

High-Level Group for the Digital Markets Act

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On 23 March 2023, the European Commission adopted a Decision on setting up a High-Level Group for the Digital Markets Act (DMA) (see IRIS 2022-5/12). The purpose of the High-Level Group is to provide the Commission with advice and expertise to ensure that the DMA and other sectoral regulations are implemented in a coherent and complementary manner. The DMA will apply from 2 May 2023, and lays down harmonised rules designed to ensure contestable and fair markets in the digital sector where “gatekeepers” are present, which are large digital platforms acting as important gateways between business users and consumers.

Importantly, under Article 40 DMA, the Commission is required to establish the High-Level Group, which will be composed of 30 representatives nominated from the Body of the European Regulators for Electronic Communications (BEREC), the European Data Protection Supervisor (EDPS) and European Data Protection Board, the European Competition Network (ECN), the Consumer Protection Cooperation Network (CPC Network), and the European Regulatory Group of Audiovisual Media Regulators (ERGA). Under Article 2 of the Commission Decision, the High-Level Group will provide the Commission upon its request, with advice and expertise in the areas falling within the competences of its members, including (a) advice and recommendations on any general matter of implementation or enforcement of the DMA; (b) advice and expertise promoting a consistent regulatory approach across different regulatory instruments; (c) expertise in the context of market investigations into new services and new practices on the need to amend, add or remove rules in the DMA, in order to ensure that digital markets across the EU are contestable and fair; and (d) expertise on the current and potential interactions between the DMA and the sector-specific rules applied by the national authorities composing the High-Level Group, and submitting an annual report to the Commission presenting such assessment and identifying potential trans-regulatory issues.

Finally, the Commission Decision sets out specific rules on the operation of the High-Level Group, including the establishment of sub-groups, the invitation of experts, and rules of procedure. Notably, the High-Level Group will be chaired by the European Commission’s Directors-General of the Directorate-General for Communications Networks, Content and Technology, and the Directorate-General for Competition.

Commission Decision on setting up the High-Level Group for the Digital Markets Act, C(2023) 1833 final, 23 March 2023

https://competition-policy.ec.europa.eu/system/files/2023-03/High_Level_Group_on_the_DMA_0.pdf

