

# Consultation on the template for compliance report under the DMA

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The Commission is consulting on the template for the compliance report that designated gatekeepers will have to submit annually under Article 11 of the Digital Markets Act ('DMA').

Gatekeepers will be required to provide the Commission with their first compliance report within six months of their designation as gatekeepers. They will then be required to update these reports annually.

With the published consultation, the Commission is seeking feedback on the draft template that specifies the minimum information that the Commission expects gatekeepers to provide in their compliance report.

The gatekeeper's compliance reports will play an important role in enabling the Commission to verify that the gatekeepers comply with the obligations and prohibitions set out in Article 5, 6 and 7 of the DMA and that the measures implemented by the gatekeepers are effective in achieving the objective of the DMA. Where necessary, the Commission can make use of its investigatory and enforcement powers to ensure effective compliance with the DMA.

### **Target Group**

All citizens, companies and organisations are welcome to contribute to this consultation. Contributions are sought particularly from undertakings, which are potential gatekeepers under the Digital Markets Act, as well as business users and end users of the potential gatekeepers and associations representing these users.

### **Objective of the consultation**

The objective of the consultation is to gather comments on the draft template for the compliance report to be submitted by gatekeepers under Article 11 of the DMA.

In particular, the Commission would welcome feedback on the following two items:

- Precise indicators that the Commission could use to assess whether the measures implemented by the gatekeepers to ensure compliance are effective in achieving the objectives of the DMA and of the relevant obligations as required by Article 8 of the DMA; and
- content and presentation of the non-confidential summary of the compliance report that the gatekeepers must provide pursuant to Article 11(2) of the DMA in order to ensure that the summary enables third parties to provide meaningful input to the Commission on the gatekeeper's compliance with its obligations under the DMA.

The stakeholders' feedback will enable the Commission to prepare a finalised version of the template. The Commission may regularly update this template to request further information, which it expects gatekeepers to provide.

### How to provide feedback

Please submit your contribution by 5 July 2023 (midnight). Your submissions should not include any confidential information. Your non-confidential submissions will be published on the Commission's website for the Digital Markets Act.

Your answers can be in any EU language.

Template for the compliance report

[DMA template - Compliance report consultation.pdf](#)

## Your details

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### \* Publication of your details

- ☐ I agree to the publication of my details along with my contribution
- ☒ My contribution should be published anonymously.

Privacy statement

[Consultation on DMA compliance report template privacy notice.pdf](#)

### \* Your first name

### \* Your family name

### \* Your organisation

### \* Your email address

## Your contribution

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**You can insert a text and/or upload your contribution.**

Type in your contribution (3000 characters maximum)

*3000 character(s) maximum*

Please see attached contribution

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## **Contact**

EC-DMA@ec.europa.eu

**feedback on the template for reporting pursuant to article 11 of Regulation  
(EU) 2022/1925 (Digital Markets Act)**

The following feedback concerns some elements which we deem important to be further improved in the questionnaires and other templates used to report useful data on the functioning and practices of the gatekeeper platforms.

Our comments will focus on **Section 2: Information on compliance with the obligations laid down in Articles 5, 6 and 7**

On Section 2.1.2.a:

a) **Relevant situation prior to implementation of the measure:** we believe that it is relevant to specify the depth of information provided prior to the implementation. E.g. describing if/how the information was originally available, if at all. It might also be worthwhile for gatekeepers to showcase how the measure has improved the situation in comparison to the past. Information on a possible improvement should be a mandatory part of the Non-Confidential Summary so that improvements are made widely accessible. It could also be worthwhile having an independent body or the Commission assess the accuracy of the “prior situation” as to prevent errors in reporting and/or deliberate oversights.

e) **Technical/engineering changes that were required for the implementation of the measure concerned:** The question regarding “*parameters of ranking algorithms and online advertising auctions*” is one of the core topics when intending to increase transparency. Transparency on the platform’s core business and product is also key. This should be specified in the questionnaire to the gatekeepers e.g. by asking concerned undertaking to name the 5 most relevant parameters for ranking or displaying content or advertising, or even to name all parameters.

f) **Any changes to the terms and conditions for end users and business users required by the implementation of the measure concerned:** Not only “changes to T&Cs.” should be assessed and communicated, but the gatekeeper platform should also be requested to send all consent and choice layers for business activities, online advertising in particular. Indeed, opacity around end and business users T&Cs is a major source of market imbalance in favour of the gatekeepers as, e.g. publishers or other non-gatekeeper providers must very explicitly ask for users consent pursuant to the existing regulatory requirements as well as envisaged new rules. The Commission could e.g. specifically ask for consent rates for personalized advertising. This would highlight the existence of competitive disadvantages resulting from the consent methods used by the gatekeeper platforms. Another potential useful request for information to gatekeeper would be for them to show how typical user profile for advertising purposes look like, how gatekeepers make them transparent to the users and offer them an opt-out and a choice, how often that information is communicated by gatekeepers, etc.

i) **Any consultation with end users and/or business users that has been carried out at the stage of the elaboration of the measure and how their input has been taken into account:** This should include cases where seemingly reasonable feedback has not been taken into consideration and provide insights as to why it was rejected and/or considered not applicable, in particular if the Commission receives the information that such feedback has been submitted through any means stated within Chapter 5.

j) **any involvement of external consultants in the elaboration of the measure including a description of the consultants’ mission, whether they are independent from the Undertaking, and a description of their output:** we believe that, if recommendations from external consultants were not followed, the reasons for not following them should be communicated.