

The ECN publishes a joint paper addressing the issue of the involvement of national competition authorities in the DMA

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The European Competition Network (ECN) publishes a joint paper by the heads of the national competition authorities (NCAs) of the European Union on the DMA proposal. It addresses the issue of coordination of DMA enforcement with competition law enforcement, and makes proposals to enhance the effectiveness of this new tool, by allowing NCAs to enforce the procedures related to compliance with the DMA. The joint paper focuses on institutional aspects that are not, at this stage, present in the proposal, with the objective of making the DMA as effective and future-proof as possible.

The ECN joint paper identifies a strong need for better coordination of the DMA enforcement with competition law procedures. The DMA should incorporate a specific coordination mechanism, based on the existing principles of Regulation 1/2003 and the procedures already in place within the ECN. This would ensure that both the DMA procedures and parallel competition cases or merger proceedings concerning gatekeepers can proceed smoothly, without procedural impediment, and with the best allocation of resources. The joint paper also makes the case that the effectiveness of the DMA would benefit from the NCAs being able, on a voluntary basis, either to help the European Commission enforce the DMA (e.g. by receiving complaints, contributing to dawn raids if necessary, gathering information) or to enforce the DMA when appropriate, in close coordination with the European Commission. The DMA would thus benefit from the experience of highly skilled experts across Europe, and make full use of the network effects that characterize the ECN.

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