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COMMISSION STAFF WORKING DOCUMENT
Accompanying the document

Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee

on the Review of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), in accordance with Article 53 thereof

{COM(2026) 178 final}

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Glossary

Abbreviation or acronym	Meaning or definition
ADSM	Alternative dispute settlement mechanism
AI	Artificial Intelligence
API(s)	Application programming interface(s)
AWS	Amazon Web Services
CPS(s)	Core platform service(s)
DMA	Digital Markets Act
DMAC	Digital Markets Advisory Committee
DSA	Digital Services Act
ECN	European Competition Network
EDPB	European Data Protection Board
EDPS	European Data Protection Supervisor
FRAND	Fair, reasonable, and non-discriminatory
GDPR	General Data Protection Regulation
HLG	High-Level Group
NCA	National competition authority
NIICS	Number-independent interpersonal communications services
OSNS	Online social networking services
P2B	Platform-to-Business Regulation

1. INTRODUCTION

1.1. Context

Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector (the 'Digital Markets Act' or 'DMA') was adopted to address unfair practices and limited contestability in markets in the digital sectors. Digital markets have become increasingly important in the internal markets as they are key to enable businesses to reach customers and vice versa. Digital markets have characteristics that platform providers can exploit for their own benefit, such as strong network effects, economies of scale and scope, data-driven advantages, and high barriers to entry. These characteristics and observed market outcomes mean the impact assessment accompanying the DMA identified risks of unfair practices, market tipping and durable gatekeeper power that could not be sufficiently mitigated through *ex post* enforcement alone.

Against this background, the DMA introduced a novel *ex ante* regulatory framework for a limited number of very large digital platforms designated as gatekeepers. This framework was based on qualitative criteria and quantitative presumptions that apply irrespective of a company's place of establishment.

Its overarching objective is to ensure contestable and fair digital markets by imposing a set of clearly defined obligations on designated providers of core platform services ('CPSs'). These obligations cover a range of requirements related (among other things) to: data access and portability; interoperability; alternative distribution channels; transparency in advertising services; restrictions on self-preferencing; bundling and tying; and conditions for fair, reasonable and non-discriminatory ('FRAND') access.

The DMA entered into force on 1 November 2022. The initial designation decisions adopted in September 2023 marked the starting point of the regulatory system established by the DMA. The obligations laid down in Articles 5, 6 and 7 became applicable to these designated gatekeepers in March 2024. The Commission has since continued to use its powers under Article 3 DMA, including through additional designations and ongoing investigations, progressively refining the set of designated gatekeepers and the CPSs covered. At the time of the review there are seven designated gatekeepers providing 23 core platform services across multiple categories, including online search engines, social networking services, operating systems, app stores, and online advertising services. This review therefore takes place in a regulatory environment that is still operational and evolving.

The DMA complements the application of competition law at the European and national level. It also forms part of a broader and evolving EU digital regulatory framework, alongside instruments such as the Digital Services Act ('DSA'), the Platform-to-Business Regulation ('P2B'), the General Data Protection Regulation ('GDPR'), the Data Act, the Artificial Intelligence Act, applicable consumer protection rules. These EU instruments pursue complementary objectives, ranging from platform accountability and transparency to data access and fundamental rights protection. In some instances, the DMA has aspects in common with regulatory approaches that are being explored or implemented in non-EU jurisdictions to address structural fairness and contestability challenges in digital markets.

The DMA contributes to the EU's competitiveness, innovation and technological sovereignty objectives by addressing structural bottlenecks in CPSs that may hinder market entry and scaling. By promoting contestable and fair digital markets, it complements efforts to close Europe's scale-up gap in line with the EU Startup and Scale-up Strategy[1]. It facilitates competition through obligations on interoperability, data portability, access to business user data, etc. and through restrictions on self-preferencing. Alongside complementary instruments like Regulation (EU) 2023/2854 (Data Act), EU support for open-source ecosystems and the activities of the European Institute of Innovation and Technology (EIT), it forms part of a coherent policy framework aimed at strengthening Europe's innovation capacity and reducing strategic dependencies.

1.2. Scope of the first review of the DMA

Under Article 53 of the DMA, the Commission must review and assess the DMA and report its findings to the European Parliament, the Council and the European Economic and Social Committee every three years, with the first review report due by 3 May 2026.

In line with the requirements of Article 53, the review focuses on the following four main aspects:

- whether the DMA's aim of ensuring contestable and fair markets has been achieved;
- the DMA's impact on business users (especially SMEs) and end users;
- whether the scope of the DMA's Article 7 (on interoperability) may be extended to online social networking services; and
- whether it is required to modify rules, including regarding the list of CPSs, the obligations laid down in Articles 5, 6 and 7 DMA and their enforcement.

It should be noted that the substantive obligations set out in Articles 5 to 7 of the DMA became fully applicable to the first designated gatekeepers as of 7 March 2024. This review of the DMA therefore reflects experiences based on just over two years of active implementation and enforcement of these rules.

1.3. Methodology

The Staff Working Document is based on a wide range of inputs and on a combination of qualitative and quantitative sources, which includes:

- data collected from gatekeepers and third parties in the context of the Commission's continuous monitoring of the gatekeepers' compliance with the DMA obligations;
- information and data contained in the compliance reports that gatekeepers submit every year to demonstrate their effective compliance with the DMA's obligations;
- the substantiated contributions from a wide range of stakeholders in reply to the Commission's public consultation and call for evidence covering all areas of the

[1] European Commission, *An EU Startup and Scaleup Strategy*, COM(2022) 795 final.

DMA and the additional consultation on AI – see the summary in the Appendix of the Staff Working Document;

- inputs from Member States and from the EU regulatory bodies that compose the High-Level Group for the DMA;
- reports and studies produced on the DMA by a wide range of third parties and academics; and
- the Commission's study on the specific topic of extending Article 7 DMA to online social networks.

The Staff Working Document sets out the Commission's findings based on its analysis of all input it has gathered. It includes non-confidential data from the Commission's ongoing compliance monitoring and summaries of public consultation feedback. It sets out the Commission's findings on the impact that can be observed meaningfully so far. To the extent that there is sufficient insight, it also sets out areas for improvements and simplification and proposed targeted actions. These findings consider that it is still early stages for DMA implementation and some impacts are not yet fully observable.

The Commission will reassess the appropriate methodology for the next review exercise in 2029.

1.4. Structure of the document

The structure of this Staff Working Document mirrors the DMA's objectives and regulatory architecture, as follows:

- Section 2 assesses the DMA's contribution to more contestable and fair digital markets, across the main areas where the DMA's obligations promote these objectives;
- Section 3 examines reporting requirements under the DMA;
- Section 4 assesses the scope of application of the DMA, including in relation to cloud computing services and AI;
- Section 5 reviews the DMA's tools and procedures for designation, enforcement, compliance monitoring, stakeholder involvement and cooperation with Member States and other regulators;
- Sections 6 and 7 address the potential extension of Article 7 and the need for possible rule changes; and
- Section 8 summarises the main findings of the review.

2. ASSESSMENT OF THE DMA'S CONTRIBUTIONS TOWARD MORE CONTESTABLE AND FAIR DIGITAL MARKETS

This section assesses the extent to which DMA enforcement has contributed to achieving its objectives of contestability and fairness in digital markets. The section examines, across key obligation areas, how the application of the DMA is rebalancing market dynamics between gatekeepers, business users and end users. The analysis draws on early enforcement experience and observed market responses, while acknowledging that the impact of enforcement is still unfolding.

Respondents to the consultations highlighted that the DMA and the related enforcement by the Commission helped open new opportunities, improved uptake of some non-gatekeeper-owned services, and addressed misleading or intimidating consent screens and user interfaces. However, some respondents also noted that at present the DMA is not being enforced completely or effectively, firmly or fast enough, which raised concerns over gatekeepers' malicious and/or formalistic compliance tactics and dark patterns. Many respondents called for more and stronger DMA enforcement to achieve the objectives of fairness and contestability of digital markets. This feedback is addressed in the following sub-sections.

2.1. Giving users back control over their data

User agency and giving users back control over their data is a central objective of the DMA. The obligations under Articles 5(2), 6(2), 6(9) and 6(10) of the DMA seek to rebalance power between gatekeepers, end users and business users by addressing three structural problems frequently encountered in the digital economy:

1. gatekeepers' excessive accumulation and combination of personal data;
2. gatekeepers' enclosure of data in 'walled gardens' that lock users and businesses in; and
3. gatekeepers' unfair exploitation of data generated by dependent business users.

The data-related obligations collectively aim to ensure that:

- end users can meaningfully decide how their data is used;
- end users and business users can move and reuse data to switch between services;
- end users can multi-home;
- business users can innovate;
- gatekeepers cannot leverage privileged access to non-public data to decrease contestability and raise barriers to entry.

In this way the DMA promotes fairer competition, greater contestability and innovation, and tangible benefits for end users in the form of more choice, better services and improved privacy outcomes.

Respondents to the consultations broadly support these data-related objectives, noting that important progress has been made since the application of the DMA. Some respondents point to remaining challenges in implementation and call for: clearer guidance on the scope of the DMA and how it interacts with existing data protection law; more neutral and user-friendly consent and portability interfaces; and stronger and more consistent enforcement to address

dark patterns, legal uncertainty, and uneven effectiveness across gatekeepers' compliance solutions.

2.1.1. Giving users more control over personal data – Article 5(2) of the DMA

Article 5(2) of the DMA primarily prohibits gatekeepers from combining or cross-using personal data between any designated CPS and a first- or third-party (core platform) service, unless the end user consents to this combination or cross-use. It also requires users to give their consent for ad personalisation or to be signed into other services to combine data. It applies to all designated gatekeepers, and its purpose is two-fold: (i) ensuring that end users can effectively choose to use an alternative service that uses less of their personal data and (ii) limiting gatekeepers' accumulation of personal data.

Designated gatekeepers have introduced consent screens that enable end user choice. These screens are continuously assessed and discussed during regulatory dialogue with the Commission. For instance, Alphabet introduced consent screens that enable users to choose whether to allow the combination and cross-use of personal data across designated CPSs and non-designated services. Similarly, ByteDance introduced a consent screen for personalised ads, and Microsoft gives end users the choice to use a less personalised version of LinkedIn if they do not consent to the combination and cross-use of their personal data between LinkedIn and other services.

Other gatekeepers, such as Booking.com and Apple, have not introduced consent screens, as they consider that they do not have any data flows that come under the scope of Article 5(2) of the DMA for which they do not already ask for consent.

The Commission found Meta's 'Consent or Pay' advertising model to be non-compliant with Article 5(2) of the DMA in its decision of 24 April 2025, which Meta appealed. In parallel, Meta introduced a new compliance solution (the 'less-personalised ads' alternative) which enables users to have a less personalised but equivalent version of Facebook and Instagram that uses less of their personal data for advertising purposes.

Following the issuance of the non-compliance decision of April 2025, the Commission and Meta engaged in close dialogue about the less-personalised ads alternative proposed by Meta. The Commission acknowledged Meta's undertaking to offer users in the EU an alternative choice for Facebook and Instagram services that would show them less personalised ads. As of the end of January 2026, Meta has presented end users with a new choice, in addition to its paid 'no-ads-option': users can now opt to either share all their data and see fully personalised advertising or opt to share less personal data for an experience with more limited personalised advertising. Once this new ad model is fully implemented, the Commission will seek feedback and evidence from Meta and other relevant stakeholders on its impact and uptake.

The consent screens have generally given end users some choice about the use of their data. The Commission has been tracking how end users react to consent screens, including when users accept or refuse to consent and the proportion of deferrals when this option exists. The Commission observed that a large portion of end users make use of their option not to have their data combined and refuse to grant consent in line with Article 5(2) of the DMA. For some gatekeepers, more than 45% of end users withhold this consent. For some of these

consent scenarios, the refusal rates go up to 90%. The Commission considers that Article 5(2) of the DMA does not require any target threshold of *how* users *exercise* their choice. The focus of the Commission's implementation work is to offer users a real and unbiased choice between agreeing to have their data combined and using an alternative service that does not rely on such data combination.

In this context, the Commission notes that the structure and design of consent screens can significantly affect the choices end users make. This was a key focus of the Commission's non-compliance investigation into Meta's implementation of Article 5(2) of the DMA, where the Commission found that the binary options for users to consent to data combination or pay a subscription for a service are not compliant with the DMA's requirement to give users a specific choice. The Commission will continue to actively monitor and assess consent screens, including their design, to ensure that they provide a neutral choice to users. This will include relying on behavioural evidence about user engagement with the choices offered.

While Article 5(2) of the DMA was not a key area of feedback in the targeted consultation, some respondents advocated for clearer guidance and better coordination with other EU laws to reduce legal uncertainties. Similarly, some respondents called for stronger enforcement of this provision, in particular to address misleading or intimidating consent screens to ensure effective compliance.

The Commission and the European Data Protection Board ('EDPB') are working on the joint guidance on the interplay between DMA, including Article 5(2) of the DMA specifically, and the GDPR (see Section 5.2.4) to ensure the coherent application of the applicable regulatory frameworks. The Commission will continue to assess on an ongoing basis how the consent requirement of Article 5(2) of the DMA applies to new separate services that are launched by gatekeepers including any relevant AI services.

2.1.2. Data access and portability - Articles 6(9) and (10) of the DMA

Articles 6(9) and (10) of the DMA aim to enable end users to port their data and business users to access their data effectively, free of charge, and in real-time from all CPSs of designated gatekeepers. As such, these provisions aim to (i) facilitate switching and multi-homing, and (ii) contribute to enabling broader innovation in the market, by breaking the data 'walled gardens' held by gatekeepers and by increasing access to those data by other actors. Furthermore, users can authorise third parties to port or access their data, which reduces barriers to data access and enhances the contestability of digital markets.

Designated gatekeepers have rolled out compliance solutions for both end users and business users. For end user data portability (Article 6(9) of the DMA), gatekeepers have rolled out new application programming interfaces ('APIs') and enhanced existing APIs (many of which started as solutions developed to comply with Article 20 of the GDPR).

These APIs enable end users to (i) download/transfer their data (e.g. social media posts/likes on Facebook, Instagram, TikTok; purchase history on Amazon; search history on Google Search) and (ii) authorise other platforms/companies to access their data to offer innovative services, allowing for more and free choice for end users. As a result of the ongoing

regulatory dialogue with the Commission, gatekeepers have made improvements to their initial compliance solutions to address key points of market feedback[2].

Moreover, as part of their compliance, Apple and Alphabet are developing a **device portability solution** to allow end users to easily move their data from their iPhone to an Android device and vice versa[3]. This solution will significantly improve the options currently available to users for switching, as it will support many data categories (e.g. messages, photos, passwords, third-party app data) and make the switching experience simpler, faster, and more reliable.

The device portability solution will significantly benefit: (i) end users, who will be able to freely choose a new device without worrying about losing data; (ii) app developers, who will be able to retain users when they switch to a new device; and (iii) device manufacturers, including third-party Android original equipment manufacturers, which will be able to attract users by offering them innovative devices without the obstacle of data lock-in. The beta version of the device portability solution was rolled out in December 2025 on both Android and iOS, with the full rollout to users expected in 2026.

Furthermore, Apple has recently released a new solution for its iOS and iPadOS operating systems which allows users to import data from Safari into any browser that is installed on the device. This means that users can now switch to another browser without losing their data such as history, bookmarks, passwords, credit card, extensions etc.

For business users data access (Article 6(10) of the DMA), all gatekeepers are making more data available that stems from business users' use of the gatekeepers' platforms and engagement of their users on these platforms, via APIs[4]. For instance, Amazon launched a dedicated help page, guiding business users to the location on how to access business user data using its new 'Selling Partner API'. This makes it easier for these sellers to retrieve the data (such as their sales) they generated on Amazon, to increase their credit score for instance. Similarly, ByteDance provides business users with engagement data (such as likes, views, shares) of the end users who have directly interacted with their content.

The impact of gatekeepers' compliance solutions is already tangible. With regard to Article 6(9) of the DMA, thousands of end users are taking advantage of the data portability solutions across the different gatekeeper platforms to download their data, and around 40 third parties authorised by end users have successfully integrated with the gatekeepers' APIs,

[2] Examples: **Alphabet** has improved its data portability solutions and now allows third parties to request forward-looking access to data, meaning that they can make a single request to receive data in the future on a daily/weekly/monthly basis. Alphabet also released an update to its data portability API which enables, among other things, control over the time period for which historic data is requested. **Meta** consolidated two tools (Download Your Information, DYI; Transfer Your Information, TYI) into a single API, namely Export Your Information ('EYI'). Meta also now enables recurrent transfers which allow end users to choose the destination, frequency (daily, monthly, yearly) and duration (for one year and up to three years) of data transfers. Meta also increased transparency towards its portability tools by rolling out a developer onboarding portal with documentation to ease integration with Meta's Portability APIs.

[3] https://www.theverge.com/2024/3/7/24093355/apple-digital-markets-act-compliance-android-switch-eu, https://www.ad-hoc-news.de/boerse/news/ueberblick/ios-updates-bringen-android-transfer-und-eu-features/68498750.

[4] Accessible at https://digital-markets-act.ec.europa.eu/questions-and-answers/resources-businesses_en.

to port data (e.g. DataPods, Gener8, Hoda, Smart Data Donation Service). One interesting example is Fabric (onfabric.io), which offers end users a simple way to port their data, transform them into meaningful context, and selectively share them with other apps, services, and AI agents to help those services know and understand the user better[5].

Furthermore, as part of the data portability solution rolled out to end users in October 2025, it is now possible to transfer eSIMs between iPhones and Android phones, worldwide[6]. Deutsche Telekom is the first EU operator to support this[7], with more operators expected to join soon.

With regard to Article 6(10) of the DMA, business users are able to access data stemming from their use of the gatekeepers' platforms and engagement of their end users on these platforms free of charge[8]. A large number of business users use these improved data access mechanisms each month. For example, Apple has created over 50 new reports, which it makes available through the App Store Connect API, to help developers analyse their app performance and find opportunities for improvement with more metrics in areas like engagement in the App Store and app usage (crashes, active devices, installs, etc.). Apple has added 29 new data fields relating to the App Store alone, which amounts to an 8% increase and covers key areas such as refunds, review and transactions.

Beyond the uptake by end users and business users, the targeted consultation also showed broad support for the gatekeeper's data portability solutions. Several respondents called for clearer guidance and more effective mechanisms for data portability for both business users and end users. Some contributions asked for compliance solutions incorporating more effective user choice design to enable users to make informed choices while mitigating the risk of bias and expanding the scope of beneficiaries of the data portability solutions.

The Commission will continue to work on creating the right conditions for a direct and constructive dialogue and feedback loop between gatekeepers and users of their data portability solutions. It will also continue to engage with gatekeepers and potential beneficiaries to ensure effective data portability solutions that can facilitate user switching and enable innovative services. Furthermore, the Commission will actively monitor relevant developments such as how platforms evolve and gather more diverse data in the future (e.g. through the integration of AI).

In addition, the Commission expects that the joint guidelines on the interplay between the DMA and the GDPR[9], planned for publication in 2026, will help clarify compliance with the DMA data portability obligations, help prevent gatekeepers from using fallacious privacy and security arguments as a means to avoid effective compliance, and facilitate user-friendly flows to enable business users with legitimate use cases to access the data they need.

[5] https://www.youtube.com/watch?v=qyYT-O9lxTU&t=1840s.
[6] https://www.macrumors.com/how-to/transfer-esim-from-android-to-iphone/.
[7] https://www.telekom.com/de/medien/medieninformationen/detail/esim-transfer-1097066.
[8] For instance, Amazon's data portability solution is made available outside of the EU at a fee.
[9] https://www.edpb.europa.eu/our-work-tools/documents/public-consultations/2025/joint-guidelines-interplay-between-digital_en.

Lastly, the Commission intends to step up its efforts to raise awareness about the opportunities that the data portability obligations give to end users and business users. A new page on its website centralises useful links and resources for potential beneficiaries wanting to explore the potential of the gatekeepers' data portability solutions[10]. The Commission has also attended several start-up events where it presented on and raised awareness about the new data portability solutions[11].

2.1.3. Data silos of business user data – Article 6(2) of the DMA

Article 6(2) of the DMA prohibits gatekeepers from using any data of their business users, that is not publicly available, in competition with those business users. The aim of this obligation is to establish the level playing field in the markets in which gatekeepers are active and to allow market participants to compete on the merits. Consequently, consumers should benefit from better choices, lower prices and innovative products. Moreover, business users should have more confidence in selling online, as they are protected from practices that exploit their data for the benefit of gatekeepers' platforms. Article 6(2) of the DMA is applicable to all gatekeepers and all of their CPSs.

Gatekeepers' efforts to comply with Article 6(2) of the DMA typically consist of: reinforcing existing data-access policies; implementing technical access control mechanisms; introducing mandatory employee training to ensure awareness of data handling responsibilities and compliance risks; establishing procedures for monitoring data flows such as regular reviews, tracking metrics, and internal audits to ensure ongoing compliance.

Gatekeepers have shared data with the Commission which confirm that they have put safeguards in place and that they dedicate resources to ensuring that these safeguards are effective. For example, one gatekeeper reports that it has put in place a system for data-access requests aimed in part at ensuring that these requests are compliant with Article 6(2) of the DMA. This gatekeeper further reports that its legal team inspects a random sample of data-access requests every week to ensure that the system is effective.

For obligations such as Article 6(2) of the DMA, it is important to consider that the DMA can rectify unfair practices through gatekeeper's internal changes that may not be visible to users. It may also prevent gatekeepers from adopting new unfair practices. Gatekeepers are required to internalise compliance in their business decisions through company policies and staff trainings. For instance, gatekeepers may revisit their past practices or they may refrain from developing new instances where they use business user data in competition with these business users in light of the explicit prohibition contained in Article 6(2) of the DMA. In fact, the Commission has already received evidence that gatekeepers have refrained from engaging in problematic behaviours because of the Commission's scrutiny.

In the context of the targeted consultation on the DMA review and comments related to Article 6(2) of the DMA, respondents mostly called for strengthening and expanding enforcement. More specifically, several respondents stressed that compliance with

[10] https://digital-markets-act.ec.europa.eu/questions-and-answers/resources-businesses_en.

[11] Participation at conferences include, for instance, Web Summit 2025 (Lisbon), FOSDEM 2025 and 2026 (Brussels), and DEF CON 2025 (Las Vegas).

Article 6(2) of the DMA could contribute to fairer and contestable cloud markets given the large amount of data that cloud operators can collect and potentially use in competition with business users. Others emphasised that Article 6(2) of the DMA should cover situations in which business user data is potentially used for improving gatekeepers' AI services.

The Commission has been closely monitoring gatekeepers' compliance with Article 6(2) of the DMA and is engaging in regulatory dialogues to encourage them to improve, where relevant, their compliance solutions. Moving forward, the Commission will continue to evaluate the various systems in place and seek to identify best practices to strengthen safeguards across different gatekeeper platforms. The Commission also encourages feedback from stakeholders on potential issues of non-compliance with Article 6(2) of the DMA and is committed to conducting thorough assessments using all tools at its disposal.

On cloud computing services, the Commission notes that Article 6(2) of the DMA will be fully applicable to any gatekeepers designated for this CPS (see Section 4.1 below). It may also apply to the provision of AI services if gatekeepers rely on non-public data of business users to compete with them for the provision of these services.

2.2. Opening-up ecosystems

Gatekeepers' ecosystems have long been shaped by their structural advantages, which limited (i) contestability; (ii) choices for users; and (iii) scale-up opportunities for businesses with new or innovative ideas[12]. Gatekeepers have been able to steer user behaviour and raise barriers to entry or expansion for competing and innovative providers through practices such as default settings favouring their own services, tying and bundling ancillary functionalities, lack of interoperability with non-gatekeeper devices and services, and tight control over app distribution channels. These dynamics reduced incentives for innovation, constrained the ability of smaller or emerging businesses to scale up, and narrowed the range of meaningful choices available to consumers[13].

The DMA seeks to address these structural features by introducing a coherent set of obligations designed to open up gatekeepers' ecosystems and rebalance competitive conditions.

- Article 6(3) and (4) of the DMA empower end users and developers by enabling choice and easy default switching, and by removing barriers to alternative app distribution channels.
- Article 5(4), (7), and (8) of the DMA prohibit gatekeepers from:
    - penalising developers who want to steer users to better offers or services;
    - tying certain services;

[12] Commission Staff Working Document Impact Assessment Report Accompanying the document for a Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act) {COM(2020) 842 final} - {SEC(2020) 437 final} - {SWD(2020) 364 final}, Part 1, para.5, paras. 14 – 16.

[13] Commission Staff Working Document Impact Assessment Report Accompanying the document for a Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act) {COM(2020) 842 final} - {SEC(2020) 437 final} - {SWD(2020) 364 final}, Part 1, paras 44, 81 – 84.

- forcing end users to subscribe to further gatekeeper CPSs to benefit from one CPS.

- Article 6(7) and Article 7 of the DMA ensure interoperability with gatekeepers' operating systems, devices, and number-independent interpersonal communication services.

Collectively these provisions aim to allow alternative providers to compete on a more level playing field, empower users with a wider variety of choices, and support innovation. These objectives have also resonated with businesses and consumer bodies within the EU and beyond, as the consultation indicated that businesses established outside the EU likewise expect to benefit from more open and contestable gatekeeper ecosystems when offering services in the EU.

2.2.1. Defaults, choice screens, and uninstallation – Article 6(3) of the DMA

Article 6(3) of the DMA is designed to give end users the freedom to choose which services they want to use on their devices. Before the DMA, gatekeepers' practices often steered users toward their own products and services. Behavioural biases discourage users from switching to alternative services (such as a different browser or search engine), particularly where certain software products come pre-installed on consumers' devices[14]. To tackle this, Article 6(3) of the DMA requires gatekeepers to allow end users to easily uninstall non-essential apps and to easily change default settings, including by presenting choice screens so users can choose between alternative providers of search engines, virtual assistants, and web browsers, when these platforms are designated as CPSs under the DMA.

This obligation concerns Apple[15], Alphabet[16], and Microsoft[17] and it applies to their designated operating system, web browser or search engine services. They have taken steps to comply with Article 6(3) of the DMA by increasing users' default choice possibilities. For example, Apple and Alphabet rolled out choice screens with randomised lists of alternative providers for browsers and search engines. Apple also allowed users to uninstall more apps and created centralised menus where users can choose their preferred defaults while Microsoft increased the number of un-installable apps and pinned the default browser to the bar so that it is easier for end users to access.

In terms of enforcement so far, the Commission was concerned that Apple's initial compliance measures, including the design of the web browser choice screen, might have been preventing users from truly exercising their choice of services within the Apple ecosystem.

[14] Commission staff working document impact assessment report accompanying the document 'Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act)' {COM(2020) 842 final} - {SEC(2020) 437 final} - {SWD(2020) 364 final}, Brussels, 15.12.2020 SWD(2020) 363 final PART 1, para. 81.

[15] The following Apple CPSs are designated that are subject to Article 6(3) obligation: two operating systems iOS and iPad OS and web browser Safari.

[16] The following Alphabet CPSs are designated that are subject to Article 6(3) obligation: operating system Android, web browser Chrome and online search engine Google Search.

[17] The following Microsoft's CPS is designated that is subject to Article 6(3) obligation: operating system Windows.

To this end, the Commission opened a non-compliance investigation on 25 March 2024[18]. The Commission and Apple engaged in a constructive dialogue, as a result of which Apple made changes to increase user choices in the iOS/iPadOS ecosystem by eliminating unnecessary user friction and facilitating a smoother experience. Therefore, the Commission decided to close its investigation into Apple's user choice obligations under the DMA[19]. The implemented changes were acknowledged as a significant improvement by the European Consumer Organisation (BEUC), among others[20].

Article 6(3) of the DMA compliance solutions are already benefiting smaller companies. Alternative providers, such as web browsers Aloha[21], Opera[22], and Vivaldi[23], are gaining new users and increasing traffic on their services. Notably, Aloha reported a 250% surge in new users, while Firefox saw its daily active users double on iOS in Germany and France[24].

As part of the Commission's ongoing commitment to ensure improvement in end users' choice possibilities, the Commission actively collects feedback to eliminate bias and improve user experience. The Commission is closely monitoring the rollout of solutions to ensure that choice is available on all Android devices.

As users are empowered to explore alternative service providers, the Commission will continue monitoring the switching patterns between gatekeeper services and alternative service providers. Moreover, the Commission is closely monitoring the emergence of new services and the ways in which end users adapt their browsing and searching behaviours, in particular in light of new browsers and AI chatbots with an online search engine component.

These developments inherently affect how the impact of Article 6(3) of the DMA should be assessed and underline that DMA compliance is an iterative process, involving ongoing engagement between the Commission and gatekeepers to adapt compliance solutions to evolving technologies.

Feedback from the public consultations across various stakeholders underscored the importance of addressing default-settings bias. Some business users, SMEs and consumer organisations praised Article 6(3) of the DMA for its significant contribution to end user choice, stating that measures implemented to comply with Article 6(3) of the DMA are an important step in offering users more choice and visibility regarding alternative services.

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[18] https://ec.europa.eu/commission/presscorner/detail/en/ip_24_1689.

[19] '*this is a significant achievement compared to the pre-DMA period when users were pushed to use Safari, which came pre-installed and was set as the default choice. Previously, smaller competitors had no visibility and little chance of competing with the gatekeeper's browser. The DMA has ensured the choice screen is neutral and allows competitors to challenge Safari on fair and neutral grounds*.'; see: https://digital-markets-act.ec.europa.eu/commission-closes-investigation-apples-user-choice-obligations-and-issues-preliminary-findings-rules-2025-04-23_en.

[20] First bloom: increased consumer choice after eighteen months of the DMA, 5 November 2025, https://www.beuc.eu/reports/first-bloom-increased-consumer-choice-after-eighteen-months-dma.

[21] *Alternative browsers report uplift after EU's DMA choice screen mandate*, 10 April 2024, https://techcrunch.com/2024/04/10/eu-dma-browser-choice-screen-early-impact/.

[22] *Opera saw 164% growth in the inflow of new EU users on iOS after the DMA-enforced ballot screen*, 18 March 2024, https://press.opera.com/2024/03/18/opera-jump-in-new-eu-users-after-ballot-screen/.

[23] *Alternative browsers report uplift after EU's DMA choice screen mandate*, 10 April 2024, https://techcrunch.com/2024/04/10/eu-dma-browser-choice-screen-early-impact/.

[24] *Browser choice? Here's how EU's DMA is helping make it real*, 6 March 2025, https://blog.mozilla.org/en/firefox/eu-digital-markets-act/.

A number of contributions from SMEs, trade associations and some Member States, among others, proposed expanding the DMA to ban gatekeepers from (i) setting their own applications as default and (ii) pre-installing of applications on the gatekeepers' operating systems unless those apps are essential for the functioning of devices or their operating systems. According to those respondents, gatekeepers can undermine the goal of Article 6(3) of the DMA through their control of default settings for browsers, operating systems, and app stores.

The Commission takes note of the proposal to expand the scope of Article 6(3) of the DMA. At this stage, the Commission considers that it is premature to take a position since the impact of Article 6(3) of the DMA is not yet fully observable. The Commission will therefore continue to closely monitor the impact of Article 6(3) of the DMA and the impact of the rolled-out choice screens in particular, and work on making this obligation – and complementary obligations such as Article 6(11) of the DMA (which seeks to strengthen the ability of alternative search engines to compete) – fully effective.

In the coming years, the Commission will reassess whether additional measures are required to achieve the objectives of Article 6(3) of the DMA to promote contestability of key digital services such as web browsers and online search engines.

2.2.2. Steering – Article 5(4) of the DMA

Pursuant to Article 5(4) of the DMA, a gatekeeper must allow business users to communicate and promote offers free of charge (including under different conditions) to end users acquired via its CPS or through other channels and to conclude contracts with those end users, regardless of whether they use the gatekeeper's CPSs for that purpose.

Until now, the focus of the Commission's enforcement work under Article 5(4) of the DMA has related to Alphabet's and Apple's own app stores (i.e. Google Play and the App Store) which also have gatekeeper designations under the DMA, (although the scope of this provision extends beyond app stores)[25].

In this context, Article 5(4) of the DMA aims to promote the uptake of alternative distribution channels and reduce app developers' reliance on Alphabet's and Apple's respective app stores to distribute their apps. This in turn should enable consumers to be informed about different offers and potentially subscribe to or purchase cheaper digital content outside the gatekeeper's app stores.

It follows from Article 5(4) that Alphabet and Apple should allow app developers that distribute their app(s) through these gatekeepers' app stores to steer end users to alternative offers, and to allow them to subsequently conclude contracts with those users (either within or outside the app). Alphabet or Apple may not charge any fee for this except, where applicable, the remuneration due to Alphabet or Apple for facilitating the initial acquisition by the app developer of the customer (i.e. for 'matchmaking').

[25] The Commission has also been, as for other obligations under the DMA, in dialogue with a number of gatekeepers in relation to their compliance measures as regards this obligation.

Up until 7 March 2024, app developers could not inform their customers inside their apps about better prices and offers outside of Alphabet's and Apple's app stores. Alphabet and Apple therefore had to make significant changes to their business models to comply with this provision. For example, Alphabet and Apple had to implement measures allowing app developers to promote offers within their apps and to show hyperlinks that take users out of the apps to their external sites to conclude contracts for those offers, which was something previously prohibited by both gatekeepers.

While Alphabet and Apple have made changes aimed at allowing users to be steered to alternative offers, the Commission obtained evidence indicating that both gatekeepers had clearly fallen short of their compliance obligations. As a result, the Commission opened formal non-compliance proceedings against Alphabet and Apple. Apple was found to be non-compliant on 23 April 2025.[26] Apple has appealed the Commission's non-compliance decision and, at the time of writing, Apple's action for annulment of the Commission decision is still pending.[27]

Both Alphabet and Apple are making further changes to their app store terms to comply with Article 5(4) of the DMA. Their revised compliance solutions were still under assessment at the time of writing of this document.

While Article 5(4) was not a key area of feedback in the public consultation, respondents acknowledged that this provision is useful to attain the objectives pursued by the DMA and called for its stricter enforcement. For instance, one trade association mentioned that the Commission's investigations against Alphabet and Apple demonstrate that the DMA can effectively restore market fairness. Another trade association called for robust enforcement to ensure that Alphabet and Apple do not circumvent this provision. Similarly, certain business users also encouraged the Commission to enforce this provision more strictly to ensure effective compliance. One civil society organisation also mentioned that when gatekeepers comply with this provision, consumers may well find they have both greater choice and cheaper deals in terms of app subscriptions or purchases[28]. A limited number of respondents also called on the Commission to extend the scope of Article 5(4) beyond app stores to cloud services and generative AI.

At this stage, the Commission's primary focus remains on ensuring that gatekeepers implement solutions that fully and effectively comply with the DMA, including any obligations set out in any non-compliance decisions issued under the DMA. Once these solutions are operational, the Commission will closely monitor their impact.

The Commission recognises that the impact of these solutions may take time to materialise. Business users may first need to adapt to the new steering opportunities created by the implementation of the provision and to develop or adjust their business models accordingly.

[26] Commission Implementing Decision C(2025) 2090 final of 23 April 2025 in Case DMA.100109 – *Apple – Online Intermediation Services – App Store – Article 5(4) of Regulation (EU) 2022/1925*.
[27] Case T-438/25, *Apple v Commission*, action brought on 7 July 2025, OJ C 2025/5215, 6.10.2025.
[28] Reply from BEUC to the Commission's Consultation on the review of the DMA (available for download online: https://www.beuc.eu/news/first-bloom-new-report-shows-increased-consumer-choice-after-eighteen-months-digital-markets).

End users may then require time to become familiar with a broader range of channels through which they can install apps or purchase and access digital content.

The Commission will continue to engage with the developer community to make sure solutions are effective and will be particularly attentive to any undue friction or new barriers that could hamper such effectiveness.

2.2.3. Interoperability with hardware and software features – Article 6(7) of the DMA

Article 6(7) requires gatekeepers who provide operating systems or virtual assistants to provide developers and businesses with free and effective interoperability with hardware and software features controlled by that operating system or virtual assistant. The goal of this requirement is to level the playing field for competitors of gatekeepers on complementary markets and to improve innovation on top of operating systems and virtual assistants. The increased competitive pressure should further incentivise gatekeepers to innovate themselves.

As part of their compliance with Article 6(7) of the DMA, all gatekeepers to whom Article 6(7) of the DMA applies, namely Apple, Alphabet, and Microsoft as providers of operating systems [29], have introduced a form and process for third parties to make interoperability requests. The number of interoperability requests received by gatekeepers varied. For instance, Apple received over 100 interoperability requests[30], while Alphabet received over 50[31].

Gatekeepers have introduced new interoperability solutions as a result of these interoperability requests or on their own account[32]. For instance, Apple developed a new 'Alarm' API that allows third-party apps to act as an alarm clock without having the phone (and the screen) on all night[33] and a new 'Critical Messages' API allowing third-party apps to send SMS messages in the background (e.g. in case of an emergency)[34].

In March 2025, the Commission also adopted **two specification decisions** in the context of Apple's compliance with Article 6(7) of the DMA[35], both of which Apple has appealed[36].

[29] Article 6(7) of the DMA currently applies to four operating system core platform services, namely Apple's iOS and iPadOS, Alphabet's Android, and Microsoft's Windows PC operating system.
[30] See non-confidential summary of Apple's DMA Compliance Report of 7 March 2026, Attachment 3 to Annex 15 to Section 2 – Article 6(7) KPI report, according to which Apple received 102 interoperability requests between 9 May 2025 and 31 December 2025.
[31] Alphabet's DMA Interoperability Request portal shows that Alphabet received 57 public interoperability requests as of 18 March 2026, see: http://issuetracker.google.com/issues?q=componentid:1520685%2B.
[32] Based on the respective compliance reports for 2026, Apple released interoperability solutions in response to 22 interoperability requests, Alphabet has not released any interoperability solution in response to interoperability requests, and Microsoft has released seven interoperability solutions. See non-confidential summary of Apple's DMA Compliance Report of 7 March 2026, Attachment 3 to Annex 15 to Section 2 – Article 6(7) KPI report, according to which Apple received 102 interoperability requests between 9 May 2025 and 31 December 2025. Source: Alphabet's DMA Interoperability Request portal, http://issuetracker.google.com/issues?q=componentid:1520685%2B accessed on 12 March 2026, and Microsoft's Compliance Report of 2026, Annex 10 on Windows PC, pages 112-126.
[33] https://developer.apple.com/documentation/AlarmKit.
[34] https://developer.apple.com/documentation/messages/critical-messaging-api.
[35] The specification proceedings were completed on 19 March 2025, see decisions C(2025) 3000 and C(2025) 3001 and the press release https://ec.europa.eu/commission/presscorner/detail/en/ip_25_816.

These decisions specify how Apple should run its request-based approach and give third parties access to features for connected devices. The decisions set out measures that Apple needs to implement, which were informed by third-party feedback received through two public consultations[37].

Following the decision for connected devices, Apple is required to make nine features interoperable. By December 2025, Apple has already enabled interoperability with several features[38], with more to come[39].

Through regulatory dialogue, Microsoft has removed some requirements for applications that access unique areas of the Windows user interface (such as the 'Windows Widgets Board' or 'Web search' in 'Windows Search') to be distributed through the 'Microsoft Store'. Furthermore, Microsoft has made the 'Copilot' hardware button interoperable for third-party services. Similarly, Apple continued its support for home screen web apps in line with Articles 6(7) and 5(7) of the DMA – this benefit was also highlighted by respondents of the consultations.

Interoperability was one of the topics where stakeholder views diverged most. On the one hand, many respondents hoped for more effective compliance with Article 6(7), as interoperability has helped create new opportunities for competitors and is critical for contestability and fairness. Particularly regarding interoperability with and between AI-based services, respondents considered Article 6(7) to be crucial to address negative impacts (e.g. user lock-in).

Similarly, civil society, SMEs, and business users widely supported the concept of interoperability by design, including broader cross-platform mandates and open standards, and advocated for strengthening and/or extending the interoperability obligations to communication services, AI-related technologies, and cloud services. However, several respondents also emphasised the need for clearer guidelines and clarification on the interpretation and scope of interoperability. The uncertainty is costly and requires SMEs to invest significant resources to invoke their interoperability rights.

On the other hand, gatekeepers and respondents affiliated with gatekeepers echoed the need for clearer, more targeted guidance to address legal uncertainties. They highlighted that interoperability has high compliance costs and can harm customers, stifle innovation, and raise security and privacy concerns. Furthermore, according to these respondents, Article 6(7) of the DMA has an excessive breadth, is disproportionate, and regulators overestimate the demand for interoperability.

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[36] Case T-354/25, *Apple and Apple Distribution International v Commission*, action brought on 30 May 2025, OJ C 2025/5212, 6 October 2025and Case T-359/25, *Apple and Apple Distribution International v Commission*, action brought on 30 May 2025, OJ C 2025/5213, 6 October 2025.

[37] The Commission received 63 and 51 contributions from third parties, end users and other interested third parties for the cases on connected devices and process, respectively.

[38] These features include proximity pairing, improved notifications, NFC Reader/Writer mode, and high-bandwidth peer-to-peer Wi-Fi connections.

[39] Over the course of 2026, Apple is required to make several features interoperable, including automatic Wi-Fi connection, automatic audio switching, background execution, close-range wireless file transfer, and media casting.

The Commission will continue to closely monitor gatekeepers' compliance with Article 6(7). The comments received during the public consultation show that effective compliance with the interoperability obligation is complex and, even though gatekeepers think otherwise, respondents confirmed the potential of the obligation to address contestability concerns, especially with regard to AI and cloud services.

In line with calls from stakeholders, as part of its market investigations into cloud computing services, the Commission is exploring the extent to which Article 6(7) of the DMA, among other articles, can address issues in cloud services (see Section 4.1).

Similarly, the Commission has opened new specification proceedings to facilitate Alphabet's effective compliance with Article 6(7) of the DMA. These proceedings focus on features used by Google's own AI services, such as Gemini. The Commission intends to specify how Google should grant third-party AI service providers equally effective access to the same features as those available to Google's own services[40].

2.2.4. Interoperability with NIICS – Article 7 of the DMA

The DMA is also concerned with the strong network effects that gatekeepers enjoy in the context of number-independent interpersonal communication services ('NIICS'). To strengthen market contestability for the provision of NIICS, Article 7 of the DMA requires gatekeepers to provide interoperability to other NIICS providers if they want it.

To facilitate the implementation of interoperability, gatekeepers must publish a reference offer laying down the technical details and general terms and conditions of interoperability with their NIICS. This allows other NIICS providers (including new entrants and startups) to assess the requirements and the conditions that they should meet to avail themselves of interoperability with gatekeepers' NIICS.

Any reference offer published by gatekeepers should also be updated according to the implementation stages laid down in Article 7(2) of the DMA. Firstly, gatekeepers must enable one-to-one messages. Secondly, gatekeepers must enable interoperability for group chats within two years of their designation. Thirdly, gatekeepers must enable interoperability for voice calls and video calls within four years of their designation.

As of today, only Meta has been designated as a gatekeeper for its WhatsApp and Facebook Messenger NIICS, for which it published reference offers in March 2024 and November 2024, respectively[41]. Although these reference offers initially covered only one-to-one messages, both were expanded in September 2025 to cover interoperability for group chats according to the stages set out in Article 7(2) of the DMA.

There has been some interest from third parties in exploring interoperating with WhatsApp and Facebook Messenger. This has resulted in the launch in November 2025 of two new NIICS in the EU, called BirdyChat and Haiket, which interoperate with WhatsApp. These startups aim to offer innovative features on top of basic messaging services: integration into a

[40] https://ec.europa.eu/commission/presscorner/detail/en/ip_26_202.

[41] The publication of the reference offer regarding Facebook Messenger was done following an extension to comply with Article 7 DMA granted by the Commission decision of 25 March 2024 (C(2024)1937 final).

productivity suite in BirdyChat's case, and voice-oriented messaging with simultaneous voice transcription in Haiket's case.

It is worth noting that various other existing NIICS providers have expressed interest in interoperability with WhatsApp and Messenger but they do not actually interoperate with Meta's NIICS yet.

The launch of two interoperable messaging services confirms that there is demand for interoperability. However, given the recency of these launches, it is still too soon to draw conclusions as to the impact of Article 7 of the DMA. It can also be expected that the recent expansion of the reference offer of WhatsApp and Facebook Messenger to group chats, and their future expansion to voice and videocalls in September 2027, will help make the interoperability offer more attractive for third parties over time.

The Commission continues to engage regularly with the gatekeeper and third parties to ensure that the latter can fully leverage the opportunities offered by Article 7 of the DMA. Furthermore, the Commission continues to monitor the interest expressed by other third parties and the take-up of interoperability by users. It has also evaluated whether to extend Article 7 to online social networking services (see Section 4.4 below).

2.2.5. Alternative distribution channels – Article 6(4) of the DMA

Article 6(4) of the DMA requires gatekeepers to allow and technically enable the installation and effective use of third-party apps or app stores using, or interoperating with, their operating systems, and to allow those apps or app stores to be accessed by means other than the gatekeepers' relevant CPSs. Gatekeepers must also not prevent third-party apps or app stores from prompting users to set their app or app store as default and allow such default-changing to take place easily. Gatekeepers are free to implement measures to protect security and integrity and ensure compliance with other laws to the extent that these measures are strictly necessary and proportionate.

Gatekeepers concerned by this obligation are Alphabet, for its Android operating system; Apple, for its iOS and iPadOS operating systems; and Microsoft, for its Windows operating system. Before the DMA, Apple's App Store was the only app store on iOS and iPadOS from which native apps could be downloaded.

To comply with its obligations under the DMA, Apple has, for the first time, loosened its control over its traditionally closed ecosystem by allowing the distribution of apps and app stores outside of the App Store on iOS and iPadOS. By contrast, Alphabet and Microsoft reported that, before to the application of Article 6(4), the distribution of apps on their designated operating systems outside their respective proprietary app stores was already possible. Microsoft indicated that it has made changes to facilitate the setting of default applications by end users. Alphabet indicated that it had made no changes to its policies. The Commission continues to engage with Alphabet and interested third parties to address any concerns related to these policies.

As a result of Article 6(4), several third-party app stores began distributing apps on iOS/iPadOS, including the Epic Games Store, Aptoide, AltStore PAL, mobivention, and Skich; several others have also expressed interest. The Commission regularly engages with

developers to monitor take-up of the opportunities under Article 6(4), including by requesting app store install counts and the number of native apps distributed through such app stores. Public data on end user take-up are difficult to obtain; however, feedback shows that the Epic Games Store added new apps to its catalogue across ecosystems every month in 2025, albeit with fewer new app releases on iOS than on Android. Further, AltStore recorded an overall increase in number of distinct apps installed through its store since the launch of its service.

The possibility of accessing apps outside the App Store on iOS and iPadOS has broadly been welcomed by developers. However, an assessment of the conditions imposed on developers wishing to distribute apps outside the App Store, supported by numerous complaints from third parties, underpinned the Commission's decision to open proceedings against Apple on 24 June 2024. The Commission's investigation seeks to assess whether the business terms and technical conditions attached to Apple's compliance solution comply with Article 6(4), the fees charged, the multi-step user journey for installing app stores and apps from the web, and the eligibility requirements imposed on developers. The Commission communicated to Apple preliminary findings of non-compliance on 23 April 2025. The Commission's investigation is ongoing.

Much of the feedback submitted by respondents to the targeted consultation and call for evidence confirmed that Article 6(4) of the DMA has begun to create opportunities for alternative app distribution. However, mirroring the complaints against Apple mentioned above, several respondents stated that the provision has not yet resulted in meaningful compliance in practice. In particular, they raised concerns regarding both Apple's and Alphabet's implementation. Developers highlighted problematic vetting processes, and technical and procedural frictions that may discourage user uptake. Several submissions called on the Commission to strengthen its enforcement, with some inviting the Commission to assess whether further specification or stricter obligations may be warranted.

Developers also highlighted that the Commission's enforcement work in the proceedings against Apple, where preliminary findings were sent on 23 April 2025, has already led to tangible improvements in Apple's compliance solution. In particular, one developer reported a reduction in the drop-off rate of end users attempting to install its app marketplace from 65% down to 25% following changes rolled out by Apple in the iOS 18.6 update in July 2025 - a positive development directly attributable to DMA enforcement action[42].

While Article 6(4) of the DMA has begun to open up alternative app distribution channels, it is still too early to consider amendments to the provision. As for Apple, the Commission's enforcement work and the ongoing proceedings continue to shape practical compliance, and the investigation has not yet been concluded. At the same time, the Commission continues to engage with Alphabet. The Commission therefore intends to continue focusing on unlocking more potential through compliance actions. The results of this work, alongside feedback from end and business users, will provide the basis for any future assessment of whether further specification or modified obligations are needed to achieve the full objectives of Article 6(4) of the DMA.

[42] Epic Games, 'Apple's Improved 6-Step Install Flow Proves Deceptive Design Undermines Competition', 1 October 2025, accessed on 2 February 2026: https://www.epicgames.com/site/en-US/news/apple-s-improved-6-step-install-flow-proves-that-scare-screens-and-deceptive-design-undermine-competition.

2.2.6. Ancillary services – Article 5(7) of the DMA

According to Article 5(7) of the DMA, gatekeepers should not impose the use of their own ancillary services - namely identification services, web browser engines, payment services, or payment systems for in-app purchases – on their business users and end users as part of the provision of services or products by those business users.

This obligation aims to dismantle gatekeepers' lock-in strategies. By allowing other providers to offer alternative ancillary services, this obligation promotes market entry and enhances competition on the merits and user freedom to opt for cost-effective alternatives. Ultimately, it aims to offer increased choice and quality for end users.

To comply with Article 5(7), Apple and Alphabet stopped contractually requiring the use of their own payment services – respectively IAP and Google Billing – in their app stores. Similarly, gatekeepers designated for their operating systems are no longer contractually requiring the use of their own web browser engines on those operating systems. In addition, Apple is no longer contractually requiring app developers to offer its 'Sign-in With Apple' service.

The impact of these changes is not yet fully visible. For example, while several app developers have expressed interest in offering users an alternative payment service, they report facing other obstacles – particularly unfit steering terms – that continue to prevent them from doing so. Similarly, a number of web browser engine providers have expressed interest in benefiting from Article 5(7) of the DMA but indicate that they are currently unable to do so due to technical and contractual barriers imposed by gatekeepers.

A small number of respondents to the targeted consultation on the DMA review mentioned Article 5(7) of the DMA specifically. Some of these respondents raised concerns that Article 5(7) of the DMA is not being effectively implemented in practice and called for stricter enforcement of this obligation, particularly for alternative in-app payment systems and web browser engines. Some respondents, including some public authorities, also called for the extension of the scope of the obligation to AI services, and virtual assistants in particular, to avoid their forced integration into other services.

The Commission has been in regular dialogues, including through meetings and requests for information, with the relevant gatekeepers with the aim of ensuring that the compliance solutions for Article 5(7) of the DMA are not limited to contractual changes but also effective in practice. The Commission encourages all relevant stakeholders to proactively engage with the Commission and to report any practices that may undermine the effective application of Article 5(7) of the DMA. Furthermore, the Commission will continue to assess and, where appropriate, address any obstacles – whether technical, contractual or behavioural – that could hinder the effective implementation of this obligation, with a view to ensuring that the objectives of contestability and fairness pursued by the DMA are fully achieved.

For example, the relevant stakeholders identified steering terms as an obstacle in implementing Article 5(7) of the DMA obligation in relation to payment services. The Commission already started investigating this issue as part of its non-compliance proceedings in relation to Alphabet's and Apple's steering terms (see Section 2.2.2 for more details on these investigations). Moreover, the Commission will continue its regulatory dialogue with

the relevant gatekeepers in relation to web browser engines and identification services, and if necessary, make use of its enforcement tools to ensure full compliance with this obligation.

2.2.7. Tying and bundling of CPSs – Article 5(8) of the DMA

According to Article 5(8), gatekeepers should not require business users, or customers of these business users, to subscribe to or register with any CPS other than the CPS provided by the gatekeeper, as a condition to access, sign up, or register for this CPS. Like Article 5(7) of the DMA, this obligation is designed to prevent gatekeepers using lock-in strategies, thereby limiting their ability to force users to register or subscribe to a second CPS. It restricts potential data accumulation advantages and lowers entry barriers for competitors. By requiring gatekeepers to compete based on the merits of individual services, this obligation encourages innovation, increases market entry opportunities, and offers business users and end users greater choice, potentially leading to lower costs and improved service quality.

All gatekeepers have stated in their compliance reports that they ensured compliance with Article 5(8) of the DMA across all their CPSs. For instance, Meta started offering users standalone versions of Facebook Messenger and Facebook Marketplace without a requirement to subscribe to, or register with, the Facebook social network.

Despite the positive statements and implementation of certain changes, based on the feedback received from various stakeholders, the Commission has been assessing and engaging with certain gatekeepers regarding potential instances of non-compliance. For example, following a regulatory dialogue between the Commission and Alphabet, Alphabet no longer requires users of Android, YouTube, and Google Play to subscribe to its number-independent interpersonal communications service (Gmail) as a condition to access these designated CPSs. As a result, users have an improved choice during the Android setup process, as they can now register with an existing non-Gmail email address. Alphabet is also in the process of enabling users without an email address to register using only their phone number, further reducing user dependency on Gmail.

Consumer associations responding to the targeted consultation on the DMA review welcomed this change. They propose going further by expanding Article 5(8) of the DMA to prohibit mandatory or automatic user account creation across gatekeeper services. As Alphabet's solution regarding Google Account requirements is still being rolled out, it is too early to assess its concrete impact. However, the Commission is closely monitoring market developments and collecting stakeholder feedback in this regard.

Several respondents to the targeted consultation on the DMA review mentioned that strategic tying and bundling practices of gatekeepers are among the main practices which undermine the DMA's objectives. These practices allow gatekeepers to lock in users into their ecosystems, reducing market access for third-party services, and thereby strengthening gatekeepers' market positions. For these reasons, several of them call for widening the scope of Article 5(8) of the DMA. In particular, they believe the obligation should apply to tying of all gatekeepers' services, not just CPSs.

For example, respondents have raised concerns about the harmful effects of tying and bundling gatekeepers' AI and cloud services to their CPSs. Some also consider that the scope

of the obligation should be expanded to capture all types of tying practices, not just the requirement of registration or subscription to another service.

In response to the feedback received during the targeted consultation, it is important to recall that introducing a general prohibition on tying was considered during the DMA impact assessment, but ultimately the legislators deliberately decided not to pursue it. Nevertheless, the Commission remains attentive to practices that may undermine contestability or fairness. To that end, in November 2025 it initiated a formal market investigation to assess whether the current DMA obligations sufficiently address practices in cloud services (including tying and bundling) that could hinder effective contestability and fairness. Further details on this market investigation are provided in Section 4.1. The Commission will continue to assess whether any changes are warranted based on its future assessment of the DMA's effectiveness in achieving its objectives and on market developments.

2.3. Fair online search

Online search engines are two-sided platforms that, on the one hand, allow users to perform searches across all websites for free, and on the other hand, allow businesses to be found by users via free and paid results. They serve as a crucial online channel connecting end users and business users including content creators. Search engines benefit from strong economies of scale, network effects and a data-driven advantage.

Online search engines can significantly affect the commercial success of business users, and therefore, unfair practices by a gatekeeper providing online search engine services can have a significant impact on a large number of business users and on a large number of end users.

Ensuring equal treatment and protecting against discriminatory practices are the essential prerequisites for achieving fair and contestable online search markets. In this context, the DMA aims to safeguard business users against unfair competition from gatekeepers' distinct services, and to provide other online search engine providers with more opportunities to develop alternative search engines. In the same vein, the DMA seeks to empower end users with more choice of online search engines and other services.

To achieve the objective of fairer and more contestable online search services, the DMA sets out three central provisions: Article 6(5), which prohibits the self-preferencing of gatekeepers' services, including within online search results; Article 6(11), whose objective is to grant competing online search engines access to search data from the gatekeeper; and Article 6(12), which obliges the gatekeeper to apply fair, reasonable, and non-discriminatory conditions of access for business users, including for access to its online search engine.

2.3.1. Self-preferencing – Article 6(5) of the DMA

Article 6(5) prohibits gatekeepers from treating themselves more favourably than third-party services in their service rankings and ensures fair conditions in ranking. This measure aims to curb gatekeepers' power from vertical integration, promoting merit-based competition and innovation. It enhances visibility for competing business users and ensures that end users benefit from more options and can exercise unbiased choices.

Notably, Article 6(5) applies to Alphabet's online search engine, Google Search. To comply with the DMA, Alphabet has made a series of changes to Google Search. For instance, it removed some of the links to its own services, such as Google Maps, Shopping and Flights on its search results page and provided additional opportunities for competing vertical search services, such as comparison-shopping services or travel search services, to increase visibility on its search results page.

Since the adoption of the DMA, many stakeholders have voiced concerns to the Commission regarding Alphabet's compliance with Article 6(5). Similar concerns have also been raised through the targeted consultation on the DMA review.

On the one hand, many vertical search service providers and trade associations have emphasised that Article 6(5) is not being enforced with sufficient rigour. In their view, enforcement must be accelerated and strengthened to prevent irreversible market damage. They have expressed concerns that the DMA's potential has not been fully achieved due to enforcement delays and Alphabet's efforts to circumvent compliance. Specifically, they have complained that Alphabet has adopted a strategy of delaying compliance by obscuring and complicating the design of the search engine result page, which has negatively impacted user experience and the viability of certain businesses that rely on Google Search to be found by end users.

A number of these respondents have stressed that Article 6(5) should fully apply to monetised units on the Google's search results page. They consider this an essential aspect of preventing Alphabet from circumventing compliance through the use of such units.

On the other hand, a number of trade associations representing suppliers, such as hotels, airlines, and merchants, have raised concerns about the legal uncertainty and unintended consequences of Article 6(5) enforcement with respect to Google Search. More specifically, they have complained that Alphabet's compliance solutions have had a negative impact on the suppliers' online visibility, putting them at a disadvantage compared to vertical search services, some of which are gatekeepers themselves.

These trade associations have argued that the solution implemented by Alphabet has led to reduced visibility for suppliers, particularly SMEs, and has increased their reliance on third-party platforms. This, in turn, has resulted in higher costs including for consumers. For example, one trade association has stressed that Alphabet's DMA compliance measures have negatively impacted the retail sector, causing a 40-50% loss in organic traffic for some retailers. Similarly, hospitality SMEs have reported 20-30% declines in web traffic or direct sales, while airlines have also reported significant impacts on traffic, conversions, and competitiveness due to changes in search engine results. These trade associations emphasise that all market participants should be treated transparently and fairly in search rankings, rather than simply shifting market power to other vertical search services.

In addition to concerns raised in relation to Alphabet's vertical search services, respondents have also commented on Alphabet giving preferential treatment to its other type of services on Google Search. For example, a European association of meteorological service providers has expressed concerns about Alphabet disadvantaging its members' weather information services in terms of ranking and in how they are presented in search results where they obtain

much less prominence compared with the prominence given to Alphabet's own weather service.

Moreover, several trade associations have expressed concerns regarding Alphabet's launch of AI Overviews and AI Mode on Google Search in the EU in late March and October 2025, respectively. They fear that these services and their integration into Google Search will further entrench Alphabet's gatekeeping position in online search. Specifically, some argue that AI Overviews and AI Mode are distinct from online search and are receiving preferential treatment on Google Search. Some associations have also raised concerns about AI Overviews reducing click-through rates to third-party content providers, which seems particularly problematic in the media sector. Respondents have argued that in addition to the reduced click-through rates, Alphabet does not provide any compensation for the use of third-party content in AI Overviews, which threatens media companies' business models, financial sustainability, and media pluralism, ultimately affecting people's access to diverse content. As a result, there are calls for enforcing Article 6(5) of the DMA with respect to Google's AI services, particularly AI Overviews, to address these concerns.

On 25 March 2024, despite the changes made to Google's search results page, the Commission opened a non-compliance investigation against Alphabet because of concerns that it is preferencing its own services over similar rival services in breach of the DMA. Following an in-depth investigation, which included a large-scale collection of stakeholder feedback, on 19 March 2025 the Commission sent preliminary findings to Alphabet for failing to comply with Article 6(5) of the DMA. More specifically, the Commission is of a preliminary view that certain features and functionalities of Google Search treat Alphabet's own services such as shopping, hotel booking, transport, or sports results, more favourably than rival services, and thereby Alphabet is failing to ensure the transparent, fair, and non-discriminatory treatment of third-party similar services as required by the DMA.

The issuance of preliminary findings does not prejudge the outcome of the Commission's investigation, which is still ongoing. If the Commission's preliminary views are ultimately confirmed, the Commission would adopt a non-compliance decision.

The Commission is also continuing its engagement with Alphabet to identify effective compliance solutions that would comply with Article 6(5) of the DMA, taking into account the varying stakeholder interests heard in the context of the open case and including the input received during the targeted consultation. Although it is Alphabet's responsibility to propose a compliance solution, the Commission is working toward an efficient and effective compliance solution that would benefit not just business users but also consumers, by presenting them with more options and unbiased choices based on relevance, rather than them being steered towards using Alphabet's own services. Moreover, such a solution would need to consider the interests of all participants in the market, including merchants, train operators, hotels, airlines, as well as vertical search services and content creators. The Commission has not endorsed any part of Alphabet's compliance solution for the time being and considers that there can be ways to ensure DMA compliance while preserving a good user experience.

Moreover, although the DMA does not address AI services specifically, when gatekeepers deploy AI tools within designated CPSs they must comply with existing DMA obligations including the prohibition of self-preferencing. It is the responsibility of Alphabet to ensure that the rollout of AI Overviews abide to such requirements. The Commission as part of its

regulatory dialogue is monitoring whether the deployment of AI Overviews in Google Search complies with the DMA including Article 6(5) of the DMA. Moreover, as announced in December 2025, some of the issues raised by the respondents to the DMA review public consultation in relation to the AI Overviews are already being scrutinised by the Commission under EU antitrust rules. This applies to the use of web publishers' content without appropriate compensation for that, and without the possibility for publishers to refuse without losing access to Google Search.

Several stakeholders have engaged in private litigation relating to Google Search and Article 6(5) of the DMA. For example, in October 2025 Liligo, a French metasearch platform for flights, hotels, and travel services, filed one of the first lawsuits in France under the DMA against Alphabet before the Tribunal des Activités Économiques de Paris. The action seeks the immediate cessation of Google's self-preferencing practices in search results and compensation for damages. To ensure a coherent enforcement of the DMA across the EU, Article 39(5) of the DMA provides that the rulings by the national courts must not run contrary to the Commission's decisions in DMA-related matters.

2.3.2. Access to click and query data – Article 6(11) of the DMA

Achieving the objective of fairer online searches requires creating the conditions for more contestability. This is because more contestable markets can limit the emergence of unfair practices and offer more choice, variety and innovations to businesses and end users. Online search services are characterised by extreme scale economies and strong network effects and the value of an online search engine exponentially increases the more end users and business users interacts on it.

The Article 6(11) obligation mandates gatekeepers that provide online search engines to provide access to click and query data to independent third parties providing online search engines. This to promote contestability among online search engines[43]. This is then expected to drive innovation and higher-quality services.

The only gatekeeper that has been designated in relation to its online search engine, so far, is Alphabet for its Google Search online search engine. To comply with Article 6(11), Alphabet offered third parties a licensing agreement for accessing Google Search data, the Google European Search Dataset Licensing Program (the 'dataset'). Despite interest from third-party online search engines, there has been no meaningful uptake of the dataset.

Since Alphabet's designation in September 2023, the Commission has been actively engaging with Alphabet regarding their compliance measures. The Commission has also actively interacted with potential beneficiaries of the search dataset. These exchanges provided valuable feedback on the compliance solution's current effectiveness. Third parties have indicated that Article 6(11) of the DMA holds greater potential, expressing interest in more extensive and useful licensing if key aspects of the dataset are improved. The main areas for improvement identified by third parties are: broadening of the scope of the dataset;

[43] Commission Staff Working Document Impact Assessment Report Annexes accompanying the document 'Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act)' {COM(2020) 842 final} - {SEC(2020) 437 final} - {SWD(2020) 364 final} Brussels, 15.12.2020 SWD(2020) 363 final PART 2/2, p. 57.

employing anonymisation method/s that do not substantially degrade the quality or usefulness of the data; applying fair, reasonable and non-discriminatory conditions of access, including pricing; and ensuring the eligibility of AI chatbots with online search engine component as beneficiaries.

Moreover, the Commission and the EDPB conducted a public consultation on draft guidelines on the interplay between the DMA and the GDPR[44]. One section of the joint guidelines addresses the Commission's understanding of the principles underpinning Article 6(11) of the DMA and is aimed at bringing clarity on the synergies and interactions between the DMA and the GDPR.

On 27 January 2025[45], the Commission started specification proceedings to assist Alphabet in complying with its Article 6(11) obligation. The ongoing specification proceedings will enable the Commission to provide guidance on how Alphabet must comply with its obligation under Article 6(11) to allow third-party online search engine providers to access Google Search's end user interaction data. The specification decision will provide clarity on the scope of the data, the anonymisation method(s), the fair, reasonable and non-discriminatory conditions of access, including pricing, and the eligibility of AI chatbots providing online search engine features as beneficiaries.

The Commission notes that Article 6(11) of the DMA aligns with the enforcement landscape in the US. As the US courts prepare to open up the search market in a similar way to Article 6(11) in the Google Search matter[46], the Commission actions support transatlantic alignment on the key objective to make online search more contestable.

The Commission will continue to closely monitor the fundamental changes in the provision of online search engine services, including the emergence of new ways to search the web. e.g. relying on AI, the shifts in the end-users searching activities, and the impact that these developments can have on Article 6(11) of the DMA.

2.3.3. Fair, reasonable, and non-discriminatory general conditions of access – Article 6(12) of the DMA

Article 6(12) benefits business users of app stores, search engines, and online social networks. It mandates that gatekeepers grant fair, reasonable and non-discriminatory ('FRAND') access to the CPSs in scope of the obligation. This ensures, for example, that a small developer has FRAND access to a gatekeeper's app store, that local news websites are discoverable through search engines, and that a musician's songs have a fair chance to reach followers on online social networks.

Article 6(12) has already produced tangible results. Since this obligation became applicable to designated gatekeepers on 7 March 2024, all seven CPSs currently covered by this

[44] https://digital-markets-act.ec.europa.eu/consultation-joint-guidelines-interplay-between-dma-and-gdpr_en.
[45] https://ec.europa.eu/commission/presscorner/detail/en/ip_26_202.
[46] US District Court for the District of Columbia, *United States of America et al. v. Google LLC*, 20-cv-3010 (APM) and *State of Colorado et al. v. Google LLC*, Case No 20-Cv-3715 (APM).

provision have changed their published general conditions of access[47], following regulatory dialogues with the Commission. All the gatekeepers concerned have also set up alternative dispute settlement mechanisms (ADSMs) so that business users have access to a speedy process to resolve their disputes with gatekeepers in relation to Article 6(12) of the DMA. In several cases, gatekeepers made adjustments to their ADSM as a result of the regulatory dialogue with the Commission. This concerned, for example, the requirements that the ADSM be easily accessible, impartial, independent and free of charge for the business user[48]. So far, business users have made only limited use of this possibility[49].

The contributions received from the public as well as from authorities do not call into question the premises of Article 6(12) of the DMA and, on the contrary, call for stronger enforcement of this provision. A number of private stakeholders called for more clarity on the Commission's interpretation of this obligation, notably in terms of applicability to the remuneration for the use of protected content on the respective platform[50]. All the gatekeepers concerned consider that questions of remuneration and licensing do not apply to them in the context of Article 6(12)[51]. which contrasts with expectations voiced by certain groups of business users of online search engines and online social networking services.

There were also calls to extend the scope of Article 6(12) of the DMA, with some respondents asking for it to be extended to all CPSs, while others wanted to see the inclusion of specific CPSs, such as operating systems[52], video-sharing platform services[53], or cloud computing services[54]. There were also calls to broaden the scope of the ADSM to other DMA obligations and to increase transparency around its use by business users[55].

The Commission has been in compliance discussions with all gatekeepers concerned by the obligation in Article 6(12) of the DMA. On 13 November 2025, the Commission opened a formal non-compliance investigation regarding Google Search's 'site reputation abuse policy'. The Commission is investigating whether the practice of demoting certain sub-domains of news publishers' websites in the list of results on Google Search may unfairly impact publishers' freedom to conduct legitimate business, innovate, and cooperate with third-party content providers.

The Commission has further been engaging with gatekeepers on the interpretation of the term 'business users' in the context of access to their respective online social networks,

[47] For example, the TikTok's Business Terms of Service (effective 25 July 2025) were amended to clarify that (1) the business user only has to bear the cost of its own lawyer, while the dispute settlement itself will be fully paid by TikTok, and (2) regardless of the alternative dispute settlement mechanism under Article 6(12) of the DMA, a business user always remains free to bring the matter before a court or any other authority, such as a national competition authority.
[48] See recital 62 of the DMA.
[49] This statement is based on the replies from the five gatekeepers concerned to a request for information by the Commission.
[50] For instance, Finnish Media Federation, Lovehoney Group, News Media Europe, SCiDA, Trainline.
[51] This statement is based on the replies from the five gatekeepers concerned to a request for information by the Commission.
[52] Coalition for App Fairness.
[53] Fair MusE.
[54] BEREC, Arcep.
[55] Fair MusE.

particularly when it comes to the use of copyright-protected music on those platforms and fair remuneration for rightsholders for the use of their music content on the platform.

In relation to calls from the public consultation to enlarge the scope of Article 6(12) of the DMA and use this obligation to regulate remuneration of content, the Commission takes note of these suggestions and will keep on monitoring market developments. The Commission will likewise monitor and reflect about how gatekeepers' compliance reports under Article 11 DMA could provide more insights into how business users actually use the ADSM.

At the same time, the Commission will, as part of the regulatory dialogue with gatekeepers, work towards increased transparency as regards the accessibility and use of ADSMs under Article 6(12) of the DMA by business users. The Commission will further monitor and reflect about whether there may be a case for extending the ADSM to other obligations in the DMA. In terms of further guidance on the Commission's interpretation of Article 6(12) of the DMA, the Commission, at this point, having just opened its first non-compliance investigation under Article 6(12) of the DMA, considers that any guidance would benefit from more experience with monitoring and enforcing this obligation.

2.4. Fair online marketplaces

Online marketplaces are online intermediation services that play a central role in the digital economy by enabling entrepreneurship, innovation, and cross-border trade within the single market. These services expand market access for businesses and boost consumer welfare by increasing choice, facilitating competitive pricing, and improving access to goods and services across the EU. They are increasingly relied upon by end users and business users.

Online marketplaces play an increasingly important role in e-commerce in the EU. E-commerce itself has become an integral part of how consumers make purchases online. 77% of EU internet users bought goods or services online in 2024[56]. 76% of consumers think that by 2030, shopping and selling products and services online will be among the most important digital technologies in Europe[57]. It is, therefore, of utmost importance for the Commission to monitor how services in this field develop and how gatekeepers are abiding by their DMA obligations to ensure contestability and fairness with respect to online marketplaces.

Online marketplaces are typically characterised by strong network effects, data-driven advantages, and high switching costs. Furthermore, providers of online marketplaces are often vertically integrated and themselves sell product and services in competition with third parties. These features tend to result in very concentrated structures and generate dependencies. These dependencies particularly pronounced for micro, small, and medium-sized enterprises ('SMEs') whose commercial success may hinge on access to and fair treatment by these marketplaces. Ensuring trust, transparency, and balanced commercial relationships between the marketplaces and business users is therefore a key policy objective.

[56] E-commerce statistics for individuals - Statistics Explained - Eurostat.

[57] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A comprehensive EU toolbox for safe and sustainable e-commerce, 5 February 2025 COM(2025) 37 final, p. 1.

Providers of online marketplaces can also engage in unfair practices that exploit the dependencies of third parties and the characteristics of these marketplaces. The types of unfair practices that are often observed by large online marketplace providers are: (i) imposition of parity conditions in relation to the sale of their business users' products or services; (ii) self-preferencing of their marketplaces' products or services, and (iii) benefiting from their dual role to use data generated or provided by their business users for their own services or products.

2.4.1. Parity conditions and measures of equivalent effect – Article 5(3) of the DMA

Article 5(3) seeks to ensure that business users of gatekeepers' online intermediation services can freely choose to use an alternative online intermediation service or choose to distribute their products or services via direct online sales channels, and differentiate the conditions (including price) under which they offer their products or services to end users. This promotes inter-platform contestability and enables business users to offer better retail prices or conditions on alternative channels that may provide better or cheaper services. As a consequence, business users have higher incentives to switch or multi-home across marketplaces potentially leading to lower prices for and better choice of marketplace services, ultimately benefiting consumers.

In this regard, designated gatekeepers have reported that their contractual terms and conditions already comply with Article 5(3) of the DMA or have otherwise taken steps to ensure compliance, such that business users are no longer contractually prevented from differentiating sales conditions on different sales channels. For example, for business users of its Booking.com online intermediation service, Booking Holdings waived the so-called 'most-favoured nation' clauses[58], which were in place before the DMA came into force. It also updated the terms and conditions for business users of Booking.com with EEA-specific terms and conditions to fully remove any reference to the maintenance of price or condition parity by business users on other sales channels.

The Commission also takes note of Amazon's efforts to review standard agreements, negotiated agreements, template agreements, or program policies related to the Amazon Store to identify possible parity clauses in them.

Beyond prohibiting explicit contractual requirements, Article 5(3) of the DMA also prevents gatekeepers from applying measures with equivalent effect to parity clauses, such as increased commission rates or de-listing of the offers of business users. Booking Holdings has reported deploying policies and controls to ensure that it does not maintain or introduce requirements that effectively prevent partners from offering better prices or conditions on other channels for inventory in the EEA.

The changes introduced by gatekeepers, with the removal of specific contractual parity clauses, are already enabling business users' freedom to choose their own pricing and

[58] 'Most favoured nation clause' - also known as a 'parity clause' - is a contractual agreement where, for example, an online intermediary (the platform) compels a third-party seller to provide terms that are at least as favourable as those offered on other sales channels.

distribution strategy across their sales channels. Nonetheless, some respondents to the targeted consultation sought more clarity on the scope of practices which may amount to 'measures with equivalent effect' and called for closer scrutiny of gatekeepers' commercial practices. Some respondents claim that beyond prohibiting parity clauses included in contractual terms there are other practices that may have the equivalent effect and lead to unfair outcomes and in general undermine the contestability of online marketplaces and other distribution channels. Specifically, a few hotel trade associations also indicated that while contractual parity provisions have been removed, business users still face challenges in differentiating prices due to similar measures and algorithmic penalties. Similarly, booksellers have complained that, due to the lack of transparency in Amazon's terms and conditions as well as its algorithms, it is unclear whether Amazon prevents users from offering better prices or commercial conditions on other platforms.

The Commission has been engaging and will continue to engage with relevant gatekeepers and affected stakeholders to better understand the various commercial practices that could raise concerns in terms of compliance with Article 5(3) of the DMA.

2.4.2. Self-preferencing – Article 6(5) of the DMA

Another typical unfair practice that has been observed in relation to online marketplaces is self-preferencing. This practice arises whenever a gatekeeper unduly benefits from its dual role as a provider of marketplace services to business users and simultaneously as a seller of products or services competing with those business users. In this dual role, a gatekeeper may give more prominence in ranking to its own products and services compared to those offered by other sellers present on the gatekeeper's marketplace. Article 6(5) of the DMA seeks to prevent such self-preferencing practices.

In relation to the Amazon Marketplace online intermediation service, Amazon states that its algorithms do not take into account signals that differentiate on the basis of whether the product is sold by Amazon Retail or a third-party seller, whether it is an Amazon-branded product or a third-party-branded product, or whether the third-party seller uses Amazon's fulfilment service 'Fulfilled by Amazon'. Booking Holdings states that it maintains a mechanism for ranking and displaying the inventory on its platform that are designed to be neutral regarding the source of such inventory.

In the context of the public consultation, some trade associations raised concerns about Amazon's buy box algorithm, alleging that it is not performing fairly. They also raised issues regarding the lack of transparency in Amazon's pricing policies and about Amazon more generally favouring its own offers over those of other sellers on the platform. According to other trade associations, gatekeepers, including Amazon, must show that rankings rely on objective, reproducible relevance criteria with transparent systems and personalisation should not be a defence for discriminatory ranking practices. Those trade associations also called for Article 6(5) of the DMA to require transparent and auditable criteria for such ranking.

The Commission has been monitoring and having regulatory dialogue on compliance of Article 6(5) by gatekeepers operating marketplaces, in particular Amazon and Booking Holdings, and will continue to do so. The Commission's monitoring activity also includes contact with third parties. Where necessary it will consider further investigative measures. Notably, the Commission announced on 25 March 2024 that it was taking investigatory steps

to gather facts and information to clarify whether Amazon's treatment of its own brand products on the Amazon Store complies with Article 6(5) of the DMA. This investigation is ongoing.

2.5. Advertising transparency

Platform services funded by digital advertising can deliver substantial benefits to consumers, who often receive these services at no direct monetary cost, and have expanded market access to a long tail of small businesses while enabling the growth of predominantly online firms that might otherwise not have been commercially viable[59]. These benefits are generated within a complex online advertising ecosystem where platforms frequently intermediate interactions among a range of actors, including publishers, advertisers, media agencies, and end users.

The online ads ecosystem has historically been characterised by limited transparency, particularly in the terms, conditions and performance parameters under which gatekeepers provide online advertising services[60]. This opacity stems both from certain platform practices and from the increasing technical complexity of the advertising value chain, resulting in significant information asymmetries. In turn, this opacity increases the power of the biggest AdTech platforms, granting them considerable latitude in determining the rules and conditions under which advertising services are supplied and used. Increased transparency can lessen the competitive disadvantages of these asymmetries, enable more informed decision-making by actors in the online ads ecosystem regarding ads spend and campaign or inventory performance, and ultimately facilitate contestability in terms of entry and expansion of competing service providers. To this end, the DMA contains a set of ads transparency obligations in Articles 5(9), 5(10), and 6(8) of the DMA.

Articles 5(9) and 5(10) of the DMA require gatekeepers to provide advertisers and publishers (and/or their authorised third parties) with detailed pricing and remuneration information on advertisements placed or displayed by using their services. This information must be provided free of charge, daily, and at the level of each individual advertisement. It must include: (i) the prices and fees paid by a given advertiser, including any deductions and surcharges, for each relevant online advertising service provided by the gatekeeper; (ii) the remuneration received by the publisher, including any deductions and surcharges; and (iii) the metrics on which such prices, fees, and remunerations are calculated. The disclosure to the advertiser of the remuneration received by the publisher, as well as the disclosure to the publisher of the price paid by the advertiser, is subject to the consent of the respective party.

In addition, Article 6(8) of the DMA requires gatekeepers to provide advertisers, publishers, and their authorised third parties with free-of-charge access to the gatekeepers' performance-measuring tools, as well as to aggregated and non-aggregated data, to enable them to carry out their own independent verification of the advertising inventory, including by the use of their own tools should they have any.

[59] CMA, *Online platforms and digital advertising - Market study - final report*,1 July 2020, p. 45
[60] CERRE, *DMA Transparency Requirements in Relation to Advertising – Issue Paper,* November 2022, p. 6; ACCC, *Digital advertising services inquiry – Final report*, August 2021, p. 6; p. 13 – 14.

Gatekeepers designated for their online advertising services include Alphabet, Amazon, and Meta.

To comply with the DMA's ads transparency obligations under Articles 5(9) and 5(10) of the DMA, gatekeepers have expanded and enhanced their advertising reporting frameworks to provide advertisers and publishers with substantially greater visibility over pricing, fees and remuneration. Building on existing tools, they now disclose more information on how advertising prices are calculated and how value is distributed across the ad supply chain, including fees, deductions and surcharges, as well as the metrics and methodologies used (such as pricing per click, impression or conversion). These disclosures are provided free of charge and are supported by explanatory documentation, such as pricing guides, to clarify fee structures and calculation methods.

In practice, compliance has involved introducing downloadable reports through available APIs. These reports enable advertisers to see amounts paid, bids, and publisher remuneration for ads served on third-party properties, while publishers can access detailed information on remuneration received, fees retained by intermediaries, and (subject to authorisation) advertiser spend. Where consent for detailed disclosure is not granted, aggregated information is provided. Gatekeepers have also implemented controls allowing advertisers and publishers to manage data-sharing permissions and authorise third-party access, including in situations where the gatekeeper operates on both the demand and supply sides, thereby supporting two-sided transparency in line with the DMA. However, currently gatekeepers only allow a global consent (yes or no) for a party to share or not share pricing information with counterparties.

To comply with Article 6(8) of the DMA, gatekeepers have expanded access to performance and measurement data to enable advertisers and publishers to independently verify ad delivery and assess campaign effectiveness. Building on existing measurement tools, they now provide free-of-charge access to non-aggregated or event-level data across key advertising products, including data on impressions, clicks, viewability and other delivery and performance indicators. This data can typically be accessed through user interfaces or dedicated environments, with options to customise metrics, apply granular breakdowns (for example by time, geography or format), and export results in interoperable formats or via APIs.

Compliance measures include introducing secure, privacy-safe solutions that allow advertisers and their authorised third parties or verification vendors to analyse non-aggregated data, run queries, and compare performance metrics against billing or other reporting data. Similar measures have enabled publishers to access detailed delivery and monetisation metrics for their inventory. Gatekeepers have also facilitated third-party access and independent verification, thereby strengthening advertisers' and publishers' ability to verify that ads were delivered as paid for, and to evaluate performance in line with Article 6(8) of the DMA.

As described above, since the entry into application of the DMA, Alphabet, Amazon, and Meta have introduced new tools and features aimed at improving transparency in online advertising services. These developments represent a clear step beyond the pre-DMA baseline and indicate that the obligations have begun to influence market practices,

particularly in terms of the availability and structure of reporting information for business users.

At the same time, feedback from SMEs and other business users suggests that the practical impact of these changes remains uneven at this early stage. Some businesses reported persistent issues in obtaining sufficiently granular and comparable data to fully assess campaign performance or to make informed choices between providers. They often mentioned gatekeepers' arguments around privacy to justify withholding sufficiently granular data which, according to these stakeholders, can perpetuate information asymmetries. Key issues include insufficient granularity for comparability, lack of standardisation across platforms, inflated campaign metrics, geographical limitations on reporting, and restricted access to raw or log-level data. Stakeholders also note that what gatekeepers perceive as 'non-aggregated data' may not provide the level of detail needed for evidence-based decisions between gatekeeper providers. Finally, some submissions from Member States argued that the advertising-related obligations may not achieve their intended effects and suggested that the Commission should consider introducing an interoperability obligation for advertising tools.

Overall, while the initial changes introduced by gatekeepers and feedback from third parties suggest that the DMA's advertising transparency provisions are beginning to have an impact, it is likely too early to expect their full benefits to have materialised. It is also therefore too early to fully assess whether it is necessary to consider amending the provisions or their scope.

The Commission continues to actively engage with advertisers, publishers and other actors in the online advertising ecosystem to closely monitor compliance and gather more concrete evidence on possible remaining gaps. Going forward, the Commission will assess whether any possible observed shortcomings can be addressed through further guidance to, or engagement with, gatekeepers, or whether stronger enforcement action may become necessary if concerns about effective compliance persist. In parallel, the Commission continues to track broader market developments.

The Commission recently engaged with Apple, following its notifications of 27 November 2025 about its online advertising service – Apple Ads. On 5 February 2026, the Commission found that Apple Ads, despite meeting the quantitative thresholds, should not be designated, as this online advertising service does not constitute an important gateway for business users to reach end users. In the past, the Commission also accepted rebuttals put forward by ByteDance and Microsoft, for TikTok Ads and Microsoft Ads, respectively. This assessment was based on several considerations, including that these services have very limited scale in the online advertising sector in the EU.

The Commission will continue the regulatory dialogue with gatekeepers and continue to engage with beneficiaries.

2.6. Other DMA obligations

Beyond the obligations listed in the previous sections, under the DMA there are other obligations that have been less the focus of the ongoing regulatory dialogue as the Commission did not receive substantiated complaints pointing at compliance issues.

Nevertheless, where applicable, gatekeepers have also had to ensure compliance with these obligations and have explained their compliance measures in their annual compliance reports. This section provides an overview of the main compliance developments for these obligations.

Article 5(5) of the DMA aims to ensure that end users can access and use, through the gatekeeper's CPS, any content, subscriptions, features or other items in the app of a business user, even when such services have been acquired without using the CPS. This obligation is mostly relevant in the context of app store providers such as Apple and Alphabet. For example, in line with this obligation, app developers can sell their content outside the apps distributed through app store CPSs and allow their users to access that content within the app. Notably, end users are able to use, within the app, content, subscriptions, features or other items purchased outside the app, even where these are not available for purchase through in-app-payments systems but instead through alternative payments in other channels. At this point, no compliance issues have been reported to the Commission and overall, the compliance by both Apple and Alphabet has been satisfactory. This obligation also complements the steering opportunities created under Article 5(4) of the DMA.

Article 5(6) of the DMA aims to safeguard the right of business users and end users, including whistleblowers, to raise concerns about unfair practices by gatekeepers with relevant authorities. For instance, Alphabet issued a public statement on its website that it does not and will not interpret their existing contracts in a way that is contrary to Article 5(6). Amazon stated that they audited their contracts, program policies, and measures related to Amazon Store and Amazon Ads that might be impacted by Article 5(6). Amazon identified and amended/removed provisions that could be seen as preventing business users or end users from raising issues of non-compliance with the law. Microsoft created and maintains a centralised webpage to provide information on and receive feedback about Microsoft's compliance with the DMA. Microsoft also states clearly that any business user or end user may raise any issue of non-compliance with any appropriate EU authority. To date the Commission has not received any information that would suggest any of the gatekeepers is engaging in practices that would be violating this obligation.

Article 6(6) of the DMA seeks to ensure that the end users are not restricted technically or otherwise from switching between or subscribing to different software applications and services that are accessed using the CPSs of the gatekeeper, including as regards the choice of internet access services for end users. The requirements under Article 6(6) of the DMA also overlaps with other specific requirements under Articles 5(3), 5(4), 6(4) and 6(7) of the DMA. The main specific issues this obligation was intended to address is the potential difficulty for mobile virtual network operators to distribute their products and services on mobile operating systems. The Commission engaged with the Body of the European Regulators for Electronic Communications ('BEREC') on these topics as BEREC was already assessing such potential unfair practices and also released the 'Report on the entry of large content and application providers into the markets for electronic communications'[61]

[61] https://www.berec.europa.eu/en/document-categories/berec/reports/draft-berec-report-on-the-entry-of-large-content-and-application-providers-into-the-markets-for-electronic-communications-networks-and-services, last accessed 9 February 2026.

which included a specific section on restrictions on access to services or functionalities by operating system providers.

The concerns falling into scope of the DMA were largely allayed through a combination of changes made by gatekeepers and improved ease of downloading applications, particularly in light of recital 53 of the DMA for Article 6(6) of the DMA which, while recognising that gatekeepers should not exert influence over an end user's choices of products and services, considers that '*[t]he mere offering of a given product or service to consumers, including by means of pre-installation, as well as the improvement of the offering to end users, such as price reductions or increased quality, should not be construed as constituting a prohibited barrier to switching*'.

Article 6(13) of the DMA seeks to ensure that terminating the use of gatekeepers' CPSs is not made unnecessarily difficult or complicated for end users and business users, including by comparison to the process for starting their use. Gatekeepers' general conditions for terminating the provision of CPSs should be proportionate and end users and business users should be able to exercise them without undue difficulty.

All designated gatekeepers have reported having put in place processes for terminating the provision of their CPSs. Where relevant, these processes are available for both end users and business users. From the information gatekeepers submitted to the Commission, the processes for terminating the CPSs appear to have a similar number of steps required for the opening of accounts or for subscribing to the relevant CPS. However, in some cases, the starting point of these termination processes is not entirely clear. This could add friction to the termination process and will be further monitored.

While the Commission has so far not received concerning evidence regarding gatekeepers' compliance with the obligation in Article 6(13) of the DMA, the Commission maintains a constant regulatory dialogue with designated gatekeepers and engages with third parties to monitor the transparent, clear and proportionate implementation of their CPSs' termination processes.

The Commission continues to monitor compliance with all of the above-mentioned obligations. If there are any complaints, the Commission will carefully assess them and take enforcement actions if deemed necessary.

3. REPORTING REQUIREMENTS

Beyond the obligation for gatekeepers to submit annual compliance reports pursuant to Article 11 of the DMA, the DMA establishes additional reporting requirements that function as regulatory tools. In particular, all gatekeepers are subject to two further provisions requiring the submission of information designed to increase transparency and mitigate information asymmetries inherent in digital markets. These concern the Consumer Profiling Reports under Article 15 of the DMA and notifications of intended acquisitions under Article 14 of the DMA. While these reporting obligations address different aspects of gatekeeper behaviour, both obligations make more information on certain gatekeeper practices and digital market developments available to the public.

To facilitate the process and to set expectations on the extent of information to be reported, the Commission published templates for the reports required under Articles 14 and 15 of the DMA, with a particular focus on the nature and granularity of information. The template for the Article 15 report also sets expectations on the performance of the independent audit of the report.

3.1. Reporting on concentrations – Article 14 of the DMA

Regarding **Article 14**, gatekeepers must inform the Commission of any intended concentrations – even those not reaching the thresholds triggering an EU merger review – where the merging entities or the target of the concentration provides CPSs or any other services in the digital sector, or which enables the collection of data (whether or not it was designated as a CPS under the DMA). Gatekeepers must inform the Commission before implementing the transaction. The objective of Article 14 of the DMA is to allow the Commission to effectively monitor gatekeeper's activities in digital markets and the list of CPSs they provide. The information provided also informs on broader trends in the digital sector. By the end of 2025, gatekeepers had informed the Commission of a total of 55 intended concentrations.

This information is very valuable to the Commission as it helps support contestable and fair digital markets in the EU. By way of example, information received based on Article 14 of the DMA confirmed gatekeepers' increased interest in AI markets, which was the focus of the vast majority of acquisitions in 2025. This information further corroborates and informs the relevance of the Commission's consultation on the review of the DMA regarding its implication for the AI sector. The Commission also shares information under Article 14 of the DMA with Member States, so that they can assess whether to subject the concentration to national merger control review, or to refer the concentration to the Commission where appropriate.

The Commission publishes summaries of the concentrations it has been informed of, increasing transparency for the public[62]. The Commission's webpage has a useful repository of information on acquisitions in the digital sector available not only for relevant stakeholders but also the wider public, which can also be used to inform valuable research on the topic.

[62] See https://digital-markets-act-cases.ec.europa.eu/acquisitions.

With the application of Article 14 of the DMA, there is now increased transparency and accountability on gatekeeper acquisitions in the digital sector. The Commission, national competition authorities and the public now have visibility over gatekeepers' acquisitions, even if they are not notifiable under merger control rules. This information is published online to promote greater transparency and accountability. The Commission publishes this information at least four months after having received the information, to take account of the legitimate interest of undertakings in the protection of their business secrets.

Gatekeepers have generally followed the Commission's suggested template to submit information under Article 14 of the DMA. The Commission has received several submissions under Article 14 on a cautionary basis, where the gatekeeper did not consider there to be a concentration in the meaning of Article 3 of the EU Merger Regulation (EUMR)[63]. This was, for example, the case for some acquisitions of smaller companies with the primary objective of hiring its employees – 'acqui-hires'. Where doubt exists regarding a concentration, the Commission encourages gatekeepers to submit information under Article 14 of the DMA.

The Commission designed the template to submit information on concentrations under Article 14 of the DMA to focus on information that is strictly necessary and does not duplicate with requirements under the EUMR. The Commission considers that the template is fit for purpose and does not consider that there is need to amend the template at this stage. The Commission will continue to monitor information submitted on intended concentrations under Article 14 of the DMA, and remains open to continued engagement with gatekeepers and third parties.

3.2. Audited consumer profiling report – Article 15 of the DMA

Under **Article 15 of the DMA**, within six months of designation, gatekeepers must submit an independently audited report of any techniques for profiling of consumers applied to or across their CPSs (consumer profiling report). Gatekeepers must also publish a non-confidential overview of the report, and update both documents at least on an annual basis.

The principal objective of Article 15 of the DMA is to make gatekeepers' consumer profiling practices more transparent, thereby facilitating contestability by enabling rival platforms to differentiate themselves through stronger privacy guarantees and promoting fairness by increasing end users' awareness of the scope and intrusiveness of such profiling. The public overviews are intended to provide valuable insights to academic and regulatory communities. They also give alternative platforms and business users like advertisers information they can use in assessing data practices when making strategic and commercial decisions.

At the time of publication of this Staff Working Document, all designated gatekeepers formally complied with the obligation to submit consumer profiling reports and had also duly submitted annual updates of these reports. Moreover, all gatekeepers posted public overviews of such reports on their websites[64], even if the extent of information revealed in these overviews varies significantly among gatekeepers.

[63] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EU Merger Regulation) Official Journal L 24, 29.1.2004, p. 1-22.
[64] https://digital-markets-act-cases.ec.europa.eu/reports/consumer-profiling-reports.

Despite the inherent difficulties in directly measuring or assessing transparency and its benefits, several achievements can be identified. First, as an improvement to the pre-DMA baseline, the public and regulators now broadly have access to dedicated information sources on how gatekeepers engage in profiling practices, going beyond what was previously disclosed in their privacy policies. In addition, the information submitted by Meta, for example, assisted the Commission in establishing facts when preparing enforcement action against that gatekeeper[65]. Moreover, Article 15 has facilitated cooperation and information sharing between regulatory bodies like the Commission and the EDPB, strengthening cross-regime coherence between platforms regulation and data protection enforcement.

While gatekeepers have generally followed the Commission's Article 15 DMA template, the level of detail provided in both the public overview and the confidential reports varied between gatekeepers. Third-party engagement with the Commission on Article 15 of the DMA was limited. However, some of those who expressed an opinion raised concerns that the uneven level of detail in the public overviews undermines the transparency objective, with significant disparities between gatekeepers, some of whom formally complied but provided only minimal information.

One gatekeeper who responded to the consultation considered the reporting to be burdensome and potentially overlapping with existing GDPR and DSA requirements, and called for simplification and better regulatory alignment. Another respondent called for the reporting to be extended to recommender algorithms, ranking and data collection practices used in services involving generative AI. Furthermore, the EDPB, in a meeting of the High-Level Group ('HLG') subgroup on data-related obligations, confirmed that the information collected under Article 15 of the DMA can be used for GDPR enforcement. In its feedback through the HLG, the EDPB highlighted certain potential cross-cutting concerns, such as a lack of clarity on lawful bases for profiling, insufficient transparency towards the public, and variation in the content and clarity of submissions, undermining comparability[66].

While the current implementation of Article 15 is formally compliant, the resulting benefits and impact are not easily quantifiable. The Commission considers that the template, in its current form, focuses on the most essential information necessary to give effect to the objectives of this provision. Nevertheless, certain refinements may be considered to ensure that the provision continues to effectively deliver transparency and promote accountability by gatekeepers. This could include, for instance, requiring clearer justifications for the exclusion of any CPSs from the reports, or greater clarity on the role of the auditor. Another possible update of the template could involve establishing a more detailed structure or format of the report for the public overview. The Commission remains open to continued engagement with gatekeepers, the EDPB, and concerned third parties on this topic.

[65] Commission Implementing Decision of 23.4.2025 pursuant to Articles 29(1), point (a), 30(1), point (a), and 31(1), point (h), of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector - Case DMA.100055 – Meta – Article 5(2), Brussels, 23.4.2025, C(2025) 2091 final, paragraphs 72 -73.

[66] Minutes of the 4th Meeting of the Data-related Obligations subgroup to the High-Level Group for the Digital Markets Act, 18 November 2024, available here: https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=58746&fromExpertGroups=3904.

Finally, given the central role of the EDPB in this provision, the Commission will continue to engage with the EDPB, both within the HLG and on a bilateral basis, to ensure that this provision delivers its full potential.

4. ASSESSMENT OF THE SCOPE OF THE DMA

Article 53 of the DMA requires the Commission to assess whether rule changes are required, including regarding the list of CPSs and the obligations laid down in Articles 5, 6 and 7 of the DMA. Article 53(2) of the DMA specifically requires an evaluation of whether interoperability under Article 7 of the DMA should be extended to online social networking services. Respondents to the targeted consultation have provided valuable feedback on the scope of the DMA. In general, respondents seem to suggest that the DMA's list of CPSs and obligations is mostly appropriate for effectively promoting contestability and fairness.

Nonetheless, respondents also had several suggestions on how to possibly expand the scope of the DMA:

1. more designations of gatekeepers for services that fall under existing CPS categories under the DMA, notably cloud services, virtual assistants, and number-independent interpersonal communication services;
2. more CPSs (such as AI services, payment processing services, productivity software, and video-on-demand streaming services) to be added to the list of CPSs under Article 2(2) of the DMA;
3. amended or additional obligations specifically for AI and cloud services.

In particular, respondents highlighted that cloud services play a critical role in supporting the digital economy but the markets currently exhibits lock-in effects and lack of contestability. Conversely, their demand for extending interoperability under Article 7 of the DMA for online social networks was limited.

4.1. Cloud computing services

As set out in Article 2(2)(i) of the DMA, cloud computing services are among the CPSs subject to the DMA – even if no cloud computing service has been designated so far[67]. Cloud services are central to Europe's digital economy and tech sovereignty. They are considered critical infrastructure for digital and other businesses to provide services and products across multiple sectors, ranging from the AI sector to defence, financial services, and more. Unfair practices often include unfair terms of access in relation to price, bundling of services, and vertical integration and lack of interoperability. Contestable and fair cloud markets are therefore essential for innovation, trust, and Europe's strategic autonomy.

Given the importance of cloud services in Europe's digital economy, cloud services were a major point of discussion in the feedback received to the targeted consultation. A broad group of stakeholders (SMEs, civil society, and trade associations non-affiliated with gatekeepers) highlighted the need to designate cloud services under the DMA and expressed disappointment at the fact that no gatekeeper was designated for cloud services. Respondents raised concerns about the current definitions of 'business users' and 'end users' and suggested that those definitions make it challenging to meet the quantitative thresholds. To

[67] In 2023, during its initial assessment of the different Core Platform Services that could be designated under the DMA, none of the major providers of cloud computing services notified those services under the DMA. They informed the Commission that they were not meeting the thresholds set by the DMA for the quantitative designations of gatekeepers.

overcome these challenges, a number of respondents invited the Commission to pursue the designation of cloud services qualitatively.

Respondents stressed the importance of designating cloud services, noting the distinct competitive dynamics of cloud services in relation to interoperability, data portability, and to train and deploy AI models and services. Given the strategic importance of the cloud as a platform to connect business and end users, a broad range of respondents asked the DMA to address the large potential to lock users into cloud services, in particular because of the dependencies AI service providers have on 'hyperscalers'[68]. To address these competitive dynamics in such an important sector, several respondents also called for an expansion of certain DMA obligations to cloud services. To the contrary, some respondents considered that cloud markets were not prone to tipping and did not see a need to modify rules in this area.

Recognising the importance to improve contestability and fairness in cloud markets for end users and business users, the Commission has been monitoring the development in the cloud market very closely since the DMA entered into force. Subsequently, the Commission opened three market investigations concerning cloud computing services on 18 November 2025[69].

Two designation investigations focus on whether Amazon and Microsoft should be designated as gatekeepers for their cloud computing services Amazon Web Services ('AWS') and Microsoft Azure ('Azure'), despite not meeting the DMA's quantitative thresholds. These investigations aim to determine whether these services constitute important gateways for users of cloud computing services. The market investigations aim to assess whether these undertakings hold a very strong position relative to businesses and end users, with potential limitations on market contestability (e.g. through network effects, lock-in, or vertical integration). The Commission endeavours to finalise these two market investigations within 12 months. Should Amazon or Microsoft be designated as gatekeepers for AWS or Azure, the DMA obligations would start applying six months after the designation.

In addition, the Commission launched a third investigation to **assess whether the DMA obligations, in their current form, effectively address the practices in cloud services** that may hinder contestability or fairness[70]. This third investigation does not target a specific cloud provider but focuses on issues such as: (i) interoperability challenges between cloud services; (ii) limited or conditional access for business users to data; (iii) tying and bundling of services; and (iv) imbalanced contractual terms. The Commission seeks to thoroughly evaluate in its investigation whether the DMA can effectively tackle all contestability and fairness problems end and business users of cloud computing services may be facing. The market investigation will result in a final report to be published within 18 months, which may, if appropriate, include proposals to update of the DMA obligations with respect to cloud.

[68] Hyperscalers include Amazon's AWS, Microsoft's Azure and Google's Cloud Platform.

[69] See https://digital-markets-act.ec.europa.eu/commission-launches-market-investigations-cloud-computing-services-under-digital-markets-act-2025-11-18_en.

[70] This is a power specifically entrusted on the Commission by the DMA to consider potential amendments of the DMA (Article 19 of the DMA).

4.2. AI services

Shortly after the DMA entered into force, AI-powered services appeared on the mass market for the first time and subsequently experienced an extreme growth in terms of product development, fields of applications and adoption by consumers and businesses. As part of its mission to ensure that digital markets in the scope of the DMA remain fair and contestable, the Commission has been monitoring the impact of this surge in AI services.

Part of this monitoring involved the Commission gathering feedback on emerging contestability and fairness issues stemming from the rollout of AI-powered services, and the extent to which the DMA can address them[71]. It did this through three main avenues to allow end users, business users and other market players as well as public authorities to provide feedback:

1. *Regulatory dialogue* with gatekeepers and stakeholders both within formal proceedings and non-formal proceedings. The Commission is regularly inquiring about the gatekeepers' launch of new AI features and collects feedback from third parties. The 2025 compliance workshops also had specific sessions on AI.
2. *Mapping out regulatory interplay related to AI issues within the forum of the High-Level Group (HLG) on the DMA*: the subgroup on AI from the HLG on the DMA produced a joint paper 'Mapping out regulatory interplay related to AI issues', which the HLG adopted on 11 December 2025. This not only drew on the expertise of each of the group members but also gave an overview of cross-cutting issues and possible regulatory complementarities.
3. *A dedicated consultation on AI in the context of the DMA review process:* the Commission launched a dedicated consultation on AI on 27 August 2025 as a complement to the general review consultation launched on 3 July 2025[72].

4.2.1. Key themes

The common key themes identified in this monitoring procedure were the following:

i. interoperability;

ii. self-preferencing by gatekeepers;

iii. data-access challenges;

iv. cloud dependencies; and

v. strengthened cooperation to maximise synergies between regulatory tools.

[71] 'AI' can relate to many things, such as the underlying Large Language Models, AI chatbots or assistants or integrations into CPSs, e.g. search engines, operating systems, messaging services or online intermediation services. Accordingly, it is important to be precise which aspect raises contestability and fairness issues.

[72] See 'Commission gathers views on how the DMA can support fair and contestable digital markets and AI sector' news announcement from 27 August 2025, available at https://digital-markets-act.ec.europa.eu/commission-gathers-views-how-dma-can-support-fair-and-contestable-digital-markets-and-ai-sector-2025-08-27_en.

Interoperability

Stakeholders consistently identified interoperability as a crucial DMA obligation in the AI context. They explained that ensuring interoperability between CPSs (such as operating systems, and AI-based services, including AI chatbots) is key. Some stakeholders also noted that gatekeepers' vertical integration and broad ecosystems risk creating incentives to impair effective interoperability and give rise to negative effects (e.g. user lock-in). Stakeholders also noted that effective interoperability for AI-based services is currently lacking or costly and stakeholders pointed to the development of standards as a desirable solution to tackle these issues. Similarly, some stakeholders suggested that the DMA should prohibit the integration of AI into a CPS if it amounted to self-preferencing or tying practices.

Self-preferencing

Several stakeholders considered that certain gatekeepers treat their own AI products and services more favourably than those provided by others; a consideration that was also shared by the HLG subgroup on AI. This reflects the strategic importance of AI services to shape end-user experiences. In that vein, stakeholders pointed to a growing trend of deep integration or tying of own generative AI technologies and advanced AI models into gatekeeper ecosystems to the detriment of third-party services that could have provided the same or similar services.

Access to data

Stakeholders further confirmed that access to data was widely viewed as a critical input for the development of alternative AI services, a view also shared by the HLG subgroup on AI. One key concern revolved around the existence of proprietary datasets, which may harm the development of competitive AI markets. According to several stakeholders, this is compounded by the fact that gatekeepers leverage their CPSs to impose data-sharing conditions on business users, including through the APIs they make available to business users.

In the same vein, stakeholders expressed concerns that gatekeepers could use data gathered from intermediaries to ground AI and provide functionalities to consumers, creating a cycle that strengthens their gatekeeping power. Stakeholders suggested that the DMA's data-access provisions could be extended to require gatekeepers to disclose whether and how business users copyrighted works are used in training datasets. Nevertheless, some stakeholders considered that these issues are not insurmountable and are mitigated by the existence of public datasets.

Cloud dependencies

Respondents to the AI consultation and other stakeholders emphasised the importance of access to cloud computing services for training and deploying AI models and services. Various stakeholders expressed concern that there was large potential to lock users into cloud services, in particular because a number of independent AI service providers depend on 'hyperscalers' (Amazon's AWS, Microsoft's Azure and Google's Cloud Platform) to provide their services. Hence, one clear call for action shared by many stakeholders consisted in the designation of the major cloud computing services. In this context, some stakeholders also call for expanding certain DMA obligations to cloud services. A smaller group of

stakeholders was less concerned about contestability and fairness issues in cloud markets because they considered them as not being prone to tipping.

Strengthened cooperation to maximise synergies between regulatory tools

In addition to some of the above substantive contestability and fairness issues in the AI value chain, the joint paper by the members of the HLG on Artificial Intelligence on mapping out regulatory interplay related to AI issues[73] provides examples for the areas where the different regulatory frameworks interact and for cross-cutting themes. It further emphasises that cross-regulatory cooperation is crucial for ensuring consistent enforcement, in particular in scenarios where multiple frameworks apply to the same practices or operators, such as the development and deployment of AI systems by gatekeepers. Based on the joint paper, the HLG gave a mandate to the subgroup on AI to continue its work on effective cooperation between regulators.

4.2.2. Views on the DMA's ability to address AI-related issues

When it comes to the DMA's ability to address key AI-related issues, views differed among the respondents to the consultation on AI. The wide range of views can be categorised in three main 'schools of thought':

1. **Ensure strict enforcement of current rules**. Many stakeholders and respondents to the AI consultation called for firm enforcement of existing rules. According to them, the DMA can help address most challenges posed by gatekeepers' AI models and services. In particular, respondents highlighted that improving interoperability of operating systems with third-party AI services, through Article 6(7) of the DMA, and promoting access to high quality data for AI models, for instance through Article 6(11) of the DMA for the search engine component, were critical to promote contestability and fairness. Similarly, many stakeholders in this group called for the designation of the major cloud services. Among those stakeholders who support strong enforcement of existing rules, several called for specific guidance to clarify areas like self-preferencing, interoperability, and data access.
2. **Need for DMA modification.** A large number of stakeholders advocated for the DMA to be extended to tackle AI-related contestability and fairness issues. Some called for the addition of a specific CPS category which would cover generative AI services, such as AI models and chatbots, or the extension of the definition of search engines to explicitly include AI services. Some stakeholders suggested extending the data-sharing obligations to include, for instance, the transfer of model parameters, and chatbot chat history. Others called for the extension of Article 6(12) of the DMA to require gatekeepers to also apply fair, reasonable and non-discriminatory conditions to content licensing. In addition, business users active in publishing called for the amendment of Article 6(5) of the DMA to explicitly cover self-preferencing practices in relation to AI services.

[73] Available under https://digital-markets-act.ec.europa.eu/fifth-meeting-digital-markets-act-high-level-group-2025-12-12_en.

3. **Caution in intervening**. Finally, a smaller set of stakeholders, which included gatekeepers and parties affiliated with them, called for caution in intervening in the AI sector. In their view, the sector is currently characterised by strong competition and does not present the potentially problematic structural characteristics of other digital services. In addition, several stakeholders consider that any regulatory action in AI-powered services would be premature as these services are still nascent.

4.2.3. The Commission's assessment

AI is a technology that is still maturing, and its use cases are rapidly evolving. However, it has also shown its potential to become the most powerful general-purpose technology yet. Accordingly, the potential of AI justifies special vigilance on the side of regulators. Given that several layers of the AI value chain exhibit characteristics that are also present in other digital markets, such as strong economies of scale and network effects, the ability to connect many business users with many end users and vertical integration, this vigilance should also include contestability and fairness.

Against this backdrop, the Commission has already addressed many of the above-mentioned AI key themes:

- Several obligations already fully apply to certain forms of AI technology and have been subject to the Commission's **regulatory dialogue** with gatekeepers. For instance, Microsoft made its Copilot keyboard key configurable to other AI services[74]. The Commission is also engaging with other gatekeepers to ensure compliance with obligations, such as easy default setting (Article 6(3) of the DMA) or equal access to designated operating systems (Article 6(7) of the DMA).

- On 27 January 2026, the Commission opened two **specification proceedings** pursuant to Article 8 of the DMA to help Google comply with its interoperability and online search data-sharing obligations[75]. The first set of proceedings concerns Google's obligation under Article 6(7) of the DMA to provide third-party developers with free and effective **interoperability** with hardware and software features controlled by Google's Android operating system. The second set of proceedings concerns Google's obligation under Article 6(11) of the DMA to grant third-party providers of online search engines, including possibly third-party AI chatbots providing search services, **access to** anonymised ranking, query, click and view **data** held by Google Search on FRAND terms. Both proceedings are expected to improve contestability opportunities for alternative AI services.

- The Commission opened market **investigations** into the possible qualitative gatekeeper position for **cloud** services of Amazon and Microsoft and the possible need for updating the DMA's obligations with respect to cloud computing. Depending

[74] See Microsoft DMA Compliance Report 2025, Windows Section 2 Annex, paragraphs 374-375.
[75] Press Release, opens proceedings to assist Google in complying with interoperability and online search data-sharing obligations under the Digital Markets Act (27.1.2026), available at https://digital-markets-act.ec.europa.eu/commission-opens-proceedings-assist-google-complying-interoperability-and-online-search-data-sharing-2026-01-27_en.

on the outcome of these investigations, this might make it possible to address certain AI-related issues stemming from dependencies on cloud services.

- With regard to the **integration of Google's AI Overviews in Google Search**, it is the responsibility of Alphabet to ensure that the deployment of AI Overviews complies with the DMA. The Commission acknowledges the concerns raised by the media industry, including in relation to traffic losses and, as part of the ongoing regulatory dialogue, it is monitoring that the integration of AI Overviews in Google Search complies with the DMA[76].

The DMA will not be able to tackle every competition issue in the AI value chain. For behaviour that is new and falls outside of the DMA's obligations, other tools must be used, in particular the complementary tool of competition law enforcement. In this context, the Commission has opened two **antitrust investigations** into (i) Google's use of online content for AI purposes[77], and (ii) per interim measure proceedings, Meta's new policy prohibiting AI providers to communicate via WhatsApp[78].

The Commission will not only continue to apply the existing DMA obligations to AI services where applicable. It will also, as a matter of priority, assess what can be learned from the ongoing investigations as to whether any further measures are needed to address some of the issues raised in the public consultation. This includes monitoring whether certain AI services should be designated as virtual assistants or whether a market investigation pursuant to Article 19 of the DMA is needed to assess whether AI services need to be added as a new CPS as well as whether the existing obligations need to be updated.

4.3. Scope of other CPSs

With regard to the scope of the DMA's CPSs beyond AI and cloud computing services, the targeted consultation showed that respondents essentially called for two things.

On the one hand, some respondents called for more designations of gatekeeper CPSs, such as virtual assistants (e.g. Amazon Alexa, Google Assistant, Apple Siri), number-independent interpersonal communication services (e.g. iMessage, Gmail, Hotmail), and television operating systems (e.g. Android TV OS). This way, the impact of the DMA could be expanded.

On the other hand, other respondents also called for expanding the list of CPSs in Article 2(2) of the DMA to extend the scope of the DMA. Proposals included services such as payment processing services (e.g. Visa, Mastercard, PayPal), productivity software (e.g. Microsoft 365), video-on demand streaming services (e.g. Netflix, Disney+), or game engines

[76] See 'Commission sends preliminary findings to Alphabet under the Digital Markets Act' press release from 19 March 2025, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_25_811.
[77] See 'Commission opens investigation into possible anticompetitive conduct by Google in the use of online content for AI purposes' press release from 9 December 2025, available at https://ec.europa.eu/commission/presscorner/detail/da/ip_25_2964.
[78] See 'Commission notifies Meta of possible interim measures to reverse exclusion of third-party AI assistants from WhatsApp' press release from 9 February 2026, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_26_310.

(e.g. Unreal, Unity), and some respondents argued for a separate 'vertical' search service categories (e.g. for flights, hotels, shopping).

The Commission takes note of the feedback received from stakeholders, which is in line with the findings of the Commission's ongoing regulatory dialogue. The Commission will continue to actively monitor whether gatekeepers meet the criteria to be designated as a gatekeeper under the DMA – whether subject to the quantitative thresholds laid out in Article 3(2) of the DMA or the qualitative criteria set out in Article 3(8) of the DMA. For instance, with regard to virtual assistants, the Commission has not received any notifications about a virtual assistant meeting the quantitative thresholds. However, the market is evolving quickly, especially in light of recent AI developments, which the Commission is closely monitoring.

The Commission's assessment will continue taking into account all relevant facts characterising the specific services. For instance, in the past the Commission accepted the rebuttals of Alphabet and Microsoft for their respective number-independent interpersonal communications services (i.e. Gmail and Outlook.com), as these email services are based on open standards and in their current configuration are not an important gateway for business users to reach end users. The Commission also recently assessed Apple's notifications of Apple Ads and Apple Maps from November 2025 for the first time, concluding that neither of the CPSs should be designated[79]. Similarly, the Commission will continue monitoring developments in digital markets to investigate whether the list of CPSs warrants any modification or extension.

Furthermore, in line with Article 4(2) of the DMA, in 2026 the Commission will review the gatekeeper status of gatekeepers that were designated on 5 September 2023, namely Alphabet, Amazon, Apple, Meta, and Microsoft.

4.4. Interoperability for online social networking services

Article 53(2) of the DMA requires the Commission to evaluate whether Article 7 of the DMA, which concerns interoperability for NIICS, may be extended to online social networking services. The objective of this is to assess both the demand and the technical feasibility of requiring gatekeepers providing online social networking services listed as CPSs to open them up and offer interoperability to third-party providers.

As part of this exercise, an external contractor conducted a study – concluded in December 2025 – commissioned by the Commission where it evaluated two angles of interoperability in the context of online social networks: horizontal interoperability (i.e. interoperability that allows users of online social network A to connect with users of online social network B, and vice versa); and vertical interoperability (i.e. interoperability that allows third-party service providers to offer their services on online social networks of gatekeepers, such as content moderation services or polling services).

The study encompassed: (i) a technical review of interoperability; (ii) interviews with relevant parties, such as online social networking service providers and other civil society

[79] C(2026) 632 final.

representatives; and (iii) a consumer survey covering 27 Member States. The technical review (which was informed by a focus group formed by experts in the area and a workshop gathering stakeholders concerned as well as representatives of the civil society and academics) concluded that horizontal and vertical interoperability are technically feasible to varying degrees of difficulty. However, both the interviews with relevant parties and the EU-wide consumer survey yielded mixed results as to the demand for interoperability for online social networks, and the impact it could have on market contestability with respect to online social networks. For example, consumers expressed more interest in vertical interoperability for online social networks than in horizontal interoperability, although the use cases from the perspective of relevant parties for vertical and horizontal interoperability were less clear.

In light of the evidence emerging from this study and given that it is too early to draw conclusions on the effectiveness of Article 7 of the DMA in its current form, the Commission considers that it would be premature to extend this provision to online social networks at this stage. Nonetheless, the Commission will continue monitoring the evolution of the demand for interoperability of online social networks, both in terms of vertical and horizontal interoperability, and reevaluate in the future the need to adapt the DMA in this regard.

5. ASSESSMENT OF TOOLS AND PROCEDURES

5.1. Designation procedure

Designating gatekeepers under the DMA involves identifying providers of CPSs that play pivotal roles in the digital market ecosystem. The criteria for identifying gatekeepers are grounded in several principles known as 'quantitative thresholds' to ensure robustness and precision. These thresholds reflect the underlying drivers of the problems in the platform economy in terms of fairness and contestability[80]. These thresholds enable objective determinations of gatekeeper status and ensure legal certainty for all stakeholders. By adhering to these principles, the designation process aims to minimise legal ambiguities and to allow potential gatekeepers to self-assess if they have to notify to the Commission that they have reached the thresholds.

The scope of intervention in designating gatekeepers focuses on key parameters: size, intermediation power, and durability. The Commission has based its first round of designation decisions on those quantitative thresholds[81]. However, if needed, the DMA also provides for qualitative designation following a market investigation, making it possible to consider a broader set of criteria to assess gatekeeper status. This serves to correct type-II errors (underenforcement) in cases where undertakings acting as important gateways between businesses and end-users do not meet the thresholds for quantitative designation.

Conversely, the DMA allows companies that surpass the designation thresholds to submit rebuttals, arguing against their designation as gatekeepers. This serves to correct type-I errors (overenforcement) in cases where undertakings meeting the quantitative thresholds for designation do not in fact act as important gateways between businesses and end-users. So far, the Commission has received 15 rebuttal requests. Of these, it accepted seven outright, rejected three, and five led to further market investigations.

The current landscape features 23 designated CPSs provided by gatekeepers. On 6 September 2023[82] the Commission designated for the first time six gatekeepers – Alphabet, Amazon, Apple, ByteDance, Meta, Microsoft – under the DMA. On 29 April 2024[83], the Commission designated Apple as a gatekeeper under the DMA with respect to its iPadOS, its operating system for tablets. On 13 May 2024[84], the Commission also designated Booking Holdings as a gatekeeper under the DMA for its online intermediation service Booking.com. On 23 April 2025[85], the Commission un-designated Meta for its online intermediation service Facebook Marketplace, which means that the DMA obligations no longer apply to this CPS.

[80] See recitals 16-21 as well as the impact assessment for the DMA.
[81] The quantitative thresholds in Article 3(2) of DMA note that the undertaking has to have achieved an EU-wide turnover of at least EUR 7.5 billion in each of the last three financial years (or, alternatively, an average market capitalisation or fair market value of at least EUR 75 billion in the last financial year), and the core platform service in question has to have had, in each of the last three financial years, at least 45 million monthly active end users in the EU and at least 10 000 yearly active business users in the EU.
[82] Digital Markets Act: Commission designates six gatekeepers.
[83] Apple's iPadOS under the Digital Markets Act.
[84] Commission designates Booking.com as a gatekeeper.
[85] Commission finds Apple and Meta in breach of the Digital Markets Act.

In the consultation process, several stakeholders commended how the thresholds are well-calibrated to capture companies that truly act as gateways between business and end users while others questioned their rigidity and scope calling for more encompassing thresholds. For example, some respondents suggested a shorter 'lookback period' than the current three years, which they argued is insufficiently agile to respond to rapidly evolving services such as AI platforms. Additionally, concerns have been raised about thresholds overlooking gatekeepers that impact specific regional markets or niche sectors but do not meet EU-wide criteria.

Conversely, some gatekeepers and affiliated trade associations asserted that the quantitative thresholds enshrined in the DMA may be arbitrary and potentially designed to target companies from certain geographies, suggesting a potential need for revision. The Commission considers that the quantitative thresholds are set correctly, capturing the companies and services that are true gateways between business and end users, while maintaining the possibility to correct false positives (the undertaking can rebut) as well as false negatives (the Commission can do a qualitative designation).

After reviewing the feedback, the Commission is confident the existing designation framework provided by the DMA and the dichotomy of quantitative and qualitative designation work well. The system and its clear, evidence-backed thresholds remains the right approach**.**

The rebuttal process has attracted criticism from some gatekeepers and affiliated trade associations, who claimed it is opaque and demands a more stringent and consistently applied burden of proof standard. The Commission notes that the General Court of the European Union has reviewed key questions about the rebuttal process in the ByteDance appeal. It has confirmed in first instance the adequacy of the current attribution of the burden of proof[86] and Commission's interpretation of the rebuttal provisions. This judgement is currently under appeal before the Court of Justice. The Commission will carefully review this judgement when it is issued.

Qualitative designations complement quantitative designations to address gaps where numerical criteria may be inadequate. Apple's designation concerning iPadOS in April 2024 followed a comprehensive investigation emphasising the importance of feedback from the market in a qualitative designation context. Several respondents to the public consultations called on the Commission to make increased use of the possibility of qualitative designation as a corrective tool to close the gaps in areas where the quantitative thresholds may be inappropriate.

The Commission monitors on an ongoing basis whether CPSs that do not meet the quantitative thresholds should be subject to a market investigation to examine the need for a qualitative designation as a gatekeeper. In doing so, the Commission considers all the market information that it receives from stakeholders. The Commission's proactive monitoring of CPSs ensures that new gatekeepers can be swiftly recognised and designated, maintaining contestable and fair digital markets.

[86] Judgment of 17 July 2024, *Bytedance Ltd v European Commission*, T-1077/23, EU:T:2024:478.

Where newly emerging gatekeepers do not yet have an entrenched and durable position, but will foreseeably have one in the future, it is possible for the Commission to subject those companies only to a limited set of obligations, ensuring the intervention is proportionate. The Commission has not yet made use of this possibility but is including it in its continuous monitoring of possible candidates for qualitative designation.

This ongoing vigilance, combined with market feedback (from consultations and industry analyses among other things) will guide the future development of the DMA's designation process, aligning it with the fast-paced changes of the digital landscape and securing the single market against unfair practices while fostering innovation and growth. Therefore, at this point, the Commission does not see a compelling reason to alter the current process for qualitative designation.

5.2. Enforcement procedures

The Commission has a wide range of regulatory tools at its disposal to enforce the DMA. Whereas regulatory dialogue is an effective tool to constructively engage with gatekeepers on their DMA compliance, formal specification and non-compliance proceedings can be necessary where a gatekeeper needs formal guidance or is unwilling to effectively comply with the DMA. In addition, the Commission can adopt horizontal guidelines on different aspects of the DMA applicable to all gatekeepers when there is sufficient experience to provide systematic guidance.

Overall, respondents have called for greater transparency and clarity on the Commission's enforcement work, including more guidance on the interpretation and application of the DMA's obligations. They have also highlighted the need for more impactful stakeholder engagement and improved access to information in enforcement proceedings. Some respondents have raised concerns about the rights of defence for gatekeepers, while others have suggested that the Commission should introduce higher fines and penalties for non-compliance. This feedback is addressed in the below sub-sections.

5.2.1. Regulatory dialogue

Regulatory dialogue is the backbone of DMA enforcement. Discussions about gatekeepers' compliance started already when the DMA entered into force in November 2022 – well ahead of the DMA entering into effect in March 2024 – and intensified following gatekeeper designations in September 2023. These discussions fed into the regulatory dialogue as we know it today.

Regulatory dialogue allows the Commission to engage with gatekeepers in a neutral, constructive manner. Regulatory dialogue allows the Commission to give gatekeepers and third parties guidance on how to interpret the DMA's obligations and how to achieve suitable compliance solution and to collect the views of both gatekeepers and third parties.

A crucial component of regulatory dialogue is third-party input – whether from business users, competitors, academics, civil society, or end users of gatekeepers. Third parties have relevant insights into technicalities relating to a CPS, product, and/or service. This input can

be helpful to assess and monitor a gatekeeper's compliance with the DMA as well as to counterbalance input received by gatekeepers. Third parties can contribute via email[87], dedicated meetings, the DMA website[88], workshops, or even the DMA whistleblower tool[89]. The Commission also often proactively reaches out to relevant stakeholders with requests for information or to set up meetings.

As stated throughout the report, effective regulatory dialogue can achieve tangible results while reducing the administrative overhead of formal cases and thereby simplifying DMA compliance work for both Commission and gatekeepers. For instance, the Commission has been closely coordinating with gatekeepers to develop data portability compliance solutions and continues to work to ensure that gatekeepers continue to improve their solutions based on third-party feedback – all through regulatory dialogue.

In general, respondents called for more transparency on the Commission's enforcement work to (i) strengthen the DMA regulatory framework by communicating the Commission's understanding of the DMA, (ii) improve the quality of third-party feedback, and (iii) increase gatekeepers' accountability through public scrutiny. Furthermore, while some respondents criticised the opaque process and lack of transparency about which third parties inform the Commission's regulatory dialogue, other respondents raised retaliation concerns if their engagement becomes known. Similarly, respondents criticised the amount of redactions in the non-confidential summaries of gatekeepers' compliance reports.

To this end, the results of regulatory dialogue are made public via multiple channels. For instance, gatekeepers mention changes to their compliance solutions in their yearly compliance report, and solutions are discussed during annual DMA compliance workshops. Similarly, gatekeepers may also communicate changes on their usual channels to inform users. However, this is not done consistently – in fact, gatekeepers often do not communicate that positive changes result from their obligation to comply with the DMA.

The public awareness of changes that gatekeepers have introduced to comply with the DMA is critical, as it allows interested third parties to ask for clarifications or provide feedback on proposed compliance solutions. Some respondents suggested that the Commission could consider publishing a centralised repository to document gatekeepers' compliance solutions and evidence of their effectiveness. The Commission recently took a step in this direction by introducing a tab with key resources for businesses on the DMA website[90] and will continue to develop this page. Furthermore, the Commission has ramped up its engagement with the relevant stakeholder community to increase the awareness of the DMA and its benefits by, for instance, participating in tech conferences and start-up events[91] The Commission also very much welcomes the contributions of civil society and independent academics. It will continue to actively engage in their events and monitor and encourage relevant research and innovative ideas. The Commission will further reflect on ways to further disseminate to

[87] https://digital-markets-act.ec.europa.eu/about-dma/practical-information_en.
[88] https://digital-markets-act.ec.europa.eu/contact-dma-team_en.
[89] https://digital-markets-act.ec.europa.eu/whistleblower-tool_en.
[90] E.g. see https://digital-markets-act.ec.europa.eu/questions-and-answers/resources-businesses_en.
[91] Participation at conferences include, for instance, Web Summit 2025 (Lisbon), GITEX 2025 (Berlin), Y Combinator 2024 and 2025 (Washington DC), FOSDEM 2025 and 2026 (Brussels), DEF CON 2025 (Las Vegas).

potential third beneficiaries, on an ongoing basis, information on improved compliance solutions resulting from successful regulatory dialogue discussions between the Commission and gatekeepers.

5.2.2. Specification proceedings

Although regulatory dialogue is the default tool for DMA enforcement, specification proceedings can be used to formalise such regulatory dialogue[92]. As set out in Article 8 of the DMA, specifications detail measures a gatekeeper must implement to effectively comply with an obligation in Articles 6 or 7 of the DMA. These measures undergo a public consultation.

Unlike non-compliance proceedings, specification proceedings do not find that a gatekeeper is non-compliant or impose fines. Instead, they give gatekeepers guidance, for instance, on matters of technical complexity or when compliance differs between gatekeepers because of the differing nature of their CPSs.

The Commission can initiate specification proceedings either on its own initiative or based on a gatekeeper's request. To date no gatekeeper has requested the Commission to launch specification proceedings – despite criticism about the lack of clarity and guidance on how to comply with the DMA. Furthermore, adopted specification decisions are made public, which can give gatekeepers and third parties insights into the Commission's legal understanding of certain obligations.

Some respondents have raised concerns that specifications are cumbersome – e.g. too many requests for information with too short deadlines – and third parties get insufficient access to case-related documents. Furthermore, some gatekeepers raised concerns about their rights of defence.

To that end, it is important to recall that the legislators consciously chose to enshrine specifications in an ambitious six-month legal deadline to ensure that these proceedings could deliver benefits swiftly. The Commission's procedure and investigatory steps reflect this legal timeline while respecting rights of defence and due process. The Commission has endeavoured to use the most efficient ways to gather crucial information and engage with the concerned gatekeeper and third parties. Through the first instances of specification proceedings the Commission has confirmed that its procedure is effective and fit for purpose within the existing legal framework, and does not require amendments.

Therefore, at this stage, the Commission considers that the procedure for specifications is well suited to the objective of having a rapid impact by providing concrete and practical guidance to gatekeepers while ensuring that their rights of defence are fully respected. The Commission notes that some of the questions on the rights of defence are subject to ongoing litigation.

[92] So far, the Commission has completed two specification proceedings concerning Apple's compliance with Article 6(7) of the DMA on 19 March 2025 (see Section 2.2.3 and Commission decisions C(2025) 3000 and C(2025) 3001) and opened two further specification proceedings concerning Alphabet's compliance with Articles 6(7) and 6(11) of the DMA on 27 January 2026 (see Sections 2.2.3 and 2.3.2 and Commission opening decisions C(2026) 585 and C(2026) 582).

5.2.3. Non-compliance proceedings

Non-compliance proceedings are a valuable DMA enforcement tool when it becomes evident that the Commission and a gatekeeper cannot find a common understanding through regulatory dialogue and gatekeepers will not effectively comply with a provision under the DMA[93]. As set out in Article 29 DMA, the Commission can find that a gatekeeper does not comply with the DMA (e.g. with obligations laid down in Articles 5, 6, or 7 of the DMA). Non-compliance proceedings provide both a deterrent effect and a mechanism for securing concrete changes in gatekeeper practices. With the threat of fines and the possibility of periodic penalty payments if a gatekeeper is found to be non-compliant with the DMA, this tool creates clear consequences for non-compliance[94].

To improve the effectiveness of non-compliance proceedings, some respondents called for legally binding deadlines for non-compliance proceedings. Similarly, respondents also called to improve stakeholder engagement, for instance through better access to case files (see Section 5.4 below). Conversely, some gatekeepers and associated parties consider that the DMA's non-compliance and specification proceedings provide insufficient rights of defence. According to these voices, the Commission should align proceedings more with antitrust or merger proceedings, for instance by introducing a hearing officer and having oral hearings after the adoption of preliminary findings

In terms of fines, feedback by stakeholders was mixed. On the one hand, many respondents called for higher fines to increase the deterrent effect and incentivise gatekeepers to comply with the DMA. Some even called for non-compliant products to be banned from EU digital markets if necessary. On the other hand, stakeholders affiliated with gatekeepers highlighted the need for fines and periodic penalty payments to be proportionate. Furthermore, whereas some representatives welcomed the idea of systemic non-compliance investigations, parties associated with gatekeepers consider them unnecessary and disproportionate.

The DMA and its Implementing Regulation (see Section 5.4 below) establish the procedural framework and indicative deadlines tailored to balance the relevant interests at stake, including aiming for a rapid and effective investigatory and enforcement process, while maintaining gatekeepers' right to be heard and protecting third parties' confidential information. At this stage, the Commission does not identify reasons to amend the procedural rules and indicative deadline set out in the DMA for non-compliance proceedings. It also considers that the sanctions toolbox in the DMA is sufficient to ensure the necessary level of deterrence and an appropriate gradation based on relevant factors like gravity or recurrence. Lastly, the Commission notes that several procedural issues covered by comments made by gatekeepers in the context of the public consultation are subject to ongoing appeals before the

[93] Non-compliance proceedings are based on Article 29 DMA. So far, the Commission has opened six non-compliance proceedings, of which two were completed (Meta Article 5(2) of the DMA, Apple Article 5(4) of the DMA), three are still ongoing (Apple Article 6(4) of the DMA, Alphabet Article 5(4) of the DMA, Alphabet Article 6(5) of the DMA), and one was formally closed (Apple Article 6(3) of the DMA).

[94] Non-compliance proceedings do not necessarily have to result in the finding of non-compliance and a fine. This was the case in the non-compliance investigation into Apple's choice screens under Article 6(3) of the DMA. The Commission closed the investigation following changes Apple made to its compliance solution. See also Section 2.2.1 above.

European Court of Justice of the European Union.[95] The outcome of these appeals will provide clarity on these procedural points.

5.2.4. Guidelines

Article 47 of the DMA allows the Commission to **adopt guidelines** to facilitate the effective implementation and enforcement of the DMA by streamlining and systematising best practices. Such guidelines constitute a useful tool to support the coherent application of the EU's digital regulatory framework and make the DMA more effective.

Some respondents emphasised the need for clearer guidelines and clarification on the interpretation, application, and scope of the DMA obligations, particularly with regard to self-preferencing, interoperability, and data access.

As explained above in Section 5.2.1, the primary tool for the Commission to provide guidance and clarification is through its continuous regulatory dialogue with third parties and gatekeepers. The Commission systematically engages with all requests for guidance and clarification, to the extent that they are in scope, using the most appropriate communication channels. Notably, the Commission has held hundreds of meetings with potential beneficiaries of DMA obligations to guide them on whether certain requests are in scope and advise on the best way to reach out to gatekeepers. Similarly, the Commission engages continuously with gatekeepers, across all obligations, to guide them on how they should comply with their obligations. This engagement typically focuses on interpretative questions that market participants have identified as important for effective compliance. The Commission consistently seeks to provide maximum clarity while making sure that its position is sufficiently informed with insight on practical and legal implications.

The Commission's enforcement actions also play a key role in giving detailed guidance on contested issues. As investigations conclude, the Commission's decision practice is being shaped. Therefore, the decisions that the Commission has already issued already constitute available and valuable guidance for all stakeholders involved – and more will become available as more decisions are adopted and as Courts review the Commission's decisions[96].

When there is a need, for example because of recurrent questions or genuine uncertainty, the Commission will consider whether adopting guidelines is appropriate. The Commission will typically consider whether it has sufficient practical experience on a given matter and whether adopting guidelines can have a positive impact on effective compliance.

For instance, to ensure the coherent and impactful application of the DMA and the GDPR, the Commission and the EDPB decided to develop Joint Guidelines on the interplay between the DMA and the GDPR[97]. This is in line with respondents' replies in the consultations and builds on the learnings of the DMA's enforcement so far and engagement in the context of the High-Level Group (see Section 5.5.3 below). These guidelines are meant to provide

[95] For instance, Meta regarding Article 5(2) of the DMA - Case T-435/25, *Meta Platforms v Commission*, action brought 4 July 2025, OJ C, C/2025/5214, 6 October 2025. EUR-Lex - 62025TN0435 - EN - EUR-Lex).
[96] E.g. Judgement of the General Court in Case T-1077/23.
[97] https://digital-markets-act.ec.europa.eu/commission-services-and-edpb-will-start-joint-work-guidance-interplay-between-dma-and-gdpr-2024-09-10_en.

guidance to gatekeepers on how to interpret and comply with the two sets of rules, ensuring that the distinct competencies of the Commission and the EDPB are respected while improving legal clarity and certainty for businesses in the EU[98].

The Commission will continue assessing on an ongoing basis whether additional guidelines can be warranted.

5.3. Compliance monitoring and stakeholder involvement

The DMA establishes a comprehensive compliance monitoring framework to ensure that designated gatekeepers implement the obligations under Articles 5, 6 and 7 of the DMA to deliver on the Regulation's objectives of contestability and fairness.

Under Article 11 of the DMA, designated gatekeepers are required to submit a detailed description of the measures implemented to ensure compliance with the obligations laid down in Articles 5, 6 and 7 of the DMA. These compliance reports must be precise, comprehensive and supported by evidence to enable effective monitoring by the Commission. As part of this requirement, gatekeepers must also provide a non-confidential public summary of their reports, which serves as a key transparency measure and allows stakeholders to follow compliance developments without compromising sensitive information. According to Article 28 of the DMA, gatekeepers are also required to designate a compliance function and a head of compliance.

The objective of compliance monitoring and stakeholder involvement under the DMA is to ensure the effective, timely and verifiable implementation of the obligations applicable to designated gatekeepers. The framework is designed to provide the Commission with consistent, comparable and sufficiently granular information on gatekeeper compliance through structured reporting, independent audits, workshops and investigative tools, enabling assessment of both formal compliance and its practical impacts. Stakeholder involvement complements these mechanisms by supporting verification of reported information against market realities and by helping identify ineffective compliance solutions circumvention risks and potential implementation gaps, thereby strengthening transparency, accountability and the evidence base for enforcement[99].

Gatekeepers submitted reports in March 2024 and March 2025 detailing their technical, organisational and procedural measures. The Commission published report templates (including templates for reporting on profiling) aimed at clarifying providing clarity on the Commission's expectation on how gatekeepers can meet their obligation to demonstrate compliance under Article 8(1) of the DMA. They complement the continuous regulatory dialogue between the Commission and gatekeepers on the state of their compliance by bringing together the gatekeepers' view on compliance with their obligation and supporting

[98] The public consultation on the draft guidelines closed on 4 December 2025. The consultation attracted more than 130 contributions, including from gatekeepers, SMEs, trade and business associations, NGOs and end users, the Commission and the EDPB will continue the dialogue with the aim of finalising these Joint Guidelines before the end of 2026.

[99] These objectives are consistent with the DMA Impact Assessment, which emphasised that compliance monitoring should not rely exclusively on self-reporting but should be reinforced by audits, stakeholder input and proactive enforcement instruments.

data. In addition, all gatekeepers have established dedicated compliance functions and designated heads of compliance with direct reporting lines to the companies' management body. While the precise role of the compliance officer may vary across gatekeepers depending on their internal organisation, they often act as facilitators between legal and business or engineering teams and contribute to promoting a culture of compliance within their organisations.

Beyond what is explicitly provided for in the DMA, the Commission organised a series of annual compliance workshops bringing together designated gatekeepers and third parties, including business users, consumer organisations and national authorities. These workshops complement the DMA's formal reporting obligation. They aim to increase gatekeeper accountability and transparency through structured exchanges on key implementation topics and on the practical impact of the gatekeepers' compliance measures on end users and business users. In 2025, workshops dedicated to each gatekeeper ranged from half a day to a full day, with a total of 1 800 participants registered across six workshop sessions (Alphabet, Meta, Apple, ByteDance, Microsoft and Amazon)[100]. The workshops are organised on a recurring basis following the submission of compliance reports and allow the Commission and stakeholders to test gatekeepers' explanations, seek clarifications and raise preliminary concerns in a transparent setting.

Feedback from the compliance workshops indicates that participants consider them generally useful and a good step towards more transparency and openness in the enforcement of the DMA. Some national competition authorities praised the workshops as an innovative, non-bureaucratic way to foster direct engagement between stakeholders and gatekeepers. Nevertheless, participants also raised concerns about evasive or incomplete responses from gatekeepers, in particular regarding the practical impact of compliance measures.

As required by Article 43 of the DMA, the Commission has also put in place a dedicated DMA whistleblower tool to facilitate the secure transmission of information by individuals with inside knowledge of potential non-compliance by designated gatekeepers. The tool allows for anonymous or attributed submissions in all EU official languages and operates under robust data-protection and confidentiality safeguards. Both the volume and the quality of these submissions have increased over time. Between May 2024 and the time of writing this document, the Commission received a total of 152 submissions. In several instances, the information provided has triggered or complemented investigations concerning the relevant gatekeeper. Information received through this channel complements the Commission's monitoring and investigative tools by gathering insights of stakeholders who fear retaliation or prefer being anonymous.

Stakeholders, including business users, end users, consumer organisations, civil-society

groups, academic experts and national authorities have been an important asset in monitoring compliance. They have been continuously contributing with valuable information including through written submissions, dedicated meetings with the Commission case teams,

[100] European Commission, '2025 DMA compliance workshops for designated gatekeepers,' *Digital Markets Act (DMA) Events Pool*, Brussels, June–July 2025. Workshops were organised for six of the designated gatekeepers to provide stakeholders with a forum to discuss compliance solutions, seek clarifications, and offer feedback on the implementation of DMA obligations (digital-markets-act.ec.europa.eu).

workshops and replies to the Commission's requests for information. The Commission has committed throughout the implementation phase to an open-door policy and has heard and duly considered all third parties wanting to provide feedback. This feedback has been instrumental in overcoming the asymmetry of information with gatekeepers. It has been and will remain the basis of the Commission's enforcement actions.

Respondents to the DMA review consultation broadly support the current framework but highlighted limitations related to the depth and usability of information and the practical accessibility of procedures, particularly for SMEs and end users. While compliance reports and workshops have improved transparency, respondents noted that the value of self-reporting remains uneven and that confidentiality constraints limit external scrutiny. In particular, several respondents criticised gatekeepers' compliance reports as self-serving narratives lacking independent verification and stakeholder input. The absence of structured channels for third parties to report non-compliance and input during enforcement proceedings was identified as a gap.

More systematic monitoring of compliance solutions was also requested to assess whether implemented solutions function effectively in practice. Suggestions to ensure effective enforcement included: the Commission publishing a clear set of key performance indicators; mandatory independent audits of gatekeepers' compliance solutions; introducing mandatory testing of compliance solutions with the public disclosure of test results; and sector-specific monitoring.

A number of research centres[101], produced papers including proposals to establish an evaluation framework[102] for the DMA going forward. The Commission also reviews on an ongoing basis the many contributions produced by academics on the DMA. They include valuable *ex post* and prospective analysis and recommendations that the Commission takes into account in its work. The Commission also regularly attends academic conferences and reaches out to relevant academics and experts on an ad hoc basis to inform its enforcement work.

Overall, the monitoring tools established under the DMA provide a solid and coherent foundation for overseeing gatekeeper compliance. The combination of structured reporting, independent audits, compliance workshops, stakeholder input and investigative tools has enabled the Commission to develop a progressively more detailed understanding of implementation practices across designated CPSs. However, the feedback from the first two years of application indicates that the Commission should continue to strengthen the monitoring tools provided by the DMA and seek new channels to ensure transparency and hold gatekeepers accountable as well as prepare for the next review exercise by organising the collection of relevant input, in particular quantitative.

Going forward, the Commission will continue organising stakeholder workshops yearly and improving their quality. The Commission will rely on the participants' feedback that it gathers each year after the events. It will also continue its active engagement with

[101]CERRE, Implementing the DMA: *Substantive and Procedural Principles* (2024).

[102] Fletcher, Crémer, Heidhues, Kimmelman, Monti, Podszun, Schnitzer, Scott Morton & de Streel, *The Effective Use of Economics in the EU Digital Markets Act*, Yale Tobin Centre for Economic Policy Discussion Paper (2023).

independent academics and will reflect on how the engagement with civil society can be further enhanced.

As part of this forward-looking approach, the Commission plans to review the compliance template to streamline reporting, reduce any unnecessary information requirements, and provide more specificity, particularly regarding compliance indicators. The Commission will also explore ways to improve the quality of public versions of compliance reports to increase transparency. These steps aim to ensure that monitoring is more systematic, targeted, and informative, which would also support future reviews of the DMA.

Overall, the Commission intends to progressively improve reporting, monitoring, and transparency, while taking stock of lessons learned and refining tools to support both effective enforcement and informed evaluation in future reviews.

5.4. Access to file and procedural rules

When carrying out enforcement activities, the Commission respects the principle of good administration and the procedural rights of gatekeepers and stakeholders. The DMA Procedural Implementing Regulation (EU) 2023/814 (the 'Implementing Regulation') establishes the procedures followed by the Commission, including how gatekeepers can exercise their right to be heard and how the Commission protects confidential information submitted by third parties.

The Implementing Regulation provides transparency into the Commission's enforcement activities by describing key milestones, such as the opening of proceedings (Article 5), the adoption of preliminary findings (Article 6), and granting gatekeepers access to the file (Article 8). This transparency enables gatekeepers and stakeholders to follow the proceedings and participate actively. The Implementing Regulation also sets out a structured format for gatekeepers to submit information in their notifications, ensuring that the Commission receives all necessary information.

The Implementing Regulation balances the protection of gatekeepers' rights and the need for efficient investigations by establishing data rooms as the default access to file system. Essential documents are shared directly with gatekeepers, while their external advisers (i.e. lawyers), can access the full file in the data room. This approach provides procedural efficiency and gives stakeholders more assurance when sharing information with the Commission.

Most respondents to the public consultations appreciate the procedural framework set out by the Implementing Regulation. They value the opportunities to engage in the proceedings and provide feedback. At the same time, they suggest that the proceedings could be even simpler, faster, and more efficient. They call for more third-party consultations, better access to information and educational materials, and additional safeguards to protect confidential information. In addition, they emphasise that the Implementing Regulation should guarantee better access to meaningful versions of gatekeepers' compliance reports and underlying data, enabling them to monitor compliance independently. Gatekeepers request that the Commission use its investigative measures more proportionally, allow them to access the file directly, to participate in oral hearings or discussions with the hearing officer.

Based on the feedback received, the Commission believes that the Implementing Regulation has proven to provide a good framework to balance the need for efficient proceedings and procedural guarantees for gatekeepers and third parties. The Commission will further reflect on whether to revise the Implementing Regulation to take on board the suggestions made by stakeholders to further improve its proceedings and ensure wider access to information for third parties. The Commission has taken steps to boost transparency and stakeholder engagement by publishing guidance, decisions and explanatory material, and by providing detailed information on ongoing proceedings and avenues for submissions through dedicated DMA webpages[103]. Going forward, the Commission will publish further guidance on the proceedings and the ways to engage with it.

5.5. Cooperation with Member States and other regulators

5.5.1. Digital Markets Advisory Committee

Pursuant to Article 50 of the DMA, the Digital Markets Advisory Committee ('DMAC') supports the Commission in the adoption of certain implementing acts under the DMA. The DMAC is classified as a committee under Regulation (EU) No 182/2011 and functions in accordance with its Rules of Procedure[104]. Its members are representatives from national competition authorities and economics ministries.

In line with its role, the DMAC has assisted the Commission in all relevant implementing acts, such as adoption of the DMA Implementing Regulation (EU) 2023/814 or the Commission's enforcement decisions to (i) specify measures of compliance, (ii) conclude market investigations for gatekeeper designations or (iii) conclude non-compliance decision and impose fines[105].

In its eleventh meeting on 5 June 2025, the Commission and DMAC delegations exchanged opinions on the review process, including, the scope, context and evidence. In terms of substance, one suggestion that was made is to consider whether the DMAC could not be used more as a forum for debating more fundamental policy considerations and priorities.

5.5.2. Competition authorities

5.5.2.1. European Competition Network

Article 1(6) of the DMA states that the DMA is without prejudice to Articles 101 and 102 TFEU and national competition rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions as well as the EU Merger Control Regulation and national merger control rules. The DMA is also

[103] Further information on the implementation of the DMA, including guidance, decisions and stakeholder submission mechanisms, is available on the Commission's dedicated DMA webpages: https://digital-markets-act.ec.europa.eu/.
[104] Published here: https://ec.europa.eu/transparency/comitology-register/core/api/integration/ers/rulesProcedure/C114400.
[105] The minutes and related documentation for each of the 11 meetings of the DMA can be found here: https://ec.europa.eu/transparency/comitology-register/screen/committees/C114400.

without prejudice to national competition rules that prohibit other forms of unilateral conduct insofar as their application concerns undertakings other than gatekeepers or amounts to the imposition of further obligations on gatekeepers. Article 38 of the DMA requires the Commission and national authorities enforcing competition rules ('national competition authorities' or 'NCAs') to closely cooperate with each other through the European Competition Network to ensure the coherent, effective and complementary enforcement of available legal instruments applied to gatekeepers.

In line with Article 38 of the DMA, the Commission and NCAs cooperated and coordinated their enforcement actions closely through the European Competition Network[106]. While the Commission is the sole enforcer of the DMA, NCAs played an important role and actively supported the Commission's enforcement activities. For example, several NCAs seconded experts to work on joint DMA enforcement teams in the Commission. Where appropriate, NCAs also sent requests of information to undertakings concerned also with respect to possible infringements of the DMA under Article 38(7) of the DMA.

NCAs and the Commission also worked closely together to coordinate the scope of their respective enforcement actions. This was the case, for instance, in the German NCA's investigation into the control that users of Google's service have over their data[107]. In this case, the German NCA accepted commitments under national competition law by Google concerning the modalities of when and how Google requests explicit user consent when processing user data among its different services other than CPSs. The commitments decision is explicitly aligned with the DMA as regards the interpretation of terms used also in the DMA.

NCAs also expressed support for the vigorous enforcement of the DMA, highlighting the positive impact of the legislation to ensure that digital markets are fair and contestable. When it comes to the coordination between Commission and NCAs, several NCAs submitted that they would benefit from being informed earlier and more comprehensively about the Commission's regulatory dialogues and related enforcement priorities. The Commission will reflect on how to best share such information to strengthen the cooperation and coordination between Commission and NCAs.

5.5.2.2. Non-EU competition authorities

Beyond cooperation in the European Competition Network, the Commission has also exchanged ideas and experiences in international fora, such as the OECD or the International Competition Network, but also bilaterally with several non-EU NCAs and ministries, e.g. from Australia, Japan or the United States. Some exchanges were more of a case-specific nature, in particular where these national cases touched upon issues covered by DMA

[106] So far, the Commission received ten formal notifications of the opening of investigations pursuant to Article 38(2) of the DMA and seven on an authority's intention to impose measures on gatekeepers pursuant to Article 38(3) of the DMA.

[107] See Bundeskartellamt, Press Release of 4.10.2023, 'Bundeskartellamt gives users of Google services better control over their data', available at https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2023/05_10_2023_Google_Data.html.

obligations, such as the US Department of Justice's Google Android case[108]. Other exchanges covered experiences of the design and enforcement of the DMA and non-EU laws. Legislative efforts by other countries generally shared the concerns and objectives of the DMA. Where possible, a global alignment should not only be in the interest of business and end users but also of gatekeepers. That is why some gatekeepers decide to launch certain compliance solutions globally[109].

5.5.3. High-Level Group for the Digital Markets Act

The HLG was established by a Commission Decision of 23 March 2023 based on Article 40 DMA. The group is composed of five European bodies and networks: BEREC, the EDPB and the European Data Protection Supervisor (EDPS), the European Competition Network (ECN), the Consumer Protection Cooperation Network (CPC Network), and the Media Board.

The HLG is chaired by the Commission which additionally offers the group secretariat support. The group aims to support a coherent and effective implementation of the DMA and other sector-specific regulations applicable to gatekeepers. The group is also relevant in the identification and evaluation of any interactions between the provisions of the DMA and sector-specific rules. Moreover, the Commission can also leverage the expertise and experience of relevant sectoral bodies and networks during market investigations into new services and practices. The HLG and its subgroups must not be involved in ongoing Commission proceedings or investigations under the DMA.

The HLG convened for its inaugural meeting on 12 May 2023, and it has come together in plenary format five times until the end of 2025. In 2024, three thematic subgroups were established, for a technical-level format dedicated to (i) data-related obligations, (ii) Article 7 DMA (interoperability), and (iii) AI. In total, the three subgroups held 13 meetings until the end of 2025. The work of the subgroup has further facilitated cooperation and fostered a collaborative dialogue with the community of European digital regulators.

Regarding the plenary's work, members of the HLG endorsed their first joint statement in 2024, highlighting the HLG's position on AI. The statement clarifies that, to the extent AI systems are integrated into designated CPSs, DMA obligations will apply to them. In 2025, the HLG followed up with the endorsement of a joint paper on AI, proposing to explore closer cross-regulatory cooperation[110].

The data-related obligations subgroup has focused on the obligation to obtain consent for the combination of data between designated services and distinct services as provided for in Article 5(2) of the DMA, including Meta's implementation, the interplay of this provision with the GDPR, the Commission's work regarding data access and portability, as well as the sharing of ranking, query, click, and view data by online search engines. Discussions further touched on the consumer profiling reports submitted by gatekeepers under the DMA.

[108] Available at https://www.justice.gov/atr/case/us-and-plaintiff-states-v-google-llc.
[109] E.g. 9to5Mac, EU says easier iPhone-Android switching is proof the DMA is working (9.12.2025), available at https://9to5mac.com/2025/12/09/iphone-android-switching-ios-26/.
[110] https://digital-markets-act.ec.europa.eu/fifth-meeting-digital-markets-act-high-level-group-2025-12-12_en.

The discussions in the Article 7 DMA subgroup centred on the latest developments regarding compliance by designated number-independent interpersonal communication services, including the reference offer and effective user discovery mechanisms.

The DMA review was first discussed at a technical-level joint meeting of the three subgroups to the HLG in September 2025[111]. A second discussion took place at the meeting of the HLG plenary in December 2025[112] where the members reflected about the progress made so far and the role the HLG can play to improve cooperation of digital regulators in the future, serving both consistency and simplification. A third discussion about the DMA review took place in the HLG plenary meeting in March 2026[113].

A key conclusion emphasised at both the plenary and subgroup levels is the need to enhance seamless cooperation across different policy instruments and prevent gatekeepers from exploiting one policy to evade another. This is in line with the results of separate consultations of Member States where several ministries and national competent authorities took the view that the HLG should play a central and potentially more prominent role in ensuring coordination across different regulatory domains and help develop a more holistic view and approach.

The Commission considers that the HLG has fulfilled its purpose and tasks as specified in Article 40 of the DMA and in its mandate[114], namely to provide the Commission with advice and expertise within the competencies of its members, to promote a consistent regulatory approach across different regulatory instruments.

Looking ahead, the HLG formats will continue to facilitate the necessary cooperation and coordination to ensure that DMA enforcement remains both predictable and effective in ensuring contestability and fairness in digital markets. The HLG should therefore, as determined in Article 40 of the DMA, remain the core forum for discussion of trans-regulatory issues between digital regulators and it will increasingly consider further areas of potential overlap with the DMA, such as the AI Act and the Digital Services Act.

The cooperation with the HLG is a good example of cross-regulatory cooperation. The Commission and the members of the HLG will continue exploring whether any measures should be taken to further improve coordination and cooperation between digital regulators.

5.6. Private enforcement

Under the DMA, the Commission has the exclusive power to designate CPSs' providers as gatekeepers and is the '*sole enforcer of the Regulation*'. However, national courts may directly apply DMA provisions to designated gatekeepers. The DMA is directly applicable in the Member States, and its provisions create individual rights if they are sufficiently precise, clear and relevant to the situation of the individual concerned. As such, they may be directly

[111] The minutes of the meeting of 29 September 2025 are published here: https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3904.
[112] The minutes of the meeting of 12 December 2025 are published here: https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3904.
[113] The minutes of the meeting of 20 March 2026 are published here: https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3904.
[114] Commission Decision C(2023) 1833 final of 23 March 2023.

relied upon by affected business users and end users of CPSs against gatekeepers before the national courts. Such proceedings may include actions for injunctions as well as actions for compensation of harm, including actions for collective redress under the Representative Action Directive (EU) 2020/1828.

Private enforcement of the DMA can serve as a useful complement to the public enforcement by the Commission. Article 39 of the DMA establishes a mechanism of cooperation between the Commission and national courts which is applicable in national court proceedings related to the enforcement of the DMA with the goal of ensuring the consistent interpretation and application of the DMA.

At the time of writing of this report, the Commission is aware of close to ten proceedings before national courts relying on different provisions of the DMA, in addition to antitrust legal bases. To the best of the Commission's knowledge, these proceedings, some of which have concluded, have been instituted before the national courts of France, Germany, the Netherlands and Poland.

For example, an email service provider, 1&1 Mail & Media GmbH, challenged Alphabet's practice of requiring the use of Gmail during the Android device setup process in front of the Regional Court of Mainz claiming that it violates Article 5(8) of the DMA. In August 2025, the court granted an injunction ordering Alphabet to stop the contested practice. The ruling is significant because it confirms that private parties can seek injunctive relief for alleged DMA violations before national courts[115], reinforcing the role of private enforcement alongside public DMA enforcement in the EU.

The few respondents to the public consultation that discussed private enforcement advocated for stronger private enforcement of the DMA. Various business users[116], associations[117], and academics [118] called for the promotion of private enforcement. Some called for EU policymakers to clarify and harmonise rules governing private enforcement or for the Commission to issue guidance explaining who can invoke the obligations set out in Articles 5 and 6 of the DMA before national courts. Others proposed to impose on judges of EU Member States an obligation to inform the Commission in due time when they are ruling on the potential existence of a non-compliance of the DMA. On the other hand, gatekeepers such as Alphabet have expressed concern that private parties launching parallel DMA-related proceedings with national courts may undermine the DMA's goal of harmonising digital market rules across the EU.

[115] See, for example, the ruling by the The Higher Regional Court of Cologne of 23 May 2025 regarding the permissibility of using personal data for training artificial intelligence by Meta (Case No. 15 UKl 2/25); the ruling of the Regional Court of Mainz of 12 August 2025 regarding Google requiring users to use its email service Gmail when setting up an Android smartphone (Case 12 HK O 32/24); an action brought by Liligo against Alphabet before the Tribunal des Activités Économiques de Paris to obtain the immediate cessation of the self-preferencing practices on Google Search and compensation for the damage suffered.

[116] For instance, EPIC, Deutsche Telekom or HOTREC.

[117] For instance, consumer association Ius Omnibus, the German Startup Association (Bundesverband Deutsche Startups e.V.), Studienvereinigung Kartellrecht or Hotelverband Deutschland (IHA), the Spanish Association for the Defence of Competition ('AEDC').

[118] For instance, SCiDA.

Based on its monitoring of the current state of private enforcement, the Commission does not see a need to modify the DMA to further promote private enforcement at this stage. Private enforcement is just starting in relation to the DMA and the Commission intends to monitor closely its development in the coming years. In particular, the Commission will maintain close monitoring to ensure consistency and the effective complementary role of the private enforcement in ensuring compliance, leveraging the DMA cooperation tools as necessary.

6. NEED TO MODIFY RULES

Even if the obligations of the DMA have only been fully applicable to gatekeepers for just over two years, the above sections have shown a **tangible positive impact** observable across all obligations. The DMA has **been working well overall**, contributing to making digital markets in the EU more contestable and fairer.

Despite this positive impact, the above sections have also shown that the objectives of the DMA have not yet fully been achieved. Article 53 of the DMA, raises the **question** as to whether the **DMA needs to be modified**. In light of the short period that the DMA obligations have been applicable, it seems **too early** for a legislative revision of the regulation. The factual basis is too limited. Business users and end users have only started to make use of the opportunities that the DMA is creating. More time will need to pass for these benefits to materialise and to properly assess the impact of compliance measures. The Commission will gather the necessary information to assess these effects and any potential need for a legislative revision of the DMA in the context of the next review exercise.

In the meantime, the Commission has already started to address major emerging issues raised during the public consultation. The Commission is considering **targeted changes,** making use of the existing DMA's flexibility tools, which do not require legislative change of the DMA, to keep the regulation future-proof. In particular, the Commission will continue its recently opened three market investigations related to **cloud** computing services. It is not only investigating whether Microsoft Azure and Amazon Web Services should be designated as gatekeepers for cloud computing services, but also whether the existing obligations need to be updated to ensure that they effectively tackle practices that may limit competitiveness and fairness for these services.

The Commission will also continue to monitor developments in the area of **AI** services as a matter of priority. It will ensure DMA compliance when AI technologies or services are either an integral part of designated CPSs, or a distinct service that potentially warrants a designation (e.g. as a virtual assistant). As part of this monitoring, the Commission will also assess whether any targeted modification of the DMA is needed to address the practices and challenges to contestability and fairness that are emerging or will emerge in AI services.

In addition, the DMA should not be seen in isolation. Other regulations and measures, such as the AI Act, Data Act, Digital Service Act, AI investment support, or competition law enforcement, can help catalyse the AI and cloud value chain and foster innovation.

Finally, the Commission will consider targeted modifications of the DMA's **procedural rules** within the existing legal framework. It will assess suitable measures to increase transparency and raise awareness among beneficiaries, especially in the start-up and SME community. Where appropriate, the Commission will also provide guidance, as it is in the process of doing with respect to the interplay of DMA and GDPR.

7. CONCLUSION

This first review of Regulation (EU) 2022/1925 (the 'Digital Markets Act' or 'DMA'), conducted pursuant to Article 53 of the DMA, provides an initial assessment of the functioning of the Regulation and its contribution to ensuring contestable and fair digital markets in the EU. The review takes place at an early stage of implementation. Designation decisions were adopted in September 2023 and the obligations laid down in Articles 5, 6 and 7 of the DMA have been fully applicable since March 2024. The present assessment focuses on early impact, enforcement experience so far, and stakeholder observations.

The DMA constitutes a novel *ex ante* regulatory framework addressing structural contestability and fairness issues found in digital markets characterised by strong network effects, economies of scale and scope, data-driven advantages and high barriers to entry. By imposing harmonised obligations on a limited number of undertakings designated as gatekeepers, the DMA seeks to prevent practices that undermine contestability and fairness and to ensure that digital markets remain open to innovation, are based on competition on the merits and enable effective user choice.

The analysis in this Staff Working Document confirms that the DMA has already created **positive impacts** on the contestability and fairness of digital markets during the short period it has been applicable. The DMA has already triggered significant changes in gatekeepers' conduct, technical design choices and contractual arrangements. These changes have begun to open new opportunities for business users and competitors and to strengthen end-user autonomy in several key areas.

At the same time, not least because of its short period of application, the DMA has not yet achieved its full potential. The review highlights that effective implementation remains complex and that enforcement will continue to be central to ensuring that the DMA's objectives are fully achieved in practice.

Across the obligation areas examined in this review, gatekeepers have rolled out a wide range of compliance solutions, including consent mechanisms, data portability tools, choice screens, interoperability opportunities and measures facilitating alternative distribution channels. These adaptations represent substantial departures from long-standing unfair business practices and ecosystem structures, particularly in areas traditionally characterised by lock-in effects and limited scope for competitive entry.

A central contribution of the DMA is to open gatekeeper ecosystems that have historically been shaped by default bias, restricted interoperability and controlled distribution channels. The review confirms that several obligations have already delivered early benefits for alternative providers and smaller market actors.

The DMA's fairness objectives are particularly salient in markets where gatekeepers act as both platform operators and competitors to dependent business users. The review highlights that obligations targeting self-preferencing, transparency and fair access conditions remain central to stakeholder expectations and enforcement priorities.

A consistent theme across stakeholder submissions is the importance of strong, timely and effective enforcement. Many respondents consider that the DMA has already begun to unlock new opportunities, but express concerns regarding gatekeepers' formalistic compliance

strategies, delays, and the persistence of technical or behavioural obstacles. Respondents also emphasised that the Commission needs additional resources dedicated to DMA enforcement, with some even suggesting that gatekeepers should bear the enforcement costs (similar to the DSA supervisory fee) – for more effective DMA enforcement[119].

The Commission takes these concerns seriously. Enforcement under the DMA is inherently iterative and requires continuous regulatory dialogue, monitoring, specification where necessary, and formal proceedings where compliance falls short. The Commission will continue to use all tools at its disposal, including non-compliance investigations, specification proceedings and market investigations, to ensure that the DMA delivers effective outcomes in practice. Furthermore, to best tackle the intricate challenges of implementing the DMA with precision and expertise, the Commission has composed a team including a multidisciplinary range of highly specialised experts, including lawyers specialised in competition law and privacy, economists, data scientists, and engineers.

Given the limited time since the DMA obligations became applicable, the review finds that it would be premature to propose broad legislative amendments to the DMA. Many obligations inherently require more time before their effects can be meaningfully assessed, and enforcement actions are ongoing in several key areas. The Commission will therefore reassess whether legislative changes of the DMA are necessary at the next review. In the meantime, it considers that the priority should remain on ensuring effective compliance and unlocking the full potential of the existing framework.

At the same time, the review identifies emerging questions regarding the scope of CPSs and obligations, including in relation to cloud computing and AI-enabled services, as well as the evolving relevance of interoperability and data-access obligations in these contexts. The Commission is already active in these crucial areas. It has initiated market investigations in relation to cloud services and specification proceedings that can empower contestability in relation to AI. These sectors will also be a focus in the Commission's regulatory dialogue and potential future enforcements actions. Generally, the Commission will continue to monitor technological and market developments closely and on an ongoing basis and make full use of the DMA's existing flexibility and future-proofing instruments to tackle contestability and fairness challenges as they become clear.

Taking into account the feedback received, the Commission's **future policy reflections** will also include possible changes that do not require legislative change of the DMA such as targeted modifications of the DMA's procedural framework, potential adaptations of certain templates used by gatekeepers, implementing suitable measures to increase transparency towards beneficiaries, and the potential development of a framework for the structured assessment of the DMA's impact going forward.

As digital markets continue to evolve, the DMA remains a central element of the EU's efforts to ensure that innovation can emerge and scale-up in open and contestable ecosystems. By addressing structural gatekeeper power while operating alongside complementary instruments such as the Data Act and the EU Startup and Scale-up Strategy, the DMA is part of a broader

[119] Contrarily, some respondents, including gatekeepers, recommended limiting the scope of requests for information to essential information.

policy framework aimed at strengthening Europe's innovation capacity, competitiveness and technological resilience. Continued monitoring and effective enforcement will be key to ensuring that these objectives are fully achieved over time.

Overall, this first review confirms that the DMA has already begun to deliver meaningful change in gatekeeper behaviour and has created new opportunities for contestability and fairness in the EU's digital economy. The Commission will continue to ensure enforcement, deepen engagement with stakeholders and assess the Regulation's functioning as markets evolve. Future reviews will provide the basis for determining whether additional specification, guidance or legislative adjustments are necessary to ensure that the DMA's objectives are fully achieved over time.

ANNEX A: SUMMARY OF STAKEHOLDER CONSULTATIONS

A.1. INTRODUCTION

This annex summarises the results of all consultation activities carried out by the European Commission in the context of the first review of the DMA. Section A.2 presents key data on participation in the consultations, while sections A.3 and A.4 set out the main themes, views, issues and comments received, respectively, through the targeted consultation and the dedicated consultation on artificial intelligence (AI). Section A.5 provides a brief overview of how the Commission is addressing this feedback, with references to the Staff Working Document, where the corresponding actions are described in more detail.

On 8 January 2026, the Commission published the individual contributions[120] received in the context of the targeted consultations, together with a summary of these contributions. The findings presented in that summary are used in this annex. Responses to the call for evidence, which are also public[121], were likewise analysed in that summary and are therefore taken into account in this annex. Engagement in the consultations was not limited to the EU, with contributions also received from entities based in non-EU countries, such as Japan, the US, and the UK[122].

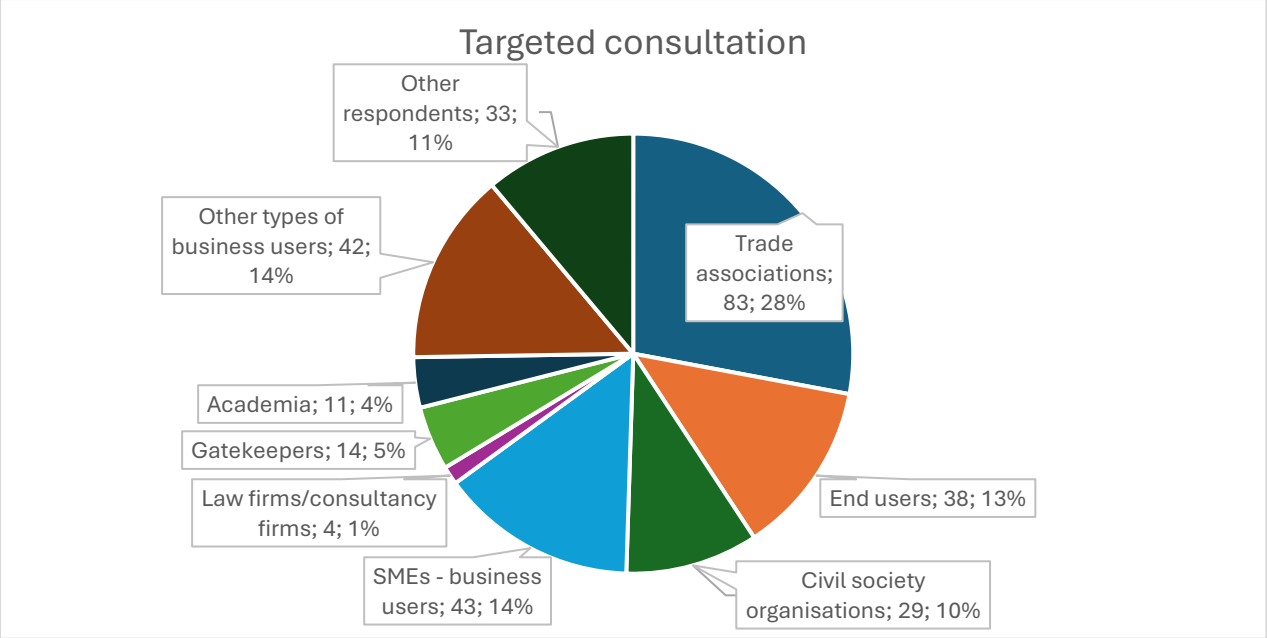
A.2. CONSULTATION PARTICIPATION

A.2.1. Targeted consultation

The targeted consultation included a survey of 12 questions, which are annexed to this Staff Working Document (Annex B). Respondents also had the possibility to attach longer written submissions. While respondents had the opportunity to submit qualitative and quantitative input on the DMA's early effects, the feedback was mainly of a qualitative nature. The Commission received a total of 290 contributions to the consultation.

Respondents represented a wide range of actors as the following image shows.

[120] https://digital-markets-act.ec.europa.eu/consultation-first-review-digital-markets-act_en.
[121] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14831-Review-of-the-Digital-Markets-Act_en.
[122] Most of the non-EU based contributors are business users, app developers, tech companies or associations.



Business users, SMEs and their associations represented the biggest percentage of respondents. The 'Other types of business users' category includes business users that do not qualify as SMEs. 'Other respondents' includes respondents such as think tanks and consumer organisations.

The Commission notes that approximately 27% of respondents who submitted a response to the targeted consultation declared having an affiliation with one or more gatekeepers[123]. An 'affiliation' means that the respondent actively declared a link to at least one gatekeeper, such as acting as a legal adviser or consultant, being a recipient of funding from a gatekeeper, or having contractual links with a gatekeeper. Such a declaration was not required for the call for evidence.

Slightly more than 15% of responses to the consultation were submitted as anonymous. Many business users also chose not to respond individually but to do so via their trade associations. Given the international nature of many parties responding to the consultation, respondents were not required to provide information on their nationality or place of establishment.

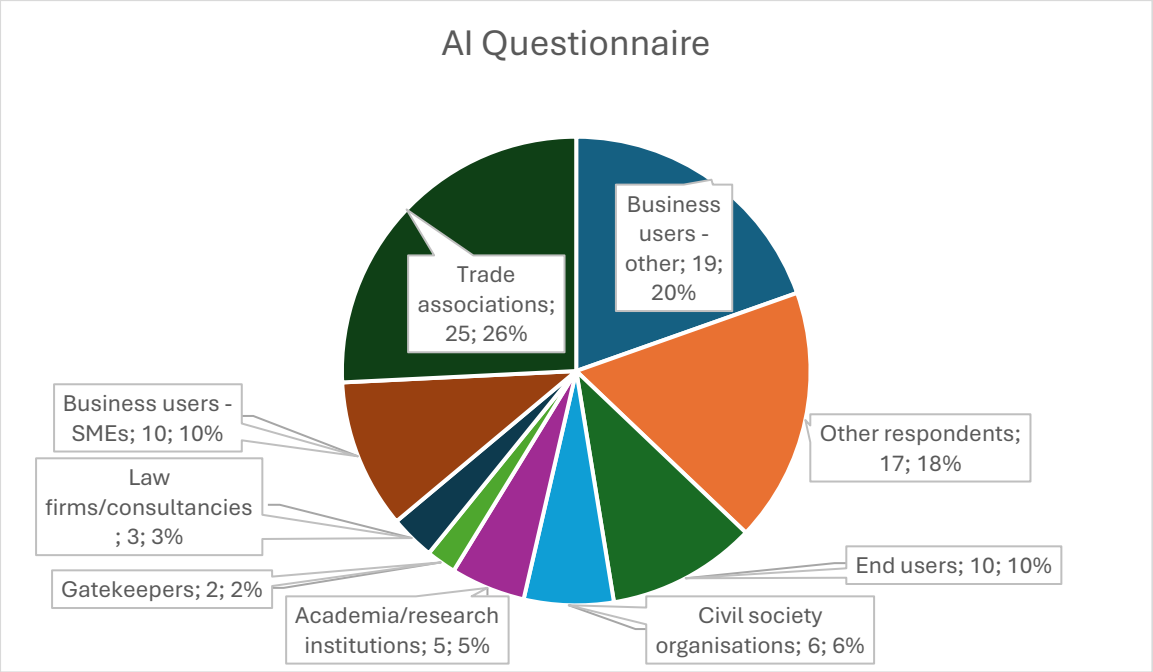
A.2.2. AI consultation

The questionnaire on AI comprised 11 questions (annexed to this Staff Working Document as Annex C). Of the 97 respondents, the largest group consisted of business users, followed by trade associations. Only two gatekeepers responded directly to this consultation.

[123] Respondents who declared an affiliation often cited standard commercial or organisational links with gatekeepers, (e.g. app distribution via app stores, online advertising, search or cloud services), membership relationships within trade associations or representative bodies that include gatekeepers, and contractual or funding arrangements such as donations, sponsorships, or professional advisory services. Fewer respondents referred to technical cooperation or data-sharing partnerships.

The Commission notes that approximately 35% of respondents who submitted a response to the AI consultation declared having an affiliation with one or more gatekeepers[124].

When reporting on their AI-related activities, respondents were asked to consider AI as 'computer systems capable of performing tasks that typically require human intelligence, such as natural language processing, visual recognition, learning, problem-solving and decision-making'.



Respondents declared operating across a diverse set of sectors, with the most frequently mentioned being retail and e-commerce, infrastructure, cloud and data, and enterprise support and operations. Other common areas included transportation and mobility, healthcare, finance, public sector and security, manufacturing and supply chain, and agriculture and climate. Some respondents also cited activities in the media, music and audiovisual industries, cultural and creative sectors, home automation, aerospace and medical devices, AI-driven research and consulting, and regulatory or public policy work.

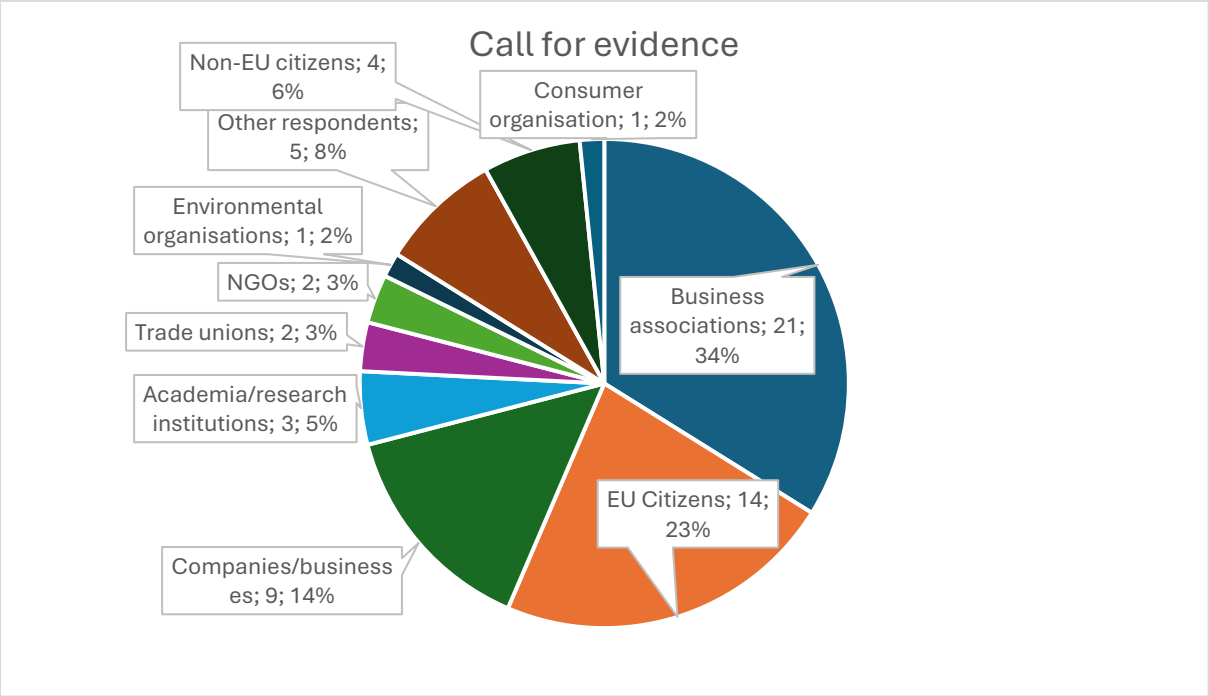
Over half of respondents reported also undertaking AI-related activities, such as integrating AI into products and services, developing or fine-tuning AI models for specialised tasks, and using third-party AI solutions for productivity, research, or creative purposes.

Just as for the targeted consultation, respondents were not required to provide information on their nationality or place of establishment.

[124] The AI consultation showed a very similar pattern of gatekeeper affiliations as the targeted consultation, but with a slightly stronger emphasis on affiliation by software licensing, AI service dependencies, and platform integrations, reflecting the technical nature of many AI activities, rather than app distribution or advertising. There were also more references to research funding linked to AI projects and the use of gatekeeper platforms as important infrastructure for AI development.

A.2.3. Call for evidence

The call for evidence invited both qualitative and quantitative input on the DMA's early effects. 62 valid responses were received. However, as with the two consultations, feedback was mainly qualitative in nature. No gatekeeper responded to the call for evidence. Feedback received through this channel has fed into the analysis in sections A.3 and A.4. Further information, such as on the nationality or place of establishment of respondents, can be found on the Commission's website[125].



A.3. SUMMARY OF CONTRIBUTIONS RECEIVED IN REPLY TO THE TARGETED CONSULTATION AND CALL FOR EVIDENCE

Respondents' contributions focus on broad themes including enforcement activity, improving designation processes, expanding the DMA's scope, strengthening interoperability, enhancing data access and supporting SMEs. Perspectives diverge most strongly on the DMA's impact on innovation, on proportionality of gatekeepers' obligations, and on whether further obligations or safeguards are needed, with gatekeepers and several respondents affiliated to gatekeepers voicing a number of criticisms.

Overall, most respondents support the DMA's objectives but highlight implementation challenges and suggest areas for improvement.

[125] See 'Statistics': https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14831-Review-of-the-Digital-Markets-Act/feedback_en?p_id=20283.

A.3.1. List of core platform services

Current list of designated core platform services

Several respondents said that the current list of designated CPSs is appropriate. Some respondents also called for the designation of more services such as operating systems for connected TVs, virtual assistants and further messaging services. A group of law firms and legal academics requested more clarity on the scope of the current list of CPSs asking the Commission to clarify their definitions.

Artificial intelligence

A large number of respondents raised the issue of AI and Large Language Models (LLMs), noting their growing role in digital markets. Many requested clarity on whether and which AI services fall within existing CPS categories.

Two broad positions emerged:

- 'Existing CPSs' view (supported by many academics, SMEs, civil society, and some business users): new AI functionalities and services can be considered as covered by the current list of CPSs – for example, search engines, app stores, operating systems, intermediation services, and virtual assistants – and should already fall within the DMA's scope.
- 'New standalone CPS(s)' view (supported by several academics, consultancies and some trade associations): CPS categories for AI services should be added, potentially harmonised with definitions in the AI Act.

A smaller group, including gatekeepers and respondents affiliated to gatekeepers, warned against prematurely expanding the DMA's scope without clear evidence of gatekeeping effects, citing risks of stifling innovation, market distortion and administrative overload.

Cloud services

Several respondents, including SMEs, business users and civil-society organisations, noted that quantitative thresholds alone, as in the current DMA, may be unsuitable to capture the specificities of cloud services, and stressed that the absence of cloud designations leaves important fairness and contestability issues unaddressed. For example, some respondents noted persistent challenges in interoperability, switching, and data portability when it comes to cloud services.

Gatekeeper-affiliated trade associations and a small number of business users expressed caution toward designating cloud services, arguing that:

- market dynamics differ across IaaS, PaaS, and SaaS[126]; and
- the DMA should not duplicate work undertaken under other digital and data legislations.

[126] Infrastructure-as-a-Service (IaaS) offers basic computing resources; Platform-as-a-Service (PaaS) provides a managed environment for building and running applications; Software-as-a-Service (SaaS) delivers fully hosted, ready-to-use software.

Other potential CPS categories

Some business users and end users suggested additional CPS categories, including payment processing, productivity suites, video-on-demand streaming and game engines.

A.3.2. Designation process

Quantitative thresholds and rebuttal of presumption

Feedback on quantitative thresholds was mixed: some respondents found the current thresholds reasonable; others, described them as either too rigid or not clearly justified.

Several themes stood out:

- The three-year lookback period was described as too long to capture rapidly growing services such as AI-powered platforms;
- Some respondents highlighted services with significant regional or sector-specific importance that fall below EU-wide thresholds;
- Many called for clearer definitions for ‘end users’ and ‘business users,’ especially in cloud and enterprise software markets if these were to be defined as a CPS.

With respect to the process of rebuttal of gatekeeper presumption, two types of concerns emerged:

- From gatekeepers and affiliated entities: some perceived the rebuttal process as opaque and burdensome, requesting greater procedural safeguards and more consistent standards of proof.
- From other respondents: some argued that the Commission relies excessively on self-reported data and called for broader respondent input and verification during the rebuttal process.

Qualitative designations

Several respondents, including academics, SMEs, and civil-society organisations, encouraged greater use of qualitative designation, especially where quantitative thresholds do not capture market realities (frequently citing cloud services).

A.3.3. Obligations

General feedback

Several respondents, from different groups, considered that more guidance and clarification is needed to ensure consistent interpretation of obligations. Moreover, several respondents called for strengthening and expanding the scope of the existing obligations.

Gatekeepers and their affiliated entities in particular expressed concerns that several obligations are overly broad or inflexible, especially because of rapid technological developments. They complained that compliance generates high operational and financial costs and that some obligations may undermine security or privacy.

Overall, obligations related to consent for data combination, self-preferencing, interoperability of operating systems and data-access provisions, were most frequently cited as requiring clarification or recalibration.

Proposed solutions included the definition of more targeted obligations, sector-specific adjustments, closer alignment with other EU digital legislation, regular impact assessments and formal mechanisms to lift outdated obligations.

Interoperability

Interoperability emerged as a recurring priority for SMEs, business users, civil society and consumer groups. Respondents highlighted the need for interoperability 'by design', clearer technical standards and stronger obligations for messaging, operating systems and emerging AI-driven functionalities.

Self-preferencing

Many respondents, particularly SMEs, business users, civil society, and several academics, noted that self-preferencing remains a core concern. They argued that enforcement should extend beyond ranking to address product bundling, use of default settings, privileged access to data, and technical integrations that favour gatekeeper services.

Data access and portability

A large number of respondents called for clearer guidance on data access and data portability obligations, broader scope for business user data access and more effective mechanisms for data portability for both business users and end users.

User choice and autonomy

Some contributions asked for compliance solutions with more effective user choice design to enable users to make informed choices while mitigating the risk of bias. Proposals included stricter oversight of user decision-making interfaces and consent flows, which should be neutral, easily accessible, and standardised to the extent possible.

A.3.4. Enforcement of the DMA

General feedback

Several non-gatekeeper respondents expressed concerns about insufficiently robust enforcement. Several complained of slow processes, limited transparency, circumvention, delaying tactics by the gatekeepers, and user-interface designs that undermine meaningful choice. In particular, respondents called for strong enforcement in areas such as self-preferencing, data-sharing obligations, cloud markets, interoperability and advertising markets.

There were also calls for preserving the DMA's political independence, notably by ensuring that its application remains insulated from broader political considerations; requests to strengthen private enforcement mechanisms and to further reduce potential overlaps or inconsistencies with adjacent EU legislation to increase legal certainty.

Gatekeepers and affiliated entities emphasised privacy, security and proportionality concerns, and indicated a preference for flexible dialogue-based enforcement rather than formal non-compliance procedures. They also called for more legal certainty and predictability in how the Commission interprets the DMA's obligations.

Transparency and information asymmetry

Respondents widely observed a significant information imbalance between the Commission and gatekeepers. Several called for more public information on enforcement priorities and non-confidential versions of preliminary findings. Some proposed DMA enforcement dashboards and clearer guidance on procedural expectations.

Some respondents, especially SMEs, business users and civil society, asked for greater involvement in non-compliance investigations, structured and confidential channels for reporting issues, templates for evidentiary submissions as well as a complaint mechanism similar to the one used in antitrust procedures.

Timely and effective enforcement

To address delays, respondents proposed binding timelines for the non-compliance procedures and use of interim measures. To ensure more effective monitoring, suggestions included mandatory independent audits of gatekeepers' solutions. Some respondents further proposed introducing mandatory testing of compliance remedies with public disclosure of test results to ensure effective enforcement.

Procedural framework

Feedback on procedural issues was consistent with broader enforcement concerns. Respondents requested more alignment with established antitrust procedures, clearer rules for regulatory dialogues, limiting information requests to essential elements, and reducing overlaps with the GDPR, the Data Act, the DSA, and the AI Act.

Gatekeeper-affiliated respondents stressed the need for procedural predictability and proportionate information requests, while non-affiliated respondents highlighted the need for faster, more structured processes.

NCAs and Member State involvement

Several respondents supported deeper involvement of national competition authorities (NCAs). Others, especially gatekeepers and those affiliated to gatekeepers, warned against fragmentation resulting from parallel enforcement under different legal frameworks. Some respondents called for more guidance on the application of Article 1(6) of the DMA and the parallel enforcement of the DMA and Member States' competition rules.

Sanctions and remedies

Several respondents argued that fines so far have been too low to deter non-compliance while penalties for repeat non-compliances should be higher. Furthermore, respondents suggested that sanctions could include limits on rolling out non-compliant products or structural remedies in cases of systemic non-compliance.

Gatekeepers, in contrast, argued for proportionate fines, based on EU revenues only and only for deliberate or repeated violations.

Tools and resources

Several respondents considered the Commission's tools to be sufficient but underutilised. A large number called for increased resources for enforcement, with some proposing that gatekeepers contribute to enforcement-related costs.

A.3.5. Gatekeepers' demonstration of compliance

Quality and transparency of compliance reports

Business users, SMEs, civil society, and some legal experts expressed concerns that public summaries of compliance reports lack sufficient detail, are not independently verified, and do not provide meaningful information for assessing outcomes.

Gatekeepers on the other hand emphasised the significant resources invested in compliance but argued that overly prescriptive reporting expectations could limit flexibility.

Several respondents supported the idea of independent audits, standardised templates, clearer benchmarks for assessing compliance and penalties for misleading or incomplete reporting.

End user awareness on DMA and transparency

Civil-society organisations proposed public repositories documenting DMA-driven changes, interactive portals explaining user rights and multilingual tutorials. Several end users echoed these proposals, particularly concerning transparency of consent flows and settings.

A.3.6. Impact and effectiveness of the DMA

Across nearly all respondent groups, there was a broad agreement that the DMA's real-world impact depends primarily on effective, timely, and transparent enforcement.

Respondents across several groups (SMEs, civil society, business users, academics) reported positive results but noted that the persisting gatekeeper influence can limit the effectiveness of certain solutions in practice. For example, they mentioned cumbersome consent or choice flows, limited interoperability in practice, restrictive app store conditions, and ongoing favourable treatment of gatekeepers' own services.

By contrast, gatekeepers and some affiliated entities emphasised uncertainty, fragmentation, and unpredictability as the main barriers to effectiveness, suggesting that more clarity rather than more enforcement is required. They also submitted that many of the gatekeepers' design choices reflect legitimate privacy, security and user-experience considerations, questioning DMA intervention in this area.

A.4. SUMMARY OF CONTRIBUTIONS RECEIVED IN REPLY TO THE CONSULTATION ON AI

The questions covered the way respondents use AI-powered services for their activities, the challenges they face when using them, the likely evolution of the industry, as well as

potential advantages that undertakings designated as gatekeepers under the DMA may already enjoy.

A.4.1. Key themes identified by respondents

The main themes in response to the consultation on AI covered the interoperability of AI-powered services, potential self-preferencing issues, data access, cloud dependencies, as well as the DMA's ability to address these AI-related issues.

Interoperability

Interoperability was repeatedly highlighted by respondents as a crucial DMA obligation in the AI context. Respondents explained that ensuring interoperability between core platforms services, such as operating systems, and AI-based services, including AI chatbots, is key. Some respondents also noted that gatekeepers' vertical integration and broad ecosystems risk creating incentives to impair effective interoperability and give rise to negative effects (e.g. user lock-in). Respondents also noted that effective interoperability with regard to AI-based services is currently lacking or costly and pointed to the development of standards as a desirable solution to tackle these issues.

Self-preferencing

Several respondents considered that certain gatekeepers treat their own AI products and services more favourably than those provided by others. Respondents highlighted the strategic importance of AI services to shape end user experiences. In this sense, several respondents noted a growing trend of deep integration of own generative AI technologies and advanced AI models, into gatekeeper ecosystems, to the detriment of third-party services that could have provided the same or similar services.

Access to data

Several respondents highlighted that access to data is a critical input to the development of alternative AI services. A key concern was the existence of proprietary datasets, which may harm the development of competitive AI markets. According to several respondents, this is compounded by the fact that gatekeepers leverage their CPSs to impose data-sharing conditions on business users, including through the APIs they make available to business users. Nevertheless, several respondents considered that these issues are not insurmountable and are mitigated by the existence of public datasets.

Respondents also stressed the importance of access to cloud computing services for the training and deployment of AI models and services. A broad range of respondents expressed concern that there was large potential to lock users into cloud services, in particular because of the dependencies AI service providers have on 'hyperscalers' (Amazon's AWS, Microsoft's Azure and, to a lesser extent, Google's Cloud Platform). In addition, respondents observed that while cloud computing services were listed as a CPS under the DMA, none were designated. Several respondents also called for an expansion of certain DMA obligations to cloud services. On the contrary, some respondents considered that cloud markets were not prone to tipping.

A.4.2. The role of the DMA in fostering contestability and fairness in AI services

Respondents generally highlighted the importance of the DMA in ensuring the development of fair and contestable markets in the AI era.

Several respondents called for firm enforcement of existing rules. According to these respondents, the DMA can help address the challenges posed by gatekeepers' AI models and services. In particular, respondents highlighted that improving interoperability of operating systems with third-party AI services, through Article 6(7) of the DMA, and promoting access to high-quality data for AI models, for instance through Article 6(11) of the DMA for the search engine component, were critical to promote contestability and fairness. Similarly, respondents called for the designation of cloud services. Among the respondents who support strong enforcement of existing rules, several called for the clarification of various rules through specific guidance, such as regarding self-preferencing, interoperability, and data access.

Other respondents advocated for the extension of the DMA scope to tackle AI-related contestability and fairness issues. Some called for the addition of a specific CPS category which would cover generative AI services, such as AI models and chatbots, or the extension of the definition of search engines to explicitly include AI services. In relation to data-related obligations, respondents suggested extending the data-sharing obligations to include, for instance, the transfer of model parameters, and chatbot chat history. Others called for the reinforcement of Article 6(12) of the DMA for gatekeepers to apply fair, reasonable and non-discriminatory conditions to content licensing. In addition, business users active in publishing called for the reinforcement of Article 6(5) to explicitly cover self-preferencing practices in relation to AI services.

Finally, a smaller set of participants, including gatekeepers and parties affiliated with them, called for caution in intervening in the AI sector. In their view, the sector is currently characterised by strong competition and does not present the potentially problematic structural characteristics of other digital services. In addition, several respondents consider that any regulatory action in AI-powered services would be premature as these services are still young.

A.5. CONCLUSION

The consultations generally showed broad support for the DMA's goals of ensuring fair and contestable digital markets, and respondents across different categories, identified early positive effects. These included more consistent browser and app-choice opportunities, the ability to uninstall default applications, the emergence of alternative app marketplace options on Apple's iOS, more freedom regarding app distribution (including conclusion of contracts and in-app purchases), and new data portability solutions.

Many respondents also highlighted implementation challenges requiring more effective enforcement. In this respect, many respondents agreed that, to contribute to achieving the DMA's objective of fairer and more contestable digital markets, enforcement of the DMA needs to be sustained, effective and well-resourced. In parallel, gatekeepers and several respondents affiliated to gatekeepers voiced a number of criticisms notably regarding

negative impact on innovation and user experience, as well as concerns that implementation of certain obligations is disproportionate.

Overall, there is a call for more predictable, rigorous, transparent, and timely enforcement, while another recurrent theme is the call to expand and future-proof the DMA's scope, in particular on the DMA's application to cloud and AI. The Commission has taken, and continues to take, targeted action to address much of this feedback, while acknowledging that in order for the full effects of the DMA to be visible, time is required for businesses to take up new opportunities opened by DMA solutions.

ANNEX B: QUESTIONS OF THE TARGETED CONSULTATION

1. Do you have any comments or observations on the current list of core platform services?
2. Do you have any comments or observations on the designation process (e.g. quantitative and qualitative designations, and rebuttals) as outlined in the DMA, including on the applicable thresholds?
3. Do you have any comments or observations on the current list of obligations (notably Articles 5 to 7, 11, 14 and 15 DMA) that gatekeepers have to respect?
4. Do you have any other comments in relation to the DMA obligations?
5. Do you have any comments or observations on the tools available to the Commission for enforcing the DMA (for example, whether they are suitable and effective)?
6. Do you have any comments in relation to the enforcement to the DMA?
7. Do you have any comments or observations on the DMA's procedural framework (for instance, protection of confidential information, procedure for access to file)?
8. Do you have any comments in relation to the Implementing Regulation and other DMA procedures?
9. Do you have any comments or observations on how the gatekeepers are demonstrating their effective compliance with the DMA, notably via the explanations provided in their compliance reports (for example, quality, detail, length), their dedicated websites, their other communication channels and during DMA compliance workshops?
10. Do you have any concrete examples on how the DMA has positively and/or negatively affected you/your organisation?
11. Do you have any comments in relation to the impact and effectiveness of the DMA?
12. Do you have any further comments or observations concrete examples on how the DMA has positively and/or negatively affected you/your organisation?

ANNEX C: QUESTIONS OF THE AI QUESTIONNAIRE

1. What are your activities in the AI sector?

   AI refers to computer systems capable of performing tasks that typically require human intelligence, such as natural language processing, visual recognition, learning, problem-solving and decision-making.

2. In which sector are you active?

3. Do you use or plan to use third-party AI-based products or services?

   3.1. Do you use any of those products or services offered by the DMA gatekeepers?

   3.2. Do you use any of those products or services offered by other companies than the DMA gatekeepers?

   3.3. How do you choose which AI-based product or service to use?

   3.4. What is the main way you use AI-based products and services?

4. If you are a business user developing and/or providing AI-based products or services, do you use or plan to rely on any of the gatekeepers' regulated core platform services (CPSs) under the DMA? In the affirmative, please elaborate on how you use or plan to rely on those CPSs.

5. If you are a business user developing and/or providing AI-based products or services, do you use or plan to rely on a third-party product or service not mentioned in Question 4 (including third-party AI-based products or services such as, for instance, AI models)?

6. As a business user developing and/or providing AI-based products or services, what are, in your view, the main obstacles to developing AI models and commercialising AI-based products and services? Please specify any bottlenecks or obstacles regarding, in particular, access to relevant inputs and/or distribution channels (e. g., computing capacity, (personal) data, cloud services, foundational models, search functionalities, operating systems, browsers, user-facing services, etc.).

7. As an end user, what are, in your experience, the main obstacles to using AI-based products and services?

8. What is, in your view, the impact of gatekeepers' AI models and AI-based products and services on your activity?

9. In your view, how are AI-based products and services likely to evolve in the coming years? In light of that, please specify what is needed to ensure that AI markets continue to be fair and contestable in the future?

10. Do you consider that the DMA's obligations and prohibitions (see Articles 5 to 7, 11, 14 and 15 DMA) can help addressing the issues that you have identified in your responses and foster the development of AI models and AI-based products and services? Which obligation(s) and prohibition(s) do you consider the most relevant?

11. Additional comments and attachments: Do you have any further comments or observations on the DMA's role to ensure fairness and contestability in the AI sector?