

**Meeting between Cabinets and European Magazine Media Association (EMMA) & European Newspaper Publishers' Association (ENPA) on the DMA**

**7 October 2021, 16:30 – 17:15**

Participants:

**EMMA & ENPA:**

EU: Mr Werner Stengg (Cabinet Vestager, Mr Anthony Whelan (Cabinet Von der Leyen) and Mrs Filomena Chirico (Cabinet Breton), (SG)

Summary:

At the request of EMMA & ENPA, a meeting was held to exchange on the state of play of the Digital Markets Act (DMA). The discussion focused on Article 6(1)(k) of the proposal:

*1. In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall*

*(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.*

argued that Article 6(1)(k) concerning fair and non-discriminatory access requirements should be extended to all gatekeepers, especially focused on search and social media monopolies. explained the importance of this extension, recalling the prominence of Google and Facebook for instance for the news consumption of young people. Access to these platforms should thus not be able to be based on conditions such as giving a free license to the platform.

also expressed concern that leaving large tech companies like Google and Facebook out of the scope of Article 6(1)(k) might give them an additional line of defense in potential future competition cases after the adoption of the DMA.

argued that an app store is also at its core a search engine with certain conditions for being listed and ranked, whether it is working with or without advertising. Article 6(1)(d) prescribes that ranking has to be based on fair and non-discriminatory conditions. However, the conditions of ranking are only importance once you have access to the platform. Furthermore, it does not cover third party cooperation.

The European Commission explained that for the moment, the Commission is waiting for the co-legislators' proposition on the text. The aim of the DMA is to be as clear as possible and create legal certainty. The clauses should be immediately applicable. Additionally, there are further obligations in Article 5 and Article 6, which lead to a situation of greater fairness. Lastly, platforms cannot argue that they are shielded from fairness requirements by not being explicitly mentioned in Article 6(1)(k).