



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 2

STRATEGIC MARKET STATUS

Procedure

PROSPECTIVE

17 Existing obligations

- (1) Where the CMA decides, as a result of a further SMS investigation, to revoke a designated undertaking's designation in respect of a relevant digital activity, the CMA may make transitional, transitory or saving provision in respect of any existing obligation.
- (2) Provision may be made in reliance on subsection (1) only for the purpose of managing the impact of the revocation—
 - (a) on any person who benefited from the existing obligation, and
 - (b) in a way that appears to the CMA to be fair and reasonable.
- (3) In Chapters 6 (investigatory powers and compliance reports) and 7 (enforcement and appeals), references to a “designated undertaking” are to be read as including an undertaking to which an existing obligation applies by virtue of provision made in reliance on subsection (1).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 17. (See end of Document for details)

- (4) Subsection (5) applies where the CMA decides, as a result of a further SMS investigation, to—
- (a) designate an undertaking again in respect of a relevant digital activity, or
 - (b) designate an undertaking in respect of a different digital activity in reliance on [section 10\(4\)](#).
- (5) Where this subsection applies, the CMA may—
- (a) apply any existing obligation, with or without modification, to the designated undertaking in respect of the new designation;
 - (b) make transitional, transitory or saving provision in respect of any existing obligation.
- (6) For the purposes of this section, an “existing obligation” is any—
- (a) conduct requirement (see [section 19](#)),
 - (b) enforcement order (see [section 31](#)),
 - (c) commitment (see sections [36](#) and [56](#));
 - (d) final offer order (see section [41\(2\)](#)), or
 - (e) pro-competition order (see [section 46\(3\)\(a\)](#)),
- that is in force in relation to a designated undertaking in respect of the relevant digital activity before the revocation mentioned in subsection (1) or, as the case may be, the designation mentioned in [subsection \(4\)](#).
- (7) Provision made in reliance on this section is to be included in an SMS decision notice.

Commencement Information

II S. 17 not in force at Royal Assent, see [s. 339\(1\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 17.