



European
Commission

EU's Digital Markets Act: Opportunity engine for startups

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DMA

Digital Markets Act

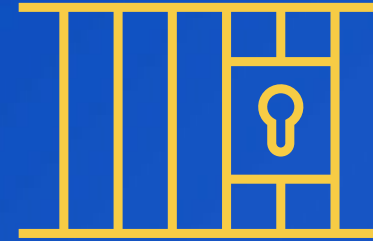
DMA is not a proposal or a wishlist

**DMA is confirmed
as EU law**

Scope of Digital Markets Act (DMA)



Ensure the gatekeepers of digital marketplaces behave fairly. Ensure contestability for digital markets.



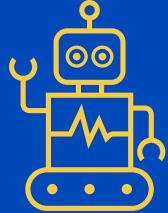
Identification of large online platforms as "gatekeepers" in digital markets

**Compliance starts
7 March 2024**

Scope of Digital Markets Act (DMA)

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)

Six Gatekeepers Designated (announced Sept 2023)



Core Platform Services

Alphabet

Amazon

Apple

ByteDance

Meta

Microsoft

Social Network

TikTok
Facebook
Instagram
LinkedIn

N-IICS

WhatsApp
Messenger

Browser

Chrome
Safari

Intermediation

Google Maps
Google Play
Google Shopping
Amazon Marketplace
Apple App Store
Meta Marketplace

Video Sharing

YouTube

Ads

Google
Amazon
Meta

Search

Google Search

Operating System

Google Android
iOS
Windows PC OS

**Does DMA bring new
obligations to startups / SMEs?**

NONE

**DMA only brings opportunities
for startups / SMEs**

Exhibit A

Data portability

Exhibit A – Data portability

Articles 6.9 & 6.10

Starting **March 7th 2024**
end-users will be
empowered to port their
data elsewhere

- 1 Promoting **multi-homing** & **user switching**

Giving **competitors** & **new entrants** a chance to:
 - **capture** a new stream of demand and
 - **propose** competitive offers
- 2 Enabling **business-users** to secure “free of charge... effective, high-quality, continuous and real-time access to, and use of, aggregated and non-aggregated data” generated by their apps.
- 3

Opens up potential for a new data-driven economy.
Key? Incentivising users with new service offerings

Exhibit B

“Ranking, Query, Click and View”
data

Exhibit B: ‘Ranking, Query, Click & View’ data

Article 6.11

New and emerging companies in the **search engine space** will be able to...



Secure anonymised “**ranking, query, click and view**” data from any search engine designated as a gatekeeper



Data that relates to both **free and paid search data** generated by users

Goal? Help new and emerging search engines improve their performance on par with the biggest players

Exhibit C

Provisions (...*7 of them*...)
relevant to gatekeeper app
stores

Conditions of access for biz users

Article 6.12

Provisions

Gatekeepers shall:

*“...**apply fair, reasonable and non-discriminatory general conditions** of access for business users”.*

*“...**publish general conditions of access**, including an alternative dispute settlement mechanism”*

1

2

3

4

5

6

7

Side-loading & 3rd party app stores

Article 6.4

Gatekeepers “**shall allow and technically enable** the installation and effective use” on their OS of...



Third-party “**software application stores**”



‘Side Loading’: “**Third-party software applications**... accessed by means other than the relevant core platform services...”

Provisions

1

2

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4

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6

7

Direct communication with users

Articles 5.4 & 5.5

DMA addresses the **intermediary role app stores have** once an app is downloaded

Article 5.4

Business users **CAN** communicate with users of their app outside the app store

Article 5.5

End users **CAN** access content they have purchased outside context of app store

Provisions

1

2

3

4

5

6

7

Usage of alternative payment systems, browser engines / id services

Article 5.7

Gatekeepers shall **not** require end- and business-users to use / offer / interoperate with that gatekeepers’:



Web browser
engine



Payment system
(for in-app purchases)



Identification
service

Provisions

1

2

3

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7

Fair ranking

Article 6.5

When it comes to
**ranking of apps in an
app store :**

Provisions

1

2

3

4

5

6

7

Gatekeepers **shall not** favour their own products/services compared to “*similar services or products of a 3rd party*”

Transparent, fair, and non-discriminatory conditions should be applied to all rankings

Gatekeeper use of data generated on their platform by business users

Article 6.2

Provisions

When in **competition with business users...**

gatekeepers cannot

...use **data generated by those business users** on their platform

(e.g. to develop new competing apps/services/products).

1

2

3

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7

Exhibit D

Interoperability of messaging apps (N-IICS)

Exhibit D: Messaging app interoperability (1/3)

Starting **March 7th 2024**, Gatekeepers will have to **publish the reference offer**, explaining the terms under which it will provide **interoperability**



Inform third parties to **see under which terms** interoperability is offered by gatekeepers



Third Parties can then request interoperability **on basis of reference offer**

Exhibit D: Messaging app interoperability (2/3)

Reference offer: *What must it include?*

Gatekeeper messaging apps need to **offer interoperability** for:

- end-to-end text messaging between two individual end users
- sharing between two individual end users of
 - Images
 - voice messages
 - videos
 - other files

When can this interoperability happen?

Within 3 months of having received a reasonable request from a third-party messaging service

Exhibit D: Messaging app interoperability (3/3)

Over time, reference offers need to expand....

Starting **~September 2025**
designated messaging apps must offer:

1

Interoperable end-to-end **text messaging within groups** of individual end-users (including sharing of **images, voice messages, videos & other files**)

Starting **~September 2027**
messaging apps must offer:

2

Interoperable end-to-end **voice and video calls between users** (individual and groups)

The landscape in the EU –
*especially for startups with data
in their DNA* – is about to undergo
a radical, unprecedented shift

All-inclusive process

- **Pre-compliance discussions** are on-going with Gatekeepers
- Input will be sought from **all relevant stakeholders** once we have relatively stable and mature compliance proposals from gatekeepers.

Seizing Opportunities in the DMA World

INVESTORS



Reevaluate your
strategies



Ensure **portfolio**
readiness

INNOVATOR S



Identify **market**
opportunities



Adapt **your**
offerings

The time to start getting ready is **now**.

Not 7 March 2024.

Regulatory action alone is **NOT
enough.**

**Investors and innovators?
You have your part to play**

**The ball is in *YOUR* court to
seize the opportunities.**