

## PRESS RELEASE

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### **The Belgian Competition Authority is endowed with the necessary powers to contribute to the application of the Digital Market Act (DMA) in support of the European Commission**

Following the entry into force of a statute adopted on 29 March 2024 (published in the official journal of 3 May 2024), the Belgian Competition Authority ("BCA") is endowed with the powers to contribute to the application of Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector ("Digital Market Act" or "DMA").

The DMA imposes a series of obligations on companies designated as "gatekeepers" to "Core Platform Services" (CPS), such as, for example, online search engines, app stores or online intermediation services. These are large systemic online platforms with a significant and sustainable market position.

At this stage, the following companies have been designated as gatekeepers: Alphabet (Google, Chrome, Android, Youtube), Amazon (Marketplace, Ads), Apple (iOS, iPadOS, Safari), ByteDance (Tiktok), Meta (Facebook, Messenger, Marketplace, WhatsApp, Instagram), Microsoft (Windows, LinkedIn) and Booking (Booking.com).

Under the DMA, gatekeepers must comply with a set of rules designed to ensure that the markets on which they provide their CPS remain contestable. For example, gatekeepers may not treat their own services more favourably than similar third-party services, prohibit their users from interacting with third-party services outside their platform, or use the data they collect from their customers for targeted advertising without their consent. Gatekeepers must also ensure that their services are interoperable with competing services.

The European Commission is responsible for implementing and monitoring compliance with the DMA. It alone designates gatekeepers, qualifies services as CPS, and decides on possible non-compliance with the obligations set out in the DMA. National competition authorities, including the BCA, can however assist the European Commission by, among others, receiving complaints and investigating non-compliance with the DMA obligations.

The new provisions introduced in the Belgian Code of Economic Law (CEL) allow the Prosecutor General of the BCA **to receive any relevant information and to open an investigation** into non-compliance with the obligations imposed by the DMA. The results of the investigation are due to be then communicated to the European Commission for further consideration and possible action.

The Prosecutor General of the BCA is also empowered to ask the European Commission **to open a market investigation in order to detect cases of non-compliance** with the DMA. The Prosecution General may further request a market investigation if there is reason to suspect that an undertaking should be designated as a gatekeeper or that a service should be considered a CPS.

The new provisions also ensure the effective cooperation and coordination between the BCA and the European Commission. For example, the BCA must inform the European Commission of any investigation launched under national competition law against a gatekeeper or any measure it intends to impose on a gatekeeper. The BCA can also assist the European Commission in its investigations and in the implementation of its decisions taken under the DMA. Finally, the BCA and the European Commission are allowed to exchange any information, including confidential information, for the purposes of applying the DMA.

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)