



COMPANIES THAT HAVE PRESENTED THEMSELVES AS GATEKEEPERS

BASED ON COMMUNICATIONS FROM THE EUROPEAN COMMISSION

3rd July 2023 at midnight was the deadline under the Digital Markets Regulation (DMA) for potential gatekeepers to notify the European Commission whether they met the thresholds set by Article 3 of the DMA.

By the deadline, the European Commission had received notifications from the following companies: Alphabet (Google), Amazon, Apple, ByteDance (TikTok), Meta (Facebook), Microsoft and Samsung.

After the notification by these companies of their potential status as gatekeepers, the European Commission had 45 working

days to assess whether they met the thresholds defined in the DPR.

On 6 September the European Commission has designated, for the first time, six gatekeepers - Alphabet, Amazon, Apple, ByteDance, Meta, Microsoft - under the DMA.

With this designation, access controllers now have six months to comply with the DMA requirements, i.e. by 6 March 2024 at the latest.

BACKGROUND INFORMATION

The DMA, which applies from 2 May 2023, aims to ensure contestable and fair markets in the digital sector.

It defines gatekeepers as the large online platforms that constitute an important gateway between business users and consumers, whose position can give them the power to create congestion in the digital economy.

To address these issues, the DMA defines a series of specific obligations that gatekeepers will have to respect, including the prohibition of adopting certain behaviours in a list of *do's* and *don'ts*.

CRITERIA FOR DEFINING GATEKEEPERS

These companies are recognised for having a market size with an impact on the internal market, *i.e.* having an annual turnover in Europe of at least 7.5 billion euros in the last three financial years or a fair market value of at least 75 billion euros in the last financial year and operations in at least three Member States.

It is also a designating factor that the companies have served more than 45

million monthly active end users and more than 10,000 annual active business users in the EU over the last three years on a range of essential platform services, such as search engines, social networking services and operating systems.

WHAT NOW?

The six gatekeepers now designated - Alphabet, Amazon, Apple, ByteDance, Meta, Microsoft - will have 6 months to comply with the rules of the DMA:

- They will no longer be able to block users in their ecosystem;
- They will no longer be able to decide which apps users have to have pre-installed on their devices and which app shop they have to use;
- They will not be able to self-prefer, *i.e.* exploit the advantage of being a gatekeeper by treating their own products and services more favourably;
- Their messaging apps will have to interoperate with apps from other companies that provide the same services.

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