BEUC The European Consumer Organisation

The Consumer Voice in Europe

FIRST BLOOM: INCREASED CONSUMER CHOICE AFTER EIGHTEEN MONTHS OF THE DMA

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Why the Digital Markets Act matters to consumers

Digital markets are now essential to much of what we do as consumers every day. Whether it is to access information, purchase products or stay in touch with friends and family, consumers are increasingly doing it online, which makes it all the more important that digital markets function well and are competitive. Over the past couple of decades however, Big Tech companies have increasingly abused their dominance in digital markets at the expense of consumers, limiting choice and access to innovation. The Digital Markets Act (DMA) is an EU law since 2024 to make digital markets fairer and more open to challenger companies.

Introduction

The Digital Markets Act (DMA) is a landmark law to make digital markets fairer and allow greater consumer choice.

For years, consumers have suffered from illegal practices from a few large technology companies leveraging and abusing their market power. These include walled gardens (closed ecosystems, which limit compatibility of a company's devices with services from another company), lock-ins to specific services (e.g. by making it difficult to uninstall pre-installed apps), limited access to alternative services, or higher prices. Whether Alphabet was self-preferencing its Google Shopping or Google Flights services in Search or Apple was erecting artificial barriers for consumers to access cheaper offers outside its App Store, consumers have for years been prevented from enjoying more choice and access to innovation. Big Tech companies have largely dictated the services and information that consumers have access to. In addition, these practices hindered the ability of smaller companies to compete in the market and challenge the dominance of the incumbents.

Competition law is traditionally one of the key tools to address market asymmetries and abuses of dominant position. Authorities both at EU and national level have increased their scrutiny of large tech companies' practices and found ever more instances of breaches of competition law. Yet the cases have taken years, sometimes decades, to conclude. As important as these cases have been, the harm caused by these illegal practices was felt on the market for years before it could be stopped. In the fast-moving markets of the digital world, this approach has proved too slow and insufficiently effective.

The Digital Markets Act is an attempt to tackle illegal practices by large tech companies, also known as 'gatekeepers', more effectively and rapidly. Importantly, unlike competition law, it is also forward-looking, which means it intends to prevent unfair practices from happening in the first place.

The DMA is expected to trigger change in the gatekeepers' business models and commercial practices. As such, it is unsurprising that several gatekeepers have strongly criticised the DMA. They have even managed to enlist the support of a US administration which has been keen to unfairly depict the DMA as "tariffs" on US companies.

On the other hand, countries around the world have shown interest in the EU's approach and the United Kingdom, Japan, South Korea or Brazil are among those having introduced a similar law or thinking of doing so. Lately, the DMA has turned out to be influential in the decision-making of judges beyond the EU in their analysis of big tech behaviour.[1]

The recent public consultation the Commission ran ahead of next year's formal review of the DMA provides a useful vantage point to assess where the DMA stands eighteen months since its entry into application.

In this paper, we take stock of the first concrete benefits the DMA has delivered for consumers, the ongoing areas of suspected non-compliance that the Commission must tackle, how BEUC is working on the DMA's implementation, and an assessment of what may need to change going forward to boost the DMA's success and ensure the law stays relevant.

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1 See Federal Court of Australia judgement, Case 'Epic Games Inc v Apple Inc' NSD1236/2020 (11 September 2025).

What the DMA has already delivered for consumers to date

Eighteen months in, numerous voices in Brussels are calling for assessments into whether the DMA has succeeded or failed. For BEUC, it is far too early to draw any kind of meaningful conclusion. The level of gatekeeper compliance with the law is still too low, which is something we will tackle in section 3. This means that many of the potential benefits of the DMA are yet to materialise.

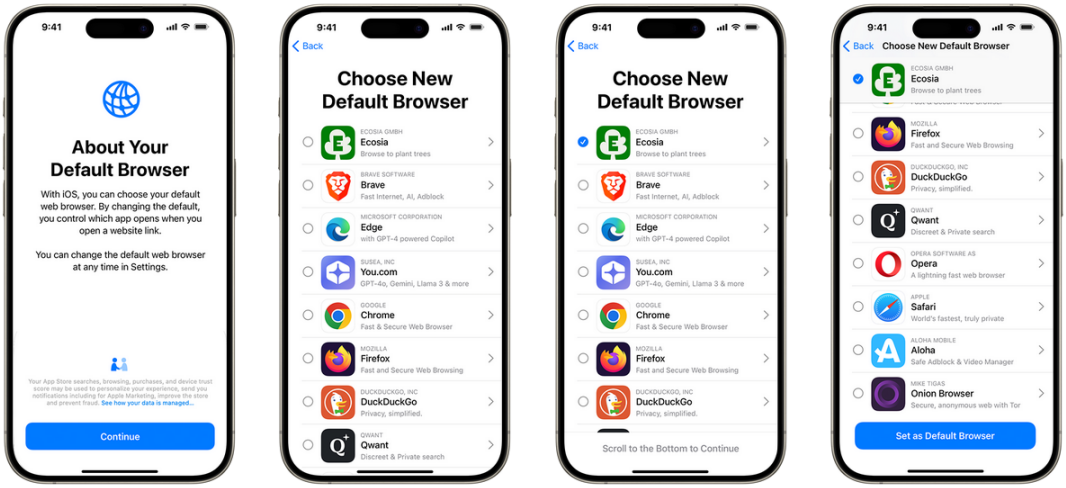
It is important the Commission continues to strongly enforce the legislation to increase the likelihood that both consumers and business users are able to use new options in digital markets that were not possible before the DMA. In parallel, BEUC remains optimistic about the DMA's potential. Various benefits have already materialised for consumers. These are presented in this section.

1) Consumers now get choice screen to select default browser on iOS

Consumers can now **choose the default browser** they want to use on iOS and iPadOS devices. As of October 2024, Apple's 18.2 update allows users to select from a list of the most downloaded browsers in that country which browser they want to set as their default. The list includes competitors to Safari and Chrome, including Ecosia, DuckDuckGo, Opera and Brave.

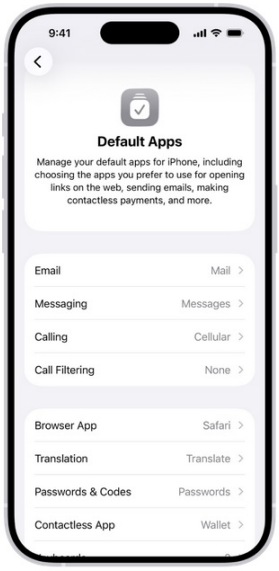
This is a significant achievement compared to the pre-DMA period when users were pushed to use Safari, which came pre-installed and was set as the default choice. Previously, smaller competitors had no visibility and little chance of competing with the gatekeeper's browser. The DMA has ensured the choice screen is neutral and allows competitors to challenge Safari on fair and neutral grounds.

Figure 1: Default browser choice screen on iOS



2) Consumers can now choose default apps on iOS

Figure 2: default apps section in settings on iOS



Consumers are now able to **choose which app they want to use by default** on their iOS and iPadOS devices across a wide variety of categories. Users can install various types of third-party apps, for navigation, translation, mail, phone calls, messaging, camera or photos and set them as the default app for that purpose on the device, as of iOS and iPadOS update 18.4. Users are also able to remove the pre-installed Apple ones.

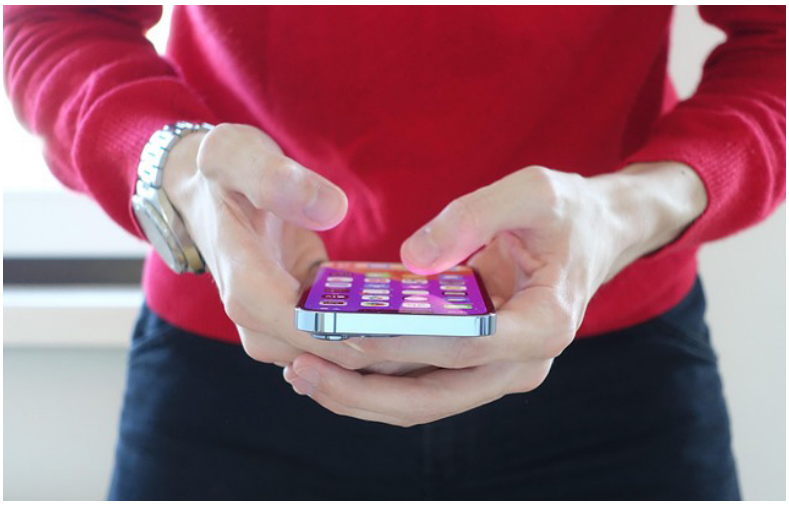
Until the DMA entered into application, Apple's own apps, or those of third parties it favoured, were set by default on the device, making this market more difficult to contest by third party app developers. In a few clicks and steps through an easily accessible section in "Settings" called "Default Apps", it is now possible for users to set up an alternative app that is going to be used automatically for that purpose across the device.

3) Consumers can make contactless payments on iPhones without going through Apple Pay

Consumers can now **use different payment service providers to make contactless payments** on iOS devices, set them as the default payment solution, and are no longer forced to use Apple Pay. Previously, Apple Pay had exclusive access to the iPhone's NFC chip and Apple did not allow competitors to use it.[2]

Since early 2025, several payment service providers have begun to offer their services to iPhone users for the first time, including Vipps in Scandinavian countries, and PayPal in Germany.

Figure 3: new contactless payment options for iPhone users



2 In essence, the DMA reinforces the commitments Apple made in 2024 to satisfy the Commission to close its investigation into possible abuse of a dominant position by Apple regarding mobile payments and Apple Pay.

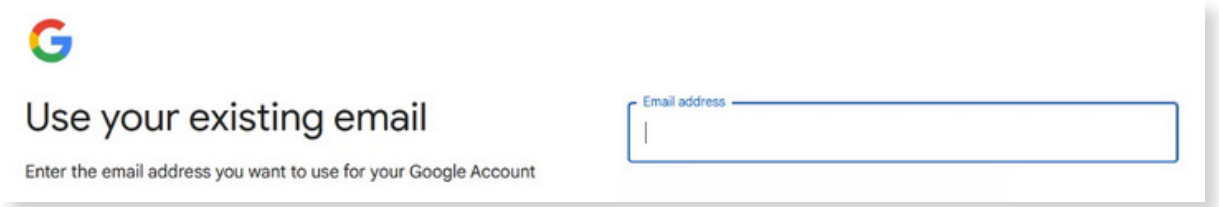
4) No forced use of Gmail for a Google account

Until the DMA, Alphabet forced consumers to use a Gmail account to be able to create a Google account to allow a synchronisation and use of various other Google services.

Consumers can now choose to **use a third-party email address instead** and are no longer forced to create or use a Gmail address.

The forced tying between Gmail and the Google account over the years helped cement Gmail as one of the leading email service providers in the EU to the detriment of competitors and users.

Figure 4: use of any email address to create a Google account



DMA as a new tool to scrutinise Big Tech

BEUC has been closely monitoring gatekeeper compliance with the main consumer-relevant and consumer-facing requirements. We have been basing our analyses on a number of resources. These include:

- in-house and member testing of the gatekeepers' compliance solutions,
- analysing the compliance reports submitted by the gatekeepers themselves,
- assessing comments provided by the gatekeepers at the DMA compliance workshops,
- monitoring public sources of information.

Since March 2024, BEUC has made 17 individual, detailed submissions to the Commission about suspected non-compliance by the gatekeepers. Some of these submissions have focused on non-compliance by a specific gatekeeper with a specific requirement, while others have analysed an individual gatekeeper's non-compliance across all the main consumer-relevant provisions of the DMA. BEUC will continue to provide evidence of possible non-compliance to the Commission.

BEUC has also published non-comprehensive summaries covering the main points articulated in the recent submissions. Two of these summaries are available here (September 2024) and here (November 2024). A new summary will be published once BEUC's latest round of submissions have been made.

The following table lists the areas BEUC has worked on and currently suspects gatekeepers are not complying with the DMA. These are marked with an 'X' and are shaded red.

Areas with a '?' and shaded in yellow indicate that BEUC has some early concerns and may look into this area in the future.

This table should not be understood to mean that the gatekeepers are complying with all the other provisions of the DMA or that non-compliance issues may not crop up in future with provisions that are currently complied with.

	Consent for personal data use – Art. 5(2)	Allow steering – Art. 5(4)	Uninstallation of gatekeeper apps and default choices – Art. 6(3)	Installation of alternative apps and app stores – Art. 6(4)	No self-preferencing – Art. 6(5)	Stop tying – Art. 5(8)
Alphabet	X	X	X	X	X	X

	Allow steering – Art 5(4)	Installation of alternative apps and app stores – Art. 6(4)	Interoperability of software/ hardware – Art. 6(7)
Apple	X	X	X

	Consent for personal data use – Art. 5(2)	No parity clauses – Art. 5(3)	No self-preferencing – Art. 6(5)
Amazon	X	X	?

	Consent for personal data use – Art. 5(2)	Uninstallation of gatekeeper apps and default choices – Art. 6(3)	Installation of alternative apps and app stores – Art. 6(4)
Microsoft	X	?	?

	Consent for personal data use – Art. 5(2)	Interoperability of instant messaging services – Art. 7
Meta	X	?

	Consent for personal data use – Art. 5(2)
ByteDance	X

	No parity clauses – Art. 5(3)
Booking	?

BEUC continues to urge the Commission to ensure gatekeepers fully and effectively comply with the DMA.

We also keep the option open to turn to private enforcement through the courts where gatekeepers are found to be breaching the DMA and disregarding end user rights.

Looking at the DMA's next steps

1) Taking enforcement to the next level

Eighteen months into the DMA's application, the Commission has opened six investigations into gatekeeper non-compliance, issued preliminary findings in all of them, and three investigations have reached conclusions. One was closed following Apple's rollout of a compliant solution (Apple on uninstallation of gatekeeper apps and default choices on iOS), while two have resulted in decisions of non-compliance (Apple on steering outside of its app store and Meta on consent for use of personal data) . The Commission has also issued specification decisions for Apple regarding requirements to make its hardware and software interoperable with third parties.

BEUC strongly supports the Commission in its efforts to bring the gatekeepers into compliance. We appreciate the Commission's receptiveness to input about possible gatekeeper non-compliance and are encouraged by the solidity of the decisions the Commission published against Apple and Meta in April 2025. Still, we see areas where the Commission could take enforcement to the next level to ensure full compliance by gatekeepers. We urge the Commission to open investigations in areas in which we deem the gatekeepers non-compliant, based on the above table.

a. Resources

It is crucial that the Commission speed up its enforcement and allocates the resources necessary to allow its case handlers to follow the many and ongoing areas of non-compliance. We are concerned that several areas of possible non-compliance have still not led to the formal opening of investigations.

b. Dialogue AND enforcement

While we agree with the Commission that the DMA's goal should be compliance rather than fines, we believe that it is through resolute enforcement, combined with the threat of heavy sanctions in case of ongoing non-compliance, that the Commission will achieve its best results and will send strong signals to all stakeholders.

The investigation into Apple's browser choice screen and the ability to select alternative apps as defaults on iOS devices likely required the threat of an imminent non-compliance decision to lead to its resolution. The result is a substantial improvement to consumer choice on iOS devices. This is a model that BEUC encourages the Commission to continue to apply. It will not be a silver bullet, as the non-compliance decisions regarding Meta and Apple have shown, but it could speed up compliance with the DMA overall.

c. Standing firm on retaliatory trade threats

We also strongly encourage the Commission to stand firm and continue enforcing the DMA despite the retaliatory trade threats from the US administration. The EU must not show that it is willing to trade away its ability to pass and enforce its own laws.

d. Support for national competition authorities that enforce and promote the DMA

We strongly welcome the role that national competent authorities play in promoting and enforcing the DMA at national level. The work carried out by these authorities, for instance the Belgian Competition Authority and the Dutch Consumer and Markets Authority (ACM), plays an important role together with the Commission's in holding the DMA's gatekeepers to account.

We encourage the Commission to support the national competent authorities in their endeavors and to ensure continued, good cooperation.

e. Freezing non-compliant solutions before rollout

In the recent Commission public consultation on the DMA, BEUC noted that certain gatekeepers roll out compliance solutions even though there is no agreement with the Commission on whether the solution meets compliance. Apple has done this repeatedly concerning its browser choice screen and setting of app defaults on the one hand and for its obligation to allow steering outside its app store on the other. Meta has also done this with its solutions to obtain consent for personal data use. This leads to both business and end users having to interact with a new compliance solution and face a new user journey which is likely to change yet again in the future because it is non-compliant.Repeated changes can create avoidable frustrations among end users. It has also allowed some gatekeepers to present rounds of changes as being forced on them by authorities when it is in fact their non-compliance that is at fault.

BEUC would recommend that the Commission seek to obtain the power to freeze the rollout of any new compliance solution until it has consulted adequately with third parties and given its green light to the gatekeeper to roll out the compliance solution.

f. Insufficient evidence of robust testing

BEUC has repeatedly challenged the gatekeepers on whether they have tested their compliance solutions for neutrality with end users. It appears from various compliance workshops held in 2024 and 2025, that the gatekeepers have either not tested their compliance solutions, or not shared the results of these tests with the Commission and third parties. This testing is essential to be able to demonstrate, for example, that the gatekeeper's compliance solution offers choices which are neutral, as required by Article 13(6) of the DMA.

The Commission should require that the gatekeepers actually test their compliance solutions on users and, if the tests have been carried out, to gain access to the tests carried out by gatekeepers. These tests should be provided before any non-compliance solution is rolled out by the gatekeeper.

g. Compliance workshops and reports

BEUC welcomes the DMA workshops organised by the Commission in 2024 and 2025 as they are a useful format for exchanges with gatekeepers. However, in some exchanges the gatekeepers have turned the discussion into corporate-style presentations and some (voluntarily or involuntarily) have failed to address the points raised by third parties or the Commission. We would encourage the Commission to be stricter on the contents and roll-out of the next DMA workshops.

The gatekeeper compliance reports have, in some instances, been helpful by making it easier for readers to understand what the gatekeeper has put in place. Others were disappointingly light on details. Part of this could be the result of the fact that public version of the reports contain only non-confidential information, although it is hard to tell from BEUC's perspective if that is the case.As gatekeepers have rolled out or announced a new compliance solution, they have published details explaining what they will change to supposedly comply. This approach is important for transparency. However, in the case of both Apple and Meta, their explanations have been disappointing and have not enabled third parties to easily understand what is being changed.

In the case of Apple, information is spread across various website locations, making it difficult to piece together. The information is usually undated and, in some cases, replaced explanations about previous solutions, making it hard for third parties to know which are the company's existing terms and which are those that will expire.

h. Need for cooperation with other authorities and enforcement networks

It is important for the Commission to continue its coordination work with different types of authorities when a gatekeeper's practice potentially infringes several laws and not just the DMA.

For example, BEUC alerted three different authorities regarding the possible non-compliance of Meta and its pay-or-consent mechanism with different laws (consumer law, data protection law and the DMA). It is important that these different authorities communicate to harmonise their understanding of how a practice may be breaching different provisions in separate laws and make sure they are coordinated in their response .

The recent EDPB guidelines on the interplay of the DMA with the GDPR in response to Meta's pay-or-consent mechanism are important to ensure that there is consistency in the way public authorities approach the same practice. The High-Level Group on the DMA – a group of 30 representatives from European public enforcement networks and bodies that provide advice and expertise on the implementation of the DMA to the Commission – can play an important role going forward in ensuring that there is harmony between the approach of different consumer, competition, data protection authorities and the Commission.

BEUC welcomes the cooperation between it and the Commission on enforcement of the DMA. This is an important lever to make sure that the DMA is achieving its objectives of creating fairer and more contestable markets.

2) Adapting the DMA to new technologies

Going forward, the Commission needs to ensure the DMA is agile enough to tackle the latest and potentially new gatekeeping practices by large tech companies which prevent digital markets from being fair and contestable.

For this reason, it is important that the Commission carry out regular reviews to determine both if new gatekeepers and core platform services need to be designated, and whether the DMA's provisions need to be adapted.

a. Designations

BEUC recommends that the Commission look into designating two particular types of platform services:

1. Cloud services

Cloud services have become critical to Europe's digital infrastructure. Consumers increasingly store their files, photos, videos and device backups online to be able to access them from anywhere and at any time. Yet gatekeepers often push end users to use their cloud services and make it difficult to set up the use of alternative cloud services. For instance, when setting up a new device, iOS users are currently pushed by default to use the free storage options of iCloud. Once the limit of free storage is met, end users are required to purchase extra storage space, which then further drags them into the gatekeeper's cloud services and can create lock-in effects, making it increasingly difficult to move to another provider.

The Commission should carry out a market investigation to determine whether different cloud services belonging to gatekeepers can be added to the list of core platform services (CPS), such as OneDrive (Microsoft) and iCloud (Apple). On top of that, the Commission should identify whether current practices of these services, which may include tying or bundling, do not limit the contestability of these services.

Depending on the outcome of this market investigation, the Commission may designate the relevant CPS, and, at a later stage, consider adding obligations to the DMA which tackle any problematic practices identified in the market investigation. For instance, it might be useful to set a new requirement for gatekeepers of cloud services to provide a choice to end users on device setup about which cloud services they would like to use on their device. This would require gatekeepers to allow interoperability between their operating systems and third-party cloud services.

In case the Commission finds that cloud services cannot be designated because they do not meet enough of the qualitative and quantitative thresholds, it may need to consider amending the DMA's thresholds to capture cloud services at a later stage.

2. Generative AI systems

AI systems which generate content have already changed the way in which both business and end users seek information online. Given the likelihood that generative AI will play an ever larger role in the market for online search services and the fact that most gatekeepers have rolled out their own AI chatbots, the Commission should consider designating generative AI services, such as Alphabet's Gemini, Meta's Meta AI, Microsoft's Copilot or Amazon's Rufus, under the virtual assistant CPS category. The main reason should be to make sure that gatekeepers are not able to use anti-competitive practices in this new field.

The Commission should also consider designating OpenAI as a gatekeeper, given the company's enormous market power today, and ChatGPT as a CPS, given that it likely already meets the quantitative and qualitative thresholds. This is becoming all the more important given recent announcements that ChatGPT now allows users to make purchases without leaving the chatbot, and the company is toying with the idea of becoming an ads platform in the future.

It would be important to designate chatbots as separate services and not as part of existing CPS for a number of reasons. First, in so doing, the Commission would be able to apply the ban on tying to these chatbots. We already see that gatekeepers are leveraging the power of their existing CPS when they integrate the gatekeeper's chatbot in them. This grants huge visibility to the gatekeeper's chatbots overnight and makes it harder for challenger chatbots to contest that market. Secondly, it is important that the provisions of the DMA apply to all access points of the chatbot and not just those where the chatbot is integrated into an existing designated CPS. Third, this will make it easier to regulate the gatekeeper chatbots if the gatekeepers decide to unbundle the core platform service from the chatbot in the future.

b. Obligations

BEUC strongly favours enforcing the DMA in its current form over adding obligations to the current text. However, where possible, BEUC encourages the Commission to consider targeted amendments to the DMA to ensure it is more effective at targeting practices which reduce contestability and reflect recent market developments.

1. Tying

The DMA's current article on tying (Article 5(8)) needs to be expanded to become more effective.

Currently, the article prohibits the tying of a gatekeeper's core platform service (CPS) with another core platform service (or that of a service which meets the thresholds but has not been designated). However, this is not an effective solution to the problem of gatekeepers tying their smaller services to an existing core platform service in order to expand the former's user base and leverage the power of the core platform service to do so, or to grow the market power of the core platform service being tied. Examples are the default use of iCloud on iOS devices, the use of Meta AI in WhatsApp, Facebook or Instagram, the signing in to various Alphabet services when creating a Google Account, or the use of an Instagram account to use Threads. The Commission must look at the way in which gatekeepers are looking to integrate their services in different ways and several times within an entire ecosystem.

To broaden this provision, the Commission should amend the wording of Article 5(8) so that it prevents the tying of **any gatekeeper service** to a core platform service or the other way around.

It should also prohibit the automatic creation of a user account in various gatekeeper services when signing in to an identification service belonging to the gatekeeper, unless the end user has specifically consented to this option. For example, Alphabet should not create user accounts in Google Drive or YouTube when a user creates a Google account unless the end user has consented to this. Doing so gives the gatekeeper an unfair advantage over competitors and creates the likelihood that users start using gatekeeper services without ever asking to do so.

The Commission should also prohibit in Article 5(8) any request by the gatekeeper to sign in to an identification service for use only of the operating system. For example, it should be possible for the end user to use Android, Windows or iOS without being pushed to sign in to a Google, Microsoft or Apple ID account, as is currently the case.

2. Chatbots, choice screen and definitions

The Commission needs to adapt the definition of virtual assistants in Article 2(12) to reflect market developments over the past couple of years. The definition must clarify that it includes **all AI chatbots and AI-driven agents**. It would also need to specify that these virtual assistants may carry out tasks beyond those currently mentioned in Article 2(12), including interacting with or controlling other services or connected physical devices, software or other virtual assistants.

Based on the likelihood that generative AI chatbots will replace traditional search engines as the gateway for online search in the near future, the Commission should ensure that the obligation under Article 6(3) to prompt end users to choose the virtual assistant to which the operating system steers users by default applies to AI chatbots. In effect, a choice screen would enable end users to choose which chatbot they prefer to interact with by default on their devices. For example, an end user should not be pushed to use Alphabet's Gemini just because they are using an Android device.

3. Self-preferencing and AI

The Commission will have to adapt Article 6(5) to reflect the growing prevalence of AI chatbots as a gateway for online search services. Output from AI chatbots may not necessarily include a ranking of results, as formulated in Article 6(5), and may simply provide a single suggestion for end users. As a result, output from AI chatbots may not be covered by the prohibition to self-preference as formulated in Article 6(5). The Commission would need to clarify that the prohibition on self-preferencing covers any output, as well as ranking, indexing or crawling from search engines or virtual assistants, including any output where the gatekeeper preferences the service of a third party with which it has an agreement.

4. Interoperability of social media services

The Commission is currently studying the possibility of extending interoperability obligations under the DMA to social media services.

Requiring designated gatekeepers' social media services to interoperate with any third-party social media service that is interested could have several major benefits for digital markets and consumers. Currently, the strong network effects that exist in social media services make it impossible for consumers to leave a service such as Facebook or Instagram without suffering negative effects, such as loss of contacts or interactions with family and friends. It would increase the ability of third-party social media services to compete with gatekeeper services on merit.

Provided a workable solution can be found around the technical, security and privacy challenges that currently exist, BEUC would support the introduction of interoperability requirements on gatekeeper social media services.

5. Interoperability of cloud services

As explained above, the Commission should consider requiring gatekeepers of designated cloud services to provide a choice to end users on device setup about which cloud services they would like to use to store their files. Such a choice would involve requiring gatekeepers to allow interoperability between their operating systems and third-party cloud services, by creating the setup of an API, in much the same way as already exists for instant messaging services (Article 7).

Clearer rules on when gatekeepers can prompt to switch to gatekeeper services

Third-party browsers, search engines and end users frequently report receiving prompts from gatekeepers to overturn the choice they have made as part of the browser or search engine choice screens required under Article 6(3) of the DMA.

It may be necessary for the Commission to clarify how often a consumer should be presented with a choice to select their default browser, search engine or virtual assistant within a set period, in order to avoid the risk of choice fatigue or the ability of gatekeepers to overturn a choice made recently in a choice screen. For instance, Article 5(2) specifies that *"the gatekeeper shall not repeat its request for consent for the same purpose more than once within a period of one year"* in relation to obtaining consent for the use of personal data. It may be wise for the Commission to set a similar requirement regarding the choice screens for browsers, choice screens and virtual assistants under Article 6(3).

ENDS

The Consumer Voice in Europe