

Consultation on the template for compliance report under the DMA

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The Commission is consulting on the template for the compliance report that designated gatekeepers will have to submit annually under Article 11 of the Digital Markets Act ('DMA').

Gatekeepers will be required to provide the Commission with their first compliance report within six months of their designation as gatekeepers. They will then be required to update these reports annually.

With the published consultation, the Commission is seeking feedback on the draft template that specifies the minimum information that the Commission expects gatekeepers to provide in their compliance report.

The gatekeeper's compliance reports will play an important role in enabling the Commission to verify that the gatekeepers comply with the obligations and prohibitions set out in Article 5, 6 and 7 of the DMA and that the measures implemented by the gatekeepers are effective in achieving the objective of the DMA. Where necessary, the Commission can make use of its investigatory and enforcement powers to ensure effective compliance with the DMA.

Target Group

All citizens, companies and organisations are welcome to contribute to this consultation. Contributions are sought particularly from undertakings, which are potential gatekeepers under the Digital Markets Act, as well as business users and end users of the potential gatekeepers and associations representing these users.

Objective of the consultation

The objective of the consultation is to gather comments on the draft template for the compliance report to be submitted by gatekeepers under Article 11 of the DMA.

In particular, the Commission would welcome feedback on the following two items:

- Precise indicators that the Commission could use to assess whether the measures implemented by the gatekeepers to ensure compliance are effective in achieving the objectives of the DMA and of the relevant obligations as required by Article 8 of the DMA; and
- content and presentation of the non-confidential summary of the compliance report that the gatekeepers must provide pursuant to Article 11(2) of the DMA in order to ensure that the summary enables third parties to provide meaningful input to the Commission on the gatekeeper's compliance with its obligations under the DMA.

The stakeholders' feedback will enable the Commission to prepare a finalised version of the template. The Commission may regularly update this template to request further information, which it expects gatekeepers to provide.

How to provide feedback

Please submit your contribution by 5 July 2023 (midnight). Your submissions should not include any confidential information. Your non-confidential submissions will be published on the Commission's website for the Digital Markets Act.

Your answers can be in any EU language.

Template for the compliance report

[DMA template - Compliance report consultation.pdf](#)

Your details

* Publication of your details

- ☒ I agree to the publication of my details along with my contribution
- ☐ My contribution should be published anonymously.

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* Your family name

* Your organisation

* Your email address

Your contribution

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3000 character(s) maximum

The European Hotel Forum welcomes the draft template put forward by the Commission for compliance reports to be submitted by gatekeepers pursuant to Article 11(2) of the DMA.

Compliance reports can be an effective tool in ensuring effective compliance with the obligations laid down in Articles 5, 6 and 7, particularly through the publication of non-confidential summaries, which allow third parties to assess whether the measures taken to ensure compliance with the obligations are effective, as referenced in Recital 68.

Effective compliance with the obligations is best ensured when it is implemented by design. Compliance by design, as required of gatekeepers pursuant to Recital 65, can greatly reduce the risk of circumvention. While the Commission may initiate proceedings for circumvention pursuant to Article 13 on its own initiative, and while the absence of circumvention practices can be difficult to capture in a compliance report, a requirement to include specific indicators of gatekeepers implementing compliance by design rather than merely through targeted measures would be helpful in assessing the risk of circumvention. This is particularly relevant when captured in the non-confidential summary, since third parties can contribute to assessing circumvention risks, given that circumvention practices can often be covert.

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Contact

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