

Digital Competition's Submission to the Commission Public Consultation on the Digital Markets Act Review

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Executive Summary

Adopted in 2022, the Digital Markets Act (DMA) imposes obligations on large online platforms to ensure contestable and fair digital markets. The Commission is consulting stakeholders ahead of its first review report, due by 26 May 2026. This submission provides a factual overview, critical analysis, and policy recommendations to the Commission across the designation process, compliance phase, and cooperation frameworks as of July 2025.

The designation process has operated as intended. However, concerns have been raised about an imbalance between designated U.S. platforms and similarly sized European and Chinese firms, recommending the latter to be designated to level the playing field. While calls to expand the DMA to cover cloud and GenAI services are growing, the Commission should first monitor these dynamic and nascent markets before extending the scope.

Compliance is still in its early stages of development. While merger reporting functions well, no cases have been referred under the European Merger Regulation (EUMR), and the Commission should assess the reasons before revising its merger policy. Compliance and consumer profiling reports offer limited value to stakeholders and should be made more accessible to them. The Commission should also structure the informal dialogue process, prioritise cooperative resolution, clarify its use of specification decisions over non-compliance investigations, issue guidance on key obligations, and monitor GenAI developments to ensure the DMA remains fit for purpose before changing obligations.

Existing cooperation mechanisms and forums have supported consistent enforcement, but can be strengthened. The Commission should deepen its collaboration with national competent authorities, particularly national competition authorities (NCAs), through practical frameworks, increased transparency, and enhanced stakeholder engagement.

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1. Introduction

The European Digital Markets Act (Regulation (EU) 2022/1925, DMA) is a landmark digital competition regulation. Adopted in November 2022, it governs the behaviour of large online platforms designated as “*gatekeepers*” in their core platform services (CPSs), acknowledging their pivotal role as intermediaries between business users and consumers in Europe. The Act is based on a two-phase procedure: a designation phase to identify gatekeepers, and a compliance phase to monitor and enforce the obligations.

By imposing obligations, the Act aims to lower entry barriers (contestability objective) and guarantee fair conditions for business users (fairness objective). It further prohibits circumvention tactics and introduces mandatory reporting on compliance, mergers, and user profiling. Gatekeepers must demonstrate effective compliance from the moment the obligations came applicable, or risk facing fines and even remedies.

The European Commission holds exclusive responsibility for implementing and enforcing the DMA. It must issue an annual enforcement report and deliver a comprehensive review to European policymakers by 26 May 2026, followed by updates every three years (Article 53).

As part of the first DMA review, the Commission has launched a public consultation to collect stakeholder feedback. It welcomes input on the list of CPSs, the scope and effectiveness of obligations, enforcement practices, procedural aspects, and the DMA’s impact on business users and end users¹. In parallel, it has published a dedicated public consultation on Artificial Intelligence (AI) in the context of the DMA review². Both consultations run until 24 September 2025.

This first review arrives at a crucial juncture. Enforcement is still in its early stages, while transformative shifts, particularly in Generative AI (GenAI), are reshaping digital markets. Geopolitical factors, such as transatlantic tensions, also exert a growing influence on the regulatory landscape.

¹ European Commission, Consultation on the First Review of the Digital Markets Act, 3 July 2025 (accessed 15 July 2025). Available at: https://digital-markets-act.ec.europa.eu/consultation-first-review-digital-markets-act-2025-07-03_en

² European Commission, Consultation on AI in the Context of DMA Review (accessed 10 September 2024). Available at: https://ec.europa.eu/eusurvey/runner/Consultation_AI_DMA

Since the DMA took effect in September 2023, the Commission has designated eight gatekeepers. It has also initiated several formal and informal investigations and collaborated with national competent authorities and within cooperation forums to ensure consistent DMA enforcement with national and European legal regimes.

This submission to the Commission's public consultation provides an evidence-based assessment of the DMA's implementation and enforcement as of July 2025. It draws on publicly available information, confidential interviews with stakeholders, including two interested third parties, two national NCAs and one gatekeeper, in response to a public call for contributions³, as well as relevant literature. The report is structured into three main parts: it first examines the designation phase, then analyses the compliance phase, and finally reviews cooperation mechanisms and forums. Each section begins with a factual overview, followed by critical analysis, and concludes with policy recommendations for the Commission. Crucially, the report does not take a position on whether gatekeepers have complied with their obligations, nor does it evaluate the legal reasoning behind the Commission's decisions. The author is available to discuss and present the report to the Commission, interested competition authorities, and third parties.

2. Designation Phase

2.1. Overview

The designation phase marks the first step in the DMA enforcement process. It identifies firms that fall within the DMA's scope. The firm must provide a service listed as a CPS and meet qualitative criteria. A firm that meets the quantitative criteria is presumed to be a gatekeeper. However, it may rebut this presumption by demonstrating that it does not satisfy the qualitative conditions, despite meeting the quantitative thresholds (Articles 2 and 3).

The designation applies only to the CPSs specified in the Commission's designation decision and includes integrated or embedded services, such as GenAI features⁴. Once a firm notifies

³ Christophe Carugati, Public Consultation on the Review of the European Digital Markets Act, *Digital Competition*, 17 March 2025 (accessed 15 July 2025). Available at: <https://www.digital-competition.com/comment/public-consultation-on-the-review-of-the-european-digital-markets-act>

⁴ Klaus Kowalski, Cristina Volpin, and Zsolt Zombori, Competition in Generative AI and Virtual Worlds, *Competition Policy Brief Issue 3*, September 2024 (accessed 24 July 2025). Available at: https://competition-policy.ec.europa.eu/document/download/c86d461f-062e-4dde-a662-15228d6ca385_en

the Commission, the designation process must conclude within 45 working days, unless the Commission launches a market investigation, in which case it may take up to one year (Articles 3 and 17). These deadlines reflect the DMA's aim to ensure timely and predictable designations.

As shown in **Annex 1**, most gatekeeper designations (seven) resulted directly from firm notifications without the need for market investigations. In the four instances where the Commission opened investigations, three concluded with non-designation decisions. The Commission has also withdrawn one designation after determining that the firm no longer met the relevant thresholds.

Only in four instances have gatekeepers challenged their designation before the General Court (GC). In one case, the GC has already dismissed the appeal under the expedited procedure, which was appealed before the European Court of Justice (ECJ) by the gatekeeper. Additionally, one third party has contested a non-designation before the GC⁵.

The review of the designation phase highlights that the DMA's procedural framework functions as intended. Firms have submitted notifications, and the Commission has issued designation decisions within the prescribed timeframes. The phase also demonstrates that the Commission is willing to consider evidence that rebuts the gatekeeper presumption and is responsive to arguments that a firm no longer meets the designation thresholds.

2.2. Critical Analysis

European policymakers designed the DMA to target a limited number of large online platforms based on clearly defined qualitative and quantitative thresholds. In practice, of the eight firms designated as gatekeepers, seven are American companies or subsidiaries of American firms, and one is Chinese. None are European. This outcome has prompted sharp criticism from U.S. policymakers, who argue that the DMA unfairly discriminates against American tech

⁵ Opera, Opera Requests That the EU General Court Secure the DMA's Promise of Free Browser Choice on All Platforms, 12 July 2024 (accessed 17 July 2025). Available at: <https://blogs.opera.com/news/2024/07/opera-dma-request/>

See also, T-357/24 *Opera Norway / Commission* (pending).

companies⁶. The Commission has firmly rejected these claims, maintaining that the DMA applies irrespective of a company's nationality⁷.

At the same time, the President of the Belgian Competition Authority has noted that "*national digital platforms can show very similar characteristics to the DMA gatekeepers as far as market power is concerned and even as regards their behaviour towards business users*".⁸

Against this backdrop, although European legislators have the discretion to set the DMA's thresholds, the current application risks distorting the competitive process and the level playing field. American companies may face a disproportionate disadvantage compared to European or Chinese firms that exhibit similar characteristics but fall outside the scope of the DMA. In this context, current gatekeeper designations could be seen as distortive, as they rely on politically defined thresholds without sufficiently robust economic justification relative to similarly situated market players.

Moreover, the DMA currently applies only to firms offering services within the predefined list of CPSs. Some stakeholders and policymakers have called on the Commission to designate new gatekeepers in emerging services such as virtual assistants, cloud services, and GenAI services⁹. In particular, they highlight the rise of AI agents, which are GenAI services that can autonomously perform tasks on behalf of users, as a category not yet fully captured by the existing CPS framework¹⁰. In this context, they urge the Commission to revise the definition of CPSs, adjust threshold methodologies (particularly for virtual assistants), and consider opening

⁶ United States Congress, Letter to Teresa Ribera, 23 February 2025 (accessed 17 July 2025). Available at: <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2025-02-23%20JDJ%20SF%20to%20Ribera%20re%20DMA.pdf>

⁷ Peggy Corlin, Commission Defends EU Digital Markets Rules In The Face of US Attacks, *Euronews*, 7 March 2025 (accessed 17 July 2025). Available at: <https://www.euronews.com/my-europe/2025/03/07/commission-defends-eu-digital-markets-rules-in-the-face-of-us-attacks>

⁸ Concurrences, Axel Desmedt (Belgian Competition Authority): DMA Implementation - The Role of the National Competition Authority and the Relationship with Competition Law, *Concurrences N° 7-2025 Art. N° 126344*, July 2025 (accessed 17 July 2025). Available at: https://www.concurrences.com/en/review/issues/no-7-2025/interview/axel-desmedt-belgian-competition-authority-dma-implementation-the-role-of-the?utm_source=linkedin&utm_medium=social&utm_campaign=72025

⁹ Peggy Corlin, DMA Should Urgently Apply to Cloud And AI, Lead Lawmaker Warns, *Euronews*, 30 January 2025 (accessed 17 July 2025). Available at: <https://www.euronews.com/my-europe/2025/01/30/dma-should-urgently-apply-to-cloud-and-ai-lead-lawmaker-warns>

¹⁰ Friso Bostoen and Jan Krämer, Is the DMA Ready for Agentic AI?, *CERRE*, 3 July 2025 (accessed 24 July 2025). Available at: <https://cerre.eu/publications/is-the-dma-ready-for-agentic-ai/>

market investigations to assess whether GenAI services should be designated as a new category of CPSs, and to evaluate gatekeeper designation in cloud services.

The possible inclusion of new CPSs raises a critical question: whether and how digital competition regimes should address emerging technologies, such as GenAI services not embedded in CPSs. The DMA was introduced to address concerns about firms holding entrenched and durable positions, or being likely to achieve such positions in the near future (Recital 15). Where this condition is not met, extending the DMA to new services risks distorting competition without sufficient legal or economic justifications.

Regarding GenAI, several competition authorities globally, including the Commission, have scrutinised the sector and flagged early concerns about potential competition risks¹¹. However, recent studies suggest that such concerns have not yet materialised and that GenAI markets remain competitive¹².

Regarding cloud services, competition authorities globally have raised concerns about market concentration in the hands of a few dominant providers, commonly referred to as “hyperscalers” due to their scale, as well as issues related to licensing practices, cloud credits, and egress fees that may hinder switching between providers¹³. However, the French Competition Authority (FCA), in its sector inquiry on cloud services, concluded that many of these concerns may be more appropriately addressed through the EU’s Data Act (Regulation (EU) 2023/2854, DA). The DA introduces horizontal obligations for all cloud providers, particularly in relation to data portability, interoperability, and pricing structures for egress fees¹⁴.

The FCA has also conducted a preliminary analysis on the emergence of Model-as-a-Service (MaaS), which are cloud-based services providing access to proprietary and third-party AI

¹¹ For a tracker of competition authorities’ studies, see Christophe Carugati, *Generative Artificial Intelligence, Digital Competition* (accessed 18 July 2025). Available at: <https://www.digital-competition.com/generativeai>

¹² Zach Meyers and Marc Bourreau, *What Policy Interventions for a Competitive AI Sector?*, *CERRE*, 3 July 2025 (accessed 17 July 2025). Available at: https://cerre.eu/wp-content/uploads/2025/07/What-policy-interventions-for-a-competitive-AI-sector_Final.pdf

¹³ For an overview of competition authorities’ studies in the cloud sector, see OECD, *Competition in the Provision of Cloud Computing Services, OECD Roundtables on Competition Policy Papers*, 20 May 2025 (accessed 18 July 2025). Available at: https://www.oecd.org/en/publications/competition-in-the-provision-of-cloud-computing-services_595859c5-en.html

¹⁴ Autorité de la concurrence, *Opinion 23-A-08 of 29 June 2023 on Competition in the Cloud Sector*, 29 June 2023 (accessed 25 July 2025). Available at: https://www.autoritedelaconcurrence.fr/sites/default/files/attachments/2023-09/23a08_EN.pdf

models, as part of its GenAI sector inquiry. It recommends that the Commission closely monitor the development of MaaS to assess whether certain providers may warrant gatekeeper designation under the DMA¹⁵. However, MaaS remains an emerging, competitive segment where AI developers currently have access to AI models from a variety of MaaS providers (e.g., Amazon Bedrock), as well as AI model providers (e.g., Meta Llama) and open model repositories (e.g., Hugging Face).

2.3. Policy Recommendations

The DMA designation process functions as intended. However, it raises important questions regarding potential market distortions and the treatment of emerging technologies.

Regarding market distortions, the Commission should consider whether market investigations for gatekeeper designation should be extended to other firms, including European and Chinese players, that exhibit characteristics similar to those of currently designated gatekeepers. Such an approach would help ensure a level playing field across all major digital platforms, irrespective of a company's nationality.

On emerging technologies, the Commission should continue monitoring both market and regulatory developments in the GenAI sector before deciding whether to include GenAI services as a new CPS. Given the current level of competition in the sector, any decision to expand the CPS list should be based on clear legal and economic evidence that specific GenAI markets are likely to become entrenched in the future. If such services are added, the Commission should narrowly define the relevant category to include only those most susceptible to future market consolidation.

As for cloud services, the Commission should first assess whether existing legal frameworks, such as the DA and general competition law, are better suited to address concerns, including those related to licensing practices, cloud credits, and egress fees. Regarding MaaS, the Commission should continue to observe market and regulatory developments before considering DMA designations. As a nascent and competitive segment, MaaS is only one avenue for accessing AI models, suggesting caution before extending DMA obligations to these providers.

¹⁵ Autorité de la concurrence, Opinion 24-A-05 of 28 June 2024 on the Competitive Functioning of the Generative Artificial Intelligence Sector, 28 June 2024 (accessed 18 July 2025). Available at: https://www.autoritedelaconcurrence.fr/sites/default/files/commitments/2024-09/24a05_eng.pdf

3. Compliance Phase

3.1. Overview

The compliance phase is the second stage of the DMA framework, during which designated gatekeepers must begin fulfilling their obligations from the date they become applicable. These obligations fall into three broad categories: (1) merger reporting (Article 14); (2) compliance (Article 11) and consumer profiling (Article 15) reporting; and (3) substantive compliance obligations (Articles 5,6, and 7).

3.1.1. Merger Reporting

Once designated, gatekeepers must inform the Commission of all intended acquisitions in the digital sector. This requirement is intended to complement Article 22 of the EU Merger Regulation (Regulation (EC) No 139/2004, EUMR), which allows Member States to refer concentrations to the Commission if they affect trade between Member States and threaten to significantly affect competition within the territory of the Member States making the request.

As shown in **Annex 2**, between the entry into force of the obligation on 5 September 2023 for the first list of designated gatekeepers (Alphabet, Amazon, Apple, ByteDance, Meta and Microsoft) and July 2025, gatekeepers reported 25 acquisitions.

Except for the *Microsoft/Activision transaction*, none of these transactions were notified under the EUMR. However, the *Microsoft/Activision* review began on 30 September 2022, before the DMA's applicability to Microsoft. The Commission also attempted to assess Microsoft's partnership with Inflection.ai via Article 22, but the referring NCAs withdrew their requests following the ECJ's *Illumina* judgment, which affirmed that referrals must involve transactions meeting national merger thresholds¹⁶. The *Microsoft/Inflection.ai* partnerships did not meet any such thresholds¹⁷.

¹⁶ C-611/22 P *Illumina v Commission*, ECLI:EU:C:2024:677, 3 September 2024.

¹⁷ European Commission, Commission Takes Note of the Withdrawal of Referral Requests by Member States Concerning the Acquisition of Certain Assets of Inflection by Microsoft, 18 September 2024 (accessed 16 July 2025). Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4727

Overall, the merger reporting obligation appears to function as intended, with gatekeepers submitting the required information. However, its effectiveness in complementing Article 22 EUMR remains uncertain. The Commission does not disclose reasons for not pursuing merger control at the EU level, though in most cases, it is likely due to the absence of applicable thresholds or a lack of concern among Member States.

3.1.2. Consumer Profiling and Compliance Reporting

The DMA also requires gatekeepers to submit annual reports on consumer profiling and their compliance efforts, both in confidential and non-confidential formats¹⁸. The Commission has published templates to guide reporting, which may indirectly influence how gatekeepers apply their obligations¹⁹. However, these templates are non-legally binding, allowing gatekeepers to deviate from them.

Despite some variation in format, gatekeepers have submitted detailed reports outlining their profiling practices and compliance approaches. This suggests that the reporting process is operating effectively.

3.1.3. Compliance Obligations

DMA obligations become legally applicable six months after the designation decision is made. Gatekeepers must implement effective compliance solutions that achieve the objectives of contestability and fairness (Article 8) and refrain from circumventing their duties (Article 13), or risk facing fines of up to 20 per cent of their global turnover, as well as behavioural or structural remedies, and even merger prohibition (Articles 29 and 30). The Commission oversees compliance through informal regulatory dialogue, specification decisions, non-binding guidance, and investigations into non-compliance.

¹⁸ For the list of consumer profiling reports, see European Commission, Consumer Profiling Reports (accessed 16 July 2025). Available at: <https://digital-markets-act-cases.ec.europa.eu/reports/consumer-profiling-reports>

For the list of compliance reports, see European Commission, Compliance Reports (accessed 16 July 2025). Available at: <https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports>

¹⁹ For the consumer profiling and compliance reports templates, see European Commission, Digital Markets Act (DMA) Legislation (accessed 16 July 2025). Available at: https://digital-markets-act.ec.europa.eu/legislation_en

3.1.3.1. Informal Regulatory Dialogue

Although not mandated by the DMA, informal regulatory dialogue plays a crucial role in the implementation and enforcement of the DMA. It fosters trust among the Commission, gatekeepers, and stakeholders, including business users and civil society, and helps resolve compliance challenges without resorting to formal enforcement. The Commission has initiated these dialogues through meetings, workshops, public consultations, and investigations, as in the *Google Search self-preferencing*²⁰ and *Apple User Choice* cases. In the *Apple* case, the Commission closed the investigation after the dialogue led to improvements in compliance solutions²¹.

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3.1.3.2. Specification Decisions

Specification decisions are binding tools that clarify how certain obligations apply to specific gatekeepers. The Commission may adopt them on its own initiative or in response to a request from a gatekeeper (Article 8(2)). These decisions complement informal dialogue by offering legal certainty. On its own initiative, the Commission has specified interoperability obligations in the *Apple interoperability* case, leading to legally binding guidance. Even after issuing such a decision, the Commission retains the power to launch a non-compliance investigation if it believes the obligations have been breached (Article 8(4)). However, no gatekeeper has yet requested to engage in a process with the Commission to determine if the intended or implemented compliance measures are effective (Article 8(3)).

3.1.3.3. Formal Guidance

Formal guidance, by contrast, is general and non-binding (Article 47). It can clarify any aspect of the DMA to support its implementation. The Commission has not yet issued formal guidance.

²⁰ In its preliminary findings, the Commission states that it continues its engagement with Alphabet to identify effective solutions that comply with the self-preferencing ban. European Commission, Commission Sends Preliminary Findings to Alphabet Under the Digital Markets Act, 19 March 2025 (accessed 16 July 2025). Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_25_811

²¹ European Commission, Commission Closes Investigation into Apple's User Choice Obligations and Issues Preliminary Findings on Rules for Alternative Apps Under the Digital Markets Act, 23 April 2025 (accessed 7 May 2025). Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1086

3.1.3.4. Non-Compliance Investigations

Finally, the Commission retains broad discretion to initiate non-compliance investigations, either on its own initiative or in response to complaints from third parties. Competition Commissioner Teresa Ribera has emphasised that such proceedings are typically reserved for situations where informal dialogue has failed²². Once launched, these investigations must be concluded within 12 months (Article 29). Additionally, the Commission has the power to reassess existing DMA obligations and, where necessary, add to or remove them from the list following a market investigation (Article 19). While this mechanism offers a flexible tool for adapting the regulatory framework to evolving market realities, it has not yet been utilised to revise the obligations.

Annex 3 summarises the investigations initiated under the DMA. Of the eight cases listed, three have progressed to the stage of preliminary findings, one remains at the investigatory stage without formal proceedings, and four have been closed, at a time of transatlantic tensions. Among the closed cases, two resulted in non-compliance decisions, which imposed fines and included the threat of periodic penalty payments should the gatekeeper fail to remedy the infringement within 60 calendar days. One investigation concluded with no finding of breach following constructive regulatory dialogue, while another closed with the issuance of a specification decision, also following such dialogue.

Evaluating whether gatekeepers have fully complied with the DMA requires detailed analysis of each obligation, which falls outside the scope of this submission. Such an assessment would require direct input from stakeholders, including gatekeepers, third-party organisations and civil society. Moreover, the DMA does not establish quantitative or qualitative benchmarks for measuring compliance.

Instead, this review assesses whether the compliance process has functioned as intended. Commissioner Ribera has described the goal as fostering a “*culture of compliance*.”²³ Evidence suggests that this goal is partially achieved. The Commission has effectively utilised dialogue in some cases and pursued a limited number of non-compliance investigations. However, transatlantic tensions may have tempered enforcement activity.

²² European Commission, Commission Sends Preliminary Findings to Alphabet Under the Digital Markets Act, 19 March 2025 (accessed 16 July 2025).

²³ *Ibid.*

Importantly, the Commission has missed the legal deadline in several investigations opened in March 2024, which remain unresolved beyond the 12-month limit. This delay signals a slower-than-expected pace of DMA enforcement.

3.2. Critical Analysis

3.2.1. Merger Reporting

The DMA's merger reporting obligation is intended to work in tandem with the EUMR. However, the *Illumina* judgment has limited the effectiveness of this interplay, prompting the Commission to explore alternative mechanisms to capture below-threshold mergers. These include lowering existing thresholds, introducing transaction-value thresholds similar to those used in Germany and Austria, and adopting call-in powers that would enable the Commission to request notification of transactions that do not otherwise meet the established criteria²⁴.

While work is ongoing to define a revised EU merger policy framework, the Commission has encouraged NCAs with existing call-in powers to refer relevant transactions below the threshold²⁵. A recent example is the *Nvidia/Run:ai* merger, which the Commission reviewed following a referral from the Italian NCA²⁶. The merging parties have since appealed the Commission's acceptance of the referral before the ECJ, claiming that it violates key legal principles, including institutional balance, legal certainty, proportionality, and equal treatment²⁷. Notably, the Commission itself has acknowledged the legal uncertainty this creates for merging parties²⁸.

²⁴ Margrethe Vestager, Speech by EVP M. Vestager at the 28th Annual Competition Conference of the International Bar Association, *European Commission*, 6 September 2024 (accessed 18 July 2025). Available at: https://ec.europa.eu/commission/presscorner/detail/en/speech_24_4582

²⁵ Francesca McClimont, Ribera: Killer Acquisitions Still a Key Concern, *Global Competition Review*, 4 April 2025 (accessed 18 July 2025). Available at: <https://globalcompetitionreview.com/article/ribera-killer-acquisitions-still-key-concern>

²⁶ European Commission, Commission Approves Acquisition of Run:ai by NVIDIA, 20 December 2024 (accessed 18 July 2025). Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6548

²⁷ T-15/25 *Nvidia v Commission (pending)*, 10 January 2025.

²⁸ Margrethe Vestager, Speech by EVP M. Vestager at the 28th Annual Competition Conference of the International Bar Association, *European Commission*, 6 September 2024 (accessed 18 July 2025).

For a critical analysis of call-in powers, see Christophe Carugati, How Member States and the Commission Use Call-In Power Mechanisms, *Concurrences* N° 7-2025, July 2025 (accessed 18 July 2025). Available at:

In France, the FCA launched a public consultation to explore three options for addressing below-threshold mergers. These included: (1) introducing a call-in power to require notification of transactions below national thresholds; (2) establishing a mandatory notification requirement for certain firms, such as those designated under the DMA; and (3) relying on ex post antitrust enforcement following merger implementation²⁹. Following feedback, the FCA is now advancing a proposal to introduce a call-in power while discarding the mandatory notification requirement. The latter drew significant criticism due to legal concerns, particularly its interaction with the DMA, and the risk of unnecessarily burdening both merging parties and the FCA with reviews of non-problematic transactions³⁰. Moreover, introducing a mandatory notification requirement specifically targeting gatekeepers at the national level would appear unnecessary and disproportionate, particularly in light of current evidence showing that most acquisitions by gatekeepers have not raised substantive competition issues³¹.

Despite these criticisms, some scholars have advocated for amending the DMA's merger reporting obligation into a mandatory notification requirement³².

Moreover, in its GenAI sector inquiry, the FCA recommended that the Commission expand the merger reporting template to include information on minority investments in the same sector

<https://www.concurrences.com/fr/review/issues/no-7-2025/pratiques/how-member-states-and-the-commission-use-call-in-power-mechanisms>

²⁹ Autorité de la concurrence, Public Consultation on the Introduction of a Merger Control Framework for Addressing Below-Threshold Mergers, 14 February 2025 (accessed 18 July 2025). Available at: <https://www.autoritedelaconcurrence.fr/en/press-release/public-consultation-introduction-merger-control-framework-addressing-below-threshold>

For a critical analysis of the French proposals, see Christophe Carugati, Should France Mandate Gatekeepers to Notify Mergers?, *Digital Competition*, 13 February 2025 (accessed 18 July 2025). Available at: <https://www.digital-competition.com/comment/should-france-mandate-gatekeepers-to-notify-mergers%3F>

³⁰ Autorité de la concurrence, Mergers Below the Control Thresholds: Following the Public Consultation, the Autorité Is Continuing its Work to Propose a Reform Ensuring Effective Control, 10 April 2025 (accessed 18 July 2025). Available at: <https://www.autoritedelaconcurrence.fr/en/press-release/mergers-below-control-thresholds-following-public-consultation-autorite-continuing>

³¹ Christophe Carugati, Should France Mandate Gatekeepers to Notify Mergers?, *Digital Competition*, 13 February 2025 (accessed 18 July 2025).

³² Mario Mariniello, Reinforcing EU Merger Control Against the Risks of Acquisitions by Big Tech, *Bruegel*, 13 March 2025 (accessed 18 July 2025). Available at: <https://www.bruegel.org/policy-brief/reinforcing-eu-merger-control-against-risks-acquisitions-big-tech>

as the target³³. This is legally feasible as the DMA empowers the Commission to adopt implementing acts to specify the content of merger reporting (Article 46).

3.2.2. Consumer Profiling and Compliance Reporting

Gatekeepers have complied with the obligation to submit both confidential and non-confidential reports detailing consumer profiling practices and compliance measures.

However, some interested business users have expressed dissatisfaction with the compliance reports, arguing that they offer limited value in assessing actual compliance or in enabling them to seize the opportunities created by the DMA. In response, several scholars have recommended that these reports become more comprehensible, comparable, and dynamic. Specifically, they suggest that reports should be regularly updated to reflect ongoing compliance efforts, follow a more standardised structure with consistent indicators to enable benchmarking across gatekeepers, and include designated contact points for business users wishing to engage on commercial issues raised in the reports. They have also proposed that access to the confidential version be granted to interested third parties under strict non-disclosure agreements³⁴.

While these proposals may enhance engagement from a policy perspective, they raise several legal concerns. Under the DMA, gatekeepers are only required to update their compliance reports once a year. Furthermore, the current reporting template is non-binding, allowing gatekeepers discretion over the structure, content, and indicators included in their submissions. Notably, there is no legal obligation for gatekeepers to include specific indicators or to establish contact points for business users. These indicators echo the DMA compliance template, which requests data that goes beyond what is strictly necessary from a legal standpoint, particularly data in relation to the uptake of the DMA by third parties. While such information may be valuable from a policy or evaluative perspective, it is not legally relevant. The DMA imposes obligations solely on gatekeepers. It does not require that third parties make use of the opportunities created, nor does it mandate that the market structure must change as a result. In any event, implementing such changes would require either a revision of the DMA itself or the adoption of implementing acts. In this regard, the Commission has the power to adopt implementing acts to specify further the content of compliance reports, as well as the

³³ Autorité de la concurrence, Opinion 24-A-05 of 28 June 2024 on the Competitive Functioning of the Generative Artificial Intelligence Sector, 28 June 2024 (accessed 18 July 2025).

³⁴ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025). Available at: https://cerre.eu/wp-content/uploads/2025/03/DMA@1-Looking-Back-and-Ahead_Final.pdf

methodology and procedures for the audited description of techniques used for consumer profiling and for the content of consumer profiling reports (Article 46).

3.2.3. Compliance Obligations

3.2.3.1. Process

Since the DMA entered into force, the Commission has worked to foster a culture of compliance through informal regulatory dialogue. However, this process remains largely unstructured and opaque, with limited transparency about how stakeholder input is handled. This has led to concerns among some stakeholders that the process functions as a “*black box*.”³⁵

Moreover, this approach has inherent limitations. Gatekeepers and stakeholders often hold diverging interests, as seen in the ongoing *Google Search self-preferencing* case, where hotels and airlines have raised concerns about losing traffic to travel aggregators³⁶. Despite several workshops and discussions between Google, the Commission, and third parties, a resolution has yet to emerge. Google has even publicly called for an end to the debate, underlining the impasse³⁷.

So far, these interactions have been mostly bilateral and have not resulted in informal guidance on specific obligations. Direct engagement between gatekeepers and third parties remains limited³⁸.

To improve this framework, several authors have recommended that the Commission convene multilateral dialogues involving all relevant stakeholders³⁹. A more predictable and transparent

³⁵ *Ibid.*

³⁶ Oliver Bethell, An Update on Our Compliance with the DMA, *Google Blog*, 26 November 2024 (accessed 17 July 2025). Available at: <https://blog.google/around-the-globe/google-europe/dma-compliance-update/>

³⁷ Oliver Bethell, A LinkedIn post following the 8th DMA workshop hosted by the European Commission, where Google has presented its 5th and 6th iterations compliance solutions related to the self-preferencing ban for Google Search, 14 July 2025 (accessed 21 July 2025). Available at: <https://www.linkedin.com/feed/update/urn:li:activity:7348696975518646274/>

³⁸ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

³⁹ *Ibid.*

process could help clarify compliance expectations and foster co-developed solutions based on feedback received through a participative approach⁴⁰. One third-party has suggested that the Commission facilitate public workshops organised by the sector rather than by individual gatekeepers.

Formal specification proceedings may also provide a more structured path toward legal certainty. Their effectiveness would be further enhanced if gatekeepers were encouraged to proactively request the opening of a formal process, as it does not involve the opening of a specification proceeding. Some authors have also recommended that the Commission clarify when it chooses specification over non-compliance proceedings, given the different legal consequences despite often similar outcomes in terms of behavioural changes⁴¹.

Despite repeated calls⁴², the Commission has yet to issue formal guidance. While the reasons remain unclear, such guidance could significantly reduce uncertainty and support compliance. For example, a third party has highlighted the need for clarity on data portability (Article 6(10)) and access conditions (Article 6(12)).

3.2.3.2. Impact

The DMA is already having a notable impact on how gatekeepers operate in Europe. In response to obligations, gatekeepers have introduced changes such as search choice screens and allowed the use of alternative app stores⁴³. These measures have largely remained EU-specific, with limited signs of extraterritorial spillover, despite stakeholder requests, such as Epic Games' desire to expand its app store outside Europe⁴⁴.

⁴⁰ For a model of participative approach, see Christophe Carugati, A Model for a Participative Approach to Digital Competition Regulation, *Bruegel*, 27 February 2023 (accessed 21 July 2025). Available at: <https://www.bruegel.org/policy-brief/model-participative-approach-digital-competition-regulation>

⁴¹ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

⁴² *Ibid.*

⁴³ As of March 2025, there has been six alternative App Stores available on Apple operating systems. These App Stores are: AltStore PAL, Setapp Mobile, Epic Games Store, Aptoide, Mobivention marketplace, and Skich. Sarah Perez, Move Over, Apple: Meet the Alternative App Stores Coming to the EU, *TechCrunch*, 13 March 2025 (accessed 21 July 2025). Available at: <https://techcrunch.com/2025/03/13/move-over-apple-meet-the-alternative-app-stores-coming-to-the-eu/>

⁴⁴ The Epic Games Store Launches on Mobile, *Epic Games*, 16 June 2024 (accessed 17 June 2025). Available at: <https://www.epicgames.com/site/en-US/news/the-epic-games-store-launches-on-mobile>

In some cases, European users have been denied access to new features due to regulatory uncertainty. For instance, the rollout of Apple Intelligence has been delayed in Europe amid concerns about compliance with interoperability obligations⁴⁵. End users have also reported degraded service quality, such as the inability to click on the Google Maps feature from Google Search, as a result of changes made under the DMA⁴⁶.

Moreover, interviews with stakeholders suggest that certain DMA obligations, although legally binding, may offer limited practical value. Certain gatekeepers and trade associations have raised concerns about whether the compliance costs are proportionate to the actual benefits for interested third parties, particularly in light of the low uptake associated with some obligations⁴⁷.

At the same time, one NCA anticipates further market developments in AI services and recommends a systematic analysis of how AI functionalities are being integrated into already designated CPS. In a similar vein, some scholars have called for a reassessment of existing DMA obligations to ensure they remain fit for purpose, considering the evolving role of AI agents⁴⁸.

In addition, DMA compliance is inherently dynamic⁴⁹. Gatekeepers continually adjust their practices in response to feedback from stakeholders and the Commission, as well as new

⁴⁵ Javier Espinoza, Apple Delays European Launch of AI Features Because of EU Rules, *Financial Times*, 24 June 2024 (accessed 21 July 2025). Available at: <https://www.ft.com/content/360751cb-7a22-48e0-9b00-6a30ff41dcfe>

⁴⁶ Reddit, Not Able to Click on Map During Google Search...Why Did They Change This? (accessed 21 July 2025). Available at: https://www.reddit.com/r/GoogleMaps/comments/1b228yx/not_able_to_click_on_map_during_google_search_why/

⁴⁷ Carmelo Cennamo et al., Economic Impact of the Digital Markets Act on European Businesses and the European Economy, *LAMA Economic Project*, June 2025 (accessed 18 July 2025). Available at: <https://www.dmcforum.net/wp-content/uploads/2025/06/120625-FINAL-CCIA-DMA-Report-1.pdf>

⁴⁸ Friso Bostoen and Jan Krämer, Is the DMA Ready for Agentic AI?, *CERRE*, 3 July 2025 (accessed 24 July 2025).

⁴⁹ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

products and services⁵⁰. For example, Meta has modified its pay-or-consent model to address compliance concerns⁵¹.

The DMA also presents significant legal challenges for gatekeepers. These include navigating overlaps with national legal frameworks, as discussed in section 4.1.1, and adapting to digital competition regimes outside the EU, such as the Digital Markets, Competition and Consumers Act (DMCCA) in the United Kingdom (UK)⁵².

Finally, enforcement of the DMA has drawn criticism from certain gatekeepers and U.S. policymakers, who argue that the regulation unfairly targets American firms and functions as a “tariff⁵³.” These concerns have surfaced in the context of broader transatlantic trade tensions. While the Commission has reiterated that the DMA is not part of trade negotiations and is free from foreign interference⁵⁴, political pressure may implicitly influence enforcement decisions in practice, as the Commission seeks to avoid escalation or retaliatory measures.

⁵⁰ The DMA compliance reports indicate that several gatekeepers have adjusted and improved their compliance solutions between the first and second reporting cycles. See, European Commission, Compliance Reports (accessed 21 July 2025). Available at: <https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports>

⁵¹ Facebook and Instagram to Offer Subscription for No Ads in Europe, *Meta Blog*, 12 November 2024 (accessed 21 July 2025). Available at: <https://about.fb.com/news/2024/11/facebook-and-instagram-to-offer-subscription-for-no-ads-in-europe/>

The Commission is currently investigating whether this change complies with the DMA in the context of its ongoing *Meta Pay-or-Consent* case.

⁵² In the UK, Google and Apple are currently under investigations for a designation under the UK digital competition regime.

For Google search and search advertising, see CMA, SMS Investigation into Google's General Search and Search Advertising Services, 24 June 2025 (accessed 21 July 2025). Available at: <https://www.gov.uk/cma-cases/sms-investigation-into-googles-general-search-and-search-advertising-services>

For Google mobile ecosystem, see CMA, SMS Investigation into Google's Mobile Ecosystem, 27 June 2025 (accessed 21 July 2025). Available at: <https://www.gov.uk/cma-cases/sms-investigation-into-googles-mobile-ecosystem>

For Apple's mobile ecosystem, see CMA, SMS Investigation into Apple's Mobile Ecosystem, 27 June 2025 (accessed 21 July 2025). Available at: <https://www.gov.uk/cma-cases/sms-investigation-into-apples-mobile-ecosystem>

⁵³ Joel Kaplan, Meta's Statement in Response to the European Commission's Decision on the Digital Markets Act, *Meta Blog*, 23 April 2025 (accessed 18 July 2025). Available at: <https://about.fb.com/news/2025/04/metas-statement-in-response-to-the-european-commissions-decision-on-the-digital-markets-act/>

⁵⁴ Foo Yun Chee and Philip Blenkinsop, EU Trade Chief Bound For US, Seeking Deal Fair for Both Sides, *Reuters*, 30 June 2025 (accessed 21 July 2025). Available at: <https://www.reuters.com/sustainability/boards-policy-regulation/eu-tech-rules-not-included-us-trade-talks-eu-commission-says-2025-06-30>

3.3. Policy Recommendations

The DMA compliance phase is still in its early stages, but it shows promise, as the Commission has the necessary tools at its disposal to ensure effective enforcement. Nonetheless, early implementation offers valuable lessons for improving the compliance process.

On merger reporting, there is currently no need to alter the reporting obligation, as gatekeepers have been effectively submitting the required information. However, if the Commission wishes to bridge the gap between the DMA and the EUMR, it should first request explanations from NCAs regarding why transactions were not referred to the Commission. To ensure transparency and inform stakeholders, these explanations should be published beneath each transaction listed on the DMA's "*list of acquisitions*" webpage⁵⁵.

If evidence emerges of persistent shortcomings in the referral mechanism with the DMA, the Commission should launch a public call for evidence to assess the issue and explore policy options. Importantly, changing the reporting obligation into a mandatory notification requirement is not recommended at this stage for the reasons mentioned above.

Regarding compliance and consumer profiling reports, the Commission should evaluate their practical utility for both business users and end users, in proportion to the regulatory burden placed on gatekeepers to produce them. If stakeholders report that the value or usability of these reports is limited, the Commission should collaborate with gatekeepers to enhance their accessibility, clarity, and relevance, while reducing regulatory burdens. In particular, reports should be made more user-friendly and kept up to date to help stakeholders better understand and leverage the opportunities created by the DMA. Conversely, compliance reports should be limited to data strictly necessary to assess legal compliance. Since data on the uptake of the DMA by third parties or broader market changes is not required under the DMA to evaluate legal compliance, the Commission should refrain from requesting gatekeepers to produce such information.

On informal regulatory dialogue, the Commission should adopt a more structured engagement model by establishing clear, participative rules for dialogue with stakeholders. This approach should be transparent, including public consultations and the publication of detailed and reasoned summaries of consultation outcomes to foster broader and more consistent

⁵⁵ European Commission, List of Acquisitions (accessed 24 July 2025). Available at: <http://digital-markets-act-cases.ec.europa.eu/acquisitions>

stakeholder participation. To further improve clarity and predictability, the Commission should consider publishing indicative timetables with milestones and issue-specific roadmaps on key compliance matters, as the UK Competition and Markets Authority does to enforce the DMCCA⁵⁶.

On specification proceedings, the Commission should improve legal certainty by clarifying the circumstances under which it opts for specification proceedings rather than initiating non-compliance investigations. To this end, it would be beneficial for the Commission to publish guidance outlining its enforcement priorities under the DMA.

Such guidance should take into account the relative costs and benefits of each DMA obligation, and prioritise enforcement where obligations are expected to deliver the greatest impact for intended beneficiaries. In doing so, the Commission should be open to re-evaluating and potentially removing existing obligations following a market investigation where evidence suggests that the compliance burdens placed on gatekeepers significantly outweigh the corresponding benefits for stakeholders, or where the obligations appear to have limited or no measurable impact.

On formal guidance, the Commission should issue guidance on the DMA's obligations to provide greater legal certainty and support stakeholder efforts to develop and deploy innovative products and services, thereby reinforcing European competitiveness. As a first step, the Commission should launch a public consultation to identify areas where guidance is most needed. Draft guidance should then be subject to consultation to gather stakeholder feedback and ensure that it reflects real-world needs and practical challenges.

On non-compliance investigations, as previously emphasised by the Competition Commissioner, such proceedings should be initiated only when constructive dialogue has clearly failed. Given the complex and evolving nature of compliance, the Commission should prioritise cooperation with gatekeepers and interested third parties to support effective implementation. A collaborative approach would not only foster more robust compliance but also help mitigate transatlantic tensions by demonstrating the Commission's openness to regulatory engagement, rather than penalising early-stage efforts made in good faith.

⁵⁶ For example, see for Google search and search advertising. CMA, SMS Investigation into Google's General Search and Search Advertising Services, 24 June 2025 (accessed 21 July 2025).

Finally, to ensure the DMA remains fit for purpose in light of emerging developments, the Commission should actively monitor market and regulatory trends in AI services. In particular, it should assess whether existing DMA obligations facilitate or hinder innovation and competition in this evolving sector. Likewise, it should examine whether new market practices raise novel risks or opportunities for competition. Based on this assessment, the Commission should consider whether to add, adapt, or remove certain obligations through a market investigation.

4. Cooperation Mechanisms and Forums

4.1. Overview

The DMA establishes formal cooperation mechanisms and cooperation forums to ensure consistent enforcement across jurisdictions and regulatory domains.

4.1.1. Cooperation Mechanisms

The DMA has three formal cooperation mechanisms: with national competent authorities, NCAs, and national courts.

First, the DMA enables cooperation with national competent authorities to promote coherence in enforcement (Article 37). At the same time, national competent authorities must refrain from adopting decisions that contradict those issued by the Commission under the DMA (Article 1(5)).

Second, the DMA provides for cooperation with NCAs through the European Competition Network (ECN) (Article 38). NCAs must inform both the Commission and each other of any plans to investigate or impose obligations on gatekeepers under national competition laws. In this context, the DMA enables Member States to adopt legislation with objectives that differ from those of the DMA (Article 1(5) and allows NCAs to impose further obligations on gatekeepers under national competition laws (Article 1(6(b))). This mechanism facilitates coordination and avoids conflicts between national and EU-level enforcement. Importantly, if the Commission opens a formal non-compliance proceeding under the DMA, NCAs must suspend any related DMA investigations. NCAs are also expected to share relevant findings to support the Commission's proceedings.

Third, the DMA allows for cooperation with national courts (Article 39). The Commission may participate in national court proceedings, provide information, and present its views to ensure consistent interpretation and reduce the risk of diverging judicial outcomes. National courts must not issue rulings that conflict with Commission decisions and must avoid judgments that would interfere with ongoing DMA investigations.

Several instances of cooperation between the Commission and national authorities have occurred, functioning largely as intended to ensure a coherent and consistent application of the DMA alongside other relevant legal frameworks.

For example, the Commission has collaborated with the Irish Data Protection Authority in the *Meta Pay-or-Consent* case to align enforcement with the General Data Protection Regulation (Regulation (EU) 2016/679, GDPR).

It has also worked closely with the German Competition Authority (GCA) to coordinate the designation of large platforms under both the EU (DMA) and German (Section 19a GWB) digital competition regimes⁵⁷.

Furthermore, in coordination with the Commission, the GCA has applied Section 19a GWB to require Google to obtain user consent for cross-service data processing. This measure effectively extends the scope of the DMA data processing obligations (Article 5(2)) to services not designated under the DMA⁵⁸.

The Commission is also closely cooperating with the GCA in the context of the investigation into Amazon's price control mechanisms under Section 19a GWB⁵⁹.

⁵⁷ European Commission, Commission Staff Working Document Evaluation of Regulations 1/2003 and 773/2004 {SWD(2024) 217 Final}, 5 September 2024. As of July 2025, Alphabet, Amazon, Apple, Meta, and Microsoft are designated under the German digital competition regime. Bundeskartellamt, Proceedings Against Large Digital Companies (last updated: 04/2025) (accessed 17 July 2025). Available at: https://www.bundeskartellamt.de/SharedDocs/Publikation/EN/Downloads/List_proceedings_digital_companies.html?nn=50112

⁵⁸ Bundeskartellamt, Bundeskartellamt Gives Users of Google Services Better Control Over their Data, 5 October 2023 (accessed 23 October 2024). Available at: https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2023/05_10_2023_Google_Data.html

⁵⁹ For the investigation, see Bundeskartellamt, Bundeskartellamt Has Concerns About Amazon's Use of So-Called Price Control Mechanisms, 2 June 2025 (accessed 21 July 2025). Available at: [Submission I Issue 9/2025 I Digital Competition I 10 September 2025](#)

In addition, although not officially confirmed, the Commission is typically coordinating with the Italian Competition Authority in the *Google Data Processing Terms* investigation under consumer protection law. The investigation concerns allegations that Google provides users with inadequate, incomplete, or misleading information when seeking consent via the "*linking of services*" consent banner in a manner that could influence choice, which has been introduced to comply with the DMA's data processing obligations⁶⁰.

Moreover, the Dutch Competition Authority (DCA) is holding off on its view on the Dutch *Apple dating* case, which requires Apple to allow alternative communication channels and payment systems for dating app services amid ongoing discussions between Apple and the Commission on compliance plans with the DMA obligations related to this issue (Articles 5(4) and 5(7))⁶¹.

Beyond formal institutional cooperation, several NCAs have taken proactive steps to promote the DMA to local stakeholders. For example, the DCA organised a public DMA workshop within the context of the ECN to raise awareness of DMA opportunities⁶². Likewise, the Belgian Competition Authority published a concise guide that explains the key provisions of the DMA to businesses⁶³. Moreover, the Commission has organised a training on the DMA for the European Digital Innovation Hubs Network⁶⁴.

https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2025/2025_06_02_Amazon.html

For the Commission's comment on coordination, see Bethan John, Ribera: EU "closely coordinating" with German enforcer on Amazon pricing probe, *Global Competition Review*, 16 July 2025 (accessed 21 July 2025). Available at: <https://globalcompetitionreview.com/article/ribera-eu-closely-coordinating-german-enforcer-amazon-pricing-probe>

⁶⁰ Autorità Garante della Concorrenza e del Mercato, PS12714 - Italian Competition Authority: Investigation Launched Against Google for Unfair Commercial Practices, 18 July 2024 (accessed 17 June 2025). Available at: <https://en.agcm.it/en/media/press-releases/2024/7/PS12714>

⁶¹ Autoriteit Consument & Markt, ACM Holds Off on Giving a View on Apple's Commission Because of Ongoing Conversations Between Apple and European Commission, 24 July 2025 (accessed 28 July 2025). Available at: <https://www.acm.nl/en/publications/acm-holds-giving-view-apples-commission-because-ongoing-conversations-between-apple-and-european-commission>

⁶² Autoriteit Consument & Markt, ECN Digital Markets Act Conference 2024, 18 June 2024 (accessed 23 July 2025). Available at: <https://www.acm.nl/en/publications/ecn-digital-markets-act-conference-2024>

⁶³ Autorité belge de la concurrence, The Digital Markets Act | A Short Guide for Tech Challengers, 18 December 2024 (accessed 23 July 2025). Available at: <https://www.belgiancompetition.be/en/about-us/publications/digital-markets-act-short-guide-tech-challengers-0>

⁶⁴ European Commission, The Digital Markets Act – Training for EDIHs (accessed 28 July 2025). Available at: https://european-digital-innovation-hubs.ec.europa.eu/events/digital-markets-act-training-edihs?pk_source=linkedin&pk_medium=organic&pk_campaign=event-webinar

Finally, although not required under the DMA, the Commission is engaging in international cooperation with jurisdictions implementing similar digital competition regimes. For example, it has signed a cooperation arrangement with the Japan Fair Trade Commission (JFTC), the authority responsible for enforcing Japan's Mobile Software Competition Act⁶⁵. This Act imposes obligations similar to those of the DMA on designated mobile software operators⁶⁶. The arrangement facilitates technical expert dialogues and staff training. It also enables the two authorities to exchange non-confidential information on best practices, implementation challenges, and experience-sharing on investigatory tools and market intelligence.

4.1.2. Cooperation Forums

The DMA also provides three key forums for structured regulatory cooperation: the Digital Markets Advisory Committee (DMAC), the ECN, and the High-Level Group (HLG).

The DMAC provides opinions on individual decisions adopted under the DMA (Article 50). It comprises one delegation from each Member State, which may include national experts depending on the topic under discussion (Recital 101). The DMAC has held eleven meetings, which are available on a dedicated public website with summary records⁶⁷.

The ECN is a long-standing platform that facilitates cooperation between the Commission and NCAs on the enforcement of EU competition law. The DMA reinforces this role by making the ECN the primary forum for coordinating DMA enforcement between national and EU levels (Article 38).

The HLG advises and supports the Commission in implementing and enforcing the DMA (Article 40). The HLG brings together key European regulatory bodies, including the Body of European

⁶⁵ European Commission, Commission's Services Sign Arrangement with Japan Fair Trade Commission with Common Goal of Promoting Contestability, Competition and Fairness in Digital Markets, 23 July 2025 (accessed 23 July 2025). Available at: https://digital-markets-act.ec.europa.eu/commissions-services-sign-arrangement-japan-fair-trade-commission-common-goal-promoting-2025-07-23_en

⁶⁶ Act on Promotion of Competition for Specified Smartphone Software (Mobile Software Competition Act (MSCA)) (accessed 23 July 2025). Available at: https://www.jftc.go.jp/file/en/policy_enforcement/MSCA_tentative_draft.pdf

See also, JFTC, Approaches In The Digital Market (accessed 23 July 2025). Available at: https://www.jftc.go.jp/en/policy_enforcement/digital/index.html

⁶⁷ European Commission, Digital Markets Advisory Committee (accessed 23 July 2025). Available at: <https://ec.europa.eu/transparency/comitology-register/screen/committees/C114400/consult?lang=en>

Regulators for Electronic Communications (BEREC), the European Data Protection Supervisor (EDPS), the European Data Protection Board (EDPB), the ECN, the Consumer Protection Cooperation (CPC) Network, the European Regulators Group for Audiovisual Media Services (ERGA), and the Commission itself. This is the first institutionalised forum that brings together competent authorities across regulatory domains, enabling a coordinated cross-sectoral approach to digital regulation at the EU level.

The HLG has already issued a joint statement on artificial intelligence (AI), outlining plans to coordinate efforts to ensure consistent regulation of AI markets. These initiatives include monitoring regulatory developments, exchanging enforcement experiences, and developing strategies for effective cooperation⁶⁸.

The EDPB is also preparing guidance on the interplay between the DMA and the GDPR. This guidance is being developed in close cooperation with the Commission and the EDPS within the framework of the HLG. It aims to clarify how data-related and interoperability obligations under the DMA align with data protection requirements⁶⁹.

Finally, the Commission has also requested an opinion from BEREC on Meta's draft reference offer aimed at enabling WhatsApp interoperability, pursuant to Article 7⁷⁰.

⁶⁸ European Commission, High-Level Group for the Digital Markets Act Public Statement on Artificial Intelligence, 22 May 2024 (accessed 6 August 2024). Available at: https://digital-markets-act.ec.europa.eu/high-level-group-digital-markets-act-public-statement-artificial-intelligence-2024-05-22_en

⁶⁹ European Commission, Commission Services and EDPB Will Start Joint Work on Guidance on the Interplay Between DMA and GDPR, 10 September 2024 (accessed 29 October 2024). Available at: 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

⁷⁰ BEREC, BEREC Opinion on Meta's draft reference offer to facilitate WhatsApp interoperability under Article 7 of the Digital Markets Act, 15 February 2024 (accessed 23 July 2025). Available at: <https://www.berec.europa.eu/en/document-categories/berec/opinions/berec-opinion-on-metas-draft-reference-offer-to-facilitate-whatsapp-interoperability-under-article-7-of-the-digital-markets-act>

4.2. Critical Analysis

4.2.1. Cooperation Mechanisms

The Commission has thus far cooperated effectively with national competent authorities, including NCAs, in enforcing the DMA, contributing to a consistent and coherent application of the regulation with other legal regimes.

NCAs responding to the public consultation generally indicated that cooperation with the Commission has worked well in practice. One NCA noted, however, that while it is willing to assist with DMA enforcement, it currently lacks the necessary legal mandate under national law to do so⁷¹.

By contrast, a gatekeeper has expressed concerns regarding the use of national competition rules by NCAs to pursue investigations, warning that this practice risks regulatory fragmentation⁷². Similar concerns have been raised by some scholars, who argue that the DMA offers only limited harmonisation, given that NCAs retain the ability to impose additional obligations under national competition laws (Article 16(b))⁷³. As the scope of this provision remains unclear, it allows NCAs to initiate investigations that may substantially overlap with obligations already covered under the DMA. In effect, this can lead to the imposition of DMA-like obligations within specific Member States, thereby fragmenting the internal market and creating additional, country-specific compliance burdens for gatekeepers.

To address this, several scholars have recommended establishing a more structured cooperation framework between the Commission and NCAs, for example, by agreeing that NCAs refrain from intervening where DMA rules already cover the relevant concerns. They have also suggested that the Commission explore the possibility of introducing maximum harmonisation to limit the parallel application of national laws⁷⁴.

⁷¹ For a list of NCAs with the power to help the Commission in enforcing the DMA, see Gabriella Muscolo and Alessandro Massolo, Navigating the DMA: Application Across National Jurisdictions, *Concurrences*, 2025.

⁷² Bethan John, National Enforcement on DMA-Related Issues Undermines Single Market, Amazon Says, *Global Competition Review*, 23 June 2025 (accessed 23 July 2025). Available at: <https://globalcompetitionreview.com/article/national-enforcement-dma-related-issues-undermines-single-market-amazon-says>

⁷³ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

⁷⁴ *Ibid.* The Call for evidence for an impact assessment on the antitrust procedural regulation (Regulation 1/2003) also envisages maximum harmonisation by preventing the application of national laws on unilateral conduct. See, European Commission, EU Antitrust Procedural Rules (Revision) (accessed 23 July 2025). Available at: [Submission I Issue 9/2025 I Digital Competition I 10 September 2025](#)

Moreover, several stakeholders have emphasised the importance of promoting the DMA at the national level. They suggested that NCAs play an active role in raising awareness and communicating the benefits of the DMA to local business users and end users⁷⁵.

Finally, while cooperation arrangements with other jurisdictions remain scarce, the Commission has repeatedly reiterated the importance of international cooperation to ensure global consistency⁷⁶.

4.2.2. Cooperation Forums

The Commission is actively engaging across the three formal cooperation forums established by the DMA.

Regarding the DMAC, the committee has held several meetings. However, concerns have been raised about its transparency and stakeholder engagement⁷⁷. For instance, it lacks publicly available information on its composition and has not yet published its non-confidential opinions. Some scholars have therefore recommended the creation of a dedicated website to clarify the DMAC's role⁷⁸.

With respect to ECN, stakeholders have welcomed recent initiatives, notably the ECN DMA workshop hosted by the DCA, which enabled the promotion of the DMA to interested third parties, especially business users⁷⁹.

On the HLG, several recommendations have emerged to strengthen its institutional and operational design. Scholars have proposed the inclusion of the European Union Agency for

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14729-EU-antitrust-procedural-rules-revision-en>

⁷⁵ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

⁷⁶ Christophe Carugati, Proposals for International Cooperation in Digital Markets, *Competition Policy International*, October 2022 (accessed 20 June 2025). Available at: <https://www.competitionpolicyinternational.com/wp-content/uploads/2022/10/4-PROPOSALS-FOR-INTERNATIONAL-COOPERATION-FOR-COMPETITION-IN-DIGITAL-MARKETS-Christophe-Carugati.pdf>

⁷⁷ Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

Cybersecurity (ENISA) to help address cybersecurity issues within the digital regulatory framework. They have also suggested creating a dedicated website to publish summary records, subgroup activities, and annual work plans. Moreover, they recommend expanding stakeholder engagement with the HLG's activities and encouraging participation from technical experts beyond competition law, in areas such as security, privacy, and intellectual property⁸⁰.

In terms of content, although not explicitly referring to HLG, one NCA has offered recommendations that are particularly relevant to its work. The NCA suggested that DMA guidelines should more explicitly incorporate insights from other regulatory bodies, notably in areas such as the interplay between the DMA and the GDPR. It also recommended a deeper exploration of how digital platforms function, emphasising the need to examine their ecosystems, strategic partnerships, and value chains. Finally, the NCA proposed aligning the DMA more closely with broader regulatory initiatives, including the proposed Digital Networks Act and forthcoming EU merger guidelines.

From an institutional perspective, a scholar has recommended transforming the HLG into a European Digital Regulation Forum (EDRCF) to foster structured cross-regulatory collaboration, enhance the effectiveness of the Digital Single Market, and support European competitiveness⁸¹. Others advocate for the creation of a European System of Digital Regulators, comprising a central European Digital Authority and a network of National Digital Regulators, to ensure coherent and effective enforcement of digital rules across the EU⁸².

4.3. Policy Recommendations

The DMA's cooperation mechanisms and forums have already demonstrated their effectiveness in promoting consistency across countries and regulatory domains. However, further improvements can enhance coherence, mitigate the risks of market fragmentation, and promote the benefits of the regulation.

On cooperation mechanisms, the Commission should deepen its collaboration with national competent authorities, particularly with NCAs. This can be achieved through the adoption of

⁸⁰ *Ibid.*

⁸¹ Christophe Carugati, Europe's Progress in the Digital Single Market: A Proposal for Consistency, *Digital Competition*, 17 February 2025 (accessed 23 July 2025). Available at: <https://www.digital-competition.com/comment/europe-progress-in-the-digital-single-market-a-proposal-for-consistency>

⁸² Alexandre de Streel et al., DMA@1: Looking Back and Ahead, *CERRE*, 27 March 2025 (accessed 18 July 2025).

practical cooperation frameworks that clearly outline arrangements for case notifications, consultations, information sharing (including on confidential matters), and the exchange of expertise, such as secondments and training programmes.

To avoid market fragmentation, these frameworks should specify that authorities refrain from intervening where the DMA already provides clear rules. Where issues fall partially outside the DMA's scope, NCAs should work closely with the Commission to ensure their actions are justified, consistent with the DMA, and proportionate in their regulatory impact.

To prevent duplication and foster consistency, parallel investigations on the same DMA-related issues should be avoided. The Commission should act as the lead authority, with support from relevant national bodies through a joint investigative approach. The Commission should also consider pursuing maximum harmonisation by preventing the application of national laws under Article 1(6), in line with its envisioned approach to the upcoming revision of the EU Antitrust Procedural Rules.

Beyond enforcement, the Commission should partner with Member States to raise awareness of the DMA's benefits for local business users and end users. One possible initiative could be a "*DMA Works for People*" itinerant debate series, held in cities across the EU in collaboration with NCAs, tech organisations, venture capitalists, tech incubators, and universities⁸³.

Finally, to promote greater global regulatory coherence, international coordination should be strengthened. The Commission should pursue additional cooperation arrangements with jurisdictions implementing comparable digital competition regimes, such as the UK. Such cooperation would help minimise administrative costs for enforcers, reduce compliance burdens for firms, and maximise benefits for third parties, especially those operating across multiple jurisdictions.

On cooperation forums, the Commission should increase transparency of the DMAC by publishing its composition and making non-confidential opinions publicly available via its dedicated website.

⁸³ The Commission has already done so with its initiative "*Markets for People*." See, *European Commission, Markets for People* (accessed 24 July 2025). Available at: https://competition-policy.ec.europa.eu/about/reaching-out/markets-people_en

Cooperation within the ECN should also be expanded through the creation of a dedicated DMA working group to exchange experiences and best practices. This group should contribute to the development of guidance on enforcement cooperation for the implementation of the DMA in conjunction with European and national competition laws, subject to public consultation. Additionally, the Commission should host DMA public conferences under the ECN framework to facilitate dialogue on the interaction between the DMA and national competition rules.

Regarding the HLG, the Commission should establish a dedicated website that includes annual work plans and details of the working group's activities, including blog posts, papers, and other relevant documents. To enhance stakeholder engagement, the Commission should facilitate participation in the HLG's work through consultations and thematic workshops. The HLG should also duly consider insights from its members to integrate them into DMA guidelines that promote cross-regulatory consistency.

Looking ahead, and as previously recommended, the Commission could consider evolving the HLG into an EDRCF.

Annexes

Annex 1: List of designated firms under the DMA

Firm	CPS	Status	Appeal
Alphabet (DMA.100011, DMA.100002, DMA. 100004, DMA. 100005, DMA.100006, DMA. 100009, DMA.100008, DMA. 100010)	Google Maps; Google Play; Google Shopping; YouTube; Google Ads; Google Search; Google Chrome; Google Android	Designated	No appeal
Amazon (DMA.100018, DMA.100016)	Amazon Marketplace; Amazon Ads	Designated	No appeal
Apple (DMA.100022)	Apple iMessage	Not designated (investigation)	Appeal iMessage (T-1079/23)
Apple (CASES DMA.100013, DMA.100025, DMA.100027)	Apple App Store; Apple Safari; Apple iOS	Designated	Appeal Apple App Store (T- 1080/23)
Apple (DMA.100047)	Apple iPadOS	Designated (investigation)	No appeal
Booking (DMA.100019)	Booking	Designated	No appeal
ByteDance (DMA.100040)	TikTok	Designated	Appeal dismissed TikTok (T- 1077/23); TikTok appeal (pending; C-627/24)

Meta (DMA.100044)	Meta Marketplace	Designation withdrawn	No appeal
Meta (DMA.100020, DMA.100024, DMA.100035, DMA.100044)	Facebook; Instagram; WhatsApp; Messenger; Meta Ads	Designated	Appeal Messenger and Meta Marketplace (T-1078/23)
Microsoft (DMA.100015, DMA.100028, DMA.100034)	Microsoft Bing; Microsoft Edge; Microsoft Ads	Not designated (investigation)	Appeal Opera (T-357/24)
Microsoft (DMA.100017, DMA.100023, DMA.100026)	LinkedIn; Windows PC OS	Designated	No appeal
X (DMA.100041)	X	Not designated (investigation)	Not applicable

Source: Digital Competition from the European Commission and the European Court of Justice.

Annex 2: List of acquisitions reported under the DMA

Gatekeeper	Acquisition	Notification (Yes/No)
Microsoft	Microsoft/Tumult Labs	No
	Microsoft/Bluesky Data	No
	Microsoft/Inflection.ai	No
	Microsoft/Activision Blizzard	Yes
ByteDance	ByteDance/IO Media Joint Stock Company	No
	ByteDance/PT Tokopedia	No
Apple	Apple/UAB Pixelmator Team	No
	Apple/TrueMeeting	No
	Apple/WhyLabs	No
	Apple/Pointable	No
	Apple/Betteromics	No
	Apple/Drishti	No
	Apple/DarwinAI	No
	Apple/Mayday	No
	Apple/Datakatalab	No
	Apple/Blueye	No
Amazon	Amazon/Perceive	No
	Amazon/MX Media	No
	Amazon/Pellicano	No
Alphabet	Alphabet/deepsense.ai	No
	Alphabet/AdHawk	No
	Alphabet/ Logic and Rhythm	No
	Alphabet/HTC Corporation	No
	Alphabet/Specs	No
	Alphabet/Galileo AI	No
	Alphabet/MutableAI	No

	Alphabet/Evaluable AI	No
	Alphabet/Cameyo	No

Source: Digital Competition from the European Commission.

Annex 3: List of investigations under the DMA

Designated firms	Investigation	Start date investigation	End date investigation	Compliance measure	Status
Alphabet (DMA.100193)	Self-preferencing	25/03/2024	N/A	N/A	Ongoing (preliminary findings)
Alphabet (DMA.100075)	Anti-steering	25/03/2024	N/A	N/A	Ongoing (preliminary findings)
Amazon	Self-preferencing	25/03/2024	N/A	N/A	No formal investigation
Apple (DMA.100206)	Appstore New Business Terms	25/03/2024	N/A	N/A	Ongoing (preliminary findings)
Apple (DMA.100185)	User Choice	25/03/2024	23/04/2025	No measures	Closed (constructive Dialogue)
Apple (DMA.100203 and DMA.100204)	Interoperability	19/09/2024	19/03/2025	Guidance	Closed (Constructive Dialogue)
Apple (DMA.100109)	Anti-steering	25/03/2024	23/04/2025	€500 million and a cease-and-desist order	Closed (non-compliance decision)
Meta (DMA.100055)	Pay-or-Consent	25/03/2024	N/A	€200 million and a cease-and-desist order	Closed (March-November 2024); ongoing

Source: Digital Competition from the Commission and the Court of Justice. N/A means non-applicable.

About

Digital Competition

Digital Competition (<https://www.digital-competition.com/>) is a digital and competition expert services for businesses, law firms and government agencies, dedicated to promoting open digital and competition policies that foster innovation. Led by Dr. Christophe Carugati, a passionate and impartial expert in digital and competition policy, we bring together legal, economic, and policy expertise to deliver cutting-edge research, strategic advice, think tank initiatives, regulatory intelligence, tailored training, and high-impact conferences. Digital Competition is committed to addressing the most pressing challenges in the rapidly evolving digital and competition policy landscape.

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This paper is part of our Digital Competition Regime Hub (<https://www.digital-competition.com/generativeai>). We provide research on the design, implementation, and enforcement of digital competition regimes worldwide.

Contact us for membership, service, or press inquiries.

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