

Press Release

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BEREC's Opinion on the Digital Markets Act: Key proposals for a swift, effective and future-proof regulatory intervention on digital gatekeepers

The Body of European Regulators for Electronic Communications (BEREC) published its [Opinion on the Commission's \(EC\) proposal for a Digital Markets Act \(DMA\)](#) and a [draft report on the ex ante regulation of digital gatekeepers](#).

BEREC strongly supports the EC's ambition and advocates making it a reality, ensuring that competition and innovation are encouraged, that end-users' interests are protected and that the digital environment is open and competitive. And *ex ante* regulation is the relevant way to do it.

In the light of its two-decade experience in *ex ante* regulation, BEREC is putting forward key proposals for the DMA's enforcement.

For any regulatory intervention to truly reach its objectives, appropriate regulatory measures and enforcement are key. In this line, BEREC puts forward a number of key proposals for a swift, effective and future-proof regulatory intervention aiming to:

- Create a framework to build **sound knowledge and detailed understanding** of the business models and technicalities of the sector(s),
- Ensure a **constant regulatory dialogue and repeated interactions with all types of relevant stakeholders**,
- Include – along with the directly-applicable obligations – **remedies to be tailored on a case-by-case basis**, for highly-technical, detailed and more intrusive measures,
- **Set up a dispute resolution mechanism** to minimise negative effects on competition and innovation,
- **Avoid overlaps with existing regulatory frameworks** on issues regarding number-independent interpersonal communication services, and
- **Establish an Advisory Board of National Independent Authorities to support the EU competent authority** in the effective enforcement of the regulation.

The BEREC Chair Michel Van Bellinghen (BIPT, Belgium) says **"BEREC's two-decade experience on the application of *ex ante* regulation taught us one thing: regulators are like doctors. To be good, they must listen, adapt and monitor over time. Regulatory intervention is swift only if well-designed and effectively enforceable."**

The proposals are built upon BEREC's 2020 work, a model for an *ex ante* intervention, as a response to the Digital Service Act Package and the New Competition Tool public consultations by the EC.

Call for inputs on BEREC's draft report

A draft report on the *ex ante* regulation of digital gatekeepers elaborates current BEREC's proposals in further detail. As of 16 March and until 4 May 2021, this report is [open to public consultation](#) to gather stakeholders' inputs. BEREC encourages all types of stakeholders, including civil society, consumers and citizens, to provide their views on the BEREC's proposals.

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