



22 February 2021

## **The Digital Markets Act (DMA) promotes innovation and choice for consumers**

As European and international businesses, we express our **strong support for the proposed DMA**. Our companies face serious challenges due to unfair practices of gatekeeper platforms, and the DMA is an essential step towards restoring fairness, innovation and competition on the merits to the EU market.

Today, we all interact with very large digital platforms providing a range of important services to us and our consumers. However, there is clear evidence that some of these “gatekeepers” leverage their position to serve their own commercial interest to the detriment of consumers, fair competition and innovation.

**Europe urgently needs an efficient means to address harmful behaviour from gatekeeper platforms.** EU competition law is an important tool and should be preserved and modernized. Nevertheless, today’s competition remedies are limited to the specific case at hand and cannot address widespread practices that are manifestly unfair but not necessarily anti-competitive. In addition, while transparency from platforms is indispensable, the P2B Regulation does not tackle the core issue of unfair conduct.

**The proposal for a DMA is a significant step in the right direction. We wish to emphasise our support with the general approach of the European Commission to:**

- Develop quantitative criteria to ensure swift designation of gatekeepers, combined with a qualitative assessment to provide flexibility where needed;
- Focus on the most damaging practices facing businesses in the EU market today, with some flexibility for the Commission to specify measures that address the issues effectively and ensure compliance in a future proof-manner;
- Avoid regulatory fragmentation by providing remedial and enforcement powers at the EU level, given the cross-border nature of gatekeepers and their practices.

**We call upon the European Parliament and Member States to support the proposal and take steps to strengthen it even further.**

Our key priorities include:

- **Maintaining a targeted scope:** The DMA should remain focused on those few platforms that are truly gatekeepers to the global digital market. The practices identified in the proposal are a particular issue exactly because of the gatekeeper position these platforms possess. Loosening the criteria to designate gatekeepers could lead to a dilution of the legislation's purpose and effectiveness, and in fact have an adverse effect on restoring fairness and competition. Similarly, the list of obligations and prohibitions should stay focused on the most egregious practices facing businesses today, rather than trying to solve all problems - existing and potential - in the digital market.
- **Providing speedy and effective remedies:** It is essential that the rules and procedures contained in the DMA provide for fast and effective remedies, ensuring gatekeepers cannot avoid or delay compliance with their obligations.
- **Ensuring strong enforcement:** Given the breadth of unfair practices in today's digital market and the risk of circumvention attempts by gatekeepers, it is crucial the Commission has the necessary resources and tools to ensure proper compliance.

We are convinced that the DMA will stimulate more digital innovation in the European economy and deliver greater choice and lower prices to European consumers. This legislation will also create new growth opportunities for businesses and entrepreneurs by reducing barriers to entry and providing legal clarity for all businesses on what is and is not allowed in the EU's internal market.

We look forward to engaging with the European Parliament and Council on this critical proposal.

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