



Centre on Regulation in Europe



PREPARING THE EVALUATION OF THE DMA

ALEXANDRE DE STREEL

The Cerre logo consists of a solid blue square with the word "cerre" written in white, lowercase, sans-serif font, centered within the square.

cerre

Issue Paper

DMA Implementation Forum

Preparing the Evaluation of the DMA

Alexandre de Streel

March 2025



As provided for in CERRE's bylaws and procedural rules from its “Transparency & Independence Policy”, all CERRE research projects and reports are completed in accordance with the strictest academic independence.

The project, within the framework of which this report has been prepared, received the support and/or input of the following CERRE member organisations ACM, Amazon, Apple, Arcep, Aspiegel, CnaM, Epic Games, Google, Media for Europe, Microsoft, Ofcom, and Qualcomm. However, they bear no responsibility for the contents of this report. The views expressed in this CERRE report are attributable only to the authors in a personal capacity and not to any institution with which they are associated. In addition, they do not necessarily correspond either to those of CERRE, or of any sponsor or of members of CERRE.

© Copyright 2025, Centre on Regulation in Europe (CERRE)

info@cerre.eu – www.cerre.eu



Table of Contents

ABOUT CERRE.....	3
ABOUT THE AUTHOR	4
1. INTRODUCTION	5
2. METHODOLOGIES FOR EVALUATION.....	6
2.1 DIMENSIONS TO EVALUATE	6
2.2 FEATURES OF A GOOD EVALUATION	8
3. THE EVALUATION OF THE DMA	9
3.1 PROCESS OF EVALUATION.....	9
3.2 DIMENSIONS TO EVALUATE	10
3.2.1. EFFECTIVENESS.....	10
3.2.2. EFFICIENCY AND PROPORTIONALITY	11
3.2.3. CONSISTENCY WITH THE EU AND NATIONAL DIGITAL RULEBOOK	13
3.3 INDICATORS AND DATA	14
3.3.1. TYPES OF INDICATORS.....	14
3.3.2. SOURCES OF DATA	15



About CERRE

Providing high quality studies and dissemination activities, the Centre on Regulation in Europe (CERRE) is a not-for-profit think tank. It promotes robust and consistent regulation in Europe's network, digital industry, and service sectors. CERRE's members are regulatory authorities and companies operating in these sectors, as well as universities.

CERRE's added value is based on:

- its original, multidisciplinary and cross-sector approach covering a variety of markets, e.g., energy, mobility, sustainability, tech, media, telecom, etc.;
- the widely acknowledged academic credentials and policy experience of its research team and associated staff members;
- its scientific independence and impartiality; and,
- the direct relevance and timeliness of its contributions to the policy and regulatory development process impacting network industry players and the markets for their goods and services.

CERRE's activities include contributions to the development of norms, standards, and policy recommendations related to the regulation of service providers, to the specification of market rules and to improvements in the management of infrastructure in a changing political, economic, technological, and social environment. CERRE's work also aims to clarify the respective roles of market operators, governments, and regulatory authorities, as well as contribute to the enhancement of those organisations' expertise in addressing regulatory issues of relevance to their activities.



About the Author



Alexandre de Streel is the Academic Director of the digital research programme at CERRE, professor of European law at the University of Namur and visiting professor at the College of Europe (Bruges) and SciencesPo Paris. He sits in the scientific committees of the Knight-Georgetown Institute (US), the European University Institute-Centre for a Digital Society (Italy) and Mannheim Centre for Competition and Innovation (Germany). His main research areas are regulation and competition policy in the digital economy (telecommunications, platforms and data) as well as the legal issues raised by the developments of artificial intelligence. He regularly advises the European Union and international organisations on digital regulation.



1. Introduction

In her Political Guidelines, the President of the European Commission Ursula von der Leyen stated that: “we need to make business easier and faster in Europe. I will make speed, coherence and simplification key political priorities in everything we do.”¹

In the mission letter to Executive Vice-President Virkunnen, President von der Leyen instructs her to: “work to stress test the EU acquis and table proposals to eliminate any overlaps and contradictions and be fully digitally compatible, while maintaining high standards. New legislation must ensure that our rules are simpler, more accessible to citizens and more targeted. You will ensure the principles of proportionality, subsidiarity and Better Regulation are respected, including through wide consultations, impact assessments, a review by the independent Regulatory Scrutiny Board and a new SME and competitiveness check. Proposals must be evidence-based and the Joint Research Centre, our internal scientific service, can support you in that work”.²

The future evaluation of the Digital Markets Act (DMA) will be an important opportunity to apply those principles. Article 53 of the DMA provides that:

1. By 3 May 2026, and subsequently every 3 years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.
2. The evaluations shall assess whether the aims of this Regulation of ensuring contestable and fair markets have been achieved and assess the impact of this Regulation on business users, especially SMEs, and end users. Moreover, the Commission shall evaluate if the scope of Article 7 may be extended to online social networking services.
3. The evaluations shall establish whether it is required to modify rules, including regarding the list of core platform services laid down in Article 2, point (2), the obligations laid down in Articles 5, 6 and 7 and their enforcement, to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.
4. The competent authorities of Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1.

To ensure that the evaluation of the DMA meets the political commitments, the Commission should have both the necessary capacity and the incentive to conduct a robust and independent evaluation. This Issue Paper first reviews general methodologies for good evaluation (section 2) and then applies these methodologies to the evaluation of the DMA.

¹ Political Guidelines of the European Commission 2024-2029, p.7.

² https://commission.europa.eu/document/3b537594-9264-4249-a912-5b102b7b49a3_en.



2. Methodologies for Evaluation

In addition to robust ex ante impact assessments, ex post evaluations are equally, if not more, important, as they assess the actual impact of EU legislation. This is why, as is often the case with EU laws, Article 53 of the Digital Markets Act (DMA) requires an evaluation by the European Commission four years after its entry into force, with subsequent evaluations every three years. Furthermore, the legislator specifically instructs the Commission to evaluate the issue of social network interoperability, which was a contentious topic during the political negotiations.

This evaluation is particularly crucial because the DMA is a new piece of legislation, and some of its potential negative or positive effects may not have been anticipated in the Commission's Impact Assessment or by the Council and European Parliament during their negotiations. Given the complexity of digital markets— which are not yet fully understood, dynamic, and innovative— the DMA might have unintended consequences. As a result, the current version of the DMA may need adjustments and improvements in future iterations.

As noted by the Council of the OECD in its Recommendation on agile regulatory governance:³

“In light of the regulatory challenges raised by innovation, undertaking a shift in regulatory policy processes will be essential, whereby the traditional “regulate and forget” mindset must give way to “adapt-and-learn” approaches. The capability to detect and understand innovations and their potential impact on existing regulations, or, more important, the public values that are at stake, is key. Addressing any “pacing problem” requires, in particular, shortening timeframes throughout the policymaking process and using regulatory management tools in a more dynamic, adaptive and iterative manner. In this new paradigm, stakeholder engagement, regulatory impact assessment (RIA), and ex post evaluation should not be seen as a series of discrete requirements to be conducted successively, but rather as mutually complementary tools embedded in the policy cycle to inform the appropriate adaptation of regulatory (or alternative) approaches.”⁴

2.1 Dimensions to Evaluate

According to the European Commission Better Regulation Guidelines,⁵ an ex post evaluation should be an evidence-based assessment along five dimensions, determining the extent to which the EU law:

1. Is effective in fulfilling expectations and meeting its objectives (which implies that the objectives of the law are clearly identified), this includes an analysis of the unexpected and unintended effects;

³ OECD, *Recommendation of the Council for Agile Regulatory Governance to Harness Innovation*, OECD/LEGAL/0464, p.9. This recommendation is supported by an very interesting report by the World Economic Forum (2020), *Agile Regulation for the Fourth Industrial Revolution: A Toolkit for Regulators*

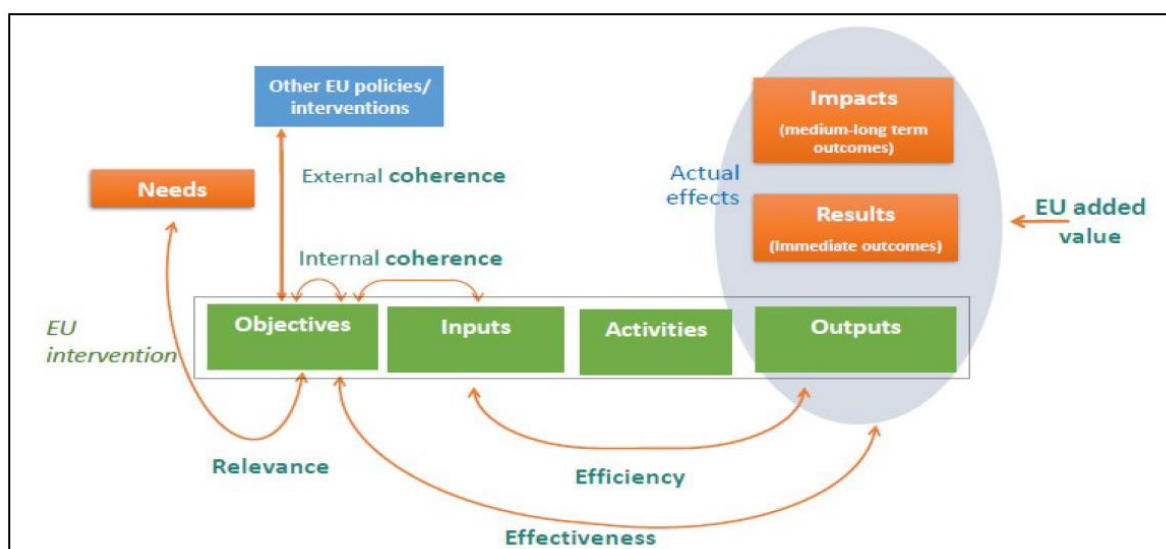
⁴ This is referred as back-to-back evaluation and impact assessment as Tool 50 of the Commission Better Regulation Toolbox.

⁵ European Commission Better Regulation Guidelines SWD(2021) 305, p.23 and Tool 47 of the Better Regulation Toolbox 2023.

2. is efficient in terms of cost-effectiveness and proportionality of actual costs (including administrative and adjustment costs) to benefits, this includes an analysis of possibilities of simplification and reduction of inefficiencies;
3. is relevant to current and emerging needs;
4. is coherent internally (i.e. within the same legal instrument) as well as externally with other EU interventions and international agreements; this includes the identification of tensions and synergies among regulatory instruments;
5. and has EU added value, i.e. produces results beyond what would have been achieved by Member States acting alone.

The Better Regulation Guidelines clarify that the evaluation goes beyond an assessment of *what* happened; it also considers *why* it happened (the role of the EU intervention) and, if possible, *how much* has changed.

Figure 1: Simplified View of a Regulatory Evaluation⁶



When several laws are evaluated together, the evaluation could be done through a more comprehensive **fitness check** to determine the coherence of the various laws and seek to quantify any synergies (e.g. improved performance, simplification, lower costs, reduced burdens) or inefficiencies (e.g. excessive burdens, overlaps, gaps, inconsistencies, implementation problems, and/or obsolete measures) over time. This would help identify the cumulative impact of the interventions, in terms of costs and benefits.

⁶ European Commission Better Regulation Toolbox 2023, p.405.



2.2 Features of a Good Evaluation

The **Commission's Better Regulation Guidelines** state that evaluations should be independent and objective, relying on all relevant information and conducted without influence or pressure from third parties. They must also transparently report both the positive and negative aspects of the analysis.⁷

Additionally, the Guidelines emphasise that evaluations should be based on the best available evidence, drawn from a diverse and appropriate range of methods and sources—this approach is referred to as "triangulation."⁸ This requires identifying relevant indicators and data to conduct a robust evaluation across the five dimensions, followed by the collection of these data as soon as the new law comes into force.⁹

To enhance the quality of evidence and efficiently manage this data, the OECD recommends leveraging technological solutions.¹⁰ **Big Data and AI technologies** offer significant opportunities to improve the evaluation of EU laws. As demonstrated by the use of SupTech by financial supervisors,¹¹ these technologies can (i) streamline data collection, improve reporting, virtual assistance, and data management, and (ii) enhance data analytics for market surveillance, misconduct analysis, and prudential supervision.¹² More ambitiously, SupTech could also be used for market evolution simulation through agent-based computational modelling.¹³

For innovative markets like technology ones, the OECD further advises developing **adaptive, iterative, and flexible regulatory assessment cycles**. The evaluation process should evolve over time as more information on the impact of a law becomes available. This approach allows evaluators to refine indicators, data, and processes. Ultimately, evaluation should lead to the adaptation, correction, and improvement of the law.

⁷ European Commission Better Regulation Guidelines SWD(2021) 305, p.26.

⁸ European Commission Better Regulation Guidelines SWD(2021) 305, p.26.

⁹ As noted in Tool 46 on designing evaluation of the European Commission Better Regulation Toolbox, the JRC or external sources may be useful to identify and collect the relevant indicators.

¹⁰ OECD Recommendation on Agile Regulatory Governance, p.6.

¹¹ For an overview of the suptech used by financial supervisors, see the database of the Cambridge SupTech Law at the Cambridge Judge Business School: <https://ccaf.io/suptechlab/> as well as the Bank of International Settlement (BIS) Innovation Hub: https://www.bis.org/about/bisih/topics/suptech_regtech.htm. Next to regulators, the antitrust authorities are also exploring the use of big data and AI to improve their operations: the Computational Antitrust project at <https://law.stanford.edu/codex-the-stanford-center-for-legal-informatics/computational-antitrust/>.

¹² S. di Castri, Hohl S, Kulenkampff A and J Prenio (2019), *The suptech generations*, Financial Stability Institute Insights 19.

¹³ As suggested by Arthur (2021), 'Foundations of Complexity Economics', *Nature Review: Physics* 3, 136-145.



3. The Evaluation of the DMA

While the first evaluation of the DMA is scheduled for May 2026—allowing enough time for implementation and the identification of initial effects—it should already be prepared now. This is crucial because framing the impacts to be assessed, identifying the appropriate indicators, and collecting relevant data requires time.

This preparation is particularly important given the mixed outcomes of evaluations of some early regulations within the EU's digital rulebook. One of the first pieces of this rulebook is the General Data Protection Regulation (GDPR), which entered into force in 2018 and has already been assessed twice by the European Commission, in 2020¹⁴ and 2024.¹⁵ Both reports highlight that the GDPR gives EU citizens control over their data and creates a level playing field for businesses. The reports also emphasise the need for: (i) proactive support by national Data Protection Authorities for stakeholders' compliance efforts, especially SMEs; (ii) consistent application of the GDPR across the EU and robust cross-border enforcement mechanisms,¹⁶ and (iii) effective cooperation between EU and national regulators to ensure coherent application of the EU digital acquis.

However, these two Commission reports do not provide a comprehensive or rigorous evaluation of the GDPR. Instead, they offer a qualitative assessment of its initial implementation. In particular, the reports do not thoroughly assess the effectiveness and efficiency of the GDPR or its impact on innovation. As noted in the Draghi Report, this is concerning given the growing body of academic research indicating the negative effects of the GDPR on European tech innovation—particularly for start-ups.¹⁷

3.1 Process of Evaluation

The European Commission is responsible for the evaluation of the Digital Markets Act (DMA), as it is for most EU laws. However, there is a potential conflict of interest since the Commission also serves as the enforcer of the DMA. While the Commission often outsources the preparatory work for an evaluation to external consultants, these consultants are not always entirely independent, particularly since they must regularly bid for new contracts with the Commission. Additionally, the draft evaluation reports produced by Commission services undergo review by the Regulatory Scrutiny Board, which performs an independent quality control. Yet, this Board is also part of the Commission, is not immune to internal influences, and operates with very limited resources.

To mitigate this risk, it would be prudent to **involve an independent body in the evaluation process, ideally before the Commission. One possibility would be the European Court of Auditors (ECA)**, which reports directly to the European Parliament. In addition to its main role of auditing EU finances, the ECA can conduct performance audits of specific EU policies.¹⁸ For example, the ECA recently

¹⁴ Data protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - two years of application of the General Data Protection Regulation, COM(2020) 264 and SWD(2020) 115.

¹⁵ Second Report on the application of the General Data Protection Regulation, COM(2024) 357.

¹⁶ Hence, the Commission Proposal of 4 July 2023 for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation 2016/679, COM(2023) 348.

¹⁷ Draghi Report, Part B, p.319.

¹⁸ European Court of Auditors Methodological Guide 2023, pp. 18-24.



published a critical and insightful report on the EU's Artificial Intelligence ambitions.¹⁹ Given that one of the ECA's strategic areas of focus is EU economic competitiveness²⁰—of which the tech sector is a critical component—it would make sense for the Court to contribute to the evaluation of the DMA. To do so effectively, the Court should develop specific expertise in the tech sector and adopt a pragmatic, rather than a formalistic, approach to the evaluation.

A complementary option would be for the European Parliament and the Council to appoint a panel of **high-level independent experts** on a merit basis. One relevant precedent is the interdisciplinary team of top academics that produced the 2019 Report on Competition Policy for the Digital Era, which was well-regarded for its expertise and independence.²¹

To further enhance the independence and quality of the evaluation, the **draft evaluation report from the Commission service should be subjected to a meaningful public consultation** before being reviewed by the Regulatory Scrutiny Board. This would allow all relevant stakeholders—who often have access to better information and data than the Commission—to provide their input on the identified causal relationships, policy trade-offs, and the use of indicators and data. Stakeholders may also propose alternative indicators and data for consideration.

Based on the outcome of the public consultation, the Commission service should revise the draft evaluation report and provide a separate document explaining how the feedback has been incorporated. With this additional information, the Regulatory Scrutiny Board would be in a better position to conduct a more rigorous quality control of the evaluation, ensuring the appropriate use of indicators and data.

3.2 Dimensions to Evaluate

Among the five dimensions of an evaluation (mentioned in section 2.1), three are particularly important for the DMA and more broadly for the evaluation of the EU digital rulebook: effectiveness, efficiency/proportionality, and coherence.

3.2.1. Effectiveness

As explained above, effectiveness refers to the **problems that the DMA aims to solve and its capacity to achieve its objectives**. The Digital Markets Act (DMA) has three primary goals: (i) increasing market contestability (or, conversely, reducing entry barriers), (ii) promoting fairness, and (iii) strengthening the internal market.²² Additionally, the DMA seeks to increase transparency in online advertising markets, foster innovation among designated gatekeepers as well as other digital firms (including start-ups and scale-ups) in European markets, and expand choice for European users.

However, **these objectives are interconnected and achieving one may facilitate the achievement of others**. For example, greater contestability in the market may, over time, lead to more fairness, as a well-functioning market serves as a strong disciplining force against unfair practices. Relatedly, some

¹⁹ <https://www.eca.europa.eu/en/publications/SR-2024-08>. This report is not a regulatory evaluation.

²⁰ **The 2021-25 Strategy of the European Court of Auditors:** https://www.eca.europa.eu/Lists/ECADocuments/STRATEGY2021-2025/STRATEGY2021-2025_EN.pdf.

²¹ https://competition-policy.ec.europa.eu/about/europes-digital-future/shaping-competition-policy-era-digitisation_en.

²² DMA, Art.1.



objectives may be realised more quickly than others. Contestability and internal market goals, for instance, may be achieved sooner than fairness or innovation objectives. Therefore, the first evaluations of the DMA should account for this time dimension when assessing its effectiveness.

Another challenge is the potential **trade-offs between objectives**. For example, increased market contestability may enhance the ability and incentives for market entrants to innovate but, in some cases, could also reduce the ability and incentives for gatekeepers to innovate.

Moreover, the pursuit of DMA objectives may result in **unintended and unforeseen consequences**, such as a degradation in the consumer journey, forgone innovation if new products are not deployed in the EU, or potential reductions in the security of digital services or in privacy protection. These trade-offs and unintended consequences should be carefully examined in the evaluation of the DMA.

3.2.2. Efficiency and Proportionality

Efficiency refers to two key aspects: first, that the **benefits of the DMA exceed its costs**, and second, that the costs to achieve the DMA's objectives are minimised, as required by the principle of proportionality.

It is important to note that the **time horizon for costs and benefits may differ**. Costs are often frontloaded, while benefits typically take time to materialise. Therefore, a cost-benefit analysis conducted only a few years after the implementation of the DMA could be misleading unless it accounts for this time lag.

As a starting point, the evaluation could revisit the benefits and costs estimated in the DMA Impact Assessment and assess whether the Commission's predictions have been realised.²³ If the outcomes differ, the evaluation should explore the reasons behind this, as this could provide valuable insights for improving future impact assessments. Additionally, the evaluation should examine any benefits and costs not accounted for in the initial impact assessment.

The **total costs of implementing the DMA** were estimated in the Commission's Impact Assessment to range from €43.8 million to €50.9 million, covering the following components:²⁴

- *European Commission*: implementation and supervision costs of €16.7 million (80 FTEs, IT support, and external expertise).
- *National authorities*: €6 million (based on 3.5 FTEs for 27 Member States).
- *Gatekeepers*: €21.15 million for 15 designated gatekeepers.
- *Business users*: net additional resource requirements are expected to be very limited, as costs associated with legal actions against gatekeepers under other EU or national laws (e.g., competition law) would be redirected to DMA enforcement actions.

²³ Impact Assessment Report of the Commission Services of 15 December 2020 on the Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act), SWD(2020) 363.

²⁴ The projected costs and benefits are summarised in the Regulatory Scrutiny Board Opinion of 10 December 2024 on the DMA draft Impact Assessment.



A simple back-of-the-envelope calculation suggests that these direct costs may have been substantially underestimated. One reason for this underestimation is that none of the DMA obligations are self-executing, and the challenges of compliance—both for gatekeepers and business users—along with enforcement difficulties, were not adequately addressed in the impact assessment. However, the real, higher-than-anticipated enforcement costs may still be significantly outweighed by the ultimate benefits of the DMA.

To reduce implementation costs, the evaluation should explore opportunities for simplification and the reduction of inefficiencies, in line with the political commitment of President von der Leyen and the recommendations of the Draghi Report. A companion recommendations paper suggests **improvements to the DMA implementation process that could help lower compliance and enforcement costs**. These improvements include: (i) greater transparency; (ii) more legal predictability regarding enforcement priorities and compliance requirements; (iii) more effective institutional arrangements within the Commission and with national authorities, and (iv) ultimately, fostering greater trust between all participants in the regulatory process.

In addition to direct compliance and enforcement costs, the evaluation should also assess the **indirect costs**, particularly those arising from unexpected and unintended effects of DMA implementation. These could include a degradation of the consumer journey, stifled innovation, or reductions in the security and privacy of digital services.

The direct and indirect costs should be compared with the **total benefits of DMA implementation**, which, as previously noted, often take more time to materialise. The projected benefits of the DMA, as outlined in the Commission's Impact Assessment, include:²⁵

- Reduction of *market concentration* due to decreased entry barriers: a decrease in the Herfindahl-Hirschman Index (HHI) by 0.25 (for user share) and 0.11 (for revenue share);
- Increase in *R&D investment* due to market de-concentration and resource reallocation from mergers and acquisitions (M&A) to R&D: €12-23 billion.
- Increase in *innovation* due to higher R&D investment: €221-323 billion.
- *Economic growth* resulting from increased R&D in the ICT sector: €12-23 billion.
- Reduction in *internal market* fragmentation, which would foster increased online cross-border trade and its indirect/spillover effects: €92.8 billion.
- Overall increase in *consumer surplus* from lower costs and prices, as companies could reduce spending on online ads: €13 billion.

The evaluation should verify **whether these estimated benefits have been realised in practice**. If the projected benefits have not materialised, the evaluation should examine whether the causality assumptions made in the Impact Assessment hold true. Specifically, the evaluation should provide empirical evidence to support or challenge the assumptions about the relationship between competition and innovation in digital markets. Furthermore, the evaluation should assess whether the DMA has effectively redirected investment toward R&D and away from mergers and acquisitions. The evaluation may clarify the conditions under which increased R&D leads to meaningful innovation and

²⁵ *Ibidem*.



economic growth, ensuring that these claims are supported by market-specific evidence rather than generalised theoretical models. Finally, the evaluation should reconsider the assumption that innovation will automatically lead to GDP and employment growth. A more nuanced analysis is needed to understand how these factors interact in practice within the digital economy.

In addition, the evaluation should explore **other direct and indirect benefits—both current and future—that the DMA** may have generated but were not anticipated in the Commission’s Impact Assessment.

3.2.3. Consistency with the EU and National Digital Rulebook

Consistency refers to regulatory coherence both within the DMA itself and with other EU laws’ objectives, and rules. Given the growing number of EU laws and enforcement agencies overseeing digital markets, as highlighted in the companion Issue Paper on Regulatory Interplay, this dimension of the evaluation has received clear political commitment from President von der Leyen and Executive Vice-President Virkunnen.

The evaluation, ideally conducted through a fitness check, should analyse the **relationship between the DMA and the vertical laws that apply to digital platforms**, such as:

- the European Electronic Communication Code 2018/1972,
- the Revised Audiovisual Services Directive 2018/1808 and the European Media Freedom Act 2024/1083,
- the Platform-to-Business Regulation 2019/1150,
- The Copyright in the Digital Single Market Directive 2019/790,
- The E-Commerce Directive 2000/31 Digital Services Act 2022/2065.²⁶

More importantly, the evaluation should identify the overlaps, risks of tensions, and opportunities of synergies between the **DMA and the other horizontal EU laws** applicable to designated gatekeepers, in particular for the protection of:

- *Competition*: Art. 101 and 102 TFEU, Merger Regulation 2004/139;
- *Consumers*: Unfair Commercial Terms Directive 1993/13, Unfair Commercial Practices Directive 2005/29, Consumer Rights Directive 2011/83 and Representative Actions Directive 2020/1828;
- *Product safety*: AI Act 2024/1689;
- *Privacy*: General Data Protection Regulation 2016/679;
- *Cybersecurity*: Information Services Directive 2022/2555, Cyber Resilience Act 2024/2847.

In addition, the evaluation should also review the relationship between **DMA and related national laws** (such as Section 19a of the German competition law, the different national competition rules

²⁶ Interestingly, the European Commission has just launched a study on the interplay between the DSA and the other laws of the EU Digital Rulebook: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/fe873a7c-afc4-4306-b6e7-c970e6a606ff-CN>.



regarding economic dependency) and analyse whether the objective and the expected benefits of market integration have been fully achieved.

In addition to examining the relationship between the laws, the evaluation should also analyse the **relationship between the EU and national agencies** responsible for enforcing these laws. It should assess their coordination mechanisms, determine whether the risks of tensions are minimised, and evaluate whether opportunities for synergies are maximised.²⁷

3.3 Indicators and Data

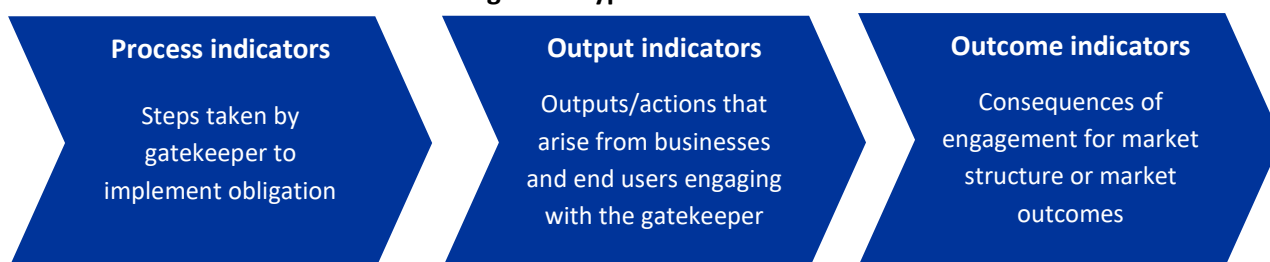
3.3.1. Types of Indicators

On the basis of the evaluation dimension, a clear list of indicators and data should be determined. Those indicators should be specified in advance as well as be stable and consistent over time allowing the evaluator to understand the dynamic effects of the DMA.

In previous work on the DMA,²⁸ CERRE distinguished between three types of indicators:

- the *processes indicators*, which measure the change of process and products adopted by the gatekeepers to comply with the DMA obligations;
- the *output indicators*, which capture both the extent to which conduct by the gatekeeper has created new opportunities for firms or users and also the extent to which firms or users have engaged with those opportunities; they include, for instance, the ration of the end-users who decide to multi-home between platforms or switch from one platforms to another, or to port their data among platforms;
- the *outcome indicators*, which measure how market outcomes as a whole are affected by these outputs, such as how prices or market shares change in response to action being taken by the gatekeepers for a particular core platform service or as a result of other factors that may be unrelated to the actions of gatekeepers or their compliance with the DMA.

Figure 2: Types of indicators



Regarding the DMA objectives, the different types of indicators are interrelated and may have varying time horizons. Changes in gatekeepers' processes and services can lead to shifts in market participants conducts and output, which, in turn, can affect market outcomes. However, the relationship between these three types of indicators is not linear. Outcome indicators, in particular, are multi-factorial,

²⁷ G. Monti and A. de Streel, *Improving institutional design to better supervise digital platforms*, CERRE Report, January 2022.

²⁸ <https://cerre.eu/publications/implementing-the-dma-substantive-and-procedural-principles/>.



meaning the evolution of indicators alone would not be enough to evaluate the effects of the DMA. Nevertheless, **output indicators are important metrics that, when combined with other data, can contribute to assessing the DMA's effectiveness.**

In addition to the types of indicators, the level of evaluation and the associated indicators should also be defined. The effects of the DMA could potentially be assessed at three levels: (i) firms (i.e., the different designated gatekeepers); (ii) digital services (i.e., the different core platform services), or (iii) rules (i.e., the various DMA prohibitions and obligations). For initial evaluations, the **most relevant level may be to focus on the evolution of core platform services** and how the implementation of the DMA's various obligations has impacted those developments.

Additionally, alongside indicators, **specific case studies** related to the evolution of a core platform service, or the impact of particular DMA obligations could complement the evaluation by providing more in-depth insights into the DMA's effects.

3.3.2. Sources of Data

Once the indicators have been specified, a strategy for data identification and collection should be developed. These data could be sourced from the following:

- *Gatekeepers*, particularly from their compliance reports, which, according to the Commission's Template, should include data such as technical changes, modifications to terms and conditions (including remuneration flows), and customer experience;²⁹
- *Business or end-users, or civil society groups* that can provide insights into the DMA's impact on their activities or experiences;³⁰
- The Joint Research Centre of the *European Commission*, which monitors the effects of the digital transition and evaluates horizontal and sector-specific EU digital policies;³¹
- The *DMA High Level group* as well as other *EU bodies or regulatory networks*, the European Union Agency for Network and Information Security (ENISA) could also very usefully contribute with relevant data;
- *Consumer surveys*, particularly focused on how consumers perceive the effective implementation of the DMA, and whether they believe it has or could create benefits or costs for them;
- *Academic or commercial research*,³² which ideally should be mapped out by the Commission as part of the evaluation process.

²⁹ DMA, art.11 and Commission Template Compliance Report, point 2.1.2. A non-confidential version of those compliance report is available at: <https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports>. The compliance reports, which are submitted by each gatekeeper, are different from the evaluation to be done by the Commission as the first aim to assess the quality of compliance while the second assesses the quality of the law. But the compliance reports are an important source of information and data for the evaluation of the DMA.

³⁰ For instance, reports by BEUC: <https://www.beuc.eu/general/competition-digital-markets>.

³¹ https://joint-research-centre.ec.europa.eu/jrc-science-and-knowledge-activities/digital-transition_en.

³² Such SensorTower and other app download tracking sources.



Preparing the Evaluation of the DMA

The data should be collected and processed in the most suitable manner and when data points are multiple and numerous, they should be processed and analysed using AI tools where possible and relevant, as recommended by the OECD.

cerre

Centre on Regulation in Europe



Avenue Louise 475 (box 10)

1050 Brussels, Belgium

+32 2 230 83 60

info@cerre.eu

www.cerre.eu

 Centre on Regulation in Europe (CERRE)

 CERRE Think Tank

 CERRE Think Tank