Digital Markets Act: ARTICLE 19 proposed amendments to Article 5(f) and Article 6(1)(f)

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ARTICLE 19's concerns with regards to inter and intra-platform competition:

One of the two legal interests that the Digital Markets Act (DMA) aims to protect is market contestability. Many digital markets show a high degree of concentration, with a handful of gatekeepers holding enormous power over business users and end- users alike and being subject to very little or no competitive pressure. Measures aimed to increase the contestability of those markets can change this situation, and enable genuine competition on the merits, leading to innovation, better quality services and more choices for end-users. We believe that a number of DMA measures aimed to increase contestability should be reinforced or extended, both to rebalance the relationships among the gatekeeper and its business users (intra-platform competition), and to facilitate the possibility for competitors to enter a core platform service (CPS) market and/or to expand over several CPSs (inter-platform competition).

A common instrument that gatekeepers have to shield themselves from inter and intra-platform competition is to bundle services and offer them as a single package to end-users. The DMA contains provisions that tackle bundling, among others by imposing interoperability requirements, but they fail to go as far as needed. For example, the provision under Article 5(f) bans bundling among core platform services, but does not address the bundle among core platform services and ancillary services. Another example is Article 6(1)(f), which imposes interoperability for ancillary services but not for core platform services or innovative services which are not provided by the gatekeeper. We believe these provisions should be reinforced and expanded to cover inter and intra- platform competition alike. It is only with wide contestability measures that we can ensure open, innovative and fair markets for all players.

Proposed amendments

Current version	Proposed amendments
Article 5	**Article 5**
In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:	In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:
(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;	(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;
(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to	(f) refrain from requiring business users or end-users to subscribe to or register with any other core platform services *identified pursuant to*

Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;	***Article 3 or which meets the thresholds in Article 3(2)(b)*** **or ancillary services** as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;
Article 6 1. In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall: (f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;	**Article 6** 1. In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall: (f) allow business users, **end- users**, and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services **or industry-standard features of its core platform services;**

Contact: For more information please contact: Maria Luisa Stasi, Senior Legal Officer at ARTICLE 19, at maria@article19.org