

From: [SG COUNCIL](#)
To: [SG TRILOGUES](#)
Cc: [WHELAN Anthony \(CAB-VON DER LEYEN\)](#); [PAPANDROPOULOS Penelope \(CAB-VESTAGER\)](#); [DYRSKIOT Mette \(CAB-VESTAGER\)](#); [PIERGIOVANNI Michele \(CAB-VESTAGER\)](#); [STENGG Werner \(CAB-VESTAGER\)](#); [CHIRICO Filomena \(CAB-BRETON\)](#); [WERNER Elisabeth \(SG\)](#); [ROLLER Elisa \(SG\)](#); [BERNAERTS Inge \(COMP\)](#); [KLEINER Thibaut \(CNECT\)](#)
Subject: Flash report: Fourth and final trilogue on the Digital Markets Act, Brussels 24 March 2022
Date: jeudi 24 mars 2022 23:14:40

Fourth and last trilogue on the Digital Markets Act (2020/0347 COD) Brussels, 24 March 2022

Participants (physical)

European Parliament: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Council: [REDACTED]
[REDACTED]
[REDACTED]
European Commission: EVP Vestager; Commissioner Breton; P. Papandropoulos; M. Piergiovanni; M. Dyrskjot (Cab Vestager); F. Chirico (Cab Breton); DG Guersant; I. Bernaerts; [REDACTED] (DG COMP); DG Viola; T. Kleiner; [REDACTED] (CNECT); [REDACTED] (LS)
[REDACTED] (SG)

Flash report

In the fourth trilogue on the digital markets act the co-legislators reached a final agreement. All institutions hailed this as a historical moment for regulation of the online sphere, both in the European context and as a global reference point. The ultimate compromise package has been agreed following over 7 hours of discussions and encompassing a number of tradeoffs and new drafting across the text, many of them brokered by the Commission. The compromise notably includes (i) the 75 bn euro market valuation threshold for designation of gatekeepers; (ii) a list of interoperability requirements for messenger services, with some of these basic functionalities related to chats and voice and video calls entering into force with additional delays; (iii) the article on fair reasonable and non-discriminatory access conditions extended beyond app stores to cover also search engines and social networks, including references to alternative dispute settlement mechanism; (iv) side-loading provision with additional cybersecurity safeguards; (v) and a ban on narrow parity clauses. There was also an agreement on a revised article 16 covering behavioural and structural remedies for systematic non-compliance, including a possibility for a temporarily ban on acquisitions. Moreover, a new politically important recital on protection of children online was added on the request of the Parliament, in the context of article 5a on combining personal data. As part of the overall package there was also an agreement that the DMA will start to apply six months after its entry into force, as per the Council general approach. The final legal text, including recitals, will be subject to further legal scrubbing on the technical level.

Contact: [REDACTED] SG.D1