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# Gatekeepers, Platform Power, and EU Law: Enforcement Challenges under the Digital Markets Act*

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ABSTRACT: This article critically analyses the enforcement framework of the EU Digital Markets Act (DMA), with a focus on its early operational phase. The DMA establishes a new regulatory regime that addresses entrenched platform power through *ex ante* obligations on designated gatekeepers. Building on the European Commission's emerging practice, ranging from gatekeeper designations and compliance reporting to non-compliance investigations and judicial review, the study examines how Article 3 DMA has been applied in practice. It highlights frictions in the enforcement of core obligations concerning data governance, interoperability, default settings, and app distribution. The analysis further explores the institutional dynamics between the Commission, national authorities, the Digital Markets Advisory Committee, and the High-Level Group, showing how these bodies shape the coherence of DMA enforcement within the broader EU digital acquis. By tracing the regulatory trajectory from designation to compliance, the article assesses whether the DMA can fulfil its stated objectives of fairness and contestability in digital markets, while it also identifies the structural and institutional challenges that may hinder its effectiveness.

KEYWORDS: DMA; gatekeepers; platforms; enforcement; contestability.

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## *1. Platform power: towards a new regulatory vocabulary*

The Digital Markets Act (DMA)[1] constitutes a key component of the strategy of the European Union (EU) to regulating digital platforms. Although over 10,000 online platforms operate within Europe's digital economy – most of them small and medium-sized enterprises – certain of the largest platforms have captured a disproportionately large share of the total value generated. New forms of anti-competitive behaviour by these major platforms – such as tying, bundling, and self-preferencing – pose serious regulatory challenges.[2] These large platforms may also engage in extensive tracking and profiling of end users, often lacking sufficient transparency or failing to comply with privacy and data protection standards. In this context, the concept of contestability reflects the concern that certain undertakings exert control over entire platform ecosystems in the digital economy. This makes them structurally resistant to challenge by existing or new market entrants – regardless of how innovative or efficient those entrants may be.[3] As a response, the DMA departs from traditional competition law paradigms that focus on case-by-case infringements.[4] Instead, it introduces a structured regime aimed at curbing entrenched market power before it is abused. At the heart of this shift is the concept of the 'gatekeeper', a new addition to the regulatory vocabulary.[5] This is no longer merely a factual designation based on market dominance. It is

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[1] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ [2022] L 265/1.

[2] European Commission, *Annual report on Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)*, COM(2025) 166 final, at 1.

[3] See Recital 3 DMA, which explains that contestability is reduced "due to the existence of very high barriers to entry or exit, including high investment costs, which cannot, or not easily, be recuperated in case of exit, and the absence of, or reduced access to, some key inputs in the digital economy, such as data. As a result, the likelihood increases that the underlying markets do not function well, or will soon fail to function well".

[4] See Recital 11 DMA which clarifies that the DMA's purpose is complementary to, but distinct from, traditional competition law. The DMA aims to ensure that markets where gatekeepers are active remain contestable and fair, without relying on case-by-case assessments of market power or conduct.

[5] Over time, the standard vocabulary of antitrust and competition law has evolved to incorporate terms such as multi-sided markets, network effects, winner-takes-all (or winner-takes-most) dynamics, lock-in effects, tipping points, and ecosystem-based competition; see Florian Wagner-von Papp, "Digital antitrust and the DMA: In praise of institutional diversity", *Journal of Antitrust Enforcement* 12, no. 2 (2024): 338.

a legal status defined by measurable thresholds and accompanied by *ex ante* obligations under EU law, complementing traditional competition enforcement.[6]

This article examines the enforcement dimension of the DMA, as it enters its operational phase and as the Commission seeks to supervise and, where necessary, to intervene in the conduct of designated gatekeepers. The enforcement record so far – marked by the first compliance deadlines, non-compliance investigations, and public regulatory dialogues – offers a useful insight into the DMA's potential to influence the behaviour of gatekeepers and, ultimately, market dynamics. Indeed, the EU expects that regulating gatekeepers will encourage the emergence of alternative platforms, boost innovation and lower prices in digital markets.[7] Yet, it has also been argued that some of the Commission's policy choices in shaping the DMA are less radical than they may appear, and not always clearly articulated.[8] To provide a more comprehensive understanding, the article draws on the Commission's evolving enforcement practice, with a focus on decisions, investigations, compliance reports, and workshops outlined in the Commission's annual reports. Through this lens, the study reflects on the normative and institutional significance of the DMA and its enforcement model, and it assesses DMA's capacity to deliver on its promise of fair digital markets across the EU. A central argument of this article is that the effectiveness of the DMA will largely depend on how the European Commission balances two potentially competing imperatives: sustained regulatory dialogue with gatekeepers, which may facilitate practical compliance, and the need for legal certainty, which remains essential for predictability, accountability, and the credibility of the enforcement framework.

## *2. The architecture of gatekeeping: from concept to legal designation*

Regulatory proposals across jurisdictions commonly advocate for specific and tailored rules for digital markets, pre-emptive intervention without case-by-case analysis, more flexible substantive standards, and stronger remedies

[6] Luís Cabral *et al.*, *A report from a panel of economic experts* (European Commission / Joint Research Centre, 2021).

[7] Nicolas Petit, "The proposed Digital Markets Act (DMA): A legal and policy review", *Journal of European Competition Law & Practice* 12 (2021): 529.

[8] Pierre Larouche and Alexandre de Streel, "The European Digital Markets Act: A revolution grounded on traditions", *Journal of European Competition Law & Practice* 12 (2021): 542.

to reintroduce competition.[9] At the EU level, DMA constitutes a regulatory innovation, which transforms the concept of platform 'gatekeeping' into a formal legal category. The DMA introduces a list of obligations (dos and don'ts) for gatekeepers, many of which stem from competition law cases.[10] It operationalises this transformation through a dual-track designation process (Article 3 DMA), which combines quantitative thresholds with a certain qualitative discretion. At its core, the DMA is built on the belief that the enforcement of Article 102 TFEU is procedurally ineffective – due to lengthy investigations, high burdens of proof, remedial delays and limited remedies – and substantively problematic, given the difficulty of proving dominance and abuse, although these assumptions warrant scrutiny in light of competition law's enforcement record.[11] Another key assumption underlying the adoption of the DMA is that large platforms increasingly act as gatekeeping intermediaries between businesses and consumers and exert significant market power; however, they often fail to sustain innovation while disproportionately benefiting from the innovations they initially introduced.[12] Moreover, while certain phenomena associated with digital platforms can also be observed in other sectors and markets, the DMA focuses on the digital domain, based on the assumption that the challenges are particularly acute there from an internal market perspective. All these concerns are reflected in the design and structure of the DMA, as the following analysis will show.

### *2.1. Objective criteria and discretionary power*

Firms designated as gatekeepers are immediately subject to binding obligations, such as those set out in Article 5 of the DMA. It is therefore essential to ensure that the designation process is fair and procedurally robust. An undertaking is considered a gatekeeper if it meets three main cumulative criteria under Article 3 DMA: a) significant impact on the internal market; b) operation of a core platform service (e.g., search engines, social networks, app stores, operating systems, etc.) that is an important gateway for business users to reach end users; c) entrenched and durable position in its operations. Under Article 3(2) DMA, undertakings providing core platform services that meet specific quantitative thresholds – namely,

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[9] Pablo Ibáñez Colomo, "The draft Digital Markets Act: A legal and institutional analysis", *Journal of European Competition Law & Practice* 12 (2021): 561-575.

[10] Friso Bostoen, "Understanding the Digital Markets Act", *The Antitrust Bulletin* 68 (2023): 263.

[11] Colomo (2021), above n. 9.

[12] Cabral (2021), above n. 6.

size in terms of turnover or market capitalisation and user base across the EU[13] – must notify the Commission. The criteria in Article 3 DMA ensure a high degree of legal predictability for undertakings operating at scale, although this raises the question of whether they reflect the 'big is bad' ideology or serve as a proxy for market power.[14] Yet, Article 3(5) DMA adds a vital discretionary layer: it allows undertakings to submit rebuttals and present evidence, arguing that they do not meet the qualitative conditions of being a 'gatekeeper' as defined in Article 3(1) DMA. This discretionary power allows the Commission to consider market realities that escape strict quantitative assessment.[15] Importantly, the Commission can still designate a gatekeeper even if the thresholds are not met, based on a market investigation,[16] while a designated gatekeeper can request a review of its status if its market position changes (e.g., loss of users).[17] These provisions ultimately preserve the regime's responsiveness and correctly acknowledge the diversity of market conditions.[18]

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[13] A company is presumed to meet the above criteria if it had an annual EU turnover above €7.5 billion in each of the last three years, or had a market capitalisation above €75 billion in the last year; if it provides the same core platform service in at least three Member States; if it has more than 45 million monthly active end users and 10,000 yearly active business users in the EU. These figures are averaged over the last financial year.

[14] Bostoen (2023), above n. 10.

[15] Inês Morais Leitão Neves, "A reorientation of the European Commission's discretion in the Digital Markets Act: Solutions from digital constitutionalism", *Kluwer Competition Law Blog*, 18 December 2024, https://competitionlawblog.kluwercompetitionlaw.com/2024/12/18/a-reorientation-of-the-european-commissions-discretion-in-the-digital-markets-act-solutions-from-digital-constitutionalism/.

[16] Chapter IV DMA provides rules for carrying out market investigations, notably procedural requirements for the opening of a market investigation (Article 14) and rules for carrying out different types of market investigations: (i) designation of a gatekeeper (Article 15), (ii) investigation of systematic non-compliance (Article 16) and (iii) investigation of new core platform services and new practices (Article 17).

[17] In the case of Meta's online intermediation service, Facebook Marketplace, Meta submitted a request to the Commission on 5 March 2024 to reassess its designation under the DMA. Following a thorough evaluation of Meta's arguments – along with the company's additional enforcement actions and ongoing monitoring efforts aimed at limiting business-to-consumer use – the Commission concluded that Marketplace no longer met the designation criteria. Specifically, it found that the platform had fewer than 10,000 business users in 2024. As a result, Marketplace no longer meets the quantitative threshold that gives rise to the presumption of functioning as an important gateway for business users to reach end users; see European Commission, "Commission finds Apple and Meta in breach of the Digital Markets Act", Press Release, 23 April 2025.

[18] For discussion of the evolving relationship between market power and the gatekeeper concept, see Florence Thepot, "Market power and gatekeepers: Complements or substitutes?", *Market and Competition Law Review* 9, no. 1 (2025):41-76.

### *2.2. Testing the edges: new designations and rebuttals*

Regarding the practical implementation of the DMA regime, on 6 September 2023 the European Commission announced the first set of gatekeeper designations, formally designating six big-tech companies as gatekeepers in relation to 22 core platform services.[19]

Alphabet, the parent company of Google, was designated for several core platform services (Google Search, YouTube, Android, Google Chrome, Google Ads, Google Play, Google Shopping, Google Maps). Amazon was designated for its online marketplace (Amazon Marketplace) and advertising services. Apple was named a gatekeeper for its App Store, the iOS operating system, and the Safari browser. Meta, formerly Facebook, was designated for its social networking services (Facebook and Instagram), its messaging services (WhatsApp and Messenger), and its advertising service. Microsoft received designation for its Windows operating system, LinkedIn as an intermediation service, its Edge browser, and its advertising service. ByteDance, the parent company of TikTok, was designated for its video-sharing platform service. In contrast, Samsung, although it submitted a notification to the Commission, was not designated as a gatekeeper. Booking.com also escaped initial designation, but the Commission launched a market investigation to assess whether its online travel service met the criteria. Similarly, certain services – such as Apple's iMessage and Microsoft's Bing search engine, Edge browser, and advertising platform – were not immediately designated but became the subject of further scrutiny through market investigations.

Following these designations, the companies were granted a six-month period, until March 2024, to comply with the obligations imposed by the DMA for each of their listed core platform services. These obligations aim to ensure fairness and contestability in digital markets,[20] by requiring, for instance, interoperability, data portability, and the prohibition of certain self-preferencing and data-combining practices.

More recently, the new designations and rebuttals of 2024 illustrate the strategic use of the flexible architecture of Article 3 of DMA.[21] Based

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[19] European Commission, "Digital Markets Act: Commission designates six gatekeepers", Press Release, 6 September 2023.

[20] The DMA's stated goals of "fairness" and "contestability" are more precisely understood as efforts to protect competition within platforms' ecosystems (intra-platform competition) and to promote competition between different platforms (inter-platform competition).

[21] European Commission (2025), above n. 2, at par. 9 ff.

on Booking's self-assessment that it meets the relevant thresholds, the Commission has established that this core platform service constitutes an important gateway between businesses and consumers.[22] Moreover, the designation of Apple's iPadOS as a gatekeeper service – also absent from the initial list of 2023 designations – followed an in-depth market investigation and was based on a qualitative rather than quantitative assessment.[23] This confirms the Commission's readiness to pursue non-automatic designations under Article 3 of DMA. The new designations also affirm the ability of the DMA regime to evolve in line with market dynamics. Thus, the total number of designated gatekeepers rose, in 2024, from 6 to 7 undertakings, while the number of designated core platform services reached 24, from the previous 22.[24]

Conversely, the rebuttals submitted by ByteDance (regarding TikTok Ads)[25] and X (formerly Twitter) illustrates the tensions within Article 3 DMA. These cases reveal a contested space where undertakings challenge the premise that meeting quantitative thresholds necessarily equates to being an 'important gateway'. In both instances, the Commission accepted the rebuttals without proceeding to designation, following in-depth investigations supported by stakeholder input. This demonstrates the dynamic interplay between legal standards under Article 3 DMA and procedural discretion at the designation stage, which allows for corrections.[26]

### *2.3. The role of the Digital Markets Advisory Committee (DMAC)*

Important, yet under-theorised in academic commentary, is the role of the Digital Markets Advisory Committee (DMAC), which assists the Commission in gatekeeper designation through a comitology-like procedure.[27] In 2024, the DMAC convened repeatedly to issue opinions on high-

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[22] European Commission, "Commission designates Booking as a gatekeeper and opens a market investigation into X", Press Release, 13 May 2024.

[23] European Commission, "Commission designates Apple's iPadOS under the Digital Markets Act", Press Release, 29 April 2024.

[24] For a presentation and mapping of these gatekeepers and core platform services, see the DMA website: https://digital-markets-act.ec.europa.eu/gatekeepers_en.

[25] European Commission, Summary of Commission Decision of 13 May 2024 relating to a decision pursuant to Article 3 of Regulation (EU) No. 2022/1925, Case DMA.100042 – ByteDance – Online advertising services, OJ [2024] C/2024/6122.

[26] Anne Witt, "The Digital Markets Act: Regulating the wild west", *Common Market Law Review* 60 (2023): 625.

[27] Regulation 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of

stakes designation and rebuttal decisions, including those concerning iPadOS, X, and Microsoft's services.[28] The function of DMAC is consultative; nevertheless, it contributes to rule and policy formation[29] and lends institutional legitimacy to complex determinations, which require both legal interpretation and economic judgment. As the DMA regime matures, further inquiry into the DMAC's influence and transparency is warranted.

### *2.4. Judicial oversight and the emergence of a DMA jurisprudence*

The Court of Justice of the EU is expected to play a formative role in interpreting and delimiting the scope of Article 3 DMA. Indeed, the decisions taken by the Commission under the DMA are subject to judicial review in accordance with Article 261 TFEU. Moreover, in accordance with Article 45 DMA, the Court of Justice has unlimited jurisdiction in respect of fines and penalty payments, which it may cancel, reduce or increase.[30] Not surprisingly, the contested nature of gatekeeper designations has already catalysed the involvement of the Court. In 2023, ByteDance, Meta, and Apple initiated annulment actions against their designations, challenging the Commission's assessments and decisions. In the case of ByteDance, the General Court upheld the Commission's designation following an expedited procedure, a ruling now under appeal (May 2025).[31] Moreover, there are other ongoing judicial proceedings, including an action challenging the Commission's decision to reject the request for access to documents relating to ByteDance's designation, as well as an action brought by Opera against the non-designation of Microsoft as a gatekeeper in relation to its web browser, Edge.[32] These proceedings signal the beginning of a useful DMA jurisprudence that is expected to shape the gatekeeper concept and calibrate the boundaries of the Commission's discretion under Article 3 DMA.

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the Commission's exercise of implementing powers OJ [2011] L 55/13; see also the DMAC's rules of procedure: Digital Markets Advisory Committee, Rules of procedure for the Digital Markets Advisory Committee, 13 January 2023.

[28] European Commission (2025), above n. 2, at par. 13-15.

[29] Imelda Maher, "Regulatory design in the EU Digital Markets Act: No solo run for the European Commission", *Journal of Antitrust Enforcement* 12 (2024): 273-279.

[30] See also Recital 94 DMA.

[31] Judgment of the General Court of 17 July 2024, *Bytedance v. Commission*, T-1077/23, ECLI:EU:T:2024:478 (Appeal Case before the Court of Justice C-627/24 P).

[32] Pending Case T-433/24, *Batchelor v. Commission*, OJ [2024] C/2024/6103; Pending Case T-357/24, *Opera Norway v. Commission* OJ [2024] C/2024/5640.

## *3. Mapping enforcement: tools, strategies, and institutional practice*

The enforcement of the DMA represents not only a legal undertaking but also a governance experiment in real-time. As the regime moves beyond designation and into active oversight, the European Commission's practice reveals a hybrid model that balances deterrence with engagement, formal legal procedures with iterative dialogue. This chapter examines the emerging enforcement landscape, highlighting the tools and institutional choices that shape compliance under the DMA. To avoid reiterating the institutional architecture already discussed above, this section focuses specifically on operational enforcement practices and their emerging practical implications.

### *3.1. The enforcement mix of hard v. soft instruments*

The Commission's enforcement strategy, as reflected in the DMA annual reports, contained both hard and soft instruments. On the one hand, the Commission launched non-compliance investigations against Alphabet, Apple, and Meta, issuing formal preliminary findings in multiple cases – such as Meta's 'pay or consent' model[33] and Apple's failure to meet interoperability and choice screen obligations. These proceedings reflect the assertive use of hard enforcement mechanisms, as set out in DMA.[34] On the other hand, the Commission also invested heavily in soft tools. A notable example has been the use of public compliance workshops,[35] where gatekeepers presented their implementation measures to stakeholders, including civil society, developers, and business users.[36] These forums, while not legally binding, served to surface concerns, build consensus, and inform the Commission's oversight activities.[37]

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[33] This model, also known as 'pay-or-okay', is a user choice framework introduced for Facebook and Instagram users in the European Union. It offers two options: a) consent to data processing, in order to continue using the platforms for free by agreeing to the collection and use of personal data for targeted advertising; b) pay for privacy, by subscribing to an ad-free experience for a monthly fee; see also Vittorio Bachelet, "Pay-or-consent and emerging trends in digital contract law", *European Review of Private Law* 32 (2024): 773.

[34] In this context, the Commission's investigation powers are subject to the full scope of fair process rights such as the right to be heard, the right to a reasoned decision and access to judicial review, including the possibility to challenge enforcement and sanctioning measures.

[35] European Commission (2025), above n. 2, at par. 7.

[36] For a detailed list of DMA workshops, organized by the European Commission, see: https://digital-markets-act.ec.europa.eu/events/workshops_en.

[37] It has been correctly pointed out that while the DMA's legal framework depends significantly on input from third parties – such as business users, consumers, and civil society organisations – it

### *3.2. Compliance reports and profiling audits to support monitoring in practice*

Article 11 and Article 15 of the DMA constitute two central pillars of the emerging DMA compliance infrastructure. Article 11 DMA requires designated gatekeepers to submit detailed compliance reports outlining how they meet their obligations under Articles 5-7 DMA. They must also publish a non-confidential summary of such reports.[38] Both the report and the public summary must be updated at least annually. The compliance reports, supplemented by Article 15 DMA regarding the audited descriptions of consumer profiling techniques,[39] are intended to provide the Commission with ongoing visibility into gatekeeper conduct.[40]

However, the experience of 2024 revealed some structural limitations in these tools.[41] First, there is a lack of standardisation in format and depth across gatekeepers' reports, complicating comparative assessments.[42] Second, the existence of non-public material and the general absence of methodological disclosure raise concerns over transparency, particularly from the perspective of third-party stakeholders and enforcement synergies with data protection authorities. These transparency gaps also contribute to uncertainty about enforcement standards, an issue further discussed below.[43]

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does not assign them any formal role in supervision or enforcement, restricting their involvement to that of passive informants; see Katalin Cseres and Laurens de Korte, "Participation of third parties in the public enforcement of the Digital Markets Act: Between democracy and technocracy", *Journal of Antitrust Enforcement* (2025): 1-16.

[38] Under Article 11 DMA, the Commission must make a link to these summaries available on its website, see: https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports.

[39] According to Article 15 DMA, these are techniques that the gatekeeper applies to or across its core platform services listed in the designation decision pursuant to Article 3 DMA. The Commission must also transmit that audited description to the European Data Protection Board.

[40] See Recital 68 DMA, which emphasises the necessity for gatekeepers to provide comprehensive information to ensure effective monitoring of their obligations. See also Recital 72 DMA, which elaborates on the requirements for gatekeepers to provide audited descriptions of their consumer profiling techniques.

[41] European Commission (2025), above n. 2, at par. 61 ff.

[42] See the concerns highlighted in Recital 68 DMA, which acknowledges the importance of reporting to facilitate the Commission's assessment and comparison of gatekeepers' compliance. In practice, the Commission was prepared to offer guidance to gatekeepers in preparation for their reporting obligations, as part of pre-compliance discussions; European Commission (2025), above n. 2, at par. 62.

[43] Cabral (2021), above n. 6.

### *3.3. Adding procedural depth: whistleblowers and retention orders*

In April 2024, the Commission launched a whistleblower tool for the DMA, modelled on mechanisms used in antitrust and the Digital Services Act.[44] Thus, the Commission has expanded its investigatory arsenal on the DMA. The new platform enables confidential submissions about suspected non-compliance, adding a bottom-up channel of intelligence gathering. In its first year, the tool generated 20 submissions – a modest but promising start.[45] In parallel, the Commission adopted document retention orders directed at six gatekeepers, instructing them to preserve material relevant to potential investigations. These orders constitute another important procedural development, signalling a more forensic turn in the Commission's enforcement practice. Together, these tools bolster the effectiveness of the regime and pre-empt evidentiary gaps in future proceedings.[46]

### *3.4. Regulatory tension: between dialogue and certainty*

Despite the diverse toolkit, described in the previous sections, a structural tension runs through the DMA regime: the trade-off between regulatory dialogue and legal certainty. While iterative engagement with gatekeepers and stakeholders can promote compliance and faster results, it also carries the risk of under-defining the legal standard. For example, the Commission's encouragement of gatekeepers to adjust practices in light of workshop feedback[47] may blur the line between legal obligation and policy preference. This discretionary space, if not carefully delimited, may undermine predictability for both gatekeepers and complainants. As enforcement continues, maintaining the balance between discretion and consistency will be central to the DMA's credibility as a rule-based regime. Similar debates about balancing cooperative engagement with assertive enforcement can also be observed in other jurisdictions, including the United States, the United Kingdom, and emerging digital market regimes in Asia, suggesting that the DMA forms part of a broader global experimentation with *ex ante* platform regulation.

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[44] The tool is available here: https://digital-markets-act.ec.europa.eu/whistleblower-tool_en.

[45] See Recital 80 DMA, which emphasises the importance of effective enforcement mechanisms to ensure compliance with the regulation.

[46] These developments reflect the DMA's overarching goal, as stated in Article 1 and explained in Recital 8 DMA, to ensure that digital markets remain fair and contestable by equipping the Commission with the necessary tools to address non-compliance.

[47] European Commission (2025), above n. 2, at par. 24.

## *4. Legal tensions in core obligations: data, defaults, interoperability, and distribution*

The DMA ambitions are expressed most forcefully through its core substantive obligations. Articles 5, 6, and 7 DMA translate the regime's central objectives – contestability and fairness – into concrete duties for gatekeepers. Yet, the enforcement of these provisions reveals legal and operational tensions. This chapter examines four key domains – data governance, default settings, app distribution, and interoperability – to assess the friction between legal rules and platform control architectures.

### *4.1. Data autonomy and the boundaries of consent (Articles 5(2) and 15 DMA)*

The Commission's 2024 enforcement action against Meta marks an important stress test for Article 5(2) DMA, which requires gatekeepers to obtain user consent before combining personal data across services. Meta's deployment of a 'pay or consent' model – offering users a choice between a paid ad-free experience or consent-based data processing – has sparked legal controversy.[48] In preliminary findings, the Commission raised doubts over whether this binary choice constitutes freely given consent within the meaning of the General Data Protection Regulation (GDPR),[49] especially given Meta's entrenched position across multiple services.

More recently, the European Commission issued a significant non-compliance decision in April 2025. It found that Meta breached the DMA obligation to give consumers the choice of a service that uses less of their personal data. This concerned the 'consent or pay' model that Meta implemented from March 2024 to November 2024 for its Facebook and Instagram services. Accompanied by a €200 million fine, the decision concluded that Meta's approach failed to comply with Article 5(2) DMA. Importantly, the Commission's decision did not extend to the revised offer by Meta, which included a free-of-charge "less personalized ads" option.[50]

This case illustrates a broader concern: the DMA's data obligations are enforceable only insofar as they align with data protection principles. The

[48] European Commission (2025), above n. 2, at par. 30.

[49] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ [2016] L 119/1.

[50] European Commission, "Commission finds Apple and Meta in breach of the Digital Markets Act", Press Release, 23 April 2025.

audited profiling reports required under Article 15 DMA add a layer of procedural transparency, but do not, in themselves, settle the question of what constitutes 'effective choice' in highly concentrated digital environments. Moreover, the interdependence between the DMA and GDPR proves the need for integrated enforcement strategies, particularly as the Commission deals with overlapping legal standards on data autonomy. Transparency obligations regarding extensive consumer profiling can support and inform enforcement under the GDPR, while the mandatory opt-out for data combination across core platform services enhances the level of protection already provided by the GDPR.

### *4.2. Defaults and behavioural influence (Article 6(3) DMA)*

Gatekeepers may attempt to leverage default settings and uninstallation restrictions to reinforce user lock-in. Article 6(3) DMA aims to dismantle this gatekeepers' ability. The Commission's 2024 proceedings against Apple and its regulatory dialogue with Alphabet highlight the regulatory salience of choice architecture. In both cases, the Commission targeted practices that subtly steer users toward first-party services – such as Safari, Apple Maps, or Google Search – by pre-setting them as defaults or impeding their removal.[51] In the case of Apple, app developers distributing their apps via Apple's App Store should be able to inform customers, free of charge, of alternative offers outside the App Store, steer them to those offers and allow them to make purchases. The Commission found that Apple fails to comply with this obligation under the DMA; therefore, it fined Apple with €500 million.[52] The regulatory challenge here lies not in establishing the technical feasibility of switching, but in countering behavioural biases. Such biases render users inert in the face of inferior or unwanted defaults. The Commission's insistence on meaningful choice screens and streamlined switching pathways signals a very interesting shift toward behavioural regulation. In this context, user interface design becomes a site of legal intervention, which is a novel area for legal scholars

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[51] Alba Ribera Martinez, "The steering of end-user behaviour in the Digital Markets Act: The intrinsic value of trust for governance", *North East Law Review* 9 (2022): 8-19; see also Recital 49 DMA, which emphasises the importance of allowing end users to easily change default settings and uninstall software applications to ensure fair competition and user autonomy.

[52] European Commission, "Commission finds Apple and Meta in breach of the Digital Markets Act", Press Release, 23 April 2025; see also Recital 40 DMA, which highlights the necessity for gatekeepers to allow business users to promote offers and conclude contracts with end users outside the gatekeeper's platform, ensuring a fair and contestable digital market

and practitioners alike. This also raises questions about proportionality, autonomy of developers, and the scope of legitimate product design.[53]

### *4.3. Distribution control and contractual constraints (Articles 5(4) and 6(4) DMA)*

The DMA's provisions on app distribution and anti-steering obligations are among the most contentious, particularly in relation to Apple's business model. In 2024, the Commission opened an investigation into Apple's compliance with Articles 5(4) and 6(4) DMA, focusing on its imposition of a Core Technology Fee (€0.50 per installed app) and restrictive eligibility criteria for developers wishing to operate third-party app stores or distribute apps directly. While Apple has enabled alternative app distribution in formal terms, the multi-step installation process and costs arguably reduce the effectiveness of that access.[54] These practices raise questions about the limits of regulatory intervention in contractual design. They also demonstrate how compliance in form may fall short in substance. This is particularly true where legal obligations intersect with economic incentives to preserve gatekeeper control over distribution channels.

### *4.4. Interoperability and technical gatekeeping (Articles 6(7) and 7 DMA)*

'Interoperability', as defined in Article 2(29) DMA means "the ability to exchange information and mutually use the information which has been exchanged through interfaces or other solutions, so that all elements of hardware or software work with other hardware and software and with users in all the ways in which they are intended to function". Interoperability obligations, especially under Article 6(7) DMA, are at the heart of platform modularity and user autonomy. The Commission's initiation of specification proceedings against Apple in 2024 – concerning iOS connectivity features and developer access to application programming interfaces (APIs) – reflects growing recognition that access to technical functionalities is critical for contestability.[55] Meanwhile, Meta's par-

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53 See Recital 37 DMA, which recognises the role of user interface design in influencing user behaviour and the need for regulatory measures to ensure that such designs do not undermine user choice or competition.

54 See Recital 33 DMA, explaining that gatekeepers should not impose disproportionate conditions on business users seeking to promote or sell their products and services outside the gatekeeper's platform.

55 European Commission, "Commission starts first proceedings to specify Apple's interoperability obligations under the Digital Markets Act", Press Release, 19 September 2024.

tial efforts to make WhatsApp and Messenger interoperable illustrate the complexities of ensuring cross-service communication while respecting privacy, security, and functional integration. Following feedback from the Commission and third parties, Meta has made some changes to its platform, but the Commission is still monitoring Meta's progress on making WhatsApp and Messenger interoperable pursuant to its obligation under the DMA. Clearly, interoperability enforcement is complicated by the technical discretion retained by gatekeepers, since they are the ones who control both the interface and the approval process. Surely, the Commission's ongoing consultations with stakeholders and the development of technical benchmarks signal an evolving enforcement agenda. However, the Apple and Meta cases expose the fragility of *ex ante* obligations in the face of deep vertical integration. Effective interoperability depends not only on access but also on usability, which raises the bar for compliance significantly. Recent scholarship has also explored interoperability obligations from a transatlantic perspective, highlighting both convergence and divergence in regulatory approaches.[56]

#### *4.5. The limits of ex ante regulation*

Across all these domains, a common pattern emerges: the DMA's ambitious obligations confront structural asymmetries in digital markets. While the legal rules are broad in scope, their effectiveness depends on sustained enforcement and the Commission's capacity to contest forms of non-compliance that can be deliberately subtle. Clearly, the experience of 2024 demonstrates that formal compliance does not equate to functional compliance. This is particularly true when design choices or pricing strategies undermine the spirit, if not the letter, of the law.[57] These tensions reveal the limitations of *ex ante* obligations when applied to very knowledgeable actors who retain control over the architecture of interaction. As the Commission builds its enforcement practice, it must balance technical sophistication with legal clarity. It must also confront the political economy of enforcement against some of the world's most powerful digital firms.

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[56] Giuseppe Colangelo, "A transatlantic perspective on interoperability and platform design after Android Auto: The Luxembourg effect?", *Market and Competition Law Review* 9, no. 2 (2025):17-36.

[57] European Commission (2025), above n. 2.

### *5. Institutional complexity and the role of coordination*

The EU acknowledged that the objectives pursued by the DMA cannot be effectively attained through unilateral action by individual Member States, given that the problems it seeks to address extend beyond national or regional boundaries.[58] As a result, the enforcement of the DMA functions within a complex institutional ecosystem. While the European Commission retains a dominant role as both supervisor and enforcer, the long-term effectiveness of DMA requires coordination at many levels. This chapter explores the interinstitutional dynamics at play in DMA oversight, focusing on cooperation with national authorities, the role of the High-Level Group (HLG), and the emerging significance of thematic regulatory substructures.

#### *5.1. The Commission's dual role and the need for coordinated enforcement*

Articles 37 and 38 DMA delineate a model of cooperative enforcement between the Commission and national competent authorities (NCAs).[59] While the Commission has sole responsibility for gatekeeper designations, compliance monitoring, and enforcement actions, it is expected to maintain close ties with NCAs enforcing national competition, consumer protection, and data legislation.[60] Member States may empower their NCAs to conduct investigations into possible non-compliance by gatekeepers, provided they report their findings to the Commission to support its role as the sole enforcer. In 2024, the Commission received several notifications from NCAs concerning proposed investigations and regulatory measures under national law. One notification was submitted, pursuant to Article 38(2) DMA, regarding the intention to launch an investigation on a gatekeeper based on national laws referred in Article 1(6) DMA, while

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[58] Responses from citizens and stakeholders to the Commission's Open Public Consultation (OPC), together with feedback from National Competition Authorities (NCAs) to the Commission's questionnaire, indicate that market failures are widespread across the Union, with cross-border digital markets being particularly affected in terms of both prevalence and severity. Accordingly, an EU-level initiative was considered necessary to address these systemic issues. See the Summary of the Stakeholder Consultation on the New Competition Tool and the Summary of the Contributions of the NCAs to the Impact Assessment of the New Competition Tool, available at: https://competition-policy.ec.europa.eu/public-consultations_en. For similar problems in EU governance, see Georgios Pavlidis, "Transforming asset recovery offices (AROs) to enhance their role in combating money laundering", *Journal of Money Laundering Control* 28, no. 2 (2025): 327-340.

[59] See European Commission (2025), above n. 2, at 65.

[60] See also Recital 90 DMA, which emphasises the necessity for the Commission and NCAs to cooperate and coordinate their actions to ensure coherent, effective, and complementary enforcement of available legal instruments applied to gatekeepers.

two notifications were submitted pursuant to Article 38(3) DMA, regarding the intention to impose obligations on gatekeepers based on the same laws. These were processed through the European Competition Network (ECN), highlighting the DMA's commitment to subsidiarity and mutual awareness and cooperation. However, this dual-level structure may introduce some institutional friction: the balance between EU centralisation and national prerogatives remains delicate in cases where NCAs seek to enforce parallel obligations under domestic regimes.

### *5.2. The High-Level Group: facilitating institutional convergence*

The High-Level Group (HLG), established under Article 40 DMA, plays an importnat—but non-binding—role in fostering convergence among regulatory communities. Comprising the European Data Protection Board (EDPB), European Competition Network (ECN), Consumer Protection Cooperation Network (CPC), Body of European Regulators for Electronic Communications (BEREC), and other sectoral bodies, the HLG functions as an expert forum for horizontal coordination. The group is envisioned to assist the Commission by providing advice, expertise, and recommendations on general matters related to the implementation or enforcement of the DMA. The group will play a role in identifying and assessing current and potential interactions between the DMA and sector-specific rules applied by national authorities.[61] It is important to prevent gatekeepers from exploiting one policy to evade another. In 2024, the HLG issued its first joint statement on artificial intelligence (AI),[62] confirming that DMA obligations apply to AI systems integrated into core platform services. The document identifies key areas relevant to AI that require complementary monitoring and coordinated enforcement. This interpretive act, though not legally binding, illustrates the Group's function as a space for norm development and anticipatory governance. Therefore, the HLG's work signals an emerging effort to harmonise the DMA with adjacent regulatory frameworks, particularly the GDPR and the recently adopted AI Act.[63]

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[61] See also Recital 93 DMA, which acknowledges the necessity for coherence and effective complementarity in implementing the DMA alongside other sectoral regulations applicable to gatekeepers.

[62] High-Level Group for the Digital Markets Act, *Public Statement on Artificial Intelligence*, 22 May 2024

[63] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No.

### *5.3. Thematic subgroups: anticipating technological change*

To operationalise its mandate, the HLG established three thematic subgroups focused on (1) data-related obligations, (2) interoperability under Article 7 DMA, and (3) artificial intelligence. These subgroups met multiple times throughout 2024 and provided a platform for substantive discussion of complex compliance issues and cross-regulatory interdependencies. For example, the data subgroup explored the interplay between Article 5(2) DMA and GDPR consent requirements, particularly in light of Meta's 'pay or consent' model. The interoperability subgroup addressed the technical and legal conditions for meaningful API access, especially for messaging services under Article 7 DMA.[64] Meanwhile, the AI subgroup facilitated exchanges between gatekeepers and the newly created EU AI Office,[65] bridging the gap between digital competition policy and emerging AI rules. These forums serve an important epistemic function by identifying enforcement gaps and pre-empting future regulatory disputes. Nonetheless, it is important to recall that their function is advisory, so they lack the formal authority to mandate action or adjudicate conflicts of law.

### *5.4. Coordination as a condition for effective oversight*

As the DMA enters its enforcement-intensive phase, its institutional performance will depend on the coordination between the Commission and other relevant bodies.[66] Such coordination cannot rely solely on formal tools and procedures. It must also rest on informal alignment, information sharing, and the cultivation of shared interpretive principles

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300/2008, (EU) No. 167/2013, (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), OJ [2024] L/2024/1689. See also Georgios Pavlidis, "From the AI Act to a European AI Agency: Completing the Union's regulatory architecture", *Croatian Yearbook of European Law and Policy* 21 (2025): 1.

[64] The Application Programming Interface (API) is a set of defined rules and protocols that allow one software application to communicate with another. For example, if a developer builds an app that shows weather data, the developer does not need to collect weather data. Instead, the application can request API access to a weather service; see Oscar Borgogno and Giuseppe Colangelo, "Data sharing and interoperability: Fostering innovation and competition through APIs", *Computer Law & Security Review* 35 (2019): 105314.

[65] Claudio Novelli *et al.*, "A robust governance for the AI Act: AI office, AI board, scientific panel, and national authorities", *European Journal of Risk Regulation* 16 (2024): 1.

[66] European Commission, *Shaping Europe's digital future*, Commission Communication, 2020, at 8.

across institutional boundaries. The DMA annual reports show that the Commission has taken initial steps in this direction – through bilateral engagement with NCAs, structured interactions within the ECN, and thematic coordination via the HLG. Yet the risks of fragmentation remain. Inconsistent application across Member States, diverging interpretations of consent, or differing thresholds for interoperability can undermine the DMA's objectives. The legitimacy and efficacy of the DMA will ultimately rest not only on its substantive provisions but on the institutional capacity to implement them coherently across the entire regulatory landscape.[67] Ensuring that gatekeepers face a unified and predictable enforcement regime requires continuous investment in coordination infrastructure, as well as the political will to sustain this coordination.

## *6. Some normative reflections: platform power, EU law, and strategic enforcement*

The DMA represents a normative and institutional departure from traditional EU competition law. Rather than addressing platform power through the lens of individual abuse, it reframes dominance as a structural issue, requiring structured intervention.[68] In doing so, the DMA aligns itself with a new EU value: the pursuit of contestable, fair, and open digital markets for businesses and consumers.[69] At the same time, this new architecture of DMA brings with it tensions that are both conceptual and operational. The Commission's early enforcement actions suggest a commitment to assertive oversight. Yet, these actions also reveal vulnerabilities, as already discussed.

Moreover, strategic enforcement – while necessary in any resource-constrained environment – may give rise to selectivity, where certain obligations or gatekeepers receive disproportionate attention. This may undermine the perceived neutrality of the DMA regime and exacerbate legal uncertainty. Moreover, there is a deeper structural risk. The DMA's procedural requirements – such as compliance reporting, public workshops,

[67] Anna Tzanaki and Julian Nowag, "The institutional framework of the DMA: From hybrid to mature?", in *The law and economics of the Digital Markets Act*, ed. Christian Ahlborn, Pablo Ibáñez Colomo and William Leslie (Hart Publishing, forthcoming).

[68] Filomena Chirico, "Digital Markets Act: A regulatory perspective", *Journal of European Competition Law & Practice* 12 (2021): 493.

[69] See also Article 1 and Recital 7 DMA, which underscore the DMA's objective to ensure that digital markets remain fair and contestable, addressing the structural issues posed by gatekeepers' entrenched positions.

and audit submissions – can produce an appearance of diligence. But if these processes are not accompanied by substantive market change, they risk legitimising the very power structures the DMA aims to dismantle. Procedural compliance must not become a substitute for genuine openness, interoperability, or user choice.[70]

Certainly, legal formality – the rule-bound structure of Articles 3 to 7 DMA – must be maintained. At the same time, the regime must achieve real-world impact, measured not by the volume of decisions or consultations, but by tangible shifts in business models, user experiences, and market entry conditions.[71] Finally, the enforcement framework must remain adaptable – capable of addressing technological evolutions such as AI integration, vertical integration, or new forms of user manipulation and deceptive practices in online environments.[72] Whether DMA evolves into a genuinely transformative instrument will depend not only on its legal design, but also on the institutions tasked with applying it,[73] as well as their willingness to prioritise substance over form.

Enforcement challenges under the DMA are likely to intensify as platform strategies increasingly incorporate artificial intelligence. AI-driven recommender systems, automated pricing mechanisms, generative AI interfaces, and vertically integrated AI ecosystems may reinforce existing gatekeeper advantages while introducing new forms of opacity and dependency. This raises questions not only about interoperability and data access, but also about how DMA obligations interact with emerging regulatory frameworks such as the EU AI Act. Ensuring coherence between these regimes will be essential to prevent regulatory fragmentation while maintaining effective oversight of rapidly evolving platform architectures. Emerging scholarship has begun to examine how generative AI ecosystems may reshape competition dynamics in digital markets, raising additional enforcement questions for the DMA.[74]

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[70] Giorgio Monti and Alexandre de Streel, *Data-related obligations in the DMA* (Centre on Regulation in Europe, 2024), 6.

[71] Georgios Pavlidis, "Europe in the digital age: Regulating digital finance without suffocating innovation", *Law, Innovation and Technology* 13 (2021): 464.

[72] Jan Trzaskowski, "Manipulation by design", *Electronic Markets* 34 (2024): 1.

[73] Jasper Van den Boom, "What does the Digital Markets Act harmonize? Exploring interactions between the DMA and national competition laws", *European Competition Journal* 19 (2023): 57.

[74] Friso Bostoen, Lola Montero Santos, and Anouk van der Veer, "Not 'big is bad' but 'closed is bad'? Exploring dynamic competition in generative AI", *Market and Competition Law Review* 8, no. 1 (2024).

## *7. Conclusion: from legal design to market effects*

The DMA has entered an important phase in its lifecycle: the shift from legal architecture to regulatory practice, from designation to compliance. In its second year of DMA's application, the Commission has demonstrated growing enforcement activity, supported by a mix of investigations, compliance dialogues, and monitoring tools. Yet this transition from legal form to market function remains incomplete – and marked by unresolved tensions. As already discussed, questions remain surrounding the nature of consent under Article 5(2) DMA, the enforceability of interoperability obligations, and the limits of contractual freedom in app distribution. These issues continue to test the boundaries of the regime. At the same time, the interplay between the DMA and parallel legal frameworks – especially data protection, consumer rights, and competition law – raises the stakes for legal coherence.[75] In this context, the notion of the 'EU digital acquis' refers to the evolving body of EU law and policies governing the entire digital domain. The DMA must be seen as part of the toolbox of regulatory instruments that shape the operation of digital technologies, services, and markets across the Union.[76]

The long-term success of the DMA will depend on several interlinked factors. The first factor is institutional capacity: the Commission must remain adequately resourced and empowered to pursue strategic enforcement against well-capitalised and technologically sophisticated gatekeepers, which often attempt to circumvent rules in subtle ways.[77] The second factor is interpretive consistency: evolving legal standards must be applied predictably, both at EU and national levels. The third factor is regulatory agility: as platforms develop new ways to circumvent obligations – through technical design, contractual structuring, or market repositioning – enforcement must remain responsive.[78] This is particularly relevant in the case of gatekeepers that adopt aggressive legal tactics, but the Commission must not be deterred, as pursuing such

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[75] Belle Beems, "The DMA in the broader regulatory landscape of the EU: An institutional perspective", *European Competition Journal* 19 (2023): 1.

[76] Vlatka Malnar and Ivana Kunda, "Designating gatekeepers and very large online platforms under the EU digital acquis", *Journal of European Consumer and Market Law* 13 (2024): 242.

[77] Henry Foy, "EU industry urges Brussels to continue probes into Big Tec", *Financial Times*, 28 January 2025.

[78] Gaby Umbach, "Futures in EU Governance: Anticipatory governance, strategic foresight and EU better regulation", *European Law Journal* 30 (2024): 409.

cases generates additional deterrent value by discouraging similar non-cooperative behaviour in the future.[79]

Ultimately, the DMA's credibility will depend on maintaining a workable equilibrium between cooperative regulatory dialogue and clear, enforceable legal standards. Dialogue can promote faster compliance and technical understanding, but without sufficient legal certainty it risks undermining predictability for both gatekeepers and market participants. Ensuring that engagement does not dilute normative clarity will therefore be an important challenge for the next phase of DMA enforcement.

Looking ahead, sustained attention is needed to map the DMA's regulatory trajectory. This includes tracking patterns of enforcement, analysing the outcomes of judicial challenges before the European Court of Justice, and assessing the differential implementation of obligations across sectors and Member States. In any case, the DMA's impact must ultimately be evaluated not only in terms of institutional output or legal compliance, but in terms of its capacity to realign platform behaviour and promote fairness and contestability in digital markets.[80]

## *Bibliography*

Bachelet, Vittorio. "Pay-or-consent and emerging trends in Digital Contract Law". *European Review of Private Law* 32 (2024): 773-802.

Beems, Belle. "The DMA in the broader regulatory landscape of the EU: an institutional perspective". *European Competition Journal* 19 (2023): 1-29.

Borgogno, Oscar, and Giuseppe Colangelo. "Data sharing and interoperability: Fostering innovation and competition through APIs". *Computer Law & Security Review* 35 (2019): 105314.

Bostoen, Friso, Lola Montero Santos, and Anouk van der Veer. "Not "big is bad" but 'closed is bad'? Exploring dynamic competition in generative AI". *Market and competition Law Review* 8 (2024).

Bostoen, Friso. "Understanding the Digital Markets Act". *The Antitrust Bulletin* 68 (2023): 263-306.

Cabral, Luís, Justus Haucap, Geoffrey Parker, Georgios Petropoulos, Tommaso Valletti, Marshall Van Alstyne. *A report from a panel of economic experts*. European Commission / Joint Research Centre, 2021.

[79] Jacques Crémer *et al.*, *Enforcing the Digital Markets Act: Institutional choices, compliance, and antitrust*, Yale Tobin Center for Economic Policy, Policy Discussion Paper No. 7 (2022) at 5.

[80] Jacques Crémer *et al.*, "Fairness and contestability in the Digital Markets Act", *Yale Journal on Regulation* 40 (2023): 973.

Chirico, Filomena. "Digital Markets Act: A regulatory perspective". *Journal of European Competition Law & Practice* 12 (2021): 493-499.

Colangelo, Giuseppe. "A transatlantic perspective on interoperability and platform design after Android Auto: The Luxembourg effect?". *Market and Competition Law Review* 9, no. 2 (2025):17-36.

Crémer, Jacques, David Dinielli, Paul Heidhues, Gene Kimmelman, Giorgio Monti, Rupprecht Podszun, Monika Schnitzer, Fiona Scott Morton, and Alexandre De Streel. *Enforcing the Digital Markets Act: Institutional choices, compliance, and antitrust*. Yale Tobin Center for Economic Policy, Policy Discussion Paper No. 7, 2022.

Crémer, Jacques, Gregory S. Crawford, David Dinielli, Amelia Fletcher, Paul Heidhues, Monika Schnitzer, and Fiona M. Scott Morton. "Fairness and contestability in the digital markets Act". *Yale Journal on Regulation* 40 (2023): 973-1012.

Cseres, Katalin J., and Laurens C. de Korte. "Participation of third parties in the public enforcement of the Digital Markets Act: Between democracy and technocracy". *Journal of Antitrust Enforcement* (2025): 1-16.

European Commission. "Commission designates Apple's iPadOS under the Digital Markets Act". Press Release, 29 April 2024.

European Commission. "Commission designates Booking as a gatekeeper and opens a market investigation into X". Press Release, 13 May 2024.

European Commission. "Commission finds Apple and Meta in breach of the Digital Markets Act". Press Release, April 23, 2025.

European Commission. "Commission starts first proceedings to specify Apple's interoperability obligations under the Digital Markets Act". Press Release, 19 September 2024.

European Commission. "Digital Markets Act: Commission designates six gatekeepers". Press Release, 6 September 2023.

European Commission. *Annual report on Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)*. COM(2025) 166 final.

European Commission. *Explanatory Memorandum – Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act)*. COM(2020) 842 final.

European Commission. *Shaping Europe's digital future*, Commission Communication, 2020.

European Commission. Summary of Commission Decision of 13 May 2024 relating to a decision pursuant to Article 3 of Regulation (EU) No. 2022/1925, Case DMA.100042 – ByteDance – Online advertising services, C/2024/6122. *Official Journal of the European Union* C, 11.10.2024.

Foy, Henry. "EU industry urges Brussels to continue probes into Big Tec". *Financial Times*, 28 January 2025.

Ibáñez Colomo, Pablo. "The draft Digital Markets Act: A legal and institutional analysis". *Journal of European Competition Law & Practice* 12 (2021): 561-575.

Larouche, Pierre, and Alexandre de Streel. "The European Digital Markets Act: A revolution grounded on traditions". *Journal of European Competition Law & Practice* 12 (2021): 542-560.

Maher, Imelda. "Regulatory design in the EU Digital Markets Act: No solo run for the European Commission". *Journal of Antitrust Enforcement* 12 (2024): 273-279.

Malnar, Vlatka and Ivana Kunda. "Designating gatekeepers and very large online platforms under the EU digital acquis". *Journal of European Consumer and Market Law* 13 (2024): 242-252.

Martinez, Alba Ribera. "The steering of end-user behaviour in the Digital Markets Act: The intrinsic value of trust for governance". *North East Law Review* 9 (2022): 8-19.

Monti, Giorgio, and Alexandre de Streel. *Data-related obligations in the DMA*. Centre on Regulation in Europe, 2024.

Neves, Inês Morais Leitão. "A reorientation of the European Commission's discretion in the Digital Markets Act: Solutions from digital constitutionalism". *Kluwer Competition Law Blog*, 18 December 2024, https://competitionlawblog.kluwercompetitionlaw.com/2024/12/18/a-reorientation-of-the-european-commissions-discretion-in-the-digital-markets-act-solutions-from-digital-constitutionalism/.

Novelli, Claudio, Philipp Hacker, Jessica Morley, Jarle Trondal, and Luciano Floridi. "A robust governance for the AI Act: AI office, AI board, scientific panel, and national authorities". *European Journal of Risk Regulation* 16 (2024): 1-25.

Pavlidis, Georgios. "Europe in the digital age: Regulating digital finance without suffocating innovation". *Law, Innovation and Technology* 13 (2021): 464-477.

Pavlidis, Georgios. "From the AI Act to a European AI Agency: Completing the Union's regulatory architecture". *Croatian Yearbook of European Law and Policy* 21 (2025): 1.

Pavlidis, Georgios. "Transforming asset recovery offices (AROs) to enhance their role in combating money laundering". *Journal of Money Laundering Control* 28, no. 2 (2025): 327-340.

Petit, Nicolas. "The proposed Digital Markets Act (DMA): A legal and policy review". *Journal of European Competition Law & Practice* 12 (2021): 529-541.

Thepot, Florence. "Market power and gatekeepers: Complements or Substitutes?". *Market and Competition Law Review* 9, no. 1 (2025):41-76.

Trzaskowski, Jan. "Manipulation by design". *Electronic Markets* 34 (2024):1-13.

Tzanaki, Anna, and Julian Nowag. "The institutional framework of the DMA: From hybrid to mature?". In *The law and economics of the Digital Markets Act*, edited by Christian Ahlborn, Pablo Ibáñez Colomo and William Leslie. Hart Publishing, 2023.

Umbach, Gaby. "Futures in EU governance: Anticipatory governance, strategic foresight and EU better regulation". *European law journal* 30 (2024): 409-421.

Van den Boom, Jasper. "What does the Digital Markets Act harmonize? Exploring interactions Between the DMA and national competition laws". *European Competition Journal* 19 (2023): 57-85.

Wagner-von Papp, Florian. "Digital antitrust and the DMA: In praise of institutional diversity". *Journal of Antitrust Enforcement* 12, no. 2 (2024): 338-344.

Witt, Anne. "The Digital Markets Act: Regulating the wild west". *Common Market Law Review* 60 (2023): 625-666.