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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anonymously, your name and surname (or the name of your organisation) and the transparency register number will not be published.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

fundacja@panoptykon.org

* Organisation

Panoptykon Foundation

* 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?

Dominant search engines and social media platforms control what information is visible for their users through complex, proprietary algorithms. They source, filter, rank and present information to their users, optimizing for engagement and time spent on the respective platforms, which translate into increased advertising revenue. Concentration of power over online information discovery in the hands of a few dominant platforms raises significant concerns for the health of the digital information ecosystem. As shown by independent research [see e.g. https://kgi.georgetown.edu/research-and-commentary/better-feeds/], engagement-based algorithmic ranking produces social harms that include promoting more extreme, negative, and divisive content, warping public perceptions of social norms towards greater out-group animosity. AI search currently lacks the structural monopolies seen in traditional search and social media but its rapid growth could replicate similar patterns of concentrated power. Notably, with the rise of potential AI-driven search competitors, Google has rolled out AI overviews on Google Search, leveraging its existing market dominance and again favouring its AI-search. More algorithmic transparency, accountability and pluralism will be essential to address these challenges. In this context we argue that dominant platforms' users should be empowered with greater control over the *algorithms* that mediate their information access. While recommender systems do not count as stand-alone core platform services, and qualify as an element of a social networking service or a search engine, these systems often serve as a cornerstone of the gatekeepers' business model and contribute to consumer harms. Therefore we encourage the Commission to add a definition of algorithmic content curation and moderation in the DMA, so that these services can be subjected to specific obligations (see below).

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?

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?

While we welcome the Commission's efforts to enforce the interoperability obligations under Art. 6(7) and Art. 7, we have observed how the request-driven model has failed to lead to actual interoperability and increased contestability in the markets it concerns. The DMA's current system provides gatekeepers with too many levers to slow down and prevent effective interoperability which makes viable business models for competing firms unattainable by design. The DMA should therefore move towards an "interoperability by design and by default" approach, where interoperability does not depend on discretionary gatekeeper permissions and lengthy closed-door negotiations unfit for the innovative speed of the market. Instead, interoperability should become a structural feature of digital gatekeepers, which could be achieved by mandating gatekeepers to make—in principle—all APIs used in their products available to third parties and provide up-to-date public documentation, public bug and issue trackers, and transparent criteria and deadlines for responses (see below). European Commission should also consider issuing specification decisions (based on art. 8 of the DMA), guidelines (based on art. 47 of the DMA) and implementing acts (based on art. 46 of the DMA) to clarify "operational and technical arrangements in view of implementing interoperability [...] pursuant to Article 7". We also suggest ensuring the extraterritorial scope of Article 7, which would allow EU-based users to connect with all users of a gatekeeper's service, regardless of their location. This would make interoperable solutions far more appealing to providers, as it would grant them access to a much larger user base.

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

On the top of interoperability obligations mandated under Art. 6(7) and Art. 7, DMA should enable *functional separation* of different segments of gatekeepers' business and more competition through a combination of access to data and platform functionality. Functional interoperability should go as far as to allow users to replace core platform functionality, such as a timeline ranking algorithm, with a preferred version from a competitor (known as modularity) and use their own choice of software to interact with the platform. Extending Article 7 to dominant social media networking services would be a significant step to reach the objectives of the DMA, namely enhanced competition and user choice. We expect that mandating interoperability for social media networking services will: - enable users to interact across different services and choose alternative, third-party feeds and recommender systems; - prevent both individual and business users from being trapped in one company's products and services; - enable a competitive market for start-ups and small and medium-sized enterprises to thrive. Having been granted access to social graph and content data layer, different providers could design different user experience, content moderation rules, recommender systems and provide a variety of add-on services. In fact, only if new entrants can connect and leverage existing platforms and user bases can they possibly stand a chance to develop critical mass. In this context we strongly recommend introducing the following *new obligations* for gatekeepers that provide social networking services and recommender systems (if defined as a stand-alone service): (1) mandatory use of standardised protocols to enable alternative software clients; (2) requirement to support competitors' filtering and recommendation services; (3) requirement to present competitors' services to users on an equal basis; (4) requirement to offer non-discriminatory access to content data and social connections (social graphs) for competing applications providers (under user control and subject to data protection rules), using standardised protocol and enabling continuous automated access; (5) requirement to offer non-discriminatory access to large-scale customer data that is used for analytics and product improvement for competing applications providers; (6) requirement to offer non-discriminatory access to ML models, or specific functionality of models via APIs, for competing applications providers as well as to eliminate ML models when data that went into them is deleted.

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)?

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

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)?

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

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?

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

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

Three years after DMA came into force, the market of social networking services remains unhealthy. It traps consumers, offers very little – if any – choice and creates huge barriers to new entrants. It's working only for the few gatekeepers who provide social networking services via closed platforms. On all dominant platforms connections between users, content, moderation and recommender systems are under the sole control of one company. These companies continue to use their privileged access to user data and interoperability between their own services to grow ever-larger. As of today, no competing NIICS has rolled out a horizontal interoperability solution on either WhatsApp or Facebook Messenger. One could go as far as saying that there is no real incentive for the competitor to operate the service on the gatekeeper's interface if functionality will be catered by the gatekeeper (and will go no further so as to accommodate the competitor's offering in the market). There is no real chance for the competitor to steer users away from the gatekeeper's service when there is no scope for service differentiation stemming from the regulatory mandate. Legal requirements set out in Article 7 DMA leave too much scope for the gatekeeper to tinker with the provision's effectiveness. Without a substantial amendment of Article 7 DMA, the same problems may apply to its implementation into the social networks market.

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?

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

Contact

EC-DMA@ec.europa.eu

Contact

Contact Form