

Ms Ursula von der Leyen
President

Ms Teresa Ribera
Executive Vice-President - Clean, Just and Competitive Transition

Ms Henna Virkkunen
Executive Vice-President - Tech Sovereignty, Security and Democracy

European Commission
Rue de la Loi 200
1049 Brussels Belgium

27 January 2025

Subject: DMA – Europe's digital competitiveness at stake

Dear President von der Leyen, Executive Vice-President Ribera, Executive Vice-President Virkkunen,

We represent a diverse group of global businesses, developers, civil society organisations, consumer organisations and associations from various sectors including music streaming, gaming, news publishers, online dating, tourism, broadcast media and online marketplaces.

We write to you today with urgent concerns about certain designated gatekeepers' disregard for the effective implementation of the Digital Markets Act (DMA), and the devastating impact this is having on the EU's tech sector's competitiveness and potential for growth.

The DMA was a landmark achievement for the EU, designed to unlock the immense potential of the European digital single market. It promised to break the stranglehold of a few powerful companies, fostering a vibrant ecosystem of innovation where businesses of all sizes could fairly compete. Consumers would benefit from greater choice and more innovation in online markets.

Nine months after the implementation deadline, these promises remain unfulfilled. Some gatekeepers actively circumvent the law, employing sham compliance strategies and even outright defiance, suffocating innovation and preventing growth of companies of all sizes, including SMEs and startups. The Commission rightly decided to open non-compliance investigations into such gatekeepers, but this has not led them to comply with the law. It's time to adopt non-compliance decisions which deter gatekeepers from disregarding the law.

We urge the European Commission to take immediate and decisive action, by first concluding the ongoing non-compliance investigations and by using all the tools it has available in the DMA. Breaking the law should no longer be a profitable business strategy. The DMA represents a historic opportunity. Swift and vigorous enforcement would strengthen the EU's position as a global leader in technology, drive economic growth across the continent and unlock the next generation of European tech champions. With free and fair

markets, new businesses will flourish, consumers will win and Europe will be home to more innovation.

Competition policy has been a fundamental driver of the success of the EU single market, which has largely benefitted gatekeepers as well. The EU should not compromise on this fundamental cornerstone of its Treaties because of defiance from certain powerful companies. **Otherwise, the whole credibility of the DMA, EU competition, and the Commission's effective enforcement will be at risk.**

We trust in your commitment and stand ready to work together towards a fair and competitive digital market where innovation and consumer choice thrive.

Sincerely,

Associations

ACT - Association of Commercial Television and Video on Demand Services in Europe
Association of European Radios
Classified Marketplaces Europe
Coalition for App Fairness
Coalition for Competitive Digital Markets
Digital Music Europe
Digital SME Alliance
EU Travel Tech
European Broadcasting Union
European Games Developer Federation
European Publishers Council
European Startup Network
France Digitale
News Media Europe
Online Dating and Discovery Association

Civil society & non-profit organisations

App Fair Project
ARTICLE 19
Balanced Economy Project
BEUC – The European Consumer Organisation
Electronic Frontier Foundation
Iconomy Foundation
Innovate Europe Foundation
Open Markets Institute
Open Web Advocacy
Siinda

Businesses

Approov
Cryptee
eDreams ODIGEO
GetYourGuide
Proton
Schibsted Marketplaces
Schibsted Media
SkyDemon
Threema
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