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Consultation on the review of the DMA (Article 53 of the DMA)

Fields marked with * are mandatory.

The Digital Markets Act (DMA) is the EU's law to make the markets in the digital sector fairer and more contestable. To do so, the DMA establishes a set of clearly defined objective criteria to identify "gatekeepers" to which specific obligations apply. The DMA's obligations have been fully applicable since March 2024.

The Commission is consulting on the first review of the DMA that is due by 3 May 2026. The Commission will conduct subsequent reviews every three years and report on the results to the European Parliament, the Council and the European Economic and Social Committee.

Target group

All citizens, companies and organisations are welcome to contribute to this consultation on the review of the DMA. Contributions are sought particularly from business users (especially SMEs) and end users of the gatekeepers' digital services in scope of the DMA and associations representing these users.

Objective of the consultation

The objective of the consultation is to gather feedback and evidence on the effectiveness of the DMA so far in achieving its objectives of ensuring contestable and fair digital markets.

The Commission will use this stakeholder feedback, as well as other inputs, to prepare a report assessing the impact of the DMA so far and whether any measures are necessary following this assessment.

Under the DMA, there are four main aspects to be assessed by the Commission as part of the review procedure:

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

How to provide feedback

Please submit your contribution by 24 September 2025, 23:59 (CEST).

Your contributions should not include any personal data or confidential information. Your contributions will be published on the Commission's website for the Digital Markets Act.
If you decide to have your contribution published anonymously, your name and surname (or the name of your organisation) and the transparency register number will not be published. Please ensure that your replies or comments do not contain any information that could disclose your personal information or name of organisation. Replies and comments will not be checked before publication, even if you have selected the anonymous publication option.
Your email address will never be published.

Your answers can be in any EU language.

Your details

* Are you replying in your personal capacity or on behalf of an organisation?
  - ○ In my personal capacity.
  - ◉ On behalf of an organisation.

* Publication of your details
  - ◉ I agree to the publication of my details along with my contribution (note that your email address will never be published).
  - ○ My contribution should be published anonymously (name of the organisation and transparency register number will be redacted, all other details will be published except for the email address which will never be published).

You can download here the Privacy Notice
Consultation_on_DMA_Article_53_privacy_notice-rev.pdf

* Email
  - e.chelioudakis@homodigitalis.gr

* Organisation
  - Homo Digitalis

* Type of respondent
  - ○ Gatekeeper
  - ○ SME
  - ○ Other type of business user

- ( ) Trade association
- (•) Civil society association
- ( ) Law firm / Consultancy
- ( ) Academic
- ( ) End user
- ( ) Other (please specify below)

If you clicked "Other" above, please specify here:

*Do you have any relation or affiliation with any of the current gatekeepers (e.g. legal adviser, consultant, recipient of funding from a gatekeeper, contractual links, etc.).

- ( ) Yes
- (•) No

*If you have one, please indicate your organisation's transparency register number.

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Your contribution

You can insert a text in response to the questions below and/or upload your contribution (or supporting documentation) using the button at the bottom of the consultation.

Your contribution should not contain any personal data or confidential information as it will be published on the Commission's website for the Digital Markets Act.

List of Core Platform Services and designation of gatekeepers

Do you have any comments or observations on the current list of core platform services?

The initial CPS list was a solid first step in identifying major gatekeepers and tackling their negative impact on digital rights and competition in the digital single market. While progress has been made as some companies move closer to compliance (though challenges remain), the DMA should expand its scope to include new categories of gatekeepers to enhance its effectiveness. 1.a. Since the DMA came into force, the market for generative AI tools (such as chatbots, and image, video, or audio generators) has grown dramatically. These tools now extend beyond the existing definition of “virtual assistant” in Art. 2(12). As they become integrated into search engines, social media, document creation, and messaging, they open new pathways for business users to reach consumers, while also allowing gatekeepers to strengthen their dominance. At the same time, they pose risks such as hidden consumer manipulation through built-in product suggestions, as well as covert steering and tying practices. To reflect the pace of technological development, stakeholders recommend explicitly including generative AI services under the DMA by amending Art. 2(2)(h). 1.b. Enforcement challenges with operating systems highlight a regulatory gap, especially when gatekeepers control the entire mobile ecosystem (hardware, firmware, OS, app stores, and default apps). Current DMA rules applying only to OS, app stores, and apps have provided few—if any—real opportunities for competitors to challenge the dominance of iOS and Android. Excluding hardware and firmware leaves entire markets untouched, such as laptops, smart TVs, in-car infotainment systems, and audio-streaming devices, where manufacturers act as gatekeepers. For instance, smart TV makers decide which video streaming services are featured in main menus or on remote-control shortcuts, while audio device makers play a similar gatekeeping role for music services. To address this, it is recommended that digital end-user devices be added as a hardware layer in the list of CPS. This should cover any device capable of running software and marketed to end-users—whether as standalone devices (phones, smart TVs) or as accessories (headphones, infotainment systems, streaming equipment). Including the hardware layer is essential to address the gatekeeping power of device manufacturers when they integrate—or refuse to integrate—third-party digital services.

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?

The current thresholds under the DMA apply to companies with an annual Union turnover of at least EUR 7.5 billion in each of the last three financial years, or an average market capitalisation (or fair market value) of at least EUR 75 billion in the last financial year, provided they offer the same core platform service in at least three Member States. In addition, the service must have reached at least 45 million monthly active end users established or located in the Union, and at least 10,000 yearly active business users established in the Union. Nevertheless, certain dominant companies that fall below these thresholds continue to engage in anti-competitive practices, such as predatory behaviour that limits competition, reduces contestability in the Single Market, undermines interoperability and software freedom, and traps both businesses and end-users in lock-ins. These firms are currently left outside the DMA’s scope. To address this gap, a review of the DMA should broaden the designation criteria to cover a wider range of companies and new categories of core platform services, as discussed in response to Question 1. Such an expansion would send a strong signal internationally that the DMA is not aimed at any specific country, but applies to all gatekeepers, including smaller—though still powerful—actors in Europe.

Obligations

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?

The EU has taken a leading role in digital regulation, with the DMA establishing new global standards after decades of weak antitrust enforcement. Its rules on anti-steering, competing marketplaces, user freedom to install software, and effective interoperability are essential to fair digital markets. But these achievements risk being undermined if loopholes used by gatekeepers are not closed. First, Art. 6(3) should be clarified so that “uninstall” means full deletion, allowing users to free up space and replace proprietary apps with competing or open-source alternatives. Second, Art. 6(4) must ensure that software from outside gatekeeper app stores is not subject to mandatory vetting, extra fees, or account requirements that stifle independent distribution channels. Third, interoperability should be guaranteed “by design and by default,” not left to slow request-based processes that gatekeepers can delay or deny. Gatekeepers should be obliged to make APIs, documentation, and technical resources openly available to ensure contestability. Finally, practices such as requiring paid or unpaid online accounts for interoperability requests should be explicitly banned, as they contradict the DMA’s principle of free access

Do you have any other comments in relation to the DMA obligations?

Enforcing the DMA effectively in relation to operating systems remains challenging, particularly since gatekeepers like Apple and Google control the full mobile stack (hardware, firmware, OS, app stores, and default apps). The current DMA rules have done little to open opportunities for competitors against iOS and Android. To address this gap, Art. 6(4) DMA should be expanded to include digital end-user devices, applying vertical interoperability rules that cover hardware and firmware layers as well. Such reform would strengthen competition in mobile OS markets, where switching is often blocked or made overly complex, leaving users trapped in vendor lock-ins. Unlike desktop computers, users of phones, smart TVs, or car infotainment systems cannot easily install alternative OS. Gatekeepers actively block competing OS development, with Apple banning alternative systems entirely and Google increasingly restricting Android-based projects. Amending Art. 6(4) to guarantee OS, hardware, and firmware interoperability would lower entry barriers, encourage Free and open-source software alternatives, and enhance Europe’s technological sovereignty. In social media, new platforms like Mastodon, Pixelfed, Peertube, Threads, and Bluesky show the potential of interoperable networks, but gatekeeper dominance persists due to network effects and limited exit options. Experience with Art. 7 has shown that request-based, bilateral interoperability agreements, often hidden behind NDAs, are ineffective—especially when gatekeepers apply geo-blocking. A stronger, mandatory interoperability requirement for social media platforms is needed, based on open protocols like ActivityPub or ATproto, without restrictions to EU-only access. This would create real contestability and user choice in global digital communication.

Enforcement

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)?

N/A

Do you have any comments in relation to the enforcement to the DMA?

The Commission's "regulatory dialogue" has so far lacked transparency and effectiveness. More than a year after the DMA entered into force, even experts cannot clearly assess the state of compliance for each gatekeeper or service. Gatekeepers have been allowed to gradually "roll out compliance" to limited groups of users, without full clarity on the scope or impact. As long as compliance is treated as a "journey" instead of a legal obligation effective from day one, the public will remain in the dark. To fix this, the DMA should mandate greater transparency, including detailed public minutes of discussions, clear to-do lists, binding outcomes, and strict implementation deadlines. The Commission's non-compliance decisions against Apple and Meta were a welcome step, but their effectiveness was undermined by the lack of strong remedies and the very low fines imposed (0.1% of global turnover instead of the 10% maximum). Such minimal sanctions have no deterrent effect and risk becoming a mere "cost of doing business" for gatekeepers, similar to the experience with GDPR fines. Going forward, the EU must ensure meaningful penalties and robust remedies that gatekeepers cannot dictate themselves. The DMA enforcement unit currently operates under the direct oversight of Commission Vice-President Ribera and President Von der Leyen. As political figures, they are inherently subject to external pressure, including from other governments or policy areas. To guarantee impartial enforcement, the unit should be granted greater independence, with reporting lines clearly separated from political hierarchies. This would shield it from political influence and ensure that enforcement decisions are based only on law and facts, not geopolitics. Enforcement efforts have so far focused primarily on the largest tech companies, overlooking Europe's broader digital ecosystem. Yet, much of Europe's software innovation comes from SMEs, Free Software communities, non-profits, and independent developers. These actors often lack the legal and financial resources of large corporations and are disproportionately burdened by gatekeeper barriers such as costly procedures, discretionary interoperability approvals, and excessive fees. The Commission must design compliance solutions tailored to their needs: permissionless and transparent access to interoperability, reduced bureaucracy, and accessible guidance and appeals. DMA enforcement should not only ensure fair competition among giants but also foster innovation, safeguard user rights, and protect digital public goods.

Implementing Regulation and procedure

Do you have any comments or observations on the DMA's procedural framework (for instance, protection of confidential information, procedure for access to file)?

N/A

Do you have any comments in relation to the Implementing Regulation and other DMA procedures?

N/A

Effectiveness and impact on business users and end users of the DMA

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?

Although we value the organisation of the DMA workshops and have taken part in many of them, their structure needs improvement. We welcomed the Commission's decision to introduce new transparency rules requiring participants to disclose links with gatekeepers or potential conflicts of interest. However, this rule has not always been applied consistently, often leaving it unclear whom industry associations, think tanks, or individual developers were truly representing, or who facilitated their participation. A further problem is that the format allowed gatekeepers too much unchecked time to promote irrelevant PR messaging instead of addressing DMA compliance. For example, Alphabet devoted more than 30 minutes to presenting its generative AI tools, which had little connection to the DMA, while Apple used significant time for unrelated promotion. While these workshops remain an important tool for accountability, we urge stricter moderation and a stronger focus on substantive DMA compliance issues to create a more serious and productive debate. In practice, the lack of transparency makes it very difficult for the public and civil society watchdogs to evaluate whether gatekeepers are complying with the DMA. Information on which product changes were implemented, for which users, and when, is rarely available, leaving independent analysis incomplete. To address this, we recommend that gatekeepers, in cooperation with the Commission, be required to maintain a public repository documenting every product or service change introduced to meet DMA obligations. This should function similarly to ad repositories or the DSA's Statement of Reasons database and could also be overseen by the Commission. At a minimum, it should include details such as the product or service affected, the version, the relevant DMA rule, the nature of the change (with screenshots or images where possible), rollout dates, and the user groups concerned. Such a repository would greatly enhance transparency, accountability, and public oversight, enabling civil society, the media, and the general public to properly assess gatekeepers' claims about compliance.

Do you have any concrete examples on how the DMA has positively and/or negatively affected you/your organisation?

N/A

Do you have any comments in relation to the impact and effectiveness of the DMA?

The EU stands at the forefront of global internet regulation and acts as a model for other regions. The DMA's proactive approach to addressing market dominance in the tech sector has introduced a new standard of best practices after decades of ineffective antitrust enforcement. This law is crucial, and its monitoring and enforcement mechanisms are equally significant. Provisions such as anti-steering rules, support for alternative marketplaces, the freedom to install preferred software, and stronger interoperability are essential to ensure fairness in digital markets. Moreover, the DMA has opened an international dialogue with governments, academia, civil society, and industry on how to tackle Big Tech's power and market concentration. Non-EU stakeholders frequently seek insights on applying similar laws in their regions—an achievement that already marks a success for the EU. However, the true impact of the DMA depends on the Commission's resolve to enforce it. Enforcement should not only involve imposing significant fines for non-compliance but also providing clear, public, and transparent guidance to gatekeepers on their obligations. As the sole enforcement body, the Commission must apply the DMA strictly, honoring both the letter and the spirit of the regulation—namely, creating open, competitive digital markets, boosting competition, and safeguarding user rights. Allowing practices like Meta's "Pay or Consent," Apple's "Core Technology Fee," or Google's restrictions on Android OS to persist would undermine the DMA's effectiveness and weaken the EU's global credibility as a regulatory leader. Ultimately, the DMA establishes a new global baseline and a modern framework for competition policy. It should now serve as a model for regulating other sectors dominated by powerful firms with opaque structures and limited competition.

Additional comments and attachments

Do you have any further comments or observations concrete examples on how the DMA has positively and/or negatively affected you/your organisation?

No. Thank you for the opportunity to contribute.

Optional – if you wish you can also upload an attachment to your contribution.

Contact

EC-DMA@ec.europa.eu

Contact

Contact Form