



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 2

STRATEGIC MARKET STATUS

Power to designate undertaking as having SMS

PROSPECTIVE

2 Designation of undertaking

- (1) The CMA may designate an undertaking as having strategic market status (“SMS”) in respect of a digital activity carried out by the undertaking where the CMA considers that—
 - (a) the digital activity is linked to the United Kingdom (see [section 4](#)), and
 - (b) the undertaking meets the SMS conditions in respect of the digital activity.
- (2) The SMS conditions are that the undertaking has—
 - (a) substantial and entrenched market power (see [section 5](#)), and
 - (b) a position of strategic significance (see [section 6](#)),in respect of the digital activity.
- (3) Subsection (1) is subject to [section 7](#) (the turnover condition).

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 2. (See end of Document for details)

(4) The CMA may only designate an undertaking as having SMS in respect of a digital activity after carrying out an SMS investigation in accordance with this Chapter.

Commencement Information

II S. 2 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 2.