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ASSESSING AND IMPROVING THE DMA'S IMPACT

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Executive Summary

This Issue Paper discusses how the European Commission should approach the assessment of the impact of the Digital Markets Act (DMA) on digital markets, as it is required to do under Article 53. It also considers how the results should inform its enforcement practices. It is informed by interviews and other feedback from gatekeepers and business users involved in the implementation of the DMA.

The gatekeeper compliance reports, European Commission annual reports, and other ad hoc studies produced to date do not provide a good basis for understanding the impact of the DMA. This reflects an early focus on obtaining compliance rather than assessing impact. It suggests that those affected by the DMA have limited incentives to collect or voluntarily share the sort of data required to undertake a evaluation. The paper recommends that this is addressed by the European Commission obliging the gatekeepers to collect and report data, and it suggests that previous CERRE recommendations on 'output indicators' provide an initial list of the data that should be provided, although this might be supplemented with other data from other sources. Although compliance will also remain ongoing, the paper argues that the assessment of impact should not wait until full compliance is achieved, since the processes are interdependent.

The European Commission has yet to develop or define a robust evaluation framework which it would use to assess the impact of the DMA and which the data it is recommended to collect would populate. The approach taken in the Impact Assessment undertaken for the DMA proposals in 2020 is not fit for this purpose, and assessments of other legislation, such as the General Data Protection Regulation (GDPR), have not met the requirements of the Better Regulation Guidelines. It is unrealistic to expect a proper framework to be in place for the first assessment, which is to be completed by May 2026; however, work should start now with a view to having a framework by the next review in 2029.

This timing is appropriate because the impact of the DMA will take some years to become fully apparent. This is partly because compliance remains an ongoing process, but also because it will involve significant changes in the way in which gatekeepers behave, which will take end users and business users time to fully understand and respond to.

The paper outlines the benefits and costs which a robust evaluation framework would need to take proper account of. These include:

- Benefits that might arise from greater competition in the provision of services which rely upon access to core platform services enabled by the DMA, or from greater competition or the threat of competition to the core platform service itself. This would include not only the choice of new services but also improvements which the gatekeepers make to their services in response to competition, or positive changes to new services that must now comply with the DMA.
- Benefits when end users are better able to access the services they prefer, whether as a result of lower switching costs or by exercising rights to withhold data and protect their privacy.
- Benefits when business users are able to use better advertising or transaction services in conjunction with the core platform service as a result of the DMA, to obtain better terms of trade from the gatekeeper themselves, or to more readily multi-home or switch between platforms.

- Ongoing costs incurred by the gatekeeper to comply with the DMA.
- Costs that might arise if the DMA forces a gatekeeper to delay a new service, not develop it, or adapt it in ways that are harmful for some end users (notwithstanding competitive pressures to the contrary).
- Costs to end users if the DMA reduces differentiation in services in ways that mean some end user preferences are no longer met, or are met less well.

The paper notes that gatekeepers might have incentives to incur costs to influence the evaluation, or otherwise for commercial rather than compliance purposes. Benchmarking between gatekeepers might help the European Commission identify such costs, although it is recognised that this will be challenging. Benchmarking might also be difficult if end users served by different gatekeepers have different preferences, as they are likely to respond to actions taken to comply with the DMA in different ways. This means that changes to the same gatekeeper core platform service will benefit or harm different groups of end users (and business users) in different ways depending on their preferences, and that generalisations about the impact of the DMA on users should be approached with caution.

The purpose of evaluating the impact of the DMA in the way proposed is to allow a consensus to develop about the impact of different combinations of core platform services and DMA obligations. This should then allow the European Commission to focus its compliance and enforcement efforts on those which are most beneficial, and to reconsider those which impose costs overall. It will take time for any consensus to develop and for the framework to mature. The paper recommends the steps that need to be taken to start this process.

The paper also recommends steps the European Commission could take to improve the impact of the DMA over time. One is that the European Commission should begin to provide greater clarity about when compliance is achieved and what is required from the gatekeeper to achieve it. This might be difficult at the initial stages of implementation, but ought to improve over time. Another is that the European Commission should seek to improve the coherence between different obligations as they apply to the same core platform service. The paper highlights examples where different obligations pull in different directions – for example, by aiming to promote competition within a platform (and so making it more attractive to users), whilst at the same time seeking to encourage entry by rival platform providers (who might be deterred from entering if the incumbent platform becomes more attractive or prices fall), or when the same obligation benefits some business users but harms others. Finally, other jurisdictions such as the United States are beginning to implement measures which have similar aims to those pursued by the European Commission through the DMA. The European Commission might have something to learn from their experiences as to the impact of different measures and different approaches.

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1. Introduction

This issue paper discusses how to assess the **impact of the DMA[1] and how the European Commission might approach its enforcement practices in light of that assessment.** The Commission is currently undertaking its first review of the implementation of the DMA, as required by Article 53, and this paper is intended to inform that review. The issues identified and findings made in this paper are based upon interviews that we have conducted with a number of gatekeepers and business users, together with our analysis of submissions made as part of the Commission's first DMA review,[2] compliance reports produced by gatekeepers (as required by Article 11 DMA),[3] the annual reports published by the Commission (as required by Article 35),[4] and other materials produced by the industry associations or civil society organisations. The views presented in this paper are entirely our own.

The positive and negative impact of a particular obligation as implemented by a particular gatekeeper for a particular core platform service will depend upon, amongst other things, whether, or to what extent, the measures taken by that gatekeeper amount to 'effective compliance'. In interviews, we received information on why some business users consider compliance remains incomplete for some obligations and suggestions that this explained the limited impact of the DMA. We have said previously that **we think the assessment of compliance and the assessment of impact, although they are linked, can be approached as discrete questions** as there is no particular or necessary set of service output or market outcomes that will tell the Commission that a gatekeeper has achieved effective compliance.[5] The DMA makes a similar distinction insofar as the requirement for the Commission to produce an annual report on implementation of the DMA and the progress made towards achieving its objectives (under Article 35) is separate from the requirement (under Article 53) to undertake a three-year review that evaluates the impact of the DMA. We emphasise that we do not take any position in this paper as to whether a particular gatekeeper has complied with a particular obligation or as to the overall level of compliance with the DMA**.** We also consider that an assessment of impact, which is the focus of this paper, need not await a finding that a gatekeeper is effectively complying with a particular obligation and that the two processes should be pursued in parallel.

The Commission's focus to date has been, understandably, on improving compliance whilst progress on assessing impact has been very limited. Thus, the Commission's second annual report makes only very limited reference to the impact of implementation to date and is mainly a description of the actions the Commission itself has taken. Similarly, the compliance reports published by the gatekeepers are largely descriptions of the actions they have taken to comply with the obligations in the DMA rather than any assessment of how business users or end users have responded. The outcome of the Commission's first review will, we assume, begin to fill the assessment gap but a lot more work remains to be done. Therefore, one of the main calls of this issue paper is for the Commission to begin to develop a solid and comprehensive evaluation framework using data and other evidence to be provided by the gatekeepers and other involved stakeholders. This framework will not be completed for the review which must be completed by May 2026, but work should start as

[1] Regulation 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 2019/1937 and 2020/1828 (Digital Markets Act), OJ [2022] L 265/1.
[2] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14831-Review-of-the-Digital-Markets-Act_en
[3] https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports
[4] https://digital-markets-act.ec.europa.eu/about-dma/dma-annual-reports_en
[5] https://cerre.eu/publications/dma-implementation-forum/

soon as possible if it is to inform the next Review which must be completed by 2029. This may allow the Commission to identify ways to make the DMA a more targeted, proportionate and effective regime.

Another important and more immediate theme of this paper is to make some recommendations to **facilitate compliance and increase the impact of the DMA.** This can be achieved by increasing legal predictability and compliance acceptability with the DMA obligations, by improving legal coherence among the DMA obligations and by maximising the synergies with regulatory practices in other jurisdictions.

2. Developing a robust evidence base

2.1. The publicly available data

2.1.1. DMA review consultation

The evidence currently in the public domain that would allow us to assess the impact of the DMA is very limited.[6] This means that the merits of the DMA continue to be debated in largely rhetorical terms, and claims are assertions rather than being based on real-world data. In this we broadly agree with another commentator's assessment of the submissions made by gatekeepers, business users and civil society groups in response to the Commission's consultation for the DMA review:

> *The Digital Markets Act pursues two objectives: ensuring digital markets are contestable and fair. Article 53 requires the Commission to assess whether these objectives are being achieved. Yet the consultation submissions reveal a fundamental problem: stakeholders are engaged in advocacy, not analysis. The evidence bases for assessing the DMA's impact are remarkably thin, and what evidence exists is contested, partial, and often impossible to verify.*
>
> *The submissions are characterized by assertion rather than substantiation. Claims about market dynamics, consumer welfare, and competitive effects are pervasive, but empirical support is sparse and contested.*[7]

We emphasise that these criticisms are levelled at all parties to the consultation but that, in our view, **gatekeepers will need to accept a particular responsibility to assist the Commission in its assessment of the impact of the DMA given their role as implementors of the measures the DMA requires and given their ability to provide a wider view of impact than most individual business or end users.** When you are the gatekeeper of a service, you are also the gatekeeper of data related to that service. Although it is possible and to be hoped that the quality of debate improves and matures in subsequent DMA reviews, we think the adversarial nature of the compliance and enforcement processes and the contested nature of objectives do not incentivise any interested party to disclose data inconsistent with their advocacy position. Therefore, we do not expect this data to be forthcoming under the review process (or any other process) without further action by the Commission relying on existing or possibly new legal disclosure obligations.

In addition to this, some reports commissioned by the CCIA have focussed on the impact of the DMA on the implementation costs for gatekeepers or business users[8]. The resulting estimates are highly

[6] We recognise that some data on the impact of the DMA on use of browsers and search engines has been published by some business users and by some third party analysts, e.g. https://www.reuters.com/technology/eus-new-tech-laws-are-working-small-browsers-gain-market-share-2024-04-10/

[7] https://www.linkedin.com/pulse/dma-article-53-review-mapping-fault-lines-ben-schroeter-n0vke/?trackingId=mkmnmxWJSgir6c0jcCJwYg%3D%3D

[8] Those we are aware of include those by LAMA Economic Research (in conjunction with various authors) at https://www.dmcforum.net/wp-content/uploads/2025/06/120625-FINAL-CCIA-DMA-Report-.pdf and https://ccianet.org/research/reports/costs-to-us-companies-from-eu-digital-services-regulation/

assumption-driven and present a very wide range of estimates[9]. Such studies provide only a partial view of the impact for end users or the market as a whole and surveys of end users undertaken for the CCIA do not appear to us to employ conventional survey standards or methodologies.[10]

We note that BEUC has also provided some high-level indications on DMA impacts on consumer choice (in particular on browsers, third-party apps, payment systems), but without any quantitative evidence or assessment of how end users or business users respond to the presentation of these choices.[11] Some business users have come with more precise data, especially on the positive impact of the DMA choice screen obligations on the take-up of alternative browsers or search engines.[12]

Finally, the **DMA implementation is a very interesting regulatory experiment whose effects are increasingly studied by the academic literature**. As the DMA obligations are unique to the EU and probably one of the most far reaching intervention in digital markets compared to other jurisdictions, the evolution of the EU digital markets and services can be contrasted with the evolution of other markets. The Joint Research Centre of the Commission organised in September 2025, with the Toulouse School of Economics and Yale University, an interesting conference where some papers on the first effects of the DMA obligations were presented.[13] This was followed by a similar conference in February at the University of Georgetown, in cooperation with the Universities of Yale and Princeton.[14]

2.1.2. Commission Annual Reports and Gatekeeper Compliance Reports

The Commission publishes **Annual Reports intended to summarise the Commission's actions to secure implementation and compliance of the DMA, not to assess their impact**. Consistent with this, whilst the Commission's second Annual Report highlights developments such as the availability of new app stores as evidence of the positive impact of the DMA, it does not attempt any kind of quantitative assessment of the impact for end users or business users or the way in which they have responded to the opportunities which the DMA obligations are intended to create.[15]

The **non-confidential versions of compliance reports of gatekeepers similarly lack data on the impact of the obligations** and so, in our view, are unlikely to provide a basis for the assessment which the Commission is expected to undertake under Article 53. Overall, on the basis of these public disclosures, it appears that some gatekeepers engaged more than others with quantitative data and

[9] For example, one LAMA study estimates revenue losses for business users of between €8.5 and €114 billion whilst another estimates gatekeeper compliance costs of €1 billion p.a. by extrapolating from claims of resource costs made by an individual gatekeeper.

[10] For example, a survey of end users asking about their online services experiences since 2024 appear to have only included an option to provide responses which were negative, see https://www.nextradegroupllc.com/impact-of-the-dma-on-eu-consumers

[11] https://www.beuc.eu/reports/first-bloom-increased-consumer-choice-after-eighteen-months-dma.

[12] Jesper Akesson, Kush Amlani, Emily Chissell, Robert Hahn, Stefan Hunt, Michael Luca, and Gemma Petrie, An empirical analysis of choice screens, 2026. For a more nuanced view of the effects of choice screen: Omar Vasquez Duque, The Magical Number 2 (Minus Two): An Empirical Analysis on the Efficacy of Choice Screens to Increase Competition in Digital Markets, 2025.

[13] https://www.tse-fr.eu/conferences/2025-economics-digital-markets-act-dma-workshop.

[14] https://kgi.georgetown.edu/events/digital-competition-conference-2026/

[15] https://digital-markets-act.ec.europa.eu/document/download/8ed232e8-a674-4434-a13e-8712ea42b0f5_en?filename=DMA_annual_report_2024.pdf

that different approaches have been taken by different gatekeepers. In the absence of greater public disclosure, it is difficult for anybody other than the Commission to assess the relevance or usefulness of the data provided, or what conclusions might be drawn from it.

We recognise, of course, that some of this data may be commercially sensitive for the gatekeeper and that gatekeeper reporting to the Commission may differ from what is provided to the public in the non-confidential compliance report, including through provision of data in response to other ad hoc information requests from the Commission that we have not seen. It may also be that this data will inform the Commission's assessment of the impact of the DMA in ways that will become clear when the evaluation report is published later in 2026. However, it seems clear from the outputs of the current compliance reporting process that it places limited demands on and provides a large element of discretion to gatekeepers in terms of the data they report. **Without greater clarity of how and what data the Commission requires from gatekeepers, we remain doubtful that these arrangements will allow the Commission to undertake a proper assessment of the impact of the DMA**.

As we discuss further below, the absence of a proper evaluation framework for assessing the impact of the DMA also makes it difficult for either the Commission or any other interested party to determine what data will be required to populate such a framework. We therefore consider that our recommendation that the Commission begin to develop an evaluation framework will also contribute to clarifying the data requirements which we recommend the Commission impose on gatekeepers (and potentially on other parties if necessary).

2.2. Addressing the evidence gap

We have previously proposed that the **Commission should require gatekeepers to measure and report on the impact of implementing different obligations by including a set of 'output indicators' in their annual compliance reports,** as well as publishing these figures on a more regular basis.[16] Our intention was that these indicators would reveal the extent to which end users and business users had engaged with the opportunities that the DMA is intended to introduce and the impact of their doing so. It is important to recall that we drew a clear distinction between 'output indicators' and 'outcome indicators'. The latter refers to the impact of end user interactions on market outcomes such as changes in market shares of different firms, the prices paid by users or the number and quality of the choices they are presented with. These will be the consequence or outcome of user and business user engagement with gatekeepers and gatekeeper responses to that engagement.

We emphasised that we did not presuppose that the effective implementation of the DMA would result in any particular level of user or business user engagement (and so, to repeat, we do not think output indicators should be adopted as 'targets' which effective compliance is expected to achieve) and we said that we expected the outputs to depend upon the context in which particular obligations are being implemented. We provided a list of quantitative measures or indicators to illustrate what we had in mind.[17]

[16] https://cerre.eu/wp-content/uploads/2024/01/DMA-Output-Indicators_FINAL.pdf.
[17] The annex appears in the paper cited above.

The Commission issued a Compliance Report Template in October 2023, which did include a requirement that reports include

> *'a set of indicators which allow or will allow based on their future evolution the assessment of 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 DMA, including an explanation why the Undertaking considers these indicators to be the most suitable'*[18]

and, more specifically,

> *'any relevant data which can inform whether the measure is or will be effective in achieving the objectives of the DMA, 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, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc.'.*

However, as already noted above, the non-confidential versions of the compliance reports produced by gatekeepers to date suggest that some gatekeepers have been more responsive to this requirement than others, and it is difficult for us to assess how effective the Template has proven to be in the confidential versions.

Our overall view remains that, **absent a much more explicit and detailed requirement from the Commission, gatekeepers do not have sufficient incentive and so will not voluntarily collect or disclose the quantitative data unless its suits their interests which we think will be required for the Commission to properly assess the impact of the DMA**.

Some gatekeeper interviewees have told us that they did not consider it their responsibility to collect or provide such data to the Commission. Moreover, without such obligations we would expect all interested parties, including but not limited to gatekeepers, to exaggerate the impact of obligations or to offer only a partial assessment of benefits and costs in ways which favour their advocacy positions and in order to influence the Commission's approach to enforcement activity and/or the wider debate about the future evolution of the DMA. This is unavoidable when the process of assessing compliance and the process of assessing impact will be running in parallel to each other rather than in sequence (i.e. with the assessment of impact only following the conclusion of the assessment of compliance).

Our expectations are confirmed by the latest consultation on the DMA evaluation, as well as the other studies that have been published by various interested parties since the DMA was adopted, as discussed above. The public versions of the compliance reports provided by gatekeepers also reveal

[18] P. 4-5 at https://digital-markets-act.ec.europa.eu/document/download/904debdf-2eb3-469a-8bbc-e62e5e356fb1_en?filename=Article%2011%20DMA%20-%20Compliance%20Report%20Template%20Form.pdf.

inconsistent and partial use of output indicators which a more standardised and transparent approach would remove.[19]

Our first recommendation in this paper is therefore to reiterate our previous recommendation that **the Commission require the gatekeepers to provide data against a specified set of output indicators as part of the compliance reporting process**, **but also for the purposes of assessing the impact of the DMA.** We noted in our previous paper on output indicators that Article 21 of the DMA gives the Commission powers to demand information from any undertaking for the purposes of undertaking its duties under the DMA. This would include an assessment of its impact as required by Article 53 as well as an assessment of compliance and implementation for the purposes of Article 35. We think our proposals in relation to output indicators could play an important role in both contexts.

It is important to recognise that implementing this recommendation involves risks for both gatekeepers and the Commission itself, since neither will be able to anticipate the outputs of any assessment which the data is intended to inform. In this sense, **all parties will need to commit to a process without knowing the outcome in advance**. If the Commission were to implement our recommendations, it may find itself having to concede that certain aspects of the DMA have not been beneficial for business users or end users, or have otherwise imposed a disproportionate burden on them. Gatekeepers may find that the Commission is able to demonstrate, with rigorous evidence, that particular obligations have been highly beneficial for end users. However, the process we envisage will require all sides to commit to developing a proper, evidence-based evaluation framework which would be used to inform how the DMA evolves. In making this recommendation, we also hope that all sides in the public debate about the DMA move beyond the narrow question of compliance (important though that remains) and to a discussion of the impact of the DMA (and potential changes to it) that is informed by robust data and a proper evaluation framework.

Some related actions may complement this recommendation. For example, the **Commission has begun to provide information about the opportunities that are available for business users as a result of the implementation of the DMA**. On its website, there is a page dedicated to "Resources for Businesses" which allows business users to see quickly what options each gatekeeper has.[20] This is similar in spirit to our recommendation that gatekeepers provide 'dynamic' compliance reports which are constantly updated, rather than static reporting.[21] On this page, the business user can access the most up-to-date information about how to take advantage of the DMA. For interoperability, a quick factsheet has been designed to introduce business users to how they can take advantage of the new specification decisions.[22] We think these steps may be helpful in increasing awareness of the opportunities created by the DMA and can contribute to the achievement of the DMA objectives (although again a proper framework is first required before that assessment could be made). Later in this paper we suggest that similar actions may be required to ensure that end users can benefit fully from the opportunities created by the DMA, particularly when users are being invited to choose between competing products.

[19] A standardised approach would also allow for the comparison of data from different gatekeepers (in relation to the same obligation and CPS) and aggregation of data, which could improve transparency whilst preserving business secrets.
[20] https://digital-markets-act.ec.europa.eu/questions-and-answers/resources-businesses_en.
[21] De Streel et al, The DMA@1.
[22] https://digital-markets-act.ec.europa.eu/questions-and-answers/interoperability_en.

Finally, the Commission could collect and summarise in **one public repository all academic research** done on the impact of the DMA, including those already mentioned above.[23] This academic research could be vastly expanded if the DMA would allow **independent and vetted researchers to have access to all the data necessary to monitor the compliance by the gatekeepers with the DMA obligations**, as it is already foreseen for the DSA with the famous Article 40**.**

[23] See footnotes 14 and 15.

3. Developing a robust evaluation framework

Beyond addressing the evidence gap, a related and more fundamental challenge is the development of a robust framework to evaluate the positive and the negative impact of the DMA. While the Commission has, at least in principle, articulated sound ex post evaluation standards in its Better Regulation Guidelines,[24] recent studies suggest that these principles are not consistently applied in practice across EU policymaking,[25] including in the digital domain. [26]

The Commission's evaluation of the GDPR illustrates this. In 2020, only two years after the Regulation became applicable, the Commission published a first evaluation report that contained no quantitative assessment and relied largely on broad political narratives, emphasising citizen empowerment, values-based innovation, and internal market objectives.[27] While the absence of quantitative analysis may partly be explained by the limited time elapsed since implementation, the report also failed to establish an evidence-based evaluation framework or to identify the key indicators and data that would need to be collected for a meaningful assessment over time. The subsequent evaluation report published in 2024 was similarly limited, again largely reiterating high-level political messaging rather than providing a systematic assessment of impacts.[28] This is particularly striking given that, only weeks after the Commission's report, the Draghi report referenced several academic studies offering quantitative evidence on the effects of the GDPR, notably with respect to innovation.[29]

3.1. The timing of the evaluation

There are **at least three reasons why the impact of the DMA cannot be assessed completely and immediately** and why, therefore, the forthcoming 2026 evaluation should be viewed as the start of a longer process which will continue over several review periods.

A first reason is that the **compliance process under the DMA continues to be an iterative process**. Therefore, any definitive assessment of the impact of the DMA from which robust conclusions might be drawn will have to wait until the iteration has largely been completed and effective compliance achieved, or at least until it has progressed further than is the case today. This is not to say that provisional assessments should not be undertaken in the meantime and would not have an important purpose, as discussed further below.

A second reason for delaying any assessment of impact is that **end-users' and business users' responses to the opportunities created by the DMA are likely to take some time to occur fully and so the impact on business or end user behaviour is likely to develop over time**. On the business user side, the iterative process described above may delay decisions to launch new services which depend upon a stable set of processes and specifications from the gatekeeper or may mean that services which

[24] Commission Better Regulation Guidelines of 3 November 2021, SWD(2021)305, Chapter 3.
[25] A. Bucher and E. Golberg, Better regulation in the European Union needs a fresh start, *Bruegel Policy Brief* 01/2026.
[26] M. Bassini, M. Maggiolino and A. de Streel, Better Regulation and Evaluation for the EU Digital Rulebook, CERRE Report, Jan 2025, pp.36-41.
[27] 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.
[28] Second Report on the application of the General Data Protection Regulation, COM(2024) 357.
[29] Draghi Report, Part B, p.319.

are launched do not get the response from end users which they would obtain under conditions of effective compliance.

On the end user side, the DMA is being introduced into markets in which end users have already acquired deeply embedded habits in terms of how they choose and interact with different core platform services. One interviewee noted that the DMA requires gatekeepers to introduce measures which in some cases will force end users to alter these habits, for example by actively selecting from a choice screen rather than relying upon defaults or actively choosing their preferred services through other means.[30] End-user responses will of course also differ depending on the context and individual preferences and it is unclear at this stage the what extent the DMA will drive changes in how end users engage with digital services, or what the aggregate effect of this will be.[31] It is also likely that habits will take time to change, given consumer inertia and risk aversion, as shown by experience from other markets, such as utilities. Digital markets may be particularly challenging because many services are provided without a price for the user, meaning that competition between suppliers is likely to focus on non-price aspects of the services which may be more difficult for users to assess or respond to. To be clear, we consider that end users can generally be expected to benefit from having choices but that it will take time for them to respond and for these benefits to be realised.

Thirdly, **the Commission will first need to develop a comprehensive framework for assessing the impact of the DMA**. As will be clear from the discussion earlier in the paper, we do not consider it or anyone else has that framework today and an important aim of this paper is to show what that framework might consist of in anticipation of the Commission committing to develop it for the future.

3.2. A cost-benefit framework

Therefore, we think that the Commission should use the opportunity of the 2026 evaluation to build a robust evaluation framework (and take steps to assemble and collect the data to populate it, as discussed in the previous section) to assess whether the DMA is meeting its objectives of contestability, fairness and delivering a single internal market, but also whether it is contributing to innovation and user choices. As it develops this framework, the Commission should consult with the national regulators and the interested parties, including gatekeepers, business users and civil society groups. Then, the publication of the second Review report by 2029 ought to provide a first opportunity to use the framework to assess the impact of the DMA. At that stage we hope that compliance should be substantially achieved, although we expect that further refinements to compliance practices would continue to be made after that.

The Commission services' **impact assessment** of 2020 for the DMA proposal listed a number of benefits and costs which are well summarised in the opinion of the Regulatory Scrutiny Board.[32] The expected benefits were the following:

[30] Hunt Allcott, Juan Camilo Castillo, Matthew Gentzkow, Leon Musolff, and Tobias Salz, Sources of Market Power in Web Search: Evidence from a Field Experiment, NBER Working Paper 33410, 2025.

[31] In making this point we do not presuppose that all or even many end users will necessarily exercise choices more frequently as time advances. We are simply saying that the impact of any measures taken by the gatekeeper, in terms of changes in end user behaviour, may take time to become fully clear.

[32] 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.

- 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 expected costs had a range from €43.8 million to €50.9 million, covering the following components: [33]

- *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.

However, the categories of benefits were defined at a very general level, and the quantitative estimates covered a wide range. The underlying methodologies and their limitations were not always sufficiently explained, as outlined by the Regulatory Scrutiny Board. Moreover, the cost assessments focused primarily on administrative compliance and supervision costs, overlooking other potentially significant cost components, and appear to have been underestimated as the current staff in the gatekeepers and the Commission for the compliance and supervision seem to exceed what was foreseen in the impact assessment. Therefore, in light of the lessons emerging from the first years of DMA implementation, a significantly more robust and disaggregated evaluation framework should be developed, commensurate with the DMA's importance for the regulation of the EU platform economy.

This evaluation framework should **identify and compare all the relevant benefits or impacts of applying an obligation to a particular core platform service against all the relevant costs of doing so**.[34] Ultimately, we think that the assessment should relate to the costs incurred by end users,

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

[34] Some of these costs will have already been sunk by gatekeepers when taking steps to comply with the obligation at the outset, or through subsequent iterations. These costs are largely irrecoverable now and should not in our view feature in the assessment. However, there are other forward-looking costs which ought to be considered, some of which are incurred directly by the gatekeeper, some by business users and some by end users.

recognising that costs which are incurred by firms may be passed on to end users in some form and to some extent (although not always in the same digital market in which they were incurred).[35]

The **categories of benefits** arising from the DMA and to be included in the framework would include:[36]

- *Potential end-user benefits from innovation, quality, or price benefits resulting from:*

    - *the entry of new third-party (or improvements) in existing services that complement the core platform services*;[37]

    - *the entry of new third-party services that compete directly with core platform services*.[38] The Commission highlights the entry of three new app stores – Epic, Aptoide and AltStore – as evidence of the impact of these provisions in the second Annual report.[39] These new entrants are able to offer differentiated products, competing by providing other services (e.g., providing specialised gaming only stores with a wider choice of games than those on rival app stores or better privacy settings). We have also seen increased take-up of new browsers and search engines, which differentiate their services from those of gatekeepers. These benefits would include improvements in the quality of gatekeeper services in response to entry;

    - *the improved performance of gatekeeper services that arise in response to inter-platform competition from third parties or because the DMA stimulates competition between gatekeepers*, including because gatekeepers develop services in the future which already anticipate compliance with the DMA. These benefits also arise from the mere threat of competition because markets are contestable and entry barriers have been reduced thanks to the DMA;

- *Potentially lower costs for end-users from switching* between services or between core platform services;[40]

- *Potential privacy benefits for end-users* arising from measures which allow user to withhold consent to the sharing and processing of personal data (and thereby avoiding personalised advertising) whilst retaining access to a core platform service,[41] but also resulting from the entry of new core platform services which differentiate themselves by offering greater user privacy;[42]

[35] This point is important to counter claims that the DMA is intended to favour the interests of particular firms, notably European firms, to the detriment of European users.
[36] This list is intended to be illustrative not exhaustive.
[37] Likely to result from the implementation of Articles 5.3, 5.4, 5.5, 5.7, 6.3, 6.4, 6.7, 6.10 and 6.12 DMA.
[38] Likely the result of the implementation of Articles 5.8, 6.2, 6.3, 6.5, 6.10 and 6.11 DMA.
[39] Op cit para 45.
[40] Likely the result of the implementation of Articles 6.3, 6.6, 6.9 and 6.13 DMA.
[41] Likely the result of Article 5.2 DMA.
[42] E.g., DuckDuck go martes itself as offering a browser that 'actively protects your personal information' https://duckduckgo.com/.

- *Potential business user benefits that arise from more effective or lower cost advertising or transaction services* on the core platform service or on third-party platforms[43] or from better terms of trade with the core platform service gatekeeper.[44] Business users may be able to switch core platform service providers, or to multi-home and encourage gatekeepers to improve their terms of trade;

- *Potential benefits to society as a whole from disruptive innovation*, for example intermediary services could be offered to stimulate some of the DMA entitlements, for example actors that help end-users take advantage of data portability.[45] These actors may include gatekeepers entering new markets.[46]

Similarly, the **categories of costs** to be assessed would include:

- *Ongoing compliance costs incurred by the gatekeeper* (such as legal and administrative costs) *and opportunity costs* if engineering and other resources are diverted to maintaining compliance.[47] Compliance costs are inherent in most regulatory regimes and so our point here is to highlight that these costs should be assessed alongside the benefits of DMA compliance and one should be sensitive to settings where the marginal cost of compliance vastly exceeds the benefits;[48]

- *Innovation losses if gatekeepers withhold permanently (or for a long period) and modify new services (in ways which are detrimental to end users) or are less incentivised to innovate* in the EU because they are required by the DMA to first take additional steps to enable third-party access or other measures. Assessing these losses will be challenging and their impact may depend upon the extent to which a gatekeeper acts as a first mover or a follower in introducing new services, as compared to third-party providers or other gatekeepers who the DMA may enable to act as first movers.[49] It may also be difficult to assess whether modified services are of inferior quality to those offered in other jurisdictions where the DMA obligations do not apply, or how significant any differences actually are. The Commission will likely require evidence from the gatekeeper to undertake this assessment, recognising that gatekeepers may also be in a position to influence the evidence itself (see below);

- *Losses in differentiation between core platform services* which compete with each other, and which have been discussed above. As we explained in the next sub-section 3.3., the impact will vary between different groups of users depending upon their preferences and may be offset by the availability of differentiated third-party offers. Some users may experience this

[43] Likely the result of Articles 5.9 and 6.8 DMA.
[44] Likely the result of Article 6.12 DMA.
[45] E.g., the Data Transfer Initiative https://dtinit.org/.
[46] E.g., data portability solutions offered by Microsoft Fabric.
[47] This should exclude any costs incurred to comply with legal obligations established by proceedings outside the EU (but which may also contribute to compliance within the EU).
[48] Studies we have seen to date tend not to distinguish between sunk or non-recurring costs and ongoing costs. We think only the latter should be included in the assessment.
[49] Another concern was raised by one interviewee that had been designated a gatekeeper on an EU-wide basis but argued that e-commerce markets were national in scope and that it was a challenger in a number of national markets. It said it was required to comply with the DMA obligations irrespective of its position at national level, and that this (unfairly) inhibited its ability to compete in those markets where it was a challenger.

as a reduction in quality (for example, if compliance with the DMA adversely impacts privacy or security features), others may benefit from it if it means they consider certain services to be better and closer substitutes than before;

- *Potential losses suffered by business users as a result of the DMA*, whilst acknowledging that business users also potentially benefit from greater competition in the provision of core platform services or related services or from terms of trade with the gatekeeper that are fairer than pre-DMA or services that are more responsive to their requirements (e.g. as a result of greater engagement between gatekeepers and business users)[50].

    - One cost highlighted by some gatekeepers is a *reduction in the capacity to engage in personalised or targeted advertising* via the core platform service, given obligations which restrict the capacity of gatekeepers to combine or acquire personalised data from end users at whom those adverts are targeted. Whether and to what extent a reduction of the personalisation of advertising will represent a detriment to end users is a complex matter, since it will depend upon how different business users and different end users respond, meaning there will be complex second order effects;

    - Another cost could arise if greater inter-platform competition means that *app developers or other business users have to develop multiple different versions* of their product to reach end users;

    - A further example, cited earlier, arises if particular measures *benefit some users at the expense of others*. In the example cited, direct suppliers may face financial costs in reaching end users which they have previously been able to avoid.

- *End users may incur direct costs in terms of:*

    - *time and effort required to navigate choices* which have not previously been presented to them (the most obvious being the obligation on gatekeepers under Article 6.3 to introduce choice screens before users select browsers, search engines or virtual assistants), although it may be reasonable to assume that users will invest effort in proportion to the benefits they might perceive from doing so.

    - *lower quality of the gatekeeper's services* as a result of the obligations, for example because services have become less integrated[51] or more vulnerable to cyberattacks[52] or are less privacy preserving. However, those costs depend on the compliance path chosen by the gatekeeper. They may be offset to a greater or lesser degree by other

[50] In principle business users (unlike gatekeepers) are free to avoid these costs and so it is reasonable to assume that in the long run they will only engage with Core Platform Services if it is in their interest to do so. However, poor or slow enforcement of the DMA may result in business users incurring costs which exceed their expectations, or which they have to write off if they subsequently decide to exit. These should be taken into account in the assessment.

[51] Louis-Daniel Pape, Michelangelo Rossi, Is Competition Only One Click Away? The Digital Markets Act Impact on Google Maps, CESIfo Working Paper 11 226, 2026.

[52] Gatekeepers may take steps to mitigate these costs by, for example, delaying the introduction of services until the security concerns can be addressed. Output indicators could be developed to assess the impact of DMA obligations upon the security of services provided by the gatekeeper (and potentially by third parties).

DMA obligations which reduce switching costs. As noted earlier, we think the key point is that user preferences and user capabilities will differ, so that measures which represent a significant cost for some users may not be significant for others. There is of course no reason to think that the relative size of benefits and costs for individual users will be correlated, and it appears more likely that users who might be expected to derive limited benefit from the DMA measures may also be those who incur the greatest costs. The overall impact for users cannot be predicted in advance or without a detailed assessment.

We recognise that gatekeepers may have both an ability and incentive to incur costs or to impose costs on business users and/or end users in order to influence the assessment which we recommend the Commission undertakes. Our recommendations on output indicators relate predominantly to data which would inform an assessment of the benefits of implementing a DMA obligation rather than the costs, but we suggest that the Commission take a similar approach in requesting data pertaining to costs in a similar standardised format from all gatekeepers. **This would enable the Commission to benchmark data on costs as part of an assessment of whether a particular set of costs should be attributed to compliance with the DMA or be excluded from the assessment on the basis that they were incurred unnecessarily or with the intention of circumventing or delaying compliance**. This will be a challenging exercise, but the Commission's views as to which costs can legitimately be attributed to complying with the DMA and which are attributable to inappropriate strategic behaviour will no doubt also be informed by the experience of engaging with the gatekeeper in question throughout the implementation process[53].

We expect **some benefits to take time to be realised**, even after effective compliance has been achieved, for the reasons already discussed in this paper. It may be easier to identify costs of compliance in the short term, although this is itself challenging as the direct costs incurred by gatekeepers are difficult to verify and represent only one aspect of the costs that need to be taken into account. The studies undertaken to date and the various public claims made by gatekeepers, illustrate these challenges.[54]

The evaluation framework based on a cost-benefit analysis **could ensure that the DMA as a whole becomes, over time, an instrument which is more effective and more proportionate and tailored to the different business models of the gatekeepers and that is applied where the beneficial impact of the measures can be shown to have outweighed the corresponding costs.** It will also allow the Commission to begin to identify, on the one hand, the DMA obligations which have the most beneficial effects and whose enforcement could be prioritised and, on the other hand, obligations that, when applied by particular gatekeepers to certain core platform services, have little or no discernible impact but involve significant implementation costs.[55] This is particularly important for the DMA which

[53] We note that, in principle, similar considerations apply to an assessment of the benefits if a gatekeeper is judged to be compliant but the Commission considers that it has been able to implement measures in way which minimises the beneficial impact. These assessments are very difficult because they cannot be informed by data and so will require a degree of speculation on the Commission's part. Our recommendation would be that the Commission's assessment relies upon the data provided by the gatekeeper (and other sources) to the Commission, but that the interpretation of the results is done with these considerations in mind.

54 See footote 9.

[55] For instance, an interviewee has suggested, for example, that allowing end users to port their e-commerce shopping data under Article 6.9 has had no impact because there is no demand from either business users or end users to port data in this particular context. This is contrasted with other Core Platform Service, where the porting of data may have a greater impact.

imposes a common set of obligations upon a wide variety of different firms and services.[56] Because of its one-size-fits-all approach, the impact of the DMA is likely to be more significant in some contexts than others. It may be positive in some contexts but neutral or even negative in others. A nuanced and subtle approach will be required to assess this.

3.3. Differentiated Services and Heterogeneous Users

One aspect of the impact of the DMA that arose during our interviews was that whilst the impact of some DMA obligations will be to enable new forms of competition, other **obligations are being applied to core platform services where a degree of differentiated competition between gatekeepers already exists.**[57]

Our starting point is that **the capacity to differentiate is an important feature of competition and driver of innovation in digital markets which should not be unduly compromised by the DMA**. This does not mean we would uncritically accept claims that any loss of differentiation is to the detriment of users (or even that such differentiation always exists[58]). Any loss of an individual gatekeeper's capacity to differentiate should be assessed against any positive impact arising from third parties who are able to take advantage of the opportunities provided by the DMA and offer services of their own in competition to the gatekeeper. It may also be that some forms of differentiation are not greatly valued by some users or may even disadvantage some of them (as when they contribute to switching costs) while being valued by others. The DMA might also result in greater differentiation and choice for services in some digital markets (e.g. through entry), even if this could be accompanied by some loss of differentiation in other markets.[59]

These observations apply not only to the impact of the DMA on end users of differentiated services supplied by different gatekeepers but also to the impact on end users of an individual gatekeeper. Some users of the services of that gatekeeper may value the opportunity to use a different app store,

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Obviously one interviewee is not enough to draw solid conclusions and the Commission says in its second Compliance Report that all gatekeepers have implemented the portability measures and that it will 'monitor the functioning of these new tools.': Para 31 at https://digital-markets-act.ec.europa.eu/document/download/8ed232e8-a674-4434-a13e-8712ea42b0f5_en?filename=DMA_annual_report_2024.pdf.

[56] This one-size fit all has been criticised in the literature: https://cepr.org/voxeu/columns/european-commission-digital-markets-act-translation?s=09#.X_S5Rss3Eks.twitter

[57] The obvious example is competition between Google/Android and Apple/iOS for the mobile operating systems, being mass market services for which there is demand from a very wide range of business and end users. Evidence of end users of different services having different preferences is presented in chapter 6 of the CMA's Strategic Market Status Investigation into Google's Mobile Platform, esp. para 6.15, at https://assets.publishing.service.gov.uk/media/68f8bf4780cf98c6e8ed8f83/Final_decision_report.pdf. We are not making any assessment about the strength of the competitive constraints or degree of market power associated with such differentiation, only that there is evidence of heterogeneous demand.

[58] There is room for debate about whether claims of service differentiation (e.g. with respect to security or privacy) are accurate, but even if they are not, users may perceive such differences to exist and respond on that basis. One of the recommendations we make below is that the Commission consider ways in which end users might better understand the actual, as opposed to perceived, differences in the services offered by different gatekeepers.

[59] As an hypothetical example: (i) the existing users of a mobile ecosystem who prefer existing services of that ecosystem and do not value the opportunity to use third party services may lose; (ii) existing users of that ecosystem who prefer some services of that ecosystem but who may value other third party services which they were unable to access pre-DMA may lose or may benefit; (iii) the users of a mobile ecosystem who value third party services which they were only able to access on this ecosystem devices pre-DMA, or were not able to access at all, may benefit if they are now able to switch ecosystem without forgoing those services.

browsers or search engines, but others may not. Users are also likely to differ in their capacity and willingness to take advantage of the opportunities presented to them, as some may find it more difficult to navigate choice screens or to engage inside loading apps than others (although, as noted earlier, some end users may learn or otherwise change their habits over time).

This has at least two consequences for assessing the impact of the DMA. First, **claims that all end users are unambiguously harmed or unambiguously benefit from the implementation of particular obligations are likely to be implausible**. The situation will invariably be more nuanced when any given measure is likely to benefit some users and inconvenience others, and likely to different degrees between different gatekeepers. The task is therefore to quantify the relative magnitude of these different effects using robust empirical evidence. As part of its work on developing an evaluation framework, the Commission will need to consider how this is to be done (likely including through the use of user surveys).

Second, given such differences in preferences, **there is no reason to expect that the response of users of core platforms which are differentiated (e.g. mobile operating systems), would necessarily be the same even if the measures being taken by each gatekeeper to comply with the DMA were to be identical.** That is because the preferences of the end users themselves, and the way they assess opportunities provided by the DMA, will not be homogeneous. This means that any attempt to benchmark or otherwise compare the outputs when different gatekeepers implement the same obligations in respect of the same core platform services (as we advocated in our earlier paper on output indicators) needs to be approached with a degree of caution, which is not to say that it might not still be useful and informative to do. We should not necessarily expect the impact of an obligation to be the same for different gatekeepers in the presence of differentiated services and different end user preferences, and so the impact of effective compliance by one gatekeeper differ from the impact of effective compliance by another.[60]

Differentiation may also be relevant when assessing switching by end users between two existing but differentiated core platform services. Low levels of switching might indicate that preferences are widely dispersed and that the two services appeal to different types of users. But it might also indicate that the services are close substitutes for many users but switching costs are too high for most users. Some obligations, such as Article 6(9), are intended to reduce those switching costs and, as noted earlier, for others it may take time for end users to learn to engage effectively with the opportunities which the DMA is intended to ensure are presented to them. Again, we emphasise that there is no 'target' level of switching (or any other output indicator) to indicate compliance or non-compliance but **our point here is also that differences in the level of switching undertaken by customers of different gatekeepers is to be expected in a differentiated service market and those differences may therefore be evidence of different user preferences rather than different levels of compliance**.

[60] We recognise that if the Commission is unable to benchmark outputs for different gatekeepers implementing the same obligations for the same CPS (or should at least interpret such exercises with caution) then it becomes more difficult to assess compliance since the Commission will need to find a 'compliant' counterfactual against which to compare the performance of the gatekeeper in question, particularly as we have said we do not regard output indicators as targets to be met. As already noted, the challenge of defining what a 'compliant' counterfactual looks like lies at the heart of many gatekeeper complaints about a lack of clarity over the measures they are required to take. To be clear, we are not suggesting that different gatekeepers should be held to different standards of compliance, but that the impact of holding different gatekeepers to the same standard may differ. The question is to what extent since significant differences in output indicators may be evidence of different user preferences or evidence of differences in the level of compliance.

Taking these points together, our recommendation is that the Commission should take differentiation seriously and aim to **avoid regulatory solutions that, on the one hand, unnecessarily reduce opportunities for gatekeepers to differentiate their core platform services. On the other hand, the Commission should promote solutions that stimulate user understanding of differences between different services and allow users to exercise choices in light of that**. This raises questions about how the Commission might ensure that, having introduced new choices, end users are then able to effectively engage with the opportunities which the market provides. The DMA aims to alter the supply side of a wide range of digital markets, but there may in future be a need to focus also on the demand side to ensure that end users better understand the choices that are available to them.

4. Improving DMA Impact

One important way to increase the DMA's impact is to ensure that gatekeepers fully comply with their obligations and this is what the Commission has rightly prioritised. But we don't analyse compliance in this report. Compliance may be facilitated and impact may be increased with some improvement on implementation such as: (i) the Commission should continue its efforts to enhance legal predictability and base its prioritisation strategy on a structured cost-benefit analysis; (ii) regulatory coherence across DMA obligations should be improved; and (iii) insights from international antitrust and regulatory experience, including from jurisdictions outside the EU, should be systematically taken into account.

4.1. Improving Legal Predictability and Prioritisation

We explained in the CERRE report on the DMA last year that the **compliance process under the DMA was an 'iterative process'**.[61] The Commission's second Annual Report emphasises the ongoing or incomplete nature of this process, stating that the Commission is 'continuing to collect market feedback on whether the implemented solutions are effective'[62], is 'monitoring these developments'[63] or 'still in the process of assessing compliance.'[64] Thus the iterative process has continued, which is confirmed by the stakeholders we interviewed this year. A feature of the way in which the Commission has chosen to enforce the DMA has been to provide informal feedback to gatekeepers, generally in private, on the extent to which existing measures they have taken or may be contemplating are considered to fall short of 'effective compliance', often having previously consulted with third parties or received various representations from them.

On the one hand, some business users we have interviewed continue to complain that some DMA obligations which are very clear and self-enforcing have not yet been fully applied by some gatekeepers. Moreover, they explain that sometimes the Commission gives them little feedback on the contribution they bring to the Commission.

On the other hand, some gatekeepers we have interviewed continue to complain that the Commission has not provided them with clear instructions as to what measures would constitute 'effective compliance', although we note that gatekeepers continue to appear reluctant to seek clarity from the Commission by requesting a specification decision, as envisaged by Article 8 of the DMA.[65] Some gatekeepers also told us that even if the Commission is not providing feedback that suggests further steps are required, the Commission will not affirmatively state that a gatekeeper is now regarded as being in effective compliance; although others have suggested that the Commission's decision to close enforcement proceedings against Apple in relation to Article 6(3) in June 2025 could be viewed as an

[61] R. Feasey, G. Monti, A. de Streel, *DMA@1: Looking Back and Ahead*, CERRE Book, March 2025.
[62] In relation to Article 6.9, p.7 at https://digital-markets-act.ec.europa.eu/document/download/8ed232e8-a674-4434-a13e-8712ea42b0f5_en?filename=DMA_annual_report_2024.pdf.
[63] In relation to Article 7, op cit p.8.
[64] In relation to Article 6.11, op cit p.9.
[65] This issue is a recurring theme in our interviews with both gatekeepers and business users. In our view it reflects the difficulty in defining an 'effectively compliant counterfactual' against which the Commission can then assess the actions being taken by the gatekeeper.

example of the Commission indicating that it considers Apple to be in compliance.[66] In most cases the gatekeeper seems to be invited to infer that the absence of any enforcement action by the Commission could be regarded, according to the general principle of legitimate expectations, as good compliance.

We agree with interviewees that the **Commission should provide greater clarity and certainty on the interpretation of DMA obligations** and ultimately, as to what is required of gatekeepers and the opportunities expected for business users and end users. The ultimate interpreter of the DMA is obviously the Court of Justice of the EU, but legal clarifications by the Commission may increase legal predictability and therefore the impact of the DMA. Informed by the better evidence-based and evaluation framework we are calling in the previous sections, those legal interpretations should ensure an effective and proportionate implementation of the DMA.

The Commission has already several legal means to provide those clarifications through hard law instruments such as the **specification decisions** which clearly indicate how the gatekeeper should comply with a DMA obligation or **the non-compliance decisions.** The Commission could also rely more on soft law instruments such as **guidelines.**[67] As we note in the companion issue paper on the regulatory interplay, those guidelines could clarify that aligning with pre-set Commission guidance on specific elements of the DMA's obligations would imply compliance, thereby shifting the burden of proof away from the gatekeepers.

For the future and in the context of the DMA review, a formal process, akin to the **provision by the Commission of individual 'comfort letters' or collective block exemption Regulation** in antitrust cases could be introduced. Moreover, some obligations could be clarified in the light of the two first years of implementation through Commission **delegated acts** under Article 12 of the DMA.

We also think that the **Commission's prioritisation strategy could be clearer and based on structured cost-benefit analysis** informed by the evidence-based and evaluation framework we are calling in the previous sections. Such an approach would ensure that enforcement efforts are proportionate, efficient, and targeted towards areas where interventions are likely to generate the greatest positive impact on market contestability and fairness.

4.2. Improving Coherence Across Obligations

The aim of the DMA is to promote contestability and fairness in digital markets and effective compliance by gatekeepers with the full range of obligations is intended to achieve this. As the impact of these compliance efforts becomes more apparent and better understood, we recommend that the **Commission aims to ensure that the various incentives or opportunities which different obligations may introduce work together in a coherent and aligned manner rather than in conflict or contradiction with each other.** Where there is a tension between obligations, the Commission should resolve it.[68]

[66] https://ec.europa.eu/competition/digital_markets_act/cases/202525/DMA_100185_1229.pdf.
[67] For instance, the joint Commission-EDPB draft guidelines of October 2025 on the interplay between DMA and GDPR.
[68] In this section, we deal with the regulatory coherence among the obligations within the DMA. In the companion issue paper on regulatory interplays, we deal with regulatory coherence across among the DMA and other EU regulatory instruments.

Consider, for example, **obligations relating to apps and app stores**. In its second Annual Report on the DMA, the Commission highlights the arrival of three new app stores as evidence of the DMA's market impact. There are a number of obligations which address app stores:

- Article 5(4) DMA allows app developers to steer end-users that have been acquired through the gatekeeper to make transactions (including payments) through a third-party or website;
- Article 5(5) DMA ensures that the content and services purchased in a third-party applications store will function on the core platform service;
- Article 5(7) DMA ensures that developers can use the gatekeeper applications store whilst at the same time using third-party payment services;
- Article 5(8) DMA prohibits tying of the gatekeeper app store with other core platform services;
- Article 6(3) DMA allows the user to uninstall the gatekeeper applications store;
- Article 6(4) DMA allows users to sideload a third-party applications store and to set it as their default store; and
- Article 6(12) DMA requires gatekeepers to provide access to app stores on FRAND terms.

In regulatory matters there is often a distinction drawn between the promotion of inter-platform competition and intra-platform competition.[69] Applied to app stores, the former approach would assume that the core platform service can be fully or partially replicated so that there will be direct competition between two or more independent app stores. The terms on which app developers deal with gatekeeper app stores will then be disciplined by the threat of developers or end users switching to another app store or multi-homing across several applications stores. In contrast, measures to promote intra-platform competition are based on the assumption that the core platform service cannot be fully replicated, and so the best interventions will be aimed at making the terms of access to the gatekeeper app stores more fair, but that competition can be introduced in markets such as for payment services that sit downstream of the gatekeeper applications store.[70]

If we use this framework to analyse the obligations in the DMA that apply to applications stores, **most articles (5(5), 5(8), 6(3) DMA) appear intended to promote *inter-platform competition*** between competing applications stores. However, this intention is not clear as, for instance, there are no obligations to remove the default settings or preinstallation of applications stores on devices (since the provisions to introduce choice screens in Article 6.3 do not apply to applications stores) which could also promote inter-platform competition.

Other obligations, such as Article 5(4) (for payment services), 5(7) and especially 6(12) DMA, appear more likely to promote *intra-platform competition* by directly improving the terms under which app developers can use the gatekeeper applications store. The effect of implementing these obligations is likely to be to make the gatekeeper app store relatively more attractive to app developers (as compared to the position absent the DMA) and to make applications stores in general a less profitable

[69] M. Armstrong, Competition in Two-Sided Markets, *RAND Journal of Economics* 37(3), 2006, 668-691; C. Wang and J. Wright, Regulating Platform Fees, *Journal of the European Economic Association*, 23(2) 2025, 746–783.

[70] A similar point is made in the LAMA Economics report: 'An evaluation of the rationale for the platform organisation and of the benefits they generate is probably needed for a careful implementation of the DMA. In some instances, promoting platform differentiation and inter-platform competition might be a more efficient solution to the problem of entry and choice.', see p.7 at https://www.dmcforum.net/wp-content/uploads/2025/06/120625-FINAL-CCIA-DMA-Report-.pdf.

business (assuming that the FRAND obligations of Article 6(12) have the effect of reducing the level of fees payable by developers to the gatekeeper app stores and, thereby, the profitability of that app store and any other app store that would compete with it). These impacts are likely to discourage entry and investment by third-party applications store providers and so weaken the prospects for the inter-platform competition. Thus, measures to promote intra-platform competition may undermine the effectiveness of other measures that are intended to promote inter-platform competition.

We recognise that the Commission may wish to hedge its bets and simultaneously pursue both approaches to competition, accepting the inherent tensions in doing so which we have described above. Other regulators faced with similar dilemmas have taken a similar 'hedging' approach, although experience suggests that regulation is much more effective when all the incentives are aligned.[71] One way is to approach the regulatory problem dynamically and pursue first the intra-platform competition, which is easier to achieve and then, the inter-platform competition which is most powerful.[72]

In addition to this, fairer terms from the gatekeeper app store may mean that app developers lose the incentive to develop apps that may be used on the web without downloading these from any applications store, whether gatekeeper or third-party. The use of such progressive web apps is also supported by the DMA and could be an alternative way of stimulating competition by providing substitutes to app stores. It is only as the DMA is implemented and the impacts can be assessed that the merits of one approach over another may become apparent.[73]

We are not recommending at this stage that the Commission favour one approach over another, but it is important to recognise the tensions between different obligations when they arise, each of which may be legitimate in itself and may address the concerns of a particular constituency. Since most obligations were adopted in light of previous antitrust complaints or cases relating to gatekeeper conduct in digital markets and different complainants may have different objectives, it is perhaps not surprising that these tensions arise. In the longer term, we think the DMA will be more effective and have a greater impact if the Commission aims to resolve these tensions and clarify its objectives. This will likely mean the Commission withdrawing measures which work against the form of competition or contestability it is seeking to promote. It may also mean supplementing existing obligations with other measures (e.g. extending Article 6(3) to app stores) to ensure they are fully effective. Providing this clarity may assist gatekeepers in their efforts to comply with obligations and may also assist

[71] An example is the long-standing debate in Europe about inter-platform vs intra-platform competition in telecommunications markets. For many years the European Commission and national regulators sought to calibrate regulated access prices in order both to encourage entry and investment in network infrastructure (inter-platform competition) and to enable retail or resale competition over the regulated incumbent network (intra-platform competition). This proved very difficult to operationalise in practice, leading the Commission to revise its position and place greater emphasis upon inter-platform competition (see https://cerre.eu/wp-content/uploads/2020/06/170220_CERRE_BroadbandReport_Final.pdf). In telecommunications, the development of inter-platform competition was expected to take many years given the time required to construct networks, with inter-platform competition viewed as a means of promoting competition in the meantime. We note that these timing differences may not apply in the same way in digital markets.

[72] If we refer to the telecommunications example again, this dynamic strategy was pursued by the regulators under the so-called ladder of investment: Martin Cave, Encouraging infrastructure competition via the ladder of investment, Telecommunications Policy, 2006.

[73] We recognise that measures to promote intra-platform competition may also have other effects (such as to weaken incentives for the gatekeeper to invest in the Core Platform Service because they will be obliged to share rents with downstream competitors). These concerns would apply irrespective of whether or not there are other measures to promote inter-platform competition and so are not relevant to our concerns about the coherence of the different obligations.

prospective entrants (who may otherwise be unsure about which form of competition the Commission is prioritising).

Another well publicised example of a **trade-off arises with Article 6(5) DMA, which prohibits self-preferencing by search engine gatekeepers**. One interviewee explained to us that traffic generated by user searches can only be directed to a single recipient. This can either be a direct supplier such as hotel or airline or a third-party aggregator or vertical search provider. The overall impact of Google's efforts to comply with the obligation[74] has been that traffic to hotels or airlines has fallen (Google reports by up to 30%[75]) and that traffic to third-party aggregators or vertical search services has increased.[76] We make no comment on the merits of this situation beyond noting that measures to promote intra-platform competition between the gatekeeper and third-party vertical search sites do so potentially at the expense of direct suppliers who may find unable to avoid being charged a commission by the third-party vertical site to transact with the end user (whereas they had previously transacted directly without any such charges being payable.)[77]

This is a case where **the tension is not so much between different models of competition as between the interests of different groups of business users** (i.e. vertical search providers on the one hand and direct suppliers on the other). The Commission could consider - or the gatekeeper could request - producing a specification decision to clarify what the objectives of the measures are and how they may be expected to impact different groups of business users.

We do not criticise the Commission for failing to anticipate the inconsistencies or tensions that may arise when a particular gatekeeper applies a particular set of obligations to a particular core platform service. The obligations in the DMA are wide-ranging and take an indiscriminate approach to compliance, i.e. they do not attempt to discriminate between different gatekeepers and the same obligation may apply to many different core platform services. The interactions and the business models in digital markets are complex, and the impact of measures which are intended to change them is likely to only become apparent after the gatekeeper has taken steps to comply. However, there is a **risk that the impact of the DMA and the achievement of its objectives will be diminished if these inconsistencies and tensions are not explicitly recognised by the Commission, and if they remain unaddressed for too long once they become apparent**.

[74] P.171 at https://storage.googleapis.com/transparencyreport/report-downloads/pdf-report-bb_2024-3-7_2025-3-6_en_v1.pdf.

[75] https://blog.google/around-the-globe/google-europe/new-competition-rules-come-with-trade-offs/#:~:text=Hotels%20are%20concerned,expressed%20similar%20concerns.

[76] In an interesting new study, Joan Calzada, Néstor Duch-Brown2, Xavier Fageda, Nicandro Quirós, Who benefits from Google's SERP? The impact of the DMA on the Air Travel Market Markets, 2026 show that
the DMA prohibition of self-preferencing has generated strong redistributive effects, reallocating user attention towards smaller market participants of airline and flight comparison website.

[77] At paragraph 53 of its compliance report Google says 'Through the different changes outlined above, Google seeks to achieve a balance between the interests of end users and different business users, including VSSs and direct suppliers, that is fair, reasonable, and non-discriminatory. All the changes Google is making taken together – subtractions and additions – are what strikes this balance.': Para 53 p.180.

4.3. Taking Experience from Other Jurisdictions into Account

The implementation of the DMA in the EU is happening alongside the implementation of antitrust and regulatory measures in other jurisdictions such as the US, UK, Japan or Brazil.[78] The impact of those measures may inform the Commission's thinking about how to regulate in future. This may contribute to consistency of regulatory approaches across jurisdictions which may be beneficial for both the regulators and the regulated firms and, ultimately, their business and end users. Influence is flowing in both directions**.** For example, in the US the judge in the *Google Search* case explicitly referred to evidence about the lack of impact of search choice screens that are required under the DMA (and previous Commission competition cases) when rejecting them in that case.[79]

On the other hand, in the *Epic vs Google* case[80] the judge went further than the DMA in requiring so-called 'catalogue-access' to allow a user to download the app they are seeking in the third-party app store from the Google Play Store if the app is not in the third-party app store, thereby allowing users to have access to the same inventory of apps via both stores. This seems to stimulate inter-platform competition in app stores in ways that are potentially more effective than the combined DMA obligations discussed above. The order also prevents Google from paying app developers to favour the PlayStore over rival stores, which is not an obligation contained in the DMA. In November 2025, Google and Epic announced that they had reached a settlement on remedies which Google will apply globally, including in the EU. **In these circumstances it may become more difficult to discern the impact of the DMA, given that Google's conduct and the opportunities for competition will be influenced by legal commitments which arise from other legal sources** (recognising that in other cases the gatekeeper may not apply the same remedies globally). Any assessment of costs will also be more complex since Google will now be incurring costs to comply with US court orders in Europe even if its DMA obligations were to be withdrawn or modified.

Although there is likely to be some overlap and duplication of measures arising from actions which gatekeepers take in response to court orders or settlements in the US or elsewhere, the **different approach of the DMA means that there will still be many points of divergence**. The DMA requires all designated gatekeepers to comply with all relevant obligations for each core platform service, whereas US court proceedings focus on the actions of an individual firm and the measures required to remedy the anti-competitive effects of those actions. Thus, for example, Google has adopted measures for its app store which extend beyond those applicable under the DMA whilst Apple was subject to separate court proceedings in the same jurisdiction (the US) which have resulted in an order

[78] https://www.oecd.org/en/topics/sub-issues/competition-and-digital-economy.html; Gunn Jiravuttipong, The Global Race to Rein in Big Tech, U. PA. J. INT'L L _ (forthcoming 2026).

[79] 'Choice screens are not likely to change the competitive landscape under current or even near-term market conditions. Plaintiffs' economic experts have acknowledged as much. Liab. Tr. at 6091:3-21 (Whinston) (testifying that choice screens would shift "less than 1 percent of the U.S. market share"); Rem. Tr. at 2187:4-17 (Chipty) ("We know from Europe that when users are given a choice today, they will overwhelmingly choose Google."). And the real world offers proof. The European Commission has mandated the display of choice screens on Android 191 devices since 2020,28 yet there has been little shift in market share away from Google', p.190-1 at https://www.texasattorneygeneral.gov/sites/default/files/images/press/Google%20Search%20Engine%20Monopoly%20Ruling.pdf.

[80] https://storage.courtlistener.com/recap/gov.uscourts.cand.364325/gov.uscourts.cand.364325.701.0_1.pdf.

to implement much more limited changes.[81] It is not clear whether this arises from different views on the application of the law or from differences in business models or end user preferences of the kind which we discussed earlier in this paper.

[81] https://regmedia.co.uk/2021/09/10/epic-v-apple.pdf.

5. Conclusion

This issue paper highlights that a proper assessment of the DMA's impact, both positive and negative, is inhibited by limited publicly available evidence and the lack of a robust evaluation framework as well as the Commission's understandable focus on improving compliance, and an enforcement process that is (and will remain) iterative in nature. Gatekeeper compliance reports, while describing implementation steps, offer little quantitative insight into how end users and business users are responding to the changes mandated by the DMA, at least in their published versions. Without the Commission requiring the systematic and regular production of output indicators, such as CERRE has proposed in earlier papers, the debate on DMA impact risks remaining anecdotal and speculative. In principle, the Commission is in a position to provide a balanced and authoritative assessment of the impact of the DMA, as Article 53 DMA requires. But, so far as we know, it has yet to commit itself to doing so or begun the work that would be required to develop a robust, dynamic evaluation framework, supported by data to populate it.

As the paper emphasises, assessing impact also requires avoiding simplistic generalisations and recognising the heterogeneity of digital services, differentiated user preferences and the timing of behavioural responses, all of which make the assessment of the impact of the DMA a challenging exercise. Many obligations seek simultaneously to promote inter-platform and intra-platform competition, and their effects can interact in ways that can amplify benefits or introduce tensions. These complexities underscore the need for the Commission to begin efforts to introduce greater coherence across obligations and to address contradictions when they emerge, through either specification decisions or more targeted adjustments to the obligations themselves.

Looking ahead, the DMA's impact can be maximised through clearer legal interpretation, greater predictability for gatekeepers and business users and, over time, a more explicit use of proportionality assessments to target the law where it yields the greatest benefits. The current DMA review, due to be completed by May 2026, offers an opportunity to begin this work. By anchoring its assessment in quantitative evidence and an analytical framework which it has developed in consultation with interested parties, by clarifying expectations, and by ensuring coherence across obligations, the Commission can help ensure that the DMA matures into a more targeted, more impactful and more sustainable regulatory framework—one that fosters innovation, protects users, and supports a healthier competitive environment in Europe's digital markets.

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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.

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- 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.

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