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spotlight

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One week of DMA compliance workshops – What has happened and what's next?

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What has happened?

- Since March 7, 2024, the designated gatekeepers Alphabet, Apple, Amazon, Microsoft, Meta and ByteDance are bound to comply with the DMA – the European Union's Digital Markets Act.
- In an attempt to provide a public forum to debate compliance with the DMA, the Commission has organised several workshops where each gatekeeper introduces and explains its DMA compliance measures to interested stakeholders.
- Having listened to Apple (March 18), Meta (March 19), Amazon (March 20), and Google (March 21), it appears that views among the stakeholders range from agreeing to heavily disagreeing with the (non-) compliance measures by the gatekeepers.

What was particularly controversial?

- (Unsurprisingly) Apple's approach towards the opening of iOS for alternative app distribution and its new pricing scheme, in particular the core technology fee (CTS).
- (Unsurprisingly) Google's approach towards the prohibition of self-preferencing, especially with a view to comparison shopping services, e-commerce in general and hotels.
- (Unsurprisingly) Meta's approach to charge customers for accessing Facebook and Instagram without targeted advertising ("pay-or-ok").

What is next?

- The workshops, in particular those concerning Google and Apple, made clear that there are DMA provisions where stakeholders and gatekeepers fundamentally disagree on compliance. It is now on the European Commission to take a stance and pursue gatekeepers for non-compliance where necessary.
- Sources in Brussels say investigations against Google and Apple for DMA non-compliance are already on their way, likely focusing on Apple's and Google's new terms and conditions for app developers.
- The European Commission welcomes any input/complaints of stakeholders regarding potential incidents of non-compliance.

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