AER welcomes the quick conclusion of the DMA negotiations in the Council, but further improvements are needed, especially to explicitly qualify Digital Voice Assistants as core platform services

AER, the Association of European Radios, representing the interests of over 5,000 commercial radio stations welcomes the quick progress made by the Council on the Digital Markets Act, the EU’s response to unfair competition and abusive behaviours by digital gatekeepers, which harm businesses and consumers alike. However, more changes are necessary in order to future-proof the text, from a radio standpoint.

Europe’s commercial radio sector has been calling upon the lawmakers to ensure that none of the risks associated with gatekeepers arises, so that listeners can continue to access and discover radio content, free at the point of use, over the long term.

Further amendments to strengthen the obligations in Articles 5 and 6 are still needed as well as confirm that the DMA applies to voice assistant platforms who are gatekeepers in their own right, and ensure the obligations address the existing and future harmful conducts.

The quid pro quo of commercial radio innovating and adapting to changing consumer behaviour is that radio is increasingly dependent on large online platforms’ core platform services. Voice enabled connected listening platforms, also known as digital voice assistant platforms, act as gateways to reach listeners, effectively putting both radio operators and their listeners at the mercy of the online platforms’ own commercial interests. The challenges and risks that the growing dominance of these online platforms pose to commercial radio are significant, and must be adequately addressed in the Regulation.

Whilst we welcome the Council’s objective of clarifying that digital voice assistants fall within the scope of the DMA through online intermediation services, the new language treats digital voice assistants as a conduit to a gatekeeping activity rather than a gatekeeping activity in their own right, thereby creating significant legal uncertainty around the status of voice assistants under the DMA and opening up this issue to a likely counter challenge by the digital gatekeepers.

We call on the lawmakers to seriously take these concerns into account and improve the text during the future negotiations, by adding digital voice assistants to the list of core platform services, guaranteeing that the DMA would be a clear and future-proof effective piece of regulation.

For more information, please contact the AER office in Brussels at aer@aereurope.org.