



DIGITAL MARKETS ACT

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Overview

1. WHY – Rationale of the DMA
2. WHO – Designation of gatekeepers
3. WHAT – Obligations for gatekeepers
4. HOW – Implementation and enforcement

1. WHY – Rationale of the DMA

- International consensus on the challenges caused by large gatekeeper platforms, and the limitation of competition law enforcement to address them
- DMA is inspired by competition law experience, it complements competition law, but it is ex-ante regulation, not a competition law instrument
- Clear value added compared to competition law enforcement as a key objective

2. WHO – Designation of gatekeepers

- Hybrid system to reconcile speed/predictability with proportionality
- Designation considers elements both at level of group and core platform service - obligations apply at service level
- Frontloaded design – individual decisions on designation but then all obligations apply without individualized assessment

3. WHAT – Obligations for gatekeepers

- Most egregious practices undermining fairness and contestability
 - *Distribution channels*
 - *Leveraging access to CPS*
 - *Use of data*
 - *Data access and portability*
 - *“Device neutrality”*
 - *“Platform neutrality”*
 - *Advertising*
- ALL obligations are directly applicable – “dialogue” under Art. 7 is about how to comply, not whether to comply
- Well targeted obligations to ensure proportionality without individualized assessment

4. HOW – Implementation and enforcement

- Obligations contain “remedies” to targeted problem; additional remedies (behavioral or structural) in case of systematic non-compliance
- Gatekeepers may submit commitments in non-compliance proceedings
- Centralised enforcement at EU level is key; Member States can complement with national competition law enforcement, and inform future proofing elements of the DMA (new practices/core platform services)



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THANK YOU!