

Subject: DMA: Paper by Prof. Hoepfner on extending fair and non-discriminatory access (6.1k) to all core platform services of the gatekeepers

Dear Anthony,

First, let me wish you a happy and healthy New Year!

I am following up today on our previous exchanges on the Digital Markets Act when we discussed why Article 6.1.k of the Digital Markets Act (DMA) on fair and non-discriminatory access conditions must be extended to all core platforms services, search engines and social media in particular. As the press sector, we believe that only fair and non-discriminatory access conditions to the gatekeepers' platforms in Article 6.1(k) of the DMA will ensure the fair and non-discriminatory distribution of the free press and media online.

In this context, please allow us to bring to your attention the attached paper by the renowned **professor Thomas Höppner** of the law firm Hausfeld providing substantive and conclusive legal arguments in favour of the extension of the obligation of Article 6.1(k) of the DMA beyond app stores to all core platform services of the gatekeepers.

Given that issues of unfair and discriminatory access conditions are a common feature of services of digital gatekeepers, this paper outlines why it is crucial that the obligations of fairness and non-discrimination in Article 6.1.k apply to all gatekeepers and how these obligations could and should take effect in practice. The accompanying Annex focuses on Gatekeeper's intermediation power, and the ways in which it can be tamed.

I hope you will find these documents helpful and look forward to any feedback or comments you may have.

Likewise, we would very much welcome a discussion with you on the DMA, at your earliest convenience.

Best regards,



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