Schmidt / Hübener

New Digital Markets Act

A Practitioner's Guide

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edited by

Jens Peter Schmidt
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2023

Published by
Nomos Verlagsgesellschaft mbH & Co. KG, Waldseestraße 3-5, 76530 Baden-Baden, Germany,
email: vertrieb@nomos.de

Co-published by
Verlag C.H.Beck oHG, Wilhelmstraße 9, 80801 München, Germany,
email: bestellung@beck.de

and

Hart Publishing, Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, United Kingdom,
online at: www.hartpub.co.uk

Published in North America by Hart Publishing,
An Imprint of Bloomsbury Publishing 1385 Broadway, New York, NY 10018, USA
email: mail@hartpub.co.uk

ISBN Print 978 3 7560 0317 4 (NOMOS)
ISBN E-Book 978 3 7489 3706 7 (NOMOS)
ISBN Print 978 3 406 80469 4 (C.H.BECK)
ISBN Print 978 1 5099 7420 7 (HART)

First Edition 2023

Preface

The European Commission is determined to turn the coming decade into Europe's Digital Decade. Using the slogan 'A Europe fit for the digital age', the authority in Brussels is bundling measures designed to expand digital sovereignty and set its own standards.

The Digital Markets Act (DMA), which came into force on 1.11.2022, is a milestone for EU legislation in the field of the digital economy and, together with the Digital Services Act, is one of the core elements of the EU's Digital Strategy. Adopted in record time, the DMA aims to counter unfair practices by large online platforms that provide business users with key access to consumers. Platforms covered by the DMA are subject to a number of obligations designed to ensure fair and open digital markets.

This Practitioner's Guide provides a comprehensive user-friendly introduction to a complex subject. It explores the background and objectives of the DMA and sets out the extensive prohibitions and requirements that online platforms, identified as 'gatekeepers' under the DMA, have to comply with. The rights of business users and end users of digital platforms are addressed from a hands-on perspective, as are the investigative and enforcement powers of the European Commission and the role of the Member States' authorities. Covering a number of EU Member States, the book explains and assesses the role of national courts, whose importance for the future private enforcement of the DMA cannot be overestimated.

The editors would like to express their sincere thanks to all the co-authors for their work.

Brussels, July 2023

Jens Peter Schmidt *Fabian Hübener*

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CONDUCT OBLIGATIONS FOR GATEKEEPERS (ART. 5–7 DMA)

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A. Overview

1 Conduct obligations for gatekeepers are at the heart of the Digital Markets Act. The conduct obligations are intended to **restrict** companies classified as gatekeepers in their **scope of action** in such a way that they are ultimately prevented from further sealing off their positions from competition in relation to their core platform services in digital markets and from behaving unfairly towards other market participants.[1]

2 Numerous abuse proceedings initiated by the antitrust authorities against major digital companies in recent years have been aimed at classifying specific behaviour as abusive and thus implicitly anti-competitive. Regarding the conduct covered by the DMA's **catalogue of obligations**, the (usually very time-consuming) classification by the authorities as anti-competitive is to be dropped in the future. Instead, such conduct is deemed to be **anti-competitive** for all companies designated as gatekeepers (cf. Art. 3(3)–(10) DMA) ***ex ante*** (on a self-executing basis) – i.e. irrespective of official or judicial findings (→ Ch. 3 mn. 10).

3 This approach is central to the DMA: after all, whereas 'conventional' **competition law** usually required years of proceedings and litigation[2] before anti-competitive behaviour could be stopped, gatekeepers can now no longer adopt a wait-and-see approach, but must comply with the DMA's prohibitions and requirements right away.[3] This means that there is no need for any specific assessment of the **actual or likely effects** of a particular form of conduct on competition.[4]

4 This approach also explains why the European Commission did not base the DMA on Art. 103 TFEU, but instead on Art. 114 TFEU (→ Ch. 2 mn. 14). After all, it is not primarily concerned with punishing an infringement of Art. 101 et seqq. TFEU (*ex post*) – although this can admittedly be disputed[5] – but instead with ensuring the **functioning of the internal market** *ex ante* through the catalogue of conduct obligations. In this respect, the DMA is not to be understood as just another instrument of competition law, but instead as **'genuine regulatory law'**.[6]

5 The conduct obligations can essentially be divided into **dos and don'ts**. These are not general requirements applicable to a wide range of circumstances, but instead largely specific requirements for the conduct of gatekeepers in relation to a core platform service (CPS) they provide.[7] Some object to this **strongly normative approach** of

[1] Rec. 7 DMA; regarding the economic background, see rec. 2 DMA; cf. also Herbers RDi 2022, 252.

[2] One example of this is the Google Shopping case, which was initiated back in 2009 and ended (pending the outcome of an appeal) with the judgment of the EGC of 10.11.2021; cf. EGC 10.11.2021 – case T-612/17, ECLI:EU:T:2021:763 = NZKart 2021, 684 – Google Shopping.

[3] Podszun EuCML 2022, 1 (1); Kumkar RDi 2022, 347 (348).

[4] Achleitner NZKart 2022, 359 (360).

[5] For a critical view on the choice of legal basis Basedow ZEuP 2021, 217 (221); Polley/Konrad WuW 2021, 198 (199); Haus/Weusthof WuW 2021, 318 (318 et seq.); Zimmer/Göhsl ZWeR 2021, 29 (33).

[6] Kumkar RDi 2022, 347 (349); Schweitzer ZEuP 2021, 503.

[7] Herbers RDi 2022, 252 (254).

the DMA, pointing out that it also declares conduct that is not anti-competitive or anti-competitive per se to be inadmissible across the board and without considering the individual case.[8]

In the event of non-compliance with the conduct obligations, the European Commission may – in the context of issuing a non-compliance decision pursuant to Art. 29 DMA – impose **fines** pursuant to Art. 30 DMA or **periodic penalty payments** pursuant to Art. 31 DMA (→ Ch. 10 mn. 2 et seqq.). **6**

The central conduct obligations for gatekeepers are set out in **Art. 5–7 DMA**.[9] All provisions are intended to be self-executing in accordance with the regulatory focus of the DMA described above. Nevertheless, the provisions **vary in their specificity**: The obligations under Art. 5 DMA are directly applicable without any further specification. The obligations under Art. 6 and 7 DMA, on the other hand, still need to be specified to some extent, primarily by the gatekeeper itself. If the European Commission finds that specification by the gatekeeper is not sufficient, it is also able to specify the obligations itself as part of a 'regulatory dialogue' (Art. 8 DMA).[10] **7**

The more precisely, however, a conduct obligation is formulated, the more likely it is that it will require **further development** in the future. This is because the requirements and prohibitions set out in the DMA must be as specific as possible in order to avoid ambiguities that could only be resolved through lengthy administrative or judicial clarification. However, this 'accuracy' of the conduct obligations is often likely to prevent technical changes, which are always to be expected in highly dynamic digital markets, from being covered by the DMA. In this respect, an adjustment of the DMA's conduct obligations on the basis of the **delegated act** of the European Commission, as provided for in Art. 12 DMA following a market investigation pursuant to Art. 19 DMA, is likely and possibly necessary at regular intervals. **8**

Furthermore, it remains to be seen whether the requirements of the DMA will actually be **implemented** by gatekeepers without further ado.[11] Decisions made by the European Commission on the basis of the DMA are subject to **judicial review** as a general rule; fines or periodic penalty payments are even subject to an unlimited review of the European Commission's use of discretion. Despite all the intentions of, and assurances given by, the European Commission, systematic application of the DMA in the form of self-execution will probably only be possible after a court decision. **9**

Precisely in order to avoid lengthy judicial reviews before the EGC and ECJ due to legal ambiguities in the text of the Regulation, the **European Commission, as the central enforcement body**, will have to fulfil its role as guarantor of a uniform interpretation of the catalogues of obligations from the outset. In this context, cooperation with national authorities and courts is likely to become crucially important (→ Ch. 11 mn. 2). In this respect, it remains to be seen, first and foremost, to what extent the European Commission will rely on this cooperation. The same applies to the question of the extent to which infringements can lead to conflict with national law (in Germany in particular **10**

[8] Cf. for example Lichtenberg NZKart 2021, 551 (554).

[9] Further procedural law conduct obligations are laid down in Art. 14 and 15 DMA, → Ch. 9 mn. 4.

[10] Kumkar RDi 2022, 347 (350).

[11] Andreas Mundt, President of the German Federal Cartel Office, recently pointed out this problem: <https://mlexmarketinsight.com/news/insight/self-enforcing-dma-provisions-will-trigger-litigation-mundt-says> (last accessed: 12.7.2023).

with § 19a GWB[12]). Another practical area of development of the DMA is likely to be how consumers can derive direct benefits from its application.[13]

B. Conduct obligations pursuant to Art. 5 DMA

I. Overview

Art. 5(2)	Prohibition of the combination of personal data
Art. 5(3)	Prohibition of the use of most-favoured nation clauses
Art. 5(4)	Obligation to allow communication to end users
Art. 5(5)	Obligation to grant end users access to services of business users
Art. 5(6)	Prohibition on restricting users' legal remedies
Art. 5(7)	Prohibition on tying
Art. 5(8)	Prohibition on requiring registration with other core platforms
Art. 5(9)	Obligation to provide advertisers with information on advertising prices
Art. 5(10)	Obligation to provide publishers with information on advertising prices

II. Prohibition of the combination of personal data (Art. 5(2) DMA)

11 Art. 5(2) DMA prohibits gatekeepers from combining personal data in four specific scenarios.[14] All four scenarios build on previously **known behaviours** of major digital companies:[15]

- using personal data for (online) advertising purposes obtained by a gatekeeper through its services for third parties (a),
- combining personal data obtained in different services of the gatekeeper (or from third parties) (b),
- using personal data from one service of the gatekeeper to offer another service of the gatekeeper (c), and
- combining personal data by signing in end users of a core platform service to another service of the gatekeeper for the purpose of combination (d).

12 The purpose of these prohibitions is to limit the advantage associated with the central position held by gatekeepers. This advantage for gatekeepers essentially consists of the opportunity, arising from their central position, to accumulate and **combine data** from **different user sources** (cf. rec. 36 DMA). Rec. 36 DMA also states that the gatekeeper should provide end users with a less personalised alternative that must not differ in quality from the service requiring consent, unless a degradation of quality is due to the reduction in the data collected (cf. also rec. 37 DMA).

[12] On the problem of the DMA in relation to § 19a GWB, cf. in particular Westermann ZHR 186 (2022), 325; Grünwald NZKart 2021, 496; Zimmer/Göhsl ZWeR 2021, 29 (57); Polley/Konrad WuW 2021, 198 (199); Wolf/Brüggemann, 'Der Digital Markets Act und § 19a GWB' (D-Kart, 19.7.2022).

[13] Podszun EuCML 2022, 1.

[14] For a critical discussion of this prohibition, cf. in particular Podszun GRUR-Int 2022, 197.

[15] Achleitner NZKart 2022, 359 (362).

CHAPTER 10
EU PENALTIES, INVESTIGATIVE POWERS AND LEGAL PROTECTION

Fabian Hübener/Raphael Reims

Bibliography: Achleitner, 'Digital Markets Act beschlossen: Verhaltenspflichten und Rolle nationaler Wettbewerbsbehörden', NZKart 2022, 359; Akman, 'Regulating Competition in Digital Platform Markets: A Critical Assessment of the Framework and Approach of the EU Digital Markets Act', ELR 2022, 85; Belloso, 'The Proposal for a Digital Markets Act (DMA): A Summary' (2022) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3999966> (last accessed: 12.7.2023); Harta, 'Der Digital Markets Act und das Doppelverfolgungsverbot', NZKart 2022, 102; Schöning/von Schreitter, 'Digital Mergers Act? Die Rückwirkungen des DMA auf die Fusionskontrolle in digitalen Märkten', WuW 2022, 582; Schweitzer, 'The Art to Make Gatekeeper Positions Contestable and the Challenge to Know What Is Fair: A Discussion of the Digital Markets Act Proposal', ZEuP 2021, 503; Somek, 'Anwendbarkeit des Doppelbestrafungsverbots in EU-Kartellverfahren', WuW 2021, 545.

1 To enforce the DMA, the European Commission is able to impose a wide variety of penalties and exercise a range of investigative powers that have **far-reaching consequences** for those subject to them. Consequently, precise knowledge of the relevant requirements and the options for legal protection is of crucial importance when it comes to safeguarding their interests.

A. Penalties (Art. 30 et seq. DMA)

2 The **various sanctioning powers** of the European Commission include imposing fines under Art. 30 DMA and imposing periodic penalty payments under Art. 31 DMA. Moreover, it has further behavioural and also structural remedies at its disposal that are set down in Art. 18 DMA, such as the option of prohibiting concentrations in the event of systematic non-compliance with specific DMA standards. While fines are imposed for

past conduct that constitutes an infringement of the DMA, periodic penalty payments and other remedies serve to ensure future compliance with the DMA and decisions based on it. Finally, the European Commission can impose interim measures according to Art. 24 DMA.

The **responsibility** for enforcing the DMA is **concentrated** at the level of the European Commission. As follows from Art. 38(7) DMA, competition authorities in the Member States can also initiate investigations into a DMA infringement on their own initiative. Nevertheless, even in this case only the European Commission is authorised to impose penalties under the DMA as the sole enforcer (end of Art. 38(7) DMA). In parallel, a Member State competition authority is able to impose a penalty under national competition law,[1] for example, in response to abuse of a dominant position within the meaning of Art. 102 TFEU or the corresponding national provisions (e.g. §§ 18 et seqq. GWB).[2] 3

The European Commission can issue **guidelines** on any of the aspects of the DMA Regulation in order to facilitate its effective implementation, but also its enforcement (Art. 47 DMA). No such guidelines have been issued to date. Nevertheless, the European Commission can be expected to draw on its own extensive wealth of experience in competition law, particularly with regard to penalising conduct that constitutes a breach of duty. This is why this section often refers to the decision-making practice under competition law. 4

I. Fines (Art. 30 DMA)

According to Art. 30(1) DMA, the European Commission can impose penalties on substantive DMA infringements and, according to Art. 30(3) DMA, formal DMA infringements by imposing fines. Where substantive infringements are committed, the amount of the fine can be up to 10 % of the gatekeeper's **total worldwide turnover** in the preceding **financial year**, and in the case of repeated infringements even **up to 20 %**.[3] Where formal infringements are committed, the amount can be up to 1 % of the turnover of the company acting in breach of duty, which is to be calculated in the same way. 5

1. Substantive DMA infringements

The imposition of fines under Art. 30(1) DMA first requires a **non-compliance decision** directed against a gatekeeper under Art. 29 DMA. In this decision, the European Commission must find that the gatekeeper **intentionally or negligently** 6

- does not comply with one or more of the obligations laid down in Art. 5, 6 or 7 DMA (Art. 30(1)(a) DMA);
- does not comply with one or more of the measures specified pursuant to Art. 8(2) DMA to ensure compliance with the obligations of gatekeepers under Art. 6 or 7 DMA (Art. 30(1)(b) DMA);

[1] On the significance of the ban on double jeopardy *ne bis in idem* → mn. 21 et seqq.

[2] On the relationship between Member State competition authorities and the European Commission under the DMA → Ch. 11 mn. 2 et seqq., cf. also German Monopolies Commission (*Monopolkommission*), 'Biennial Report XXIV, Competition 2022' (5.7.2022) <www.monopolkommission.de/de/gutachten/hauptgutachten/385-xxiv-gesamt.html> (last accessed: 12.7.2023), mn. 503 et seq.; Achleitner NZKart 2022, 359 (364).

[3] For details → mn. 13 et seqq.

CHAPTER 13
THE DMA AS THE SUBJECT MATTER OF PRIVATE ENFORCEMENT

Bibliography: Achleitner, 'Digital Markets Act beschlossen: Verhaltenspflichten und Rolle nationaler Wettbewerbsbehörden', NZKart 2022, 359; Achleitner, 'Selbstbegünstigung als Konzept des Marktmissbrauchs unter Art. 102 AEUV. Das Grundsatzurteil des EuG zu Google Shopping als Initialzündung für einen Wandel in der Digitalwirtschaft?', EuR 2022, 253; Albrecht, 'Digital Markets Act kommt – Regulierung von Plattformen und Auswirkungen auf Unternehmen', GWR 2022, 181; Basedow, 'Das Rad neu erfunden: Zum Vorschlag für einen Digital Markets Act', ZEuP 2021, 217; Costa e Silva/Trigo dos Reis, 'O financiamento por terceiro das despesas conexas com a acção popular de private enforcement. O Caso português', Ius Dictum 2022, 62; Costa e Silva/Trigo dos Reis, Private Enforcement e Tutela Coletiva, Coimbra 2022; De Angel Yágüez, La responsabilidad civil (Derecho), 2nd edn, Bilbao 1988; De Streel/Larouche, 'The European Digital Markets Act: A Revolution Grounded on Traditions', JECLAP 2021, 542; Ferreres Comella/Ayo Ferrándiz, 'Spain' in Scott Davidson (ed), The Global Damages Review, 5th edn, London 2022 <https://www.uria.com/documentos/colaboraciones/3341/documento/Spain-ldtr.pdf?id=13091_en&forceDownload=true> (last accessed: 12.7.2023); Grewe/Stegemann, 'EU-Verbandsklagerichtlinie', ZD 2021, 183; Haus/Rudel, 'Neue Missbrauchsaufsicht für digitale Ökosysteme', RDi 2022, 125; Herbers, 'Der Digital Markets Act (DMA) kommt – neue Dos and Don'ts für Gatekeeper in der Digitalwirtschaft', RDi 2022, 252; Herbers/München, 'Digital Markets Act – Auswirkungen auf den Zahlungsverkehr', RdZ 1.2023, 4; Karbaum/Schulz, 'Antitrust Litigation 2.0' – Private Enforcement beim DMA?, NZKart 2022, 107; Klumpe, '„Think twice" – Die private Rechtsdurchsetzung des DMA nach dem Referentenentwurf zum Wettbewerbsdurchsetzungsgesetz', in Kirk/Offergeld/Rohner (eds), Kartellrecht in der Zeitenwende – Auf dem Weg zur 11. und 12. GWB-Novelle, Baden-Baden 2023, p. 131; Koenig/Mezey, 'Zu guter Letzt ... schießt die Regulierung digitaler Märkte über das Ziel hinaus?', N&R 2022, 192; Komninos, 'The Digital Markets Act and Private Enforcement: Proposals for an Optimal System of Enforcement', in Charbit/Gachot (ed), Liber Amicorum Eleanor M. Fox, 2021, p. 425; Koolen, 'The Refusal to Allow Interoperability Between Android Auto and Third-Party Apps – A Deep Dive into Enel X Italia v. Google', IIC 2022, 758; Körber, 'Lessons from the Hare and the Tortoise: Legally imposed self-regulation, proportionality and the right to defence under the DMA – Part 2', NZKart 2021, 436; Kumkar, 'Der Digital Markets Act nach dem Trilog-Verfahren', RDi 2022, 347; Lundqvist, 'The Proposed Digital Markets Act and Access to Data: A Revolution, or Not?', IIC 2021, 239; Lamadrid de Pablo/Bayón, 'Why The Proposed DMA Might be Illegal Under Article 114 TFEU and How to Fix It', JECLAP 2021, 576; Marsden/Podszun, 'Restoring Balance to Digital Competition – Sensible Rules, Effective Enforcement, Study for KAS' (2020) <https://www.kas.de/de/einzeltitel/-/content/restoring-balance-to-digital-competition> (last accessed: 12.7.2023); Matos/Torres-Sarmiento, 'FRAND for Dominant Digital Platforms: Enhancing the Way Essential Inputs are Accessed, Transferred and Shared', GRUR-Int 2022, 516; Otero, 'Da dimensão constitucional dos acordos de financiamento ("litigation funding agreements") de ações populares indemnizatórias: um problema de abuso de direitos fundamentais', Revista da Ordem dos Advogados 2022, 701; Paal/Kieß, 'Digitale Plattformen im DAS-E, DMA-E und § 19a GWB', ZfDR 2022, 1; Podszun, 'The Digital Markets Act: What's in it for Consumers?', EuCML 2022, 1; Podzsun/Bongartz/Kirk, 'Digital Markets Act – Neue Regeln für Fairness in der Plattformökonomie', NJW 2022, 3249; Polley/Konrad, 'Der Digital Markets Act – Brüssels neues Regulierungskonzept für Digitale Märkte', WuW 2021, 198; Sack, 'Die Kognitionsbefugnis nach Art. 7 Nr. 2 EuGVVO und das internationale Lauterkeitsrecht', WRP 2018, 897; Schläfke/Lühmann/Stegemann, 'Vorschlag des BMJ zur Umsetzung der EU-Verbandsklagenrichtlinie', PHi 2022, 138; Teixeira de Sousa, A Legitimidade Popular na Tutela dos Interesses Difusos, Lisboa 2003; Westermann, 'Der geplante Digital Markets Act: Europäische Regulierung zentraler Plattformdienste außerhalb des Kartellrechts?', ZHR 186 (2022), 325; Zimmer/Göhsl, 'Vom New Competition Tool zum Digital Markets Act: Die geplante EU-Regulierung für digitale Gatekeeper', ZWeR 2021, 29; Zober, 'Durchsetzung des DMA-E und dessen Verhältnis zum Kartellrecht', NZKart 2021, 611.

A. Private enforcement – a key implementation mechanism of the DMA *(Henner Schläfke/Immo Schuler)*

1 The main objective of the DMA is to make the gatekeeper market fair and contestable (Art. 1(1) DMA). Claims are already brought before civil courts today regarding fair ac-

cess or, alternatively, damages, albeit usually based on Art. 102 TFEU or statutory provisions already in place in the respective Member State (for example Art. 1240 of the French Civil Code, Art. 6:162 of the Dutch Civil Code, or Art. 1902 of the Spanish Civil Code).[1] From an international perspective, we can see that an active litigation industry is turning against the major platform operators.[2] It is to be expected that **private enforcement** – i.e. the enforcement, by private parties such as companies or even private end users, of the legal obligations incumbent on gatekeepers as set out in the DMA – will **play a very significant role in the future**. Even after a gatekeeper has been designated, claims prior to a decision by the European Commission would – to a certain extent – be considered standalone claims. But once the European Commission has issued a decision based on DMA provisions, **individual and collective follow-on claims for access or damages** will be accessible with national courts obliged to cooperate or even bound by the respective decision.

2 While there is no explicit reference to private enforcement in the DMA, it is a **cornerstone of European law**: Where individual rights are also established in European law, the vigilance of individuals interested in safeguarding their rights – and individual law enforcement – represents an additional level of effective control.[3] Further, the DMA presupposes private enforcement in its regulations: Art. 39 DMA stipulates an **obligation for national courts to cooperate with the European Commission** showing that private enforcement in national courts was envisioned. Also, the possibility of **collective redress by consumer associations** and the application of Dir. (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers (RAD), was explicitly included in Art. 42 DMA.

3 Some jurisdictions are planning to introduce **national law provisions specifically governing private enforcement** of the DMA at this point. Germany has introduced statutory rules governing private enforcement with its 11th GWB amendment, which are nearly identical to those governing antitrust damages based on the implementation

[1] Cf. e.g. in Germany based on § 19 GWB a lawsuit involving Idealo versus Google because of alleged preferential treatment of Google's own price comparison service, see LTO, 'Idealo klagt gegen Google' (15.4.2019) <https://www.lto.de/recht/kanzleien-unternehmen/k/freshfields-bruckhaus-deringer-hausfeld-idealo-klage-google-preisvergleich/> (last accessed: 12.7.2023). In the area of public enforcement, see also the warning issued to Deutsche Bahn by the German Federal Cartel Office due to possible obstacles to competition for digital mobility services: German Federal Cartel Office, 'Fairer Wettbewerb um digitale Mobilitätsdienstleistungen – Bundeskartellamt mahnt Deutsche Bahn wegen möglicher Behinderung von Mobilitätsplattformen ab' (20.4.2022) <https://www.bundeskartellamt.de/SharedDocs/Meldung/DE/Pressemitteilungen/2022/20_04_2022_Bahn.html> (last accessed: 12.7.2023).

[2] See for example the collective actions against Apple in the Netherlands (Peterson, 'Apple facing new $5.5 billion App Store antitrust lawsuit in the Netherlands' (AppleInsider, 29.3.2022) <https://appleinsider.com/articles/22/03/29/apple-facing-new-55-billion-app-store-antitrust-lawsuit-in-the-netherlands> (last accessed: 12.7.2023)) or Portugal (Becker, 'iPhone-Leistungsdrosselung: Neue Klage wirft Apple geplante Obsoleszenz vor' (heise online, 1.3.2021) <https://www.heise.de/news/iPhone-Leistungsdrosselung-Neue-Klage-wirft-Apple-geplante-Obsoleszenz-vor-5068727.html> (last accessed: 12.7.2023)). In the United Kingdom, class actions have been brought before the Competition Appeal Tribunal against Apple (case no. 1403/7/7/21 – Dt Rachael Kent v Apple Inc. and Others), Google (case no. 1408/7/7/21 – Elisabeth Helen Call v Alphabet Inc. et al.) and Meta (case no. 1433/7/7/22 – Dr Liza Lovdahl Gormsen v Meta Platforms Inc. et al.).

[3] For key information, see ECJ 5.2.1963 – case 26/62, ECLI:EU:C:1963:1 – Van Gend & Loos. See also draft bill amending the Competition Act and other laws, introduced to Parliament by the German Government on 16.5.2023 (BT-Drs. 20/6824) <https://www.bmwk.de/Redaktion/DE/Pressemitteilungen/2023/04/20230405-bundeskabinett-beschliesst-verschaerfung-des-gesetzes-gegen-wettbewerbsbeschraenkungen.html> (hereafter: BT-Drs. 20/6824; last accessed: 12.7.2023), p. 21: 'zweite Säule neben der behördlichen Durchsetzung' (second pillar besides official enforcement).

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