



European Commission
Directorate-General for Competition

13.1.2023

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To: COMP-REVISION-OF-THE-MARKET-DEFINITION-NOTICE@ec.europa.eu

PRELIMINARY COMMENTS BY FINLAND regarding draft Notice on Market Definition

The Commission has invited interested parties to submit their written comments on the draft Notice on Market Definition. Ministry of Economic Affairs and Employment of Finland hereby delivers the preliminary comments of Finland.

Finland welcomes updating the Market Definition Notice and supports the Commission's draft Notice.

We find the effective competition in the EU important for the European consumers and enterprises. We also consider that the effective competition and open markets contribute to the EU's competitiveness. The Market Definition Notice is an important part of the Competition law and guidelines and the Notice is clearly needed. The Notice enhances the predictability and clarity of the EU Competition law and it is an important tool for competition authorities as well as for companies making self-assessments on competition law.

There is room for updating the Notice especially as far as the issues related to digitization are concerned. We welcome for example new guidance in relation to market definition in multi-sided markets and clarifications to quantitative techniques, such as the small but significant and non-transitory increase in price (SSNIP) test. We also welcome the updates including greater emphasis on non-price elements such as innovation and quality of products and services and new principles on innovation-intensive markets clarifying how markets should be assessed where companies compete on innovation.

We also agree that certain updates and clarifications are needed to bring the Notice in line with developments in the Commission's practice and the EU courts' case law.

We consider that the principles of the Notice based on economics and impact on competition still work quite well. We find it important that the definition of relevant geographic markets is based on economic principles and case law also in the future and the geographic markets won't be defined wider than justified. Defining the relevant markets wider than justified would be negative for the European consumers and effective internal market.

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