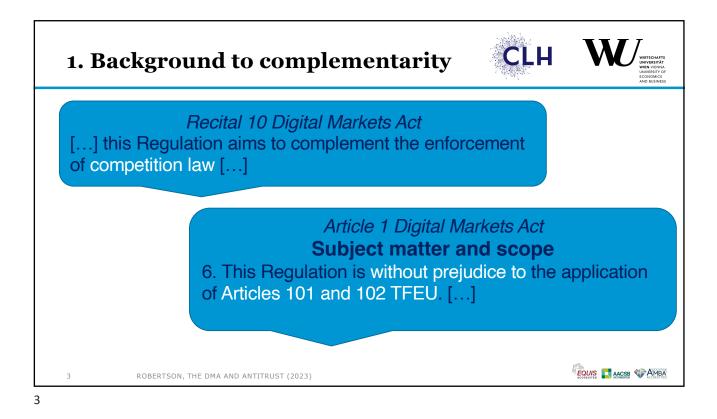


2

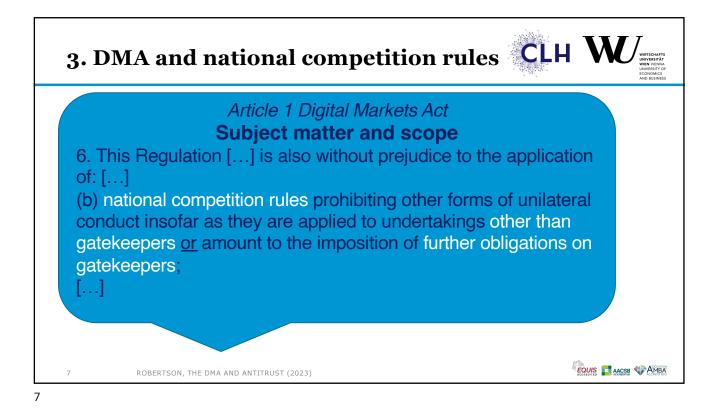


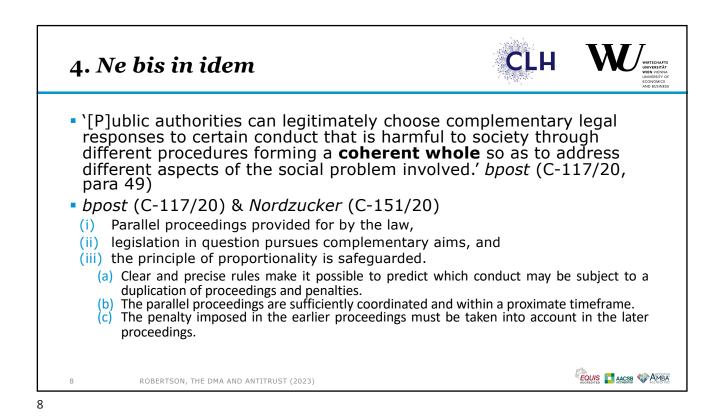




2. DMA and EU antitrust rules	
Articles 101 and 102 TFEU	DMA
<ul> <li>✓ Competition law → consumer welfare</li> </ul>	➢ Regulation → contestability and fairness (Art 114 TFEU)
<ul> <li>✓ Direct application by COM, NCAs and national courts</li> </ul>	<ul> <li>Application after gatekeeper designation, by COM</li> </ul>
✓ Objective justification	No objective justification
✓ Market effects	Application irrespective of effects
✓ Ex post	➤ Ex ante
✓ Inherent flexibility	Catalogue of obligations
<ul> <li>Market definition, dominance</li> </ul>	CPS, gatekeeper position
<ul> <li>✓ Private enforcement → Directive 2014/104/EU</li> </ul>	National rules for private enforcement required

## 6





		CLH The Competition Law Hub
VIENNA UNIVERSITY OF	Competition Law and Digitalization Group Welthandelsplatz 1, 1020 Vienna, Austria UNIVPROF. MAG. DR. VIKTORIA H.S.E. ROBERTSON, MJUR (OXON) T +43-1-313 36-6630 viktoria.robertson@wu.ac.at www.complawhub.eu V @VRobCompLaw	<image/>
9	ROBERTSON, THE DMA AND ANTITRUST (2023)	Remarks prepared for the meeting of the