

# Compliance of Gatekeepers Under the DMA

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## News

As of 7 March 2024, six major tech companies – Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft – that were designated as gatekeepers by the European Commission in September 2023, are now **required** to comply fully with all obligations set forth in the Digital Markets Act (DMA). The DMA was designed to enhance competition and fairness in the EU's digital markets by establishing new regulations for ten core platform services (search engines, online marketplaces, app stores, online advertising, messaging, etc.). The objective is to confer new rights upon European businesses and end users (→ [eucrim 4/2022, 228-230](#)).

Business users in the EU who rely on services provided by these gatekeepers now have new opportunities to leverage the enhanced competition and fairness provided by the DMA. Such entities can benefit from fair competition with the aforementioned gatekeeper services, request interoperability to offer innovative services, sell apps through alternative channels, access data generated on gatekeeper platforms, and promote offers and finalise contracts outside of the gatekeeper's platform.

Furthermore, end users will also see significant benefits. They may select alternative app stores and services, exercise greater control over their data by determining whether gatekeepers may link their accounts, facilitate the transfer of data between services, and utilize alternative electronic identification or in-app payment services.

In anticipation of these impending changes, the gatekeepers have undertaken measures, which have been subjected to external scrutiny, to ensure compliance. The gatekeepers are further required to furnish independently audited descriptions of the techniques employed for consumer profiling. They are now obliged to demonstrate tangible compliance with the DMA and to submit corresponding reports, which are accessible to the public on the Commission's [DMA webpage](#). The European Commission will examine these compliance reports and assess the efficacy of the implemented measures, taking into account feedback from stakeholders through compliance workshops.

If gatekeepers do not comply with the DMA, the Commission can take formal enforcement actions, including the imposition of fines of up to 10% of the company's total worldwide turnover, which can go up to 20% in case of repeated infringement.

UPDATE: On 13 May 2024, the Commission designated the large online travel agency [booking.com as gatekeeper under the DMA](#). The decision follows after a self-assessment, submitted by Booking on 1 March 2024, that it meets the relevant thresholds. Booking now has six months to comply with the relevant obligations under the DMA. In parallel, the Commission has opened a market investigation in relation to the online

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Published in  
2024, Vol. 19(1) *eucrim* pp 13 –  
14

ISSN: 1862-6947

<https://eucrim.eu>

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social networking service X. X objected to be a gatekeeper arguing that it does not qualify as an important gateway between businesses and consumers even though it may meet the quantitative thresholds under the DMA. The Commission must complete this investigation within five months.

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The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by  
the European Union**