

Dear Member of the European Parliament,

We are writing to you on behalf of ITI - the Information Technology Industry Council - in view of the upcoming vote on the Digital Markets Act (DMA), during the December plenary session. ITI is the global association of the tech industry, representing 80 of the world's most innovative companies from technology, hardware, software, services, and related industries. We strongly support **free and undistorted competition** as key to promoting innovation and consumer welfare. Our business community is committed to addressing challenges arising from digitalisation, in the EU and globally.

We applaud MEPs for their dedication to this important file. With this vote, the European Parliament will be ready to enter trialogues with the Council. Before the Parliament with this vote moves into the trialogues discussions with the Council and European Commission, ITI would like to offer the present recommendations.

Because of ITI's very diverse membership we recognize the many equities at stake in this debate, and the need for action to preserve competitive markets for all. Focusing on preserving **key procedural and substantive protections** for all in the DMA, and ensuring transparent and non-discriminatory treatment of companies globally, is key.

There is rightly meaningful discussion on the **scope of the DMA**. In order to ensure the new framework is well-functioning and effective, the scope needs to be clear and limited in scope to those core platform services that are genuinely acting as gateways - with a focus on the type of service. Services that are not a necessary intermediary for business users to reach end users should be excluded.

As it moves away from the current competition framework - that is perceived as long and complex - the DMA is proposing a number of approximations and presumptions to achieve easier enforcement. In doing so, it is important that we do not oversimplify and overlook important nuances that sometimes require a closer look at each situation. The legislators should ensure they achieve the DMA's goal of streamlining proceedings while retaining accurate and balanced rules.

In this context, one of the first key challenges to be addressed is how the DMA obligations should apply individually to the variety of platform services covered, which differ significantly in their business model and unique features. ITI strongly believes **the "regulatory dialogue" should be a necessary step** that increases legal certainty, allowing the Commission and all the businesses concerned the opportunity to further specify and tailor the substantive obligations to the service concerned, in a proportionate and timely fashion. The DMA should contain a more detailed structure for this process.

Finally, when looking at the enforcement architecture, the objective of avoiding a patchwork of different rules and obligations within the Single Market is particularly important. While ITI believes there are valid reasons for national competition authorities to be involved in the process, given the essentially pan-European nature of the situations covered by the DMA, the final decision should always rest with the European Commission to guarantee consistency across the European single market.

We remain at your disposal should you wish to discuss further on any of the above issues.

Sincerely Yours

Guido Lobrano