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south africa

# **MEDIA AND DIGITAL PLATFORMS MARKET INQUIRY**

## **STATEMENT OF ISSUES**

**Date: 17 October 2023**

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# 1. INTRODUCTION

## 1.1. Inquiry Scope

1. On 15 September 2023, the Competition Commission (“the Commission”), gazetted its Final Terms of Reference pertaining to the Media and Digital Platforms Market Inquiry (also referred to as “MDPMI” or “the Inquiry”) where it will be facilitating an inquiry into two major online platform streams in South Africa. This will focus on online (or digital) distribution of media through general search, social media and news aggregation platforms as well as what is also known as “the ad tech stack” which involves the intermediation of advertisers and the selling of advertising space on publisher’s websites.
2. The MDPMI has been initiated in terms of section 43B(1)(a) of the Competition Act 89 of 1998 (as amended) given that the Commission has reason to believe that there exist market features in digital platforms that distribute news media content which impede, distort or restrict competition, or undermine the purposes of the Act, and which have material implications for the news media sector of South Africa. Furthermore, the Inquiry seeks to assess whether there are any adverse effects arising from any features in these markets, including those that adversely affect small medium enterprises (“SMEs”) and historically disadvantaged persons (“HDPs”), that need to be addressed. The MDPMI commences on 17 October 2023 and has 18 months in which to complete as per section 43B(4)(a) of the Competition Act.
3. Digital platforms distribute media (such as news articles) between publishers of media content and consumers who consume them. Such digital search and social media platforms primarily fund themselves through advertising and drive consumer traffic, engagement and data collection to support that revenue stream. News media content is made available to drive traffic and engagement and where the digital platform market features will influence the bargaining over the use of that content and referral traffic to news media websites. News aggregation services curate content from various news sources to offer consumer convenience in digital news consumption, and market features will influence the bargaining over the use of news content. Like digital media platforms, news media content publishers fund the creation of new content through advertising and depend on engagement and data collection for optimising targeted advertising, although many also incorporate subscription fee revenues to support the funding of news generation.

4. The scope of the inquiry will include general search engines such as Google and Bing; social media platforms such as Meta and X (formerly Twitter); news aggregation platforms; video sharing platforms such as Youtube and TikTok; DSPs and ad networks such as Google Ads and Display & Video 360; ad exchanges such as Google AdExchange (“AdX”). It will also examine generative AI such as OpenAI’s ChatGPT and the role it plays in using original news content in its output, and how this may change search products and display and ranking on all online platforms.
  
5. The focus of the MDPMI will be on whether there are any market features which may impede, restrict, or distort competition and/or undermine the purposes of the Act. The purpose of the Act is to promote and maintain competition in the Republic in order—
  - (a) to promote the efficiency, adaptability and development of the economy;*
  - (b) to provide consumers with competitive prices and product choices;*
  - (c) to promote employment and advance the social and economic welfare of South Africans;*
  - (d) to expand opportunities for South African participation in world markets and recognise the role of foreign competition in the Republic;*
  - (e) to ensure that small and medium sized enterprises have an equitable opportunity to participate in the economy;*
  - (f) to promote a greater spread of ownership, in particular to increase the ownership stakes of historically disadvantaged persons;*
  - (g) to detect and address conditions in the market for any particular goods or services, or any behaviour within such a market, that tends to [prevent] impede, restrict or distort competition in connection with the supply or acquisition of those goods or services within the Republic; and*
  - (h) to provide for consistent application of common standards and policies affecting competition within all markets and sectors of the economy.*
  
6. The Inquiry is broadly focused on the following areas of competition and public interest, namely
  - 6.1. Market features that may distort competition for advertising revenue between news media organisations and digital platforms, and whether these are affected by imbalances in bargaining power.
  - 6.2. Market features of those digital platforms that may distort competition amongst news media organisations for online distribution and advertising revenue
  - 6.3. The impact of generative AI tools of digital platforms on the above.

6.4. Market features of ad tech that may distort competition, affecting the level, price and share of advertising revenue to news media organisations.

6.5. The impact of the above on the quality and choice of news content to consumers, and on SME and HDP owned news organisations.

## **1.2. Invitation for written submissions**

7. In releasing this Statement of Issues, the Inquiry invites market participants and other interested parties (collectively “stakeholders”) to provide views and information on the operation of markets for the online distribution of media content and the online digital advertising (i.e. the ad tech stack) in South Africa. Stakeholders include but are not limited to media publishers, digital platforms, academic think tanks, regulators, government departments, affected parties or any stakeholder that can add value to the Inquiry. The Statement of Issues delineates the issues for both streams covered by Inquiry, including where they intersect, and the range of different platforms involved. Stakeholders are requested to identify which platforms, platform types or generative AI services their responses are in relation to or if they are responding in relation to all platforms.
8. The Inquiry encourages stakeholders to provide views on the issues that are most relevant to them, including those that are not captured in the Statement of Issues, and those that expand on, affirm, provide a more accurate depiction of, or contrast the Statement of Issues. Stakeholders can also provide feedback on any other issues considered relevant to the Inquiry even where it is not covered in this document. Wherever possible, please provide reasons for your views and any evidence available to support your views. Reasons and evidence provide a stronger basis for the Inquiry to take account of the views expressed.
9. If your submission contains any confidential information, provide both a public and confidential version. The Inquiry will not accept a blanket confidentiality claim on the submission and will require a public version where only the specific confidential information is redacted. The Inquiry is a public process and so all public submissions will be placed on the Inquiry’s website to allow for public consultation (see section below on Treatment of confidential information). A public version is necessary such that other participants can engage each other’s submissions, greatly enriching the Inquiry process and affording necessary public transparency. You are encouraged to speak with our team before providing a confidential submission if you have any questions at all regarding the Inquiry’s processes for dealing with confidential information.

10. Written submissions to this Statement of Issues should be emailed to [mdpml@compcom.co.za](mailto:mdpml@compcom.co.za) by 17h00 on **14 November 2023**. In addition, the Inquiry will also directly contact some market participants to request specific information of relevance to the issues within the scope of the Inquiry. The full Guidelines for Participation in the MDPML are available on the Inquiry page of the Commission's website.

### **1.3. Key dates**

11. The closing date for submissions on the matters outlined in this Statement of Issues is **14 November 2023**. The same closing date applies to the requests for information to specific market participants. Following the analysis of the submissions received on this Statement of Issues, the Inquiry will publish a Further Statement of Issues in the week of **4 December 2023** focused on key emerging issues for stakeholders to make submissions, which will be due on **15 January 2024**.

12. Public hearings will be held from **2-24 March 2024**. By the end of **June 2024**, the Inquiry anticipates releasing its preliminary findings and recommendations. The Inquiry will invite submissions on these findings and recommendations by **8 August 2024** before consulting further and releasing its final findings and recommendations in **January 2025**.

### **1.4. Treatment of confidential information**

13. Information management during the Inquiry is guided and bound by procedures related to confidentiality in Sections 43B (3A), 44, 45 and 45A of the Act and Rules 14 and 15 of the Rules for the Conduct of Proceedings in the Competition Commission (the Rules) to the extent applicable.

14. Parties have the right to claim confidentiality over any information that is claimed to be confidential in nature. Any confidentiality claim must be supported by a written statement in the prescribed form "CC7". The parties must identify the confidential information and provide a full explanation to the Inquiry as to why the information is considered confidential. The Inquiry will not accept blanket confidentiality claims and the parties need to apply their mind to what specific information is considered confidential. Parties claiming confidentiality are required to submit a confidential

version and public version where the confidential information is redacted. Access to confidential information and/or documents submitted to the Inquiry shall be in accordance with the provisions stipulated in sections 43B (3A) and 45 of the Act and Rules 14 and 15.

15. Where information is subject to a claim of confidentiality, the Inquiry may with the written consent of the owner of such information, allow specified third parties such as legal representatives and/or independent experts appointed by stakeholders to view and assess the confidential information subject to confidentiality undertakings by the parties concerned.
16. Any party who seeks access to information that is subject to a confidentiality claim may apply in the prescribed manner and form to the Competition Tribunal (Tribunal), as stipulated in section 45 of the Act. Equally, the party with confidentiality claims may appeal an unfavourable ruling by the Tribunal at the Competition Appeal Court. The Inquiry may use confidential information in making decisions, in a manner that does not prejudice a party's claim to confidentiality as provided for in Sections 43B(3) and 45A of the Act.

#### **1.5. Stakeholder identity and scope of submission**

17. The Inquiry covers a wide variety of digital media platforms and seeks submissions from a wide variety of stakeholders, including the platforms themselves, business users of these platforms (such as publishers, news media organisations, and advertisers), consumers, academia, business and non-profit organisations, representatives of civil society, regulators and government. For this reason, the Inquiry requires some information on the stakeholder and the scope of their submission to contextualise the submission and enable potential follow-ups by the Inquiry on any submission made.
18. The Inquiry appreciates that some stakeholders may want their identity to remain confidential. For this reason, stakeholders are asked to indicate if they want their identity to remain confidential or not. Stakeholders indicating a desire for confidentiality of their identity are asked to still provide contact details so that the Inquiry team can engage in any follow up if required.
19. Platforms covered within the scope of this Inquiry (collectively the "relevant digital platforms") include:
  - 19.1. Search engines (e.g. Google Search and Microsoft Bing);

- 19.2. Social media sites (e.g. Meta);
- 19.3. News aggregator sites and/or apps (e.g. Google News and MSN News);
- 19.4. Video sharing platforms (e.g. YouTube and Tiktok);
- 19.5. Generative AI services whether integrated into the above platforms or not (e.g. ChatGPT alone or integrated with Bing);
- 19.6. Ad Tech stack companies on the Supply Side, Demand Side and Ad Exchanges; and
- 19.7. Other platforms identified in the course of the Inquiry.

## **2. STATEMENT OF ISSUES FOR SUBMISSIONS**

20. The growth of digital platforms in recent years has had a significant impact on traditional news media organisations and their traditional revenue streams. The transition to digital news consumption and advertising has resulted in publishers seeing a massive decline in traditional advertising revenue, and an increase in costs, as newsrooms need to devote resources to their digital presence. This has left many publishers and news media organisations in a precarious financial position. Plugging the gap with donations, including corporate and special interest group donations, is not only an unsustainable solution, but may expose the media to undue influence and undermine independence in setting the news agenda. For small news organisations, the costs may even prohibit a meaningful online presence at all. This has potentially negative implications for independent journalism in the country, a concern given that a diverse and independent public interest journalism is one of the cornerstones of a healthy democracy. In addition, whilst online channels have presented potentially new opportunities for small news media and vernacular publications to distribute content at lower cost, this potential benefit may be undermined unless there is a viable business model for online news distribution.

21. The Terms of Reference for the Inquiry sets out the context to the Inquiry and the specific areas for further evaluation by the Inquiry which includes the online distribution of media through digital platforms, digital advertising through the so-called ad tech stack, and generative AI and its interface with digital media. Please refer to the Terms of Reference for such context. This section of the Statement of Issues provides more context to each of those specific areas of inquiry, and then sets out specific issues on which the Inquiry would like submissions from stakeholders. Given that the Inquiry covers several different types of platforms, stakeholders are asked to set out which digital media platform type they have focused on in the submission. Where the stakeholder makes submissions on multiple digital media and advertising platform types, they are requested to indicate where any comments pertain only to a subset of the platforms.



**2.1. Scope item 1: Evaluate trends, adoption and use of the relevant digital platforms to aggregate and display news content online and the importance of digital revenue sources for news media organisations:**

***(i) trends in news media***

22. Smartphone penetration and adoption coupled with faster internet speeds and decreasing internet costs have corresponded with increases in internet access and site traffic to consumers of news media. According to the Independent Communications Authority of South Africa (“ICASA”), smartphone subscriptions increased from 24.34 million in 2016 to 60.44 million in 2020<sup>1</sup> in South Africa, suggesting at least one smartphone per capita in 2020 and an average year-on-year increase of 25.5%.<sup>2</sup> The Covid-19 pandemic has also accelerated consumption of digital news media on various devices such as mobile and desktop<sup>3</sup>, with digital media consumption only set to increase over time as more users obtain digital access and younger generations normalising the use of digital media as they get older.

23. In the South African landscape, based on a recent survey done by Reuters Institute Digital News Report 2023, physical print media continues to decline as a source of news and TV news is also down after COVID-19 highs<sup>4</sup>. Conversely, the number of people using social media for news has grown across all platforms except for X (formerly Twitter). News use via TikTok and YouTube have both been gaining pace increasing by 7 percentage points, where 22% of Tiktok users use the platform for news. According to the study, news sites are increasingly embracing the opportunities that platforms bring to reach new audiences. Subscriber numbers to paywalled and membership-based news sites appear to be growing, although it is difficult to find reported figures for many of them. Of those that have declared their figures, News24 is at around 75,000 subscribers, a growth of 53% year-on-year, another Media24 site, the niche Afrikaans language Netwerk24, had over 95,500 subscribers as of September 2022, and independent news site Daily Maverick’s membership scheme has 22,500 active members<sup>5</sup>.

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<sup>1</sup> ICASA, 2021. The state of the ICT Sector Report in South Africa: 2021. *Independent Communications Authority Of South Africa*. Available at: <https://www.icasa.org.za/uploads/files/State-of-the-ICT-Sector-Report-March-2021.pdf> (Accessed on 17 February 2022).

<sup>2</sup> Own calculations.

<sup>3</sup> IAB South Africa (2021). “Demand for digital media during the pandemic results in accelerated growth” <https://www.bizcommunity.com/Article/196/16/216796.html#> [accessed 5 October 2023].

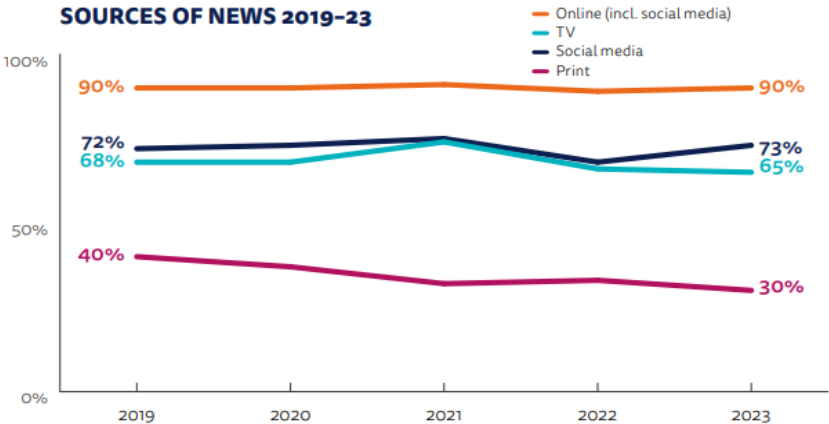
<sup>4</sup> Reuters Institute Digital News Report 2023, page 154 to 155.

<sup>5</sup> Reuters Institute Digital News Report 2023, page 154 to 155.

24. A Reuters Institute Digital News survey, however, points out that these trends largely relate to younger, city-based, and mostly English-speaking users of digital media. Given South Africa’s diversity, media consumption patterns are likely to vary across several demographics such as language, socio-economic status, and location. While efforts have and are still being implemented to provide access to digital markets<sup>6</sup>, digital media in South Africa remains predominantly English-speaking with little representativity of the other official languages. Furthermore, insights into consumption of media, including digital media, by vernacular speakers and corresponding trends needs be more fully understood, and is a subject of this inquiry.

25. Based on the Reuters survey, consumption of news has mostly come from online sources with social media growing slightly between 2019 and 2023 (see **Figure 1** below). News as a source of physical print media has declined over the period from 40% of the sample to 30%, and TV has decreased slightly as well. This, however, reflects a biased sample, more reflective of developed nations but no less important as this type of media is a big driver of South Africa’s investigative journalism and original news content. Taking a broader South African context, radio is still the largest source of news media and Multichoice, focused on TV broadcasting, is South Africa’s largest media business<sup>7</sup>.

**Figure 1:** sources of news media in South Africa 2019 to 2023









**Source:** Reuters Institute Digital News Report 2023

<sup>6</sup> Such as those envisioned by the Competition Commission’s Data Services Inquiry.  
<sup>7</sup> McInnes (2023). <https://www.meltwater.com/en/blog/media-in-south-africa> [accessed 5 October 2023].

26. News media is distributed through several platforms including general search (e.g. Google, Bing, Yahoo); social media platforms (e.g. Facebook, Instagram, X); instant messaging platforms (e.g. WhatsApp, Snapchat, Messenger); video sharing platforms (e.g. Youtube and TikTok), and news aggregators (e.g. MSN News, Google News). Google is by far the largest player in general search having over 90% share of online traffic in 2022<sup>8</sup>, the Meta ecosystem features strongly across both the social media and instant messaging space, being the de facto incumbent, and being the biggest source of news across social media, instant messaging and video sharing platforms where Facebook is used by 56% of users for news and Whatsapp 46% (See **Figure 2** below). Youtube and Tiktok are the fastest growing sources of news media in South Africa<sup>9</sup>.

**Figure 2:** largest social media, messaging and video sharing platforms

TOP SOCIAL MEDIA AND MESSAGING							
Rank	Brand	For News	For All	Rank	Brand	For News	For All
	1 Facebook	56% (+4)	76%		4 Twitter	25% (-3)	38%
	2 YouTube	46% (+7)	81%		5 TikTok	22% (+7)	50%
	3 WhatsApp	46% (+3)	83%		6 Instagram	17% (+1)	45%

**Source:** Reuters Institute Digital News Report 2023, page 155.

27. The Inquiry also seeks to understand how news media is currently consumed through online channels by users and how this will evolve over time, including mainstream and fringe publications (such as community news and vernacular publications). Here assessing referral traffic and impression trends will aid the Inquiry in its analysis. In addition, the consumption of online news mediums are changing in that the lines between online mediums of news consumption is increasingly blurred. For example, an online print media article will also include an audio option and video content relevant to the article, bundled together on the article’s webpage. The trend is that digital print media is increasingly becoming audio and video media, and social media through the likes of reels and Youtube are increasingly becoming broadcasting media. Also another important trend is the usage of apps and media aggregators for users to obtain news. Lastly, it is worth noting that in an online world, domestic titles face competition with global titles domestically

<sup>8</sup> Statista (2023). Distribution of web traffic in South Africa as of 2022, by search engine. Available: <https://www.statista.com/statistics/1316261/distribution-of-web-traffic-in-south-africa-by-search-engine/#:~:text=Google%20is%20the%20leading%20search,share%20of%20only%200.3%20percent>. [accessed 5 October 2023].

<sup>9</sup> When considering global usage by various user segments, X is the main source of news for mainstream news outlets and journalists, and Tiktok is the main source of news for ordinary people. (Reuters Institute Digital News Report 2023, page. 13).

such as BBC News<sup>10</sup> and the New York Times. It is important to delineate the trends of locally produced news versus foreign produced news consumed in South Africa.

***(ii) importance of revenue sources for news media organizations***

28. The transition to digital distribution of news media has disrupted traditional business models of funding news which was largely dependent on advertising revenues. News media organisations note that the loss of these advertising revenues and readership have brought about the closure of several print titles that did not have access to sufficient funding to assist digital transition<sup>11</sup>. It is important to ensure that news media, especially publishers of original content, are adequately funded to perform their services. A lack of funding will curtail the incentive and ability of news media businesses to invest in investigative journalism and other news content that is costly to produce. Alternatively, a funding gap will be filled by corporate or special interest donations that will increasingly influence the news agenda. This has implications for consumer choice and the quality of services provided to them. It also has broader implications for democracy as quality and diverse journalism and fact-finding, independent of funder influence, are important cornerstones of a healthy democracy.

29. The Inquiry seeks to understand how news media is funded, the business models of news media organisations, and how news media funding is likely to evolve in a digital world. Funding impacts the short-term and long-term sustainability of news media publications and is becoming increasingly important as the world moves online. The Inquiry also seeks to understand the current trends relating to funding models of news media in an increasingly digital world. Currently media news organisations fund themselves in the following ways (or a combination or variation thereof):

29.1. Subscription based, where publishers focus on turning the user into a paying subscriber, often introducing a paywall that restricts access to articles unless the user subscribes. This also includes “metered paywalls” where subscribers have access to a number of free articles and a “freemium” paywall where users can access content for free but must pay for premium content;

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<sup>10</sup> BBC News, a British publication, has a large presence in South Africa being the fifth largest online newspaper in the country. Reuters Institute Digital News Report 2023, page 154 to 155.

<sup>11</sup> See submissions from the PSS to the OIPMI dated 18 February 2022.

- 29.2. Traffic and digital advertising based, where the primary focus is to drive traffic to the publisher's webpages and monetise their content in the form of targeted digital advertising that is displayed to the visitor on the publisher's inventory, typically remunerated on a cost-per-impression or cost-per-click basis;
- 29.3. Monetisation of content on third-party platforms, where publishers post content on third-party digital platforms (e.g., social media sites or news aggregator services) and use monetisation tools made available by those platforms (e.g., sharing of advertising revenues) to generate revenue; and
- 29.4. Donations as a fourth source of funding for some online media publications<sup>12</sup>.

***(iii) Trends in the ad tech stack***

30. There has been increased usage and dependence on the internet and mobile and desktop devices by users, and this has pushed traditional advertising online to digital media, where advertisers vie for user attention in these digital ecosystems. Broadscale transition to a digital world, like in the case of online news media consumption, means that digital advertising is currently important and will increasingly become more important for advertisers to reach their targeted audiences. Whilst publishers do sell their own inventory, the ad tech stack, which connects publishers selling their ad inventory to advertisers as intermediaries, is increasingly becoming an indispensable channel alternative to own sales. There has been much consolidation in the tech space which predominantly funds their services through digital advertising. For example, Google's acquisition of DoubleClick and AdMeld<sup>13</sup> and Meta's (formerly Facebook) acquisition of WhatsApp and Instagram. This consolidation has made a small number of players unavoidable partners, especially Google.

**Scope item 1 Questions:**

- a.) *What is your view on the future trends for traditional print and broadcast media consumption, and its relative importance for news organisations/broadcasters.*

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<sup>12</sup> For example, those provided by philanthropic organisations, businesses, politicians, government, etc.

<sup>13</sup> For example, Google acquired a competitor, AdMeld and in doing so, it removed from the market what it viewed as a "critical threat" to its ad exchange and publisher ad server. AdMeld allowed publishers to multi-home more effectively among ad exchanges and ad networks, whereas Google's publisher ad server did not permit connections to any advertising demand source other than the buyers on the Ad X ad exchange. Eliminating this competitive threat reinforced dependence of publishers on Google's ad exchanges. More examples across the ad tech stack abound. See The Department of Justice in the United States versus Google Complaint filed at United States District Court for the Eastern District of Virginia, pg. 65.

- b.) *What is your view of the current levels and mix of digital media adoption by consumers and use by news media? Which digital mediums are likely to emerge as the predominant forms of news media consumption in the medium-to-long term for consumers and news media organisations? For instance, what is the mix of consumption on digital platforms, news media sites and subscription, and what are the different consumer journeys online to content?*
- c.) *How is the transition to digital media likely to affect consumption of community-based news, vernacular publications, and new entrants to news media publishing?*
- d.) *What is your view on domestic consumption of foreign news publications, the role of digital platforms distributing this news media and if it has any impact on the consumption of local media? Please elaborate.*
- e.) *How do you think the funding models of online news media are likely to evolve over time and what funding models do you consider optimal for the sustainability of news media? What influence is corporate or special interest funding having on the news agenda?*

**2.2. Scope item 2: Evaluate whether market features distort competition for advertising revenue, consumer data and subscription fees between news media organisations and the relevant digital platforms that display and distribute news media content as intermediaries to consumers, including news aggregators;**

31. News media organisations have typically funded their news operations predominately through advertising, with a subsidised or no cover price. For broadcasters it is largely the same. The search and social media platforms are similarly advertising funded business models, and for them the extent of user attention and engagement is what is sold to advertisers, along with the ability to target far more accurately than other media. Given that the public engages in news content, it becomes one of news content that drives engagement and provides a basis for consumer data collection on digital platforms. Both search and social media platforms surface news content on their platforms, and may provide news aggregation services for free to consumers as well. As both the news media and digital platforms are contesting for advertising spend, this may bring them into competition for the advertising spend and the consumer data collection that supports inventory sales.

32. The importance of search and social media platforms to consumers, and the levels of concentration, may provide them with the ability to influence consumer traffic and extract beneficial access to news content to assist in driving engagement on their own platform. It is this

relationship between digital platforms and the news media which this scope item seeks to explore in more detail. In addition, news aggregation services have emerged on numerous platforms in response to consumer attraction to a single point of entry for exploring news, as is the case across many intermediation services online. This may be advertising funded or subscription based, or not monetised as yet but with plans to do so. This is likely to compete with the own subscription model but has the potential for payment for content and acting as alternative route to market. However, concentration in news aggregation can lead to competitive distortions to the competition between aggregators and own subscription.

33. Whilst globally the focus for investigation and enforcement of these markets has been on the print media, the shift to digital news item consumption is also increasingly impacting on news broadcasters as consumers abandon the appointment consumption of television for the more flexible and on-demand online consumption. Moreover, increasingly the print media is either developing their own broadcast content (e.g. Business Day Television) or using video and audio content to enhance their text stories online. Similarly, the digital platforms themselves use a mixture of text, video and audio content to enhance their consumer experience. For this reason the Inquiry is focused on a broader range of news organisations and content type.

**(i) Competition for advertising revenues**

34. The shift to news consumption online for the digitally connected is not only limited to consuming content from the websites of news media organisations but is also largely occurring through news content included in a consumer's social media feed, search and news aggregators. In the market for user engagement and attention, the core of all advertising funded business models, the platforms have all incorporated news content into their service offerings given its potential as a driver of engagement. This puts news media organisations and the platforms in competition, given they are both advertising funded, with news content used on both to drive engagement and gather consumer data.

35. The broad concern raised by media organisations is that these digital platforms are important gateways to consumers and news publishers are, in part, dependent on referral traffic from these platforms. This relationship and potential dependency may permit the platforms to extract more of the news content for free, through news snippets, by demoting news articles that lack a snippet on the search engine results page ("SERP") or excluding them from the social media feed. Aside

from not being able to monetise copyright content directly, this practice may have the effect of keeping consumers on the digital platforms, as news consumption has shifted to many consumers simply browsing news snippets, and effectively denying the publishers referral traffic that would allow them to earn display advertising revenue. This change in news consumption can add value to the search and social media platforms, allowing them to monetise through advertising, instead of the news media organisations.

36. The Inquiry seeks to evaluate this broad competition for user engagement and attention, and by extension advertising revenues by news media publishers and digital platforms. In particular, digital platforms may have an incentive to use news content to draw users and keep them engaged on their platforms. This raises a number of issues with respects to competition for digital advertising revenue between digital platforms and news media agencies:

36.1. As both distributor/intermediary and competitor for digital advertisements, digital platforms may have an innate conflict of interest as they increase monetization of their services by prolonging engagement, apportioning a higher allocation of ad revenue rents, and reducing the cost attached to compensating original news content creators.

36.2. Given the potential imbalance of power between digital platforms and news media organisations, an asymmetrical relationship may exist between the two market players. How digital platforms remunerate original news content providers distributing news content through their ecosystem is important in understanding where the advertising rand spend goes. This also has an important bearing on the sustainability of original news content creation. However, based on complaints received to date, digital platforms distribute news content without necessarily establishing any payment terms with the original news content providers.<sup>14</sup> Platforms in turn argue that this represents fair use as determined by the relevant copyright law. Given that digital platforms control the news content made available to consumers by news businesses on the platform by using complex algorithms, providing snippets of news content and selecting what content consumers interact with (discussed later), they may control what revenue accrues to news media organisations.

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<sup>14</sup> For example, consumers may simply benefit from reading headline snippets on these digital platforms without being directed to the publishers' web pages or apps in some instances.



36.3. There are some instances where the content providers are remunerated, such as for news broadcasters on video-sharing platforms (YouTube) or for news aggregation (such as MSN News on Bing). In this scenario the digital platform remains a seller of ad space (inventory) but is willing to recognise the role of the content and share in those revenues (the media brings content and the platform brings consumers) However, the digital platform still displays news content in competition with publisher's online website, and may equally have the incentive to secure a share of the revenue through favouring consumption on its own platform as opposed to referral traffic in which it does not share. It is also the case that the revenue share may not be entirely fair given the consumer popularity (discussed in the next section).

**(ii) Competition for user data**

37. Digital advertising is driven by granular consumer data, allowing better targeting than other forms of media. Both the platforms and the news media organisations need access to user data for user intelligence to better targeted marketing, advertisements, and services to their users. News media have a need to understand their users, develop user groups, and identify user trends to better optimise their service offering. The OECD notes that access to data is important for ad attribution, billing, and managing advertising campaigns<sup>15</sup>. Digital platforms collect and use individual data from users when they access and consume news on digital platforms and typically obtain datasets of high quantity and quality, giving them better insights into consumer behaviour.<sup>16</sup> Ultimately, both news media organisations and digital platforms compete to obtain user intelligence used to offer targeted advertising.

38. Digital platforms may have an incentive to disintermediate access to data from news media organisations to enable the platforms to offer more targeted advertising in competition to news media. There may also be the additional incentive if it keeps the news media dependent on their advertising and data management services sold through ad tech platforms or on platforms that remunerate the media even. News media organisations expressed concern that platforms do not share much of this data they gather with news media organisations and are alleged to keep superior data for themselves.<sup>17</sup> Media businesses claim that this limits the media businesses'

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<sup>15</sup> OECD (2020). Competition in Digital Advertising Markets, pg. 33. Available at: <https://www.oecd.org/daf/competition/competition-in-digital-advertising-markets-2020.pdf>

<sup>16</sup> ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 89. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>;

<sup>17</sup> See submissions from the PSS to the OIPMI dated 18 February 2022.

ability to understand their audience, improve the quality of their advertising services and news content, and better target their desired and more clearly defined consumer groups<sup>18</sup>. Access to user data will also allow publishers to develop user profiles and user groups to target them more directly. This is likely to be further complicated with Google's intention to block third-party cookies, which will further entrench publisher's dependence on these digital platforms<sup>19</sup>. Also, platform data advantages also mean that platforms can better train their algorithms and provide unrivalled optimised services, such as Search or news curation. This has a reinforcing effect on higher adoption and usage which reinforces its superior data advantage, thereby creating a virtuous circle.

### ***(iii) Competition for subscription fees***

39. The Inquiry seeks to evaluate the dynamic for competing for subscription fees and how users behave in light of these subscription fees. In lieu of declining advertising revenues, news media organisations must compete for user subscriptions. Whether this is sustainable depends on a user's willingness to pay for these subscriptions and whether news media organisations can get a critical mass of users. This too might affect online discoverability as subscription-based news media is typically paywalled, resulting in less curation and lower ranking by digital platforms. News aggregators, including those of search and mobile platforms, have also emerged to offer a one-stop shop for news content given the widespread consumption of news and the benefits to consumers of a single entry point for aggregated content rather than a costly subscription to individual news sites. This is essentially the news equivalent of streaming services. Some appear to be more advertising funded but what is emerging is that platforms may charge a subscription fee to distribute a mix of original content. This also introduces questions on how aggregated news services compete with standalone news publishers given both may use subscription but the aggregator may have advantages insofar as consumer adoption and bargaining power to reduce costs from individual publishers. The bargaining power and payment terms is discussed in the next scope item.

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<sup>18</sup> ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 227. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>. Autorité de la Concurrence (2018). Opinion No. 18-A-03 of 6 March 2018 on data processing in the online advertising sector, p. 7. Available at: [avis18a03\\_en.pdf](avis18a03_en.pdf) ([autoritedelaconcurrence.fr](http://autoritedelaconcurrence.fr))

<sup>19</sup>See CMA's investigation into Google's proposal to remove 3rd party cookies & other functionalities from Chrome browser. [https://assets.publishing.service.gov.uk/media/62052c52e90e077f7881c975/Google\\_Sandbox\\_.pdf](https://assets.publishing.service.gov.uk/media/62052c52e90e077f7881c975/Google_Sandbox_.pdf)

## **Scope item 2 Questions**

- f.) *In general, how do you see news media organisations relationship with digital platforms? Are there areas of competition and areas of complementarity? How do digital platforms use news media content in their ecosystem and how is the relationship between digital platforms and news media organisations formalised?*
- g.) *In your view what are the most important factors shaping competition between digital news media and digital platforms for ad revenue, consumer data and subscription revenue? Please elaborate.*
- h.) *What competitive distortions, if any, do you consider exist for user attention, engagement and ad revenue given the competing interests of digital platforms? Please elaborate.*
- i.) *What user data is required for successful targeted advertising and what data do digital platforms and news media organisations get in the current relationship? Please elaborate.*
- j.) *Provide insights into the competition for subscription-based news media and the interaction between aggregators and news media organisations. What is your view on the future sustainability of this business model and the role in the overall distribution mix?*

### **2.3. Scope item 3: Evaluate whether the commercial relationship between news media and relevant digital platforms is characterised by imbalances in bargaining power and the impact of such imbalances on competitive outcomes affecting the news media industry, including pricing and non-price outcomes;**

40. The potential dependency of news media organisations on the digital platforms for referral traffic, paid traffic on the platforms (e.g, Youtube) or subscription aggregation means that the platforms may enjoy significant bargaining power both in terms of the intermediary relationship they have as gatekeepers or providers of consumer traffic for revenue earning traffic. This dependency can further entrench these platforms as intermediaries between news media businesses and consumers and exacerbate the imbalance in bargaining power held by those digital platforms.<sup>20</sup> Increasingly, digital platforms are performing the same (or substantively the same) services as traditional publishers (as mentioned above). The unequal bargaining power may result in the platforms extracting more of the value from the trading relationship.<sup>21</sup> The Inquiry will need to

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<sup>20</sup> For instance, in the United Kingdom, the CMA found that Google Search is the most important interaction between users and publishers as it is significant referrer of traffic to the websites of news publishers. Meta is also an important source to drive customer traffic to publishers' websites. However, publishers generally have little to no ability to directly monetise their content through digital advertising on Meta's platforms such as Facebook. See CMA (2020), "Annexure S: the relationship between large digital platforms and publishers". Available at: <https://www.gov.uk/cma-cases/online-platforms-and-digital-advertising-market-study#final-report>

<sup>21</sup> See ACCC (2019). "Digital Platforms Inquiry – Final Report". Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>; CMA (2020), "Annexure S: the relationship between large digital platforms and publishers". Available at: <https://www.gov.uk/cma-cases/online-platforms-and-digital-advertising-market-study#final-report>

establish how news media organisations bargain with digital platforms both in the context of intermediating news media content and supply news media content to these platforms.

41. The Inquiry will assess whether there are imbalances of bargaining power between news media organisation and the various types of digital platforms. Based on issues raised by local news media organisations and international experience, imbalances in negotiating power can potentially manifest itself in the following ways:

41.1. It has been claimed that while publishers have control over the content that they make available on digital platforms, it is done out of necessity to access referral traffic. As such, the dependency and imbalance in bargaining power effectively requires news organisations to provide more content to the platforms for free.

41.2. It has been alleged that there is no consultation or discussion between publishers and digital platforms with regards to the commercial terms of their relationship<sup>22</sup>.

41.3. News publishers claim that vulnerability to unexpected and unexplained changes to search algorithms<sup>23</sup> has imposed unnecessary costs on the publishers as changes in algorithms impact on publisher visibility and referral traffic and require ongoing investments in news site optimisation for search and social media<sup>24</sup>. This is a bargaining power issue because absent the dependency, news media may abandon these distribution channels or reduce their expenditure on supporting consumer visibility on them. The same is said to apply to the de facto requirement to use Googles AMP and Facebook's IA formats for fast loading of page results.

41.4. This concern being that data is within the platform's ecosystem and not accessible to publishers<sup>25</sup>. This is the subject of bargaining power and the commercial relationship between the two – namely media and digital platforms.

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<sup>22</sup> The Japanese Fair Trade Commission notes an abuse of a superior bargaining position when a digital platform which has a superior bargaining position, takes advantage of this position, by refusing negotiations to review the trade terms thereby causing an unjust disadvantage to the news media operator. (JFTC. 2023. Market Study Report on News Content Distribution. Available at: <https://www.jftc.go.jp/en/pressreleases/yearly-2023/September/230921EN2.pdf> [accessed 9 October 2023]).

<sup>23</sup>

<sup>24</sup> This concern has been raised by local news media organisations and was also found to be the case by the CMA and ACCC. [Competition and Markets Authority, (2020), Online platforms and digital advertising, pg. 305, available at [Final report \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk); ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 252. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>25</sup> Competition and Markets Authority, (2020), Online platforms and digital advertising, pg. 305, available at [Final report \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

- 41.5. Publishers claim that the inequity of the bargaining relationship results in unfair and non-transparent terms and conditions. For example, a platform’s clickwrap “take it or leave it” conditions for users (e.g. the provision of their personal data) as well as advertisers and publishers dependent on the platform.
- 41.6. Where the news broadcasters make use of platforms to generate advertising income or where there is payment for news on certain aggregation services, the limited bargaining power of publishers mean they are unable to obtain higher prices or a greater share from digital platforms for ad inventory sold.
42. Another example of an imbalance of bargaining power is that media news organisations cannot negotiate to optimise the length and content of snippets and to maximise the number of users clicking through to their websites without diminishing the value of their content<sup>26</sup>. Of interest here are how the provision of snippets affect curation, ranking and display. Digital platforms can extract copyright news snippet content for free by demoting news articles that lack a snippet on the search engine results page (“SERP”), or excluding them from the social media feed, denying the publishers referral traffic that would allow them to earn display advertising revenue. However, the practice of offering news snippets also denies the publishers referral traffic as news consumption has shifted to many consumers simply browsing news snippets where they reveal enough information to satisfy a consumer’s interest in a particular topic and consumers do not access the full article on publisher’s web-page<sup>27</sup>. This change in news consumption adds value to the search and social media platforms, allowing them to monetise data or advertising, and in so doing extract the benefits of copyright content from the publishers without remunerating them.
43. The JFTC notes that there is a large gap in bargaining power including knowledge and bargaining skills, as well as the scale where a framework in which small and mid-sized news media organisations can collectively negotiate would be needed<sup>28</sup>. Similarly, this draws into question variances in bargaining power between small domestic news media organisations and large global new media organisations (e.g. BBC News<sup>29</sup> and the New York Times) and the terms they

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<sup>26</sup> ACCC (2019). “Digital Platforms Inquiry – Final Report”. Page. 206. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>27</sup> For example, a survey has found that 47% of consumers in the European Union browse and read news through search results, social media or on an aggregated service without clicking a link to the full article. (See European Commission Internet users’ preferences for accessing content online. September 2016, pp. 32).

<sup>28</sup> JFTC. 2023. Market Study Report on News Content Distribution. Page. 28. Available at: <https://www.jftc.go.jp/en/pressreleases/yearly-2023/September/230921EN2.pdf> [accessed 9 October 2023])

<sup>29</sup> BBC News, a British publication, has a large presence in South Africa being the fifth largest online newspaper in the country. Reuters Institute Digital News Report 2023, page 154 to 155.

can extract. Both global and domestic news distributed through digital platforms compete for user attention and this is produced by a mix of local and global news media organisations in South African newsfeeds.

### **Scope item 3 Questions**

- k.) *Would you characterise digital platforms as distributors/intermediaries or buyers of news media content or both? Please elaborate on your answer.*
- l.) *In your experience what are the bargaining power dynamics between news media organisations and digital platforms that distribute online new media content? Please elaborate and indicate the salient dynamics.*
- m.) *What are your views on the snippet policy employed by the digital platforms you depend on to distribute your online news content? If it is the case, what snippet policy would better represent a fair balance of power?*
- n.) *Do you consider the current share of advertising revenue, where digital platforms share revenue, to be fair? If not, elaborate on why?*
- o.) *Are there any other terms or conditions that may reflect an imbalance in bargaining power? Elaborate*
- p.) *What are your views on the bargaining power of global news media organisations relative to local news media organisations and the terms and conditions they can extract? Where possible provide examples of what you consider to be unfair and why.*

### **2.4. Scope item 4: Evaluate whether competition for the distribution, display and monetisation of news content online between news media organisations through relevant digital platforms is distorted by market features including, but not limited to, ranking algorithms, paid results, search engine optimisation, consumer and social network preferences and commercial relationships with news media organisations; and the effects of this on public access to credible news content as a public good.**

#### ***(i) Features of digital platforms that affect competition between news media organisations.***

44. News media organisations compete on these platforms against each other for that important referral traffic. This means that the algorithms used to determine the ranking on search or news aggregator sites, or inclusion in the social media feed, have material consequences for the visibility of specific news media organisations. This has imposed costs on the publishers as changes in algorithms impact on publisher visibility and referral traffic and require ongoing investments in news site optimisation for search and social media. This may favour the mainstream media which is in a better financial position relative to small, community and

vernacular language news organisations. Algorithms may also reinforce a leadership position as popularity or personal preference is used to determine selection. This has left some news media organisations, including small and vernacular language organisations, using the paid advertising services of these very platforms to promote user engagement. This has the potential to concentrate news and reduce diversity in news media, an essential element to consumer choice and a healthy democracy.

45. There is increasingly an overlap between the functions of news media businesses and digital platforms with respect to the selecting and curating of content, evaluation of content, and the ranking and arranging of content online.<sup>30</sup> For instance, the ACCC found that many digital platforms utilise complex algorithms that select relevant content, extract titles and links, and group or rank the content in order of relevance to its users sourced from available online news content.<sup>31</sup> Digital platform users may access online news content through search queries on search engines (e.g., Google Search or Microsoft’s Bing),<sup>32</sup> through social media sites (e.g., Facebook under its News Feed),<sup>33</sup> or through news aggregator sites/apps (e.g., Google News and MSN News).<sup>34</sup> These digital platforms shape competitive outcomes amongst news publishers that depend on them to distribute news<sup>35</sup>.

46. Learnings from the Online Intermediation Platforms Market Inquiry (“OIPMI”) highlight the importance of ranking, visibility and discoverability on platforms in terms of the volumes of user

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<sup>30</sup> See ACCC (2019). “Digital Platforms Inquiry – Final Report”. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>31</sup> Ibid.

<sup>32</sup> Search engines such as Google Search produces a set of hyperlinks that its algorithm considers to be relevant to the search term inputted by a user where the search query is displayed as organic search results. The algorithm also considers what type of results to display, for instance, if it determines that the search term is relevant to a current news item (i.e. has ‘news intent’), the search results display a ‘Top Stories’ carousel on the results page. The Google algorithm uses algorithms to rank and determine the news articles that are displayed within ‘Top Stories’ as well as the placement of the article on the search page. Bing also provides the same service that provides news content relevant to the search query. See ACCC (2019). “Digital Platforms Inquiry – Final Report”. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>33</sup> Meta displays and ranks the most relevant content on its Facebook News Feed using algorithms that are based on predictions on how likely a user is to comment on a story or share it with friends. The ACCC has found that social media platforms are a vital gateway for news dissemination to consumers, where the highest consumption of news via these platforms emanates from Facebook. See ACCC (2019). “Digital Platforms Inquiry – Final Report”. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>34</sup> News aggregator sites or apps such as the services offered by Google in its Google News services and Apple in its Apple News app collect and curate headlines and news articles from a wide range of sources including news outlets, blogs and other websites. Users of these digital platforms are often able to personalise the type of content that the digital platform algorithm will select for them based on the type of preferences on topics and sources that they are interested in. Content curated from the algorithm is also personalised to the user according to the user’s reading history.

<sup>35</sup> The Inquiry found this in the Online Intermediation Platform Market Inquiry that digital platforms play a role in shaping business user competition.

traffic that business users can generate. Similarly for news media rank, visibility, discoverability, and even the mere appearance of news articles in a user's own curated media feed (i.e. the default newsfeed) is important to drive traffic. The default newsfeed can create a default bias which is informed by users but also shapes their online news engagement<sup>36</sup>. Some users might experience inertia to search out other news articles<sup>37</sup> and as such stay within the platform's ecosystem. This means that such user's experience is defined by the curation, rank and display of the platform's ecosystem. It is therefore important to understand user (consumer) behaviour to understand what shapes competitive outcomes between news media organisations on digital platforms.

47. The lack of transparency on how algorithms employed by these digital platforms operate may also make it difficult for news media businesses to monitor the quality and effectiveness of their news content and their advertising endeavours to fully extract monetisation opportunities in displaying and providing online news content. In addition, the lack of transparency on algorithms and any changes to the algorithms relating to display and referral links of news content may significantly impact on news business' ability to operate. It is therefore important to better understand the decisional parameters used by algorithms that shape what news articles are curated and how they are curated or displayed. Furthermore, understanding (where applicable) the role of search engine optimisation and sponsored listings and ranking affect the curation, display and ranking of news media.

**(ii) *The effect of features that shape online news media competition on public access to credible news content as a public good***

48. Based on previous learning from the OIPM is that click-through-rates ("CTRs") affect ranking on the platform. Digital platforms have incentive to display news with high CTRs as this extends user engagement. This however may create perverse incentives such as a propensity to display news articles from the mainstream media with generally high CTRs to the exclusion of a more diverse

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<sup>36</sup> The default settings used by digital platforms is important because consumers tend to keep the default option (i.e. the status quo) rather than actively choosing another alternative. Research suggests that there are several possible reasons for consumers' tendency to choose the default setting, including 'favouring inaction, avoiding cognitive effort, inferring that the default option is the best recommended, or tending to favour the status quo'.

<sup>37</sup> The ACCC identified customer inertia as a barrier to expansion and considered that that customer inertia is reinforced by a default bias. ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 110. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>



set of media. Moreover, this is unlikely to be a good proxy for the quality of news content and may in fact promote content with alarmist headlines, that are in reality poor quality articles. Another perverse incentive includes providing prominent display to advert heavy news articles that are also poor in quality where digital platforms monetise the impressions of adverts in these articles. In the extreme digital platforms enable a practice called “content farming”. Content farms generate a significant number of low-quality articles on many different topics and then use keywords to get their pages better positions on search engine results pages that enable web users to browse and click on ads<sup>38</sup>.

49. Conversely curation, display and rank also affect CTRs and reinforce personal preferences where CTRs are based on such preferences. Newsfeeds create the potential for “filter bubbles” and “echo chambers”. The term “filter bubble” has been used to refer to a scenario in which the choice of material displayed to a user is selected by algorithms according to the user’s previous behaviours, and this material is ‘devoid of attitude-challenging content’<sup>39</sup>. In other words, it is a situation where users of digital platforms are repeatedly exposed to the same perspectives, as a result of algorithms curating content, and validating it by clicking on it. Here users are presented only with material that they might prefer. Similarly, ‘echo chambers’ describes the repeated exposure to perspectives that affirm a person’s own beliefs, which may occur on social media platforms either as a result of curation by algorithms or sharing behaviour of other users populating a person’s newsfeed. Filter bubbles and echo chamber lead to confirmation biases and siloed views, often reaffirmed by CTRs. This may result in distorted worldviews by the general populace, which in turn has broader implications for democracy<sup>40</sup>.

50. Lastly, the sustainability of news media organisations and their ability to independently fund their services is important to remain objective, independent, and to produce quality investigative journalism. Alternatively, these news media organisations may have to depend on donations. Ideally, one would want donations from an independent and benevolent source purely aimed at quality investigative journalism focused on uncovering the truth, however, this is not always the

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<sup>38</sup> Luh and Wu (2019) note that on the one hand, Google adjusts its search ranking algorithm to block content farms from appearing in search results, but on the other hand, it delivers display ads on this kind of websites, allowing them to earn revenue to maintain operations. Luh and Wu (2019). Is It Worth to Deliver Display Ads on Content Farm Websites? *Journal of Computers Vol. 30 No. 5, 2019, pp. 279-289*.

<sup>39</sup> E Bakshy, S Messing, and L Adamic, ‘Exposure to ideologically diverse news and opinion on Facebook’, *Science*, 2015, p. 1130 in ACCC (2019). “Digital Platforms Inquiry – Final Report”. Page. 346. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>40</sup> See Japan Fair Trade Commission (2023). Market Study Report on News Content Distribution. <https://www.jftc.go.jp/en/pressreleases/yearly-2023/September/230921.html>

case. Donors potentially influence which stories are published, their ideological stance, their views etc., which can undermine the independence of the publication. Donations come in the form of business, politicians, foreign governments, and other vested interests.

#### **Scope item 4 Questions**

- q.) *In your view what aspects of the digital platform environment shapes competition between news media organisations the most? Please elaborate.*
- r.) *What do news media organisations do to have their news content curated, and prominently displayed and ranked on a digital platform? Do news media organisations engage in search optimisation, or sponsor a prominent display on the platform? Please elaborate.*
- s.) *What are the factors that influence the curation and ranking of news content, and does this impact on competition between news media based on factors other than quality and relevance?*
- t.) *To what extent do new, small and vernacular language media organisations face challenges in achieving visibility on digital platforms and what impact does this have for media diversity?*
- u.) *Is the curation and display of news content by digital platforms resulting in growing concentration of the news media or the opposite effect?*
- v.) *What is the prominence of donation funded news media in South Africa and how, in your view, does this impact what types of news media displayed?*

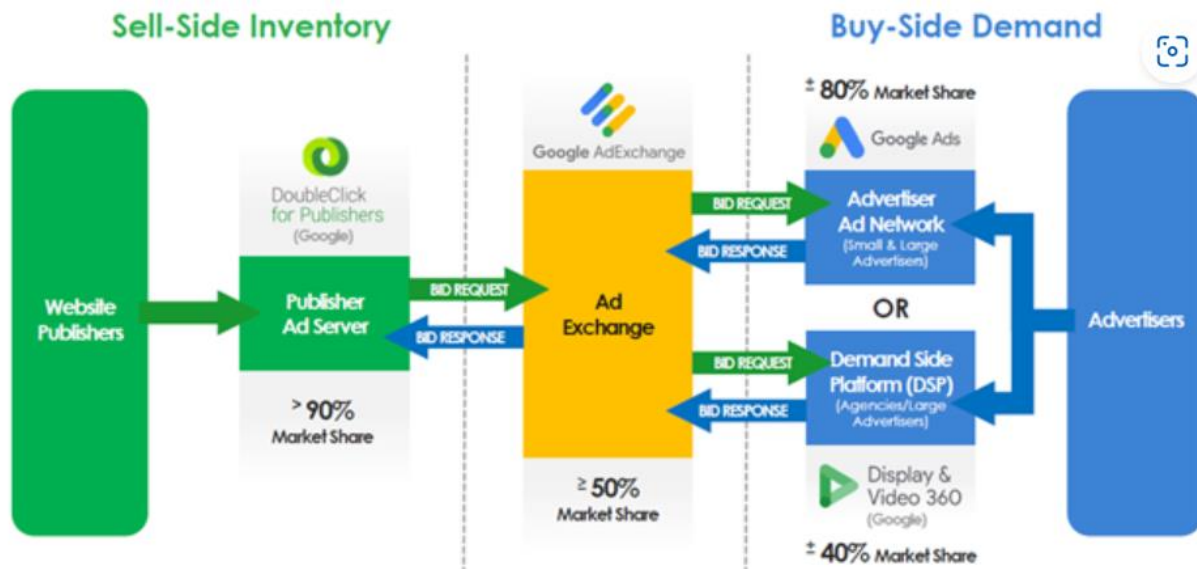
#### **2.5. Scope item 5: Evaluate whether ad tech Supply Side Platforms (SSPs), Demand Side Platforms (DSPs) and intermediary Ad Exchanges (AdEx) used to surface digital advertising on websites or apps of the South African news media sector will impact on the adoption and competition considerations in scope items 1 to 4.**

##### ***(i) An explanation of what is the ad tech stack***

51. The ad tech stack includes the intermediation of advertising space on online websites of content publishers (i.e. the supply of inventory) on the sell-side of their platforms including Publisher Ad Servers such as Google's DoubleClick for Publishers which provides technical services to facilitate the provision of ad inventory (i.e. space on web pages available for adverts) as well as aggregation services for the aggregated supply of ad inventory. These are collectively referred to as supply side platforms ("SSPs"). On the demand-side, advertisers or the ad-brokers that represent them, that wish to place advertisements can engage with advertiser aggregators such as ad networks like Google Ads, demand side platforms ("DSPs"), data management platforms ("DMPs"), and news media organisations to purchase ad inventory to help with the advertiser advisory function, advert targeting, verification, attribution and evaluation. These demand-side advertiser aggregators, collectively referred to as demand-side platforms ("DSPs"), then connect

with SSPs and their advertising space through an ad exchange, similar to a stock exchange, which connects (intermediates) sellers of ad space to buyers of ad space.

**Figure 3:** The workings of the ad tech stack



**Note:** Diagram is for explanatory reasons only. Stated market shares are reflective of market dynamics in the USA and not South Africa.

**Source:** Department of Justice at <https://www.justice.gov/opa/pr/justice-department-sues-google-monopolizing-digital-advertising-technologies>

52. The ad tech stack represents a fairly complex web of intermediaries (previous illustrated) connecting sellers of ad inventory to advertisers. Therefore, the challenge will be to decode all the relevant market participants and establish where they fit in the ad tech stack, and the role they play in distributing news media ad inventory in the South African context. This involves identifying the major advertisers, the major DSPs, DMPs, SSPs, ad aggregators, the ad exchanges, ad intermediaries (e.g. AdSense) along which advertising inventory is sold and service linked with the placement and targeting of adverts.

**(ii) The relevance of the ad tech stack**

53. News publishers do make use of direct sales channels but increasingly they make use of the ad tech stack to sell their digital inventory. The ad tech stack, and how it functions, therefore has increasing influence over the ability to source advertisers to bid on their inventory, the bids received and the ultimate sales price. It therefore impacts on the quantity and price of advertising

inventory sales. The Ad tech stack is considered fairly concentrated and integrated with many of the major digital platforms, which implies that there may be features which do adversely affect competition for advertising revenue, the sale price and the revenue share of the publishers themselves.

**(iii) Issues relating to the ad tech stack**

54. News media organisations sell their own display advertising, but increasingly make use of advertising technology intermediaries to sell their advertising inventory on their behalf. Whilst publishers will engage with ad tech Supply Side Platforms (SSPs)<sup>41</sup> to sell their inventory, these SSPs in turn link through intermediary Ad Exchanges (AdEx)<sup>42</sup> to solicit bids for the advertising inventory from advertising buyers that themselves engage through Ad brokers making use of Demand Side Platforms (DSPs)<sup>43</sup>. These DSPs and Ad Exchanges seek to find opportunities for advertisers across all digital inventory and not just the news publishers.
55. There has been considerable international attention by competition authorities around online advertising markets, or the ad tech stack, used by the news publishers and others. Globally, competition authorities that have conducted market studies on digital advertising have found that there is concentration in the ad tech stack, but also that the digital platforms themselves own and control the ad tech used to place adverts on their own platforms, but also in many cases on those of third parties, including news media websites. This is because the importance of the platform's own inventory in digital advertising more broadly provides them with economies of scope and significant consumer data access, and large network effects.
56. The concentration of the ad tech market, along with the links to the digital platforms, raises a number of potential concerns that warrant further inquiry:
57. First, the concentration may provide scope for conduct that poses barriers to entry or expansion by competing Ad tech stack companies, such as tying, self-preferencing or exclusivities.

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<sup>41</sup> Supply side platforms (SSPs) – platforms used by websites to help maximise the price at which ad inventory is sold, and which utilise various data to provide ad targeting services.

<sup>42</sup> Ad exchanges – platforms on which supply and demand side sources meet to take part in an auction for ad inventory. The function of ad exchanges however is increasingly being combined with SSPs.

<sup>43</sup> Demand side platforms (DSPs) – platforms used by advertisers to help them purchase ad inventory from suppliers of ad inventory as effectively and cheaply as possible, and which utilise various data to provide ad targeting services.

- 57.1. For example, Google is the seller, buyer and intermediary of ad inventory to digital advertising through DFP, Google Ads, and AdX respectively<sup>44</sup>. The question is whether Google can leverage information across the ad tech stack to preference its own services (e.g. it can use bid information on AdX offered by competing DSPs to optimise its own bid prices on the platform to maximise on its own chances of winning).
- 57.2. The interconnected nature of the ad tech stack raises interoperability issues. Lack of standardized protocols and interfaces can create vendor lock-in, limiting the ability of advertisers to seamlessly switch between providers and fostering monopolistic tendencies. Furthermore, a lack of interoperability reduces multi-homing and other competitive constraints that interoperable markets would create. Fostering more interoperability, a notion entertained by competition agencies, can, for example, reduce the monopoly power of social media platforms, allowing for advertisers to switch<sup>45</sup>. The Inquiry seeks to assess where there are interoperability challenges in South Africa.
- 57.3. The existence of exclusive contracts deters effective entry, expansion and competition in the ad tech stack. For example, in the EU publishers engaged in exclusive agreements with Google which required exclusivity for all their websites, however, these ended in 2009 and were replaced with “premium placement” clauses where most profitable spaces were reserved for Google’s adverts and there was a requirement for a minimum number of ads on Google. These “premium placement” clauses were terminated in 2016, however it is not clear whether they are in existence in South Africa. Ultimately Google was fined €1.49 billion by the European Commission for this conduct.<sup>46</sup>
- 57.4. Lastly, a major concern with the ad tech stack is the tying or bundling of advertising inventory, ad tech intermediation services, and ad aggregation along the ad tech stack which may lead to anticompetitive outcomes. There is the potential for bundles of advertising inventory, advertising demand, advertising services, and ad tech services to lessen competition in certain advertising markets<sup>47</sup>.

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<sup>44</sup> This is not an exhaustive list of Google operations along the ad tech stack. There is also Google AdSense and Display and Video 360. See Google AdX vs AdSense: <https://www.adpushup.com/blog/adsense-vs-ad-exchange/>

<sup>45</sup> Competition and Markets Authority, (2020), Online platforms and digital advertising, pg. 352, available at [Final report \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/86847/final-report.pdf)

<sup>46</sup> See European Commission, Press Release, 20 March 2019, “Antitrust: Commission fines Google €1.49 billion for abusive practices in online advertising”. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_1770](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_1770)

<sup>47</sup> ACCC (2019). “Digital Platforms Inquiry – Final Report”. Page. 119. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

58. Second, the concentration may impact on the commission fees charged throughout the Ad tech stack which may result in a lower share of the advertising Rand going to the news publishers as a result of intermediary fees that are not fully constrained through competition. This may particularly be the case where the monetisation takes place on the digital platforms themselves, such as YouTube, and there is no competition for inventory sales by news broadcasters. Therefore, it is important that the Inquiry seeks to see how each rand spent by advertisers is apportioned to each level, namely the digital platform and the publisher's own inventory, and establish which levels attract a disproportionate amount of revenues<sup>48</sup>.
59. Third, there is the potential for conflict of interest, where a digital platform with an interest in the ad tech stack may be incentivised to favour its own business units compared to competitors. This may result in publishers either facing fewer or lower bids for their inventory as advertising is diverted to the digital platforms.

### **Scope Item 5 Questions**

- w.) *How dependent are news media organisation on Adtech intermediaries for sourcing advertising for their digital inventory and if so, the reasons for that dependency?*
- x.) *In your view, what major issues in the ad tech stack affect the online distribution of news media content?*
- y.) *In South Africa are there any exclusivities, impediments to interoperability or bundling and tying practices in the ad tech stack have had an adverse impact on Adtech competitors and impedes effective competition in the marketplace?*
- z.) *How does the Adtech stack assign advertising across different inventory, and are there conflicts of interest by Adtech companies owned by digital platforms?*
- aa.) *What is share of the advertising Rand for each layer in the Adtech stack and the media organisations themselves, and is the distribution of share equitable to the value provided?*

### **2.6. Scope item 6: Evaluate whether the current and future integration of generative AI systems in relevant digital platforms, including the AI review and assimilation of news media content, will impact on the adoption and competition considerations in scope items 1 to 4;**

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<sup>48</sup> For example, the ACCC found that between 20 to 75 per cent of advertiser expenditure is taken up by suppliers in the ad tech supply chain. ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 153. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

60. Generative AI is a field that is still rapidly evolving. This means that the Inquiry will be observing developments in the generative AI space and how that too might evolve. For example, ChatGPT could only pull data in learned prior to September 2021, which is when GPT-3.5's training data was assembled. However, OpenAI's release of the new GPT-4 engine and Whisper API 2023 allows plugins that enable ChatGPT to pull real-time data. This means the chatbot may be able to respond to user queries on current affairs and news stories in future. While it seems that OpenAI has a head start in generative AI, it may not be clear which firms emerges as the ultimate winners in this space. For example, Google has access to unparalleled search data which it can use to train its AI better than anyone else<sup>49</sup>. The future of generative AI is likely to grow exponentially, for example, Nvidia CEO Jensen Huang notes that AI will be "a million times" more efficient in 10 years because of improvements not only in chips, but also in software and other computer parts<sup>50</sup>.
61. It is therefore important for the Inquiry to understand the business model of generative AI (i.e. how it funds itself), how this might evolve, how users will interact and utilise generative AI, and the impact it will have disseminating copyright information belonging to news media platforms. ChatGPT (GPT -3.5) is offered to users for free but can only provide information up to September 2021 for its services. However, GPT-4 is available to users on a subscription basis (currently at \$20 per user). It is also possible that as more users engage with generative AI services, there will be new models of remuneration such as advertising. Therefore, user engagement with generative AI may differ depending on whether it is the free service with old information or the subscription service with up-to-date information. It will also depend on how consumers seek to use AI chatbots and whether they will look to chatbots to remain informed of news stories. Consumption of news has already changed significantly in the digital era and may change once more in the AI era.
62. Much concern around generative AI involves access to data, where superior or unrivalled access to data can give the service provider an unparalleled competitive advantage. This is because big data is a major input used to train the large language models ("LLM") of generative AI to optimise their service offering. Having disproportionately advantageous access to large datasets can result in advantages that rival generative AI service providers cannot reasonably replicate (e.g. Google's

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<sup>49</sup> Fung, B. (2023). Microsoft CEO warns of 'nightmare' future for AI if Google's search dominance continues.

Available at: <https://edition.cnn.com/2023/10/02/tech/microsoft-warning-google-search-monopoly>

<sup>50</sup> <https://www.cnbc.com/2023/03/13/chatgpt-and-generative-ai-are-booming-but-at-a-very-expensive-price.html>

unparalleled access to search data<sup>51</sup>). This brings into question how access to data can become more equitable. However, there are allegations that there are features of the market that make access to data more restrictive. For example, Microsoft's CEO Satya Nadella notes that Google has also been moving to secure agreements with content publishers to ensure that it has exclusive access to their material for AI training purposes<sup>52</sup> further stating that "*what is publicly available today [may not be] publicly available tomorrow*" for AI training<sup>53</sup>.

63. The Inquiry will have to consider which features of generative AI impedes, distorts and restricts competitive outcomes for the distribution of news media content specifically. As generative AI integrates into general search, like GPT-4 into Microsoft Bing, this will change how users consume their news media. The poses some serious questions already touched upon in the previous scope items including how this new integration will further entrench news media into its ecosystem and how is news media going to be remunerated and survive? These questions raise the following topical themes:

63.1. The integration of generative AI based chatbots into search engines allows users to obtain direct answers to questions or queries posed in the search results page without the need to necessarily obtain it through accessing publisher webpages. As mentioned previously, Bing / OpenAI are the first movers but Google may have superior search data to train Bard and is the default on many smartphones. According to competition law experts, there is significant risk that gatekeepers could emerge in the generative artificial intelligence industry.<sup>54</sup>

63.2. This poses a potential threat to user traffic to online original content publishers' webpages such as news publishers, resulting in a further threat to monetisation of their content through adverts<sup>55</sup>. It is not clear at this point how users will actually engage with generative AI for their news media content and how this actually impacts referral traffic but this space is very new and fast-moving, and will be assessed throughout the Inquiry.

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<sup>51</sup> Fung, B. (2023). Microsoft CEO warns of 'nightmare' future for AI if Google's search dominance continues. Available at: <https://edition.cnn.com/2023/10/02/tech/microsoft-warning-google-search-monopoly>

<sup>52</sup> Fung, B. (2023). Microsoft CEO warns of 'nightmare' future for AI if Google's search dominance continues. Available at: <https://edition.cnn.com/2023/10/02/tech/microsoft-warning-google-search-monopoly>

<sup>53</sup> Fung, B. (2023). Microsoft CEO warns of 'nightmare' future for AI if Google's search dominance continues. Available at: <https://edition.cnn.com/2023/10/02/tech/microsoft-warning-google-search-monopoly>

<sup>54</sup> Connor, C. 2023. Experts warn of antitrust risks from generative AI. Available at:

<https://globalcompetitionreview.com/article/experts-warn-of-antitrust-risks-generative-ai>

<sup>55</sup> Search has been generating responses and predicting answers without generative AI for quite some time and online news publishers have already claimed they are receiving less traffic already due to these features.



63.3. Referral traffic is also affected by ranking on the platform. Again, the curation, display and ranking of digital news media will be assessed throughout the Inquiry. The Inquiry will also assess what parameter impact on ranking and how the integration of generative AI influences this.

63.4. South African news publishers' content may also be used to train these AI systems without authorisation or compensation, including information behind paywalls, raising copyright issues. In fact, there is a lawsuit in the USA relating to original content holder information being used to train generative AI<sup>56</sup>. The Inquiry will have to consider whether original news content holders should be remunerated for providing content to train generative AI as well as how generative AI trained on news content affects the consumption of news content. Again this is likely to depend on what extent real-time news is available on generative AI and what (and how) consumers pay for these services.

### **Scope item 6 Questions**

bb.) What is your view of the future use of generative AI within the algorithms of search, social media and news aggregators for surfacing and ranking of content, and how do you expect this to impact on the selection and ranking of news media content?

cc.) What is the trend in the use of AI chatbots to explore news stories and how do you expect news consumption through generative AI to evolve (if at all)? Please elaborate.

dd.) How will the integration of AI into digital platforms and the emergence of AI chatbots likely impact on referral and advertising revenues of news organisations in the future?

ee.) What is the current use of news content to train AI and to what end? Is there a compensation model for this training content and should there be? What is the likely impact of using the content for training whilst potentially competing with news organisations for user attention?

### **Scope item 7: Evaluate the impact of scope items 1 to 5 on the quality and consumer choice of South African news media, as well as the impact on news media organisations that are small and medium-size enterprises ("SMEs") and/or businesses owned by historically disadvantaged persons ("HDPs");**

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<sup>56</sup> David, E. (2023). George R.R. Martin and other authors sue OpenAI for copyright infringement. Available at: <https://www.theverge.com/2023/9/20/23882140/george-r-r-martin-lawsuit-openai-copyright-infringement>

64. As set out above, digital platforms impact on the funding model of news organisations through more direct competition for consumer attention and advertising revenue, and amongst news organisations for referral traffic based on prominence of news stories on their platforms. This has the potential to impact on both the quality of news media, given the levels of funding available for original content, but also consumer choice of news media, given both the prominence of different media sources and their economic viability. The Inquiry seeks to assess the diversity and choice of news on two levels, firstly the diversity of news content that is displayed to readers and secondly, the diversity of news media operators represented in newsfeeds including SMEs, HDPs and vernacular publications<sup>57</sup>. This is consistent with the requirements to consider the impact of market features on competition from SMEs and HDPs, but also the purposes of the Act which requires a focus on consumer choice. Consumer choice of a diversity of sustainable news sources and views is also essential for a media industry that serves the public and democracy.
65. Digital platforms can perform an important role in increasing the diversity of news sources<sup>58</sup> as news aggregators, search engines and other digital platforms play a role in directing users to publications they would not otherwise access, thereby having the potential to increase the diversity of news provided to these users. However, equally these platforms can undermine the economic viability of news organisations by diverting advertising revenue which may impact disproportionately the smaller organisations that are unable to attract or develop other funding sources. Experience abroad also suggests that original content is not rewarded with a higher ranking on Search results which reduces the incentives for news media operators to invest in original and diverse content.<sup>59, 60</sup> Instead, ad-funded publishers of reproduced content (which do not place content behind a paywall) can invest in search engine optimisation and re-write stories to accommodate the algorithms used by digital platforms in order to feature higher in search results than publishers of original content hosted behind a paywall. This undermines the quality of news media as well as the diversity of original content. As discussed in scope item 4, newsfeeds

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<sup>57</sup> In other words, diversity of news needs to be assessed at the individual level (i.e. the plurality of news shown on the readers newsfeed) and at an aggregate level (i.e. how concentrated is the representation of news across all readers on aggregate).

<sup>58</sup> ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 21. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>59</sup> ACCC (2019). "Digital Platforms Inquiry – Final Report". Page. 249. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>60</sup> Similarly the CMA notes that "issues such as a lack of transparency in the ad tech supply chain exacerbate issues with revenue shares received by publishers, and raise concerns about the long-term sustainability of high-quality and plural news content." Competition and Markets Authority, (2020), Online platforms and digital advertising, pg. 319, available at [Final report \(publishing.service.gov.uk\)](https://www.cma.gov.uk/final-report-publishing.service.gov.uk)

can also result in “filter bubbles” and “echo chambers”. This impacts on what news is presented to us and to a large extent what we end up consuming. This has implications for consumer choice, but in particular for content produced by SME and HDP news media organisations.

66. The online provision of news may involve poor incentives for producing journalism for smaller audiences, such as coverage of local issues. Therefore, making news relevant to South Africans at the international, national, regional and community levels is important given the diverse nature of peoples and cultures. The Inquiry seeks to understand how digital platforms make news available at a community level in South Africa and, if needs be, how more localized distribution of quality news can be improved. Also, consideration is given to whether any user groups or user profiles are excluded from certain publications and advertisements<sup>61</sup>.

67. Lastly, the Inquiry seeks to explore barriers to entry and expansion that SMEs and HDPs face in the distribution of news in the digital space. As mentioned previously, this includes the ability of SMEs and HDP to undertake a digital transition, including having access to technological resources and high skills. Identifying a lack of incentive or ability to head towards a digital transformation will be important address hesitancy towards transition. Digital platforms can make a positive contribution to plurality of journalism by enabling the entry of ‘digital natives’<sup>62</sup>, which typically cover issues of international and national significance<sup>63</sup>. However, that potential will not be realized unless there is a sustainable funding model for such digital natives. Here the ability of small, community-based, and vernacular publications that print physical newspapers to switch to distributing their news content on digital platforms will be considered. Again, issues around curation, rank, discoverability and remuneration are salient for SME and HDP news media organisations.

### **Scope Item 7 Questions**

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<sup>61</sup> Many digital platforms give advertisers the ability to exclude consumer segments that an advertiser considers are not relevant to their advertisement, however, this exclusion can come in the form of discrimination of certain user groups such as ethnicity, language, sexual orientation etc. ACCC (2019). “Digital Platforms Inquiry – Final Report”. Page. 447. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

<sup>62</sup> Digital native outlets only publish content online, tend to employ relatively few journalists and operate under a range of business models.

<sup>63</sup> ACCC (2019). “Digital Platforms Inquiry – Final Report”. Page. 306. Available at: <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

- ff.) *How do think the features of digital news content distribution has impacted on the quality and diversity of news journalism in South Africa?*
- gg.) *Are there features of digital platforms that either promote or undermine the participation of SMEs and HDP-owned news organisations? Are there particular features of digital platforms that may promote or undermine vernacular language publications online?*
- hh.) *What incentives do digital platforms have in place to promote the publication and distribution of high-quality investigative journalism? Please elaborate.*
- ii.) *In your view what are the challenges to SME, HDP, community-based and vernacular publications transitioning into online distribution of news media,? What implications does this have for consumer choice and quality journalism? Please elaborate.*

**3. Determine appropriate remedies where an adverse effect on competition or the purposes of the Act are found as set out in section 43C(3) of the Act**

68. The Inquiry is required to make findings as to whether there are market features or platform conduct which impede, restrict or distort competition. In so doing, the Inquiry has a requirement to consider the adverse effects on SMEs and HDP-owned firms. The same applies to market features which may undermine the purposes of the Act. Such purposes are set out in the introduction to the Statement of Issues. Aside from the promotion of competition, the participation of SMEs and the transformation of ownership, the purposes also include the development of the economy, advancing the economic and social welfare of all South Africans, expanding opportunities for participation in world markets and providing consumers with competitive prices and product choices.

69. The Inquiry invites stakeholders to determine, based on their submissions made above, if there are any market features which result in adverse effects on any of the following platforms mentioned above:

- 69.1. Competition between news media organisations and digital platforms operating in South Africa for user engagement and attention, ad revenue, user data and subscriptions;
- 69.2. Imbalances in bargaining power between digital platforms and news media organisations.
- 69.3. Competition between news media organisations and how digital platforms shape this.
- 69.4. Competition on the ad tech stack and its effect on the distribution and remuneration of news media content.

69.5. Market features of generative AI and its effect on the distribution of news media content.

69.6. Competition between news media organisations for consumer choice and in particular the ability of SME or HDP-owned business users to participate and provide a diversity of choice.

70. To determine appropriate action to take in addressing any adverse effects, the Inquiry would also like to know from the stakeholder whether such market features apply to all platforms operating in the same line of business as the platforms that are the subject of the submission, or just a subset of such platforms.

71. Where market features are identified that may hinder, impede or restrict competition or undermine the purposes of the Act, then the Inquiry has a duty to consider action to remedy, mitigate or prevent the adverse effect identified. The scope of such actions include recommendations for action by firms, the Minister or regulators. Recommendations to the Minister may include policy, legislative or regulatory changes.

72. According to section 43D the Act, any remedial action must fulfil the following criteria:

*“(4) Any action in terms of subsection (1) must be reasonable and practicable, taking into account relevant factors, including—*

- (a) the nature and extent of the adverse effect on competition;*
- (b) the nature and extent of the remedial action;*
- (c) the relation between the adverse effect on competition and the remedial action;*
- (d) the likely effect of the remedial action on competition in the market that is the subject of the market inquiry and any related markets;*
- (e) the availability of less restrictive means to remedy, mitigate or prevent the adverse effect on competition; and*
- (f) any other relevant factor arising from any information obtained by the Competition Commission during the market inquiry.”*

73. Where the stakeholder has identified any market feature which may have an adverse effect on competition or the purposes of the Act, the Inquiry would like the stakeholder to give thought to what remedies may successfully address that adverse effect and which fulfil the criteria set out above.

### ***3.1. Submissions as to the scope and issues***

74. Whilst the Inquiry has identified the initial scope in the Terms of Reference and the specific types of issues in relation to that scope in this Statement of Issues, the Inquiry would also like to invite stakeholders to identify if there are other features to these markets that warrant an expansion of the scope and/or additional issues to be raised. Stakeholders may also have identified information in relation to the functioning of these platforms that is of relevance to the Inquiry but has not been traversed in the questions above. This last sub-section provides an opportunity for stakeholders to make any additional submissions they believe are relevant.