

European Commission
DG COMP

15 February 2022

The Danish Chamber of Commerce's consultation response regarding the Commissions call for evidence on the updating of the Market Definition Notice

General remarks

The current Commission's Market Definition Notice used in EU competition law (the "Notice") is from 1997 and the world has changed significantly in those 25 years. The Danish Chamber of Commerce therefore supports the Commissions initiative to update the Notice and generally refers to our previous [contribution to the public consultation on the Market Definition Notice used in EU competition law dated 9 October 2020](#).

Specific remarks

A. Political context, problem definition and subsidiarity check

As mentioned above, the Danish Chamber of Commerce supports an update of the Notice which considers the significant developments of the past 25 years, especially the increasing developments in digitalisation and global trade, as well as new ways of offering goods and services. An update of the Notice will also contribute to the applicability, predictability, and usefulness of the Notice, which will benefit authorities, companies, and courts.

The Danish Chamber of Commerce believes that healthy and strong competition in the internal market is imperative for European companies to be able to assert themselves in the global market; "*Competition starts at home*". It is therefore imperative that any updates to the Notice does not introduce general exceptions, changes in decision-making procedures or other measures that fundamentally undermine the existing competition legislation.

B. What does the initiative aim to achieve and how?

The Danish Chamber of Commerce supports an update of the Notice which reflects and incorporates best practices as set out in the case law of the EU courts, to the extent this clarifies or elaborates what is applicable in competition law, e.g., by clarifying definitions or by defining the market, as well as the Commission's past practice, and the practice of other competition authorities and of high-quality academic research.

The Danish Chamber of Commerce is acutely aware of the increased pressure global international companies are putting on European companies, in particular the digital ecosystem, and especially when taking about competition and production possibilities. The Danish Chamber of Commerce therefore supports that merger control is used to ensure free and open competition and that the Commission will ensure increased transparency in the enforcement of the rules.

C. Better regulation

The Danish Chamber of Commerce supports a consultation period of 12 weeks but encourages the Commission to not conduct the that the consultation solely during the summer holiday months of June, July and August.

The Danish Chamber of Commerce is of course available for further consultations as the need may arise and will also be happy to elaborate on the points made or enter further discussion if needed.

Best regards,

Tina Johnsen
Senior Advisor