

Evening Lecture: Prof. Giorgio Monti “The Digital Markets Act – a games changer?”

On Wednesday, 09 June 2021, the fourth Evening Lecture of the spring semester 2021 took place online. Giorgio Monti, Professor of Competition Law at Tilburg Law School and part-time professor at the Robert Schuman Centre for Advanced Studies of the European University Institute, gave his second lecture in this seminar series.

In his presentation, Professor Monti reviewed the European Commission's proposal for a Digital Markets Act (DMA). Monti began his presentation with a brief overview of this polarizing proposal by presenting the main advantages and disadvantages of such ex ante regulatory instrument in a neutral manner. In addition, Professor Monti enumerated possible reasons why the European Commission proposed this regulation at this particular moment in time. In the triangle between third-party resellers, platform providers and consumers, the DMA aims for a just distributive between the parties involved. It does so by applying the (undefined) concepts of fairness and contestability to the digital marketplace. Furthermore, Professor Monti argued that the DMA should be interpreted in light of a so-called "responsive regulation". According to this idea, regulation should always start with a dialogue between stakeholders and fines should be imposed as late as possible, they should be imposed in a differentiated manner and only for systematic non-compliance. That way, the majority of antitrust regulation through the DMA would take place during the first phase of proceedings (i.e., the dialogue phase). This also allows for remedies better adapted to companies' business models. A deterrence-based interpretation of the DMA, on the other hand, is based on the wrong premise that undertakings do not want to comply with the law. This approach has shown moderate effectiveness.



This was followed by an animated discussion with the participants, in which Professor Monti addressed questions and comments. (Johannes Giacomuzzi)