Dear Ms Juhansone,

Please find attached the position paper of the German Bar Association with regard to the Proposal of the European Commission for an EU Digital Markets Act COM(2020) 842.

The German Bar Association ("DAV") is happy to share its position on the Proposal for a Regulation of the European Parliament and of the Council on Contestable and Fair Markets in the Digital Sector (Digital Markets Act, "DMA").

The DAV welcomes the creation of an EU-wide framework for digital markets. A uniform set of rules across the EU can contribute more effectively to legal certainty than national regulations.

The draft DMA, however, has been designed as a completely new instrument of market regulation. This raises a number of fundamental questions. In the following, we first of all comment on the basic conceptual approach of the DMA, including the relationship to antitrust law (I.). We then comment on specific aspects of the DMA itself, i.e. the designation of the norm addressees ("Gatekeepers"), the scope of Gatekeeper obligations and the question of justification of a specific market behaviour by a Gatekeeper (II.). Finally, we comment on certain procedural aspects (III.) and the judicial review (IV.)

For further details, I refer to the attached Position Paper.

Kind regards

[Signature]

in Vertretung der Büroleiterin/in Representation of the Head of Department

Deutscher Anwaltverein

German Bar Association

Internationales, Europa und Menschenrechte

International and EU Affairs, Human Rights

[Signature]

in Vertretung der Büroleiterin/in Representation of the Head of Department

Abteilungsleiterin/Head of Department: [Signature]