

Terms of reference

Testing DMA gatekeeper user interfaces for neutrality

1. Background

BEUC and its members are committed to promoting **fair competition and contestability in digital markets** to the benefit of consumers. In this context, BEUC is monitoring the implementation of EU Regulation 2022/1925 (the **Digital Markets Act** – “DMA”).

The DMA (Article 5.2) requires the designated gatekeepers to seek **freely given, specific, informed and unambiguous consent** from end users to be able to cross-use/combine their personal data across their services, and before processing their personal data from third party services for ad purposes.

Behaviour which undermines effective compliance with the above article, including the **use of behavioural techniques or interface design**, is prohibited (Article 13.4), as is behaviour which makes the exercise of that choice unduly difficult, including by offering choices to the end-user in a **non-neutral manner**, or by subverting end users' or business users' autonomy, decision-making, or free choice via the structure, design, function or manner of operation of a user interface or a part thereof (Article 13.6).

2. Research question

BEUC would like to commission research to **test whether several interfaces** put in place by the DMA's designated gatekeepers are likely to **steer** end users towards particular choices favoured by the gatekeepers, thus potentially **breaching** the requirements for neutral interface design and free choice in the DMA.

3. Methodology

Applicants should propose a methodology to test the research question identified above. The methodology should be robust and must at the very least:

- Analyse interfaces from at least two gatekeepers regarding their neutrality, interface design or behavioural techniques
- Use samples that are representative from at least 3 European countries.

4. Deliverables

BEUC would require the contractor to:

- Define the precise methodology to be adopted together with BEUC
- Carry out the field work
- Analyse the results
- Provide a preliminary overview of the results to BEUC
- Produce a final report detailing both the methodology and the field results in English including an executive summary

5. Budget

€40,000 VAT included.

6. Timeline

BEUC provides the following indicative timeline for the project. Some of these dates may be negotiable while others are not:

- a. Deadline for receiving applications: **20 March**
- b. BEUC to communicate results of tender: 03 April
- c. Signature of contract and payment of first invoice by BEUC: 10 April (non-negotiable)
- d. Defining of methodology together with BEUC: by mid May
- e. Provision of preliminary results to BEUC: early September
- f. Provision of final report and payment by BEUC of final invoice: end of October

7. Submission of proposals and contact point

All proposals should include:

- A detailed methodology responding to the research questions presented above.
- CV of the researcher(s) with proof of research experience in experimental design or similar.

Applications must be submitted to competition@beuc.eu by **20 March 2025**

If you would like to discuss anything while you draw up your proposal, please contact us using this address.