



### **THE DMA (DIGITAL MARKETS ACT) BETWEEN COMPETITION LAW AND THE PROTECTION OF PERSONAL DATA**

Digital markets present very peculiar characteristics, which have determined a strongly oligopolistic structure of the market. This structure has produced several harmful consequences, both on the functioning of the market and on the development of new businesses and new products.

In this context, many competition regulators have studied the best ways to apply antitrust rules to digital markets. However, at the moment, the attempts have not produced the desired effects. The application of competition rules in this specific market sector is, in fact, particularly complex, because the same concepts developed by the doctrine and jurisprudence of product price, voluntary concertation between operators, definition of the relevant market, are extremely difficult to identify.

In this context, the approach now attempted by the European Commission, which is trying to introduce specific *ex ante* regulation of online platforms, gives hope for a partial solution to the problem, provided that the proposal is applied jointly to antitrust legislation and to that aimed at protecting personal data.

This approach would allow, on the other hand, to disseminate the necessary knowledge and would end up laying the foundations for the creation of an effective European digital market.