The Consumer Voice in Europe

BEUC Recommendations for the Trilogue Negotiations on the proposed Digital Markets Act

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Why it matters to consumers

Digital markets play an ever-increasing role in consumers' lives. While digitalisation has brought consumers many benefits, big platforms have also misused their powerful positions with detrimental effects for consumers, as seen in multiple enforcement cases against big tech under different laws such as consumer, competition and data protection law. The proposed Digital Markets Act (DMA)[1], which would impose a number of obligations and prohibitions on digital "gatekeepers" resulting in rights for consumers is therefore a crucial instrument to ensure that in the future digital markets better serve the interests of Europe's consumers.

1. Summary

The DMA is designed to ensure contestable and fair digital markets throughout the EU single market, whilst preserving national law enforcement against digital market players outside the scope of the DMA. This is achieved through the imposition of obligations and prohibitions on large tech companies designated as "gatekeepers". These obligations and prohibitions would apply to gatekeepers' "core platform services" which include online search engines, social networking services, messaging services and operating systems.

The Commission's proposal for a DMA of 15 December 2020[2] has been improved significantly from the consumer perspective by the co-legislators' proposed amendments in the Council's General Approach adopted on 25 November and the Resolution of the European Parliament adopted on 15 December 2021 respectively. These amendments strengthen the gatekeepers' obligations, the enforcement of the DMA and the rights and protections of consumers. It will be essential to preserve the best amendments from both the Council and the European Parliament in the final text of the law. These include in particular:

- That the DMA is without prejudice to the application and enforcement of the EU consumer law aquis (Recitals 9 and 11).
- That the scope of core platform services includes virtual assistants (Article 2).
- That the obligations include interoperability for instant messaging and social networking services (Article 6.1.f).
- That certain obligations are strengthened to ensure their effectiveness as detailed below, including on the combination of personal data, no tying of payment services, installing and uninstalling of apps and the role of defaults (Articles 5 and 6).
- That the anti-circumvention provision is strengthened to explicitly preclude the use by gatekeepers of "dark patterns" and other behavioural or user interface design techniques to circumvent their obligations (Article 11/6a).
- That enforcement is optimised in terms of:

[1] Together with the proposed Digital Services Act (DSA).
[2] Proposal for a Regulation on contestable and fair markets in the digital sector (Digital Markets Act), COM(2020) 842 final of 15.12.2020.

- Ensuring that third parties with a sufficient interest have the right to be heard when enforcement decisions are taken (Article 30).
- Enabling consumers to collectively enforce their rights under the DMA though the provisions in the Representative Actions Directive (Article 37b).
- The Commission has all the requisite investigative tools to take decisions on non-compliance in a timely manner (Articles 15, 16, 29, 23, 25, 28).
- Where gatekeepers have infringed the DMA, that the remedies imposed on them are effective (Article 16).
- Member State authorities can assist and prompt enforcement by the Commission where relevant (Articles 32a and 33).

- That the DMA makes additional references to end users/consumers throughout.

Whilst swift adoption of the DMA is important to avoid prolonging harms caused by gatekeepers in digital markets, with the aim of the DMA Regulation entering into application by early 2023, it is nevertheless essential that the above key elements are preserved in the final legislative text.

Finally, it will be indispensable for the success of the DMA that the Commission has the right quantity and quality of resources to effectively enforce this new law (as proposed by Parliament's new Recital 78a).

2. BEUC Recommendations for the trilogue negotiations on the proposed Digital Markets Act

2.1. The position of consumers in the DMA

The Council and Parliament amendments strengthen the position and role of consumers in the DMA.

a. **References to consumers (end users):** Whilst the Commission's proposal for a DMA was a very good starting point to tackle the serious challenges posed by digital markets, the direct interests of European citizens as consumers or "end users" were insufficiently reflected in this proposal. This has **been rectified by the Council and the Parliament in several important amendments** which specify more clearly the consumer rationale of the DMA, and consumers' interests and rights:

Council:
Recitals 7, 36[3], 39, 41, 47a, 57a, 71a, Article 5(d), Article 5(e), Article 6(1)(c) and Article 10 now refer to end users.

Parliament:
Recitals 1 [AM 1], 8 [AM 5], 10 [AM 7], 36 [AM 21], 36 b (*new*) [AM 23], 39 [AM 26], 47 [AM 32], 52 a (*new)* [AM 35], 58 [AM 39], 65 a (*new*) [AM 45], and 77 c (*new*) [AM 55] now make an explicit further reference to consumers or end users.

End users or consumers are now also explicitly mentioned in Articles 1(1) [AM 59], 3(1)(b) [AM 78], 4(3) [AM 103], 5(1)(ca) (*new*) [AM 107], 5(1)(d) [108], 5(1)(ga) (*new*) [117], 5(1)(gb) (*new*) [Am235], 6(1)(c) [AM 122], 6(1)(h) [AM 130], 8(3)(2) [AM 143], 10(1a) (*new*) [AM 149], 10(2)(a) [AM 151], 17(2)(ba)

[3] Numbering of recitals and articles follows the numbers used in the Council's General Approach.

(*new*) [AM 175], 22(2a) (*new*) [AM 183], 24 a (*new*) [AM 187], 31 a (*new*) [AM 204] and 37 b (*new*) [AM 226].

The above references should be retained in the final DMA.

b. **Consumer law:** The amendments to **Recital 11** from both the **Council and the Parliament** and to **Recital 9 of the Parliament** make it clear that the DMA is **without prejudice to the application of consumer protection law**, notably the Unfair Commercial Practices Directive ("UCPD")[4] and Unfair Contract Terms Directive.[5] This is essential to avoid any risk of preclusionary effect and amendments to this effect should also be included in **Article 1**.[6] In addition to such amendments, we recommend following also **Parliament's text in Recital 11** [AM 8] insofar as this also makes it clear that the DMA is without prejudice to further legislation, notably on accessibility.[7]

c. **Consumer behaviour:** Last, but by no means least, the DMA amendments recognise the role that consumer behaviour will play in the success (or otherwise) of the DMA and propose measures to prevent gatekeepers from being able to misuse this to undermine the effectiveness of the DMA.

This is first evident in the recognition of the power of **defaults and pre-installation** of apps (**Council amendment to Article 6(1)(b), Parliament amendments to Recital 47** [AM 32], **Article 6(1)(c**) [AM 122] and in the **new Article 5(1)(gb)** [AM 235]**.** We recommend that all these amendments be retained, with the exception that the proposed new **Article 5(1)(gb)** ***only refers to search engines and browsers***. (See Section 3.3 below for further details.) In keeping with the principle underlying all these amendments, the reference to "pre-installation" in **Recitals 41 and 50** should consequentially also be deleted.

Second, and even more importantly, both the **Council and Parliament** explicitly recognise that gatekeepers must be prohibited from exploiting consumer behaviour, through the **use of "dark patterns" and other user interface design techniques, to circumvent and undermine the obligations imposed on gatekeepers** by the DMA (**Council amendments to Recital 60a and Article 11(1) and Parliament amendments to Recital 32** [AM19] and **Article 11/new 6a** [AM 152]). We recommend retaining these clarifications of the DMA's anti-circumvention provision which will be essential for the success of the DMA. We encourage supporting the **definition** of these user interface design techniques as set out in **Parliament's amendments**.

[4] Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council [2005] OJ L 149/22

[5] Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993, p. 29–34.

[6] See in this regard BEUC study "Consumer Protection 2.0. The Regulatory Gap: Consumer Protection in the Digital Economy", https://www.beuc.eu/publications/beuc-x-2021-116_the_regulatory_gap-consumer_protection_in_the_digital_economy.pdf page 38.

[7] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.

2.2. Scope of the DMA

1) **Scope of Core Platform Services and Definitions (Article 2 of the Commission's proposal)**

a. **Virtual assistants:** It is essential that the DMA covers virtual assistants as these devices will become ever more important for consumers and raise the same concerns as other digital devices. Whilst **both the Council[8] and the Parliament** include amendments to this effect, the **Parliament amendments** are broader. We therefore recommend that the decision-makers follow the new **Articles 2(1)(2)(fb)[9] and 2(1)(10)(b)** in relation to virtual assistants [AM 70] and the linked **Recital 13** [AM 10].[10]

b. **Ancillary services:** The definition of ancillary services in **Article 2(14)** involves an open-ended list, unlike the closed list of core platform services. As a result of this, **Parliament's amendment** to add a new **Recital 14a** [AM 244] to apply gatekeeper obligations also to ancillary services would raise significant enforcement challenges and could therefore undermine the effective application of the DMA. Ancillary services are already subject to specific provisions. We therefore suggest that this amendment is not pursued.

c. **Payment services:** Where the DMA refers to payment services, (in the definition of ancillary services in **Article 2 and in Article 5(e)** as amended by the Council), it should be clear that this term also includes in-app payment systems (as defined in the **Parliament amendment** in the **new Article 2(14)(a)** [AM 73] and linked **Recital 14** [AM 11]).

d. **Ranking:** The "ranking" provision should be expanded in a targeted manner to further core platform services. We therefore encourage supporting the amendments proposed by the **Council to Article 2(1)(18) and Recital 48**) since it is broader and would ensure a wider application of the prohibition contained in **Article 6(1)(d)** on the more favourable ranking of the gatekeeper's own products and services.

e. **Interoperability:** To avoid any lack of clarity and unnecessary challenges by gatekeepers after the adoption of the DMA and to ensure the concept is understood uniformly by gatekeepers, business and end users, it is important to define "interoperability".

f. **Consent:** Where the DMA refers to consent, this should be defined with reference to the **entirety of the GDPR** provisions related to the concept of consent and the related case law, **not** only with reference to **Article 6(1)(a)** of Regulation (EU) 2016/679 as proposed by the **Council amendments** to **Article 5(a) and Recital 36.** (See Section 3.3 below for further details.)

[8] Council **Recital 13**.
[9] And related amendment to **Recital 13** [AM 10 and 65].
[10] It is noted that the Parliament also suggests the inclusion of **web browsers** within the list of core platform services [AM 10, 64, 69]. This can also be supported.

2) Gatekeeper designation:

a. **Definition of monthly end users:** To ensure the appropriate scope of the DMA, the definition of end users to determine whether the quantitative gatekeeper threshold is met, should be no narrower than that currently set out in the Annex proposed by the Parliament (together with the references thereto in the **Parliament's amended Article 3** and related **Recitals 20, 21, 22**).

b. **Deadlines in Articles 3(3) and 3(7):** As suggested by both the **Council and the Parliament,** we recommend amendments to ensure that the DMA takes effect quickly and to avoid unnecessary delays: first, an undertaking providing core platform services should notify the Commission within 2 months (instead of 3) under **Article 3(3)** that it meets the gatekeeper thresholds [AM 85]. Second, as suggested by both decision-makers, [Parliament AM99] under **Article 3(7)**, the Commission should identify the relevant core platform services provided by the gatekeeper within the deadline under Article 3(4**)** for its designation decisions.

2.3. Gatekeeper obligations

BEUC welcomes that both the European Parliament and the Council have endorsed the European Commission's proposal that the DMA must contain self-executing obligations to ensure a prompt and speedy application of the new rules. BEUC therefore calls on the co-legislators to ensure this is the guiding principle when defining the content of the obligations in Articles 5 and 6.

1) Article 5

a. **Restrictions on the combination and cross-use of personal data:** It is important to ensure that personal data collected by gatekeepers through their core platform services cannot be combined with personal data collected from other gatekeeper services or third parties unless end users have given their specific consent in an explicit and clear manner, in accordance with the GDPR as suggested by the **Parliament's amendment to Article 5(a)** [AM 104] and the Council's further amendments to **Recital 36**, with the exception of the reference to individual articles of the GDPR which could reduce consent rights of consumers. The Council's amendment to Recital 36 and to Article 5(a) to refer only to selected articles of the GDPR rather than the GDPR in its entirety would not encompass all the provisions relevant to consent in the GDPR and its related case law. This selective approach should not be followed as it would lead to a reduced level of consent rights under the DMA in comparison with the GDPR. We recommend to not restrict the concept of consent in this way.

   If users decline to consent to the combination or cross-use of their personal data, gatekeepers should provide them with a less personalised version of their product or service, but this should not *otherwise* be of different or degraded quality. Therefore, we encourage supporting the **Parliament's amendment to Recital 36** [AM 21] **in combination with the Council's amendments to Recital 36** in this regard, and furthermore the **Parliament's new Article 6(1)(aa) and Recitals 36a and 36b** on targeted advertising [AM 22, 23].

b. **Prohibition of all price parity clauses:** To maximise consumer choice, gatekeepers should be prohibited from preventing their business users from offering end users better terms and prices via other channels than the gatekeepers', whether on third party websites or on the business user's own website. To this end, we encourage following the amendment to **Article 5(1)(b) and Recital 37 as proposed by the Parliament** [AM 105].

c. **No restriction on end user complaints:** It is important to add end users alongside business users in **Article 5(1)(d)** as suggested by both the **Council and Parliament** [AM 108] to ensure that both business and **end users** are not prevented or restricted from raising issues with the competent public authorities, including national courts, relating to the practices of gatekeepers. We encourage the adoption of the **Council reformulation** of this article.

d. **Prohibition on tying of identification and payment services:** Neither business nor end users should be forced to use the identification or payment services (defined to include in-app payment systems) of the gatekeeper since this would limit their ability to choose and use competing identification or payment services. Therefore, we encourage supporting the **Council's amendments to Article 5(1)(e)** and the linked **Recital 40**. Extending this prohibition to all ancillary services however risks being too broad leading to unintended consequences. This would, for example, preclude the provision of GDPR-compliant advertising in conjunction with core platform services as a means of financing these services which could have knock-on effects on product pricing for consumers.

2) Article 6

a. **Un-installing pre-installed apps, choice screens and default settings:** It is important for the contestability of certain core platform services that where these are pre-installed by the gatekeeper, end users are presented with a "choice screen" where they are prompted to choose to change the default settings for that core platform service to another option from among a list of the main third party services available. This has been shown to be necessary for search engines and browsers.[11] Therefore, we encourage supporting the **Parliament's amendment** replacing Article 6(1)(b) with a **new Article 5(1)(gb)** [AM 235] ***for search engines and browsers***. Forcing end users to choose for every pre-installed core platform service from among a list of the main service providers available would likely be considered inconvenient and burdensome by consumers. This requirement should not be imposed on end users absent an impact assessment in relation to each core platform service. The benefits to contestability (which are undoubtedly present for search engines (and browsers)) must be balanced against the burdens on consumers. Should such an impact assessment show that the benefits outweigh the burdens, the obligation in Article 5(1)(gb) could be extended to other identified core platform services (including via delegated act under Article 10).

[11] Commission decision of 18 July 2018, case AT.40099, *Google Android*; Commission Decision Commission Decision of 16 December 2009, case COMP/39.530 — *Microsoft (Tying)*.

In the case of all core platform services, end users should not be prevented from uninstalling any pre-installed apps. In this regard, **the substance of Article 6(1)(b) should be retained as amended by the Council addition** of "as easily as any software application installed by the end user at any stage, and to change default settings on an operating system that direct or steer end users to products or services offered by the gatekeeper".

b. **Installing of third party apps and app stores:** We recommend **supporting Article 6(1)(c) and related Recital 47a as proposed by the Council** to ensure that third party apps and third party app stores can be installed and interoperate with the operating system of the gatekeeper and that the gatekeeper duly justifies any necessary and proportionate measures it takes to ensure that third party apps and app stores do not endanger its hardware or operating system or to enable end users to protect security in relation to third party software applications or software application stores.[12] We also recommend including the **Parliament's amendment** to prompt end users to consider whether they want to make downloaded apps or app stores their default setting in **Article 6(1)(c) and Recital 47** [AM 32 and 122], not however the final addition in Parliament's amendments to Article 6(1)(c).

c. **No technical or other restrictions on end users' ability to switch apps:** We support the **Council and Parliament amendments to Article 6(1)(e)**, **Council's amendment to Recital 50 and Parliament's amendment to Recital 41** to prohibit gatekeepers from restricting in any manner the ability of end users to switch and use different apps or other services. [AM 28 and 124].

d. **No undermining of end users' rights to unsubscribe from core platform services:** End users should not be locked into subscriptions to core platform services or prevented from unsubscribing by gatekeepers making it unnecessarily difficult or complicated to unsubscribe. We support the addition of the **Council's proposed Recital 57a** and the **Parliament's new Article 6(1)(ea)** [AM 125] and **Recital 41** [AM 28].

e. **Interoperability of messaging and social network services**: It is essential for the contestability of messaging and social network services that gatekeepers offer to interoperate and interconnect with services offered by third parties to avoid end users being locked into a specific messaging or social network service due to their extreme network effects. To this end, we encourage supporting the addition of new **Article 6(1)(fa) and Article 6(1)(fb)** [AM 127 and 128] as proposed by the **Parliament** and the new **Article 10 (2a)** and linked **Recitals 52a and 57a** [AM 35, 38 and 151].

f. We would also recommend Council's amendments to **Recitals 54** (on data portability), **55** (data access) and **56** (search engine data).

g. **FRAND access for business users:** The potentially significant implications for effective enforcement of the DMA must be taken into account in any

[12] We do not consider it necessary to refer to EU data protection or cybersecurity law here as all market players must comply with these laws in any event. The same applies to Parliament's AM 126 in relation to **Article 6(1)(f).**

consideration of the expansion of **Article 6(1)(k)** beyond software application stores.

3) **Article 7**

a. **Burden of proof:** Gatekeepers should bear the burden of proof for their compliance with the DMA. BEUC recommends supporting the **Council's amendment to Article 7(1)** which stipulates this. However, we also support the **Parliament's amendment to the last sentence of Article 7(1)** [part of AM 134] to ensure that the measures implemented comply with **accessibility** requirements for persons with disabilities in accordance with Directive 2019/882.

b. **Specification dialogue:** Further specification under **Article 7** of obligations laid down in Article 6 must be **limited to** issues relating to ensuring effective and proportionate **compliance** with the obligations; the Commission shall have **discretion in deciding whether to engage** in specification dialogue; gatekeepers should provide the Commission with a non-confidential summary of the report describing in a detailed and transparent manner the measures implemented to ensure compliance with the obligations; We would recommend that these additions be made from the **Council and Parliament** amendments to Article 7 [AM 136].

2.4. Anti-circumvention

The **anti-circumvention provision (Article 11):** We support the **Council's amendments to strengthen Article 11 and new Recital 60a**. Such strengthening is essential in particular to ensure that gatekeepers cannot use behavioural techniques (so-called "dark patterns)" or other interface design techniques to undermine the effectiveness of their obligations under Articles 5 and 6. The amendments in this regard should however be further strengthened by reference to the **Parliament's definition** of such techniques in **Parliament's amendment to this Article** [AM 152] and to **Recital 32** [AM 19].

2.5. Merger control

Information on gatekeeper acquisitions: We support the **Council's amendments to Article 12, Recital 31** (and consequential **new Article 31(1a) and Parliament's amendment to Article 31(1) and (2)** [AM 204, 207]) to strengthen the information obligations on gatekeepers as regards their planned acquisitions. This will be important to avoid further entrenchment of gatekeeper positions. Nevertheless, to achieve the aims of this article, it is essential to also take on board the **Parliament's amendment to Article 12 (1)(1)** [AM 153] to broaden the scope of the information to **all gatekeeper acquisitions** within the meaning of the EU Merger Regulation (not only of "another provider of core platform services or of any other services provided in the digital sector"), given the ever increasing blending of digital and non-digital products and services.

2.6. Profiling audits

To ensure that information provided on profiling audits submitted to the Commission by gatekeepers can be used meaningfully, this should be made available publicly (respecting business secrets) and to the High Level Group of Digital Regulators. We therefore support the **Council's amendments to Article 13 and Recital 61,** as well the **Parliament's amendments to Article 13**, also to improve information standards and procedures [AM 158 and 159] and the linked **Recital 61** [AM 42].

2.7. Enforcement

Getting the enforcement of the DMA right will be critical to its success in practice. To ensure optimal enforcement, in addition to the recommendations above in relation to **Article 7**, BEUC recommends supporting the following European Parliament and Council amendments:

a. **Market investigation for designating gatekeepers:** To avoid unnecessary delay, the Commission should conclude its market investigation within 12 months as proposed by the **Parliament's amendments to Article 15** [AM 162, 163] and **Recital 62** [AM 43]. We therefore recommend following the Parliament's approach.

b. **Systematic non-compliance:** To more strongly deter gatekeepers from violating the DMA, systematic non-compliance should be found to have occurred when the Commission has issued 2 (rather than 3) non-compliance or fining decisions within the last 10 years (instead of 5). The Commission should be able to test necessary remedies to optimise their effectiveness and regularly review and change them where necessary. In case of systematic non-compliance, as part of the remedies available to the Commission, it should be able to restrict gatekeepers for a limited period from making acquisitions in certain areas to undo the damage caused by the gatekeeper's conduct or to prevent further damage to contestability of markets. Therefore, we encourage supporting the **Parliament's amendments to Article 16(1)** [AM 166] and to **Article 16(3)** [AM 169], but also adding a new **Article 16(1a)** [AM 167] and related **Recital 64** [AM 44] and a new **Article 16(6a)** [AM 173].

c. **Requests for information:** To ensure that the Commission has access to all relevant and necessary information in investigating compliance by gatekeepers with the DMA, it should be able to request access not only to data bases and algorithms of undertakings but also to records of testing conducted by gatekeepers, for example in relation to the use of behavioural techniques and interface design, and explanations on these. We therefore support the amendment to **Article 19(1) as proposed by the Parliament** [AM 176]. We also support the replacement of "data bases" with "data" as suggested by the **Council amendment to Article 19 (1) and (4)**.

d. **Conclusion of enforcement proceedings using commitments:** There may be circumstances in which commitments are a faster and more effective solution to the termination of an infringement of the DMA by gatekeepers – ***provided*** that interested third parties are properly consulted and involved in this process. In this regard, we would recommend retaining **Article 23** (as in the **Council's** General Approach).

e. **Deadline for non-compliance decisions:** To ensure swift enforcement, the Commission should adopt its non-compliance decisions with a legally binding 12 month deadline from the moment it opens proceedings. Therefore, we encourage supporting the **Parliament's amendment adding a new Article 25 (1a)** [Am 190].

f. **Limitation period:** We support the amendments of the **Council and Parliament to Article 28** [AM 200] to change the limitation period from 3 to 5 years.

g. **Right of third parties to be heard in enforcement decision-making:** To ensure that enforcement decision-making works in practice in the market, it will be essential for those affected by such decision-making to be given the right to be heard where they can show a legitimate interest. Past enforcement action in digital markets where only the gatekeeper has been consulted have too often failed to have the desired effect on the market. For this to occur under the DMA would fatally undermine its value. BEUC therefore recommends supporting the **Parliament's amendments to Article 30(1), (2), and (3)** [AM 201, 202, 203].

h. **Complaint mechanism:** We would recommend following **Parliament's** addition of a complaint mechanism to competent national authorities in **new Article 24a** [AM 187].

i. **National authority assistance:** BEUC supports amendments enabling relevant national enforcement authorities to assist, cooperate and coordinate with the Commission as the sole enforcer of the DMA, in terms of monitoring and evidence gathering, in particular, the **new Council Article 32a and related Recitals 75a, 75b, and 75c.** It should be up to each Member State to designate the relevant national authority(s) to assist the Commission with the enforcement of the DMA.

j. **Member States' right to request a market investigation and non-compliance proceedings:** Past experience has shown that Member State enforcers have played a vital role in identifying and terminating harmful conduct in digital markets. To utilise this expertise, the Commission should be required to open proceedings under not only Article 15, but also Articles 16, 17, or 25 where so requested by the competent authorities of at least two Member States, and only one Member State in the case of Article 16. To this end, we support the **Parliament's amendment to Article 33(1)** [AM 214] in preference to the similar but narrower amendments of the Council to Article 33 with the exception of the **Council amendment Article 33(1a)** requiring a request from only one Member State for the Commission to open an Article 16 investigation.

k. **End user enforcement of rights under the DMA:** The DMA should be enforceable in national courts by all those to whom it gives rights. To enable consumers to enforce their rights collectively, it must be added to the Annex of the Representative Actions Directive (Directive (EU) 2020/1828). This will also maximize deterrence against non-compliance and optimise enforcement. Therefore, BEUC strongly encourages supporting the addition of a new **Article 37b** and the linked **Recital 77c** as proposed by the **Parliament** [AM 226 and 55].

l. **Whistleblower Directive:** We would also recommend that the DMA be added to this Directive as suggested in the **Parliament's new Article 37a** [AM 225].

For more information on BEUC's position paper on the proposed Digital Markets Act, see https://www.beuc.eu/publications/beuc-x-2021-030_digital_markets_act_proposal.pdf

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