



INTERNATIONAL CONFERENCE
**THE DIGITAL TRANSFORMATION
BETWEEN REGULATION
AND COMPETITIVENESS**

CONFERENCE
PROCEEDINGS



9-10
November
2022
Marrakech



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INTRODUCTION

The National Telecommunications Regulatory Agency (ANRT), the Digital Development Agency (ADD) and the Competition Council organized a major international conference which took place on November 9 and 10, 2022 in Marrakech.

The theme of this conference was « **Digital Transformation: between regulation and competitiveness** ».

Two days of experiences' exchange and very high-level discussions.



Digital transformation has made it possible to improve the performance of many economic sectors and to bring forth many innovative technologies. However, this transition to new economic models challenges public authorities around the world in terms of regulation and regulatory frameworks. This is why the European Union has just adopted two important directives, the Digital Markets Act (DMA) and the Digital Services Act (DSA), which will be applied from 2023, and which will limit the economic domination of large digital platforms. Furthermore, such technological development, in a globalized economy, shakes up the notion of intellectual property, threatens the main financial engine of digitalized sectors, advertising, whose budgets are increasingly monopolized by aggregators, and transforms finance, from which certain actors, having become obsolete, are ousted. Furthermore, digital transformation is inseparable from the notion of data, which represents a factor of competitiveness for companies and whose use is sensitive, hence the notion of equal access to information. These questions were addressed and debated during six panels which had as themes the regulation of markets, the regulation of services, the press and related rights, the digitalization of finance, the centrality of data in digital markets and the equality in access to information. The work of the conference and more particularly the plenary sessions were moderated by Mr. Mostapha Mellouk, president and founder of Casablanca Media Partners Group.

PROGRAM

WEDNESDAY NOVEMBRE 9, 2022

08h00 Participant Arrival and Registration

09h00 Inaugural session

- ♦ Abdellatif Jouahri, Central Bank Governor, Bank Al-Maghrib (Morocco)
- ♦ Ahmed Rahhou, President, Competition Council (Morocco)
- ♦ Frédéric Jenny, Chairman, Competition Committee, OECD

10h00 - 11h30 Panel 1 : Market Regulation

Keynote speech

- ♦ Ioannis Liannos, President, Competition Commission (Greece)

Panel

- ♦ Ryad Mezzour, Minister of Industry and Trade (Morocco)
- ♦ Chakib Alj, President, General Confederation of Moroccan Enterprises – CGEM (Morocco)
- ♦ David Sevy, Vice President, Compass Lexecon (France)

11h30 - 13h00 Panel 2 : Regulation Of Services

Keynote speech

- ♦ Alberto Bacchiega, Director for Information, Communication & Media, European Commission

Panel

- ♦ Amin Benjelloun Touimi, Director General, Poste Maroc Group (Morocco)
- ♦ Katarzyna Araczevska, Deputy Director, Department of Consumer Protection, Competition and Consumer Protection Authority (Poland)
- ♦ Krisztian Katona, Vice President, Global Competition and Regulatory Policy at the Computer & Communications Industry Association - CCIA (USA)
- ♦ Othman Khalil El Alamy, Secretary General, The Supervisory Authority of Insurance and Social Welfare - ACAPS (Morocco)

13h00 - 14h30 Lunch Break

14h30 - 16h00 Panel 3 : The Press And Neighboring RightsKeynote speech

- ◆ Benoît Cœuré, President, Competition Authority (France)

Panel

- ◆ Mostapha Amadjar, Director of Communication and Public Relations, the Ministry of Youth, Culture, and Communication (Morocco)
- ◆ Younès Moujahid, President, National Press Council (Morocco)
- ◆ Mohamed Zouak, Advisor to the President in charge of the electronic press and GAFAM, Moroccan Federation of Newspaper Publishers (Morocco)
- ◆ Fatima Zahra Ouriaghli, Vice-President, National Association of Media and Publishers (Morocco)

16h00 - 17h30 Panel 4 : The Digitalization Of FinanceKeynote speech

- ◆ Lotfi Sekkat, President, CIH Bank (Morocco)

Panel

- ◆ Margarida Matos Rosa, President, Competition Authority (Portugal)
- ◆ Abdelmounaim Dina, Managing Director of Agricultural Bank of Morocco (Morocco)
- ◆ Francis Kariuki, Director General, Competition Commission (Kenya)
- ◆ Mounir Chraïbi, Executive Director, Bank of Africa (Morocco)
- ◆ Hicham El Alamy, Director of the Support and Development Department, Moroccan Capital Market Authority - AMMC (Morocco)

THURSDAY NOVEMBER 10, 2022

09h30 - 11h00 Panel 5 : Data Centrality In Digital MarketsKeynote speech

- ◆ Roberto Rustichelli, President, Competition Authority (Italy)

Panel

- ◆ Amine Mounir Alaoui, President of the Knowledge and Information Society Commission. Conseil Economique, Social et Environnemental- CESE (Morocco)
- ◆ Daniel Guarnera, Senior Advisor, Department Of Justice (USA)
- ◆ Xavier Reille, Director of the Maghreb and Djibouti Office, International Finance Corporation, World Bank Group

11h00 - 12h30 **Panel 6 : Equal access to information****Keynote speech**

- ♦ Sidi Mohammed Drissi Melyani, Director General, Digital Development Agency-ADD (Morocco)

Panel

- ♦ Hicham Chiguer, President, Association of Information Systems Users in Morocco - AUSIM (Morocco)
- ♦ Abdelkarim Mazouzi, General Vice-President, Federation of Information Technologies, Telecommunications and Offshoring - APEBI (Morocco)
- ♦ Émilie Cazenave, Public Policy Analyst, OECD
- ♦ Adèle Moukheibir Barzelay, Legal Advisor Data and Digital Development, World Bank Group
- ♦ Arthur Foch, Senior Digital Development Specialist - World Bank Group

13h00 **Lunch Break**

SYNTHESIS

Day 1 : An inaugural session and 4 panels

The first day of the international conference "Digital Transformation: between regulation and competitiveness" started with the inaugural session during which MM. Abdellatif Jouahri, Central Bank Governor of Bank Al-Maghrib, Ahmed Rahhou, President of the Competition Council of Morocco, and Frédéric Jenny, President of the Competition Committee at the Organization for Economic Co-operation and Development (OECD) each delivered a speech where they laid the foundations for the discussions to be initiated during this conference and recalled the issues and challenges to be taken up by the regulatory bodies of the world's economies in the face of a digital transition which has already begun and which sometimes tries to free itself from the rules of frank and fair competition.

INAUGURAL SESSION

M. Abdellatif **JOUAHRI**, Central Bank Governor of Bank Al-Maghrib.



" In this complex digital environment, public authorities and regulators must ensure the relevance of the legal and regulatory framework necessary to guarantee healthy development conditions."

In his inaugural speech, Mr. Abdellatif JOUAHRI, Central Bank Governor of Bank Al-Maghrib, recalled the conditions for a successful digital transition and called on public and private officials to demonstrate responsibility in implementing this transition.

M. Ahmed **RAHHOU**, President, Competition Council (Morocco)



" Digital transformation tends to naturally favor the concentration of markets. Thus, the digital market appears in a monopolistic or oligopolistic situation which contributes to the appearance of dominant positions which capture almost all the profits of the Market."

In his inaugural speech, Mr. Ahmed RAHHOU, President of the Competition Council of Morocco, spoke of the importance that digital technology already represents in the global economy and questioned the attitude that should be adopted so that the large platforms do not abuse their dominant position.

M. Frédéric **JENNY**, Chairman, Competition Committee, OECD



" The concept of relevant market, which is at the heart of competition analysis, is not very relevant in the context of ecosystems because they are in all markets and they are linked to a technology rather than to a market."

In his inaugural speech, Mr. Frédéric JENNY, Chairman of the Competition Committee at the OECD, recalled the importance of data in digitalized economies and outlined the difficulties that regulatory bodies could encounter when trying to preserve the rules in this data-driven economy.

PANEL 1 : MARKET REGULATION

M. Ioannis **LIANNOS**, President of the Competition Commission of Greece



" The economic and social phenomenon of the digital revolution has highlighted the poverty of competition law in the face of the rise of digital platforms in the global economy."

The first panel, devoted to market regulation, highlighted the difficulties that regulatory bodies will face and the challenges that they will have to take up in order to impose on the champions of the digital economy respect for international rights and national, as well as that of competition which will allow small and medium-sized businesses, as well as consumers, not to suffer from the dominant positions which certain platforms are already abusing.

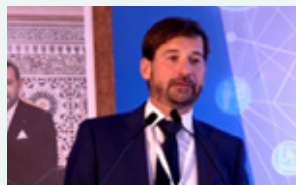


The work of the panel was inaugurated with a keynote presented by Mr. Ioannis Liannos, President of the Competition Commission of Greece, where he returned to the operating modes and business models of Big Tech platforms, as well as the principle of competition between the different ecosystems of the digital economy.

Then, the panel was marked by the interventions of Mr. Chakib Alj, President of the General Confederation of Moroccan Firms (CGEM), who insisted on the importance of the digital transition for the growth of Moroccan businesses and Africa, and Mr. David Sevy, Vice-President of the French branch of Compass Lexecon, an American economic consultancy firm, who recalled the notions of contestability and dynamic competition which encourage companies to innovate in the face of large platforms.

PANEL 2 : REGULATION OF SERVICES

M. Alberto **BACCHIEGA**, Director for Information, Communication & Media, European Commission



" In Europe, a consensus emerged on the need for a new tool, so strong that the Digital Markets Act and the Digital Services Act were created in record time."

The second panel, devoted to the regulation of services, highlighted the need for a strong legal framework for the offer of digital services, local and international, but also for that of crypto-assets, the production chain of data and platforms such as FinTech, telecom operators or BigTech.

This panel began its work with a keynote presented by Mr. Alberto Bacchiega, Director for Information, Communication & Media sectors at the European Commission, who recalled the reasons why the European Union adopted two important directives, namely the Digital Markets Act and the Digital Services Act, and explained why it is necessary to avoid, at country level, regulatory fragmentations which generally benefit neither the authorities nor the companies.



Then, the panel was punctuated by the intervention of Mr. **Amin Benjelloun Touimi**, General Director of the Poste Maroc Group, who explained how the digitalization of postal services could compensate for the drop in mail volumes, in a regulated environment. Ms. Katarzyna Araczevska, Deputy Director of the Consumer Protection Department at the Polish Competition Authority, insisted on the importance of integrating European regulations such as the Digital Services Act into the legal frameworks of each country by prioritizing Firstly, consumer protection. For his part, Mr. Krisztian Katona, Vice-President of the Competition and Regulation Department at the Computer and Communications Industry Association of the United States, discussed the conditions in which the application of strict competition rules can promote innovation and business growth. For his part, Mr. Othman Khalil El Alamy, Secretary General of the Insurance and Social Security Control Authority (ACAPS), underlined the need for companies and institutions to establish balanced digital ecosystems for digital transition where energies are preserved.

PANEL 3 : THE PRESS AND NEIGHBORING RIGHTS

M. Benoît CŒURÉ, President, Competition Authority (France)



" The use of information from press producers contributes to the creation of value on the platforms, and the question of the redistribution of this value is absolutely central."

The third panel, devoted to the press and related rights, made it possible to underline, through the examination of the examples of Morocco and the European Union, the absolute need to share more equitably the income generated by press content. online and to require large platforms to pay copyright fees for content producers.

The work of this panel began with the keynote of Mr. Benoît Cœuré, President of the French Competition Authority, who emphasized the absolute necessity of having governance structures capable of imposing themselves in the contractual discussions with the platforms and to rebalance the sharing of values generated in the press in favor of publishers and agencies.



Then, the work of the panel continued with Ms. Fatima Zahra Ouriaghli, Vice-President of the National Association of Media and Publishers (ANME), who explained how, in a digital environment, content generated by journalists must be valued as data, in a data economy, and Mr. Mohamed Zouak, advisor to the president of the Moroccan Federation of Newspaper Publishers (FMEJ), who noted the difficulty that Moroccan press publishers experience in fighting against the major platforms and inequalities in the sharing of advertising revenue generated by the online press. For his part, Mr. Mostapha Amadjar, Director of Communication at the Ministry of Youth, Culture and Communication, reaffirmed the authorities' support for the Moroccan press and the commitment of the public authorities to support the sector in its transition to digital. For his part, Mr. Younès Moujahid, President of the National Press Council, insisted on the importance for the national and continental press sector to constitute itself as a force supported by States and capable of negotiating with the major platforms. to preserve their rights.

PANEL 4 : THE DIGITALIZATION OF FINANCE

M. Lotfi **SEKKAT**, President, CIH Bank (Morocco)



" With the arrival of new technologies such as cryptocurrency or artificial intelligence, it is technology that is in charge, but which requires reactive regulations."

The fourth panel, dedicated to the digitalization of Finance, exposed the challenges posed by the digitalization of finance, while technology evolves faster than regulations and new digital tools applied to finance allow inclusion which must be supervised to guarantee consumers the transparency and security of their operations.

The work of this panel began with the keynote of Mr. Lotfi Sekkat, President of CIH Bank, who recalled how digitalization and technical innovations allow greater financial inclusion, but within an attractive regulatory framework and with responsive regulations.



Then, the panel work was punctuated by the interventions of Mr. Abdelmounaim Dinia, Managing Director of Agricultural Bank of Morocco, who specified that the digitalization of financial services promotes greater banking inclusion, especially for rural or remote populations, and by Mr. Francis Kariuki, Director General of the Competition Commission of Kenya, who emphasized the need to have flexible and responsive regulatory bodies in the face of rapid technological developments and capable of adapting in a manner very effective in all crisis contexts. Furthermore, Mr. Hicham El Alami, Director of the Support and Development pole at the Moroccan Capital Market Authority (AMMC), assured that the supervision of Fintech should be done in a spirit of global cooperation in the face of entirely new technologies, dematerialized such as blockchain. For her part, Ms. Margarida Matos Rosa, President of the Portuguese Competition Authority, stressed that the digitalization of the banking sector offers a real improvement in services to customers, but on condition that dialogue with regulatory bodies is permanent, and constructive. Mr. Mounir Chraïbi, Executive Director of Bank of Africa, spoke of the advantages offered by digital technologies, such as mobile payment, in terms of accelerating financial inclusion in Morocco and creating new specializations to promote these technologies.

Day 2 : 2 panels and a closing session

The second day of the international conference “Digital transformation: between regulation and competitiveness” saw the meetings continue with two panels and end with a closing session during which Mr. Mohamed Abouelaziz, Secretary General of the Competition Council of Morocco , read a message addressed to His Majesty King Mohammed VI.

PANEL 5 : CENTRALITY OF DATA IN DIGITAL MARKETS

M. Roberto **RUSTICHELLI**, [President, Competition Authority \(Italy\)](#)



“ Competition authorities are under intense pressure to identify appropriate tools that meet the challenges of the digitalization of the economy.”

This fifth panel, devoted to the centrality of data in digital markets, returned to the central role that data should acquire over the coming decades, as a market value and as an issue of technical and scientific domination for those who will issue the data, those who will collect them and those who will exchange them.

The work of this panel began with the keynote of Mr. Roberto Rustichelli, President of the Italian Competition Authority, who noted the importance that data represents for the development of almost all economic sectors in the world, as well as the difficulty of regulating the use of this data while respecting fair rules of competition.



Then, the work of this panel continued with the intervention of Mr. Amine Mounir Alaoui, president of the Commission on the Knowledge and Information Society at the Economic, Social and Environmental Council (CESE), who noted the strong correlation between power, ownership of data and the creation of wealth that will benefit everyone. For his part, Mr. Daniel Guarnera, senior advisor to the US Department Of Justice, noted the incredible amount of data generated today and stressed the importance of not letting data distort the rules of competition. On the other hand, Mr. Xavier Reille, Director of the Maghreb and Djibouti Office of International Finance Corporation, a World Bank group company, explained why emerging countries, especially in Africa, must generate their own digital champions and their data in order to not to be subjected to excessive domination by international platforms established as trusts.

PANEL 6 : EQUAL ACCESS TO INFORMATION

M. Sidi Mohammed **DRISSI MELYANI**, Director General, Digital Development Agency



" Morocco has been a pioneer at the regional level by paying particular attention to the aspects of competition and private initiative."

This sixth panel, devoted to equal access to information, raised the question of equal opportunities and equal rights in the face of information that has become the object of all desire, increasingly more monetizable and increasingly monetized.

The work of this panel began with the keynote of Mr. Sidi Mohammed Drissi Melyani, Director General of the Digital Development Agency (ADD), who emphasized that access to data is crucial for developing a digital economy and explained why equal access to information is essential for healthy competition and true market transparency.



Then, the work of this panel continued with an intervention by Mr. Abdelkarim Mazouzi, vice-president of the Moroccan Federation of Information Technologies, Telecommunications and Offshoring (APEBI), who underlined the importance, in countries like Morocco, access to information for sectors such as local authorities or national education. For her part, Ms. Adèle Moukheibir Barzelay, legal advisor for "Data and Digital Development" at the World Bank, indicated that access to information and open data is slowed down due to a lack of trust among issuers. data, emphasizing that governance frameworks must be put in place through a multi-stakeholder approach from the public and private sectors. For his part, Mr. Arthur Foch, Senior Digital Development Specialist at the World Bank, emphasized the need to train and raise awareness among technical managers in sectors that use open data in digital economies where Equality of access to information often implies equality of access to equipment. On the other hand, Ms. Emilie Cazenave, public policy analyst at the OECD, clarified that equal access to information is synonymous with transparency and therefore confidence in the markets and the economy in general. Mr. Hicham Chiguer, president of the Association of Information Systems Users in Morocco, specified that access to reliable information is an essential condition for competitiveness and the creation of wealth and opportunities.

CONFERENCE PROCEEDINGS

INAUGURAL SESSION



Abdellatif **JOUHARI**
Central Bank Governor
of Bank Al-Maghrib

Morocco



Ahmed **RAHHOU**
President,
Competition Council

Morocco



Frédéric **JENNY**
Chairman,
Competition Committee

OECD

M. Abdellatif JOUAHRI, Central Bank Governor of Bank Al-Maghrib (Morocco)



Firstly, I want to thank you for the kind words you've expressed towards me. It affects me. But I would tell you that often, in the current times, we central bankers spend more time explaining why we have made mistakes, perhaps seeking to act in the right direction given the current circumstances. And then, you may wonder why I have been asked to introduce these days dealing with the themes of digital transformation, competition, and competitiveness.

I responded favorably to this request out of a duty of friendship firstly towards Mr. Ahmed RAHHOU. We know each other, because he was a banker too. But, I responded above all because a certain solidarity unites the community of regulators. I would therefore ask you for a little kindness towards me regarding this subject.

Mr President of the Competition Council,

Gentlemen, Presidents of ANRT and ADD,

Mr Chairman of the Competition Committee at the OECD

Ladies and gentlemen,

It is a real pleasure for me to take part in this international conference under the theme "Digital transformation: between regulation and competitiveness". I would like, on this occasion,

to thank my friend Mr. RAHHOU, President of the Competition Council, for his invitation and to congratulate him for the choice of the theme, for the quality of the national and international panelists that he was able to bring together and for the high-level organization of this conference.

I am all the more pleased that the subject chosen for this conference concerns an issue of common interest for Bank Al-Maghrib and the Competition Council and confirms the importance of communication and consultation bridges between our two institutions.

Ladies and gentlemen,

Over the past ten years, we have been witnessing significant developments in digitalization which are increasingly impacting our daily lives as individuals and businesses.

These developments are manifested in the changes made to our way of searching for information, communicating, consuming, paying, financing, presenting or even distributing products and services. Public authorities recognize the enormous contributions of these developments in terms of the creation of new employment opportunities, comfort, personalized products and services, reduction of delays and costs and simplification of social links.

So-called multi-sided digital platforms and social networks, key players in the digital economy, have become essential both for people and for businesses, because on both sides we see a virtual environment where we can exist, think, express and consume.

Although many features of the business model of these digital platforms are not new, their combinations, coupled with the pace of change and the global reach of some market players, pose a challenge for regulators and competition authorities.

Thus, more and more experts are expressing concerns about increased concentration in

certain industries, including technology, the declining share of labor in income and growing income inequality. They also raise risks linked to the technologies used, such as artificial intelligence algorithms, to the dominant positions of certain market players which could give rise to situations of abuse, money laundering, terrorist financing, cybersecurity and to the breach of the protection of personal data.

Some are calling for the largest technology companies to be broken up or regulated as a public utility to reduce levels of concentration and diminish and eliminate the leverage of market power. Other observers suggest that it would be necessary to share data, a central asset of today's digital businesses between competitors, to overcome barriers to entry and/or expansion in certain markets; data is now considered a strategic asset and the development of mechanisms for its collection and processing has accentuated the dominant positions of digital giants in different segments of activity.

In contrast, others argue that digital markets are highly competitive with significant investments in innovation, providing consumers with choice and high-quality products and services at low cost. Decision-makers and those responsible for competition policies are therefore required to take into account these various considerations to control the risks of digitalization without compromising the advantages they can bring, while taking into account rapid developments in technology.

Ladies and gentlemen,

In this complex digital environment, which is developing at a sustained pace, public authorities and regulators must constantly ensure the relevance of the legal and regulatory framework necessary to guarantee healthy development conditions. It is therefore in this sense that certain jurisdictions have decided to adopt specific rules to govern the relationship between platforms and users. I will cite, in particular at the level of the European Union, the Platform

to Business (P2B) regulation, the Digital Market Act (DMA), the Digital Services Act (DSA), the No Deal For Consumers initiative concerning better application and modernization of the European Union's consumer protection rules. Likewise, the United Kingdom published in July 2020, as part of its post-Brexit digital strategy, its digital regulatory plan in which it set out its overall vision for the governance of digital technologies aimed at promoting competition and innovation, to keep the UK safe and secure online and to promote a prosperous and democratic society. This plan was accompanied by a vision for the future regulatory regime for artificial intelligence in the Kingdom, which will be favorable to innovation and adapted to the context, and by a reform of laws related to data protection.

Furthermore, Japan, for example, adopted a law in February 2021 on improving the transparency and fairness of digital platforms. This new legislation notably requires designated digital platform providers to work to ensure transparency and fairness in the digital market, which should preserve competition law. Other directives have been adopted in terms of governance and use of data.

I cite the general European regulation on the protection of personal data and its equivalent, PIPEDA (Personal Information Protection and Electronic Documents Act) at the Canadian level, the second European directive on payment services (DSP2) and the proposed European directive on responsibility for the use of artificial intelligence, formulated last September.

These examples illustrate the complexity of regulatory approaches which must combine the promotion of healthy competition, consumer protection and data protection, while preserving the advantages of digitalization in a globalized and rapidly changing environment.

Ladies and gentlemen,

By way of illustration, I now come to the banking sector which concerns me more directly

and I will approach it from two angles. First, the angle of digital transformation and, then, that relating to the promotion of competition. Indeed, the banking sector was one of the forerunners in terms of digital transformation. Banks have already begun their digital transformation for several years, adapting the process to meet the pressing needs for immediacy and speed towards their customers.

We are also witnessing a transformation of business models with the emergence of new players including FinTech, but also telecom operators, Big Tech, which are generally based on two models with less rigid regulatory constraints than traditional banking. It goes without saying that the introduction of these

managing the inherent risks. This program also sets out recommendations for strengthening competition and commitment to what member countries call open, free and contestable markets.

Also, financial technology in the banking sector could, according to the Basel Committee, induce transformations of different forms. On the one hand, established banks could continue to dominate the sector, offering better service to their customers thanks to advances resulting from technological innovations. On the other hand, these historical players could see their situation disrupted by the arrival of new entrants, more agile and quicker to adopt financial technology innovations that meet customer needs.



innovative services contributes to the stimulation of competition and promotes greater diversity of offer and a reduction in costs for the benefit of the consumer, but it also induces risks linked in particular to stability financial, consumer protection, money laundering, terrorist financing and even cybersecurity.

On an international scale, digital transformation in the banking and financial sector calls for consultation between regulators and the competent authorities in order to be able to reconcile the advantages offered by this transformation and the control of the risks it induces. In this sense, the Bali FinTech program, developed by the IMF and the World Bank in October 2018, aims to help member countries take advantage of the benefits of financial technology and the opportunities for rapid progress it offers, while

According to this committee, disruptive scenarios are improbable. The scenarios they call fragmentation of the banking landscape or better bank remain the most likely to come true. They are mainly characterized by established banks that are adopting digital and modernizing in order to protect their customer relationships and core banking service and the emergence of new businesses.

Regardless of the scenario, new market players will increase competition in this area, offering competitively priced offers that meet customer needs. Competition that we must encourage for the benefit of consumers and financial services. Regarding competition in the banking sector, this aspect is taken into account by Bank Al-Maghrib, as part of its role as regulator, and is reflected through the application of the same rules to all players, without differentiation, between the statuses

of shareholders, whether public or private. Regarding the opening of the banking sector to new players, I would cite payment institutions, participatory banks or, more recently, crowdfunding, which have the advantage of enhancing product offerings and financial inclusion.

The analysis of the competitiveness of the banking sector was the subject, moreover, of a study carried out by the Competition Council in 2013, which demonstrated the existence of effective competition between operators.

In this regard, Bank Al-Maghrib has worked to remove barriers to access to banking services, notably through the adoption by the industry of the free provision of a selection of banking services and the regulation of banking mobility to facilitate clients' decisions to switch banks. Strengthening the transparency of banking services is also a constant concern. Thus, we have introduced requirements relating to the display of the conditions applied to operations, the transmission of bank statements to customers, the annual consumption summary of consumption and the information of companies on their credit application. This transparency will be further strengthened by the very rapid establishment by the banking sector of a comparator of bank rates and value dates, making it easier for customers to choose the bank that best meets their needs.

Ladies and gentlemen,

I am not going to knock you out by telling you in detail that Bank Al-Maghrib, as an institution, has put digital at the heart of its latest strategic plan. This leads to the transformation of our internal processes and activities, in particular through re-engineering work and advanced exploitation of data, thus consolidating our role as a regulator in the digitalization and emergence of financial ecosystems.

Bank Al-Maghrib has also carried out, in collaboration with its partners, several projects aimed at strengthening the development lever of the FinTech ecosystem. We have also initiated, within the framework of a national

commission bringing together all the stakeholders, the work of preparing the legal framework for crypto assets which have hit the headlines and which we have been accused of prohibiting to a given moment. But now, a commission bringing together the various stakeholders is finalizing a draft legal text governing crypto assets and launching reflection on the potential issuance of a central bank digital currency with committees and with the support of both international organizations such as the IMF and the World Bank, but above all with the participation of partner banks who have preceded us in this area and where the work is well advanced.

We are moving more towards central bank money directed at retail money, rather than wholesale money. Furthermore, new market dynamics are expected with the upcoming introduction of open banking, which constitutes a powerful lever for innovation and research & development in the banking sector.

Ladies and gentlemen,

The data strategy, launched in 2021, positioned the improvement of data management and governance as a strategic asset in a global system which promotes transparency on the statistical data it produces and facilitates the access to its data for the benefit of its ecosystem and stimulates competitiveness between the different players through efficient exploitation of this data.

Ladies and gentlemen,

Encouraging innovation and the use of digital technologies as an engine of growth to create thriving markets has become a factor of competitiveness on a global scale. As a regulator, we must support these innovations while ensuring that they are developed responsibly in order to protect society and uphold citizens' rights.

Achieving this balance is a major challenge which requires the adoption of proportionate and agile regulatory approaches, simplifying procedures and providing clarity and confidence to businesses and consumers, as well as, and above all, close collaboration and



coordination between regulators at the national level, as well as internationally.

Bank Al-Maghrib and the Competition Council are well on this path. Consultation between our two institutions, devoted both to the law relating to the Competition Council and the banking law, was strengthened with the conclusion in January 2020 of a cooperation agreement which sets the scope of collaboration and exchange of information and provides a framework for consultation and exchange of expertise in areas of common interest.

In the same direction, we have increased the cooperation agreements concluded with regulatory authorities and national institutions, such as the National Commission for the Control of the Protection of Personal Data (CNDP), the ANRT, the National Authority of Financial Intelligence (ANRF), the AMMC, the National Instance for Probity, Prevention and the Fight against Corruption (INPPLC), the General Directorate of National Security and the Customs Administration and also, at the international level, with several central banks and regulators in the banking and financial sector.

I am convinced that the themes chosen for these two days and the interventions of the high-level panelists will not fail to shed light on the issues facing us and to enrich both the debates and the appropriate responses.

Wishing the work of this conference every success, I would like to apologize for having been perhaps a little long and thank you for your kind attention.

M. Ahmed RAHHOU, President, Competition Council (Morocco)



Mr. Governor of Bank Al-Maghrib, thank you for the beautiful words you had about me during your inaugural speech,

Gentlemen and Ladies Presidents and Directors of governance and regulatory bodies in Morocco,

Mr. Treasurer General of the Kingdom,

Ladies and Gentlemen Presidents of Competition Authorities,

Mr Chairman of the OECD Competition Committee,

Mr President of the CGEM,

Dear Presidents and CEOs,

Ladies and gentlemen,

In the name of

- the Competition Council,
- the National Telecommunications Regulatory Agency (ANRT), in the person of its Director General, Mr. Azzelarab HASSIBI who is with us,
- the Digital Development Agency, in the person of its Director General, Mr. Sidi Mohammed DRISSI MELYANI, present with us,

I would like to welcome you all and express my sincere thanks for your presence in Marrakech to participate in the work of this international conference co-organized by these

three institutions around the theme of **“Digital transformation: between regulation and competitiveness”**.

Ladies and gentlemen,

His Majesty King Mohammed VI, graciously honored this international conference with His High Patronage. This distinguished honor exemplifies His Majesty the King's interest in the issue of digital transformation and its centrality in a rapidly changing world. In this regard, in His last speech to Parliament on the occasion of the opening of the second legislative year of the 11th legislature, His Majesty the King stressed that the digitalization of procedures, as well as the consolidation of the rules of fair competition, constitute major conditions for the attractiveness of productive investments, an essential lever for releasing energy, making the most of national potential, encouraging private initiative and attracting more foreign investment. Allow me on this occasion, on behalf of all of you, to express with pride and gratitude our gratitude to His Majesty the King for the marks of deep concern and high benevolence.

This distinguished honor exemplifies His Majesty the King's interest in the issue of digital transformation and its centrality in a rapidly changing world.

Ladies and gentlemen,

The new development model has devoted a significant part of its conclusions and recommendations to the digital issue.

To this end, he sees digital as a real lever for change and development to which particular interest should be given by considering it as a catalyst for structuring transformations with high impact. Therefore, the acceleration of digital transformation is important and crucial in order to bring about the necessary disruptions in modes of production, methods of access to basic services, access to information and economic inclusion and financial aspects of populations and geographic areas.

For the transformational potential of digital technologies to be fully mobilized, the report on the new development model highlighted the importance of having an ambitious digital transformation strategy, upgrading infrastructure and extend to the entire national territory, digitalize the administration, train a sufficient number of skills and complete the legal framework aimed at ensuring the digital trust of users and the digital sovereignty of the Kingdom.

With regard to this development process, Morocco has significant assets and is making significant progress in terms of digital transformation, both in terms of the equipment and infrastructure available and in terms of the strategies and programs implemented.

For telecoms infrastructure, by way of illustration, Morocco had until March 2022, 30.3 million subscribers for the mobile Internet base dominated by 4G technology, and 2.3 million subscribers for the fixed Internet base, including 1.6 million for ADSL and around 450,000 subscribers for optical fiber, which represents a growth rate today of 77.3%.

It also has more than 51 million mobile phone subscribers and 2.5 million fixed line subscribers. The telecoms sector generated, in 2021, 33.9 billion dirhams in turnover, representing growth of 8.9% since 2016. Morocco also has strong potential in the offshoring sector. To this end, it has deployed digital ecosystems to develop national champions and start-ups with high growth potential.

Morocco has also put in place a strategy to train a talent pool capable of carrying out digital transformation.

Ladies and gentlemen,

Digital transformation today is not limited to innovation in the broad sense consisting of creating or improving a product or a process. It refers to a deeper phenomenon involving disruptive or disruptive innovation.

This concept, which was explained by Clayton Magleby Christensen, describes a process by which a product or service initially takes root at

the bottom of a market, with new but simple features, and then improves and gains more market share, then becomes so important in the market that established competitors are forced to adapt or risk being ousted.

This complex diagram shows that digital transformation has a profound impact on the functioning of markets, both on the supply and demand side, as well as on the conditions of competition and regulation. Indeed, digital transformation succeeds in connecting a greater number of companies and consumers in new markets for goods and services supported by innovative sectors and, simultaneously, strongly contributes to disrupting so-called traditional sectors which are becoming dependent.

Ladies and gentlemen,

The health crisis has confirmed the vital importance of digital technology and shown that it is a major accelerator of digital transformation by providing a favorable context for its emergence. Indeed, the outbreak of the crisis caused a massive influx into the use of the Internet, which favored a remarkable digital acceleration and enabled a significant number of businesses and individuals to better adapt to that.

This also encouraged public authorities to place digital transformation at the heart of their action program to end the crisis. Alongside all the positive impacts of digital transformation, we face major challenges with fundamental implications for competition, as digital markets have different characteristics from traditional markets. Indeed, digital transformation introduces new business models to the market, driven by powerful network effects and the exploitation of large-scale data.

This dynamic has been further accentuated with the acceleration of the integration of artificial intelligence into our daily lives, through the algorithms that manage machines and organizational processes. However, even with the beneficial changes that artificial intelligence provides, significant issues arise relating to its viability in terms of

confidentiality, explainability of technologies, that is to say the ability to make the elements taken into account understandable, to produce a result and also the ethical responsibility of the actors.

Today, it is legitimate to question to what extent we could let algorithms drive our lives. At the same time, it has been noted that, due to the increasing efficiency induced by production functions, digital transformation tends to naturally favor market concentration. Thus, digital markets appear in a monopolistic or oligopolistic situation and contribute to the formation of dominant positions which take away almost all the profits from the market (The winner takes all), especially since with digital transformation, the barriers to the entry into several markets is abolished more easily to allow the emergence of new opportunities, thus making the markets highly contestable. Thus, regulations are strongly questioned, particularly in relation to fairness in the application of legal conditions in terms of the exercise of certain professions and application of tax regimes, then, in relation to the adequacy of legal rules with the constraints linked to the ownership of capital and the behavioral obligations of companies.

Furthermore, digital transformation is shaking up the future of employment and professions by structurally modifying the typology of professions, without forgetting the questioning of traditional methods of work organization, which raises new challenges for labor law, and social protection.

It also raises issues related to the portability of data and the security of their production and use, which refers to the way in which intellectual property and data ownership is approached.

Another challenge faced by digital transformation relates to the question of Net neutrality and the possibility, in the event of traffic asymmetry, of charging for the use of the network as well as the adaptability of the dedicated tax framework, to the digital economy, given the emancipation of market activities, which generates significant tax distortions.

Ladies and gentlemen,

Today's world is forced to follow the path of digital transformation and Morocco is no exception. Several projects can be opened to allow Moroccan businesses and consumers to fully exploit the benefits of this transformation.

The first project concerns the improvement of the digital infrastructure which must benefit from the same development effort as the physical infrastructure. The commitment to this important project must be accompanied by securing the production and use chain of data and the inclusion of disadvantaged categories in the digital environment.

The second project relates to the regulatory challenge which requires a reinterpretation of current rules and a convergence of regulations both on a national and international scale.

Today, it is of utmost importance to monitor closed ecosystems designed to maximize user retention, in particular the strategies of platforms that are deployed in a context of vertical integration, notably through siloed systems, without the possibility of interconnection with systems managing other or horizontal functionalities such as bundling strategies with the promotion of products and services in packs based on flat-rate pricing practices.

It is also important to regulate indirect network effects, particularly in the context of the development of business models which generate network effects that are difficult to reconstruct for new entrants. Furthermore, the action of competition authorities and regulators must be based on in-depth knowledge of digital markets, which are generally technically complex, and also on better responsiveness and given the nature of digital markets, which is associated with disruptive innovations.

The problem of determining relevant markets is crucial, particularly in an environment where digital markets tend to appear two-sided or even multi-sided, combining advertising and content, and linking different



types of actors, suppliers, requesters but also operators financing themselves through advertising and the reuse of collected data. One of the questions that needs to be asked in this regard is how to define relevant markets when innovation advances rapidly and when the resulting products and services are initially unclassifiable?

A third area to be opened refers to the competition policy model adapted to better supervise digital transformation, in particular the political guidelines allowing the digital transition of non-digitalized sectors.

A fourth structuring project to be carried out is that of personal data, the use of which is extremely sensitive. We see today that digitalization has led to the emergence of companies that collect user data in return for services provided free of charge, which allows them to build up a large stock of data of great importance that can be exploited and marketed to producers or providers of advertising services or banking institutions or insurance companies.

A fifth project concerns the financing of digital transformation, which involves adapting financing to the growth cycle of innovative companies, particularly start-ups with high growth potential.

Ladies and gentlemen,

The international conference that we are organizing these two days has planned several workshops which aim to analyze the opportunities and challenges of digital transformation at the crossroads of the question of competitiveness and regulation.

I therefore wish every success to the collective reflection that we intend to carry out during this conference and a fruitful progress for the various workshops scheduled over the next two days.

Finally, allow me to express my thanks to the local authorities, as well as to all the institutions and individuals, for all the commendable efforts they have made to ensure the organization and success of this international conference.

And thank you.

M. Frédéric JENNY, Chairman, Competition Committee, (OECD)



Mr. Governor of Bank-Al Maghrib, Mr. President of the Competition Council,

I would like to begin by expressing all the pleasure that I feel to be among you today in this conference which has been described as a founding conference and which is certainly extraordinarily important, given the nature of the issues which will be discussed. So, first of all, I would like to thank the three organizing organizations that made this event possible for their invitation.

My second point would be to say that ultimately, I have nothing to say because my predecessors covered an extremely broad and extremely relevant field. And it is very difficult to be the third speaker in this inaugural session.

However, I will say a few words to you which will perhaps only be illustrations of some of the comments that have been made before, based on the fact that the OECD in particular, as some of you may know, paid very close attention to these digital economy problems; the Competition Committee in particular, but obviously it is not the only institution within the OECD to have done so. We have devoted almost forty round tables to different aspects and we continue to do so because progress in knowledge in this area is absolutely crucial given a number of challenges that we face, or at least which are created by the development

of digital.

I would like to make four observations in my presentation:

The first is simply to recall the context. The context is the data economy which is not, in a certain sense, something new. She has always existed. Businesses have always tried to understand what consumers want and need. They also tried to communicate themselves by means of publicity, for example in the press or in the media. But what has happened over the last twenty or thirty years is that there has been a threefold technological transformation which has affected the data economy and which has completely transformed the bases on which This data economy works.

The first technological revolution was the technological evolution of computing, the miniaturization of electronic components which enabled considerably greater and considerably less expensive data storage than traditional data retention techniques.

The second technological revolution was, for sure, that of digital communication, which allowed the development of the exchange of this data between a very large number of people and also, moreover, the multiplication of the collection of this data, always at very low costs.

And then the third technological development to which we alluded was the development of artificial intelligence and machine learning, that is to say a capacity to understand this data, to process this data and to use of this analysis to guide action.

Regarding the latter point, in the 70s of the last century, the ambition of scientists was to create machines that could reason and that could be intelligent in the same sense as human intelligence. This project did not prosper. What has prospered, on the other hand, has been precisely the development of techniques that make it possible to analyze in a much deeper way, to find structures within the data and to use them in algorithms to help

guide the action.

Perhaps the most striking example that I can bring up to illustrate this was LIBRATUS which is a program or algorithm which was developed in 2017 at the Carnegie Mellon Institute in the United States. It's an algorithm that plays chess. Several things are interesting to remember:

First, in 2017, there was a big confrontation, that is to say we put the algorithm against the three best poker players in the world, and naturally, the algorithm won after a series quite long parts. What's remarkable is that he won when there was nothing in the algorithm telling him how to play. The only thing embedded in the algorithm was the definition of what to "win" and what to "lose"

At first, the algorithm lost a lot. He analyzed the data he collected, but because he didn't know how to play, he had difficulty even getting a sense of the rules by which poker could be played. Then, by continuing to analyze the past data which accumulated as the games progressed, the machine realized that there was an inconsistency and the inconsistency came from the fact that it was clear that the champions of the poker world were bluffing and that's why they were winning.

The algorithm therefore integrated this dimension, began to bluff itself and that is how, ultimately, it ended up winning against the three greatest poker players in the world. This gives a fairly precise idea of how artificial intelligence and machine learning can help with decision-making and the power of the instrument. So the combination of these three technological revolutions has obviously meant that the data that I said had always existed in economic analysis have changed dimension.

It has first become an extremely abundant factor, an extremely inexpensive factor, an extraordinarily productive factor thanks to the artificial intelligence that I mentioned and above all a factor which is not destroyed with its use, unlike other factors of production. This has significantly changed the techniques for producing goods and services, quite naturally.

Moreover, this has completely changed the relationship between producers and consumers, because this data comes from the very activity of consumers, as a demander on the markets.

So, as has been said, a certain number of characteristics arise from what I have just mentioned. Firstly, there are enormous economies of scale which will pose a new problem which is the following: the more data we have, the more the algorithm will be trained and become powerful in its predictions and the better we are. This introduces, notably through artificial intelligence, a link between concentration and efficiency.

Therefore, this creates a dilemma between competition and efficiency. We used to say that it was through competition and therefore atomistic competition, that is to say competition between a very large number of competitors, that efficiency could develop. Well here, we are in a world in which the relationship is reversed and that will pose a problem for the regulatory authorities: What is the trade-off to be made between the search for efficiency, on the one hand, and the preservation of competition, on the other?

This is amplified by the fact that there are also economies of scope in the data economy, that is, data that is collected about something can be used in different activities. This means that digital operators will be operators who will operate on the basis of economy of scope, that is to say in a conglomerate manner; conglomerate in the type of service they will be able to offer and conglomerate in the sense that the more services they offer, the more they use their data in many directions, the more efficient they are. Obviously, this will create a new dilemma which is the dilemma of access to data. It has been said that this drives concentration, but once an organization has a very large amount of data, it has no particular incentive to share it with anyone. On the contrary, he would like to be able to monopolize this data. And competition requires, at least for the moment

(There will perhaps be technological developments in the coming years on this point, because there is now the emergence of something that I do not want to talk about, but which are synthetic data, that is to say data which are themselves generated independently of reality), access to data which becomes a very important element of competition and therefore regulators will have to manage the problem linked to how to regulate this access to data.

So, this leads, and I think this is an important element, to the fact that there are several angles from which data regulation would like to intervene, and these angles are not necessarily

This is a new consideration that is added. And finally, consumer protection, that is to say, the fact that the data to which they have access is reliable, is also an element to take into consideration.

One of the problems we must face is the fact that these different regulations have been designed in a certain number of countries, independently of each other, which poses an institutional question. As was referred to earlier in the United Kingdom, should we not found an organization which would bring together the different data regulators so that when there are trade-offs to be made between objectives which are all eminently



consistent with each other.

Firstly, from the point of view of competition, circulation of data, access to the most important data makes it possible to develop competition, efficiency, etc. This is a good thing. But obviously, the protection of privacy is an element that goes in the opposite direction in which we would like to be able, at least for the person who is at the origin of the data, to restrict this dissemination.

Third element: ensuring access to data also constitutes a competitive issue, but possibly comes up against the protection of data security, because the data is still fragile. It can be transformed. So access and security pose a new dilemma. Finally, the integrity of the data is also something that is very important since the data is in an intangible form and can be easily transformed.

serious but which can be contradictory, these arbitrations can be made.

I have concluded the discussion on the data economy. Now, I would like to transition to the challenges confronting competition authorities. The most important challenge of the digital economy for competition authorities is that competition in digital does not work like competition in non-digital sectors. There is a whole set of elements that allow us to understand why.

First, in the digital domain, there are no firms that are present on a market, that buy inputs, that transform, that sell these inputs at a price that allows them to cover the price of the inputs. What we have are essentially ecosystems, made up of a central platform which is an algorithm which allows a certain type of relationship between different stakeholders.

and then what we call complementors, which are for example people who invent applications that can work. What the platforms do, on the one hand themselves and on the other hand with the complementors, is to offer a set of services which use the central algorithm and which are complementary and attractive services for consumers. Consequently, we are not at all in a classic business logic for which competition law was designed.

The second element lies in the fact that an ecosystem produces complementary services, because what people buy when they subscribe to Google or when they have the Google service is a set of services which are offered by Google and which are either services which were produced by Google, or services which were produced by complementors but which Google admitted on its platform.

The third element is that the platforms are multi-sided. Unlike companies which, in general, have one side that connects them to the consumer, platforms are multi-sided, that is to say that there are advertisers on one side, there are application providers on the other, there are possibly the merchants who want to sell on the platform and then there are finally the users of the platform.

So the fact that they are multi-sided means in particular that these platforms can provide free services to one of these sides by having the production of these services financed by other sides. This is typically what Apple does for example, which finances a large number of services that can be found on Apple, when you have the Apple system, thanks to the revenue from the sale of terminals which are very luxurious and very expensive. So that's what finances the platform.

What is interesting is that Google has a completely different approach: it is financed by advertising and not by terminals which are very expensive. I will come back to this because it is important.

This means that price competition has a

completely different meaning and that a certain number of instruments that competition authorities use to measure competition (the relationship between prices and costs) will not be adapted to a situation in which services are free. So we will have to invent new instruments to be able, for example, to estimate market power.

How does competition between platforms play out? It comes down to innovation, to the ability to provide services that become attractive and that cause us to abandon one platform in favor of another. This is an innovation that we said earlier is often disruptive. A disruptive innovation in which we produce differently. But this is quite different from the implicit pattern of competition in the real world, in which several firms in the same market do the same thing as each other and consumers choose between their different offerings.

There consumers choose between offers, but they are offers that are diversified. One example of this is that Facebook has, since 2011, offered to make available to whomever it wishes, a certain amount of data that is acquired by Facebook through the examination of Facebook users.

Nobody wants this data because this data is first formatted for Facebook's needs. So the only interest we could have for this data is to duplicate what Facebook does, but to duplicate what Facebook does taking into account the economies of scale, taking into account the economies of scope that I mentioned, does not present any kind of interest.

Competition will therefore be Schumpeterian competition, we will say, through innovation and not traditional competition through prices as we know it.

Another element: we are used to thinking that a steelmaker is an operator on the steel market, or a cement manufacturer is an operator on a cement market. But when we talk about a digital platform or ecosystem, there is no particular market they are in.

They are in all the markets in which they can intervene, taking into account their algorithm, and what is more, they are changing the configuration of their services. This means that the notion of relevant market, which is at the heart of competition analysis, is not very relevant in the case, precisely, of ecosystems because they are mainly linked to a technology, rather than to be linked to a market, and that is what makes the difference.

In particular, this means that potential competition may come from other ecosystems that are doing something completely different, but which may use their algorithm to potentially take over a field. And it is precisely because of not having seen this, for example, that the Office of Fair Trading in England, when it examined the merger between Facebook and Instagram, said it was between a social network on the one hand and an application that allows you to exchange photos of each other. There is no link. I'm going to ask people. Could Instagram become a social network? People laughed "no, it's an app for exchanging photos, but that's it". As soon as the concentration was achieved, Instagram became, like TikTok or others, a social network in itself.

It is because of having had too restrictive and too classic a view of the notion of relevant market that this element was lost sight of and that the operation was authorized. While now many are asking the question whether it should have been.

A crucial element is governance. The platforms are not only an algorithm, but establish rules for the relationships that will exist between the platforms and the complementors. This has led to debates about internal competition within the platform. But this internal competition within the platform has an effect on competition between platforms. For example, at present we know that Apple is much more discriminating when it comes to accepting applications that come from outside than Google. There's a reason for that, which is that they both have different business models. Apple believes that

its customers are people who want exclusivity and a quality of service that is very high. They are, therefore, very demanding in accepting applications. On the other hand, Google is playing on the mass that it will be able to sell to advertisers and therefore has an interest in there being as many applications and as many users as possible, whatever ultimately the level of quality that there is something in between.

This allows us to note two things:

Firstly, the business models are different, which means that dealing with competition problems will be a problem not at the market level, but at the level of each company, because it will be necessary to adapt the prescription and the remedy to the business model of the company.

Secondly, as I said earlier, the notion of potential entry and potential competition is



much broader in the digital domain than it is in the real domain.

This means that a certain number of doctrines, in particular the so-called doctrine of potential competition which leads to taking into account a potential competitor if it is practically on the verge of entering the sector, which will be completely inapplicable in the case where if it is applied, it will be wrongly applied in the digital field in which we have to look at things in a horizontal, much larger way.

What do all these differences say? They say that the traditional competition management system that we have is essentially based on an economic model which is quite different from

the digital model and that it must therefore be adapted. We must not eliminate this model because, clearly, competition also leads to efficiency and innovation, but we must adapt the concepts, we must adapt the measures, we must adapt the analysis. This is the work that is difficult and in which the OECD has invested a lot.

The third point that I would like to address is the relationship between competition law and regulation in the digital field which has already been addressed. So I'm going to be quite brief on this. Competition law is based on the exemplary nature of a limited number of cases handled ex post and which gives an indication of what is prohibited and what is not, of what is possible and what is not.

According to which model? According to a procedure I was going to say quasi-judicial, in which a competition authority must make an instruction which will be contradictory, which will give rise to sanctions and probably to an appeal.

The question that is asked is the following: given the speed at which the digital sector is evolving, is this method, consisting of trying to ensure that the behavior of operators complies with the competition, effective? Doesn't it come too late? And won't it be done at an exorbitant cost for the competition authority?

This is where there is a tension or possible complementarity between ex-post control and ex-ante control. This is where, for example, the European Union responded by saying, in addition to Article 101 and Article 102 of the Treaty of the European Union, I also need ex-ante regulation to avoid that certain situations which would be unavoidable and which could not be undone, do not arise during the time during which I resolve the problem.

Two "caveats" on the questions of regulation: first, to have good regulation, you must understand how competition works in the sector. Secondly, when knowledge of how competition works is evolving as it is for the digital sector, because there is a lot of innovation in this sector, regulation that includes

a certain flexibility can have greater meaning than a regulation which, a priori, establishes principles which are difficult to modify.

From this point of view, I refer to the debate that there is between the DMA (Digital Markets Act) of the European Union and the regulatory actions which have been initiated for example in the United Kingdom in a very different style, different fact. In the latter system, there is indeed regulation, there are indeed great powers granted to the competition authority to impose things, but only after a case-by-case examination to really know what the nature of the problem is.

The European regulatory system, if I want to schematize it, is rather to say, there are a certain number of behaviors which we consider to be unacceptable and therefore which must not be implemented. Between the two European and British systems, there is one which is a little more flexible than the other. History will tell how understanding and flexibility will be applied.

My last point concerns international cooperation and cooperation between competition authorities. We are in a system in which cooperation has developed according to two models. Initially, cooperation between competition authorities was mainly intended to enable new authorities to benefit from the experience of authorities who had been there longer and who had acquired some practical experience.

Secondly, which I will place around the 90s of the last century, with the development of international trade and the liberalization of trade, we realized that there was an interpenetration of national markets. That is to say that a national market could be the victim of an anti-competitive practice which was implemented by a company from another country which exported to that country. A problem therefore arose as to how each national authority could exercise its operational sovereignty from the moment when it did not have the power of investigation in the country of origin of the company author of the violation?



This is where a protocol was developed in which the competition authorities mutually transfer, by exchanging confidential or non-confidential information, the handling of cases.

With the digital economy, we are arriving in a third world that we have not yet considered, which is a world in which there are no longer national markets. There are global operators in global markets whose practices have exactly the same effects in all countries.

And one of the questions that needs to be asked is: is it still useful to have the system of cooperation that we have?

If I take the example of Booking.com, the latter is the subject of a considerable number of investigations by competition authorities in many countries around the world. Many of these investigations, which duplicate each other, would not be necessary if there was another way of cooperating which would be a way of cooperating this time on the selection of cases and on the processing of cases rather than be solely or largely based on the exchange of information.

I think that given the disproportion of the means available to the GAFAM and the competition authorities in general, this is an area of reflection that must be explored, because the risk, quite obviously, is that the competition authorities exhaust all their resources to fight against practices which, moreover, have already been considered and condemned, and cannot, during this time, carry out their missions with respect to other sectors also facing competition problems.

Many of these topics (not all) will be covered during this conference:

- Disruptive innovation, for example in the field of finance, which poses regulatory problems which were very well posed by the Governor of Bank Al-Maghrib.
- The problem of access to data.
- The problem of regulating both services and products, ...

This is why I believe that this conference is a founding conference because it touches on the essential points which pose problems or at least which raise questions at the moment in the development of the digital economy.

Thank you so much.

ACTES DE LA CONFÉRENCE

PANEL 1

MARKET REGULATION



Ioannis **LIANNOS**
President of the
Competition Commission

Greece



Ryad **MEZZOUR**
Minister of Industry
and Trade

Morocco



Chakib **ALJ**
President of the General Confederation
of Moroccan Enterprises - CGEM

Morocco



David **SEVY**
Executive Vice President of the
French branch of Compass Lexecon

France

M. Ioannis **LIANNOS**, President of the Competition Commission (Greece)



Mr President,

Dear Colleagues,

Ladies and Gentlemen Organizers,

Ladies and Gentlemen,

It is a great pleasure to be here today. I would like to thank the Competition Council of the Kingdom of Morocco and the other partners for their invitation to this important conference.

The digital revolution and the emergence of digital platforms is an economic phenomenon but also an emerging regulatory phenomenon. Over the past six years, we have had a series of reports on the necessary evolution of competition law in order to meet the challenges of the digital economy. We then tried to look at that issue. We have had the report commissioned by the European Commission, the report of the UK government, a private report by the Stigler Centre and also a report by the BRICS countries as well as a number of conferences that have also been organised on this subject, with discussions on competition law tools and the different approaches to be taken regarding digital platforms. I organized some of these conferences during my academic career, before I was the President of the Competition Authority.

These discussions led to a number of observations.

Firstly, the economic and social phenomenon of the digital revolution has underscored, I believe, the inadequacy of competition law in response to the growing dominance of digital platforms in the global economy.

They used to be called GAFAM, now it's GAMAMs because Facebook has become Meta and this can be explained by this intellectual foundation of competition law in what I would call the simple economy as opposed to the complex economy. Let me explain: competition law, as it is currently applied, does not address the dynamic complexity of the economy, the computational complexity of decision-makers and the conjunctive complexity of these interactions between different actors and decision-makers.

There are new forms of competition, and even new spaces for competition. It is, therefore, necessary, I believe, to have a new conceptual framework for competition law. I'm going to talk a little bit about the concept of the ecosystem, which I think is an illustration of this paradigm shift. And in my opinion, we actually have to think of the current economy, the digital economy as a complex system.

What is a complex system? A system of interdependent feedback loops linking micro-behaviors, interaction patterns to global regularities, as opposed to only local regularities. We are dealing with a dynamic system of interacting agents. It's a system that is non-linear, so where small changes whose inputs or parameters can produce big changes in behavior: Think about network effects.

It is in fact a system that is populated by a collection of heterogeneous agents. We no longer have just producers and consumers. We are consumers and users of digital services, but we are also providers of data, and therefore inputs for production. It is a system that is characterized by constant adaptive learning.

Indeed, the introduction of these new concepts of complex economics is noteworthy. Concepts such as networks or the "leverage point" or "tipping point", the tipping point or the question of dependence' notions or "path dependence", in the context of the implementation of competition law.

In addition, the challenge we have is obviously in the case of public opinion is the dominance of platforms which has increased during the Covid period. Looking at some figures from the fourth half of 2021, we notice a staggering increase in the weight of these platforms.

The emergence of ecosystems is therefore an essential factor in this development. These ecosystems structure and generate economic transactions.

But what is an ecosystem? Frédéric Jenny spoke about this earlier and gave a few examples. An ecosystem is a group of interacting firms, which depend on each other's activities, rely on the technology leadership of one or two firms that provide a platform around which other members of the system provide complementary inputs and goods, and align their investments and strategies.

It's a notion, a concept that is linked to the notion of production modularization. In some respects, it's not a formation that applies solely within the framework of the digital economy. We also see it applying to other more traditional domains, and I'll give you an example: that of agricultural platforms 'Agritech,' where we can also invoke this notion of an ecosystem.

Ecosystems are therefore communities of collaborating companies that collectively produce a good, service or solution with an aligned vision. It's kind of a concept that has been studied for the last 20 years, mostly by the literature in Business Studies. Currently, this concept is being used more and more by competition authorities.

The adoption of this concept of ecosystems raises the question of what should concern competition authorities. Interconnectivity between all elements of the ecosystem becomes

essential, obviously to gain a competitive advantage and offers many potential bottlenecks to exploit. For example, digital platform orchestrators make strategic use of their application and application interfaces, APIs, that allow external applications to connect.

They use their algorithms based on big data analysis or also on contractual restrictions in order to ensure interconnectivity and interoperability for the consumer and obviously also for the other companies that participate in the system. However, the same means that this system assembly construction provides them with cost-effective control points and resources to build a strategic competitive advantage.

Also, companies that control ecosystems can generate profits through a new dynamic. They can better leverage their users' willingness to pay than conventional companies in two ways: First, their platform acts as an intermediary. They can better understand the willingness to pay of different parts of their market by collecting and customizing data, also extracting a higher surplus for their matching. Now, they can increase users' willingness to pay for the platform itself by adding new characteristic features, encouraging complementors to develop products that enhance the platform's value.

They can then extract more surplus value from their ecosystem, for example, by capturing value as part of the sale of each complementary product or service sold by the platform, including the complements they build themselves.

But obviously, this world is also characterized by competition between ecosystems, such as the Apple smartphone and Google Android ecosystems. Such inter-ecosystem competition emphasizes substitutability mainly between multi-product ecosystems. However, ecosystems based on interactions between independent firms and multi-stakeholder ecosystems also give rise to intra-ecosystem competition that can be horizontal between firms offering potentially substitute competing offers within the same



ecosystem. One can think, for example, of Amazon as a merchant that competes with other merchants in Amazon's systems. These ecosystems can also give rise to the adoption of a vertical intra-ecosystem approach or competition that refers to the value captured through joint collaboration between ecosystem participants, including the orchestrator.

Vertical intra-ecosystem competition, which, in my opinion, falls into the blind spot of existing competition law, is at the heart of the contemporary concerns of platform orchestrators. For example, Apple's 30% fee on apps purchased from its App Store and, more importantly, its ban on these standard business practices of purchasing within apps that we don't need to worry about or are they expressions of abuse of complements or not?

We obviously, have an emergence as well, and this has been highlighted by the speakers who preceded me, of intermediaries as well as different business models and business models.

What are business models? They refer to a company's operating plan, identifying revenue streams, target customers, revenues, and financing details. They describe, in a way, the logic according to which the organization creates, delivers, and captures value, especially in the economic, social, and cultural context. We are dealing with different types of platforms. Some platforms focus primarily on ad-based funding models, while others, such as Apple, rely on other possibilities.

Another important notion is that of ecosystem architecture. It is the industry architect of sorts, encompassing ecosystem governance, standards of engagement, and parts that are integral to industry architecture processes. This shapes the conditions for the existence of this ecosystem. Rather, in my opinion, what is called architecture is the rules and roles of how the ecosystem operates that include the roles and relationships of all the parties that engage in an ecosystem, the conditions of monetization, and the payments used.

Clearly, it's this type of evolution in a way, and it's this focus on the business systems of each ecosystem, on the architecture of each system, which are quite different, are important to understand a little bit what we're interested in as competition authorities, which is kind of the power that is not only exercised in the case of relevant markets but within the framework of an ecosystem. So, we have a broader and multidimensional view of power.

Competition authorities try to focus generally on what is called "resource dependency", resource dependence, usually horizontal or vertical, and this allows us to calculate them via market share or by looking at the bottleneck, economic dependence or technological dependence.

But I also think we're seeing the emergence of other dimensions of power, what I would call the panopticon power, the power of being at the center of networks. Rather, it is a positional

power that depends on the position at the core of a few companies, at the center of a network that has the ability to gather information. We can also think of the power to set the agenda or manipulate preferences. This becomes important, especially in the context of the development of personalized markets, and this is something that I think is causing us to think differently about the notion of power and how to evaluate these dimensions of power. It is in this context, I think, that the European Union has made the effort to build a regulatory system to take into account these new dimensions of power that could not be taken into account by traditional competition laws.

I'm not going to talk a lot about the DMA (Digital Markets Act), because I think there's going to be other speakers talking about it tomorrow, but just in a few quick words, for the architecture of the DMA, we have a number of core platform services and there's a lot of discussion about how those core platform services should be managed. Finally, we came up with a list, which you see in yellow, and which concerns the "virtual assistant" which includes the other names. For these kinds of core platform services, a number of gatekeepers can be designated and these gatekeepers are designated in relation to a number of factors and you can see in the list what are the different factors that are taken into account in determining these gatekeepers. We can see a bit of the definition of power, which is not focused on defining relevant markets, but on taking into account, for example, the fact that it is a company that constitutes a major access point allowing user companies to reach their end users. So, it is a focus on positioning.

It is a company that enjoys a strong and sustainable position in its business and will in all likelihood enjoy such a position in the near future. And this has to be measured in relation to a certain number of data such as turnover, the number of users and therefore things that are not really taken into account directly in the context of defining a relevant market.

It's a bit of a more global vision of a company's power. Of course, the DMA also provides for interaction with competition authorities which may actually be part of the application of the DMP. We then have the possibility, which is provided for in Article 38 of the DMA, for the competition authorities which are designated by the Member States, to apply the DMA, bearing in mind that the DMA does not replace competition law but rather is complementary to the application of that law.

It is therefore the main tool at the European level, but it is part of a set of major tools that have been put in place to regulate the digital economy. I will say a few words about that. Firstly, we currently have the "Artificial Intelligence Act" which is under discussion in the European Parliament and the Council. It concerns the regulation of Artificial Intelligence; the "Data Governance Act" which focuses in a way on public data and the openness of this data. There is also the notion of altruism or sharing data as part of an operation. We also have the "Data Act" which has the function of protecting SMEs with an approach that focuses on economic imbalance and takes into account the power of bargaining power against certain companies. We also have rules on interoperability and data which, in my opinion, are very important because they apply to all digital platforms, not just to gatekeepers (data controllers). This is of considerable importance in the context of the European Union.

We also have a sector-by-sector approach. We are currently discussing the formation of a European health data space where there will be interoperability between the different data at the health level. We have also had specific regulations in relation to banks and PSD2 (Payment System Directive Two) on financial data and we also have the Digital Services Act which concerns the regulation of content concerning, for example, the protection of minors or the protection against fake news speech or transparency.

We also note the emergence of much broader things beyond competition regulation, such as regulations on the protection of cybersecurity or the protection of strategic infrastructure, in order to ensure the resilience of the European infrastructure. It is, therefore, a question of an overall vision, in a way regulatory, which is taken into account. We therefore have a number of options to deal with the problem of ecosystems: firstly, to use the conventional tool of competition law and to extend it where possible. For example, extending the concept of relevant market to take into account the issue of ecosystems. Currently, within the framework of the European Union, there is a discussion on the revision of the communication on the definition of the relevant market which dates back to 2004.

The new communication includes a chapter on digital ecosystems and also the other challenge, which is to integrate innovation and the "forward-looking" approach that we must have in this new market. This is an important field and we will see how it will lead to results at the level of the various competition law cases.

There are other options available to us as well. I'm talking about the need for a toolkit approach, an approach that combines competition law with more traditional regulatory tools. We will therefore have ex-ante regulation, which could be a regulation focusing on transparency. For example, regulation 2019/1150 (Platform of business regulation).

Obviously, as I said earlier, we have the ex-ante regulation of the Digital Markets Act, which is a bit like a kind of public utility regulation in the sense that certain platforms are designated as being in the public interest because of their power. They are regulated, but it's not regulation of costs, prices, or outcomes. Rather, it is the regulation of their behaviour in relation to the competitive strategies they adopt in the market.



We also have newer devices, such as those used in Germany (Article 19 on ecosystems). I will talk very briefly about the Greek bill (Article 2-a) which concerns a provision on the abuse of ecosystems, but also about an innovative approach to using other tools that we have at our disposal in competition law, such as the notion of abuse of economic dependence, with as examples the Apple case in France or the Facebook case of the Bundeskartellamt (German Competition Authority) which concerned the use of traditional competition law, but concerning exploitative behaviour that reduced data protection.

So we have the big picture. As for the Greek law, I am not going to dwell on it, but it is a text that made it possible for the first time to define, in a slightly more concrete way, what an ecosystem or a platform was and to set up a flexible system in the sense that it was not really a regulation like the DMA. It would actually be a kind of competition law, but applied within the framework of the ecosystem. Unfortunately, the legislation did not pass Parliament, but in my opinion, this is an example of what could be developed in terms of ecosystem-specific competition rules if we make that choice.

In conclusion, I would say that this is an area that is evolving rapidly and that we should look at the approach that is being adopted at an experimental level, not only in Europe.



but also in other countries which, outside the European framework, are thinking about how to manage new economies or the complex economy of ecosystems.

From my perspective, the benefit of the period we are now living in is to experiment, to see the different approaches and, obviously, in a few years' time, to reflect again on the advantages and disadvantages of each of these approaches in order to finally be able to reach an international consensus. So, we have a trial period before we come up with an international approach. I believe that this could present problems in relation to the legal aspect of business, but at the same time, it comes at a cost if we obviously want to make a choice that is correct and that corresponds to the needs of consumers in the context of the digital economy.

Ladies and gentlemen, thank you for your attention.

M. Ryad **MEZZOUR**, Minister of Industry and Trade (Morocco)

Video intervention



Hello everyone. I would first like to thank the Competition Council for organizing this event under the theme "Digital transformation: between regulation and competitiveness". First of all, I would like to reiterate the conviction that there is no strong economy and that there is no functioning market economy without regulation and without strong regulators who control market developments, who prevent abuses of position and avoid exaggerations in terms of market dominance.

As such, the Competition Council is a key actor in the economic apparatus of our country. First of all, it makes it possible to offer the best conditions of competition to citizens. It also makes it possible to strengthen the competitiveness of our companies. It avoids cartels at the expense of the market.

This performance is essential in all economies, and digital transition enables a better and faster understanding of market developments.

These market changes in terms of market shares and cartels can be captured today by tools using different technologies, including artificial intelligence, to adopt the necessary policies and to have an immediate reaction. I would even say to be able to anticipate certain developments. A strong regulator is key to a strong economy.

Today, information technology and all the tools at our disposal not only make it possible to strengthen the competitiveness of our economies and the productivity of our production tools, but also to strengthen the attractiveness of the national industrial economic platform for all investors. There is no attractiveness without clear rules of the game; These rules allow all economic operators to interact while avoiding transaction costs, strengthening their projection and adopting standards that allow them to conquer markets and meet standards to be able to distribute their products and services in all the countries with which we are partners.

Morocco aims to be a hub. Morocco is in the process of building the most competitive industrial platform in the world, and to succeed, it must have strong, efficient, and technologically advanced regulators.

Thank you for your attention.

M. Chakib **ALJ**, President of the General Confederation of Moroccan Enterprises (Morocco)



Speech at the lectern :

Mr. President of the Competition Council,

Dear Treasurer General of the Kingdom,

Dear Presidents,

Dear friends,

Ladies and gentlemen

I would like, first of all, to thank the Competition Council, the ANRT (National Telecommunications Regulatory Agency) and the ADD (Digital Development Agency) for the organization of this timely event. In view of the multiple transformations that our societies and economies are currently experiencing, resulting from successive crises.

These transformations obviously present significant challenges on several levels for businesses and consumers, but they also bring great opportunities and growth prospects.

In an environment marked by uncertainty where the only constant is change, digital has emerged as a sure way to adapt, overcome crises and reinvent oneself. The COVID-19 pandemic, which has changed the way we work, learn and consume, has pushed the public and private sectors to call on technological innovation by designing solutions that have allowed us to maintain our

economic and social activities, despite the constraints imposed by the health crisis.

For example, we can mention solutions for the digitalization of agricultural operations or solutions deployed in the field of distance learning or health, but also the continuation of the project of digitalization of the administration. The tourism, real estate and cultural sectors also rode the digital wave in 2020 in preparation for the recovery.

Ladies and gentlemen

The digital sector represents 15.5% of the global economy and is growing at a rapid pace. It is expected to reach 25% of global GDP by 2025. Morocco must participate in this trend. In this sense, it is imperative to improve the competitiveness of the Moroccan economy by increasing the share of digital technology in GDP to 5% by 2030.

To achieve this ambition, a set of concrete actions must be put in place. I will cite the emergence of a FinTech system with the generalization of mobile payment and "peer to peer" transfer as a priority use case, by setting up a provisional regime allowing the creation of "Sand Boxing" spaces » with testing and support systems, new financial services or business models practiced in real conditions.

These must be subject to specific oversight and monitoring. The integration and interoperability of payment platforms are also necessary prerequisites. The establishment of an EdThec ecosystem allowing access to better quality education and the support of the reform of this sector by strengthening the notion of public procurement in terms of innovation, as well as by accelerating the development of digital learning solutions within the framework of the public-private partnership, and also the establishment of a HealthTech ecosystem essential to succeed in the project of generalizing social protection, through the adoption by the line ministries of an open innovation approach. All this must be accompanied by the digitalization of all administrative procedures. This is a project that

we will benefit from accelerating together.

In addition, Morocco is lagging far behind in terms of tech financing and the development of innovation, which goes against the Kingdom's economic and geostrategic weight on the African continent, which should normally place it among the leaders in this field.

In 2021, more than \$5 billion was raised by startups in Africa. Startups from countries like Nigeria, South Africa, and Egypt managed to raise \$1.8 billion, \$832 million, and \$652 million, respectively, in 2021. In Morocco, only \$33 million was raised by startups, or 0.6% of the total amounts raised in Africa.

Knowing that Morocco represents 4.4% of the African economy. This observation should be of

of "business angels" through tax incentives or by promoting the development of a venture capital industry capable of attracting international investors and establishing Morocco as a real continental hub. This is tantamount to exempting investment funds from VAT on management fees in order to be in line with international practices. It is also a question of increasing the tax-free investment ceiling to a minimum of 2 million dirhams. Indeed, the current ceiling is far too low and the implementation mechanism far too complicated to attract private capital from this asset class. This also means acting for foreign exchange regulations in favour of international start-ups and the investment funds that finance these start-ups.



concern to us. There is also increased competition among different African financial centres that are seeking to position themselves as technology hubs and attract international investors and talent, while deploying incentives to retain and prosper them.

At the top of the list of these technology hubs are Nigeria, Kenya and Egypt; Morocco is in 12th position.

Morocco's new development model addresses these issues. There is an urgent need to make innovation and technology levers for sustained, sustainable and inclusive growth.

To achieve this, improving access to finance is essential. We must encourage the investment

The last issue I would like to mention is the digital skills gap, particularly in application development, artificial intelligence, digital content production and data processing.

With nearly 230 million jobs in Africa that will require digital skills by 2030, the loss of tech talent has become a major issue. Every year, 70,000 skilled professionals leave the continent.

Morocco is the first country in North Africa and the second in the MENA zone, after Lebanon, to suffer from the phenomenon of brain drain. 600 highly qualified engineers, the equivalent of graduates of three or four engineering schools, leave the Kingdom each year with a need for specialized profiles in digital technologies

estimated at around 15,000 per year for the next few years and expected to reach more than 50,000 per year by 2030. Morocco has no choice but to develop the training offer in this area and to work to retain this talent.

Faced with all these concerns, great opportunities are presented to digital players who wish to develop. The consequences of a more assertive regulation of the GAFAMs in the USA and in the European Union will allow for healthier competition and the opening of new markets for emerging solutions.

Ladies and gentlemen

Despite the still timid development of the national digital sector, the General Confederation of Moroccan Enterprises is convinced of the potential offered by this new economy. We will not fail to work, in collaboration with all public and private stakeholders in the ecosystem, to set up a framework for action favorable to the development of tech in Morocco, because this is also where our future is at stake.

Thanks again to the organizers for bringing together in Marrakech so many eminent personalities and leading experts from several countries, specialists in economic regulation, particularly that relating to the digital sector. I am convinced that the report of this work will be a valuable reference and we are ready to work on the basis of the conclusions of this conference to further strengthen the competitiveness of our companies.

Thank you for your attention.

Panel Intervention :

At CGEM, we have APEBI, which is the Federation of Information Technologies, Telecommunications and Offshoring. We also have a specialized commission that is dedicated to digital development. As I said in my remarks, the potential is very significant. We need to create digital ecosystems to be able to have future startups in Morocco.

There is not yet the environment for startups to emerge in our ecosystem. It's important and

we're working on it. There's also the fact that, as you talked about regulation, when you see what the GAFAM represent, it's frightening. If we look at GDP, they are in third place after the United States and China.

This shows the strength of these digitally savvy companies. We can only salute the regulations that have proven their worth, whether in Europe or in the United States. Now, we are in the process of suffering from these large companies that do everything to avoid the tax authorities and also keep a stranglehold on the digital sector.

Currently, we are very close to Business Europe and we have quite a few relationships where digital is part of the ongoing discussions, especially with African bosses. Less than a fortnight ago in Morocco, I received about thirty African bosses with whom we also shared the opportunity that digital represents.

Now we have a lot of catching up to do. This is not a pessimistic observation. On the contrary, it's a niche where we have to put ourselves because it's happening very quickly. It's even going too quickly for someone like me who isn't very into digital. I see that things are moving at an appalling speed.

Earlier, I heard Mr. Frédéric Jenny talk about the artificial intelligence that has adapted to poker players and that has been able to bluff them. I was blown away! I can also tell you, just so as not to spread too much space, that we are also subject to all the artificial intelligence in the markets and that all the people who are on the markets, whether they are commodities or foreign exchange or equity markets, now note that it is the machines that take things in hand. I think we need to regulate all of that.

Thank you.

M. David **SEVY**, Executive Vice President of the French branch of Compass Lexecon (France)



To begin with, I would like to extend my warm thanks to the conference organizers, to the Competition Council and its President, and to the other organizers for honoring me with the opportunity to contribute to these discussions and present a viewpoint that will be that of a practitioner economist, thus involved in various matters.

I've worked in the digital field for some platforms. I also have colleagues who have worked in this field, which is normal when I am a consultant and not the regulator. I am not going to go into the details of the cases in which I or other colleagues have been involved. Instead, I'm going to take an economist's perspective to come back to some of the points that have been raised by the previous panelists, and in particular in the very stimulating presentation by Mr. Frédéric Jenny, and perhaps provide some counterpoints on certain aspects.

The first thing that stood out and was important in this presentation was the notion of contestability which is at the heart of the DMA. And what exactly is contestability here? It's the idea of saying that, especially in sectors of the economy that are innovative sectors, what

is important is not so much the fact that there may be positions at a given moment that are relatively strong positions, possibly with forms of market power with levels of profitability that can be quite substantial. What is important is that there is dynamic competition, that there is innovation, that there is replacement and that new entrants who come in, with good ideas and good products, can replace the existing operators. Short-term rents represent, in a way, an incentive to innovate. This is the rent for which new entrants will fight in a form of merit-based competition around innovation.

However, what happens is that when we look at the platform economy and all the elements that have already been mentioned, this notion of dynamic contestability does not work, or does not work so well, and this, exactly for the reasons that have been mentioned. Indeed, forms of inertia will persist once the positions are settled. These forms of inertia will be linked on the one hand to competitive advantages linked to the importance of economies of scale. You invest essentially in platforms, in IT, in programs, you have development costs, fixed costs that are relatively important, but if you can distribute this to a very large number of users, obviously you are very competitive, as opposed to an entrant who would only have a limited user base.

Secondly, network effects also which have been widely discussed. Network effects between users of the same type, but also and above all cross-network effects with users of different types. Users like you and me, at one end of the platform, advertisers who will be present, content providers, application developers, and in fact, it is the joint presence of all these groups of users on a platform which in some way makes it interesting and which is the reason for the existence of the platform. But of course, it pushes you to concentrate. This leads to a congregation of different user groups around the same platform, and what does that mean? This means that for a new entrant who is looking to

grow, he is faced with a very complex problem to solve, because he should not just be able to seduce a phase of the market and be able to seduce customers or users like you and me, but he is called upon to seduce users, app developers and possibly advertisers to build their own ecosystem and have a model that is a viable model. It's very difficult. It also means that it will face coordination problems. This means being able to come up with a platform or a proposal that is very interesting for some users and not others, whereas if you don't manage to get everyone, you won't be able to grow. Hence the fact that even if we have a product that can be, in a certain way, superior, the scale effect, but especially the network effect, will lead to inertia in positions and in a way, this will reduce the potential for merit-based competition simply around innovation.

In a way, this is part of the almost structural characteristics of the sector. Now, what experience has revealed and shown, at least what a number of cases of competition have shown, is that alongside all this there are also behaviours and therefore behavioural reasons why there could not be this dynamic competition.

A certain number of strategies that are targeted have already been mentioned, but it is interesting to recall them and above all to emphasize that these strategies are deployed in a parallel and concomitant manner and that they reinforce each other.

There are development-type strategies where a platform that is already endowed with significant funds because it has users and advertisers and derives revenue from all its existing activities, can develop into a new activity by offering the service with conditions that are particularly attractive.

You aspire to attract users from other platforms that only have a certain type of service, to live and to be profitable, and who are not able to keep up with what you offer in terms of economic conditions.

Secondly, if you can attract users of these new services, you have the possibility to bundle with

existing services.

You will be able to access a paid service, but to access this paid service, you will have to use the payment application which is the one of the platforms and not another. This, of course, reinforces the services that are the installed services, increases the monetization potential of these installed services and locks in other potential companies that would have an interesting proposal in terms of service.

The third thing when we talk about services is that we have platforms that have proprietary services, platforms that have third-party services. Every platform has services that are at the core. "Core services" is also one of the important concepts in the DMA: there are platform services that will be used for access to own services and third-party services, hence the question: is there equity in the use of "core services" or on the contrary, can there be leverage effects? In particular, can there be effects of favouring one's own services? and it is the famous "Self-referencing" that was at the heart of the Google Shopping affair and which appeared as one of the prohibited behaviors in the context of the DMA.

All of this contributes to reinforcement effects that are quite significant, because you promote your own services, you are better able to monetize, you have more users and at the center of these "core services", there is often information. So you have information that's richer, broader, and better. This helps to strengthen your competitive advantage and better monetization vis-à-vis advertisers in particular. In a way, there is a rather relentless mechanism of strengthening existing positions. To echo something that has already been mentioned, not simply strengthening in a given market, which is the type of classic concerns that we have in competition law, but through a whole set of markets, with the creation of positions that are conglomerate-type positions.

If we talk about all this and if we say to ourselves that, because of both these structural elements and these elements of



behaviour, there is no finding of stability in the dynamic sense of the term, it means that we do not have the expected corrective effect of competition on market positions and on rents. We are then faced with a classic case of market failure that justifies ex-ante regulation. For me, there's a question that's interesting: Why did it take so long to get there? There are reasons, good or bad, for this. Obviously, there are institutional reasons and there are also other reasons that must be kept in mind, which are also related to the efficiency effects that we encounter with these large platforms.

First of all, the primary function of many of these platforms is to facilitate transactions, and matching between different phases of the market. You are all the happier as users if you have a very wide range of services offered to you via a platform. There is therefore a primary function which brings efficiency and which must never be lost sight of and which also enables a certain number of players to subsequently have global access to the market.

There is also another aspect that is perhaps a little more controversial, but which we must not lose sight of, namely the disruptive aspect, because these platforms, which are certainly protected and have built bastions around a certain number of services, are nevertheless developed on other services and have brought competition where in the end there may not have been much.

I'm going to be a bit of a polemicist on purpose, knowing that the point I'm going to

raise will be debated in another panel. In the banking sector, for example, the introduction of everything that is a digital payment system is an interesting development that has led banks to evolve their own payment system and, moreover, has allowed them to do so without even being in the classic situation that banks faced before. Indeed, whenever they wanted to introduce an innovation in payment systems, it had to be discussed between the different banks and submitted to the competition authority, which could raise its eyebrow at the type of cooperation that was envisaged in the context of this type of project and in any case, which could ask for a certain number of guarantees, whereas in this case, the banks that now want to jointly develop new payment systems can quite naturally invoke the fact that they are facing competition from players who are major players.

We now have the DMA, which has entered into force and will be tested in the months and years to come, obviously with aspects that are useful and sought-after, namely the ability to intervene in a timely manner, where the traditional intervention of competition law could take a long time and could seem relatively ineffective. Rather, the DMA was presented as a complement to competition law.

I believe there are friction points and interaction points that are interesting and that we will have to follow. The first thing has to do with the very definition of platforms. We are in an exercise that is not necessarily very far or

completely detached from the exercise of determining the relevant markets, but for all that, it is not exactly the same thing and there will not be exactly the same discipline. I think that this will then have an influence on the way in which, subsequently, traditional competition policy and digital sector issues will be monitored, because there will already be a framework that has been laid down and a number of questions that have been raised. In any case, it seems quite obvious to me that a Gatekeeper will start with a presumption of dominance on a market that would be defined in a classic way.

Then there's a long list of "Do's & Don'ts" that are associated with the DMP. I'm not going to go through them all together, but there are some of these obligations that, at the very least, raise questions.

There is everything that is the fact of wanting to completely separate the data between the "Core services" of the platform and the other services of the platform and/or the use of third-party data. We then move towards a system of silos by saying that we should not give too much strength to the platform by combining all its data. However, we must also remember - and this is a challenge - that it is this combination of data that allows us to have better information and also to improve services. I think there is an interesting point to follow here and one that does not seem obvious to me at all.

Second thing, "Self-referencing". It is therefore a very strong, ardent and not at all obvious obligation to honor because it implies that we must also be able to get into the algorithms and understand what is happening there and including in the monitoring seems to me he from Google Shopping. This is not completely obvious, especially since we are working to impose something very strict on the major digital players who, under no circumstances, could grant an advantage to this or that type of service, nor to their proprietary services. If we take a step back, this basically resembles a situation of vertical integration in which the company, which is vertically integrated, is forced

to offer this service under conditions strictly identical to those that the vertically integrated company has. We can see that it is not obvious from an efficiency point of view either.

With regard to the generic remarks that the DMP may give rise to, the first relates to the fact that it is a series of rather long obligations that arise from fairly specific cases, each with its own characteristics, but which, in the end, will lead to this long list of obligations that will be imposed on all actors, regardless of their particular nature. This goes back to what Frédéric Jenny said earlier, when he said that we don't have a single variety of players in the major digital platforms. We have different models, but we also have different competition issues. So, the "One size fits all" raises questions in itself.

The second thing, and this is a major question, at least for economists who practice competition law, and I hope that this is not a step backwards; It's a matter of saying that we're going back to past rules and that these rules make sense in the digital field, given the situation we're in.

But what we have to see is that European competition law and all competition law has evolved over the last 20 years by deciding that we are not going to look at many circumstances of the past, do it on a case-by-case basis and look at the real economic consequences of this or that type of practice. Bundling is neither a bad nor a good in itself. It is necessary to see under what circumstances "Bundling" is practiced and under what circumstances it is used. It is on the basis of a detailed examination that conclusions can be drawn. When we look at this aspect of regulation, and in any case it is a large-scale experiment that is going to be launched, we will see what the results are. But, as an economist working in competition companies, I tell myself that it's just impossible for us to have a strict complementarity simply, and for us not to have side effects between this regulation and the way competition law will be practiced in the digital world, but also in other sectors, because there is also the imperative

of consistency in the decision-making practice of the authorities.

The last thing I'd like to end with, and which is perhaps also more relevant to the whole issue of the innovative small business ecosystem, which is partly a non-DMA topic, but which remains an equally important topic, is that of predatory acquisitions. This is a subject that has caused a lot of ink to flow as we ask whether we should strictly prohibit acquisitions made by large digital platforms regardless of what the acquired companies are, or allow these acquisitions in exceptional circumstances.

What is interesting to note is that academic work is starting to emerge now and says be careful: these predatory acquisitions also have an effect on innovation, including on the way in which small innovative companies contribute to innovation. For what? Because there are acquisitions that happen at a very premature stage, before small companies even have users. There is such an expectation from users and application developers that in any case, if a small company comes up with an interesting proposition, it will be bought by a large platform. We will then use it on the large



During the debate, a reason has been put forward that we are dealing with a situation of concentration. This is the case for platforms that have become too large, all sectors combined, and will therefore have to stop everything. It could be a vision, but as an economist, I confess that it is not the vision that I would favor. There's another one that I think is more interesting, which is around innovation, because big platforms are also an exit point for small businesses.

We talk a lot about FrenchTech, for example, in France. You can have an innovative sector with, for small companies, the prospect of being acquired by large platforms, knowing that all development efforts are dependent on this possibility of acquisition, which stimulates innovation and makes it available of the greatest number.

platform and we will develop the necessary applications when it is on the large platform.

This means that the small platform remains at the project stage. It doesn't have any customers and it doesn't have any users. So, large platforms can buy them back in circumstances where they don't pay as much as if smaller platforms had been able to grow. This is interesting because there is an exit mechanism, but this exit mechanism is activated in such a way that large companies do not pay as much as they could or should pay for the acquisitions of small innovative companies. In fact, this constitutes a brake on innovation rather than an incentive for innovation and I find that it is an interesting perspective on this subject of "killer acquisitions".

Thank you.

ACTES DE LA CONFÉRENCE

PANEL 2

REGULATION OF SERVICES



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M. Alberto **BACCHIEGA**, Director for Information, Communication & Media
(European Commission)



Thank you so much. I would also like to thank the organisers of this conference, for the very interesting topics covered, for the very high standard of the speeches and also for the warm welcome we received and for the magnificent location of Marrakech, which is truly incredible.

So, I would like to speak about the DMA for a change. I'm in charge of the group who is tasked with the implementation of the DMA these very busy days. We are getting ready for it. As you know, it entered into force just a few days ago last week. As Mostapha has mentioned, I would like also to start to say, what is the rationale? What is the context in which the DMA was conceived then, give very briefly the main architecture of this regulation. A lot has been said already and then talk also briefly about the obligations of gatekeepers and then how we are preparing for enforcement.

So, the context is a worldwide reflection on whether competition law is sufficient to address the challenges raised by digital players. For me, the first consideration here is that regulation is nothing new in the economy. A large part of our economy is regulated, and, we are very used to it. Some part of the regulation in the economy actually was inspired by competition intervention in the past. Think of telecoms in Europe 20 or 25 years

ago. Think also of energy.

There are also other areas in the economy that are very heavily regulated looking at objectives also different from competition, but still of at most important: financial stability for financial services and safety for healthcare and medicines. So, in a way we are not doing anything new because we are just bringing a sector whose importance has grown immensely in the last 25 years into a frame that is a normal frame in a regulated type of economy, free but regulated type of economy we live in.

This has been a main consideration together with the fact that the typical intervention from competition enforcement style, which is, as it's been mentioned, ex-post and looking at individual cases and individual conducts what is has been perceived are no longer sufficient to deal with issues that are actually systemic and for which exposed intervention risk to come too late, and when the world has moved over again.

In Europe, there was a very strong consensus for a need for a new ex-ante tool to allow for effective enforcement in digital markets, and the consensus is so strong that both the Digital Markets Act (DMA) and the Digital Services Act (DSA) actually went through the legislative process in record time. I think it was 14 months for the DMA and even less for the DSA that for the standards of the rather complicated legislative process we have in Europe, it is very, very fast.

So, the identified problems were already mentioned. It is not worth spending a lot of time on it. But we see that there is weak contestability of platform services. We see network effects, barriers to entry, the very important role of data as it contributed to the fact that established platforms are not challenged sufficiently by innovators.

Also, there is a certain track record of unfair practices from the dominant platforms, what

we call nowadays gatekeepers, vis-a-vis business users. And also, the other thing we saw that the need was also leading to intervention at a national level in Europe, and there was the risk of a regulatory fragmentation that would not have benefit, neither the authorities nor the companies.

So, this led to the decision to have regulation at European level, to address the market failure, to ensure contestable and competitive digital markets, and to prevent some of the gatekeepers' unfair practices and also to enhance coherence and legal certainty. So, there has been some discussion about the complementarity between DMA and other set of rules. The conception of the DMA is to be complementary to other rules, to the toolbox of rules, that is to address an issue of fairness and contestability in the digital market, and that's absolutely about EU competition rules and the application of Article 101 and 102, their national equivalence, but also other rules that defend the legitimate interest of citizens, consumer protection or the unfair competition rules, the data privacy rules as well.

So, we see the DMA as the systemic response to problems that have been raised through competition enforcement or that have been detected to competition enforcement, but certainly not a substitute for competition enforcement. We hope that the main of the cases that we have done in the past, we will not to do many more, because they are dealt with ex-ante. But certainly, competition enforcement will remain of utmost importance to guarantee fairness in the digital markets.

Now, the main architecture of the DMA, I think is known to almost everyone in the audience, so I don't want to spend a lot of time on it, has been mentioned earlier. It is a clause list of what we call core platform services.

As you know, it is true that the architecture that has been chosen in Europe is rather of having a clause list rather than having a more open type of list. And the dialog with companies as it is in the proposed legislation

in the UK, for example, it is also true that these are different models with pros and cons, and it is very true that time will tell which one is more effective.

I think what we see as a benefit for having a very clear list of do's and don'ts and the very clear list of companies to which these do's and don'ts apply and to for what services its legal certainty its transparency, to some extent, is also to reduce the possibility of regulatory capture, but it's also to respond to a demand of clarity from the industry, from the companies themselves that need to know how they to change their business model, how to adapt to the new regulatory environment.

In this, I think the European Union as the first mover advantage because is the first comprehensive set of legislation that is being adopted worldwide. It's an advantage, it's also a risk. We also have the risk of the first mover and probably we will also need to test this. And as a regulation, there will be a point in time in which regulation need to be revised, need to be adapted.

And in fact, this list, it's true, is closed, but is not meant to be closed forever. Again, if we look at the past of regulation in financial services, for example, it's a long, long history of regulation, putting rules, businesses adapting to regulation, sometimes businesses inventing ways to do what they want to do, and sometimes circumventing regulation and regulation catching up and adapting to this environment as well.

So, this is a leaving environment. It's not changeable at will. The list of core platform services will require an amendment to the regulation, so the full legislative process to be made, but certainly not to be excluded in the future. So, this was also mentioned in a previous slide. This is basically who is the gatekeeper, and here the intention of the legislator is very clear.

There are some characteristics that gatekeepers have. These are the requirements on the left side and there are some very clear-cut easy presumptions of how these



characteristics are met.

As you see, discussion of who is an active user: do I really have 10,000 business users? Do I really have 45 million business users? gives right to some discussion with some potential gatekeepers, but by and large, what we expect is this designation of gatekeepers to be a very quick and, let's say, straightforward exercise.

As you see, the presumption is rebuttable, which means that we have presumption very clear figures, we may get it wrong. So, the system allows for potential gatekeepers to say, look guys, I meet the threshold in turnover, I meet the threshold in market cap, but there is something wrong in these figures. These figures really don't tell you the reality of my position. And there is a whole system that allows the commission, first to see whether there is any merit in these requests for rebuttal, and if there is a merit to do actually a more in-depth market investigation and to see if the arguments of the potential gatekeepers are valid or not.

I think one point that is important here is that the rebuttal will not be the door open to do what the DMA is supposed to avoid or not to have to deal with.

It is not the way for starting a discussion about what the market definition is and if the DMA is dominant or not? It's not the way to go back to competition type of analysis. And I think this is also very important to keep in mind that the implementation of the DMA will be something

very, very different from competition enforcement.

To start, the legal basis is very different, but more importantly, the logic of the DMA is very different. And actually, we don't want to enter into discussions that pertain to competition enforcement. These are these are not concepts that will be translated into the DMA application.

This work has been done in a way by the legislator. The legislator has decided which are the services and which are the companies that are subject to regulation. So, it's not a work that we need to do, it's a work that we need just to ascertain if the conditions are met.

There is also the possibility to designate what are emerging gatekeepers. So, these are companies that don't meet the thresholds that give a presumption of that they are gatekeepers, but there is a dynamic that they would become gatekeepers. As we all know, these are markets that are subject to tipping. So, there is also merit to preempt the fact that they would become gatekeeper and that the tip occurs because to reverse the tipping of the market is very, very difficult enough to impossible.

So, there is a possibility again to do a market investigation for companies that are not yet gatekeepers and to say these have the potential to become gatekeeper, which is absolutely fine, that they grow, but they shouldn't take the same characteristic of gatekeepers in terms of closing opportunities

to other businesses or to taking advantage of their position.

And in fact, for emerging gatekeepers, only a subset of the obligations will apply, and basically there are obligations that are required to ensure contestability of their activities under the markets in which they are dealing. So, the obligations of gatekeepers, the list is pretty long, are more than 20. The main principles that will guide us are that we try to be as precise as possible in describing what the obligations are and always bear in mind the objective to guarantee contestability and fairness, to have obligations that are directly applicable and only limited possibility to have an exception and obligation that are directly implementable.

So, the burden is on the gatekeeper to implement these obligations. It's not for the Commission to issue a decision in which is specify as we would do possibly at the end of an antitrust proceedings, what the gatekeeper can do and cannot do. It's for the gatekeepers to actually say how they will comply with the DMA.

Obviously, this doesn't happen in a vacuum. It's already for several months we have been discussing with potential gatekeepers. They have a very legitimate interest in having a clear understanding of how they need to change their business model and their processes also, because it takes time and the timing of the DMA that are there is rather short, but the burden of proof is on the companies, not on the commission.

And for this last bullet indeed, from the moment they will be designated the gatekeepers will have six months to ensure compliance, and they tell us (and this is a very good argument), six months is a very short time in order to change their system.

So, obligations again, here are some examples. Some were mentioned also in the discussion before. We have data related practice like such of data silos and perhaps one consideration of data silos, there are two aspects: One is an aspect about privacy of

individuals and data protection. The DMA makes reference to that. It's coherent with data protection, but it's not the instrument to ensure data protection.

And in an event, any provision in the gatekeeper about data for individuals is based on consent, which is the same concept that is in DG PR. So, I don't see the DMA as an instrument that will actually reduce the possibility of companies to use data efficiently. It just confirms what is already in the European philosophy as an instrument where, first of all, individuals are owners of their information and they decide how much they want to share their information with companies. And once they agree to that, companies are ready to use it in the most efficient matter.

I think the focus of DMA is perhaps more on the data on the business side and basically it depends on the concept that data that is shared with the platform by a business, is not the ownership of the platform but it's the ownership of the business, and the business have the right to have this data and to be able to use it. Of course, if they have consent from the owners of this data, which are typically individuals and is not the platform has not the right to use this data, if it's not data that they generate and those are not the right to prevent the businesses to receive and use this data.

Then there are neutrality provisions such as self-references, which have already been mentioned. I don't think we need to spend a lot of time on that. And there are provisions to promote multi-homing such as anti-steering basically in an ecosystem the developers of a specific app, nowadays cannot tell their clients: if you want to have a subscription with me, here it costs for example \$13 and if you go to my website, it costs \$10. It's something that is prevented now. We don't think that is right and that is a provision of the DMA. That includes this multi-homing and will also include the possibility for alternative app stores to be present on ecosystems, on phones, for example, something that is largely precluded today.

And then, there are advertising related to practices and this is practice basically to open the black box that often is there between the advertisers and the publishers, the people who actually have the website with the space where the ads are placed and to give them the possibility to understand how effective their advertising is and how impactful it is. Also, transparency regarding the pricing of

for startups to have an exit strategy, but I think is a bit of a trap to think that the exit strategy is to be bought by big tech.

The exit strategy should be to be bought by someone else that wants to challenge the big tech. It should be an IPO (Initial Public Offer). And this type of competition is the real disruptive schumpeterian competition that can



these ads which is largely missing today.

Another point that was discussed earlier is that the obligation on gatekeepers to report about any concentration involving their call platform services or other services in the digital sector. So, this goes beyond what are the current notification thresholds at the EU and national level.

And this is also stands from the fact that acquisitions from very large gatekeepers need to be scrutinized more, more in-depth. And then, it was very interesting the remark regarding killer acquisition and the fact that for innovative startup, the exit strategy sometimes or often is being bought by a big platform. Actually, for me, this should not be the case because if a startup as they say, may exit strategy is to be bought by a big platform, they will never challenge the big platform. They will never do something disruptive. They will never do any innovation that is no other than incremental to what the big platform does, because the big platforms are not interested in innovation that really threaten their ecosystem. And in fact, it's very important

bring the long-term changes in the market. Otherwise, we have to resign ourselves to only incremental innovation and only innovation that is compatible with the market situation that is there.

Now, quick words about the governance structure of the DMA: The European Union is a rather complex system of division of competences between the central level and the national level.

As you know, Article 101 and 102 are enforced both at European level and at national level, and there is a whole system of communication, allocation of work and discussion that we have in place.

For the DMA, the European Commission is the sole enforcer of the regulation, which is also first typically, the Commission or the European Union produces legislation and regulation for the member states to implement. Now we made it and also, we have to deal with it. So the pressure is on us. But this doesn't mean that we will not work together with national competition authorities and regulators and national level.

Actually, to the contrary. There is institution in DMA, there will be an advisory committee and also a high-level group that will help steer the high level questions regarding to application to the DMA for the high level group and the advisory committee will also be heard for decision in specific cases. And also very importantly, member States can, some are doing it, empower their national competition authorities to investigate into possible infringements, into the DMA, to help the commission in monitoring, to initiate cases to detect noncompliance. This requires legislative changes in national level, but it's certainly something we are very much looking forward to.

And the last slide for me is just a reminder of the timeline. Now we are just entering to force. It was on the 1st of November. Gatekeepers have six months to basically notify if they are gatekeepers, if they meet the quantity thresholds and what the core platform services are. And from then, we have 45 working days to designate them through a decision that will take us toward September 2023 and then gatekeepers will have six months to ensure compliance.

So, we should see changes in the market starting spring 2024 and we are very much looking forward to that.

Thank you very much.

Second part of intervention:

Again, for implementation, the burden is on the gatekeeper. That is for the gatekeeper to put in place all the changes that are needed to comply with the DMA and their deadline, as we see now, will be spring 2024 and the role of the national authority will be manifold and there will be monitoring of compliance, whether compliance is actually effective in that the national competition authorities can be very useful in complementing the monitoring that the Commission does. But monitoring of compliance is not a passive role, it's also an active role, it's also seeing where there are issues that notwithstanding the compliance still the goals of the DMA are not

met. So, there is also an investigative role that the national competition authorities can undertake and that is a detection rule then possibly to alert the European Commission of a problem for the Commission to investigate, but also if the national legislation allows and if the national competition authorities have the resources to do that, also to jointly investigate certain aspects of gatekeepers conducts. And then there will be instances in which it will not be at first evident whether certain content falls under DMA compliance or under antitrust compliance. And in that also the national authorities have their own powers of investigation under Articles 101 and 102, that they keep, of course, in full.

And they may also be that an investigation in the initial stage may be opened on a dual legal basis until that is clarified.

Moderator: Don't you think that the gatekeepers are working with their advocates and legals to find the way to avoid or to cancel this legislation?

Yes, I think gatekeepers as any companies, do the interest of their shareholders, and this is a very legitimate thing to do. I think the reaction of the day keepers is rather varied so far, but clearly, as with any regulation, I'm sure that there is a lot of reflection on how to implement the regulation, avoid the sanctions and keep their business model as intact as possible.

Some, I think, sit more and some even as an opportunity in parts, Gatekeepers may also be contested in some areas, so they miss an opportunity, but that's, in a way, the job of the competition authority, I would say, and now also the regulator to actually make sure that the law is applied in a fair and just way.

M. Amin **BENJELLOUN TOUIMI**, Director General, Poste Maroc Group (Morocco)



It is a pleasure to be with you today. As you said earlier, I am an observer.

Certainly, Barid Al Maghrib is an actor in the digital ecosystem in Morocco and we hope, and this is the purpose of such a conference, that our country can be inspired by European regulations. It is indeed important that we analyse what is being done today in Europe with a view to being able to adapt, as we did earlier, with regard to the 'eIDAS' regulation, which is also part of the digital economy.

Since earlier, we have been talking mainly about the DMA (Digital Markets Act). I would therefore like to add, and this is what I have been asked, by talking to you about the second regulation, which is the DSA (Digital Services Act).

These two regulations are complementary and it is very interesting to specify the objectives of the DSA first. I would say that the DMA and DSA aim to make life easier for users, by making the Internet a safer space for its users.

It is important to know that the aim of the DSA for the citizen is obviously better protection of fundamental rights, to give more choice to users, to be able to obtain better prices and, above all, we are going to talk about it because I think it is one of the important subjects of the DSA, to fight against illegal content for suppliers (operators). What's special about the DSA is that it's not just for

gatekeepers, but the scope is much broader.

Indeed, the DSA is much broader. There is a first level, and you will see later when we are going to talk about the obligations to which these intermediaries must subscribe; which obligations are graduated. The first level of stakeholders simply corresponds to infrastructure access providers, that is to say Internet service providers or domain name registrars.

The second level, to which the DSA regulation applies, concerns hosting services and we know that there are giants, particularly in cloud services and web hosting.

The third level corresponds to the platforms and here we see the complementarity with the DMA. European regulations have distinguished these platforms into two levels: level 3 and level 4.

Level 3 is all those online platforms that connect sellers and consumers, including e-commerce platforms, marketplaces, etc.

European regulations have also distinguished very large platforms for which much greater obligations have been imposed. It's these very large online platforms that make up Level 4. There is a definition to distinguish these very large platforms. This distinction is based on the number of users, which is about 45 million. Quite simply, we are talking about 10% of the population of the European Union.

Digital transformation is one of the major objectives for the postal sector. At its last congress, the Universal Postal Union (UPU) recommended that all postal services work on this digitalization and this is what we are doing.

As you said, we are actors in this digital world. Let me remind you that Barid Al Maghrib was the historical operator for the certification of electronic signatures. Maybe this is an opportunity to talk about the regulations on this subject in Morocco, and then I will talk to you about the work we are doing to take advantage of digital.

We are therefore a digital actor through electronic

certification. We have been pioneers in Morocco since 2011. There was 53-05 law, which governed these elements, and recently, there was a second law that has not yet come into force, which is Bill 43-20.

I know that this is not the purpose of our debate, but just to say that on this important aspect of the digital world, which is the fact of creating trust, we are operators and we are governed by the laws I have just mentioned.

being able to remove it from these platforms. With this regulation, things are changing. It's a good experiment.

In Morocco, we need to learn from these experiences, whether they are those of Europe or that of Great Britain after Brexit (we talked about this this morning). We have also talked about other regulations that go in this direction.

I would also like to say that even in China, there are regulations that are now being made to



You said that Swiss Post Office has gone digital. We had no choice. Traditional mail has dropped a lot. I would even say that with the COVID-19 pandemic, there has been an acceleration of this decline. What I am saying here is valid both in Morocco and throughout the world. Of course, traditional mail is decreasing, but thanks to digitalization, there is a much greater rise in e-commerce, which is becoming a major sector for the postal business.

To answer your question, we have digitized first to reduce our costs since this is an important element. In addition, we have developed parcel activities and we have put in place the means to ensure that our processes are increasingly digitalized.

Personally, I think, like other Moroccan actors, who are observers, we had a very interesting idea about this regulation, especially European regulation, whether it is the DSA or the DMA. Before I come to this conclusion, I believe that the DSA is an important regulation in the fight against illegal content. We've seen how you can get anything out of these platforms without

fight against the big platforms, the BATX (Chinese equivalent of GAFAM).

In my opinion, what would be useful for the Post Office in terms of competition, and not only for the Post Office by the way, is to start with a regulation ex ante, and then put in place as soon as possible, a regulation to be able to protect users, whether it is the users who are with us at the level of the Post Office or in all sectors in Morocco.

I would like to thank the organizers very much. I think that the debates we have had this morning provide a lot of information to be able to think quickly about Moroccan regulations. In fact, I spoke earlier about the eIDAS regulation, which inspired our regulation on the electronic exchange of legal documents.

Therefore, our priority is to be able to move forward and take advantage of this platform. Once again, I would like to thank the organizers.

Thank you.

Katarzyna ARACZEWSKA, Deputy Director, Department of Consumer Protection, Competition and Consumer Protection Authority (Poland)



Thank you for having me here. I can address DSA from consumer perspective. I think it has many pros, but it's not a perfect regulation, I'm afraid. The good thing is that it addresses the digital asymmetry between the consumer and the trader. We've discussed already today extensively the reasons for that asymmetry.

New technologies give traders a lot of advantages, and unfortunately, they not necessarily give these advantages, to their consumers. So, it's like in the example of chess algorithms. We play this game. But no matter how much time we dedicate, even if we read the terms and conditions, if we are very cautious when we are using a website or application, we cannot win because as consumers we are not aware how the algorithms are designed.

We don't know whether the price we see is a result of profiling, why we see certain recommendations of products and whether they are in fact the best possible recommendations. So, DSA should address these problems, and it slightly changes optics from previous consumer protection legislation because traditional consumer protection legislation imposed a lot of pre-contractual obligations on the traders.

So, it was information, information, information, and we already know that it's not effective.

Consumers don't read terms and conditions. And if they do read terms and conditions, they not necessarily understand them. And it's very important to change the way the Internet interfaces are designed. And that's what DSA wants to achieve. It's not necessarily a revolution, as it was stated before, it's more like evolution. It complements the existing consumer protection legislation. Some of the provisions are completely new. Like, for example, the obligation to establish representatives for the traders from outside EU in the EU, and some of them are just shortening the path for the enforcers. For example, we have an obligation for the platforms to allow for the traders to fulfill pre-contractual obligations.

And it not necessarily means that right now there is no such obligations, but from enforcers perspective right now I would have to enforce it in a different and more difficult way. For example, using the unfair commercial practices directive. So, I would have to prove that it's contrary to professional diligence for the platform and not to make the space for pre-contractual obligations. Then I would have to explain how it affects consumers and I would have to establish an average consumer model.

So, it's pretty complex right now, possible. So, I agree with what you said before that it is possible for the authorities to actually work on what we have right now to impose solutions that address the current problems using the current legal framework, and when it comes to consumer protection, it's possible as well. But it's a bit complex in some cases. So, the DSA should shorten the path for US enforcers. But unfortunately, it's quite limited because first of all, it's limited to platforms and platforms are not the only traders on the market and not the only traders who have significant economic power. So, that's the first limitation.

The second limitation, a very significant one, is also that it's also mainly limited to Internet interfaces. So, for example, when we see a dark



pattern that's outside a website or an application, for example, when the consumer receives an email from the trader and there is a dark button, even if the trader is a platform, we will not be able to address this practice using DSA.

We also should have in mind that the provisions of DSA are pretty broad and pretty in general, and it can be a good thing because it leaves a lot of space for the consumer protection authorities to impose pro-consumer interpretation. But it also leaves some doubts, and probably it means that we will need some guidance from the European Commission and as soon as we have them, it will be easier to enforce. But until then, we will have to do it on our own.

And I think the biggest challenge when it comes to DSA is how it fits into existing legal framework, because as I said, it complements it. So, we have to apply both DSA and the previous legislation and one of the biggest successes of DSA is the first explicit prohibition of dark patterns. It's a very important provision.

The problem is that when we look into this provision, we find an exemption and we can use this prohibition as long as it's not covered by the UCPD Directive (Unfair Commercial Practices Directive). What it means, from my perspective as an enforcer is that I receive this new piece of legislation that should allow me to apply it directly and to fine platforms for breaches consisting in using dark patterns.

But if at the same time I could use and apply UCPD directive, I cannot use the new legislation. It doesn't make much sense. And it's very confusing because if you want to make a consumer situation easier or better, when you want to shorten the path of enforcement, why put this exemption? And if we look closely in the list of dark patterns, because the DSA has delivered pre-examples, one of them is difficult cancellation. So, if the procedure for terminating a service is more difficult than subscribing to it, it can be considered as a dark pattern. But if we look at every report concerning dark patterns, we already know that this situation is covered by UCPD directive. So, for example, earlier this year, Amazon Prime changed its interface because of a discussion it had with Member States and the European Commission, and since the difficult cancellation process could have been an unfair commercial practice, the trader decided to shorten it to make it easier to unsubscribe from the service.

And, if we all agree that it can be an unfair commercial practice and at the same time it's listed as example of a dark pattern in DSA, having in mind that there is an exemption for UCPD it's not coherent. It's very difficult to apply it and it leaves us with more doubts than solutions.

So, I think it's a very good piece of legislation from one part because it addresses new problems in a way that it wasn't addressed before.

But there is a very big need for guidelines right now.

Moderator: Do you think that DSA is addressing more the big platforms? and do you think that it's enough to protect consumers from the dark patterns?

But as I said, it's a bit complex, so it would be great to be able to use different legal basis that would be easier and quicker and that would enable us to enforce it more effectively. And right now, I'm not really sure if DSA is fit for that purpose.



It's going to be tricky. I mean, there are solutions which are limited to platforms, and what we can do right now is use UCPD directive and the current legal framework and I think it's possible and it's been done in the past. For example, this year we issued a decision against Vinted. It's a platform used for selling second hand clothes and we noticed a dark pattern there. It was very difficult for the consumers to buy without a consumer protection fee. It wasn't clearly labeled what the path the consumers should take to avoid this fee, and we considered it a misleading omission. So, we used the existing legal framework.

I Think we should focus more on the consequences of new legislation and discuss it maybe more broadly and take some more time to evaluate it to be able to apply it, because we don't live in vain. We have to do it in practice. So, it's not enough to have a piece of legislation that looks nice on paper. So, we need to talk to each other. We need to talk between competition protection authorities, consumer protection authorities, data protection authorities and discuss what we can do with this piece of legislation and how to apply it.

And that's the starting point for us for the future. Thank you.

M. Krisztian **KATONA**, Vice President, Global Competition and Regulatory Policy at the Computer & Communications Industry Association - CCIA (USA)



First and foremost, I would like to say thank you again for the invitation to participate in today's conference. I think it's such a wonderful setting that I also have to add that digital markets, obviously, and competition, regulation, competitiveness, these issues, I think we all see have never really been more hardily debated and discussed than these days.

So, in that regard, I would like also, again, to congratulate the organizers of pulling this international conference together, and again, for the opportunity to participate in this wonderful discussion.

Back to your question Mostapha, when we think about the global context of what is happening internationally, I think in the previous panels as well, we've heard that there are a number of policy initiatives, of course, enforcement actions, but very importantly, legislative and regulatory proposals worldwide.

And of course, we've heard about the DMA in detail, the DSA as well. But there are a number of other jurisdictions, whether it's Germany, like in the EU, that last year through the 10th Amendment of the German competition law or to introduce some ex-ante regulatory framework last January. But we've

heard about other jurisdictions, Japan and a number of APAC and other countries in the world that are considering different types of ex-ante regulatory frameworks.

When it comes to broader trends, I also wanted to bring in the recent experience from the United States or what is happening in the United States, at least on the legislative front. In that regard, I just wanted to mention that there are currently a number of legislative proposals in the United States Congress that would focus on competition and regulatory issues in the digital economy.

None of these very importantly, none of these proposals has been adopted, and their future is very unclear. But a couple of points I want to mention about them, and perhaps the most famous or the one that is spoken most about, is the so-called AICOA bill, which is an interesting for American Innovation and Choice Online Act.

I will not go into details on the particular bills, but I would just mention that many of the bills highlight and provide a ban onto particular types of activities. One is self-preferencing, which in previous panels as well has to a certain degree been discussed. The other one is there is a certain ban for mergers and acquisitions for particular companies, a proposed ban for particular companies over a particular size.

And I just wanted to flag some of my key concerns in that regard from an industry perspective when it comes to exposed competition enforcement and you referred to the ex-post system of competition enforcement most of your previous introductory remarks. I think it's very important to think about what is the fine right balance between ex-post enforcement and ex-ante regulation.

When we think about ex-post competition enforcement, I think it's not surprising that many of the enforcement actions are very fact intensive. You know, they might be very complex

and there must be a detailed, case by case, analysis to review actual business practices.

In that regard, I think the most important and most crucial point I would underscore is that there needs to be specific evidence of demonstrable harm to competition when it comes to competition enforcement.

And when we are thinking about just an exclusion case, you know, a unilateral conduct case, it usually requires two main key elements. First, market power. So that the particular company, the particular player in the market would be able to suppress other competitors and other companies in the marketplace. But very importantly, it also requires some type of indicia of anti-competitive effects.

So, in that regard, market power and some initial anti-competitive effects go hand in hand in exclusion case. And the particular concern, at least with the proposals now in the United States Congress, that they are pretty much take the supposed harm for granted. There is no showing of actual harm to competition. The size of a particular company might in and of itself, based on the bills, would mean market power and also very importantly would be an index potentially for anti-competitive effect.

So, what does that lead or what could that potential lead to the broader competition and the broader economic digital system in the market? And I think it raises a number of important questions and concerns. The potential effect of some of these bills in that regard could also be related to self-preferencing. When it comes to self-preferencing, there would be this particular ban in some of the proposals.

And self-preferencing obviously has been a practice that is very prevalent and very present in a number of industries. Whether we think about shopping malls, supermarkets advertising, their private label products or whether it's in the banking and financial systems. Also in the health care industry, we see a number of different industries in which

self-preferencing has been particularly pro-competitive.

And when it comes to self-preferencing, potentially being anti-competitive, what we see is in the past, competition enforcement has been able to address that issue. If one thinks about the potential for suppressing, you know, nascent competitive threats that came up as I think part of the previous discussions as well. If we think about the US's famous Microsoft case, that really is a prime example of how competition enforcement is able to address those issues.

So, the bigger question is are we in this regard, taking demonstrable harms or harms to competition, in effect, for granted? And I think some of the bills that are being proposed in the United States Congress are raising those important questions.

One other thing I just wanted to add is from a risk assessment perspective for companies, for the industry, for antitrust counsel, general counsel, in particular companies, a key concept is what companies would be covered.

And I think we've heard in the keynote speech the detailed analysis with a DMA about which companies would be considered gatekeepers and what are those thresholds for that.

In the United States under these proposed bills, what companies would be so-called covered companies or covered platforms. In Germany, under Germany's 19 A section of the German competition law, what companies would provide, paramount significance to competition. But here, the really important point is how that particular list of covered companies can also change over time based on market factors and market characteristics and realities?

Usually when you see some of the proposed rules and regulatory frameworks now, they often target a small number of about half a dozen companies as of now, and these would be the covered platforms in a number of jurisdictions or in the United States under some of the proposed bills.



But when one looks into how that might change over time, you see significant differences based on the market capitalization language that these proposals provide. For example, in the United States earlier this year, NERA, the National Economic Research Associate, provided a very detailed analysis of what the proposed bills would mean for covered companies over time.

And in light of the current proposals, there would be about five or six or seven likely platforms that likely would come in as covered platforms or covered companies. However, what the NERA study also showed is that over time, just within a few years, about three or four years, the likely would be an additional about 13 companies based on market capitalization that would become covered companies under the bills.

And over time, by the 2030s, there might be additionally several dozens, potentially even 100 companies that would be added to the list of covered companies. What would then be the impact, the objective in that regard of some of the proposed frameworks and what would be the impact over time if you would have more covered companies and what would be most importantly, the costs and benefits of any type of a new proposal?

And then this I just would as my last point, I would just add, the newest study also looked into what the long-term costs of the proposals in the United States could be for the U.S. economy.

And they came up with the finding that it actually would likely cost over \$300 billion over

time, when it comes to how the particular proposals, theoretically, if they go through what they could cost for the economy.

And of course, if one thinks about costs and expenses, those costs would likely be passed on to the consumers. So, this raises the importance and I think the really important question of when it comes to any type of regulation that might have this significant impact, you really want to make sure that there is a detailed and comprehensive cost benefit analysis, and then when it comes to any new type of regulation that it would not harm based on unintended consequences, the broader economy, the innovation ecosystem and basically consumers in the longer term.

I think it's very important to see what are the regulatory requirements, what are regulatory frameworks in which innovation often thrives? And I think when one looks at the U.S. system, I would just step back for a moment in response to your question Mostapha, what really give it some thought in the sense of like how competition enforcement up to now has functioned and has been able to fulfill its role?

I think we really have to look at economies as part of a broader economic systems that obviously interrelate internationally as well. When one thinks about the U.S. economy or the U.S. system, I think it's not a surprise that you see many of the developments or many of the companies that have over time become successful coming out from the U.S. regulatory framework.

In that regard, what I really would want to highlight is if you think about how the fine balance between competition enforcement ex-post and ex-ante regulatory proposals and regulatory frameworks can interrelate, I think it's important to see that perhaps now, if you asked me about trends as well, I really see that there's perhaps a trend of competition agencies and competition enforcers stepping into the shoes of regulators, thinking that whatever potential topic, whatever potential issue, whatever potential concern can come up in the marketplace should be addressed even before it actually materializes.

And what I mean by that is the following when it comes to some of the regulatory developments and some of the regulatory proposals worldwide, I think you really see that in the United States, I would say the competition enforcement system has been able to address the key issues over time, whether it's related to the self-preferencing example in the U.S. Microsoft I mentioned or I think it was also mentioned earlier when it comes to say, M&A (mergers and acquisitions) here and then potentially addressing potential competition or killer acquisition points.

I think you really see that, and I really work like for 15 years of the U.S. Federal Trade Commission with a number of other global enforcers, what you really see is the dynamic, the discussion, the narrative has perhaps turned into something that competition enforcers lately should address more than just focusing on competition enforcement in and of itself when it comes to the broader role, what is the objective of competition?

I think we really see that competition enforcers should be thinking in the sense what has been the case, I think for a number of decades? Is that they are applying they enforce the competition laws showing that this is the particular line, that means the competition violation and companies and businesses should not cross that line when you know that happens, of course, the competition enforcers steps in.

Now, however, what I see is there is no particular

line drawing in that regard, which I think is a broader concern. And I think when it comes to the U.S. competition system, I think it has been successful and the U.S. has been able to produce a number of innovators, and in that regard, you know, the companies have become successful internationally as well, because the regulatory framework provided hotbed for those types of opportunities to actually go after and be able to reign. And then in that regard, I think that's the reason why the U.S. over the last several decades has been a very innovative economy.

I just wanted to follow up one more thing here, based on your question and previous remarks as well, that I think is so extremely important, which is, when it comes to digital transformation and competition and regulation and, of course, competitiveness, I think it's so extremely important for us to step back and actually identify what harm or potential harm we're actually discussing.

And in that regard, many competition practitioners often think that competition exists in a vacuum and it's all about competition, but I think it's so important to think about other policy areas and how those interrelate with competition in the space, whether it's regulatory proposals, whether it's to address potential harms, and in that regard, data protection, consumer protection, intellectual property, all of those are related policies that very much and a very close to interrelate with these issues and have very significant consequences in how we evaluate these particular concerns. And in that regard, I have particularly appreciated Katarzyna's points bringing in the consumer perspective and the consumer protection perspective of how we can look into the existing frameworks, try to identify what potential harms of potential issues there are, and trying to think about it in the sense how the existing enforcement frameworks and different policies interrelate and how those actually might be able to address any potential gaps, issues or harms in the marketplace.

I just wanted to point that. Thank you.

M. Othman **Khalil EL ALAMY**, Secretary General, The Supervisory Authority of Insurance and Social Welfare - ACAPS (Morocco)



I, too, would like to thank the organizers of this great event for their invitation.

My intervention may be slightly delayed. We are not specialists in digitalization. For us, this is a lever for transformation, which will enable the sector to meet future challenges.

As a regulator, we are subject to regulatory injunctions that may seem contradictory. On the one hand, we must preserve the solvency of companies, and on the other, we must defend consumers and at the same time contribute to the development of the sector.

In reality, these contradictions are only superficial, because the solvency of companies is also in the interest of the consumer, since we are dealing with long-term services. As regulators, we understood that digital transformation was inevitable and that we had to take the subject by the right end. It is for this reason that we have conducted a number of studies on distribution in the digital age. It is important to know, for example, that for insurance, distribution is something very important. In a way, digitalization will impact traditional networks because digitalization will mean that relationships will be established directly between the consumer and the insurer. This is

the conclusion of an initial study on distribution in the digital era.

We conducted another study with IFC (International Finance Corporation), which is part of the World Bank Group, and it allowed us to understand the subject in an even more global way, to see to what extent digitalization will be able to transform the sector as a whole.

For us, this is important because among our goals there is also financial inclusion in general and inclusive insurance in particular. The most important thing today, since there is a national financial inclusion strategy that is supported by the highest authorities in the country, is to allow people who are outside the system, who do not have an insurance contract, to be able to join this system.

They are not there because of a lack of knowledge of insurance or the high prices, but also because traditional distribution cannot play this role, hence the interest in moving towards digitalization. At this level, based on the results of these studies, we are working with the insurance sector and the Ministry of Finance to enable digitalization to develop.

So, from there, we issued an instruction on online sales, because in Morocco, we had the impression that the current regulations do not allow it. In fact, the current regulations allow online sales, but of course subject to a certain number of adjustments and compliance with a certain number of rules.

Today, we have issued an instruction that allows players, whether they are insurance companies or intermediaries, or even banks because they can distribute insurance products, to have websites that allow them to enter into contracts. Today, there are sites, but they are mostly showcase sites. They allow for advertising, but we would like to see the possibility of contracting be offered.

We are not encouraging people to go in that direction, because they are free to choose the channel they want. However, we encourage a

balanced ecosystem, at least during a transitional phase. We must not forget that we currently have a network of more than 2,000 intermediaries and the idea is to be able to support them in a transitional phase, knowing that there is competition from banks.

Recently, we have allowed payment institutions to be able to sell insurance products, known as micro-insurance, because this is the only way to allow people who are in remote places in Morocco to be able to access these offers.

On the other hand, I would say that it requires us to do a number of things, including a paradigm shift. As regulators, we are also called upon to make efforts. We also have to adapt to this new situation because we need in-house skills to be able to follow the platforms that are going to be set up, ... etc.

In short, we should allow the potential we have to develop and strengthen ourselves internally in terms of skills in order to be able to keep up.

The third element is financial education and awareness. These are actions that we are doing in conjunction with the central bank and others, because there are a number of biases that need to be removed. We need to make people understand the value of insurance. In this respect, digitalization will free up a lot of energy. At least we hope so.

Moderator: So, of course, we're talking about digitalization, competition rules. But often, we also think that the actors themselves, when they have digital in their hands, could also exploit it, sometimes in an approach that is not clearly defined in terms of competition, I am thinking in particular of bancassurance and certain examples that have been cited by the press in particular. Would you mind talking about that and also about the threats posed by international insurance offers that can come from anywhere and that will compete with local offers?

This is indeed a fairly important issue that we are examining with the Competition Council.

Today, we have a classic network that is there. There is, of course, bancassurance, but it is currently limited to the distribution of personal insurance. Today, bankers unfortunately cannot sell insurance products. Finally, they found the solution. Most banks have created captive firms that allow them to do this in a roundabout way. Frankly, this is a real problem for us. As I said at the outset, we are subject to injunctions that may seem contradictory. We want to grow the sector. We know that digitalization will be an important lever, but there is a classic network that needs to be supported in one way or another. Moreover, with the insurance sector, we ask them in any case initially, even when the customer goes through the insurance company's website, that they propose to this policyholder, at the end of the process, a certain number of intermediaries who are located in the area where this customer is located, for example, by leaving him. Obviously, the choice to contract with whoever he wants.

Bancassurance is extremely important. It must be acknowledged that it is bancassurance that has enabled life insurance and capitalisation products to develop very strongly. Today, we are the second largest market in Africa and, I believe, the third largest market in the Arab world. We have the second highest penetration rate in Africa also behind South Africa. This was mainly achieved through bancassurance. Today, life insurance and capitalization products account for nearly 40% or even more than 40% of turnover. But for the classic network, there is a threat that is there.

However, today we all know, and I think traditional intermediaries have understood this as well, that digital transformation is completely inevitable.

We are ready to support them. As such, we are in the process of reviewing the regulations to allow them to carry out other activities that are compatible with their core business.

As far as threats are concerned, we are looking at that carefully, but we are not very worried. Moroccan regulations are relatively padlocked



and the risks located in Morocco, the responsibilities of people residing in Morocco ... etc. must be insured by companies approved in Morocco. This is not a Moroccan specificity. Most emerging markets have the same regulations. Even in Europe, I'd say. Some operators who, through assistance products, have gone to look for Moroccans living abroad, have sometimes been called to order. These are things that are also in force here in this sector. Now, we know very well that this regulation does not make the market completely watertight. There are always ways to get through.

Regarding these operators who could come from abroad, what interests us is generally the "InsurTechs" which offer a certain number of things that can be interesting, but within the framework of partnerships with operators that are currently approved in Morocco.

Last word, because I have raised issues concerning competition. The fact that there is a network that is there and that we need to support does not mean that we are conservative in terms of authority, not at all. We fully understand the value of digitalization: the fact that we can take out insurance when we want, where we want and by being able to compare, is something quite extraordinary and that we can only encourage, knowing that it also allows a great personalization of the products we can sell.

ACTES DE LA CONFÉRENCE

PANEL 3

THE PRESS AND NEIGHBORING RIGHTS



Benoit **CŒURÉ**
President of
Competition Authority
France



Mostapha **AMADJAR**
Director of Communication and
Public Relations, the Ministry of Youth,
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Morocco



Younes **MOUJAHID**
President of the National
Press Council
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Mohamed **ZOUAK**
Advisor to the President in charge of the
electronic press and GAFAM, Moroccan
Federation of Newspaper Publishers
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Fatima Zahra **OURIAGHLI**
Vice-President, National Association
of Media and Publishers
Morocco

M. Benoit **CŒURÉ**, President of Competition Authority (France)



Thank you for that introduction. First of all, I would like to thank very warmly the President Ahmed RAHHOU and colleagues of the Competition Council, as well as other authorities and colleagues who are organising this conference, which is quite exceptional and remarkable and which has already enabled us to learn a great deal. I think that set the bar very high for our discussion at the panel level.

Thank you for these moments, which are very important. I'm going to tell you what the French Competition Authority has decided in terms of Google's respect and valuation of related rights. I'm going to go back a little bit to the process that we followed, which is in itself interesting as a method, which shows how a competition authority can approach this type of subject, which is obvious. We will surely see it again during the discussion at the intersection of several issues, such as competition law, copyright, and press regulation...etc. There are different ways of dealing with these issues and we have sought to use the instruments of competition policy to find a solution that is satisfactory to the industry.

We are in the process of practical work in relation to the conceptual and theoretical framework that was set out this morning in terms of digital technology and in particular

platforms. But I am convinced that through this issue of neighbouring rights, we can illustrate three essential dimensions of the discussion on platforms, namely the legal, economic and political or let's say societal dimensions.

From an economic point of view, and as we will see, the use of information from press producers (publishers and news agencies) is an added value in the platform ecosystem, contributing to the creation of value on the platforms. The question of the redistribution of value linked to this value creation is absolutely central and can easily become very technical, and I will give some examples of the discussions we had with Google.

With regard to the legal dimension, because, as I said, we are at the intersection of different normative fields, different fields of regulation, even within the field of competition policy. Different instruments are possible. We had to choose between the repressive instrument through the sanction of Google's behaviour and a more incentive-based instrument, which is that of commitments. We were able to measure the pros and cons of both instruments because we had done both.

Then there is the societal dimension because, of course, the proper functioning of the press sector is essential in a democracy and depends in particular on the economic viability of the sector. And this is where economic regulation comes into its own alongside other types of content regulation, for example, which I am not going to talk about today because it is not my field, which in Europe would be illustrated by the DSA (Digital Services Act) which was mentioned this morning, but which is outside the scope of competition. So, all three dimensions are important.

In the background, and before getting to the heart of the matter, I would like to remind you that the field of publishing, the press and more generally the cultural field have always been very important for the competition

authority and before it for the Competition Council. I have given examples of a number of emblematic decisions in these areas through the three dimensions that fall within the competence of the Competition Authority, namely merger control, antitrust and advisory competence, that is to say the opinions that we give to the government and which are public.

I am referring to a number of major issues related to mergers in the audiovisual sector, including the proposed merger between TF1 and M6, which was abandoned in October, but also a number of major issues relating to the creation of platforms, such as Salto, for example, which was accompanied by commitments on the methods of allocating football rights. This time more on the anti-trust side.

I am also referring to important opinions also in the cultural, musical and performing arts fields, or more recently on unlimited access to cinema. Through these examples, we can see that competition policy has its place in the cultural field, obviously with a certain modesty, in the sense that it is not up to us to discuss content.

Moreover, with the competent regulatory authority that is ARCOM in France, the Regulatory Authority for Audiovisual Communication and Digital Technology, we have intense and very fraternal discussions and also very subtle distinctions, for example, between plurality and diversity. Diversity is an important and legitimate parameter in competition. Plurality, especially at the political level, is monitored by ARCOM.

Each of us tries to stay in our meadow so that the cows are well looked after, but so that we don't forget a cow. That's why we talk a lot. It was recalled in the introduction that the issue of neighbouring rights has emerged in a landscape of the French press that is in the midst of upheaval, which has been very shaken up by the emergence of digital technology, in particular the written press, which has recorded a very significant drop in its advertising revenues.

Regarding the merger of TF1 and M6, which I

mentioned a moment ago, part of the discussion focused on the evolution of advertising revenues on television, compared to advertising revenues on digital platforms, YouTube, Facebook and perhaps soon Netflix or Amazon.

In reality, television advertising revenues have remained relatively stable over the past decade. The tipping effect that we have observed has indeed been recorded between the written press and the platforms. The advertising revenues of the written press have collapsed and the advertising revenues of the platforms have exploded in France, with a diversification of digital offers, including on the platforms and this is where we arrive at the heart of the subject, which is the use and valuation by the major platforms of press content.

In this context, the French Parliament wanted to legislate on neighbouring rights, transposing a 2018 European directive. I have submitted here the explanatory memorandum of the law on neighbouring rights, as presented to the National Assembly and which I think is very clear, and I quote: "The digital distribution of the press has made it possible to broaden its readership, ... But it can only constitute real and lasting democratic progress if it respects the independence and pluralism of the press... This is not my field. This is the domain of ARCOM and other authorities "... and guarantees quality journalism ... And that's where the economic dimension comes into play: "... In the absence of recognition of a principle of ownership of the productions resulting from their work, publishers and news agencies cannot grant licenses for the online use of their publications and thus amortize their investments. ». Economic viability is therefore a prerequisite for maintaining pluralism and the contribution of the press to democracy.

That is why I said in the introduction that this issue also has a political dimension that has been enshrined in Parliament.

The legal framework applicable in France consists of the 2019 European Directive which updated the rights applicable to copyright



and created new provisions on related rights in the Digital Single Market, with content protection covering publishers and news agencies.

I mention this because this has been important in our discussions with Google, with a scope of protection that is not limited to textual content alone, but also includes photographs, videos and any element related to information. Appropriate compensation was also an important topic at the heart of our discussion with Google.

The directive was transposed in France in July 2019. You can already see that the timing has been very fast. Indeed, the French Parliament began to discuss this law before the directive was published and sets out its objectives in French law by amending the Intellectual Property Code.

To sum up, the whole story of this case: in July 2018, a European directive was published. The Directive was transposed into French law by the law of July 2019.

In November 2019, that is to say, a few months later, the Competition Authority received complaints, in particular from the press and magazine publishers' syndicate and the Alliance de the General Information Press and Agence France Presse against Google which, according to them, did not comply with the directive and the law, that is to say, refused to remunerate neighboring rights and even refused to engage in negotiations on their remuneration.

As early as April 2020, the Competition Authority issued injunctions – and I will come back to the content of these injunctions in a moment – as part of emergency measures against Google. You have a first conclusion to draw, which is that a competition authority, when it wants, can be fast.

We don't always do that because we also try to deal with the substance of the issues. Sometimes it takes a long time to gather the evidence, carry out the adversarial dialogue and put together the right legal arguments. But, when there is immediate and obvious damage to the economy, we can act quickly and, in this case, we have the tool of precautionary measures, as is the case with the injunctions that were decided in April 2020.

These injunctions were not complied with. Thus, in July 2021, a year later, the Autorité fined Google €500 million for failing to comply with its injunctions and imposed daily fines. This does not resolve the substance of the matter. It was simply a question of punishing non-compliance with the precautionary measures and the case still had to be investigated on the merits.

What was done was to come out with a decision to obtain commitments from Google, and not another sanction that would have been added to the 500 million euros, but which would not have changed the competitive landscape in the end. This would have been a sanction and unfortunately, we were not sure that it would have changed

Google's behaviour.

It was decided to leave the possibility for Google to offer commitments, which Google did during the autumn of last year. These commitments were clearly not satisfactory. We put them through the market tests which were very negative. We resumed the discussion with Google, first at the level of the investigation authority services and, secondly, at the level of the college authority.

After a long and complicated discussion, we agreed to enhanced commitments from Google that I will present to you now. We have appointed an "Accuracy" firm to act as an agent to verify Google's compliance with these commitments. As a reminder, the practices that were the subject of emergency measures were different forms of abuse of a dominant position.

As a reminder, the practices that were the subject of emergency measures were different forms of abuse of a dominant position. We relied on Article 102 with its various paragraphs. There was a practice of imposing unfair trading conditions on publishers and news agencies by abusing its dominant position. In fact, if there is one issue that has never been disputed in this case, it is the dominant position.

In the case of other platforms, for example Meta, the discussion would have been much more complex because the dominant position was less easy to characterize. In the case of Google's search engine, dominance was obvious, even for Google.

Google had imposed unfair transaction conditions on publishers and news agencies. The authority considered that this caused serious and immediate damage to the sector, which made it possible to impose precautionary measures. These measures were not respected. Why have they not been respected? Because Google has indeed started discussions with publishers and press agencies, but not on the remuneration of related rights, in application of the law and the directive, but to divert the course of discussions

towards a commercial product "Showcase" proposed by Google, which has moreover been distributed in France for a few weeks and which was a product of a commercial nature. Google sought to have a global discussion on all content, content protected by the Directive and the Related Rights Act, but also all other content.

He tried to drown out this statutory right in a commercial dispute. I would like to make a comment on this point, which is that there is another subject that is also of a political nature in this discussion, because we are faced with a large global player with very significant market power, which had decided not to apply French law and to substitute for the application and respect of the law that gave value to neighbouring rights, a transaction, a commercial discussion with publishers and news agencies.

It has attempted to replace a normative and legislative approach with a transactional one. Who gave Google the right to do this? No one. And especially not the French legislator. This act also deserved to be punished. It is also a matter of principle, beyond the competition aspects.

There were also more technical points, including a significant reduction in the scope of neighbouring rights. Google had significantly narrowed the list of news publishers with whom it was willing to talk, using a more restrictive definition of a news publisher. Google refused to pay news agencies, contrary to the law. It also refused to pay for certain unwritten content, also contrary to the law.

Finally, and this is almost the most important observation from an economic point of view. Google has a very narrow definition of the concept of neighbouring rights by taking into account only advertising revenues from Google Search and not from Google's other functionalities and refusing to take into account indirect revenues resulting from the attractiveness brought to Google by the presence of press clippings.

This is an economically essential element of the discussion that was foreseen in the directive

and in French law, it was provided that neighbouring rights would not only be direct. It's not just about valuing the news article that hits the screen when you do a Google search. If you search for airline tickets to Paris on Google, you will see advertisements for hotels in Paris or for French products and press clippings about what is happening in France and Paris. The use of these press clippings has a value and they are direct neighbouring rights. The fact that maybe you're going to click

the outcome of the negotiation in a certain way.

Google then made commitments that I will briefly present to you, first of all on the scope of application. The scope of application now covers all publishers covered by French law by Article L. 218-1 un of the Intellectual Property Code, all sizes combined. This is important because it is different from the approach taken by other countries such as Australia.

I'll say a word about Australia at the end because



on the clipping and stay in the Google universe for 10 minutes or 20 minutes, or even 2 hours, instead of staying in it for five seconds, that's going to create indirect revenue streams for Google that are on top of the direct revenue streams.

This income was covered by the Directive and by the law. They are obviously very difficult to value technically, but in principle, they have a value and this value had to be known. This raises three competition concerns. The first relates to Article 102 of the Treaty, which is the imposition of unfair trading conditions by abusing one's dominant position.

The second complaint was that it had implemented a discriminatory practice by excluding actors and offering zero remuneration when the law came into force, which is another manifestation of the abuse of a dominant position.

The third complaint relates to the circumvention of the law on neighbouring rights, in particular by requiring that transactions be free of charge and thus prejudice

the Australian approach is a little bit different and very interesting. Australia has set size thresholds for publishers benefiting from neighbouring rights coverage. In France, there is no size threshold. This system also aims to protect small publishers in their discussions with Google.

There is a recognition of the ownership neighbouring rights for news agencies and also for photo and video content. There is also an improvement clause, which is that even publishers and news agencies who, at the date of the decision, had already entered into an agreement with Google, will have the benefit of the new commitments and have the right to ask Google and upgrade their agreement so that they benefit from the full extent of the new commitments. If there is something we asked Google for and Google agreed to it.

If there's something that we've asked Google for and Google has agreed to, there's also the aspect of what kind of information Google has to pass on to publishers and news agencies. This point was at the heart of the technical

discussion, as it is the information necessary for the valuation of neighbouring rights. The approach that has been adopted is 2-tiered.

There is a minimum set of information that Google undertakes to systematically transmit within ten days for individual bargaining and fifteen days for collective bargaining, to publishers and agencies which includes - you have an example of the information there on the right of the slide - for example the number of impressions, the number of clicks of the content concerned, data relating to Google's revenues in France, direct and indirect.

But and this is very important and this is entirely new, publishers and news agencies can also ask for other information that they will look for further or in a more granular and precise way in Google's revenue. This will be under the authority of the trustee, that is to say the trustee will be able to decide whether this request is justified and whether it is necessary for the calculation of related rights. The agent will also be able to decide whether it is feasible. Which is very important, because when you ask Google things in general, Google first answers that the information doesn't exist. Then, Google says that the requested information exists, but that we would have to build a specific API (Application Programming Interface) and that it will take us 18 months. Google's third response is to say that it will reduce this period to six months if you want to, etc.

Indeed, all technical discussions are always very difficult. The innovation in this system is that it is not Google that is the judge, but it is the agent.

Google has undertaken as part of the undertakings to comply with the trustee's decisions. If Google does not comply with the trustee's decisions, the Competition Authority will be able to come back for non-compliance with commitments and we will resume the infernal cycle of "repression/commitment" and we will be able to sanction Google again and I hope that this will not happen.



There are a whole series of provisions that have been put in place at Google's request, but which we thought were legitimate to protect the confidentiality of its information, which obviously has commercial value.

Finally, there is a whole governance architecture, with direct negotiations between Google and publishers and news agencies under the authority of the representative.

At the second level, there is an arbitration procedure in case of disagreement between Google and the press publishers, with the possibility of appointing an arbitral tribunal that will probably be lodged, or at least according to the procedures, at the International Chamber of Commerce in Paris, which are well-known procedures.

The fees of these arbitrators will be borne by Google. This is an important detail for small publishers who do not have the means to carry out this kind of procedure. Again, Google has committed to abide by the outcome of the arbitration. And under the rules of the International Chamber of Commerce, the arbitrator will also be able to decide on compensation for the seizing party, which is possible according to the rules of the Chamber of Commerce.

There is also the independent contractor, like the consulting firm Accuracy, which is responsible for monitoring Google's compliance with its commitments. It is certainly paid by Google, but reports regularly to the Competition Authority and not to Google. The first thing we asked him to do was to take stock of all the agreements already signed between Google and publishers and their compliance with the commitments.

I'll skip that part. We can come back to that if you have any questions. It explains how the commitments have been improved compared to Google's initial proposals.

What can we learn from this experience? First of all, in terms of legal framework, we were fortunate to be able to rely on a French directive and a French law that listed in a precise way the scope of the beneficiaries, the scope of protected content, etc. This helped us a lot to clarify the technical discussion.

On the other hand, we are in an area that is that of copyright where there are no regulatory authorities specific to the press in France. There are various elements of regulation relating to the content and distribution of the press, but we weren't in the kind of dialogue that we have, for example, on a network industry in telecoms or in energy, where we have a very structured dialogue with a sector regulator who knows the sector by heart. We have a kind of dialectic and each of us can use our instruments at the risk of sometimes being a little at odds (it happens), but there is a complementarity between regulatory instruments and competition instruments. Here, we were kind of on our own, and the government told us since you want to take up the subject, we are very happy. Go for it! Which was half a gift, since it's still a relatively virgin domain.

We did it. We hope, and the press industry also hopes, that this will work and that these commitments will make it possible to rebalance the contracts with Google in an effective way. If that doesn't work, we'll go back to the repressive mode and we'll sanction Google for not complying with the

commitments and we'll go back to the other mode of our discussion with Google.

If that doesn't work at all, we will go to the French government and parliament and ask them to create a regulatory framework, particularly on an element over which we do not consider ourselves competent, which is price fixing and neighbouring rights.

What we've done here is engineering the negotiation of contracts between Google and news publishers to restore economic balance, which is our role as a competition authority.

We did some engineering work on these contracts. We don't have an opinion on what the right price for a piece of press content should be. We believe that this should emerge from the contractual discussion. If this is not the case, I think that the French government and parliament will have to get back to work and agree on a regulatory framework, including price regulation.

At that time, we will not be candidates to do so. I think there will need to be a regulatory authority or perhaps the Ministry of Culture directly. It will be a different kind of regulation. From my point of view, we have reached the end of what competition instruments can do, which is to re-establish a governance structure that allows for fairness in contractual discussions.

By the way, I say this to the economists in the room. It also shows that the economics of competition goes above and beyond embracing all fields of the industrial economy. In reality, we talk about contract theory and we talk about "mechanism design". What is the right mechanism that will allow the price to emerge in a market mechanism?

We've had some very interesting discussions with our Australian colleagues who have a slightly different mechanism that also provides for an arbitrator, but the arbitrator acts according to a much more brutal rule, which is that the platform and the news publisher will go to the arbitrator with each a proposal and the arbitrator will choose between those two proposals. In principle, the

arbitrator has little leeway to make a different decision. In fact, he does. So the Australian system is not that different in reality from what we do. But the principle is when you make a final offer and then the mediator (the trustee) will decide who is right, which creates incentives and a completely different way of negotiating. This is a field that is quite exciting for microeconomies, to know what is the right way to organize these contracts so that the right price materializes.

The second point concerns the scope of competition law. Here we have an illustration of a case in which we have resorted to a combination



of instruments: first, precautionary measures, then a sanction for non-compliance with precautionary measures, which is nevertheless EUR 500 million. Still, there has been some impact on Google and other players in the industry.

Moreover, Google has waived, in respect of the commitments, the right to appeal to the Paris Court of Appeal against this sanction and the commitments. The €500 million is therefore definitive. The commitments were discussed in the shadow of the sanction, because everyone knows that we can go back to the sanction mode if necessary. Finally, as I said, the fact that we have committed ourselves to improving the contractual mechanism, we see ourselves as the guarantors of this contractual mechanism.

Finally, as I said, the fact that we have committed ourselves to improving the contractual mechanism, we consider ourselves to be the guarantors of this contractual mechanism, but the Competition Authority did not wish to enter into a discussion on what is the right price. There will be a real learning curve. Publishers are going to ask Google for information, and this will lead them to revise their conception of what the true value of neighbouring rights is, one way or the other, since we are talking about positions that are probably a little excessive on both sides: Google says it's worth nothing and publishers say it's worth a lot. The reality is necessarily somewhere in between. And in this case, it is access to information that will inform this discussion.

To conclude: we think it is important to keep this system relatively stable for a certain period of time so that this learning process can take place, to rebuild trust between press publishers and Google; trust that has clearly been broken and which has led us to sanction Google, and to allow this learning on the price mechanism and on the good value of the price.

Panel Intervention :

We have not placed this discussion on the ground of good faith, but on the ground of fairness, the fair balance of power and non-discrimination, which is the framework given to us by the Commercial Code. Maybe we're talking about the same thing with different words.

I would not say that there is a lack of good faith. I would say that there is a tough commercial discussion with a balance of power and with Google's position in this area and its search engine which gives it extremely important negotiating power and which meant that the discussions had been very unbalanced. That's how I see it. Our role was to rebalance the negotiation.

I would like to point out that the French Competition Authority is perhaps one of the few authorities that has defined a market for influencers. We had to do that for a merger. In

In the state of our decision-making practice, the influencer market would be distinct from the press content market. That may change in the future, but that's the state of our decision-making practice.

Perhaps another word, if I may, on issues related to union in the negotiations. The President said earlier that it should also be done at the African level and that Morocco alone cannot do it. I believe that this is very important because it is a question of restoring fairness and a fair balance of power in the negotiations, which is to create bargaining power between both private and public actors.

This was done in France, between private actors, because the main negotiators were the magazine press union and the daily press union, which obviously had more bargaining power than individual newspapers, even if some newspapers chose to do so separately. But, most of them did it collectively and at the European level, and I think that one of the reasons why Google accepted these commitments is the power of the Competition Authority to deter sanctions, but it is also the fact that there was a European directive, that the approach we have chosen can set a precedent in other European countries, not necessarily in the same way, but all European countries are asking themselves these questions, and also the proximity of the implementation of the DMA (Digital Markets Act), I think everyone expects to find out what applies to Google, without betraying any secrets, and the approach to which the big platforms are trying to get rid of a certain number of pots and pans to address the DMA in cleaner conditions.

Fundamentally, the objective of all this is to regain control of this value chain and to rebalance the sharing of value to the benefit of publishers and news agencies. There is, moreover, still downstream a discussion that is very important, but which the Competition Authority does not deal with, which is that of sharing value with journalists, between newspapers and journalists.

This is not within our competence, but it is obviously also an important dimension of this discussion so that part of this value recovered through neighbouring rights goes back to the producers themselves, who are the journalists.

Having listened to the discussion, I would like to come back to two things, if I may:

Firstly, I would like to re-emphasize the importance for the sector to structure itself before engaging in a dialogue with the Conseil de la concurrence and with the government. If you don't structure yourself, you won't get anywhere. In France, all this was triggered by an action by the magazine press union and the General Interest Press Association. Since then, there have been other initiatives to structure the sector, in particular by Mr Jean-Marie Cavada, who has set up a company for the promotion of neighbouring rights and was himself, when he was a Member of the European Parliament, a driving force in the discussion of the Copyright Directive.

The other thing I wanted to say is to make a link with discussions that took place earlier this morning and to come back to the general theme of this conference, which is the economics of large digital platforms. Frédéric Jenny described very clearly this morning how large platforms work as ecosystems. In particular, by emphasizing the conglomerate dimension of these large platforms that offer different services and that derive their market power and, therefore, their bargaining power from the fact that they have a lot of users, that they accumulate a lot of data and that they have different activities.

We often see this acronym "DNA - Data Network Activities". It is these three dimensions that reinforce each other. Large platforms, such as Google or Meta, not only reproduce press content, but provide advertising services, useful data for advertising and advertising intermediation services.

One aspect of our commitments that was absolutely crucial for us was the separation between the discussion on the valuation of related rights and the discussion on Google's



other commercial services, starting with Showcase, but also advertising intermediation services. Is there a way, probably a very partial one, to do it? It is a contribution to try to unravel these mutually reinforcing effects within the major platforms, by isolating this discussion on neighbouring rights.

Why did we want to isolate it? Because it's a right. This is not a purely commercial discussion, it is a law established by law, and as such deserves to be separated from other commercial discussions.

The other point I also wanted to make in the light of this morning's discussions is on the DMA (Digital Markets Act), and here I am reacting rather to the presentation made by my colleague Ioannis Liannos.

There is a great debate in Europe about the way in which the DMA as a regulation, I hardly dare to say sectoral, or regulation of a category of players, let's say, and anti-trust law, in particular through Article 102 of the Treaty. We wonder if it will be complementary or if there will be recoveries. This was very well phrased by Ioannis.

I believe that we are in an area where there is a complementarity that is very fruitful, because it is not at all certain that the DMA covers neighbouring rights. Honestly, I don't know. The Commission will have to decide on this and the committees that will draw up the implementing texts of the DMA will have to discuss it.

There is a non-discriminatory access clause to the search engine that has been imposed by the European Parliament, which can potentially apply to related rights. But it needs to be clarified. There is no doubt that implementing legislation is needed. We don't know. And it doesn't matter, we're making progress in anti-trust and maybe one day the DMA will consolidate that.

We are clearing the ground on issues that may one day be the subject of future developments of the DMA. There is a very productive back-and-forth between the ex-ante regulation of the DMA and the anti-trust action which, admittedly, is ex-post but which makes it possible to clear new questions.

M. Mostapha **AMADJAR**, Director of Communication and Public Relations, the Ministry of Youth, Culture, and Communication (Morocco)



Thank you. For the issue raised for this debate, I believe that the responsibility of the government supervisory authority, which is the Department of Communication, is to support the national media sector and enable it to find the means to adapt and to meet the challenges of the changes and mutations that are taking place in the sector.

I believe that, in partnership with professionals, we are in the process of putting in place policies to support the important transition of the national press to digital. We have, in this country, more than 120 structured media companies that have access to the public subsidy. We also have between 500 and 800 news sites, but they are not structured. We also have an audiovisual media field, both public and private, which is also called upon to face the challenges of the changes that the sector is experiencing. Public policies then move towards updating and updating the regulations in force. The latest is a text on intellectual property that was recently voted on in Parliament.

This is the first time that the press and media component has been included. There is now a law on intellectual property in relation to

content produced by journalists. There is also the revision of the entire legal arsenal at the level of the press code to meet the requirements of the change towards a more efficient sector and to face the challenges of the decline in press revenues, for example. There is another point that concerns cooperation at the international level. Morocco, within the framework of cooperation, for example, with the Arab League, is in the process of setting up cooperation mechanisms between several countries that are advanced in dealing with issues with the GAFAM, including the United Arab Emirates, Jordan and Lebanon.

There is also work being done with the European Union. Indeed, as part of our partnerships with the European Union, our laws will also be revised to enable our country to adapt to the new context and to better respond to the challenges of competition in the media sector.

Moderator: Has the ministry ever had to deal directly with representatives of the GAFAM, if only for exchange and discussion?

Yes, we have already been in contact with them. They came to see us and we asked them the question because we thought it was important to get in touch and start raising the issue of the Moroccan press.

You know, for us, the media sector is strategic. It is not only a question of addressing the issue of taxes, but also other important issues such as that of sovereignty in general, which is linked to several points, such as access to information, diversity, etc. There are other points that are very interesting for us and for the media sector in general.

Moderator: Links can then be established in the sense of co-construction with the actors concerned, whether it is the GAFAM or other large platforms?

Yes of course. This is an issue that needs to be



addressed through partnership and cooperation with other actors. As a public authority, we are aware of the importance of this point. We are here to support these negotiations.

One of the latest initiatives is the discussions we are currently holding with all partners, including representatives of professionals, about a new economic model for Moroccan media. The public authorities, thanks to a series of measures, are ready to support these media in financing this transition to digital.

Morocco's media landscape is diverse and dynamic. I believe that with a forward-looking vision accompanying all these changes, our initiatives will be crowned with success.

Fatima Zahra **OURIAGHLI**, Vice-President, National Association of Media and Publishers (Morocco)



Thank you M. Mostafa.

First of all, I would like to thank the the Competition Council in the person of Mr. Ahmed Rahhou. I would also like to thank the ANRT and the ADD for creating this opportunity to debate the subject of digital transformation, which has affected all sectors, including the press.

We, too, have seen the advent of digital transformation for almost a decade and a half. I can even say that the press in Morocco has experienced this digital transformation to different degrees, that is to say that you have some who have been able to familiarize themselves and adapt easily to the transformation. There are others who have taken a long time and that's normal. This is related to cultural and economic reasons, but what we have also noticed, as you mentioned earlier, is that COVID-19 has been an accelerator of this transformation, especially for those who have jumped on the bandwagon and have been able to reach the level of others, and that is a good thing for everyone.

Personally, I listened carefully to Mr. Benoît Coeuré earlier and I loved it when he said, "I'll start by telling you the story." You can see that

it all starts with a story and it's excellent and it's just beautiful.

The story in terms of neighbouring rights in France continues. It may have started in 2019, when the European Union launched this debate on the directives to be adopted to frame the policies of the electronics giants.

Our history in Morocco is about to begin, because today there is a jurisprudence. I don't know if I can use that word, but today there is a history. We have a neighbouring country that can be said to be a forerunner in this approach because it has been able to apply neighbouring rights to the giants of electronic platforms.

It is true that there have been comings and goings. You asked the question earlier, "Was there good faith?" I'm amazed! Because we can see that there are economic reasons. Because the electronics giants draw on the content of newsrooms and the media. They market them, trade them, and sell them. But on the other hand, the press, from which they draw all this information, is not paid. I understood then that there was rather a balance of power and there was no remuneration, neither in France, nor in Morocco, nor in other countries. But then the story started and that's a good thing for everyone.

In Morocco, I spoke earlier about the Moroccan media and the advent of digital transformation. Yes, we knew it and we remember it very well. I think you've experienced this, Mr. Mellouk, because the first people who started with this were the television and radio stations that created replays and podcasts to get closer to their target and to create communities, at a time when social networks had invaded not only young people, but all generations.

Digital transformation is here. The Moroccan press is in the process of becoming digital, but there are problems, including the theme addressed by today's international conference, which is regulation and competitiveness. Indeed,

we are faced with the problem of the regulation of this press or these international platforms that take everything from us, but unfortunately, we are not paid. As a result, we see inequality and injustice. What for? Because there are economic reasons that push these platforms to do this. Today, we are in a data economy, which is very important. Platforms, on the other hand, are very strong when it comes to data. We will therefore try to draw inspiration from France to try to apply neighbouring rights to Morocco.

Moderator: When you analysed this whole problem within the Federation, what did you do or who did you talk to try to find the beginnings of a solution?

There is a beginning to everything. We have followed very closely everything that the European Union is doing and everything that Germany and France are doing in this area. At that time, we said that we had to start at the beginning, that is to say that we went to see those affected by these neighbouring rights. I think Mr. Rahhou can attest to that. I asked him about a year and a half ago. I told him what can we do?

He told me that we would have to wait a little while to see the directives of the European Union. We also went to see the Commission for the Protection of Personal Data. We had several meetings with its members because they are concerned about data.

We have also started discussions with the Ministry of Communication. We asked questions, tried to negotiate, but each time we didn't have anything solid in our hands to go and negotiate with these people. We must not forget that we are in Morocco. I'm sorry to say that. Maybe I don't believe it as I say, but that's the reality, it's in front of it. The Moroccan market is a small market compared to the GAFAM. It is not a market that they are interested in so that they can open debates and say yes, we will apply what you have asked. Let's not kid ourselves, but it will come with time. We, too, are growing. Then, within the framework of the National Press Council,

Mr. Moujahid, who is the president and who is here, we launched several debates in this direction and we even went towards more than what the debate can offer. That is to say, we have even gone towards training. It's very important because we talked about digital, the web and a lot of things. However, it should not be forgotten that the press in Morocco has also gone through stages in digitalization. In the beginning, there was the print media, and these newspapers created electronic newspapers so that people could read from a distance to get them closer to the information.

Then, during the years 2011-2012, there was a wave of newsletters, that is to say that we wanted to serve people and give them information where they are. There was no need to pick it up or buy a newspaper at a newsstand. And the stage we are at right now is that of "data journalism".

This is a very important thing if we can achieve it. This is what we are doing in the National Press Council. You introduced me as vice-president of the National Association of Publishers and Media, but I am also vice-president of the National Press Council. So, we have this project that we're working on. What for? Because it will act as a barrier against fake news.

On the other hand, do influencers today create content? No, they don't create it. This is also a disadvantage of digitalization. The latter certainly has many advantages, but it also has disadvantages. Among them, in addition to inequalities in the distribution of wealth, there is this disadvantage. Because we started with a newspaper that we were looking at, there was interaction with the consumer and readers and we moved on to versions that are completely virtual. That is to say, we are in the virtual and we read in the virtual. Today, we are in the image, that is to say that an influencer is there because he sells images, such as a car, food or other. Frankly, we can't say, in my opinion, and this is only my responsibility, that influencers are content creators today.



That is what I wanted to clarify. I'm sorry, again. I may be shocking, but that is my position right now.

Coming back to the market, we understand that there is willingness, but it all depends again on the size of our market. We must not forget that. That's right, we've been following that closely. We know that there have been talks and back-and-forths. Above all, we have confidence in our minister because we know that he has done things with Netflix.

But first, and this is something I wanted to say earlier. In the context of the association, you asked about the steps and initiatives that we have undertaken. I said that we had already established contact with those concerned by

this ecosystem and about the measures we can launch against the GAFAM. I forgot a point that is not the least and that is the study that our National Association of Publishers and Media carried out on the market share that goes to electronic platforms and we realized that 70% to 75% of advertising figures go to the GAFAM; And that's very important.

We then went to the advertisers directly to tell them that it was not normal for Moroccan budgets and money to go abroad. They told us that they didn't know how to do it, that they were looking for visibility.

This then creates a vicious circle, as we return to the starting point. You then have to see the Competition Council, then the Ministry ... etc.

Thank you.

M. Mohamed **ZOUAK**, Advisor to the President in charge of the electronic press and GAFAM, Moroccan Federation of Newspaper Publishers (Morocco)



Hello

Thank you for the invitation and for organizing this conference. First of all, it should be remembered that there have been three external shocks for the Moroccan press. The first was precisely digital, with the Internet wave that the Moroccan press did not see coming, except for rare exceptions at the end of the 90s, such as "L'Economiste" which had launched its website and "Maroc Hebdo". Otherwise, most of the actors of the Moroccan press arrived very late. This first shock came at a time when the Moroccan press was barely in the process of structuring itself. It should be remembered that the structuring of the sector took place at the end of the 90s and the beginning of the 2000s. A programme contract has been signed between the Ministry of Communication, the National Union of the Moroccan Press and the Moroccan Federation of Newspaper Publishers, which I represent today and which has made it possible to start helping the sector to have solid and sustainable companies.

The second shock came with social media. In Morocco, social networks burst onto the scene around 2006-2007. The Moroccan population

is mostly very young and many Moroccans discover the Internet with Facebook. For them, accessing the Internet means going on Facebook, discovering the content and exchanging. Of course, there are positive sides, but also negative sides.

The third shock, external once again, was COVID, which dealt a hammer blow to the press in general, but particularly to the print press, which saw its circulation decrease again in a very significant way, knowing that in addition the press sector in Morocco is characterized, unlike other countries that have been mentioned, whether it is the United States, Canada, France, Germany, Australia or others, by chronic undercapitalization.

We are in a sector where financial obstacles do not allow us to create precisely this rapid transformation towards digital, while we have arrived late in digitization and in this confrontation with the GAFAMs of which we had a brilliant example from France where press companies and press unions organized themselves to negotiate. Despite the financial clout of this group, it has been very difficult. As a reminder, Google's slogan was "don't be evil", but when it comes to money, good intentions are quickly relegated to the background.

Thus, these three external shocks happened in Morocco and undermined the press sector and disorganized a sector that was nascent or at least in the process of being organized. Today, the figures reveal it: the print media has seen its advertising revenues and sales revenues drastically decrease. Even the electronic press has had only a very small share of the digital advertising pie. So, we are talking about an advertising pie that has taken up space very quickly and has surpassed that of the press in Morocco, but in reality, only 20% of advertising revenues go to Moroccan press publishers or Moroccan sites in general. The reality is that 80% of financial revenues go to the GAFAM and in particular Google and Meta.

Moreover, one of the elements that was mentioned by the French competition authority during the negotiations was financial income. We must not forget one thing when we talk about Google, for example, and that is that it enjoys a dominant position. However, we forget that in addition to having almost all searches on the Internet, Google is also a technological provider in terms of advertising. Indeed, it is one of the main intermediaries, both for publishers (that is to say we ourselves are dependent), but also for advertisers. We have to go through one of Google's platforms that connects advertisers and publishers, and not only press publishers, but all content publishers, whether they are influencers, sites, blogs, etc. So, they have a dominant position at all strata, at least where there is money, and therefore they have enormous clout. So, when you're a small player, how do you catch up with behemoths internationally?

It's not just David versus Goliath, it's the ant versus the mammoth. As a result, we have almost no chance of fighting. We don't have the data to convince advertisers that we can do better than Facebook. Even if we have the quality of the content and the rigor, which could be of some help, we don't have the financial means and we can't get up to speed technologically since we started late.

We try to fight with our weapons: proximity to the audience and the quality of the content. But to change this, you need the support of governments, competition authorities, government and legislators to change the law.

There are also, as has been mentioned, internal problems, national problems that are specific to Morocco, that are specific to the sector itself. But there is also real work to be done with the GAFAM. We tried to do this a few years ago with the former Minister of Communication to try to negotiate. There have been contacts, but unfortunately, you know, the ministers come and go, but the problems remain. Now it's up to us to bring the issue back to the table.

We try to do this regularly with the National Press Council and with other players in the

sector, but there is a real challenge today on neighbouring rights since, in this ecosystem, we cannot continue to develop, or even maintain the level of the press as it is now. If there is not a complete paradigm shift in relation to both the legislation and the system that has been put in place.

We have seen this in France. Even before the competition authority got involved, there was already an aid fund or a support fund set up by Google. There were representatives of press publishers and media outlets from other countries who were also able to negotiate with Google. I think this is the first step.

The first step in Morocco is to negotiate. Afterwards, and the examples of France and Australia are interesting, since they banged their fists on the table when Google or Facebook (I do not remember which one) wanted to delist and close the tap for certain publishers, then wanted to negotiate by mutual agreement with Murdoch, for example, but not with the small ones. Then finally, it was the Australian state that came along and banged its fist on the table and said no, you can't do that!

I think that in Morocco, we must first take this first path, which is negotiation. We are a small country, but there is still a way to do it. I think the GAFAMs are ready to negotiate. There just has to be an important player in front of them. Of course, if there are small publishers, it's complicated. We've seen it on music, because they've gone to negotiate with the big music production companies.

They can also negotiate with Morocco without worries. The State, with the various players in the sector, must be able to initiate negotiation steps and if things do not move forward, there is obviously the role of the regulator, in this case the Competition Council, that of the legislator, and then it is up to us to work with the political parties to make them aware of what the Moroccan press and the Moroccan media are likely to become if we do not take the right step value of this phenomenon of deterioration of the context in which both press companies and journalists operate.



For the taxation applied to platforms, there is first of all a problem that needs to be worked on in relation to this unfair competition in the advertising market, since the service is provided on Moroccan territory. Even if it's virtual, it's on Moroccan territory with Moroccan Internet users and it should be treated fiscally in the same way as press publishers.

On the other hand, we also have to look at what is happening elsewhere. I believe that the OECD, the European Union, the G20 and several countries of the European Union, have set up a specific taxation for platforms: for example, in France it is 3% of turnover if it exceeds 750 million euros. Morocco also needs to think about this tax to restore a little more fairness for press publishers who are already small.

If the platforms, which are large, also have the advantage of taxation, it is complicated and it is certain that the battle is lost.

M. Younes **MOUJAHID**, President of the National Press Council (Morocco)



Thank you. First of all, before talking about this issue of regulation in the field of the press, as Fatima Zahra Ouriaghli pointed out, we should start at the beginning. This means first entering into negotiations between the press union and the publishers to conclude a collective agreement, which is currently underway.

Until now, in Morocco, copyright for journalists has not been respected. The current collective agreement negotiations should begin to incorporate the obligation to respect this right.

The second thing concerns neighbouring rights. I don't know now if the editors have ever asked this question. Do they discuss it? Are they well prepared to ask these questions?

The third thing is that there is anarchy in the area of investment or the creation of media companies. According to the statistics we have at the National Press Council, we currently have nearly 500 electronic press companies in Morocco, almost 50% of which are sole proprietorships (constituted by a single person)! You will also find companies with only two or three people.

Can this be considered a media company? Is it possible to produce good information? Can we say that this is the profession of the press?

Personally, I believe that we must start with the reorganization of the sector. There is an ongoing debate with the Ministry of Communication. I believe that in the near future there will be a debate in Parliament to reorganise and reform the whole sector.

I hope it will happen because we won't be able to discuss or negotiate with anyone, the GAFAM or others, if we don't first solve our problems internally. I believe that we are on the right track and that we need to move forward because the role of the state is very important.

I was still in the International Federation of Journalists (IFJ). I was the president at one time. In 2010, in a context of the internet, digitalization, ... etc., we commissioned a global study on the future of the press profession. This study covered all continents and it was not, in quotation marks, leftist activists, but liberals.

This study concluded that there was a need for intervention by the democratic state to protect the press profession. We can't leave things in the grip of commercialism and that's what is currently happening with GAFAM or others. I think we need to intervene through legislation.

We have a law now in Morocco, because there is the issue of regulation and flexibility, but we have to see how we are going to apply it, how to deal with the issue of remuneration, ... etc. I can talk about that, too, but I think it's another very important debate that I can talk about later.

We have a study by the International Federation of Journalists, but, as a press union, I don't think we have made much progress on that. There are countries that have laws, but they are not moving forward.

The second thing, which is very important, is that even if we want to negotiate now with the GAFAM, I believe that there are now initiatives taken by the ministries of communication

of the Arab world at the level of the Arab League to try to negotiate together.

We can then have another very important opportunity if we have to negotiate. We need to do this as African countries through the African Union to build a negotiating force.

I think this is a package. That is to say, we need to reform and reorganise the sector, open up opportunities to invest well in digital to protect the profession, but also negotiate together. This is a debate that goes beyond Morocco. This means that we must engage in this debate at the Arab and African levels. There are opportunities to seize at that level.

I don't think there would be any limits to influencers. It's going to continue, it's going to grow, and the technologies will continue to develop.

But where we can intervene is the development of the press sector. Currently, the impact of influencers is not the same in all countries. It depends on the development of the media sector, the press, communication and everything cultural.

It's true that people are currently saying that it's not important to talk about influencers. It is also true that there have been attempts in Morocco to have an Internet law, but this has failed.

Personally, I believe that there is another alternative, that of developing the sector, and that is what we are defending now, because there are many possibilities. First of all, to work on the law, on the economic model, who can be a journalist... etc. You know, now in Morocco, there is another issue that is very important. Maybe we know her, but there are many people who don't.

There is the problem of training in the press and media sector. According to the database we have, there are about 100 private journalism schools in Morocco. There are also a few universities. Can you imagine that? Do we have the teachers and human resources to provide supervision in these schools and universities? Impossible, we don't have them!

When we did this study and found that there



were so many institutes that, in quotation marks, teach press and media, it was an unpleasant surprise for us.

We need to look at that as well. I believe that we need to work from upstream to downstream in Morocco. Certainly, we have done a good job and we now have some gains, but I believe that we are now in another phase.

In terms of legislation, I do not want to go into too much detail about that, but I would point out that everything we have in terms of laws dates back to the 20th century. We are in a new century and I believe that this legal arsenal should be updated.

I believe that, first of all, the sector needs to get organised. There is the Moroccan Federation of Newspaper Publishers (FMEJ), the National Press Council and the National Union of the Moroccan Press (SNPM) which is not represented in this panel, but which I can represent. We now need to establish contacts and work with the Competition Council and other bodies.

The second aspect is to coordinate with the other professions, because there are artists' unions, for example. I believe we can create a lobby to work together because everything is connected.

These are some of the motions that I propose and that can be taken away from this debate.

After this discussion, it would also be good to start the action tomorrow.

ACTES DE LA CONFÉRENCE

PANEL 4

THE DIGITALIZATION OF FINANCE



Lotfi **SEKKAT**
President, CIH Bank
Morocco



Margarida **MATOS ROSA**
President of
the Competition Authority
Portugal



Abdelmounaim **DINIA**
Managing Director of
Crédit Agricole du Maroc
Morocco



Francis **KARIUKI**
Director General of
the Competition Commission
Kenya



Mounir **CHRAÏBI**
Executive Director,
Bank of Africa
Morocco



Hicham **EL ALAMI**
Director of the Support and
Development Department
AMMC - Morocco

M. Lotfi **SEKKAT**, President, CIH Bank (Morocco)



First of all, a big thank you to the organizers of this beautiful conference, namely the ADD, the ANRT and of course the Competition Council. Thank you to them for bringing us together to talk about an exciting and topical topic. Thank you for giving me the opportunity to be the first to introduce this panel, which is the digitalization of finance.

Dear friends, advances in technology and the new habits that result from it are pushing financial players, especially banks, to digitize massively. Certainly, in terms of the everyday user experience, technology makes our lives easier and opens up new opportunities. But its impact goes beyond the individual dimension. The more finance becomes digital, the more exchanges between individuals are transformed and give rise to profound social and cultural changes in our societies.

We are only at the beginning. There is almost no doubt that in ten years' time, billions of customers will have a bank account in digital banks that use blockchain for transactions, to make them faster and more secure. Thanks to artificial intelligence, these customers will have a hyper-personalized relationship with their bank.

The Internet of Things will revolutionize the world of payments with increasingly digital and

and fast payments, even with virtual currencies. More specifically, as far as our region is concerned, we will not be left out. Our populations are young and adopt technology almost instantly. Already, in 2022, several hundred thousand customers open their account in Morocco in a completely digital way, without any interaction with a physical branch.

We know that, unlike companies that are industrialized or highly banked, banks in developing countries are forced to set up directly on digital and quickly offer a digital service since their clientele is a clientele of young people who quickly adopt digital, and this, without going through an intermediary state that these countries may have experienced.

This rapid adoption of technology, imposed by users, brings great opportunities for our region, whether in terms of customer experience, financial inclusion, especially in the agricultural world, job creation and added value and the creation of an ecosystem of innovative fintech startups that are born and are able to grow. I suggested to Mr. Mostapha that he show a short one-minute video that would show his main changes. (Projection of the video).

Video voiceover:

Over the past decade, technology has completely transformed the banking sector. ATMs, cheques and slips are used less and less. Almost everything is done thanks to our smartphones. But by 2030, our everyday banking experience could become entirely virtual. By then, one in three customers worldwide will have a digital bank account on online platforms and only 20% of traditional financial services companies will have survived.

Some banks will become 100% virtual thanks to the emergence of open banking and will develop specialized expertise in analysing the data that will be stored and secured on the cloud. Banks will be safer and faster thanks to blockchain technology. With artificial

intelligence, they will then be able to offer us a personalized banking experience, worthy of a private bank.

Each of us could have a virtual bank advisor who manages our payments, instant transfers and, by analysing our purchasing behavior, he could even offer us special offers and even investments; All of this is done remotely by voice command. Banking will become more and more personalised and, naturally, the means of payment will follow. This will be the end of cash and even electronic payment cards.

Smartphones, watches and other connected objects will become the norm for payments. We will still shop in physical stores, but the way we pay will change.

In the near future, cryptocurrencies like bitcoin could become commonplace. It is estimated that there will be around 200 million crypto users by the end of this decade.

Many virtual currencies could develop, simplifying travel and international trade. Access to the bank account will be ultra-secure, passwords will become obsolete and will gradually be replaced by fingerprints, voice or facial recognition or even retinal fingerprints. The bank of tomorrow will deliver a more satisfying, personalised, faster and safer experience.

Continuation of Mr. Sekkat's speech:

This projection no longer surprises anyone today. It is a future that has become very likely and all the changes that have been mentioned here are already here. They induce the transformations of our societies and our organizations, which have become inevitable. We know the first players because they impose themselves on us every day and we talked about them through their social networks, search engines or instant messaging platforms.

As regulators, banks, and national actors, we are facing a real challenge and a clear choice. Will we anticipate these changes, envision them within ourselves, within our organizations, or will we simply endure them?

So, these changes, which create pressure, stress, uncertainty on the actors, but also opportunities for development, are taking place in a world that we all know and where, today, crises follow one another. No need to name them, do you know them? I would like to mention the one that seems to me to be perhaps the most dangerous, that of climate change, thus amplifying this feeling of uncertainty.

In the short term, this situation will obviously impose very significant shifts in the behaviour of individuals as citizens towards States, but also as customers vis-à-vis companies.

Given this, we need trust more than ever. In these circumstances, the company emerges as the last bastion or fortress of trust.

This is especially true for banks, whose business is trust and which have just emerged from a health crisis where their image has been strengthened as a company that accompanies social support.

But trust is volatile. Maintaining, preserving and increasing it will be won, for the banks at least, through the strategic orientations they will choose and, above all, through the values they will embody to contribute to a better world.

Their technological choices, risk management, the evolution of financing and investment solutions, the experience offered to their customers, the use of their data, with all this, success presupposes those regulators, banks and all players (consumer associations, fintech, etc.) etc.) work hand in hand to efficiently address challenges and paradoxes.

I have chosen three themes that I would like to share with you today and that I would like to bring to our panel for consideration.

The first is the technological challenge that puts us between customer experience and security. Indeed, banks need to evolve their customer experience for greater inclusion, with journeys that are seamless, intuitive and instantaneous. As a result, information systems are naturally more open to the outside world. They are hyperconnected, as we have seen, store a phenomenal mass of data, become vital building blocks for the functioning of markets

and induce regulatory requirements that are increasingly strong and precise in terms of cybersecurity, data protection and business continuity. IT spending will continue to grow and will focus on modernizing these systems. This IT spending will be directed towards the use of technology to serve these priorities, obviously, the user experience, which must be fluid, but at the same time, as I said, cybersecurity, quality and data protection.

The cloud can be an effective answer to this challenge. To do this, the legal and regulatory framework must be available and attractive in order to demystify the issue of sovereignty, as well as the emergence of a national service offer ranging from computing and storage infrastructure to software and its services. This legal framework could include equivalences between states or economic groupings, with a rule of reciprocity.

The second challenge/paradox is that of the regulation between protection, innovation and harmonization. I think that has been quoted, but I would like to quote it in my own words.

The arrival of instant payment and transfer, open banking and mobile payment are all examples of proactive regulation in the service of innovation.

While there is no doubt about the success of instant transfers and payments, the success of open banking is in its infancy. It certainly augurs well for the future under pressure from FinTech and PropTech.

As far as mobile payment is concerned, on the other hand, it has different fortunes depending on whether or not card payments are developed in the country in question, but also because of certain barriers, in particular from certain manufacturers for access to NFC or even to the "wallet" outright.

Mobile payment would benefit from additional regulation and support from the States that would allow it to exist truly effectively. The example of my country, Morocco, fits well in this case with a mobile payment system that, technically, is ready but is slow to take off. This system uses electronic

payment solutions, which may be a first step, but should, in my opinion, adopt more solutions that are fully mobile, which significantly reduce the cost of transactions for customers and merchants.



Also in my country, the adoption of this means of payment, coupled with the National Population Register and the Unified Social Register, could and would make it possible, in the near future, to distribute aid efficiently, quickly and instantaneously to the neediest populations. For these people in precarious situations, being able to receive these benefits quickly and instantly is a real benefit.

The arrival of new technologies, such as distributed ledgers with cryptocurrency or crypto assets depending on how they are seen from the point of view of regulation, as flagship applications or artificial intelligence with machine learning, are all examples where this time, it is technology that is at the helm since this technology opens up new fields of possibility. However, this requires regulations that are reactive this time, making it possible to sustain the benefits and contributions of innovation and, at the same time, to create the conditions conducive to consumer protection and the healthy functioning of markets.

Beyond these technological advances and the improvement of the customer experience, I would like to emphasize a point that has already been mentioned here, but which seems important to me: the digitalization of finance also introduces challenges in the way it is marketed, and especially in the way financial products are marketed, which are

increasingly being made outside the borders of customers' location.

Our citizens now have access to cross-border financial services that are not necessarily subject to the same regulation as local players. Because, in fact, it is the regulation of the provider's country that governs this relationship. Naturally, this will encourage these service providers to locate in the countries where regulation is the lightest and which, in the end, will, on the one hand, limit the ability of customers to assert their rights and, on the other hand, create a situation of asymmetry to the detriment of local players, both in terms of competition and taxation. It seems to me that there is indeed a favourable context here which calls for harmonisation - as has been mentioned - for the benefit of consumers, of the regulations and agreements that have been reached between the regulators and the major platform operators. This alignment will greatly benefit individuals and enable States to accelerate the implementation of a regulatory framework that is fair, equitable and conducive to development.

The third challenge or paradox that I would like to share with you is that of the first Unicorn in Africa, with the corollary, of course, of funding and talent.

Under the impetus of regulation and new technologies, we have seen the emergence of a new generation of entrepreneurs and companies in recent years who are shaking up what has been achieved and disrupting codes. These are the startups as they are called. Some of them have become global giants. So, for our continent, what will happen? And when will the first African unicorn be released?

Some believe that this is a vain ambition and that it is impossible for our region to become competitive in this global race. But here again, there are many paradoxes. It is true that we have all recently seen brilliant and talented engineers, trained in our regions in Africa, move to Europe or to the United States or other countries, because they are unable to work

on interesting projects in their respective countries.

But what you also have to see is that we have been able to train them in cutting-edge technologies, in the most advanced technologies. We were able to train them on the impact of these technologies on the world and society. That's why, in fact, they have become so attractive, and that's no small feat.

It is also true that there is an urgent need to increase the capacity of our countries, our banks and our companies to retain them by creating an enabling environment, because their natural attachment to their country of origin is strong, even stronger than we imagine. But that's not enough. So, let's say we have the talent, we need the projects.

We know that in this area, as has been said there too, there is a race for investment. The investment in Africa, I believe, amounts to \$6 billion, far behind the majors, where it is hundreds for the former and dozens for the latter.

But that being said, in Africa, it is true that we are at 6 billion dollars, but we have growth rates that are in the triple digits, with tripling and doubling of investment from year to year. We hope that it will continue and so that means that we can move very quickly, perhaps thanks to investment funds and pan-African projects, because the competition is global and the framework of one country alone is sometimes not enough.

Our financial environment needs to adapt and much faster than it does today. We need to learn how to finance faster and more simply because although our start-up is evolving, it is doing so less quickly than the demands of society.

Again, it's trust that wins. The fear of failure should not paralyze us. On the one hand, modern methodologies for evaluating and classifying projects must be taken as a guide, and on the other, investment must be encouraged and entrepreneurial courage stimulated. We know that the investment of financial players and banks, especially in technology,



will evolve exponentially. Moreover, of the 6 billion mentioned in Africa, 60% of African investment, as I have just said, is made in the world of fintech and therefore around the financial professions.

Banks have no choice but to learn how to work with these fintechs. The State also seems to want to boost this dynamic by implementing an appropriate fiscal framework. It has to be done, and the sooner the better. The incubation environment today also gives excellent signals. Certainly, it is under construction. Some incubators are starting to show good results. I will quote our friends from "212 Founders" from the CDG.

To all those who cite the long list of failed projects as proof of Africa's inability to bring its first unicorn to life, I say that it is quite the contrary encouraging evidence. The recent successes of our entrepreneurs are due to the experience of all those who have not succeeded and sometimes they are the same. So, let's be confident and ambitious. We have learned from our mistakes and we have matured. We must now multiply initiatives and accelerate.

I will end my remarks with a quote from Saint-Exupéry that inspired me: "As for the future, it is not a question of predicting it, but of making it possible."

Here are some elements that I wanted to share with you today, I hope that our panelists will find something to do and above all to continue: Technologies, security, regulation, human capital financing are the main levers, but the key word remains Trust.

Thank you.

Margarida **MATOS ROSA**, President of the Competition Authority (Portugal)



I would just like to congratulate the President of the Competition Council, Mr. Ahmed Rahhou, for this initiative and his colleagues from the ANRT and the ADD. I really like this multidisciplinary. I think we have a lot to gain. Congratulations on this initiative. Knowing that I have been in the financial sector for 20 years, in the private sector, among the financial markets regulator and for the last six years also in the competition sector, I really like this panel, it is my favorite.

You'll forgive me, but I just want to talk a little bit about the opportunities that innovation in the financial sector offers us. The opportunities that this innovation offers us from the point of view of companies, innovators, FinTechs, but also from the point of view of the consumer and per consumer, I mean households, I mean companies, and especially SMEs.

I know that the digitization is not new in itself in the financial sector. It's something that has been occurring for some time, both at the level of the internal processes of banks and other financial institutions, but also in terms of the client experience.

So, for example, electronic card payments have become widespread and instant payments are now more common. When Francis

was saying it's been a long time since I went to a banking branch last time, I was trying to think for myself, when was my last time I went to a bank's branch, and that may have been five or six years ago.

So, as consumers and as clients, we can witness in different degrees of course depending on the jurisdiction, how digitization has really changed our dealings with banking, but has also made them much easier, much more convenient and even cheaper.

Most of us now manage, as you said, our financial services or payment accounts with the apps on our smartphones, or log on to our customer accounts on our laptops. But as I said, looking beyond these aspects, banks have also become much more efficient through the digitization internally. In their internal processes this has become simpler, more efficient, operations have become more easily scalable, interaction with clients now rely a lot on internet platforms and smartphones. So, there are a lot of efficiency gains there.

We can also say that digitization has enabled more business models to come to the forefront, and that's what we're here to discuss.

I want to highlight the opportunities offered by open banking. We heard about open banking in the opening video, and I want to say this because, with open banking, consumers can consent to their banking data being used by multiple providers and services, and where open banking is most developed, is data has proven to be fundamental to innovation and to the new services provided by fintech firms.

And the range of services that we want to benefit from as clients, is vast, and it includes services that provide advice on investments, it provides advice on decision making in general regarding your finance. It provides cheaper means of payment, that's very obvious to all of us, and it also helps customers and this includes again, SMEs, to compare borrowing conditions or funding conditions, and this is

very important for many firms as well.

So, the mere existence of competition benefits both investors and SMEs or in general consumers.

There was a big push in Europe for this to occur with the PS2 Directive (the Payment Services Directive 2). This directive, as you may all know, establishes the conditions under which providers can openly access payment account information. Under PS2 banks and other providers must ensure that other certain party providers can access relevant banking information and this is establishing the law. But of course, we have to make sure that then after the direction, what we usually know as RTSs (Regulatory Technical Standards), the secondary regulation, enables this to happen and enables it at a fast pace, and this is where sometimes delays occur and obstacles remain, and we, as competition authorities, are generally attentive to those barriers that remain in regulation.

I want to say also that there is a bit of another type of barriers and sometimes a mental barrier and that relates to financial stability.

Sometimes some people believe and argue that it is important to protect incumbents to some extent from disruptions, from big disruptions. But let us not forget that it is the discipline that competition puts on every player that makes them stay innovative, resilient, agile. This is what we want to obtain. Of course, we are very conscious of important objectives such as financial stability, such as client or investor protection and we must take care of that, but we also must make sure all together as an ecosystem that innovation is what keeps banks innovative and brings customer's satisfaction.

I don't want to be too long on this. I just want to point that out, because sometimes that's where things start to get delayed in terms of bringing innovation to the forefront.

I want to say a little bit on what we have done at the Portuguese level. First of all, we've seen in our country a lot of innovation in the nineties and the subsequent decade, but then

in the 2010s it became a little less obvious that innovation was continuing and we started to see a lack compared to most of our European neighbors in terms of innovation in the banking sector, in particular in payments. So, The Portuguese Competition Authority decided to publish, in 2018, an open issue regarding innovation and competition in the financial sector, and that allowed us to hear a lot of companies and FinTech's, especially in their concerns regarding existing barriers in legislation, including regulation that pertain to the financial sector and mostly in the banking sector.

Then we wished recommendations at that point and then a few years later, in 2021, we conducted a very extensive sector inquiry that reached about 140 companies, some of them not operating in Portugal, because we wanted to find out why they were not in Portugal? What kinds of barriers did they face? What kinds of reasons were behind the fact that they were not in Portugal but they were, instead, in many other countries?

We did that with companies not present in Portugal, but also those present in Portugal. It was interesting to see that their responses, so last year, still highlighted a lot of hurdles in accessing critical banking infrastructure and banking data. This was one of the highlights in which 74 of the firms providing services in Portugal indicated that such barriers to entry existed.

Also, 64% of those mentioned that the position of incumbents or the existence of a closed ecosystem in payments was also a significant barrier.

New entrants specifically reported hurdles in accessing the National Interbank Clearing and Settlement Payment system. This is very specific to Portugal, it may not occur in other countries, but it may also occur. It means that they rely a lot on incumbents representational or the incumbents as an intermediary in order to participate in the system. And that's a significant barrier to them. Why? Because there are often delays in the answers that these incumbents provide to the newcomers. Moreover, FinTechs also reported very poor API



performance or lack of support from the API provider or unjustified obstacles to what should be a very seamless user experience, and of course, if it's not seamless the user just deletes the App and goes somewhere else. So, it needs to be seamless from day.

Having in mind these answers, we issued recommendations to both the governments and the sector regulators, especially the Central Bank, in order to reduce new entrants dependance on incumbent banks, to access banking infrastructure, and also recommendations to some extent to limit the degrees of freedom that incumbents have in providing data access to third parties.

So, I will probably stop here for more debates later on. I would just like to say that this conference is also about competitiveness and the fact that you have a legal and regulatory environment, that gets rid of unnecessary barriers. It is very important for you to be competitive as a country and for players such as those in the banking and financial sector also to be very performant. That's one thing.

Then I heard inclusiveness as well, and I like that as well, because the more innovation you have in this sector, probably the more convenient and cheaper the services may become and that's very helpful for inclusiveness as well. And I will stop here. "CHOUKRANE!"

It's interesting because I only spoke about the advocacy efforts, but we also have an enforcement action precisely regarding the

delay on purpose of the company that has a dominant position in that area. So, it may be that this is an abusive dominant position by the incumbent when there is a dominant position. It may be just fears that new technology may not be safe enough or performing enough, but I think we have also to look into other jurisdictions and see whether they have been performing well. So, that's why it's important that we establish a good dialog and maybe have sandboxes to try these technologies and see whether there are issues or not. So that they are brought to market into a wider scale as soon as possible. But definitely, there may be strategies which are illegal from a competition law point of view and we're here as Competition Authorities to go after that and sanction them, but there may be also just perceptions that can be tackled.

M. Abdelmounaim DINIA, Managing Director of Crédit Agricole du Maroc (Morocco)



We are the bank of the rural world and the agricultural world and we are proud of it. But we are also the classic universal bank and we are managing our digital transformation with this duality.

Generally speaking, and everyone has talked about it, the banking sector is a forerunner in digitalization. The Central Bank Governor spoke about it this morning and you yourself. And indeed, banking customers have a lot of appetite for digitalization, perhaps because the sector lends itself to it and perhaps also because the customer prefers to deal with a machine rather than his banker. We can see this progress here as well. Today, three-quarters of day-to-day operations are digital, which is not negligible.

This allows us to save, at least for our agencies, more time for higher value-added operations and transactions. We talked about cash, which is important in Morocco. Here too, withdrawals are less and less made in branches. Today, 90% of withdrawals are made via ATMs.

So, to achieve these advances in digital transformation in our country, it was based on a certain number of axes. Regarding the first axis, which is that of day-to-day banking, we have evolved our basic functionalities towards

slightly more sophisticated functionalities. The latest: today, for example, you can apply for the tourist grant in partnership with the Exchange Office in real time. It's true that other banks are doing it, but it's a slightly more relevant digital journey. Other paths since the regulations changed, especially in terms of KYC (Know Your Customer). Today, the central bank allows banks to use technology for remote account opening.

We have solutions, the "HSABI" solution in this case, which allows remote openings, but obviously, to retrieve the means of payment, the customer must then go to a branch. These are solutions that we are evolving, especially with the latest national project on digital identity. Of course, we believe that beyond transactions, online banking or mobile banking in general must evolve not only in terms of the number of consultations or transactions; The indicator is not to say how many online transactions have been made, but above all how many products or services have been sold, how many products or services have been offered.

That's why we have new digital pathways, particularly for home or consumer loan applications, with real-time scoring and at least one online pre-decision. There are also new products in terms of bancassurance. That's basically what the bank does on a day-to-day basis.

So, for the Farmers axis that interests us, we have always thought that digitalization is much more useful in the rural world than in the urban world, for the simple reason that in the urban world, you always end up finding an agency. On the other hand, in the agricultural world, it is much more complicated.

We have often talked about the success of mobile and we believe that this digital inclusion can help us to achieve financial inclusion. Now you have to be innovative and creative. In traditional banking, we are inspired by each other, not to say sometimes we copy each other. But in the agricultural world,



we are the only ones, so we have to be creative.

To this end, we have forged partnerships with agricultural sectors and we have managed to have the first and only agricultural solution at the national level. It is the "IMTIAZATI" platform that is interfaced with a number of important partners at the national level, including OCP with an interface with their "ATMAR" platform for real-time application for credit to finance inputs. We have also forged partnerships with SONACOS for the payment of seeds.

With the platform, we were able to make mobile payments. We have also done the same thing with the MVNOs for the payment of irrigation water. These are niches. My friend, Mr Mounir, was talking about mobile payment. At least with these niches, even if they don't achieve extraordinary volumes, they still make mobile payment work.

For financial inclusion, this is a topic for all banks. But when it comes to financial inclusion in rural areas, Agricultural Bank of Morocco and Al Barid Bank (Mr. Moussaoui) are present with us, are the two banks that are really trying to go to remote places. There are 66 municipalities where there are no financial services. We need to deploy measures to achieve financial inclusion in these municipalities.

Obviously, we are not going to set up points of sale for various reasons. Already with digital, we don't do it in the urban world, we're not going to do it in the rural world. Not for reasons of profitability, but mainly for reasons of attendance. We are forced to go through digitalization to achieve inclusion in these municipalities. There is no other choice, especially with account opening solutions, especially with payment institutions that are now completely digitalized. We have mobile agency solutions, even if they are not digital, at least they are computerized. So those are our answers on the financial inclusion part.

There's also data. This is an important axis. All banks amass a lot of transactional data. For us, there is also transactional data, but also field data because agricultural activity requires knowledge of the farm. We have partnerships with start-ups that are involved in GPS data.

With all this, we then enrich our big data to do what is called scoring in agriculture. It's a scoring that is based on Big Data.

Thank you

M. Francis **KARIUKI**, Director General of the Competition Commission (Kenya)



Let me take this opportunity to thank the Moroccan Competition Commission for inviting me and according me the usual hospitality of the Moroccan people. Thank you very much.

Before I go to my intervention, I want to share with the plenary the key and the basic tenets which have been driving me as a regulator when regulating big margin economy, and the basic global thing is that you have to be responsive and flexible when dealing with this regulation and in terms of being responsive and flexible, it's when any new product or service comes into the market, you have to ask yourself, why has it come to the market?

Then number two is that how is it being delivered in the market?

The number three, you have to ask yourself, does it have consequences and these consequences could be positive or negative?

Therefore, is that when the mobile payments were introduced in Kenya and also the digitization of the services in the finance sector, is that fast as the authority we set down and realized markets exist for customers. This market for these products which have been developed, and companies respond to the need of the majority of the customers.

We have customers now who are youth. They are very quick with their fingers but very lazy on their legs. They don't want to move from where they are seated, but they want to get good service. Therefore, this digitization of the markets is aimed as taking care of these customers.

The other consideration which you have always to make as a regulator, it's in regard to the environment we are operating. How were we transacting money in Kenya before the mobile payment? We were using public service vehicles to send money to our rural parents and they had to leave their farms and wait for the public service vehicle on the road. Then when these mobile payments came, they quitted for that solution, reduced the transaction costs, reduced the time taken, and we ask ourselves, if you don't give this an opportunity to grow, what would be the ramifications to the whole economy?

There are issues in regard to the environment, the COVID 19, the way mobile payments ensured that the businesses continue during the COVID 19.

The other reality we take into consideration and we took into consideration, it's in times of globalization, people want to access their bank account wherever they are. If they travel regionally or globally, they would like to access their bank account. And That's the reality of the international trade these days.

The other reason why people or why market players bring products in the market, is to be competitive. They have to differentiate themselves with the other competitors and hence they have to be able to reduce their overheads and be able to reduce the other costs so that, at least, they can have their margins insured.

The other most interesting thing is that you realize even they can come up with products or services to avoid what I may call regulatory obstacles, to avoid some regulations which have been promulgated by government, and they are curtailing growth.

So, as a regulator, that's how the Kenyan Cooperation Authority, we've been approaching this market.

And what have we seen? We have seen the value of money transactions, especially during the COVID year, from 2020 to 2021, increased by 63.2%. That is from 9 trillion to 15.6 trillion during that year.

You can see if you didn't have those kinds of services the mobile payments, that kind of business wouldn't have been there. Then we saw mobile money transactions growing by 32%, standing at U.S. dollars 55.13 billion US dollars and a GDP that is in terms of purchasing power parity of 250 billion U.S. dollars. You can see that is quite tremendous in an economy.

Then we have seen in terms of the services offered in terms of the markets catered for, that these days is that before mobile payments or mobile money transfers they want person to person, now we have person to business and then business to business. And then the other area is in terms we have seen mobile accounts increasing and superseding the Kenyan population.

The Kenyan population is at 50 million and we have mobile accounts at 52.6%. So, as a regulator is that we have been able to facilitate this kind of growth.

The banking sector has not been left behind. We have seen the digital transactions increasing by 6.4%.

You can see that there is no much growth in the banking sector or revisit: why we have not seen that kind of growth. But this growth is supported by the banks launching and promoting the usage of the banking apps. In fact, the last time I went to the banking hall is four years ago.

My debit card expired the other day, and that's when they called to ask me: Do you still need this? Because I'm not going to a banking hall and I've never even gone to an ATM because everything I transact through my mobile, I withdraw my money from my bank account, I put it in my e-wallet, I send it to my

mother in the rural area and she buys grocery from the shop. It's delivered by ride hailing bike, and then she pays that ride hailing bike using the mobile money, that is a transaction which takes maybe 2 minutes.

You see the tremendous kind of velocity of money growing in the economy? There is no insurance cost, there are no transactions costs. But these markets, they have to work hand in hand because you need the Internet. So, you realize that this kind of growth also has been supported by the high penetration of Internet in Kenya and also the number of people holding mobile phones in Kenya.

In the banking sector also we have seen banks, especially the big ones, investing in artificial intelligence. Banks have upped their game these days when they realized that there are some deposits in my bank account, I always see an artificial intelligence generated email telling me that you can increase your credit from days to days before You had to literally go and beg from them?

Why are they doing that? Because now we have digital financial services lenders coming to the market and why say that maybe the banks have not been able really to transform to that kind of digitization? It's for lack of better world, there has been a lot of regulatory conservatism from the main regulator that is the central bank, maybe it's due to the prudential and systemic challenges which the banks face. But from where we stand personally, is that if at all we are not a bit flexible and responsive to the needs and to the realities, banks may face a Kodak moment, you know, in terms of moving forward.

So, this need of appreciating and the regulator, according to the banks' more flexibility in dealing with some of the of the products we are seeing in the market now.

But all this is not rosy. There are some challenges in terms of competition. In Kenya, the dominant firms had exclusive agreements with all the agencies. Before is that used to deposit money in your e-wallet if you want to access real hard currency you use to go to an



agent and withdraw the money. Now the dominant firm had gone and had all exclusive agreement with all the main agents and the other competitors could not access those agencies. But we intervened and we opened up the agency.

The most interesting thing also, is when do you intervene? and how fast do you intervene? Because by the time we came up with that solution is that the technology had moved to another level. You didn't need the exclusive, you didn't need the agents. Now you could transact and you could buy anything without the hard currency.

So, the question which came to us is that when should you be intervening as the regulator at the end of the days that you waste your resources? I remember also there was a question, there was an issue where there were a lot of people acquiring, is in the French competition agency in terms of negotiating with Google, in terms of arriving at a decision.

These are areas as regulators, we are not on top of product's worth. So, there is usually the need to negotiate with the person you are regulating to appreciate and you come up with a solution which is supportive of the innovation, not curtailing that innovation.

At the end of the days that you realize in Kenya we've had more of commitment decisions rather than going and penalizing people or you go to the judiciary, and it takes 3 to 4 years, and when you can have a problem-solving approach towards the problem which is existing.

The other area which has been touched on by previous speakers is in terms of the ineffectiveness of our current regulatory framework of the laws or dominance operating, where can they cure this problem where a company has had what I call significant market position that the dominant firm is the one which is now being used for mobile payments in government agencies in Kenya. It's the one which is being used for taxi payments and yet it's not abused position. What if it collapses? These are the questions we are asking ourselves as regulator.

The other area, is in regard to data. They have the data; they have accumulated that data and that data has become what I may call quite a key factor in your competitiveness. But the question I will ask myself personally, is data an exigency purpose? Who is the owner of the largest deposit of data? well it is the government, but unfortunately, the government has not been able to repurpose that data for the betterment. So, data is a variable it's how you repurpose it. To me, it's not the end, it's an output to the end.

Therefore, even if we talk about data portability, it should be in areas where we are having competition. Also, we should not curtail the motivation for companies to mind their own data for the purpose of waiting others to mind their data.

The mobile payments were developed by a private player. Mobile network operator Safaricom, which is the dominant, but obviously it had to get some clearances from



government agency.

It had to go to central Bank because it is dealing with money and then the central bank governor is a gentleman I really respect because he said let's try it, let's put it on a sandbox. It had to get clearance from the national treasury. The minister was convinced and also then after that introduction the competition agency had to come on board in terms of that there's no competition issues existing.

When you talk about the impact, I've just talked about the minimization of the transaction cost. When I look at the history, before the mobile payments at the end of the month, they used to go to the public service vehicle, which is traveling to my rural home 300 kilometers, get this money, take it to my mother, if it breaks on the road, she will not know whether that money has reached.

The other area is in regard to the reduction in terms of the insurance cost. I withdraw money from my bank account, put it in my e-wallet, send it directly. I don't need any insurance, because also it's insured in a virtual account in a bank by the mobile money provider.

Those are the benefits we've seen, and those in terms of employment of the people, and also increasing that velocity of money.

M. Mounir **CHRAÏBI**, Executive Director, Bank of Africa (Morocco)



I'm not going to speak in the name of the bankers. I will speak on behalf of the mobile payment industry. It will allow me to be more comfortable. That's the cap I'm wearing today. We heard President Lotfi SEKKAT talk about technologies, our projection, the target... etc. From my experience and I am talking about the experience of mobile payment, we realize that in Morocco, the subject of technology is not a problem.

In Morocco, we have engineers, the population is young, the population is over-equipped with mobile phones, very connected to the Internet. We have offshoring and lots of multinational development centres in Morocco. So, we don't have a technology problem. What we do have is one problem of adoption: the ability of the population to integrate a concrete system. For me, mobile payment is an example of how difficult it is to inject a new system into our country.

I would then like to point out that in terms of financial inclusion, Morocco is suffering. Today, there is far too much cash. This is a very important priority for the central bank, even though the Central Bank Governors this morning did not talk much about it, but for him, it is an important concern.

Today, it is estimated that cash circulates at 26% of GDP in Morocco. It is on the rise. The COVID period has boosted the circulation of cash in our country. We can go back to the reasons, probably because we gave the aid in cash when we could have done it otherwise.

By way of comparison, for example, Tunisia is at 13% and Turkey is at 16% of cash circulation in relation to GDP. So we are in a country where cash is increasing and the central bank is very aware of that. Moreover, on the recommendation of lenders and even banks that suffer from the presence of cash because the banking system would like to recover this cash from the financial system, since this would probably promote the acceleration of financing at the level of Morocco, the central bank launched the mobile payment system in 2018-2019. This is a very recent initiative.

Noting that financial inclusion could not be achieved with only banking players, which are mainly located in cities, with significant investments and high billings compared to a population that would not be able to afford to pay for banking services, the central bank has therefore paved the way for 19 payment institutions and has given new licenses to new players, such as money transfer companies or pure digital players that have arrived. There were 19 approvals granted in 2019.

In 2019, we started coming together. These players and the banks have created an EIG-Mobile Payment (Economic Interest Grouping) and have honoured me by electing me as president of this grouping, and it is in this capacity that I would like to present their experience.

For two years, these players have invested heavily. I'm talking mainly about payment institutions, because the banks already had their infrastructure and therefore the investment was marginal. However, payment institutions have invested a lot and, in two years, they have had a totally effective value proposition that could be compared to Kenya

since with mobile payment today, you can sign up immediately, that is to say create a mobile account immediately, receive or transfer money immediately. Today, the transfer of money is instantaneous thanks to the system that has been put in place. The system is interoperable, that is to say actors can make transfers with each other and with the central bank. We have gone even further, since mobile accounts have their own bank account details, and can therefore also be connected to the banking system and vice versa. Banks can receive transfers to mobile accounts. Interchange fees have been divided by three compared to the banking system, so they are really low-cost: 0.4% excluding tax on interchange fees. The new players have brought in points of sale, what we call retailers, which allow the population to enlist, to make cash-in and cash-out. In two years, we have reached 20,000 points of sale, whereas the banking system had only 6,000 or 7,000.

We have created a new proximity that was not enough since we doubled it between 2021-2022. We brought a closeness that didn't exist. Subsequently, there were developments to ensure that the new system could take advantage of the existing banking system. Now, with mobile payment, you can take cash out of an ATM, you can connect an electronic payment card to make payments where the merchant has not planned to receive mobile payment and you can also do e-commerce. Some players were even able to make billing payments to all control rooms or even charge the phone. We therefore have a complete, interoperable technological offer that is easy to use and instantaneous. However, the activity is not there. It is true that we are only at the beginning. We can have that as an explanation. But, together with my colleagues, we have been trying to understand why we are struggling to get off the ground.

Today, there is 2 billion dirhams in volume and 6 million in wallets and out of these 6 million wallets, less than 10% are active. So, we have an activity that is still low or an activity in the making. But that's not the worst part, because

if the system doesn't work, the new players will stop because they may not find the business model they had planned in order to be able to function.

When we look closely, we realize that about 30% of the reasons for this non-functioning are due to regulation and this is surprising!

We obviously have a regulator that is very well known. Banks are extremely well regulated. Banks were able to deploy the distribution of COVID aid to 4 million people in one month. We have a solid system, but when this regulation was applied to payment institutions, we realized that it was stifling! It has not adapted to the fact that we are a nascent system that needs flexibility (I heard flexibility and responsiveness earlier), and it needs to listen.

In the beginning, we launched three types of mobile accounts. But when you finally look at the accounts, the regulations stipulate that as soon as you exceed the 200-dirham limit, you have a regulation that is equivalent to that of a bank. You have to do the QYC, you have to do the filtering, the profiling, you have to manage homonyms.... You are already in a system that is far too complex compared to a population that wants simplicity and that simply needs to understand what a mobile account is.

There is probably a need to simplify the procedure. Then, the second point that we realize is that even if the central bank supported us on this, when we had to integrate retailers, traders, there was the obligation to ask for the commercial register, the license, the tax identification, etc. etc. These people do not have one.

We then managed to convince the central bank not to be demanding on this. She said, "I'm not going to be picky about it, but at your own risk." So, payment institutions have started working with retailers that they have to pay. These retailers are not listed. So tomorrow, they can be subject to a tax adjustment and reproach them for having invoiced people who do not have a license number... etc. So that is a second, important point



And then the third point, which is just as important, is that these payment institutions are now in a state of regulation, like a bank. Personally, I have seen that for a small payment institution, it would have to make at least 50 regulatory declarations per year! There are quarterly declarations and annual declarations. They need to invest heavily in compliance systems. They then find themselves making the same investments as a bank.

Those who are backed by a bank can benefit from the parent company's investments, but those who are not, are going to have a very difficult time.

So, there is clearly a lag in regulation in relation to the level of activity. You probably need to let go of some ballast to let the activity take hold and then regulate a little more over time. That is the first topic.

The second topic that accounts for 70% of the reasons for allowing mobile payment to start is the enrolment of social programs.

In Morocco today, there are 130 social programs, and I'm not sure if you're familiar with all of them. There's RAMED (Medical Assistance Program), TAYSSIR (financial assistance to students for their education), and so on. There are plenty of aids, and these aids are currently disbursed in the form of mandates. What is being asked now is that these aids introduce mobile payment as a requirement to receive the money.

Today, for those who follow the news, there is the Unified Social Register (RSU) that will be set up, where all the populations likely to be eligible for aid must first be registered, which could mean that they must be equipped with a mobile account and could generate interesting activity tomorrow.

The Unified Social Register predicts 10 million families by 2023 and 25 million by 2025. So this would obviously be the real launch of mobile payment when these populations have been onboarded. So there you have it, that was kind of the testimonial I wanted to make about mobile payment.

Moderator : Thank you. Briefly, won't there be a problem of distribution of remuneration with all these value chains?

Of course there is a question of compensation. But this subject is going to be absorbed by activity and volume. For a retailer to be profitable, it would need to complete 50 transactions per day. Today, they are at 5, 7 or 10. If you reach that threshold, you reach a level of profitability that allows retailers to find each other. Moreover, the profitability of retailers is a crucial point for mobile payment.

M. Hicham **EL ALAMI**, Director of the Support and Development Department - AMMC



First of all, I would like to thank the organizers for this conference and for involving the AMMC in the debate.

Since the beginning of the discussions, there has been a lot of talk about payment systems and banks. It makes sense, there are prominent bankers on the panel. Just a word for the audience, to say that the capital market also contributes to the financing of the economy.

Let me give two figures: Collective management represents a total of about 600 billion dirhams, or the equivalent of 50% of GDP. Every year, more than 50 billion dirhams are raised in the form of debt.

I would like to share with you a number of points or ideas that I have written down on paper. I'm not in digitalization today, but I hope you'll be interested!

In any case, I will answer your question first. Did you ask if we were open? I think there's one point that's absolutely critical and that everyone has brought up, especially Francis: The success of the Kenyan experience has depended on one key factor, and that's flexibility.

He talked about flexibility; he talked about sandboxing. What is the "Sandbox"? It is simply a derogatory regime where we allow an idea or

project project holder to be able to experiment with his project on a small scale so that there is not a significant impact, but this presupposes derogations from the rules. The difficulty we have, as Mr Chraibi mentioned, in terms of the regulation of Bank Al-Maghrib, but in general, is that our legislative and regulatory framework is quite rigid, and I will tell you why. Because we are culturally and historically used to putting a lot of detail into our laws, which means that every time we have to change the texts, the process is long. In fact, we need to start really changing our approach. It takes time. It's a real breakthrough. In fact, it's a bit like the Anglo-Saxon approach: keep the principles at the level of the law and send everything else back to the regulatory level.

As was said this morning, the time for markets is not the time for regulation. This discrepancy means that mechanically, this device, which is a blocking factor, it must be said. I am sure that there is an awareness and that there is an evolution in that direction.

I would like to share with you some other elements. First of all, in terms of the capital market, we are now witnessing not only an evolution, but a real transformation. What's the difference between the two? Historically, if I take the example of the Casablanca Stock Exchange, we had an outcry system. We have moved to an electronic system with offshoring, ... etc. But basically, nothing has changed, except for the technology that makes things easier. We can talk about evolution here, but what we are witnessing today is truly a transformation. For example, the central depository system, "Maroclear" in this case in Morocco, represents the trusted third party. With blockchain, there is no longer a central custodian, there is no longer an intermediary. So we're living something else and with new risks because until then, we have opponents who have been identified and responsibilities that are clear. The liability of a custodian is clear and governed by law. The same goes for intermediaries. Tomorrow,

with blockchain, who should we address? Who has the information? With all the risks associated with it.

One risk that immediately comes to mind is money laundering. We don't know who owns what? Who is the beneficiary? However, we know that this is a real issue and that Morocco today is on the verge of coming off the grey list. So much the better, but it is a real problem that is not unique to Morocco, far from it.

This is an issue that is being addressed at the international level, and two or three weeks ago,

Another important point I would like to make is that we have to distinguish between the technology and the use that is made of it. Technology itself is beneficial. It is an extraordinary instrument of financial inclusion, but it can be used in different ways. Today, the debate remains open. There are cryptocurrencies whose volatility you see and we wonder what is behind them. Is there wealth creation? On the other hand, the technology offers, for example, simply for traditional instruments, such as bonds or others, the possibility of "tokenizing" them. The



here in Marrakesh, we organized the annual meeting of IOSCO (International Organization of Securities Commissions). To give you an idea, IOSCO has 230 members who regulate 95% of the world's finance. During this meeting, the issue of money laundering came up along with everything FinTech.

I don't want to be very long. I have a lot of things I'd like to share with you. It's a trend that's irreversible in every way. When you see the numbers I have in front of me, I'm basing myself on a site called "Coin market cap", it's funny because I had noted on my sheet that the capitalization of crypto assets was \$946 billion, but when I took a look today, it went up to \$878 billion. On the website, it was stated that there was a 10% drop between yesterday and today. This is just to tell you the volatility of this type of instrument.

instruments remain the same, but they are tokenized. What does that mean? They're tokens, so it's virtual. In fact, you need such a virtual currency and this allows a lot of things, including cost reduction, instantaneousness of exchange, ... etc. Technology has a lot of advantages. That's a great thing. On the other hand, you have to be careful about its use. Of course, there are cybersecurity risks, fraud risks, operational risks... All of this has been discussed this morning. The risks are there. The regulator must, first, identify the risks and understand the mechanisms. This presupposes, therefore, several things. In any case, when it comes to the AMMC, we have a very pragmatic approach:

1) You have to form teams. We cannot supervise or regulate something we cannot control.



2) You have to test the technology. It needs to be demystified. In this regard, with a local bank, there was a small private placement operation using the blockchain. We got involved in a way, to find out (the authority with the operators).

It is then necessary to test and train in order to be able to supervise.

Finally, we need to act comprehensively. There are no borders. New technologies have no borders.

So it's paradoxical. Today, with geopolitical tensions, at a time when we're talking about deglobalization, with supply chain issues where we're trying in vain to bring production back to regional, even local levels. No matter how hard we try. It's not a question of willingness, but it's absolutely impossible. There's no other way to regulate FinTech, except through comprehensive international cooperation. This was a point raised during the IOSCO meeting, but it's also the approach we've adopted internally. Mr. the Governor spoke about it this morning when he mentioned this national working group of which the AMMC is a member, as well as the central bank, the insurance regulatory authority, and the national financial intelligence authority, as there's the dimension I mentioned, of combating money laundering. So, we're working together to have flexible, open, and evolving regulation.

Last point, since we are talking about competition, I would like to put forward an idea: There are the classic mechanisms today, exchange, ... etc. And there's the other way of operating, which is new, especially with blockchain. Shouldn't we ensure conditions for healthy competition between these two modes? To do that, we have to regulate somewhere, and that is what we have started, because to regulate is to legitimize.

I can tell you that many players in the market today want regulation, they want us to legitimize what they do. Of course, there is also the funding of these startups. I think it's been mentioned, there's crowdfunding coming up. It's not a silver bullet, but I think it's still going to help fund these startups.

Thank you.

CONFERENCE PROCEEDINGS

PANEL 5

DATA CENTRALITY IN DIGITAL MARKETS



Roberto RUSTICHELLI

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Italy



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World Bank Group

M. Roberto RUSTICHELLI, President of Competition Authority (Italy)



Mr. Chairman,

Distinguished Representatives of the institutions,

Ladies & Gentlemen,

Dear colleagues,

I would like to thank President Rahhou for his hospitality and very welcoming petition he addressed this Assembly devoted to the challenges of digital transition between regulation and competition. I hope this opportunity for discussion will further strengthen the strong cooperative relationship between our country and institutions already joined by the EU-founded Twinning Project.

In my introductory remarks, I will outline the role of competition policy in digital Market, focusing on the competitive relevance of data and then discussing whether and to what extent that additional antitrust intervention by competition authorities should be adapted in order to better respond to current markets outcomes. Data is new will. Only five years ago, an editorial published in The Economist coined this fortunate slogan, which shows the crucial importance of data for the development of many economic sectors where

data has acquired a more prominent role than traditional fossil fuels.

In digital markets, access to an increasing amount of data is lays of existence of strong economics of scale and relevance of network had led to a remarkable concentration of market power in the hands of small number of players.

Such evolution raises serious concern not only in relation to the free exercise of economic initiative, but also to the very democratic world of our society. Competition authorities are under intense pressure to identify the most appropriate policy tools to meet the challenges arising from the digitalization of the economy.

I respectfully submit that these challenges can be successfully addressed by antitrust authority. We should pay attention to both the need for swift intervention and protection of incentives for innovation.

First, allow me assurance the size of larger digital players don't by itself justify antitrust intervention. In fact, in digital sectors, the present of high fixed costs and nearly zero marginal cost inevitably result in significant economies of scale and scoped that combined with substantial network externalities lead to market structures dominated by a few players.

In such market, competition rarely works according to the traditional paradigm. We envisage the presence of many firms in the market.

In digital markets, competition more often manifest itself in a subsection of consecutive monopolies, each replanning previous one by virtuous or destructive innovation.

Indeed, in these markets, the antitrust paradox is represented by the fact that monopoly constitutes a physiological outcome of competitive game.

From this perspective, the primary task of competition authorities is not to ensure that a

plurality of market operator remain in the marketplace regardless of efficiency considerations of consumer preferences. Instead, competition authorities are called to ensure that dominant firms do not take advantage of their market power to suppress innovation.

The exclusive availability of large amount of data generated by using interaction may facilitate dominance firms in adapting conducts that significantly reduce the contestability of digital markets, leading to a crystallization of competitive dynamics in such markets.

The increasing concentration of large volumes of data in the hands of small number of operators can impact on competitive approaches in a way which are likely to affect competitive dynamics.

First, data enables to improve consumer experience and product quality, causing a situation in which expanding the user base and generating more data rapidly to smaller competitors not being able to challenge the position of the dominant company.

This is a particularly evident which respect two sides platforms for which access to data generates significant network effects both directly attracting new users and indirectly increasing revenue from services rendered for a fee.

Second, competitive pressure might be for a weekend in the presence of restriction on interoperability or transfer of data yield by the dominant firm where users don't have control over the data they generate.

The inability to transfer it to another operator can constitute a significant disincentive to switching provider. The issue is even more evident with digital ecosystem across a polarity of continuous markets. In such cases, the lack of interoperability with the products offered by competitors could raise a significant barrier to entry or expansion.

In fact, data portability to stand these facilities that data circulation and user mobility offers

competitors the possibility of standard of competitive pressure on incumbent operator whose dominance rests on the creation of ecosystem based on the management of practically unlimited amount of data.

Furthermore, access to a large amount of data can protect dominant firms from innovation, which could threaten the market position. First, they have availability of data in dominating markets facilitates the expansion of fields into related markets. This can put dominant operators in direct competition with their customers, whose business strategies are known to the dominant firm, which enable to react to any commercial initiative.

Moreover, the availability of data enables the rapid identification of any potential competitive threat and the systematic acquisition of innovative startups before they can actually undermine the dominance of the incumbent firm.

Therefore, in absence of corrective action, large enterprises that have already developed a non-replicable capability to acquire, manage and analyze data will become the gatekeeper of future technical developments.

The complexity of technological scenarios and the significance of social and political implication associated with the emergence of large companies in digital sectors, has raised doubt about the effectiveness of traditional antitrust tools to respond to challenges raised by the digitization of the economy.

Thus, incisive regulatory intervention has been evoked, extending as far as the imposition of measures to the concentrate and breakup of larger digital players along the lines of the dissolution of the standalone trust order by a United States Supreme Court in 1911. In this regard, it seems to me that competition authority, especially in Europe, have shown that they can successfully protect the competitive dynamics of markets where data are a key competitive variable.

The Italian Competition Authority, for instance, as recently fined Amazon more than 1 billion euros for abusing its dominant position by



granting preferential treatment to third party sellers who used Amazon's logistics service, that's harming Amazon's competitors in the later market.

The European Commission has just concluded the market test on the commitments submitted by Amazon in relation to the use of third-party sellers' nonpublic commercial data.

Indeed, Amazon can assess such data as manager of platform, but is also a competitive relationship with those same sellers. In addition, in July 2022 the Italian Authority, opened proceedings against Google for alleged deal hindering the interoperability of data. In particular Google would limit the possibility for consumers to share their data stored in Google platform with other competitive platforms.

Second, such a conduct could result in restriction of competition because it limits the ability of Google's competitor to develop innovative form of using personal data. The effectiveness of antitrust intervention in digital markets is sometimes cast into dropped in light of the complexity of the investigation necessary to assess and find the infringement.

From this perspective, the action of competition authorities would be able to keep the pace with the rapid and dynamic evolution of digital markets.

In my opinion, the criticism doesn't seem to fully hit the mark. Certainly, timely enforcement

initiatives are indispensable in the digital sector, in order to have irreversible harm into the structure of the markets.

In my view, the tools at the disposal of competition authority have proven to be switchable for achieving this goal. Indeed, comparative analysis demonstrates the effectiveness of adopting interne measures, even in markets characterized by high levels of innovation.

Thus, in Jan. 2019, the European Commission intervened already at the intern stage by requiring Broadcom to immediately cease applying certain exclusionary closes in its contracts with its suppliers. Also, the use of common intent decision has also enabled the competition authority to rapidly restore and restart their competition in markets dominated by large digital operators.

The decision-making practices of competition authorities in digital sector, as well as the numerous market studies carried out in order to better understand the characteristics of digital markets have inspired the most recent regulatory intervention aimed at strengthening the capacity of competition authority to interview in such a context.

In this regard, I would like to mention the Digital Markets Act (DMA) published only a few days ago in the official Journal of the EU, which on the basis of experience gained by competition authorities, lays down some rules of conduct for companies with considerable market power, the so-called gatekeepers.

The DMA, aimed at ensuring as the finance and contestability of digital markets, will not replace traditional post antitrust intervention, but will enhance its effectiveness as the two forms of enforcement are complementary.

First, the identification of precise behavioral obligations will reduce legal uncertainty for all economy operators and consolidate the deterrent effect on antitrust prohibitions. Moreover, the new regulatory framework will allow for less procedural burdens and faster proceedings as competence authorities will be no longer required to carry out market definition, dominance analysis and effect analysis of the conduct.

Many of the obligations imposed on gatekeeper relate to access to management of data explicitly recognizing the significance of data from a competitive perspective. Thus, for example, a gatekeeper is prohibited for combining personal data and originating from its own platform for service with personal data coming out from other services provided by the same gatekeeper or with personal data originating from third party services.

In addition, the DMA imposed a disclosure burden on gatekeepers regarding any proposed merger involving firms that provide core platform services or any other service in the digital sector or enable data collection.

This is a particularly important provision because the acquisition of small innovative companies, even before they have developed a turnover, can decisively limit the contestability of markets concerned.

The same concern as inspired the recent intervention of Italian legislator, which as suggested by the authority itself, is equipped with the power to require company to notify a merger, even if turnover thresholds are not exceeded, in particular, when the matter poses concrete risk for competition in the national market or in a relevant part of it.

Also, considering the detrimental effects on the development and diffusion of small company characterized by innovative strategies, competition authorities such appear

well equipped to effectively stop business conduct which, by leveraging access to significant amount of data, implement exclusionary strategies to detriment of competitors, limit the contestability of markets, or hinder the process of technological innovation to the detriment of consumers.

At the same time, the rapid evolution of digital industries, the potential growth in the volume of user generated data and the resulting new business opportunities raise unprecedented challenges for competition authorities.

The first issue concerns the quality of human resources available. Traditional legal economic knowledge should now be joined by a range of new and different competence and skills, ranging from engineering technics, data analysis and computer science, in also seems crucial to strengthen international cooperation mechanism.

I think, first of all, to the importance of continuous dialog between competition authorities, which allows fruitful circulation of information and best practices. At the same time, this competitive concern inevitably intersects with other relevant public interests, such as personal data protection, consumer protection and information pluralism.

More regular, this cooperation with public authorities, government agencies and independent authorities charged with the promotion and the protection of this public interest, is essential to identify coherent and effective courses of action in holistic approach.

For this reason, I strongly support the choice of the Moroccan "Conseil de la Concurrence" which has brought together in a single form different institutional actors entrusted with the task of preparing their response to the challenges posed by the digitalization of the economy.

Thank you for your attention.

Amine Mounir ALAOUI, President of the Commission on the Knowledge and Information Society, Economic, Social and Environmental Council - CESE (Morocco)



Thank you Mostapha for this introduction. I am also very pleased to be here for a very open discussion. Perhaps I would like to talk a little differently about competition, because since yesterday, there has been a lot of talk about competition in terms of platforms, in terms of the use of data, assuming that the data falls from the sky and that it is available. Of course, for personal data at the platform level, we all, voluntarily or involuntarily, put our personal information on a certain number of platforms and then use it in a more or less regulated and authorized way. But first there is the production of data and as you mentioned, the liberation of this data is fundamental. Today, I think that in Morocco, we must also regulate this liberation of information.

It has just been said. The problem of data in emerging countries is a real problem because we are still in the pattern where the possession of information corresponds to the possession of power. Today, however, it is exactly the opposite. It is the one who gives the information who has the power, because he has the power to influence the decisions of

the one who is going to retrieve this information.

Thus, and beyond the simple "competition" aspect, there is a real aspect of sovereignty which is very important in the liberation of data. I'm glad that the World Bank is here, but it's not a secret that in Morocco we make our decisions on the basis of data provided by the World Bank and not by Ministry X or Y or Z. In this regard, there's a real competitive bias when it comes to the provision of information. This is not visible in countries with a long tradition of openness. Here, it's not yet the case. There's a real intellectual revolution to be made, and perhaps proactive regulation - or even legislation, since it's not quite the same thing - to free up data.

We have a law that is supposed to open up data, but it is still very restrictive compared to our Constitution, which is much more liberal. It's quite interesting because the law has come to limit only what the Constitution stipulates! But I think that at the level of the Moroccan market, it is very important that actors who have non-critical data, personal data in a framework that is managed by the CNDP in Morocco or data that is not competitive, can share it. I was a business owner myself and I'm not going to share my customers' data with my competitors. That is not the subject matter under discussion.

As a reminder, I was a professor at an engineering school. My colleagues who were working on modelling mud flows in the mountains, since we had big problems here in the Ourika region, were doing these models on foreign basins because they did not have the topographic data of the Moroccan basins.

It is therefore necessary to put an end to this and for the producers or holders of information to be aware that they are in international competition and that if they are not the ones who provide the information, the information and data are available elsewhere, but there is a risk that they will be found with biases that are voluntary biases, in bad faith or simply biased in good faith, because we have not had the opportunity to access a specific piece of data.

So, this mental shift from "I'm keeping the information because that's what's going to give me power" to "I'm going to give the information because that's what is going to give me real power" has to be done at the level of the information producers. Then, of course, all the issues that have been dealt with since yesterday are completely valid, because once this data is released, the first to jump on it will be the platforms that will use it and reprocess it. But with a bit of luck and this is what we think, at least a certain number of people, if national data are more available and freer, then there will be a way, indeed, to create wealth and to create skills and development internally in Morocco.

Startups are fond of information, but a Moroccan startup will want to add value to Moroccan information to address its local customers first. Let's take the example of Uber, if I give the information about the taxis that travel in Cairo and I am in Casablanca, my added value is zero, I have no possibility to evolve.

On the other hand, a startup that has done very well in Kenitra, I don't know if you know "Pip Pip Yalah"? It's a hugely successful startup, which is now exporting and started out on local information, but retrieving information was extremely tedious. Thank you.

Moderator : I know that you are very active in the Commission for the Knowledge and Information Society. Tell us, in the context of the Economic, Social and Environmental Council, about the decisions or analyses you have made on how the importance of data has been decisive for certain sectors such as tourism and agriculture?

Actually, it's quite interesting, but I think it's the same for all colleagues at the level of economic and social councils around the world. All the reports we publish, regardless of the sector, always include a data component. Today, it's unavoidable. You take any report on any subject, as it is mentioned in the title of this panel, the centrality of data is obvious and this centrality means that we are obliged to take it into account, regardless of the sector in which we work. One of the pieces of work we did in another committee on tourism, for example, highlighted the problem that has been mentioned. Let me quote the company in question. It's called Booking. The problem with Booking in Morocco is that today, we can almost consider that the Minister of Tourism is in the Netherlands, at Booking's headquarters and not in Rabat, since he is the one who decides the prices. He is the one who decides what he will show us, the circuits he will highlight, the activities, ... etc.!

I want to come to Marrakech, I'm not going to go to a Marrakchi or even Moroccan website that will tell me that there is availability at the palm grove or elsewhere. I'm going to go to Booking!

I come back to sovereignty. This aspect of the data at the level of tourism is obvious, but also in agriculture, ... etc. You take any report, and here I am preaching a little for my parish and I take the liberty of inviting the audience to go to our site, there are specific reports on these aspects. There's one on digital transformation that was published less than a year ago. But there is another report on open data that was published ten years ago, in which there are a number of guidelines, including specific elements on digital development, but also on education and digital. We produce a very important report on this and each time we come



back to the issue of data, its ownership, its dissemination, its availability and how to manage all this in order to optimize it, because in the end, as was said yesterday during a session, the objective is not competition for the sake of competition or regulation for the sake of regulation. The ultimate goal is the overall development of the community in which we live. We must never forget this and, therefore, when competition is healthy and favourable to this development, so much the better. But sometimes we need to regulate and regulate and be much more proactive at the government level to be able to promote a development that is more harmonious and more in line with the expectations of the population that we have.

Moderator : To complete, because on the approach and the desire to disseminate information, I think that everyone will agree, but many people put forward the constraint of the cost of making this information available, knowing that, starting from public information or information of general interest, this information is free. It is not monetizable. There is other information that can be monetized through subscriptions or payments, ... etc. But we are generally talking about information that is free. Many organizations pose the following problem: "In order for me to release this information, I need to structure it, validate it, consolidate it, and then 'market' it in terms of

presentation. This comes at a cost. How did you analyze this reading?

I do not agree with this approach. For the simple reason that, at the end of the day, it is not up to the institution that has raw data to analyse and structure it before making it available. On the contrary, at the very least, institutions that do have information could make it available in a completely anarchic manner. Then, we were talking about startups, it will be up to private or public companies to retrieve this information, to structure it, to organize it, either to put added value to it to create wealth, create jobs, or simply to use it internally, to develop a business or other.

But yes, everyone was talking about speed. The approach of structuring information before making it available was the IT approach of the 90s or the early 2000s (I like to differentiate between IT and digital). Today, we are in the digital age. You have tools that allow you to take raw information and structure it automatically. Artificial intelligence does that.

When you have artificial intelligence that is capable of detecting cancer where no doctor has seen it, it's not structured or organized information, it's a block of medical articles, plus x-rays, scanners, etc., and artificial intelligence manages to extract the really useful part from all of this.

However, I would also like to add one point since I am talking about health: We must not forget that the availability of local data is very

important. What for? Because there are decisions and there are patterns that are very local and health is one of them. That is to say, the diseases that we have in Morocco, the epidemics against which we are fighting, are not those of Spain on the other side of the strait or are not those of Mauritania just below. Each country has a medical regimen that is very specific. As a result, if we do not have country-specific medical data, we will not be able to develop tools that will allow us to improve the health of our fellow citizens.

Of course, there is a globalization of data and there is this "worldwide" aspect, but there is a focus to be made at the level of each country. This is very important for health, for education, for transport, ... etc.

A smart system that you are going to set up in Copenhagen, Casablanca or Dakar is not going to work in the same way at all if it has to regulate traffic because the behaviour of drivers and people who use means of transport is completely different. Of course, there is this global aspect, but there is also the local aspect which is very important, hence the importance of having all the data available at the local level.

The Internet was born in Morocco in 1993 at the Mohammedia School of Engineering. Besides, a number of former students are in the room and I greet them. The question you just asked (addressed to the moderator) was asked in 1993, 30 years ago, when the Internet was first introduced. The web had only just appeared and it was not available in Morocco due to lack of bandwidth. We had just started and the first questions that arose: the information that we will find on this "thing", what is its value?

I think this is a difficult question to answer for the simple reason that the value of the information is the value of the source. I'm not going to teach this from someone in the media like you, but the problem today is that there are many sources. There's a big bias, which is that on social media, there's this notion of "friend" which is a notion that has been used from a marketing point of view, but it's totally wrong.

For example, I have a friend on Facebook, who tells me something. Since he is my friend, I believe him, but I have never met him. I don't know what his competence is in the field... etc. So today there is a flow of uncontrolled information that can be perfectly far-fetched, which circulates and sometimes with the same power as a dispatch from MAP or France Media Agency or information from CNN.

There is, in fact, a real problem. In this case, we go back to a solution that we always put forward when we are stuck, and that is education. That is to say, today it is necessary to have media education in schools to be able to guide children from an early age.

I am going to unveil a piece of work that we have been working on for the past few months at Council level. We are in the process of preparing a report on fake news and the availability of information. The correlation between them is strong, because "fake news" develops all the more easily in an environment where information is not available.

For example, if we claim, as organizers and participants, that there are 200 people in this room and we hammer it home, and if someone from the outside says that there were only 25 people and that the conference was a failure, that last piece of information is going to be pushed back because there is a lot more positive information with authoritative sources.

If we don't say anything, someone who wants to have a negative impact on this meeting will say that in the end it was a total failure, there were three people in the room and there were more people on the stage than people in the room, so this is the information that will circulate if there is no opposite.

There is, therefore, a real problem that is much more general. First of all, there is a problem of education, but not only that, because even in highly educated societies, "fake news" spreads very vigorously.

Now, let us trust our citizens. You can't play empty chair. So, let us propose and let our fellow citizens dispose according to their intelligence and their ability to filter.

M. Daniel **GUARNERA**, Senior Advisor Of Department Of Justice (USA)



Thank you so much, Moustafa. I should start by thanking the Moroccan Competition Council, the Digital Development Agency, and the telecom agency here in Morocco for hosting this important conference. There are few issues as important in the world economy today as the digital transformation that we're seeing across all industries, and I may be biased, but particularly the role that data plays across all industries, I mean something that I don't think can receive too much attention, so, this is the perfect conference and the perfect panel for the moment that we're in.

As Mostapha mentioned, I advised Jonathan Kanter at the Assistant Attorney General at the Antitrust Division in Digital Platforms and Technology investigations and litigation. And obviously, my comments today are informed by my experience and perspectives there. But my opinions that I'm expressing today are my own and don't necessarily reflect those of the U.S. government.

This is an exciting time in antitrust enforcement in the United States. We, in the antitrust division, have brought a historic number of cases over the last year, including just a few weeks ago, a historic victory after a trial seeking to block the merger of two major

American publishers. There's also a growing consensus, bipartisan consensus in Congress that competition, especially in digital markets, is an area that requires legislative attention.

Back in July of 2020, President Biden issued what's called an executive order, which instructs all of the executive branch of the United States government to reexamine not just the antitrust statutes, but more broadly, all of U.S. policy to see how we can encourage competition and in U.S. markets. And then also, being here today is an important reminder of just how exciting it is to see the energy and enthusiasm there is in the international community for antitrust enforcement and especially thinking through some of these difficult issues that digital markets and data markets present.

One thing that I don't know if we have as antitrust enforcers fully appreciated is the fundamentally transformative nature of the role of data in our economy. The amount of data that our world economy generates today is literally unimaginable. Our minds cannot comprehend the volume of data that's presented. We've had to create new words to measure it like **zettabytes**.

There are currently 79 zettabytes of data stored in the world today. A zettabyte is 1 trillion gigabytes. Again, these are numbers that we can't even make sense of in our minds.

That 79 zettabytes of data existed in 2021. But by 2025 will be produced by Internet of Things, devices alone like smart appliances, smart cars, smart watches, and in total estimates indicate that there could be 200 zettabytes of data in total stored by 2025, to maybe break down some of the quantity of data in a way that maybe a little bit easier for us to understand, although there are some estimates that each Internet user while using the Internet, generates 1.7 megabytes of data per second based on information like the website they're visiting, the device they're using, the browser they're using, the time of day, the location, which part of the page they're looking at, etc....

So, this pure volume of data that is going to explode within the next few years and only grow over time, is an opportunity, obviously, for new innovations, new services and new products. But it also presents a fundamental challenge to competition agencies as we seek to understand exactly what role the data will play across all industries in our economy.

And that's the second point I want to make right now, which is that certainly the role of data in data dependent digital platforms like Google Search Engine or Facebook or e-commerce sites is widely recognized as something that is important and presents complicated competition issues. However, those digital platforms are just beginning. There's going to be a race over time as this volume of data that is recorded and stored explodes. It will be a race across all industries to use it to integrate it into new business models. And again, as competition agencies, it is incumbent on us to understand how they're doing that and to be sensitive to the way that data is used as a unit of competition, not just in large digital platforms, but in finance, and as we talked about yesterday during the afternoon panel, in health care, agriculture and education.

In all of these industries, there will be a race to make use of and record and analyze this data. And this is one of the biggest challenges I think, that faces competition agencies over the next few years. So, this is a wonderful opportunity to begin talking about that. I look forward to hearing the views of the other panelists and to further discussions during the conference.

Moderator : Thank you, Daniel. Would you please share with us the importance of enforcement actions to protect the competitive process and mainly sharing the use experience in that field?

Certainly. I'll give three short examples touching on each of the main areas of antitrust law in the United States, at least most briefly, in terms of monopolization. That's an area of data and digital platforms that's gotten a lot of attention because as we've heard several times throughout the conference, data

dependent digital platforms are prone to tipping because of the network effects that feed on each other as one side of the platform gets stronger, the other side gets stronger as well. This means that we, as American enforcers, have to be very cognizant of ways that these platforms may attempt to either acquire that monopoly position or once they happen not only position to exclude potential competitors to essentially build a moat around their primary monopoly.

So, we, the Antitrust division, are scheduled to go to trial next year in a case against Google for monopolizing its search market by excluding rival search engines. Our colleagues at the Federal Trade Commission are in litigation with Facebook among other things, their acquisitions of Instagram and WhatsApp. These are areas that have received a lot of attention in the last few years and are now finally playing out in the courts.

Areas that have received maybe a little less attention include mergers, as I just mentioned, as the role of data increases across all sectors of the economy, I think we will soon get to a point where it would be wise to ask in every merger what role that data play? what is the competitive effect on data markets from this merger?

Right now in the United States, the Department of Justice and the Federal Trade Commission are revising our merger guidelines which lay out for parties how the agencies analyze mergers and we're doing this to account for some of the new economic thinking, the new business models, the new market realities that have come into play since the guidelines were last revised. We've had incredible public interest in this process which is not surprising again, given the fact that these data dependent markets affect people's daily lives. We've received about 5000 comments so far on the guidelines, which is about 50 times more than we ever had in similar common processes in the past.

When thinking about data in mergers, there are several dimensions, there can be horizontal elements where just two large data

sources are combined, but there can also be vertical relationships as well. We earlier this year had a trial involving a large health insurer acquiring a data network that transmitted data between doctors and health insurers, and one of the concerns in the trial was the acquirer's ability to track and monitor competitively sensitive data that its competitors transmitted through this network. That's just an example of the type of issues that can be presented in mergers as well.

And then finally, briefly, to touch on illegal restraints of trade, illegal agreements, one area where we've had recent experience is in what we call information sharing as, again just the volume of data increases, the opportunities to share that data between competitors in ways that harm competition, harm consumers or workers, increase.

So, back in July of this year, we entered into negotiations with the three largest chicken and turkey processors in the United States for exchanging information between themselves about wages and compensation that they would pay to workers and their chicken processing plants' people who slaughtered and packaged poultry.

The complaint logged that the poultry processors shared their current and future plans about how much they would pay compensation which allow themselves competing for these workers to attract workers from their competitors and allow them to suppress the compensation that they provided.

Another example, think about the cases involved in direct consulting companies who actually facilitated in many cases, the exchange of information and as we go forward, I think the world of data consultancy in many industries is something that will also have to pay close attention to because, again they can stand between companies that would know that they shouldn't be exchanging information directly but they can try to exchange information indirectly for data consulting. So, again that's just another example about the changes we're seeing in

the markets as the result of increase of part of data.

So, one issue that we, in the United States, have been working through in the last years is thinking about how we, as an enforcement agency, need to increase our capacity to handle the new digital and data driven economy.

So, more practically, for example when we issue investigative demands for documents and data, it's just the sheer volume of data that we receive is many multiples of the amount that we often did in the past, and that requires an investment on our part, both in computing capability and data analysts and the technology needed to process and make use of that data.

Obviously, that again, just the explosion of data that is being produced provides opportunities for enforcers as well to better understand markets and economies and competition, but only if we have the tools to use it. And many international agencies have been a wonderful example and model forward thinking on increasing the capacity for antitrust enforcers to use data proactively. In this regard, we have greatly appreciated our relationship with the UK's Competition and Markets Authority (CMA).

We also just hired our first chief technologist in the history of the Department of Justice, which is a reflection of how important we think it is to have people who really understand how these technologies work and can look through to the underlying role of data in these companies and understand it so that we can understand the effect on competition of whatever the issue is that we're looking at.

Another point that we've been thinking through at DOJ (Department Of Justice) is because data driven platforms in particular often charge no price to users, the importance of competition on dimensions other than price becomes augmented. And so that can be things like privacy or the ability to control how much access is given to data under various circumstances, other quality dimensions of service as well.



But when there's not a clear price measure to analyze, to see whether prices are going up as a result of anti-competitive conduct, it becomes even more important to think about competition through the lens of competition as a process, and so we are thinking through how to make sure that as we're applying the antitrust laws, we're creating a process where there is rivalry between competitors for customers so that customers have choices and that companies are required to be responsive to those customers choices if they want to succeed in the market.

Sometimes it's said that customers don't really care about privacy or don't value privacy, but I think it's difficult to say that if there is not robust competition between platforms on the dimension of privacy, with one platform offering a higher degree of privacy and one less. When there's just one platform, it's hard to know which dimensions customer's really care about and therefore what a healthy, innovative market would look like.

So, again, ensuring that there is a process of competition and looking at markets, especially markets where the competition may be unhealthy and trying to imagine what would a competitive market looks like here where there is rivalry and competition for customers and for, in some markets, workers is just an important lens that we're trying to think through, especially again, when there's no that price mark, where you can easily measure a price increase on the consumer side.

M. Xavier **REILLE**, Director of the Maghreb and Djibouti Office, International Finance Corporation - World Bank Group



I am very pleased to be with you this morning. I would also like to thank the Competition Council, the ANRT and the ADD for this conference, which is truly a first in Africa. I believe that this is the first time in Africa that regulators have put the issues of digital transformation and data regulation on the table. It is also an innovation because it is a very complicated subject, it is a topical subject and it is a subject that we cannot deal with alone and which requires, as we have seen in this panel, exchanges of experiences. I think that Morocco is making an innovative act and I am sure that it will be followed by other African countries, by bringing together these regulators and international experiences to be able to better support the digital transformation.

As you said, digital transformation is a key issue for Morocco and for developing countries. At the World Bank, we are convinced that there will be no economic and social development without digital transformation, especially in Africa.

I said yesterday that on November 15 we will reach 8 billion people on our dear earth. What

the digital transformation will be able to do is to solve some of our access problems, to finance for example. We talked about it yesterday in the FinTech panel. It is important to know that today there is only less than 65% of the earth's population who have access to a bank account or who are able to transact or have access to quality education, health, sustainable agriculture and a green economy. All of this will require digital transformation and tech solutions, whether it is AID Tech, Medtech, ACTech, GreenTech or FinTech.

I think Morocco has also understood this well, since in the new development model, the role of digital transformation is very important. Today, there is a growing gap between developed countries that have started to implement holistic and efficient data systems and data governance and developing countries that are only at the beginning of this process.

I also wanted to mention a report by the World Bank Group, which publishes a major report every year on a development topic. The 2021 report was specifically about data for development "Data for a better world". The report calls for a new social contract for data, with a view to fostering links between citizens, governments and businesses. Indeed, data makes it possible to bring links and trust and to create value in the end.

This report, in my opinion, is useful and important. It calls for data that is reliable, secure and accessible according to the different needs of users. I think these three levels are often quite important. To come back to what I said earlier about the need to have, in each country, a data governance and a data architecture that are relevant. As this is a holistic issue, the country needs to have a global vision of governance and its data architecture. There needs to be a digital infrastructure, and we also talked about this yesterday in some sessions. We need a digital infrastructure, which means having access to broadband, equipment for the population and

regulations that allow data to be exchanged in a reliable and secure way.

We also need policies that promote all innovations for digital transformation and we need institutions that provide a framework for this digital transformation, such as the Competition Council, the ADD or the ANRT. These are the recommendations of the World Bank Group on this architecture in developing countries.

Moderator: Yesterday you heard a lot of explanations about the DMA and the DSA, which are European directives. Are you, on the World Bank side, sensitive to this regulation? And could you share with us your reading of the experience of regulating digital platforms in emerging countries since you have extensive experience in these countries?

I am going to focus more on emerging countries because I think my colleague and I have a much clearer view of European and American markets. First of all, the first phenomenon observed is that digital platforms are there, even in low-income countries. We conducted a survey with 17 middle- and low-income countries, and found that there were already 1,000 digital platforms that were active. These are 2019 figures.

Digital platforms are already operating in emerging countries. We also noted that out of these 17 countries, 50% of the commercial websites with the most traffic are owned by the GAFAM. Even though these are low- and middle-income countries, GAFAMs are already present and have already made significant acquisitions in these countries.

As a result, there is already a whole movement of concentration at work in many countries and these movements of concentration present, as we have already said, several types of risks:

- Abuse of dominant position and anti-competitive practices;
- The unequal bargaining power between international giants and national and regional players;

- Excessive collection of data from consumers or customers;
- Algorithm biases and discriminations that will benefit certain products, companies or consumer groups.

For the answers, we can talk about it in more detail, but it is both ex ante regulations to lay the foundations for healthy and fair competition of platforms, while adapting to the context and business model of each sector.

There is also the importance of promoting mandatory or voluntary systems for the exchange of information with, for example, API interfaces on open banking. In Europe, there have been interesting advances with open APIs that have enabled the entry of more than 150 FinTechs, especially in England, which offered additional services to banks and which participated in offering innovation and more relevant services for consumers by providing value.

I also wanted to mention a database that we have where we try to look at all the global antitrust cases. I will also make a few comments on antitrust with digital platforms.

There are more and more antitrust cases listed. Until 2016, I think there were only five. In 2018 alone, there were 24 cases. So, we're seeing more and more antitrust cases that have been resolved and listed. We have also noted this in the United States, where several cases are ongoing. This is something that is increasing and that we need to continue to observe.

I would also like to mention the case of Walmart's takeover of the Corner Shop chain in Mexico. Corner Shop is a network of retailers that was blocked because this chain, together with the Walmart platform, would have had access to information on the selling prices and behaviors of competing retailers. This was a first case I had in Mexico which is interesting.

To conclude, I would like to draw several lessons:

- We need a more proactive analysis by competition authorities on this sector. I think today's conference is a good example



of these forums that we need to exchange information on these topics.

- ✦ It is also necessary to focus on the sectors and business models most likely to foster anti-competitive behaviour and to be familiar with the business models of these digital platforms.
- ✦ There is a need to strengthen the capacities of regulatory agencies and exchanges with the most advanced regulatory agencies.
- ✦ We need to think about the levels of fines so that they are a deterrent, especially for international operators. We had seen that Google was willing to pay relatively high fines to remain in a dominant position.

Thank you

Moderator: Thank you. Of course, the presence of the World Bank or its financial arm here cannot prevent us from talking about financing.

We saw yesterday that Morocco was not getting enough funding, at least for the development of these startups and the entire startup ecosystem. There are probably projects and initiatives with incubators set up. Could the IFC (International Finance Corporation) possibly be part of a vision in which a global financial package could be put in place?

We believe that there is a real unfinished potential in Morocco for startups and

entrepreneurship. You know that Morocco only captures 2% of the funds dedicated to startups in Africa. There is then a real potential to catch up, but for this to happen, there must also be an effort on public policies to support startups.

There must also be an effort to promote entrepreneurship, particularly among young people, and there must also be funds, particularly seed funds, to enable incubation. At the IFC, we are working on the financing of a new Moroccan incubation fund to enable more startups to emerge. We estimate that there are 220 startups that are active in Morocco. This is not much compared to the country's potential.

Morocco, because of its infrastructure, which is still first-rate at the digital level, and because of the quality of its education system, must be able to hatch more startups. are now attracted by Spain, Europe or the United States to develop their projects elsewhere than Morocco. We would then have to manage to retain these talents and start-ups so that they can then come to conquer the world and Africa. We need to have a more attractive system so that at least the first phases are developed in Morocco.

I think we have two challenges:

1) We need to change this culture of keeping information to yourself, because the more information you share, the more valuable it is, not the other way around.

2) If we want to build this data architecture and this national data governance, there must be a national pact on data. Everyone needs to work together, not just the ADD, the Competition Council, the Head of Government or the companies. There really needs to be a national pact around data with a common vision where everyone contributes and everyone benefits, with clear rules of the game and a certain guarantee that data will not circulate or arrive at people who should not have it.

We have to put all this in place, but to get there we really need leadership, a vision and not vertical, but transversal work.

CONFERENCE PROCEEDINGS

PANEL 6

EQUAL ACCESS TO INFORMATION



Sidi Mohammed
DRISSI MELYANI
Director General of Digital
Development Agency-ADD
Morocco



Hicham **CHIGUER**
President, Association
of Information Systems
Users in Morocco - AUSIM
Morocco



Abdelkarim **MAZOUZI**
General Vice-President, Federation
of Information Technologies,
Telecommunications and Offshoring
APEBI
Morocco



Émilie **CAZENAVE**
Public Policy Analyst
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MOUKHEIBIR BARZELAY
Legal Advisor Data and
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World Bank Group



Arthur **FOCH**
Senior Digital
Development Specialist
World Bank Group

M. Sidi Mohammed **DRISSI MELYANI**, Director General of Digital Development Agency
- ADD (Morocco)



Speech at the lectern:

Mr. President of the Competition Council,

Dear Director General of the ANRT,

Dear Presidents, Chief Executive Officers and Directors,

Dear respected co-panelists,

Honorable Presence,

Ladies and gentlemen

First of all, as this is the first time that I am speaking at this conference, allow me, on behalf of the Digital Development Agency and its partners, to welcome you to this important international conference that we have chosen to hold in this beautiful city of Marrakech.

This meeting, placed under the High Patronage of His Majesty King Mohammed VI, comes at the right time to respond to multiple challenges and imperatives related to the mutations and developments that the public and private ecosystems are experiencing in terms of digital transformation in general. Hence the interest in scrutinizing the different aspects via the interventions and panels led by internationally renowned specialist experts.

It is in this sense that the chosen theme is of paramount importance. I would like to extend a strong greeting to the Competition Council and its dear President, Mr. Ahmed Rahhou. Also the ANRT and its Director General, Mr. Azelarabe Hassibi, as well as the ADD teams for organizing this conference on the theme **"Digital transformation: between regulation and competitiveness"**.

A timely topic that calls upon each of us present here to shed light on pressing issues, requiring the development of a multifaceted and thorough reflection.

Furthermore, I am very honored to speak as a keynote speaker of this panel dedicated to an important theme, namely **"Equal access to information as a vector for the development of effective competition and as a means of market regulation"**.

Ladies and gentlemen

Thanks to the far-sighted royal vision of His Majesty King Mohammed VI, may God assist him, Morocco has been a forerunner at the regional level since it has paid particular attention to the aspect of competition and private initiative, given their positive impact on the economic and social development in our country.

Indeed, since the beginning of the 1990s, Morocco has continued to undertake initiatives and implement public policies aimed at opening markets to competition and liberalizing several sectors of activity. Examples include banking, telecommunications, the financial market, audiovisual, energy and other sectors. This liberalisation has been accompanied, on the one hand, by the establishment of sectoral regulatory bodies such as the ANRT, the High Authority for Audiovisual Communication (HACA), the Moroccan Capital Market Authority (AMMC) and the National Electricity Regulatory Authority (ANRE), and on the other hand, by the establishment of a competition

regulatory body with a general and transversal vocation. In this case, the Competition Council.

Ladies and Gentlemen

This movement towards opening up competition in the Moroccan economy has coincided with the advent of the digital revolution and digital transformation, which increasingly characterizes our daily lives and affects not only economic agents, both public and private, but also users and consumers.

In this context, Morocco has put in place several strategies for the development of information, communication and digital technologies. I cite "Maroc Numeric 2013" and "Maroc Digital 2020". Morocco has enacted these strategies through the creation of a Digital Development Agency in 2017. He has given him the mission of implementing the State's strategy in terms of digital development and promoting the use of digital tools among all the players in the ecosystem.

The ADD is mandated in particular to promote the development of the entrepreneurship initiative in the digital sector, especially as it continues to provide its expertise in favor of any action aimed at supervising, encouraging and developing the innovative fabric of companies, in particular startups and Small and Medium-sized Enterprises (SMEs) that work in the digital economy sector with a view to strengthening and sustaining their competitiveness.

In this perspective, the ADD has set among its priorities, within the framework of its general guidelines for digital development by 2025, the development of a competitive economy through the performance gains generated by digitalization and the development of technological sectors. The objective is to establish our country as a digital and technological hub of reference in Africa.

It should also be noted that in order to support Morocco in its digital transition by making technological innovation a real pillar of competitiveness for Moroccan companies, the Agency is working, in close collaboration

with its institutional and private partners, to promote innovation and encourage research and development in order to strengthen the capacities of human resources and talents in the digital sector.

The ultimate objective of these actions and initiatives is to put human capital at the center of concerns and at the heart of all visions and strategies of digital transformation in our country.

Ladies and gentlemen,

As you know, the changes affecting the global economic system due to the globalization of markets and the development of information and communication technologies have made companies feel the need to develop their products and services and to occupy a competitive position in the market, especially with the entry of multinational companies and the emergence of virtual markets that have become highly competitive. As a result, competition doubled and took various forms.

In this context, information has become the sinews of economic war and its role is increasingly strengthened thanks to the development of new collection and analysis tools made possible by digital transformation. Thus, business intelligence, business intelligence, artificial intelligence and big data are all means that are based on the analysis of information to anticipate the behavior of the competitor and their strategies and meet the needs of the consumer.

That being said, there are a number of questions about the conditions under which competitors and consumers have access to information. Indeed, equal access to information can constitute a competitive advantage, an obstacle to competition and, in certain situations, favour categories of companies, in particular multinationals and large digital platforms, such as GAFAM or GAMAM, at the expense of small and medium-sized enterprises.

Information asymmetry is a concrete example of the extent to which the lack of equal access to information could impede competition and



thus constitute an anti-competitive practice requiring the intervention of regulators through ex-ante regulatory obligations and ex-post measures in order to establish an economic order and ensure effective competition.

The role of information as a vector of competition in the digital economy sector has led to M&A movements and is of concern to many global economies due to the lack of digital competition that requires great attention to the concept of digital market power and merger control as key issues in a rapidly changing digital environment.

Thus, many economies around the world are striving to overcome the challenges posed by the economic characteristics of digital market technologies. In this context, it is worth mentioning the new legislation proposed by the European Commission, the "Digital Markets Act" and the "Digital Services Act", relating to the regulation of digital markets and services to deal with possible abuses of dominant position by digital giants and fight against illegal content and products online.

However, access to information is not always a means of limiting competition. On the contrary, it can contribute to promoting market transparency when easy and fair access for the consumer to information related to the price and quality of the services offered is ensured. This transparency also contributes to the promotion of market balance when it is allowed to the various companies, whether

small or large, to display their products and prices via the platforms dedicated to this purpose.

It follows from the foregoing that equal access to information is a sine qua non for the development of market competitiveness, balance and transparency. In this regard, and in accordance with the missions entrusted to it, the ADD contributes to this effort to promote digital tools by promoting access to information. In this context, it has undertaken, as part of the deployment of its roadmap, several initiatives aimed at promoting the use of digital technology among all players in the ecosystem.

Ladies and gentlemen,

Among the projects that the ADD manages directly in relation to access to information, I mention the development and launch of an interoperability platform dedicated to the exchange of data between administrations in a secure and reliable manner, in application of the principle laid down by Law 55-19 on the simplification of administrative procedures and formalities. This platform will facilitate access for citizen and business users, particularly with regard to the processing of administrative decisions and the simplification of related procedures, thus contributing to promoting equal access to information for all according to international rules and standards.

In addition, and as part of the continuity of Morocco's efforts in terms of political and administrative transparency and strengthening citizen participation, the Agency has included in its action plan the Open Data project, the main aim of which is to facilitate access to public data for citizens and businesses. The proposal of new resources for economic and social innovation, the acceleration of the modernisation of the administration and the creation of economic value for businesses.

As such, and under the supervision of a national steering committee set up for this purpose, the Agency carried out in 2020 in partnership with the World Bank, on the basis of the recommendations mentioned by Mr. Alaoui this morning, a study on Open Data, which aims to solve the challenges related to this subject and to maximize the impact of the opening of public data in Morocco.

The study identified a number of recommendations that are structured in an action plan that focuses on four main areas:

- The first part is related to the regulatory part;
- The second part concerns the technical and process aspects;
- The third component relates to the organization of governance;
- The last part relates to the use and reuse of data.

In addition, in 2021, the ADD launched the new version of the national Open Data portal (data.gov.ma). This portal, currently managed by the Agency, provides access to data produced by several public bodies using as much as possible open, standard and documented formats to facilitate the exploitation and reuse of data.

Since its launch, the new version of the portal has seen a real increase in the number of datasets published.

Between 2018 and 2022, we saw an increase of around 200% in terms of the number of datasets published.

In terms of membership, we have noted a significant uptake from public bodies and institutions that produce data, as the figure has almost doubled in the last three years.

In the same vein, the ADD continues to work in the context of the generalization of access to new technologies for users, businesses and citizens, by promoting transparency and equal access to information. We also aim, in synergy with stakeholders and other stakeholders, to step up efforts to bridge the digital divide and ensure inclusive digital development.

In conclusion, I would like to warmly salute the spirit of dialogue, consultation and cooperation between the Conseil de la Concurrence, the ADD, the ANRT and all the institutions present today, as well as the experts who accompanied us to lead the debates of this important conference.

Thank you for your kind attention.

Panel Intervention:

Thank you for your question.

With regard to the issue of access to information, the means and the regulatory framework, I think, and this has already been mentioned, there is now a legislative framework that governs the right of access to information, namely Act 31-13. In terms of this law, we are talking about a number of means, including publication. There is access following a request and this, via channels that can be traditional but also digital channels. There is also proactive publishing, and that is very important. It is in this context that the ADD has used open data as a lever to operationalize this proactive publication. In this context, as I mentioned in terms of intervention, we have worked together with the OECD and the World Bank. There is now an action plan that is based on four axes:

- The first is the regulatory framework. As has been clarified today, it is a law, but I would like to inform the audience and the partners that there is a draft decree that deals with open data and that stipulates

regulatory provisions that will accelerate this implementation, in particular everything related to the right of regularization. Today, the draft decree is at the approval circuit after consultation with the stakeholders concerned.

- Regarding the objectives of this project, the first objective concerns the ecosystem and aims to make data available to startups and businesses to enable them to create services and add value. This project also has a significant advantage for the data holder itself. Why? Because, as I mentioned, when an administration or a public institution publishes open data on their website, they should first conduct internal work in terms of data identification. Before discussing big data, it is necessary to define this data.

It will therefore be necessary to look for data, identify it and classify it to know what is shareable and what is not. At this level, we have a twofold objective: to encourage public actors to identify their data and to define a strategy in terms of classification, but also in terms of sharing with the ecosystem, whether it is the general public or partners, which is very important.

- The third point I would like to make relates to this accompaniment. With the World Bank, we have organized, between 2021 and 2022, four workshops and we intend to organize the last workshop before the end of the year on supporting public institutions and ministries in terms of the implementation of all that is open data. In this context, important work is to be done and will consist of supporting administrations by providing them with guides that will help them draw up this inventory.

To clarify, and concerning the aspect relating to the acceleration and implementation of an action plan that will impact the market in relation to open data, actions have been initiated on the legal level. In relation to the organisational aspect, there is already a steering committee, the establishment of which

will be ratified by the draft decree. As far as the technical aspects are concerned, the workshops we are organising with the OECD and the World Bank are going in the right direction.

There is still one important point and it is the most important for me. This is how to accelerate the use of open data. In this regard, I think that we have applied the recommendations of the World Bank in terms of updating and implementing open data licenses. I do confirm that all 400 datasets that are opened and published on the open data portal have a reuse open data license.

Secondly, in regards to the update, our steering committee has a database of focal points at the level of each ministerial department. We are in regular contact with them to update these datasets as they are updated at the level of the relevant departments.

Regarding the reuse part, I confirm that at the level of the platform, and here I am launching an appeal to my colleagues from AUSIM and APEBI, there is an interactive section where we invite startups and VSEs who wish to have data to reuse it and to propose solutions, to contact us via the portal and to offer us data that we must collect from all the players.

On this subject, we are open and we plan, before the end of the year and in collaboration with the World Bank, to launch a hackathon that will encourage all Moroccan startups (SMEs, small and medium-sized enterprises, etc.) interested in reusing the 400 datasets that are already published on the national platform and portal.

Secondly, I have listened carefully to the World Bank's recommendations on data porting. Indeed, this is a very important topic related to the implementation of a framework for data governance. I would simply like to remind you that at the level of Morocco, we have launched, in consultation with the General Directorate of National Security (DGSN), an identification-authentication service that now allows service providers, public or private, to have a way to identify their



users remotely, digitally. As part of this service, there is a data porting service.

This means that for the user, natural person or perhaps tomorrow the company, through an identification of the company, with its consent in an electronic way and always in compliance with the law on the protection of personal data, all the personal data that is recorded on the card can be automatically brought to the administration and the service providers concerned.

Thank you.

M. Hicham **CHIGUER**, President, Association of Information Systems Users in Morocco - AUSIM



Thank you very much for the invitation and thank you for the theme. It's a theme that takes an angle on digital transformation, which is quite special since it combines regulation and digital transformation with competitiveness. I think that's very relevant. Thanks also to the organizers for this choice.

So why talk about data sharing? I asked the AUSIM community about this topic what they think?

Moderator: How many members are you in AUSIM?

We have 100 members: 100 large companies and organizations, with a few SMEs. We are not yet able to attract SMEs. It's also a question of mindset, but in any case, we represent about 20% of Morocco's GDP.

When I reached out to the community, there are indeed initiatives that have been made, and companies that use data. Now, there is also another observation: it is tedious to work on this data, because we sometimes end up with formats that are not really usable and that we will have to make a big effort to be able to exploit this data.

I know it's a huge project, but what's important is to have launched this project, started to operate it, set it up and implement it, and it takes time to be able to do it. Then, if we carry out comparisons and benchmarks, the fact of having a portal on existing data is interesting. Having a volume of data is also important. Communicating this data is very important because sometimes there are companies that are not aware that certain data exists and can be exploited. On the other hand, we will also have to work on how this data can be fruitful for companies, for startups, for VSMEs, ... etc.

Let me use the example of Great Britain to give a figure: Today, Great Britain generates 0.5% of its GDP with Open Data. This means that today it is not just a right of access to information, but it is also a means of business, competitiveness and contribution to the country's economy. Still in the case of Great Britain, we are talking about almost 40,000 data sets made available to companies, civil society...etc.

Therefore, the lever of sharing and access to information is economically relevant. It is also relevant from a competitive point of view. Hence the important role of regulation in this direction today. During several panels organized yesterday, we also talked about the movement of Big Tech and Tech players on the international scene, which goes beyond local national regulation, which affects our daily lives and which is also monetized.

What is also important in this sense is to say that perhaps the angle of attack or the way in which we have to regulate these behemoths must be different from a classic model or as we do for existing markets. What for? Because, quite simply, we are not facing competition on local legal entities, but rather we are facing entities that are increasingly international and that would not even have a Moroccan legal entity, in the case of Morocco, for example. It is also a very important aspect to be able to cast

a wide net and anticipate an economic risk and competitiveness of existing companies in Morocco and to be able to take a different turn, to anticipate and see what is happening in other countries and to start working on it now before we arrive at a situation that can enter into a format of protectionism that we do not necessarily want.

If I take the example of Great Britain, it is mainly VSEs that use this data. Companies with fewer than ten people use this data for up to 70% of the data exploitation. What does that mean? Today, those who benefit from this data are small businesses that need to create a new economy, to create a new business model, to create new added value and who can also be intermediaries with large companies, with large institutions to be able to give added value. It is also the role of startups and VSEs to be able to provide this added value that probably a large entity could not do because it is much more structured. Therefore, the creation of an ecosystem that will allow access to this information is very important, as is the fact of using this data, structuring it and using it in sectoral cases.

Let me take the agriculture sector as an example. The news is the scarcity of water. We have players, and startups too, who are working on this subject. If, for example, we are considering using drones to be able to optimize water at the level of agricultural land, this could be important information, but with other information to be collected from the Ministry of Agriculture or institutions around this sector, which will provide data to know what optimization could be done, what are the land areas, ... etc., before resorting to solutions that may exist, but that we may not use wisely, which would allow us to reorient the uses of technologies through the accessibility of information that is reliable. This can solve problems at the national level and also make it possible, at the same time, to have a business model, improve profitability and promote the creation of companies in certain sectors.

The same thing applies to the health sector, for

example, for organ donations. Anyone who wishes to make a donation after their death must register with the court. However, after death, as there is not yet this digitalization, we lose these organs, because, between the moment of death and the moment of going to verify the information, the organ is no longer "viable". So we are solving a national problem, but at the same time, digital is not only a lever for digitalization or fashionable, but it can also save lives. On the other hand, why not go further, and interconnect systems on an international scale to also have this capacity to offer and recover?

I think these are very important things to consider. This is why AUSIM is now focusing on the sectors and "deep diving". This is a new addition to the "IMPACT" vision we launched this year.

It is a question of looking at the sector, not just holistic and technological, but at the level of the sectors, and we did that at the conference here two weeks ago.

Moderator: Precisely, I know that you organized a conference two weeks ago that evoked Digital Morocco, right here, under the theme "Digital Morocco, Unleashing Energies" and we can say liberating data as well. So, as a preview, I know that you have not yet completed the report or the proceedings of this meeting, what are the four or five main conclusions that you have reached?

It's still too early to talk about conclusions. We are going to do that and the balance sheet is being finalized. I'd rather not get too far ahead of myself. It's a team effort and I think it's worth taking some time. It should take us a month, no more, to be able to draw the necessary conclusions.

But on the other hand, there have been a lot of takeaways in terms of panels, whether technological or sectoral, which are very interesting and that we will share on the occasion of the publication of the report. It is also in the context of respect for the right of access to information. We are going to share it



on our website, and also send it to all public and private bodies, to our members, to be able to become aware of these "takeaways" and also the recommendations that we propose in relation to everything that has been done during this event.

Perhaps one last element: the digital lever must not be a fad and I think that everyone in the room knows very well that it is not a fad. There is access to data, equal access to information, the fact of retrieving this information and using it wisely and being able to extract interesting elements from it, both for civil society and in terms of business. There will also have to be an awareness at the level of companies, SMEs and VSEs of the need to integrate the notion of digital transformation as one of the strategic axes of each entity, each company, each institution.

Because it is a digital transformation that can be carried out at two levels, either at the cross-functional level and will thus be a lever that will strengthen the core business or the "core business" of the company in order to be more competitive and enter the competition, or at the vertical level and will allow the creation of new business lines that will go completely on digital business.

To achieve this digital business, we will migrate from a classic model or a hybrid model to a digital model, and this, through the data that we will retrieve from everywhere,

because we must not only talk about access to government data, because there is also data from certain institutions, of certain companies and GAFAMs as well. If I take Google Trend as an example, it gives you insights into the buying and selling trends of a product by region, country, city, and language, which is also very relevant information that companies need to use and I guess some do. The same goes for Facebook. The latter also gives the possibility to recover data that is not confidential or restricted. It's also something that's going to be monetized. On the other hand, putting all this data together will allow us to come up with something interesting from a business or service point of view.

I think it's very important to cast a wide net. Mr. Mohammed MELYANI spoke of the "gateway" for interoperability at the level of all ministries. We also talked about the draft decree on access to information, which is also very interesting. This reinforces the system and it is very interesting.

Now, everyone will have to work together to be able not only to prepare the data and make it reliable, but also to become aware that this data will be monetized and to be able also, through a body, to ask to have this data governance to be able to make the information relevant, give ideas, orientations and then leave the free choice of ideation at the level of startups and companies.

M. Abdelkarim **MAZOUZI**, General Vice-President, Federation of Information Technologies, Telecommunications and Offshoring - APEBI (Morocco)



Thank you, Mr. Mostapha. I would also like to thank the organizers for giving us the opportunity to be with you. Thank you to our friends from the ADD (Digital Development Agency) and the ANRT (National Telecommunications Regulatory Agency) in the person of Mr. Hassibi. Thank you also to our friends at the Conseil de la Concurrence.

We see that today our country is part of international organizations such as the OECD, the World Bank, etc. Personally, I've been in the digital world for about 30 years because I created a brand about 25 years ago.

Today, at the level of APEBI, like everyone else, we sometimes suffer from the difficulty of accessing information. Of course, laws and regulations are passed, but we are still fighting. Ms. Salwa is here and she understands that sometimes legislators do not communicate much when they pass laws, especially in relation to taxation. Therefore, we are all running behind access to information.

Law 31-13 came into force in March 2020. I commend our country and the government for working to stay up to date internationally on access to information.

Today, I would like to talk about the Internet. Citizens should have access to the Internet. We now have three operators and I hope that they will work to democratise access to the Internet, which is a very important point. Today, Internet access remains relatively expensive. We also have a problem at the national level, with local authorities being the weakest link. Much remains to be done in terms of communication and access to information.

Nowadays, some international organizations, such as INTEL for example, based on studies, inform us that by 2025, 100 million jobs will be created worldwide.

These people then need to learn skills in technology. I would like to raise here an important point that falls within my profession, namely education.

Today, if we don't direct our education and if we don't make a change in our education, it will be too late. On this occasion, I would like to thank the team of the FMPS (Moroccan Foundation for the Promotion of Preschool Education) represented here, which works in preschool (children from 3 to 7 years old) and who makes a colossal effort, especially since this learning begins at the level of childhood.

However, we still have a lot of work to do at the level of the Ministry of National Education (primary, middle and high schools), not to mention higher education. Today, Morocco has a tool which is the national teaching and research network "MARWAN", but many directors and deans of higher education institutions do not even know that this program exists and that it offers university students free access to the Internet.

Currently, universities have symmetrical lines of 200 megabytes, or even one gigabyte, but when I travel to universities, I notice that sometimes these lines are used for administrative tasks at the secretary's or director's office.



This program has been in place since the 2000s. So for 20 years we have had a very important programme, which costs the Moroccan taxpayer a lot of money, but which is not used wisely. So today we have a lot of work to do in terms of communication.

Therefore, I am very insistent on change, especially at the level of training at the level of education and at the level of our school.

Thank you very much.

Émilie **CAZENAVE**, Public Policy Analyst - OECD



Since I am speaking for the first time, I would also like to thank the organizers and acknowledge the warm welcome we received. A big thank to you.

Indeed, I would like to contribute today with a brief overview of the analysis recently conducted by the OECD at the level of 68 OECD member and non-member states on transparency and access to information, which is understood in a somewhat broad sense in terms of open data, as was the case a few moments ago, but also, in terms of information held by public organisations and often, in a large proportion of countries, by other bodies receiving public funding or public enterprises for example.

We see transparency at the OECD as an essential component of a healthy public interest information ecosystem and as a lever of trust for citizens, not only in public organisations, but also and above all, as we have seen in particular since the 2008 financial crisis, in markets, services, the economy and finance.

This transparency is underpinned by the right of access to information, which is indeed constitutionalized, as our moderator recalled in his introduction, in nearly 80% of countries, including Morocco in Article 27 of its Constitution, but also countries such as Estonia, Japan and Mexico.

In the 2000s, we saw an increase in the number of accesses to information laws passed. Morocco is also part of this dynamic with its law 31-13, which set the ambitious framework for access to information in the country. But all the countries studied face difficulties and challenges in implementing this right. Implementation is all the more important for the topics that bring us together these two days because equal access to information is a source for us of enacting fair and stable rules to govern the political, economic, etc. etc., since it is the basis of public information that is searchable, accessible, identical for all and without preferential treatment according to its recipients, if it is disseminated proactively.

Based on this, access to information is a lever for strengthening confidence in the rules applicable to all and with the same prior information for economic actors, to undertake or benefit from public services or to participate in public and political life.

Another relevant aspect is the proactive disclosure of open data, in this case a relevant set of public information. In Morocco, the law has also laid the groundwork for this proactive publication. It enjoined public organizations to publish information on their entities, missions and operations, with, for example, the need to publish information on laws, draft laws, budget, tenders and results of tenders, ... etc. This has a potential impact on the transparency and accountability of public action.

By introducing the obligation to publicly and proactively disclose this information, the law makes it possible to see and understand the functioning of administrations, but also the state of the country in a way, without any active

action by citizens or stakeholders, in this case companies.

Some countries have also adopted these approaches with regard to public funds. The New Zealand Treasury, for example, has a dedicated website where you can find the annual activity reports, but also the financial statements. Calls for tenders are also often centralized on pages, as is the case in Lebanon, to give you an example in the region. These proactive disclosure obligations are often extended, as I said, to other organizations that receive public funding. This is the case, for example, in Denmark or Tunisia, and even in state-owned enterprises. This is a fairly classic case that can be found here or in the Philippines, ... etc.

Finally, I would like to end on this issue, but we can come back to it, by mentioning the facilitated access and ease of use of platform tools, but I do not want to limit myself to digital because if we want information to be accessible to all and to be a condition of equal opportunities for all, it must not only be accessible digitally, but also but also through other channels, in particular to respond to the challenges of disability, difficulty of access and the digital divide that you mentioned, in order to be able to allow, through access to this data and information, to benefit from public services, to participate in public and political life and to undertake and innovate.

Moderator: In your opinion, what are the levers to be activated to encourage this access to information? In fact, if we believe in equality of opportunity, because the link between the availability of information and equality of opportunity and access to opportunities is well established?

There are many levers. I will only mention four of them, two on the substance and then two on the modalities.

The first is relevance. It has already been discussed at length yesterday and again this morning as well.

To ensure the relevance of public information, and in particular open data, which governments

require to be disclosed, some countries have decided to increase this relevance by involving citizens and stakeholders, including investors, civil society organizations, the media, etc. etc. in the definition of what is covered by relevant and useful information that could be disclosed by public and sometimes economic actors. Yesterday, Mr. Frederic Jenny talked about Facebook disclosing information that is not widely used.

Knowing the expectations and needs is therefore also helping to ensure this relevance. Beyond these consultations, some OECD countries, such as Australia and Ireland, are also choosing to proactively disclose information that has been requested on a recurring basis when it was not available in an open manner. This can be another lever, another way, without going through the legislator in particular, to increase the scope of the proactive disclosure of open data and above all to make it a slightly more relevant element for undertaking and for citizens or organizations and private entities to be able to usefully reuse this data.

The second lever, and this is where the problem often lies, because few countries manage to do so, is the evaluation and monitoring of implementation and impact.

There is very little data on the monitoring and evaluation of access to information and its impact on competition, economic impact, and added value, because very often the analyses focus on the robustness of the law, its provisions or on inputs such as the number of requests received, the number of refusals to these requests, etc. the deadlines that have been taken to process them, ... etc.

This is useful for assessing, among other things, the short-term objectives of the legislation and whether the public has access to the information that is required under the act. However, this is less useful to effectively understand what I was saying, namely whether information is being used and reused by citizens, businesses and civil society organisations to create value and other services and to understand whether this has



an impact beyond the individual level of the requester or user.

A complete analysis is therefore necessary to assess this impact, but few countries currently collect data that allows this to be carried out.

The third lever is the modalities, and this is the one with which I will conclude my answer to the previous question. If we want to level the playing field and promote equality of opportunity and opportunity, we must ensure inclusive and equal access for all.

82% of the countries that responded to our recent survey have enshrined the right of access to information in their constitutions or laws. Only half of them offer active support to people with special needs. I have in mind, for example, Brazil or Colombia, which even offer specific guidelines so that people with visual or hearing impairments can use channels, including digital channels, to make a request for access to information or to reuse existing information, and especially in administrations or systems in which there is a tendency to use very largely administrative and legal language, often less accessible to the general population and less easily understandable.

Some countries have set up simple and clear language systems that are easy to read and understand, specific communication campaigns on the right of access to information, and even discussions and training with certain categories of potential re-users such as entrepreneurs and startups, operating in particular in the data ecosystem,

to inform them about the potential of the right of access to information for their own needs.

It is also an important lever to use to promote more communication and awareness.

Finally, the last point I would like to address is the delicate balance to be struck between access to information, the protection of personal data, the security of certain commercial data, the law and also national and international security. There are many reasons for the coherence of these different rights.

I will give you an illustration, which is that very often disclosure in violation of the protection of private data is a lever that is used by administrations and public organizations to restrict the information disclosed or access to certain information for legitimate reasons. For example, in Spain, when there is personal data, for example on ideology or health, the explicit and written consent of citizens is required to be able to disclose the information. This seems entirely legitimate.

But taking this reasoning to the extreme can sometimes give rise to a number of risks for access to information and therefore transparency, accountability and opportunities for added value from this data. It is therefore necessary to find the right balance, which is difficult to assess and which can be achieved through the institutionalization of the functions that are responsible for the implementation and supervision of these rights.

The vast majority, moreover, of the countries in which we conducted this survey have, of course, like Morocco, institutionalized these functions, with distinct functions for these two rights, as in Morocco and France for example. Here, with access to information officers, an agency in charge of the protection of private rights, an agency in charge of access to information. However, as there has been an increasing synergy between these rights, some countries have considered or even decided to consolidate them into a single institution. We mentioned it yesterday for the United Kingdom, it is an ongoing discussion, but it is already done in some countries such as Mexico, Argentina or Belgium for example. This would allow them to discuss internally these conflicts and dilemmas that Mr. Frédéric Jenny outlined yesterday in the preface to our discussions, to resolve them in a way that allows for the protection and disclosure of a certain amount of information, while at the same time making these measures and policies more coherent. Otherwise, as has already been mentioned, we can have a fragmented, fragmented and differentiated approach depending on the organization involved, its approach and its reasoning.

Moderator: Thank you, Emilie. So, while remaining diplomatically correct, I know that in multilateral organizations, we have country profiles. We talked about Brazil and then we moved on. Let's talk about Morocco. What are the key words that come up when we talk about the case of Morocco in terms of data circulation, freedom of access to data or digital in general?

So, the key words are an ambitious framework, in view of the Constitution, the Access to Information Act, a whole set of guidelines, discussions that have been opened and forms that have been created by the administrations. I am also thinking of an access to information guide that was developed with the OECD and some of the jurisdictions that were represented, and discussions that we had with the DDA last year around this time on these topics.



In fact, an ecosystem is set up, discusses and can still move forward on the recommendations that have been formulated, on the standards that are decreed by the OECD, the European Union or elsewhere, but the implementation poses and will always pose challenges because developments are such that we must constantly seek to ensure the relevance of the information we put online, the way we offer it and how it can be reused and the ease of its reuse for the citizen. All this requires new efforts, but also to show, via a platform, the reuse efforts that have already been undertaken by civil society and the media; and there have been some, particularly within the framework of the efforts linked to the partnership for open government and all the efforts relating to the provision of open data which have already been undertaken by administrations.

Adèle **MOUKHEIBIR BARZELAY**, Legal Advisor Data and Digital Development -
World Bank Group



Thank you very much, Mr. Moderator, and thank you very much for the invitation. I know the two of us came, my colleague Arthur Foch and myself. Therefore, we feel twice as happy to be with you and to be able to share our experience with you.

So, to react very briefly, I think that I can only reinforce the messages that have been mentioned by my colleagues and I will not comment specifically on these points, but on the other hand, I think that there is one point that is important to insist on. There has been a lot of talk in the last two days about the importance and centrality of data, both within the administration and in the economy, but I think it is important, especially when we are talking about issues related to access to information and open data, to really put the user, whether it is the administrator within the public administration, back in the public administration, back in the public administration, the user, the user, the citizen or the company, at the heart of the problem and to think about the mechanisms that can

both facilitate access to reactive information in the context of access to information or the use of information disclosed proactively in the context of Open Data, by reflecting on the needs that have been identified or that are identifiable by consultations, through activities such as hackathons, such as certain ways to generate interest and a culture of data use to really, not only publish or improve access to information, but really work towards improving the use of data.

I think we've talked about, and my colleagues have talked about it, some of the mechanisms that can be activated, whether it's the implementation of the regulatory framework or many other mechanisms beyond regulation. I think there are some that have been very well covered. I may add one or two mechanisms that are very important to facilitate the use of data, especially open data, which have not been directly discussed today.

These are, firstly, the importance of adopting licenses for the use and re-use of data that are not revocable and that give users certainty that they know how this data can be exploited once it is published, and this is really a very important aspect, particularly to facilitate the use of open data for innovation by the private sector which generally, Apart from some business models, they are trying to turn data into a slightly more usable format, they are really trying to take open data and use it in products and services or incorporate this data directly into their services. I'm thinking, for example, of transportation applications that take open government data, that need that data to be published or updated regularly and then develop and develop applications that allow the use of GPS... etc. We talked about the United Kingdom earlier. I am thinking, for example, of the 'City Mapper' application which was created using data from 'Transport for London' and which is now being used and developed in several countries on the basis of open transport data.

I would also add, given this issue and considering the user and user data needs, and given the extensive discussion on reusable and exploitable formats, that I wholeheartedly agree with my colleagues. It is important to ensure that the publication frequency is appropriate, both for the types of data and their intended use. For example, transportation or weather data should be updated almost automatically, ideally through APIs. There are other types of data that may be updated quarterly or annually. However, I believe that by refocusing the debate on the data, its usage, and the identified needs, we can begin to establish and prioritize procedures that not only facilitate data access but also its utilization.

I will conclude by saying that there was a lot of talk and I very much appreciated the discussion on capacity building on the communication and dissemination aspects that promote this culture of data use and access to information. To contribute to this debate, I believe that the challenges of capacity building are different and that capacity building practices need to be adapted to public administration, on the one hand, and to the population in general, on the other.

I think Emilie covered the second aspect very well. I'm not going to go into more detail about that, but in view of our experience, when we look at the implementation challenges, in particular the regulatory framework governing access to information and open data, what is blocking is the lack of trust of the officials who are in charge of publishing the data or responding to requests under the Access to Information Act. This risk or perception of risk is all the stronger when there is a lack of certain enabling factors in the regulatory framework, such as a clear data classification that allows administrators to understand which data can be published and which cannot be published. It's about this lack of clarity, and Emilie talked about this, between how to process the data to reduce the risk of identification with respect to the personal data before publication, and how to

do it properly so that we can then publish the data in a secure way and in a way that protects that data.

So, I think that if we try to develop these capacity-building mechanisms to facilitate at the level of open data managers in the context of Morocco or access to information managers, and we see this outside of Morocco as well, we will be able to effectively implement the frameworks that are generally robust in most countries to move forward in the future. Here are some practical reflections to continue the debate, which has been very rich.

Speech at the lectern:

All you see in this slide is an excerpt from this World Development Report 2021, titled "Data for a Better Life".

I'm going to go over this very quickly because there has been a lot of talk about these principles and themes over the last two days, in particular the right to access information and data as a lever to achieve the Sustainable Development Goals, whether it is the use of data wisely and effectively by public administration to improve the delivery of public services and the quality of evidence-based public policies. Or the themes of accountability and transparency that we talked about earlier or, of course, the exploitation of data by the private sector to create innovation and develop so-called "data-driven" economic markets, that is to say based on data.

Indeed, we have mentioned the positive paths I have just described, but the use of data carries risks of discrimination, surveillance, cybersecurity, etc. etc. One of the key messages of the report is that achieving these positive objectives depends on the establishment of a robust data governance framework that was described earlier.

This other illustration, as Mr. Arthur Foch said earlier, shows the financial and economic impact that can be generated by the use of open data by different sectors. We can see here that we have several sectors. This is a study that was developed by Capgemini for



the European Union. What we observe here is an estimate of the financial and economic impact of the use of Open Data, especially for public administration. I know this is a particularly important issue in this context. We are talking about 22 billion euros within the framework of the countries of the European Union. This is a particularly important impact when we talk about the use of open data and we can imagine the impact it could have for public administration.

When we talk about the issues for public administration, we are mainly talking about efficiency, cost reduction, and improving the targeting of public policies by certain stakeholders and individuals. It is all these types of impacts that are reflected in these figures.

We also noted another theme in this report. I think this was raised by Mr Xavier Reille, just now. This is the importance and role that developing a robust governance framework for data governance plays, to create a social contract on data that is based on three values.

Trust, in particular through the establishment of a robust framework for the protection of personal data and cybersecurity.

Fairness, and I think that's particularly relevant to both this panel when it comes to access to information. These two principles, equity and trust, are enshrined in Morocco's new development model. I think it's important to remember that value is generated when these other principles are respected.

The governance framework that needs to be put in place is made up of four pillars. Infrastructure policies, a robust framework of laws and regulations for data governance that impacts economic policy. Yesterday we spoke in particular about competition, trade and taxation.

To ensure the effective implementation of the regulatory framework, in particular, there is a need for institutions that are capable, independent, but also autonomous, and have the budget and capacity to implement this governance framework.

Just before talking about the legal framework, I would like to take advantage of the end of Mr. Arthur Foch's presentation on Citizen's Houses to support one of the comments that was made earlier on the importance of thinking about accessibility, via not only the multiplicity of digital channels, but also analog, and to put the user's needs at the center to understand not only the interests for the use of data, but also the challenges.

We have, therefore, covered the first pillar of this data governance framework well. Now, the second pillar is of course the legal and regulatory framework to govern data. I think it is useful to make a distinction in terms of data regulation, between public data, collected, generated and produced by governments and public administration, and private data.

Firstly, because there is a differentiated margin of control between the data that the public administration or the government may

have, in terms of the data that it produces itself, and the establishment of an enabling framework to encourage the private sector to share data.

To start with the regulation of so-called public data, the graph you see here is an excerpt or visualization of the data that was collected as part of a survey done in the context of the World Development Report, and called the "Global data regulation survey". It was a survey that covered 80 countries and covered certain indicators relating to the legal and regulatory framework for public and private data governance.

The indicators and country selection are geared towards countries at the medium and intermediate level of development, given our role as a development institution.

What you're seeing here is a visual representation of the different mechanisms that we've been discussing today, in particular the existence of regulatory frameworks, access to information laws, which you see on the bottom left, as well as what I call underlying enablers that facilitate the implementation of those frameworks that are embedded in access to information laws and open data laws.

What you see, and what I find interesting here, is that in this survey and which we divide by income groups, most countries or a large majority of countries have a legal framework in place on access to information. There is an emerging framework for the adoption of open data laws, but some countries that do not have open data laws have open data policies. One point I'd like to emphasize is the importance of putting these regulatory frameworks in place, but also of putting in place mechanisms for classifying data and ensuring that data classification is mandated to be applied across government.

The adoption of open data licenses by the government that we see here, apart from high-income countries, is still an emerging project, then the issues related to data interoperability, not only to facilitate access to information and open data, but to facilitate its

use, including exchanges, interconnectivity between different databases, etc. It is really a very important role that interoperability rules, interoperability standards, etc. etc. This is another project on which the Moroccan administration is working very hard and on which we are obviously collaborating with the DDA, in particular to work on strengthening these frameworks on interoperability.

On the next slide, very quickly, what you see here is taken from the same survey but which rather covers the regulatory aspects concerning the regulation of so-called personal data. I would like to focus in particular on the issue of data portability, which, within the countries we have visited, most of which are middle- and middle-income countries, is an emerging, even nascent, area in terms of maturity. I think there are less than 10% of countries that have built in an obligation to ensure that the right on data portability is in place for the population, which is usually embedded in the framework of personal data protection laws with respect to the portability of personal data.

What's important here is not only to put this right in place, but what this survey revealed and was interesting is that for the small number of countries that had adopted these rules, there were also, within these laws, formatting obligations to ensure not only that the right was in place, but also that the right was in place, but also that the law was in place, but also that the data can be ported in a standard, machine-readable format that allows and facilitates the implementation of this right. Because without formatting, and to come back to the issues of coordination between different regulatory frameworks, without sufficient competition in the market, it would be difficult to set up and facilitate the porting of this data from one platform to another.

To quickly finish on this, when we think about the regulatory framework, we always think in a "top-down" way, that is to say the establishment of a framework, its implementation and the "compliance" of stakeholders.

The two examples I'd like to mention here are a bit more top-down examples. As part of its 2016 digital law, France insisted on the private sector sharing certain so-called high-value data. It is a mechanism that was developed and later incorporated into European legislation to try to facilitate the sharing, between private sector actors, of data that is said to be of high value.

But, I think it's also important to demonstrate that most of these data-sharing partnerships can be incentivized under PPPs (Public-Private Partnerships) when the value of this data sharing is demonstrated.

In this example you see on the screen, "Waze", another transportation application that, as part of a partnership with Colombia and in the context of the "Connected Citizens" program, has agreed to share its traffic data to support emergency response, exchange traffic data for mobility projects, and share data with citizens.

I think this is a very good example that shows the possibility of going a little bit outside the regulatory framework and thinking about governance mechanisms and contractual mechanisms that can incentivize the exchange and sharing of high-value data, such as transport data.

To conclude on this aspect of governance, what we have identified in this report and what we have seen and what we see emerging outside the regulatory framework is a new type of structure, data cooperatives or data intermediaries, which can be set up between different partners, whether in the context of public-private partnerships or partnerships with civil society or research organizations to work on this data sharing.

The key take-home message is to think about the types of data, the purpose of use, and the questions that are important. Is it how to share sensitive data in a structured environment, with clear standards that can instill trust among participants to exchange their data? Is it sensitive personal data? Is it a question of proprietary data? What we are seeing is the emergence of different models,

commercial or non-commercial, which can facilitate these exchanges and contribute, through these new modes or mechanisms of governance, to facilitating equitable access to information for positive purposes, development, innovation, research... etc.



To finish on the key points, and this is what came out of this discussion, I think there are really points about form and points about process (about functions).

In terms of form, it is clear that we need to touch on all aspects of this data governance framework, whether it is interventions to strengthen the infrastructure, the strengthening of the regulatory framework, or work to strengthen the capacities and resources of the institutions called upon to implement this framework. But, what is very important, is the change of perspective that comes with "Change Management", the change of behavior within the public administration but also with users. Another principle that I consider fundamental is the importance of co-creation, the development of a multi-stakeholder approach to the development of governance frameworks that integrate both the important role that public administration plays, but also the important role of the private sector in the development of standards, in the development of technologies, not to mention, of course, the very important role that civil society and individuals play as users who need to be consulted, with whom it is possible to co-create this regulatory framework to support this social contract on data.

Thank you very much.

M. Arthur FOCH, Senior Digital Development Specialist - World Bank Group



Allow me first of all to warmly thank the organizers of this event for the invitation and for the quality of the discussions as well. It is an honor and a pleasure to be here with you.

Mr Mellouk, I would like to comment on the levers that have been mentioned. Equitable access to information presents opportunities. In this regard, Mr. Hicham Chiguer referred to the case of the United Kingdom and the 0.5% of the United Kingdom's GDP that is linked to the reuse of open data by the public and private sectors. Adèle Moukheibir Barzelay and I also have a graph that can go into a little more detail on the economic and financial value generated by Open Data. These are real opportunities that are set to multiply, but we are in an era where we are getting closer and closer to 5G and the Internet of Things. It is expected that there are 50 billion connected objects in the world and these connected objects generate data whose volumes are exploding. These open data opportunities are bound to multiply in the future.

It is also necessary to ensure equal access to information, and where there is access to

information, there is essentially access to digital information, as today information is primarily digital, with paper tending to disappear. Consequently, this also presents challenges in terms of internet access, since information is now digital on the internet. Therefore, it is important to ensure that everyone has adequate access to this internet service.

On the other hand, having excellent internet infrastructure and services is one thing. It is another to be able to ensure that the entire population, whether citizens, the private sector, SMEs or administrations, can use, reuse and analyse this information.

This puts the spotlight, and I think one of the participants insisted on this, on the digital skills of the population, administrations and businesses, because it is the skills and the level of digital skills that will then determine the uses of digital technology. This is really a very important point that we are working on a lot at the World Bank.

The final challenge is digital trust. Adèle Moukheibir Barzelay and other speakers have talked about this. It is primarily a question of the legal and regulatory framework. The real challenge is the adoption of adequate laws that build trust, but also the implementation of these laws through decrees, and Mr. MELIANI referred in particular to the decrees that are being prepared on Open Data and on interoperability.

One last point relates to change management, and Mr. Melyani mentioned this as well. We are working closely with the ADD on change management in open data and we are very happy to do so. It is a question of raising awareness among senior civil servants and technical managers of the opportunities and risks that this represents, and this requires significant efforts, in-depth work in terms of awareness and training to reassure, explain and ensure that everyone can have a good understanding of the issues.

Speech at the lectern:

We have prepared this presentation to illustrate our points. For the World Bank, this theme is of great importance for the reasons I have explained, that is to say both the opportunities that data represents for development, but also the challenges. Adèle, who was closely involved in the report on development in the world of data and data governance, will be able to talk about the opportunities. We are working closely with Morocco and other countries in the region on this issue.

As you can see, we have structured this presentation into three points and insisted on the opportunities and impact that data can have on development. We focused in particular on three prerequisites which are very important for equitable access, that is to say inclusive access for everyone everywhere to this digital information. We will cite some international examples on this occasion, then end with some key points and recommendations for the future.

The slide you see illustrates the importance of this governance framework for data management that was mentioned by Adèle, because, as I also pointed out when referring to 5G and the Internet of Things, studies had estimated that by 2020, between 26 and 50 billion devices would be connected, including refrigerators, cars, ... etc. This really illustrates the explosion in the volume of data that we're already seeing and that we're going to face more significantly in the coming years.

This raises questions about the control of this information: the refrigerator generates data, who will then be able to control access to the information it will generate? Same for cars? This raises the question of how to control the data and how to reuse this data. This slide reveals that we are already facing this phenomenon, but things will accelerate significantly with the Internet of Things, which will be further promoted by 5G.

This allows me to go straight to the three prerequisites we wanted to emphasize. I think a good illustration of the issues of equal access

to information is, for example, the experiences of distance education and teleworking, especially during the COVID crisis.

Here are two studies by Moroccan public entities:

- The HCP (High Commission for Planning) carried out surveys in 2020 on distance education and its experiences. The results highlight the fact that some students and pupils have faced problems, not only in accessing internet coverage, but also in having access to adequate equipment that allows for effective access to distance education.

This distinction is crucial because accessing content, on a smartphone or on a PC, does not allow the same uses.

- Another study was carried out by the Ministry of Digital Transition and Administrative Reform and focused on how teleworking had happened in the public administration.

There was a somewhat similar message, which was that there were a good number of public servants who either had problems accessing the Internet at home or had problems with equipment.

This is to highlight the fact that equal access to information also means equal access to Internet services and equipment.

Now I would like to emphasize the good prospects and the current situation in Morocco. Here we look at annual surveys that are carried out by the ANRT, the HCP and by other public institutions in Morocco and which highlight the quality of the digital infrastructure that exists in Morocco. A sharp increase in household internet penetration was observed during these three years: 2018, 2019 and 2020.

Obviously, and like everywhere in the world, the digital divide between urban and rural areas is a challenge that all countries face, including Morocco. This is a challenge that should be addressed with household equipment,



because a household that accesses distance education via a smartphone does not have the same possibilities as someone who accesses it via a laptop. Equipment is therefore also very important to optimize and free up uses as much as possible.

When we look at this question, there is indeed another divide that should be addressed, namely the male/female divide.

From this point of view, the annual surveys are very instructive and you can see that there is almost equality between men and women in Morocco in terms of access to mobile phones and smartphones. There is still a small difference between men and women when it comes to Internet use, but even this difference tends to fade greatly over time.

This then takes me to the second challenge. Once you have access to information, you must be able to digest it, understand it, use it, reuse it and exploit it. This leads us to address the issue of digital skills of citizens, administrations and businesses and more particularly SMEs.

I would like to present a very interesting graph that has been produced based on the results of the annual surveys of the ANRT, the HCP and the other public institutions that are involved. You can see that of the approximately 4,000 households that have been interviewed each year in the twelve regions of the Kingdom, most of the skills, and this is not specific to Morocco, are skills that are quite basic and initial. A much smaller percentage of the population has intermediate, advanced, or

even near-professional skills. We also see, and I would say this is quite natural, differences in skill levels between urban and rural populations.

So, who says skills says level of development of uses, because the more equipped we are to access, process, reuse and exploit information, the more we can have elaborate uses of digital technology and data.

And here, it's quite interesting, as everyone knows, most of the international bandwidth is consumed on video, voice over IP and essentially social networks. This is also what this survey reveals. You can see a little further down in the core, at the level of the red circle, that even today, the use by Moroccans of digital public services and information, which are provided by the public administration, is still quite limited.

This allows me to illustrate with an important case on which we have worked a lot. This is the case of the citizen's digital houses. Portugal has a very interesting experience in this area. Indeed, in Portugal, they realised that they had managed to digitise a large number of public services within the administration, but when they looked at the adoption rate or the rate of use of these services, the latter was still quite low. They then conducted surveys and found that citizens, who were mainly in peri-urban and rural areas, were either not informed or made aware of the availability of certain services and simplified administrative procedures, or were simply not equipped and equipped to navigate these platforms and use these services.

So, they have set up, all over the country, at the municipal level, what are called citizen kiosks or digital citizen houses, where a person from the administration welcomes citizens who wish to better understand the procedures or have support for the completion of a process. This has greatly boosted the use of digital services that had been digitized by the administration.

ACTES DE LA CONFÉRENCE

CLOSING SESSION



Mohamed **ABUELAZIZ**
Secretary General, Competition Council

Morocco

M. Mohamed **ABOUELAZIZ**, Secretary General, Competition Council (Morocco)



Message from Mr. Ahmed Rahhou, President of the Competition Council, addressed to His Majesty King Mohammed VI, read by Mr. Mohamed Abouelaziz.

In the name of Allah, the Most Gracious, the Most Merciful, and may prayers and peace be upon His Messenger and his companions, A message of loyalty and sincerity addressed to His Majesty King Mohammed VI, may God assist him, on the occasion of the conclusion of the international symposium on the theme **"Digital transformation: between regulation and competitiveness"**

Your Majesty

Yours truly, the President of the Competition Council, has the great honour, in his own name and in the name of the Director General of the National Telecommunications Regulatory Agency, the Director General of the Digital Development Agency, the Secretary General of the Competition Council, its members, its executives, its employees and all participants in this conference, to address to Your Majesty the most respectful expressions of loyalty and fidelity, the most sincere feelings of attachment to the Alaouite Throne and gratitude for Your High Concern in having kindly honored with Your High Patronage the work of this international conference, organized on November 9 and 10, 2022 in Marrakech.

Your Majesty,

This international conference was marked by the qualitative participation of governance and regulatory bodies, competition authorities, international and regional organizations, economic actors, as well as experts and specialists in the legal, economic and financial fields.

The work of this international conference, organized under the High Patronage of Your Majesty, was an opportunity for the speakers to discuss the important issues of the development of digital technologies at the international level in recent years and its effects on production, distribution, trade, consumption, competition and regulation in the markets, as well as innovation, employment, economic growth, not to mention its direct impact on communities and individuals.

May God the Almighty preserve you as he preserved the Holy Qur'an, keep you as a refuge for your homeland and your subjects gathered around your majesty and attached to your glorious throne, grant you health and well-being and enhance, through Your Majesty's initiatives, what the children of this homeland aspire to.

May God preserve Your Majesty for the good of this country and fill you in the persons of the beloved Crown Prince, His Royal Highness Moulay El Hassan, His Royal Highness Moulay Rachid and all the Members of the Illustrious Royal Family.

God, the Omnipotent, grants the wishes of those who implore Him.

And finally may the peace, mercy and blessings of God be upon you.

Done in Marrakesh, on Thursday Rabii II 15th 1444, corresponding to November 10th, 2022

Ahmed Rahhou, President the Competition Council.

God bless Your Majesty.



GLOSSARY

ABB	Al Barid Bank
ACAPS	Autorité de Contrôle des Assurances et de la Prévoyance Sociale
ADD	Agence de Développement du Digital
AIA	Artificial Intelligence Act
AMMC	Autorité Marocaine du Marché des Capitaux
ANME	Association Nationale des Médias et des Éditeurs
ANRE	Autorité Nationale de Régulation de l'Électricité
ANRF	Autorité Nationale du Renseignement Financier
ANRT	Agence Nationale de Réglementation des Télécommunications
APAC	Asie-Pacifique
APEBI	Fédération des Technologies de l'Information, des Télécommunications et de l'Offshoring
ARCOM	Autorité de Régulation de la Communication audiovisuelle et du numérique
AUSIM	Association des Utilisateurs des Systèmes d'Information au Maroc
BAM	Bank Al-Maghrib
BATX	Baidu, Alibaba, Tencent et Xiaomi
BM	Banque Mondiale
CAM	Crédit Agricole du Maroc
CC	Conseil de la Concurrence
CCIA	Computer and Communications Industry Association
CDG	Caisse de Dépôt et de Gestion
CESE	Conseil Économique, Social et Environnemental
CGEM	Confédération Générale des Entreprises du Maroc
CIH	Crédit Immobilier et Hôtelier
CMA	Competition and Markets Authority
CNDP	Commission Nationale de contrôle de la protection des Données à caractère Personnel
CNP	Conseil National de la Presse
DGA	Data Governance Act
DGSN	Direction Générale de la Sécurité Nationale
DMA	Digital Markets Act
DOJ	Department Of Justice
DSA	Digital Services Act
FIJ	Fédération Internationale des Journalistes
FinTech	Financial Technology
FMEJ	Fédération Marocaine des Éditeurs de Journaux
FMI	Fonds Monétaire International
FMPS	Fondation Marocaine pour la Promotion de l'enseignement Préscolaire
GAFAM	Google, Apple, Facebook, Amazon & Microsoft
GAMAM	Google, Apple, Meta, Amazon & Microsoft
GIE	Groupement d'Intérêt Économique
HACA	Haute Autorité de la Communication Audiovisuelle
HCP	Haut-Commissariat au Plan

GLOSSARY

IFC	International Finance Corporation
INPPCLC	Instance Nationale de la Probité, de la Prévention et de la Lutte contre la Corruption
KYC	Know Your Customer
MARWAN	Moroccan Academic and Research Wide Area Network
NERA	National Economic Research Associate
OCDE	Organisation de Coopération et de Développement Économiques
OCF	Office Chérifien des Phosphates
ODD	Objectifs de Développement Durable
OICV	Organisation Internationale des Commissions de Valeurs
ORMVA	Office Régional de Mise en Valeur Agricole
P2B	Platform to Business
PIPEDA	Personal Information Protection and Electronic Documents Act
PME	Petites et Moyennes Entreprises
PPP	Partenariat Public Privé
PSD2	Payment System Directive Two
RAMED	Régime d'Assistance Médicale
RNP	Registre National des Populations
RSU	Registre Social Unifié
SFI	Société Financière Internationale
SNPM	Syndicat National de la Presse Marocaine
SONACOS	Société Nationale de Commercialisation des Semences
TPE	Très Petites Entreprises
UA	Union Africaine
UE	Union Européenne
UPU	Union Postale Universelle

CONFERENCE PROCEEDINGS



9-10 November 2022 - Marrakech