

**From:** [REDACTED]  
**Sent:** Friday, November 20, 2020 2:44 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Our notes on DuckDuckGo

Good afternoon,

I am sending you a summary of the conversation with DuckDuckGo.

Best regard,

[REDACTED]

**DuckDuckGo :**

- Welcomes the positive work on DMA but express concerns about the idea of black and white list.
- Points out the importance of enforcement in the design of the regulatory tools, because tech businesses are constantly looking for creative loopholes. Worries about the efficiency of the regulatory tool if the skills, staff and funding for enforcement are not adequate. Suggests that the some of the staff in charge of the enforcement should have an extensive business experience and technical expertise. In case of violations, the regulator should be able to react quickly and effectively.
- Considers that the key choice in regulation making is to either have precise rules and aim at a more automatic enforcement, or to have vaguer rules and more freedom for enforcement. They advocate the latter and consider that if we spend more time and effort building the monitoring and enforcement, the pay-off is bigger than spending more time on designing the rules, because no matter how precise we strive to make the rules, large companies will find ways to prove formal compliance with the rules, while acting against the spirit of the rules.
- Invokes the US FTC as an example of choosing to keep rules vague and high level (in privacy-related issues as an example) and focus on enforcement, but explains that for various reasons the FTC enforcement has not been effective.
- Considers that Google is overwhelmingly more powerful than competitors in terms of influencing Public policy. Google (and Facebook) recruit the vast majority of legal profiles available. Consequently, the smaller actors of the tech market are not able to defend themselves and counterbalance Google.

**Commission explained that:**

- an adequate enforcement structure for the regulation is part of the current talks. External consultants might also deliver the necessary expertise.
- the idea is to draw on expertise of national regulators in specific sectors, given the complexity of the issues, but enforcement has to include a strong central element at EU level.