

# Consultation on the template for compliance report under the DMA

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## **Please fill your details and input/upload your contribution at the bottom of this page.**

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.**

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## **Contact**

EC-DMA@ec.europa.eu

## TEMPLATE FOR REPORTING PURSUANT TO ARTICLE 11 OF REGULATION (EU) 2022/1925 (Digital Markets Act)

Date of last update: XXX

The Commission may regularly update this template to request further information which it expects gatekeepers to provide. In particular, the Commission may require specific testing, or indicators and measures to verify whether a gatekeeper has demonstrated effective compliance with a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925. Gatekeepers should therefore refer to the latest version of this template available on the Commission's website for the Digital Markets Act (see [link here](#)).

### INTRODUCTION

Pursuant to Article 8(1) of Regulation (EU) 2022/1925, the gatekeepers shall demonstrate effective compliance with the obligations laid down in Articles 5, 6 and 7 of Regulation (EU) 2022/1925. Pursuant to Article 11 of Regulation (EU) 2022/1925<sup>1</sup>, every gatekeeper shall provide, within 6 months after its designation pursuant to Article 3 of that Regulation, the Commission with a report describing, in a detailed and transparent manner, the measures that it has implemented to ensure compliance with the obligations laid down in Articles 5, 6 and 7 of that Regulation (the "Compliance Report"), and with a non-confidential summary of that report. Pursuant to Article 11(2) of Regulation (EU) 2022/1925, the gatekeeper shall update that report at least annually.

This template specifies the minimum information that the Commission expects gatekeepers to provide in the compliance reports required by Article 11 of Regulation (EU) 2022/1925.

The Commission considers that the provision by a gatekeeper of the true, correct and complete information that is listed in this template is necessary for its assessment of a gatekeeper's compliance with Article 8(1) of Regulation (EU) 2022/1925. Failure by a gatekeeper to provide such true, correct and complete information may influence the Commission's prioritisation in opening proceedings with a view to the possible adoption of a non-compliance decision pursuant to Article 29(1), point (a) of Regulation (EU) 2022/1925.

### SECTION 1

#### Information about the reporting undertaking

- 1.1. Please provide the name of the undertaking submitting this report (the "Undertaking").
- 1.2. Please provide the following information regarding the drafting of this report:
  - 1.2.1. identify the individuals responsible for drafting this report or parts thereof, specifying the role they hold within the Undertaking;
  - 1.2.2. provide contact details of any external legal or economic counsel or external

<sup>1</sup> 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), OJ L 265, 12.10.2022, p. 1.

technical experts (together “external counsel”) involved in drafting this report and indicate if they present guarantees similar to the approval requirements for monitoring trustees under EU merger control, in terms of independence, qualifications and absence of conflicts of interests<sup>2</sup>;

- 1.2.3. describe the approval process of this report within the Undertaking by identifying the steps for approval and, for each step, the individuals or bodies responsible for each of those steps (indicating their position within the Undertaking) including whether this report has been reviewed and approved by an individual with legal responsibility for the Undertaking concerned;
- 1.2.4. describe the role of the head of the compliance function, as provided for in Article 28 of Regulation (EU) 2022/1925, in the drafting and approval of this report.

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## SECTION 2

### Information on compliance with the obligations laid down in Articles 5, 6 and 7

Information in this Section should be provided in separate and standalone annexes for each core platform service for which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925.

- 2.1. For each core platform service, including, where applicable, each integrated service forming part of that core platform service, for which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925, please provide the following information, broken down by EU Member State:
- 2.1.1. The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: ‘[Name of individual] acting on behalf of [Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act article specifying the obligation] of Regulation (EU) 2022/1925.’
- 2.1.3. A detailed explanation of how you have assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out, and, for any such assessment project, provide information about the identity and the role of the people involved and whether they are independent from your Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g. audit reports or compliance plans).
- 2.1.2. A detailed explanation of how you comply with each of the different aspects of the obligation, including any supporting data and internal documents, and a detailed description of any measures that were already in place pre-designation including any changes or updates to such measures and any new measures that you have implemented post-designation and that ensure such compliance.

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The description of all the above-mentioned measures must enable the



In order to assess whether external counsels meet or not these characteristics, please refer to the conditions for approval of monitoring trustees under EU merger control as set out in paragraphs 123 to 127 to the

Commission notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004 (2008/C 267/01). There is no obligation under the Digital Markets Act that compliance be monitored by external consultants meeting these conditions.

Commission to verify whether you have demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include information (including, if applicable, data points) for each measure about:

- a) the relevant situation prior to implementation of the measure and how the measure (including any updates or changes made to the existing measure) ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;
- b) when the measure was implemented;
- c) the scope of the measure in terms of the products/services/devices covered;
- d) the geographic scope of the measure (e.g. if the implementation of the measure extends beyond the EEA, please specify);
- e) any technical/engineering changes that were required for the implementation of the measure concerned (e.g. on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, or parameters of ranking algorithms and online advertising auctions);
- f) details of access to hardware and software features and/or APIs granted to business users and alternative providers of services including a comparison with APIs granted to gatekeeper products;
- g) any changes to the customer experience required by the implementation of the measure concerned (e.g. changes in the customer interface, choice screens, consent forms, warning messages, system updates, functionalities available, or customer journey to access functionalities/ change default settings) and whether these changes are permanent or if not, when/how they are shown to a consumer; this includes submitting screen shots detailing real user flow, showing every click required from the user to make the change enabled by each aspect of the relevant DMA obligation;
- h) where changes to the customer interface are required (for example, under Articles 5(2) or 6(3)), copies of any research undertaken on the impact of the relevant design choices that have been made and an explanation of how and why such design choices enhance fairness and contestability and will meet the overarching objectives of the DMA;
- i) any terms and conditions provided to end users and/or business users and/or third parties or where applicable, changes to existing terms and conditions required by the implementation of the measure concerned (e.g. on the fee structure, level of the fees, introduction of new fees, privacy policy, conditions for access and interoperability and any other relevant clauses), and steps taken to ensure a meaningful dialogue with end users and/or business users and/or third parties;
- j) any other relevant changes required by the implementation of the measure concerned not covered by the above points e) to g);

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- k) any consultation with end users and/or business users that has been carried out ~~prior to adoption of the measure, during adoption of the measure or after adoption of the measure, an explanation of how~~ their input has been taken into account ~~and when it has not been taken into account, an explanation of why;~~
- l) 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;
- m) ~~any alternative measures (including research undertaken) whose feasibility or implications has been assessed, the reasons for not choosing them and an explanation of why the chosen measures meet the goals and objectives of the DMA;~~
- n) any action taken to inform end users and/or business users of ~~the measure, any changes to~~ the measure and their feedback;
- o) where applicable, the interaction with measures you have implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;

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- p) where applicable, any actions taken to protect security or data pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;
- q) any type of market analysis or testing, in particular A/B testing<sup>3</sup> or consumer and/or business user surveys including the full data sets and methodologies used for such surveys, the dates of such surveys, the number of recipients surveyed and whether the surveys were conducted or commissioned by the gatekeeper alone or with the involvement of third parties, that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;
- r) any type of market analysis or testing, in particular A/B testing or consumer and/or business user surveys, including the full data sets and methodologies used for such surveys, the dates of such surveys, the number of recipients surveyed and whether the surveys were conducted or commissioned by the gatekeeper alone or with the involvement of third parties that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;
- s) a set of measurable key performance indicators, including those set out in Schedule 1, which allow or will allow based on their future evolution to assess whether the measures implemented by the Undertaking to ensure compliance are *‘effective in achieving the objectives of this Regulation and of the relevant obligation’*, as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why you think that these indicators are sufficient and are the most relevant. Such indicators should detail the position both before and after the compliance measures are taken;
- t) a set of questions, as set out in Schedule 2, to be included in a consumer survey operated by an independent third party and to be undertaken at the gatekeeper’s sole cost and expense, together with the accompanying answers which shall be published in this report;
- u) any relevant data, the source and frequency of such data (i.e. daily, weekly, monthly etc) which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, data on the evolution of the fees and revenue share for the relevant services, the interaction of end users with choice screens (including the number of non gatekeeper selections broken down by device and operating system version) and consent forms, the amount of in-app purchases, the amount of pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc.; and
- v) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools.

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2.1.5. A list and description of any notices, warnings and reports issued by the head of the compliance function to the management body of the gatekeeper in relation to risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.

2.1.6 A list and a summary of any feedback (e.g. complaints) of your business users or end users, or their representatives, including their names, about the Undertaking's compliance with the obligations. Where this feedback exceeds the number of ten instances, please group them to the extent possible (e.g. per topic). Please also provide an explanation of any action that you have taken based on this

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<sup>3</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testings and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

feedback.

- 2.2. A list of the gatekeeper's core platform service's top thirty business users based on revenues established in the EEA for the last year as defined in Article 2(21) of and in the Annex to Regulation (EU) 2022/1925 and, for these business users, the name, address, telephone number, and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer).
- 2.3. If applicable, the reasons why you consider that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service.

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### SECTION 3

#### Information about compliance function and monitoring

- 3.1. With respect to the compliance function provided for under Article 28 of Regulation (EU) 2022/1925, please provide the following information:
- 3.1.1. a description of the compliance function (including the composition, allocation of tasks, position within the Undertaking, reporting lines, activities in particular with respect to the elaboration and monitoring of the measures described in Section 2.1.2 and how the compliance function's role is explained in the Undertaking's annual report);
- 3.1.2. contact details of the head of the compliance function, including name, address, telephone number and e-mail address and an explanation of how it is ensured that this person is an independent senior manager with distinct responsibility for the compliance function as required by Article 28(3) of Regulation (EU) 2022/1925;
- 3.1.3. a list of any compliance officers other than the head of the compliance function, including an explanation of how it is ensured that they have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in Article 28(5) of Regulation (EU) 2022/1925; and
- 3.1.4 an explanation why you consider that the compliance function is independent from the operational functions of the gatekeeper and why you deem it to have sufficient authority, stature and resources, as well as access to the management body of the gatekeeper to monitor the compliance of the gatekeeper with Regulation (EU) 2022/1925.
- 3.2 With respect to the strategies and policies for taking up, managing and monitoring the compliance with Regulation (EU) 2022/1925 as provided for under Article 28(8) of Regulation (EU) 2022/1925, please provide the following information:
- 3.2.1. a description of the content of these strategies and policies (including e.g. information on internal staff trainings on compliance) and of any major changes compared to the previous periodic review by the gatekeeper's management body; and

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- 3.2.2. copies of all internal documents approved by the gatekeeper's management body in their most recent periodical review and the date, list of participants and any agenda or minutes for the meeting during which these internal documents have been approved.

## SECTION 4

### Non-confidential summary

- 4.1. Provide a detailed, clear and comprehensive non-confidential summary of Sections 1 to 3 of this report in line with the requirements in Article 11(2) and recital (68) of Regulation (EU) 2022/1925. The non-confidential summary must enable third parties to provide meaningful input to the Commission on the gatekeeper's compliance with its obligations under Regulation (EU) 2022/1925. To this end, the non-confidential summary should:

(i) comprise self-standing texts that give a faithful, detailed, clear, comprehensive and meaningful picture of the report's content. Relevant information may be omitted in the non-confidential summary only if it constitutes the gatekeepers' business secrets or if the information is otherwise confidential.<sup>4</sup>

(ii) comprise an annex with a detailed summary of all market analysis and testing including A/B testing, surveys, consumer and business user feedback, internal and external audit reports or compliance plans and of any related findings and recommendations.

(iii) follow the same structure as the report, all headings should be visible and all sections and sub-sections should be covered.

(iv) Specifically for Section 2 of the present template, the non-confidential summary should be provided in separate and standalone annexes for each core platform service for which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925.

(v) Include the key quantitative elements of the report (key performance indicators related to processes, outputs and outcomes).

(vi) Include a justification for each individual omission/redaction from this report.

The Commission intends to publish the non-confidential summaries on its website for the Digital Markets Act ([https://digital-markets-act.ec.europa.eu/index\\_en](https://digital-markets-act.ec.europa.eu/index_en)).

## SECTION 5

### Declaration

The submission and each submitted annex should conclude with the following declaration, which should be signed by or on behalf of the gatekeeper:

*'[Name of individual on behalf of [Name of the Undertaking], as a gatekeeper, declares that, to the best of its knowledge and belief, the information given in this submission is true, correct, and complete, that all estimates are identified as such and are its best estimates of the underlying facts, and that all the opinions expressed are sincere.'*

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<sup>4</sup> On the type of information which may be considered as ‘business secrets and other confidential information’ that the gatekeepers can take into account for the purpose of the ‘clear and comprehensible non-confidential summary’ that will be made ‘publicly available’ in line with recital (68) of Regulation (EU) 2022/1925 , the criteria may be similar to those contained in the Commission’s guidance in relation to antitrust and mergers procedures: [https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b\\_en](https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b_en); [https://ec.europa.eu/competition-policy/system/files/2021-03/guidance\\_on\\_preparation\\_of\\_public\\_versions\\_mergers\\_26052015.pdf](https://ec.europa.eu/competition-policy/system/files/2021-03/guidance_on_preparation_of_public_versions_mergers_26052015.pdf).

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## Schedule 1

Article	Obligation	Proposed KPIs
Article 6(3)	<p>'The gatekeeper shall allow and technically enable end users to easily uninstall any software applications on the operating system of the gatekeeper.'</p> <p>'The gatekeeper shall allow and technically enable end users to easily change default settings on the operating system, virtual assistant and web browser of the gatekeeper that direct or steer end users to products or services provided by the gatekeeper.'</p> <p>'That includes prompting end users, at the end of the end users first use of an online search engine, virtual assistant or web browser of the gatekeeper listed in the designation decision pursuant to Article 3(9), to choose, from a list of the main available service providers, the online search engine, virtual assistant or web browser to which the operating system of the gatekeeper directs or steers users by default, and the online search engine to which the virtual assistant and the web browser directs or steers users by default.'</p>	<ul style="list-style-type: none"> <li>• % of gatekeeper apps that have been uninstalled during the relevant period, broken down per app category</li> <li>• % of end users who have set a third party app as default for i) search engine, ii) voice assistant and iii) web browser during the relevant period, broken down by third party (or aggregated non-gatekeeper apps).</li> <li>• % of end users who have set, via the choice screen, a third party app as search, virtual assistant, or browser default during the relevant period, broken down by third party (or aggregated non-gatekeeper selections).</li> <li>• % of eligible end users presented with the choice screens during the relevant period, per OS / browser. (if not 100%, provide justification).</li> <li>• % of end users who have the GK search or browser default installed after 30 days, 60 days, 90 days and 120 days.</li> <li>• market share of gatekeeper in the i) online search engine market and ii) web browser market, as set</li> </ul>

		<p><u>out in the Cloudflare Radar market reports at the end of the relevant period.</u></p> <ul style="list-style-type: none"> <li>• <u>Frequency that choice screen was surfaced to end users during the relevant period.</u></li> <li>• <u>Number of clicks required to change the search engine / browser / virtual assistant default across all gatekeeper-controlled, pre-set access points on the OS / browser.</u></li> </ul>
<u>Article 6(4)</u>	<p><u>The gatekeeper shall allow and technically enable the installation and effective use of third party software applications or software application stores using, or interoperating with, its operating system and allow those software applications or software application stores to be accessed by means other than the relevant core platform services of that gatekeeper.</u></p> <p><u>The gatekeeper shall, where applicable, not prevent the downloaded third party software applications or software application stores from prompting end users to decide whether they want to set that downloaded software application or software application store as their default.</u></p> <p><u>The gatekeeper shall technically enable end users who decide to set that downloaded software application or software application store as their default to carry out that change easily.</u></p>	<ul style="list-style-type: none"> <li>• <u>% of end users who have downloaded a third party app during the relevant period, broken down by app category.</u></li> <li>• <u>% of end users who see a default prompt, per app category.</u></li> <li>• <u>% of end users who have side loaded a third party app during the relevant period.</u></li> <li>• <u>% of above that have set the downloaded or sideloaded third party app as default during the relevant period.</u></li> </ul>
<u>Article 6(6)</u>	<p><u>The gatekeeper shall not restrict, technically or otherwise, the ability of end users to switch between, and subscribe to, different software applications</u></p>	<ul style="list-style-type: none"> <li>• <u>% of end users who have set, other than via the choice screen and in-app default prompt, a third party app as search or</u></li> </ul>



	<u>and services that are accessed using the core platform services of the gatekeeper, including as regards the choice of internet access services for end users'</u>	<u>browser default during the relevant period, broken down by third party (or aggregated non-gatekeeper apps for a given category)</u>
<u>Article 6(11)</u>	<u>'The gatekeeper shall provide to any third party undertaking providing online search engines, at its request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on its online search engines. Any such ranking, click, query and view data that constitutes personal data shall be anonymized.</u>	<ul style="list-style-type: none"> <li>• <u>Number of requests for data from online search providers received by the gatekeeper during the relevant period</u></li> <li>• <u>Total volume or value of data shared with online search providers during the relevant period</u></li> <li>• <u>Latency of data provided</u></li> <li>• <u>Fees paid to gatekeepers for provision of data during the relevant period</u></li> <li>• <u>% of total volume of data anonymized.</u></li> </ul>

## **Schedule 2 – Survey Questions**

*Note: these high level suggestions focus on the choice and switching of search engines and browser defaults.*

### 1. “Switch back” prompts:

- a. User understanding that a given decision is going to change a search / browser default setting, e.g. installing a search extension on a browser.
- b. To users: did you see any ‘switch back’ prompts encouraging you to switch away from a third party app to a gatekeeper app during the relevant period?

### 2. Access points / ease of switching

- a. How many clicks do users need to change all pre-set, gatekeeper-controlled search access points on their OS / browser? Can they change all of these search access points at once, with a simple setting?
- b. Do users succeed in changing their search or browser default across all various access points when being asked to do so? If there is a single setting, do they easily find it and understand it?

### 3. Timing:

- a. To users: At what point would you like to see the choice screen? Options: i) only once upon device set up and never again except with a factory reset, ii) when a default search or browser app is deleted, iii) upon major software updates.

### 4. Uninstallation:

- a. Behavioral survey measuring users’ ability to uninstall apps and the real-life ease of doing so.

### 5. Design

- a. Behavioral study comparing the effectiveness of various design implementations, e.g. is it better to have less explanatory background and bigger logos / taglines, or is it not?

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## Joint response of challenger search engines to the European Commission's Consultation on the Template for Compliance Report under the DMA

5 July 2023

Dear Sirs

We are a group of search engines vigorously competing to offer consumers a broad range of choices to search the web. We are writing to express our strong support for the European Commission's draft template compliance report (the **Report**). In particular, we support the comprehensiveness of the Report, the publication of a non-confidential summary which allows third parties to understand the measures taken by gatekeepers and their effectiveness in achieving the goals of the Digital Markets Act (**DMA**), and the inclusion of specific data-driven KPIs.

Our view is that the Report and the KPIs should include a mix of process, output and outcome indicators so that third parties can understand the process undertaken by gatekeepers to achieve effective compliance (including providing screen shots detailing real user flow for each aspect of each DMA obligation that affects the user interface), the outputs of such compliance (the impact of changes in gatekeeper conduct over time) and also the outcomes including whether the measures taken have led to increased contestability and fairness in digital markets as demonstrated by, e.g., changes in market share. Taken together, these metrics will be instrumental in assessing an individual gatekeeper's compliance with the letter and spirit of the DMA. By default, they should be made available in the public version of the Report.

We strongly support the inclusion of market analysis, A/B testing and consumer surveys provided that they are conducted in a neutral, transparent manner and with input from third parties. To that end, we have suggested a number of survey questions which are aimed to provide the Commission and third parties with feedback from consumers on whether the 'ease of switching' provisions as mandated by articles 6(3) and 6(4) have been implemented effectively.

We also strongly support accountability for the Report including ensuring that the Report is approved and signed off by an individual with legal responsibility for the undertaking concerned.

We reiterate the importance of the non-confidential summary being clear, comprehensive and sufficiently detailed to allow third parties to understand the Report's contents. It should include the KPIs and a summary of all market analysis, testing and surveys undertaken (including the full data sets and methodologies used).

We would also support the appointment of independent compliance auditors or trustees to monitor and audit gatekeeper compliance with the obligations set out in Articles 5, 6 and 7 of the DMA as well as to audit the data provided pursuant to the KPIs. This would add legitimacy and ensure that the compliance assessment does not come solely from the gatekeeper.

We attach our comments on the Report including a proposed set of KPIs and proposed survey questions.

Yours faithfully

For and on behalf of

DuckDuckGo - <https://duckduckgo.com/>  
Qwant - <https://www.qwant.com/>  
Ecosia - <https://www.ecosia.org/>