

**Question for written answer E-000408/2019
to the Commission**

Rule 130

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Subject: Competition, data and the market power of digital platforms - is data an essential facility?
The tools competition authorities can use to restore fair competition

At a citizens' dialogue in Dublin^{1, 2, 3}, Commissioner Vestager said that the 'debate on whether Google search is an essential facility hasn't concluded yet', adding: 'the most urgent debate is about access to data'⁴.

Some big tech platform argue that people don't really care about privacy as they click all the cookies and pop-ups without reading the details because they want to stay online and continue using the App.

However, Europe's data protection regulators have received more than 95 000 complaints⁵ about possible data breaches, eight months after the adoption of a landmark EU privacy law. This demonstrates that EU consumers do care about how their data⁶ is being used and passed to third parties and data brokers⁷.

1. Does DG Competition agree that personal data is an 'essential facility'⁸, in the sense that it is essential for competitors or prospective competitors unable to emerge because a few companies have a monopoly on owning and keeping the data?
2. Can the EU competition authority confirm that structural separation or unbundling is one of the possible tools available to it to restore fair competition under normal market conditions⁹?
3. Can the Commission confirm that it can re-open and reassess the Facebook-WhatsApp merger if new details are brought to its attention or it has previously been supplied with misleading or incorrect information?

¹ https://ec.europa.eu/ireland/events/european-commission-representation-ireland-events-citizens-dialogue-eu-competition_en

² https://ec.europa.eu/commission/commissioners/2014-2019/calendar_en?field_editorial_section_multiple_tid=189

³ <https://www.facebook.com/EUIreland>

⁴ <https://twitter.com/simonvandorpe/status/1088740632150134784>

⁵ <http://news.trust.org/item/20190125112939-5m5xw/>

⁶ http://www.europarl.europa.eu/doceo/document/E-8-2019-000001_EN.html

⁷ http://www.europarl.europa.eu/doceo/document/E-8-2019-000054_EN.html

⁸ <https://www.concurrences.com/en/glossary-of-competition-terms/Essential-facility>

⁹ See my previous Written Question in relation to Android Apps,
http://www.europarl.europa.eu/doceo/document/E-8-2019-000001_EN.html