



# Digital Markets, Competition and Consumers Act 2024

## 2024 CHAPTER 13

### PART 1

#### DIGITAL MARKETS

### CHAPTER 3

#### CONDUCT REQUIREMENTS

##### *Imposition of conduct requirements*

#### **19 Power to impose conduct requirements**

- (1) The CMA may impose one or more conduct requirements on a designated undertaking by giving the undertaking a notice containing the information set out in section 21.
- (2) The CMA may vary a conduct requirement imposed on a designated undertaking by giving the undertaking a revised version of that notice.
- (3) “Conduct requirements” are requirements as to how the designated undertaking must conduct itself in relation to a relevant digital activity, and references in this Part to imposing conduct requirements include references to varying conduct requirements in reliance on [subsection \(2\)](#).
- (4) As soon as reasonably practicable after giving a notice under [subsection \(1\)](#) or [\(2\)](#), the CMA must publish the notice.
- (5) The CMA may only impose a conduct requirement or a combination of conduct requirements on a designated undertaking if it considers that it would be proportionate to do so for the purposes of one or more of the following objectives—
  - (a) the fair dealing objective,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the open choices objective, and
  - (c) the trust and transparency objective,having regard to what the conduct requirement or combination of conduct requirements is intended to achieve.
- (6) The fair dealing objective is that users or potential users of the relevant digital activity are—
  - (a) treated fairly, and
  - (b) able to interact, whether directly or indirectly, with the undertaking on reasonable terms.
- (7) The open choices objective is that users or potential users of the relevant digital activity are able to choose freely and easily between the services or digital content provided by the undertaking and services or digital content provided by other undertakings.
- (8) The trust and transparency objective is that users or potential users of the relevant digital activity have the information they require to enable them to—
  - (a) understand the services or digital content provided by the undertaking through the relevant digital activity, including the terms on which they are provided, and
  - (b) make properly informed decisions about whether and how they interact with the undertaking in respect of the relevant digital activity.
- (9) A conduct requirement must be of a permitted type (see section 20).
- (10) Before imposing a conduct requirement or a combination of conduct requirements on a designated undertaking, the CMA must have regard in particular to the benefits for consumers that the CMA considers would likely result (directly or indirectly) from the conduct requirement or combination of conduct requirements.
- (11) A conduct requirement—
  - (a) comes into force at a time determined by the CMA, and
  - (b) ceases to have effect—
    - (i) in accordance with a decision of the CMA to revoke the requirement (see section 22), or
    - (ii) subject to provision made in reliance on section 17 (existing obligations), when the designation to which the requirement relates ceases to have effect.