

# Interplay between the New Competition Tool and Sector-Specific Regulation in the EU

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# 1. Relationship ‘broad NCT’ and Sector-specific regulation

- **Systemic:** scope of the New Competition Tool
  - **Complementarity** between **EU economic regulation** regimes: from general to specific rules
  - **NCT** should apply **horizontally** to close the gaps of competition law and sector regulation
- **Substantive:** methodologies
  - Based on **economic analysis**, with fundamentals in hard law

# Relationship 'broad NCT' and Sector-specific regulation

- **Institutional**

- Close transversal cooperation between Commission and the National Regulatory Authorities

Phase of NCT proceeding	Cooperation Commission - NRAs
1. Initiation	NRA reference in proven case of regulatory gap
2. Information gathering	Exchange of confidential information
3. Identification of Structural Competition Problem	Opinion of NRA or EU-level network
4. Remedy design	Opinion of NRA or EU-level network
5. Remedy implementation	- If NRA can act (hence no gap), recommendation to NRA - If NRA cannot act, NCT remedy fills regulatory gap
6. Remedy monitoring	Possible delegation to NRA

- **Concurrent application** NCT and sector regulation, unless incompatibility

- Diffuse conflicts with common methodologies and cooperation
- Primacy of NCT

## 2. Relationship 'narrow NCT' and DMA regulation

- **Digital Markets Act Pillars**
  - For **Large Gatekeepers platforms**
    - Prohibitions and obligations to guarantee competitive and fair conducts
    - Tailored made remedies to ensure market contestability
  - For **digital markets**: structural risks to competition: tipping
    - Market Investigation
- **Opportunities**
  - From the unknown to the known
- **Risks**
  - Too much: tailored made + Market Investigation
  - Too hybrid: different objectives, approach, institutions
  - Too quick

### 3. Take-way

- An **broad NCT can be integrated into EU economic regulation**
  - Based on common economic methodologies
  - And close cooperation between Commission and NRAs
- A **narrow NCT in the Digital Markets Act** presents some opportunities but many risks