



International Federation of  
Library Associations and Institutions

## **Recommendations on the Digital Service Act by the European Commission – June 2020**

### **Roadmap: “Ex ante regulatory instrument for large online platforms with significant network effects acting as gate-keepers in the European Union’s internal market”**

Libraries have seen the evolution of digital tools for several decades. Like many cultural institutions, they have implemented digital strategies to promote and publicize their collection among their users and beyond, in particular through social networks.

The level of concentration in the market - driven by the network effects benefitting the largest networks - has meant that many libraries are heavily dependent on certain networks to be able to communicate with their users and audiences.

As a result, it would benefit libraries, as well as consumers in general, to be able to work to ensure that consumers (including institutions such as libraries) can move freely to other networks, taking their data with them.

This would make it easier for similar platforms to emerge with diverse policies regarding user data and relationships between members of the network. It would also allow a framework to be put in place allowing companies to compete on platforms.

Secondly, we would suggest that any instrument should apply not just based on the overall turnover of platforms, but based on whether they hold a position of strength in any one sector. For example, this could be the case for library eLending, eBooks in general, or scholarly communications, where we are seeing examples of companies using vertical integration to build up data strengths that gives them both extensive power over competitors, and risks locking in researchers. In each of these cases, while platforms may appear small as a share of the overall economy, they can have a key role within each sector, enabling behaviours such as those detailed in the roadmap (withholding of data, unfair advantages in adjacent markets, risk of creating lock-in for customers).

Finally, as a measure for promoting competition, we would encourage the Commission to reassess the rules that have excluded eBooks from rules on cross-border access to electronic content, which would, in particular, allow smaller European companies access to a wider market than their own home one. We would also recommend, in this regard, stronger steps to prevent (effectively) non-negotiable contract terms from taking away the rights of users.