | x | X | |
| Problem 1: Lack of transparency | | | | | |
| Lack of transparency on algorithms and/or pricing conditions | X | | x | X | x |
| Lack of transparency vis-à-vis consumers | X | | | | |
| Problem 2: Vertical integration, abuse and conflict of interest | | | | | |
| Self-preferencing | X | | | X | x |
| Use of user data to offer competing services | | | | X | x |
| Problem 3: Pricing conditions | | | | | |
| High/excessive commissions | X | x | x | | |
| Discrimination between professional users | | x | x | | x |
| Offers new functionalities that must be taken up by professional users | X | | | | |
| De facto imposition of MFNs by sanctioning a conversion rate that is too low | X | | | | |
| Temporary or permanent exclusion of users | | | x | X | x |
| Problem 4: Platform as regulator | | | | | |
| Unfair competition | X | | x | | |
| Insufficient checks on the validity of consumer complaints and immediate sanctions | X | x | | X | x |
| Insufficient quality control of reviews/comments | X | x | | | |

Source: Idea Consult and Pr. Alexandre de Streef

Given these observations, what are the options for Belgium?

The study provides an overview of the relevant regulations applicable to platform services

The fourth part of the study provides an exhaustive overview of the current regulatory frameworks in the European Union (EU) and Belgium that regulate online platform services. These regulations fall into two broad categories: those that apply symmetrically to all companies, whatever their size, and those that apply asymmetrically, depending on criteria such as the company's size or market power. The study also explores how these regulations have evolved over time and how they aim to promote competition and protect the rights of consumers and businesses. It also looks at the effectiveness and practical application of these regulations.

Symmetrical regulations include:

- **Platform law:** Regulation on Relations between Platforms and Businesses (P2B), Digital Services Act, proposed Regulation on short-term accommodation rental platforms and the Belgian law on tourist accommodation platforms.
- **Consumer protection:** Directive 2005/29 on unfair commercial practices (DUCP), and Directive 2011/83 on consumer rights (DCR).
- **Market practices:** unfair market practices and unfair terms among companies.
- **Data law:** the General Data Protection Regulation (GDPR), e-privacy directive, and the Data Act regulation.
- **Artificial intelligence:** the AI Act.

Asymmetrical regulations include :

- **Platform law:** Digital Services Act and Digital Markets Act.
- **Competition law:** prohibition of abuse of dominant position and prohibition of abuse of economic dependence.

The fifth part of the study compares and analyses the legislative and regulatory measures applicable to platforms in five countries: Germany, the UK, the Netherlands, France and Italy. The measures adopted by these countries fall into two main categories.

The first involves the **strengthening of competition law to take account of** digital markets, by adapting concepts such as the definition of the relevant market, abuse of dominant position, abuse of economic dependence and merger oversight, or the creation of a "market investigation tool" that enables a national competition authority to act independently of any infringement proceedings.

The second category encompasses measures akin to the **ex-ante regulation seen in the Digital Markets Acts (DMA), aimed at ensuring** market contestability. This type of regulation serves as a complement to existing competition law.

Recommendations for addressing the rising influence of online platforms and their potentially harmful practices on Belgian markets

In view of the economic and legal findings of the study and the existence of practices likely to restrict competition or be unfair, three types of action are recommended.

RECOMMENDATION No 1: Improve understanding of the platform economy, its practices and sectoral impacts

The study underscores the need for better data and insights into the platform economy, including potential anti-competitive or unfair practices. It therefore recommends [more systematic collection and analysis of data and practices in the platform economy](#).

Enhancing data collection can be particularly facilitated by encouraging users of online platforms to file [complaints](#) with the Investigation and Prosecution Service of the Belgian Competition Authority (BCA) and the Directorate-General for Economic Inspection of the FPS Economy (DG Economic Inspection). The use of the BCA's whistleblowing platform, including for anonymous whistleblowing, could be strengthened, by increasing its visibility and making it easier to access, while effectively informing users about its existence to encourage more reporting. Similar actions could be envisaged for the DG Economic Inspection's whistleblowing platform, which allows unfair practices to be reported confidentially. Moreover, the BCA could conduct a [sectoral investigation into the practices of online platforms in Belgium](#). This would aim at identifying and addressing harmful practices, either through procedures based on competition law or by recommending new legislative measures or obligations for digital platforms.

RECOMMENDATION No 2: Ensure effective application of current regulations

The research has found that many problematic practices of online platforms are already covered by existing economic regulation at both European and Belgian levels. These regulations have been significantly reinforced since 2019 through legislative measures as the Omnibus Directive, the P2B Regulation, and the DMA (see [table 7](#)), as well as Belgian legislation prohibiting unfair business-to-business practices and the prohibition of MNF clauses in the hotel sector. Moreover, the enforcement of competition law by the European Commission and some national competition authorities has been intensified. The aim of these regulations is to clarify consumer law in the digital economy, improve the transparency of platforms, and prevent certain anti-competitive and/or unfair practices, especially those of the major global platforms.

Thus, as indicated in column 3 of [table 7](#), a key issue is ensuring the [effective implementation of all economic regulation applicable to platforms](#), and in particular the recently adopted rules, and [reviewing the results of](#) this implementation. This should take precedence over the consideration of new regulations.

The study recommends making platform users (professionals and consumers) more aware of these rules, for example, through [awareness campaigns](#) run by the FPS Economy in collaboration with the European Commission. Such initiatives would empower users to better defend their rights in contractual negotiations with platforms and, in the event of a breach of those rights, to take individual or collective extra-judicial or judicial action. While [private implementation of economic regulation](#) is essential, challenges persist, such as the often non-negotiable terms of platform membership contracts, the lack of choice between platforms, and the 'fear factor' among professional users due to the economic dependence on these platforms.

In light of these challenges, it is suggested that the Belgian legislator closely examine the initial outcomes of the application of a [presumption of dependence of platform users](#) on platforms, similar to approaches seen in Italian legislation and in the Commission's Guidelines of 30 September 2022 on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons.

To ensure the platforms regulations are effectively applied, it is crucial to support private enforcement with [strong public enforcement mechanisms](#). This entails equipping bodies such as the DG Economic Inspection and the BCA with sufficient resources - financial, human and technological - to enforce these regulations effectively for the benefit of all users.

To improve the technological skills of the Belgian authorities, the [creation of a center of expertise on digital regulation, based](#) on the French model, could be considered. In addition, networking the various authorities that regulate online platforms could encourage better collaboration, along the lines of the UK model, thereby facilitating dialogue, joint analysis of market developments and centralised management of complaints.

RECOMMENDATION No 3: Consider strengthening existing regulations

Should a better understanding of the platform economy and the prevalence of anti-competitive and/or unfair practices indicate that the current effective application of regulation is insufficient, Belgium might consider the introduction of new regulations, drawing inspiration from other EU Member States. This could involve [the broader application of co-regulation and codes of conduct under public oversight](#), and [the prohibition of certain particularly harmful practices, leveraging the DMA's list of prohibitions](#).

The existing regulations primarily focus on regulating the power of platforms without necessarily promoting increased market competition. The EU's DMA and Data Act are designed to facilitate easier switching and multi-homing for users, as well as open access to platforms and data, but these measures do not specifically target major players at Belgian level alone. Belgium might therefore consider adopting [similar rules at national level to stimulate competition in its intermediation markets](#).

In addition, consideration could be given to [strengthening Belgian competition law](#) and enabling the BCA to conduct [market surveys](#) to identify and correct structural problems in the market, based on the practices of other European countries and the recommendations of the European Commission.

Table 7 - Possible problematic behaviours of platforms and regulatory solutions

| Problems identified | Current regulations | Recommendations |
|--|---|--|
| Problem 1: Lack of transparency | | |
| Vis-à-vis professional users - Pricing conditions: criteria for setting and changing prices, discounts, etc. - Criteria and weights for algorithmic ranking | Reg. P2B - art. 3 for general terms and conditions, including price list - art. 5 for rankings | - Enhance understanding of the Reg. P2B rules - Strengthen enforcement of Reg. P2B in particular by DG Economic Inspection - Ensure access to private legal remedies in court by addressing the "fear factor", including through the use of presumption mechanisms |
| Vis-à-vis consumers - Unfair or misleading practices - Criteria and weights for algorithmic ranking | DUCP - arts. 6-7: misleading practices, in particular art. 7, § 4bis, on classification parameters | - Effective implementation of obligations by the DG Economic Inspection |
| Problem 2: Vertical integration, abuse and conflict of interest | | |
| Dual role and use of professional vendors' data to offer competing services | - Competition law Abuse of dominant position (cf. aff. AT 40.462 Amazon) Abuse of economic dependence - DMA for designated access controller (art. 6, § 2) | - Effective implementation by BCA (Belgian Competition Authority) - Effective implementation of the DMA by the European Commission, with the support of the BCA |

| | | |
|--|---|--|
| | | - Explore the possibility of incorporating codes of conduct or new prohibitions in the CDE (Code de Droit Économique). |
| Platform and meta-platform control for comparison and <i>self-preferencing</i> | - Competition law Abuse of dominant position (cf. aff. AT 39.370 <i>Google Shopping</i>) Abuse of economic dependence - DMA for designated access controller (art. 6, § 5) | - Explore the possibility of incorporating codes of conduct or new prohibitions in CDE |
| Problem 3: Pricing conditions | | |
| <i>De facto</i> MFN clauses by penalizing low conversion rates | - Transparency of classification criteria imposed by P2B (art. 5) should limit this de facto enforcement of MFN clauses - Ban <i>on iure</i> et <i>per se</i> of MFN clauses in the hotel sector (Law of 30th July 2018) - Prohibition of anti-competitive effects under competition law - Prohibition of MFN clauses by the DMA (art. 5, § 3) | - Explore the possibility of incorporating codes of conduct or new prohibitions in CDE |
| High and constantly rising fees for access to the platform | Competition law: excessive pricing - Art. IV.2, 1 ^e , CDE for abuse of a dominant position - Art. IV.2/1, 2 ^e , CDE for abuse of economic dependence | - Effective implementation by BCA |
| Discrimination between professional users | - P2B (art.3) transparency to identify discrimination - Competition law to punish them | - Effective implementation of P2B by DG Economic Inspection |

| | | |
|--|---|---|
| | art. IV.2, 3 ^e , CDE in for abuse of dominant position Art. IV.2/1, 4 ^e , CDE for abuse of economic dependence | - Effective implementation of competition law by the BCA |
| Offers new functionalities that must be taken up by professional users | Competition law: product groupings - art. IV.2, 4 ^e , CDE for abuse of dominant position - Art. IV.2/1, 5 ^e , CDE for abuse of economic dependence | - Effective implementation by BCA - Explore the possibility of incorporating codes of conduct or new prohibitions in CDE |
| Problem 4: Platform as regulator | | |
| No control over the authorization of professional users, which can lead to unfair competition with professional users outside platforms that comply with the regulations. | Prop. Reg. Short-term accommodation for this specific sector | Adoption and effective implementation of Reg. on short-term accommodation |
| Insufficient checks on the validity of consumer complaints and immediate sanctions (refunds, drop in rankings, etc.) for professional users. | Prohibition of unfair practices in B2B (art. VI.104 CDE) | - Effective implementation by DG Economic Inspection and establishing a centralized platform for lodging complaints |
| Insufficient quality control of reviews/comments | A poor review may be considered a misleading practice under art. 7, § 6, of the DUCP | - Effective implementation by DG Economic Inspection |