

# Public Consultation on the Review of the European Digital Markets Act

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*We seek stakeholder feedback for a report on the review of the DMA and an international digital competition conference in Cannes, France.*

The European Commission must review the DMA by 3 May 2026<sup>1</sup>. The DMA seeks to ensure contestability and fairness in digital markets by imposing obligations on large online platforms designated as gatekeepers due to their unavoidable position in core platform services (CPSs), creating opportunities for businesses and consumers in Europe.

As of March 2025, seven companies (Alphabet, Amazon, Apple, Booking, ByteDance, Meta, and Microsoft) must comply with the Act by adjusting their business practices in Europe and reporting on consumer profiling and intended acquisitions in digital sectors<sup>2</sup>. The Commission, in cooperation with national competition authorities, oversees compliance through regulatory dialogue and non-compliance investigations, while national courts can also enforce the Act upon request from plaintiffs.

During its first year, the Commission organised several public and private workshops with stakeholders and gatekeepers<sup>3</sup>, opened multiple non-compliance investigations, and engaged in regulatory dialogue<sup>4</sup>. It also worked closely with national competent authorities<sup>5</sup> and the

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<sup>1</sup> Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on Contestable and Fair Markets in the Digital Sector and Amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance).

<sup>2</sup> European Digital Competition Regime, *Digital Competition* (accessed 14 March 2025). Available at: <https://www.digital-competition.com/europeandigitalcompetitionregime>

<sup>3</sup> European Commission, DMA Events (accessed 14 March 2025). Available at: [https://digital-markets-act.ec.europa.eu/events\\_en](https://digital-markets-act.ec.europa.eu/events_en)

<sup>4</sup> European Commission, DMA Cases (accessed 14 March 2025). Available at: <https://digital-markets-act-cases.ec.europa.eu/search>

<sup>5</sup> European Commission, Commission Sends Preliminary Findings to Meta Over its “Pay or Consent” Model for Breach of the Digital Markets Act, 1<sup>st</sup> July 2024 (accessed 14 March 2025). Available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_3582](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_3582)

DMA's High-level Group to address cross-regulatory issues<sup>6</sup>. However, the Commission has not yet reviewed gatekeeper acquisitions under the European Merger Regulation (EUMR) via referral requests based on information received through the reporting obligation<sup>7</sup>.

Meanwhile, various stakeholders have raised concerns that several gatekeepers are not fully compliant with the Act<sup>8</sup>. Some legislators have called for a review of the DMA to include emerging technologies such as cloud services and Artificial Intelligence (AI)<sup>9</sup>. The French competition authority has even considered introducing a mandatory notification requirement for all gatekeeper acquisitions under French merger control law<sup>10</sup>. In addition, some academics advocate amending the DMA to convert the current reporting obligation into a mandatory notification obligation with a reversal burden of proof on gatekeepers to demonstrate that an acquisition is not anti-competitive<sup>11</sup>.

Internationally, several countries have considered or enacted similar regimes<sup>12</sup>. In Germany, the German competition authority can impose obligations on designated firms already under the DMA scope, collaborating with the Commission on firm designations and investigations<sup>13</sup>.

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<sup>6</sup> European Commission, Fourth Meeting of the Digital Markets Act High-Level Group on the DMA First Anniversary, 7 March 2025 (accessed 14 March 2025). Available at: [https://digital-markets-act.ec.europa.eu/fourth-meeting-digital-markets-act-high-level-group-dma-first-anniversary-2025-03-07\\_en](https://digital-markets-act.ec.europa.eu/fourth-meeting-digital-markets-act-high-level-group-dma-first-anniversary-2025-03-07_en)

<sup>7</sup> Christophe Carugati, Should France Mandate Gatekeepers to Notify Mergers?, *Digital Competition*, 13 February 2025 (accessed 14 March 2025). Available at: <https://www.digital-competition.com/comment/should-france-mandate-gatekeepers-to-notify-mergers%3F>

<sup>8</sup> BEUC, Meta, Apple and Alphabet (Google) Continued Possible Non-Compliance with the Digital Markets Act, November 2024 (accessed 14 March 2025). Accessed <https://www.beuc.eu/news/meta-apple-and-alphabet-google-continued-possible-non-compliance-digital-markets-act>

<sup>9</sup> Peggy Corlin, DMA Should Urgently Apply to Cloud and AI, Lead Lawmaker Warns, *Euronews*, 30 January 2025 (accessed 14 March 2025). Available at: <https://www.euronews.com/my-europe/2025/01/30/dma-should-urgently-apply-to-cloud-and-ai-lead-lawmaker-warns>

<sup>10</sup> Autorité de la concurrence, Public Consultation on the Introduction of a Merger Control Framework for Addressing Below-Threshold Mergers, 14 January 2024 (accessed 14 March 2025). Available at: <https://www.autoritedelaconcurrence.fr/en/press-release/public-consultation-introduction-merger-control-framework-addressing-below-threshold>

<sup>11</sup> Mario Mariniello, Reinforcing EU Merger Control Against the Risks of Acquisitions by Big Tech, *Bruegel*, 13 March 2025 (accessed 14 March 2025). Available at: <https://www.bruegel.org/policy-brief/reinforcing-eu-merger-control-against-risks-acquisitions-big-tech>

<sup>12</sup> Christophe Carugati, Countries Are Regulating Competition in Digital Markets, *Digital Competition*, 15 January 2024 (accessed 14 March 2025). Available at: <https://www.digital-competition.com/infographics/countries-are-regulating-competition-in-digital-markets>

<sup>13</sup> Bundeskartellamt, Bundeskartellamt Gives Users of Google Services Better Control Over their Data, 5 October 2024 (accessed 14 March 2025). Available at:

In the United Kingdom, the CMA closely monitors DMA implementation to impose requirements on designated firms as part of its digital competition regime<sup>14</sup>. Australia also looks to the DMA as it drafts its regime<sup>15</sup>.

In this context, this public consultation seeks feedback from gatekeepers, businesses, consumers, civil society, trade associations, the Commission, European and non-European competition authorities, law firms, economic consulting firms, academics, national courts, and governments on the following themes:

- 1) DMA implementation process (e.g., stakeholder engagement, regulatory dialogue).
- 2) Institutional design (e.g., centralisation at the EU level) and cooperation with national competition authorities, national competent authorities, and national courts (e.g., cooperation framework and effectiveness of the collaboration in practice).
- 3) International influence (e.g., replication of the regime overseas) and cooperation with foreign jurisdictions (cooperation framework and effectiveness of the collaboration in practice, extraterritoriality effects).
- 4) Potential revisions of the covered services and obligations considering market (e.g., AI) and regulatory developments (e.g., personal data, copyright, content moderation).
- 5) Other relevant topics

Your observations will serve as input for a public report on the DMA review. Feedback, whether oral or written, will remain confidential and must be submitted by **1 June 2025**. We will also organise public and private discussions in Brussels, London, and Paris.

Lastly, we welcome your views on participating, speaking, or sponsoring an international digital competition conference in Cannes, France, in **September/October 2025**, which will focus on digital competition and the adoption and diffusion of new technologies, like AI.

Please submit your observations to [christophe.carugati@digital-competition.com](mailto:christophe.carugati@digital-competition.com)

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[https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2023/05\\_10\\_2023\\_Google\\_Data.html;jsessionid=B596200F4514AE3E530BB1ED40816B6E.2\\_cid508?nn=3591568](https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2023/05_10_2023_Google_Data.html;jsessionid=B596200F4514AE3E530BB1ED40816B6E.2_cid508?nn=3591568)

<sup>14</sup> Competition and Markets Authority, Strategic Market Status Investigation into Google's General Search and Search Advertising Services Invitation to Comment, 14 January 2025. Available at: [https://assets.publishing.service.gov.uk/media/678524823ef063b15dca0f04/Invitation\\_to\\_Comment.pdf](https://assets.publishing.service.gov.uk/media/678524823ef063b15dca0f04/Invitation_to_Comment.pdf)

<sup>15</sup> Australian Government, Digital Platforms – A Proposed New Digital Competition Regime, *The Treasury*, 2 December 2024 (accessed 14 March 2025). Available at: <https://treasury.gov.au/consultation/c2024-547447>

## About

### Digital Competition

Digital Competition (<https://www.digital-competition.com/>) is a research and strategy consulting firm 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, the firm combines expertise in law, economics, and policy to deliver cutting-edge research, strategic consulting, think tank initiatives, tailored training programmes, and impactful conferences. Digital Competition is committed to addressing the most pressing challenges in the rapidly evolving landscape of digital and competition policies. This public consultation was conducted independently and did not receive any funding.

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

We provide research on AI and digital markets and strategic advice on digital competition regimes, including responses to consultations in Europe, the UK and Australia. Our services also include tailored training sessions on AI and digital markets, with dedicated programmes to the European and UK digital competition regimes, as well as speaking engagements at conferences.

Contact us for membership, service, or press inquiries.

### Dr. Christophe Carugati



Dr. Christophe Carugati ([christophe.carugati@digital-competition.com](mailto:christophe.carugati@digital-competition.com)) is the founder of Digital Competition. He is a renowned and passionate expert on digital and competition issues with a strong reputation for doing impartial, high-quality research. After his PhD in law and economics on Big Data and Competition Law, he is an ex-affiliate fellow at the economic think-tank Bruegel and an ex-lecturer in competition law and economics at Lille University.