

The Anatomy of the DMA Process

An Example of Responsive Regulation

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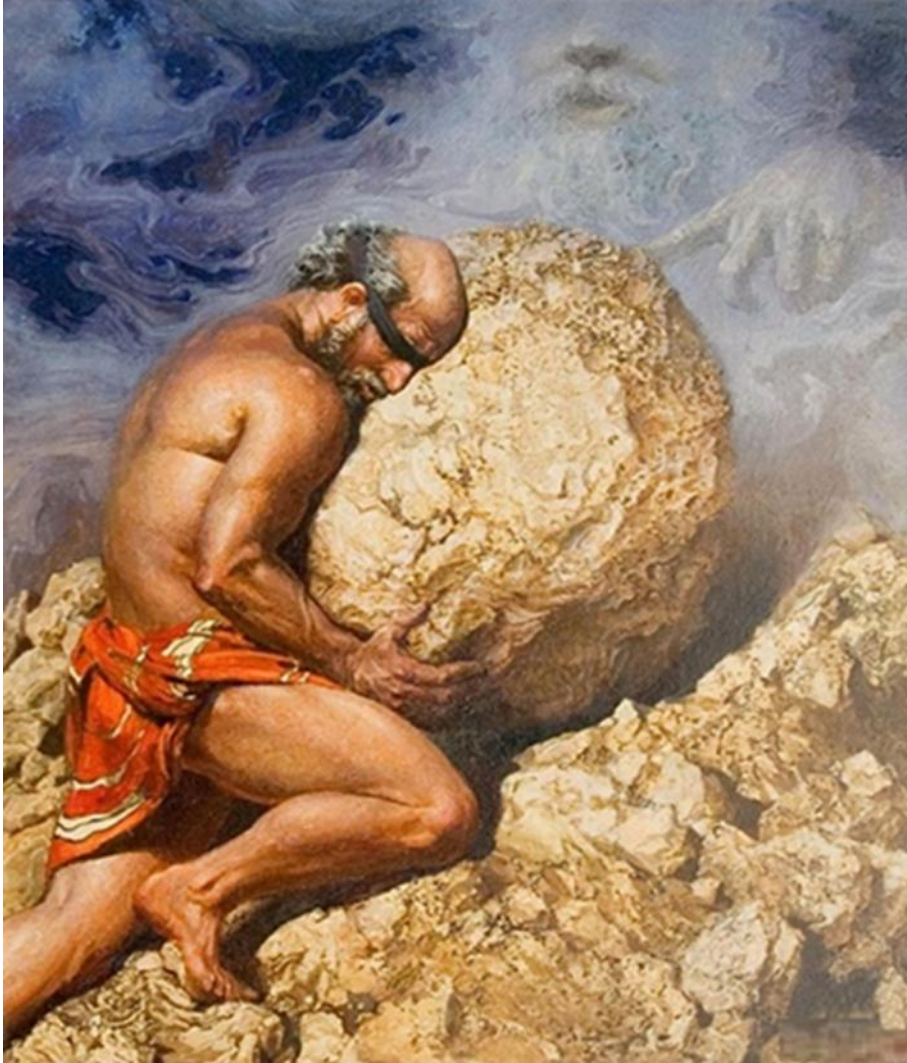
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Economics of the DMA Workshop

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It is complicated!

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Regulatory instruments

- **Informal tools**
 - **Bilateral** interactions EC-Gatekeepers, EC-Business users
 - **Multilateral** interactions
- **Formal tools**
 - *Gatekeepers*: compliance officers and reports
 - *Commission*: specification and non-compliance decisions

Methodology

- **Semi structured interviews** with 21 stakeholders
 - 3 gatekeepers, 14 business users, 2 regulators, 2 CSOs
- **Small set** but consistency
 - Among answers
 - With enforcement Commission decisions
- Still in **learning** phase



1. Informal Interactions

Bilateral EC-Gatekeepers

- **Gatekeepers**
 - **Different** strategies, some very legalistic
- **Commission**
 - **Different institutional cultures** across departments COMP/CNECT
 - Antitrust approach has dominated at the start while the DMA is a regulatory instrument (Case T-1077/23 *Tik-Tok designation*)
 - **Reluctance to signal**
 - **Compliance** acceptability: no Guidelines (contrary to JFTC)
 - May delay compliance and encourage incremental approach
 - **Enforcement** strategies

1. Informal Interactions

Bilateral EC-Business users and others

- **Less intense** than with gatekeepers
- **Black box** approach
- **Little coordination** among business users and mostly reactive mode
- **Expectations** no met
 - Risk of dis-engagement

1. Informal Interactions

Multi-lateral

- **Much less intense** than bilateral dialogues
 - **Open workshops** very scripted and not always useful
 - **Fear factor** of retaliation
- *Why* multi-lateral dialogues?
 - **Information** level playing field (e.g. choice screens and A/B testing)
 - **Coordination** among business users
 - Enforcement **effectiveness**
- *How* multi-lateral dialogues?
 - **Steered** by the Commission
 - Between **experts**: engineers
 - With **digital and standard business process** tools

2. Formal Interactions

Gatekeeper compliance tools

- Compliance **officers**
 - *Minimalist approach*: **limited** role and not very visible inside and outside the firm
 - *Maximalist approach*: **focal point** for external engagement and **opinion on effectiveness** of the compliance measures
- Compliance **reports**
 - **Not informative and standardised** enough
 - Need KPI on process and output which are consistent across time and across gatekeepers
 - **Not on continuous** basis
 - Need update when big changes in products

2. Formal Interactions

Commission enforcement tools

- **Specification** proceedings
 - Not yet at the **request of gatekeepers**
 - As they fear a maximalist approach
- 2 ***ex officio*** re Apple interoperability (March 2025): process and wearables
 - Economic **significance** and after long informal dialogue
 - Quite **detailed** and extensive reporting obligations
 - yet compliance paths should be decided by gatekeepers
 - *De facto* **general** application

2. Formal Interactions

Commission enforcement tools

- **Non-compliance** proceedings
 - 2 decisions so far Apple steering and Meta use of personal data (April 2025)
- No clear (public) **prioritization**
 - Immediate and visible effects, complaints and lobbying intensity, previous antitrust experience
 - Guidelines on prioritization : significance and impact, resources and risks
- No clear **relationship** between informal and formal tools
- How far the Commission will go in clarifying **compliance paths**

3. Conclusions

- **From antitrust to regulatory process**
- **Transparency** and information level playing field
 - More **multi-lateral** meetings at different levels (legal, technical ...)
 - Better **compliance reports and officers**
- **Predictability**
 - Enforcement **prioritization**
 - Concrete **objectives** to be achieved
 - More clarity on the content of obligation and **compliance acceptability**
- Regulatory **trust**