

COOPERATION ARRANGEMENT
BETWEEN
THE DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY OF THE EUROPEAN COMMISSION ('DG CNECT'),
THE DIRECTORATE-GENERAL FOR COMPETITION OF THE EUROPEAN COMMISSION
('DG COMP')
AND
THE JAPAN FAIR TRADE COMMISSION ('JFTC')

Background

- (1) DG CNECT is the European Commission's Directorate General responsible for digital policies. DG COMP is the European Commission's Directorate General responsible for competition policy. DG CNECT and DG COMP are jointly tasked with the implementation of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector (Digital Markets Act)¹ ("Regulation 2022/1925"), through their respective Directorates; Directorate D "Online Platforms Economy" of DG CNECT and Directorate J "Markets and cases VI: Digital Platforms" of DG COMP, in particular to ensure that providers of designated core platform services comply with their obligations under this Regulation.
- (2) The JFTC is Japan's competition authority. The JFTC is tasked with the implementation of the Act on Promoting Competition for Specified Smartphone Software (Act No. 58 of 2024), also known as the Mobile Software Competition Act². In particular, the Office of the Counsellor for Digital Affairs within the JFTC is responsible for ensuring that providers of specified smartphone software comply with their obligations under this Act.
- (3) With this Cooperation Arrangement, DG CNECT and DG COMP, on the one hand and JFTC, on the other hand (hereafter "the Participants"), intend to cooperate through the exchange of information on matters relating to the application of their respective *ex ante* digital markets laws, that are the Digital Markets Act and the Mobile Software Competition Act respectively for which the Participants are the designated competent authorities.

Section 1: Objectives and Scope

- 1.1 The cooperation of the Participants should support the application of the Digital Markets Act and the Mobile Software Competition Act respectively, with a view to promoting contestability, competition and fairness, insofar as this aligns with the respective objectives of each Act.
- 1.2 The purpose of this Cooperation Arrangement is to establish a framework to cooperate through information exchange, to the extent permitted by applicable laws, on regulatory matters in relation to the Areas of cooperation listed under Section 2. The established framework should also facilitate the exchange of good practices, past challenges and experiences, methodologies and information about technical systems and tools.

¹ [OJ L 265 \(2022\), p.1.](#)

² https://www.jftc.go.jp/file/en/policy_enforcement/MSCA_tentative_draft.pdf

- 1.3 This Cooperation Arrangement does not concern the exchange of confidential information, including in relation to regulated companies as well as ongoing investigations, as set out in section 7. Information, other than publicly available information, communicated by a Participant to the other Participant under this Cooperation Arrangement should only be used by the receiving Participant for the purpose for which it was communicated by the disclosing Participant.

Section 2: Areas of cooperation

- 2.1 To pursue the objectives listed in Section 1, the Participants intend to cooperate through the exchange of information on regulatory matters in the context of digital markets, in particular in relation to the following specific areas of common interest:
1. The application of the Digital Markets Act and the Mobile Software Competition Act to digital platforms, including best practices and past challenges related to the implementation of the applicable provisions.
 2. Practices and tools for collecting and interpreting market intelligence in relation to the behaviour of designated digital platforms including through the use of technical auditing, insights from behavioural science, stakeholder feedback and/or structural market indicators.
 3. Investigatory tools and techniques and due process frameworks, including access to data, rights of defence, transparency obligations, and ensuring consistent treatment of regulated entities across jurisdictions.

Section 3: Modes of cooperation

- 3.1 The Participants may share with each other, in line with the applicable confidentiality rules set out in Section 7, information that may be of relevance to the other Participant, and that falls within the scope covered by this Cooperation Arrangement.
- 3.2 The Participants intend to carry out such cooperation through information exchange notably via scheduled and ad-hoc meetings (including in-person exchanges), technical expert dialogues on specific topics, joint training courses for staff, sharing of best practices, and may consider joint studies, staff exchanges and coordinated research projects.

Section 4: Contact points

- 4.1 The Participants should each designate a contact point to facilitate the implementation of the Cooperation Arrangement.
- 4.2 The initial contact points for the Participants are:
- [confidential]
- 4.3 The Participants are expected to address all written communications in connection with this Cooperation Arrangement to the respective contact points or to the respective delegates.
- 4.4 Each Participant is expected to notify the other Participant in writing of any changes concerning relevant administrative details, including its new contact point.

Section 5: Nature

5.1 This Cooperation Arrangement is not intended to create any rights or obligations under international or domestic law, and each Participant may discontinue the Cooperation Arrangement at any time.

Section 6: Funds and resources

6.1 This Cooperation Arrangement does not have any financial implications for either Participant, nor is it intended to constitute a basis for any funding of one Participant by the other and vice versa. Each Participant is expected to bear its own expenses incurred in relation to this Cooperation Arrangement, within the availability of appropriations.

Section 7: Confidentiality

7.1 The Participants are expected to treat as confidential any information, data, documents or other material (in any form) provided or received under this Cooperation Arrangement, in accordance with any law that may be applicable to such information, data, documents or other material. This is without prejudice to the understanding that this Cooperation Arrangement does not concern the exchange of confidential information.

7.2 Any confidential information, in particular business secrets, originating from investigated entities and third parties obtained under the Digital Markets Act and the Mobile Software Competition Act cannot be shared, unless the source of the information has expressly consented thereto.

Signed in two originals in the English language