



1 July 2024

AGCM - Competition and Market Authority  
Piazza G. Verdi, 6/A  
00198 Roma, Italy

**Re: Public consultation on the draft text of the DMA Regulation scheme**

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological leaps – we appreciate the opportunity to share this response to the Draft “Regulation on the forms of collaboration and cooperation envisaged for the implementation of the Digital Markets Act” (National Implementing Regulation).

**Laws at the national level implementing the DMA should strictly be in line with the DMA**

National laws implementing the DMA should strictly align with the DMA’s objectives to ensure a harmonized regulatory framework across the European Union. This alignment is crucial for maintaining consistent standards and preventing disparities in enforcement that could undermine the DMA’s objectives.<sup>1</sup>

First, national implementations should faithfully incorporate the DMA’s provisions, including respecting the exclusive jurisdiction of the European Commission in enforcing the DMA. This will minimize potential parallel enforcement against the same conduct, which may lead to conflicting or contradictory remedies for the same platform service and exacerbate the divergence the DMA is designed to prevent.

While the DMA does allow for a national competent authority to conduct an investigation into a case of possible non-compliance with Articles 5, 6 and 7 of the DMA, it also provides that the opening of proceedings by the Commission forecloses this possibility.<sup>2</sup>

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<sup>1</sup> “By approximating diverging national laws, it is possible to eliminate obstacles to the freedom to provide and receive services, including retail services, within the internal market. A targeted set of harmonised legal obligations should therefore be established at Union level ... Fragmentation of the internal market can only effectively be averted if Member States are prevented from applying national rules which are within the scope of and pursue the same objectives as this Regulation.” Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), recitals 8-9.

<sup>2</sup> Digital Markets Act, Article 38(7).

It is not clear from the draft of National Implementing Regulation that this mechanism has been included.

We encourage the AGCM to ensure that where cases and platform conduct issues are being investigated by the European Commission, the National Implementing Regulation makes clear that any concurrent AGCM investigation into the same matter is closed and that the AGCM ceases all further independent investigatory steps and allows the European Commission to complete its responsibilities as sole enforcer of the DMA.

Sincerely,

A handwritten signature in black ink, reading "Kayvan Hazemi-Jebelli". The signature is written in a cursive, flowing style.

Kayvan Hazemi-Jebelli  
Senior Director, Europe