



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 2

STRATEGIC MARKET STATUS

Procedure

15 Notice requirements: decisions about whether to designate

- (1) Where the CMA decides as a result of an initial SMS investigation not to designate the undertaking to which the investigation relates as having SMS in respect of a digital activity to which the investigation relates, the SMS decision notice must include the CMA's reasons for its decision.
- (2) [Subsections \(3\) to \(6\)](#) apply where the CMA decides to designate an undertaking as having SMS in respect of a digital activity (whether or not that undertaking is already a designated undertaking).
- (3) The SMS decision notice must include—
 - (a) a description of the designated undertaking,
 - (b) a description of the digital activity with respect to which the designation has effect,
 - (c) any provision that the CMA has decided to make in reliance on [section 17](#) (existing obligations),
 - (d) the CMA's reasons for its decisions under [section 14\(1\)](#),

Status: This is the original version (as it was originally enacted).

- (e) a statement of the period (the “designation period”) for which the designation has effect (see section 18),
 - (f) a statement of the circumstances in which the designation period may be extended (see section 104), and
 - (g) a statement of the circumstances in which the designation may be revoked before the end of the designation period (see sections 10 and 14(1)(b)).
- (4) The CMA may give one or more revised versions of an SMS decision notice if it changes its view of—
- (a) the undertaking, or
 - (b) the digital activity,
- provided that the undertaking or digital activity, as the case may be, remains substantially the same.
- (5) The giving of a revised SMS decision notice providing for the designation of an undertaking does not affect—
- (a) the day on which the designation period in relation to that designation begins, or
 - (b) anything done under this Part in relation to that undertaking.
- (6) As soon as reasonably practicable after giving a revised SMS decision notice, the CMA must publish the revised notice.