

## **TEMPLATE FORM FOR REPORTING PURSUANT TO ARTICLE 11 OF REGULATION (EU) 2022/1925 (Digital Markets Act) (Compliance Report)**

**Date of last update: 9 October 2023**

**The Commission may regularly update this template to request further information which gatekeepers should provide. In particular, the Commission may require specific testing, or indicators and measures to verify whether a gatekeeper has demonstrated effective compliance with a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925. Gatekeepers should therefore refer to the latest version of this template available on the Commission’s website for the Digital Markets Act (see [link](#) here).**

**If the gatekeeper had previously submitted a Compliance Report, it shall highlight in the latest version of the Compliance Report and of the non-confidential summary the differences compared to the previous version of the Compliance Report and the non-confidential summary thereof (e.g., by submitting a redline version in addition to a clean version). For the avoidance of doubt, this extends to the relevant annexes to the Compliance Report submitted by gatekeepers.**

**The Compliance Report (including annexes), the non-confidential summary thereof and any underlying data should be provided in a machine-readable format, i.e., with searchable and recognisable text.**

**If the gatekeeper has a retention policy in relation to any document responsive to the requirements of this template or forming part of the Compliance Report, it shall disclose such policy to the Commission without undue delay.**

### **INTRODUCTION**

Pursuant to Article 8(1) of Regulation (EU) 2022/1925<sup>1</sup>, gatekeepers shall demonstrate effective compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925. Pursuant to Article 11 of Regulation (EU) 2022/1925, every gatekeeper shall provide the Commission, within 6 months after its designation pursuant to Article 3 of that Regulation, with a report describing, in a detailed and transparent manner, the measures that it has implemented to ensure compliance with the obligations laid down in Articles 5 to 7 of that Regulation (the “Compliance Report”), and with a non-confidential summary of that Compliance Report. Pursuant to Article 11(2) of Regulation (EU) 2022/1925, the gatekeeper shall update that Compliance Report at least annually.<sup>2</sup>

This template specifies the minimum information that gatekeepers should provide in the Compliance Report.

The Commission considers that the provision by a gatekeeper of true, correct and complete information listed in this template is necessary for its assessment of a gatekeeper’s

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<sup>1</sup> 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 and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance), OJ L 265, 12.10.2022, p. 1.

<sup>2</sup> A request for specification under Article 8(3) of Regulation (EU) 2022/1925 or the opening of specification discussions shall not free the requesting gatekeeper from submitting a Compliance Report covering the obligations subject to the specification request/process.

compliance with Article 8(1) of Regulation (EU) 2022/1925. Failure by a gatekeeper to provide such true, correct and complete information may influence the Commission's prioritisation in opening proceedings with a view to the possible adoption of a non-compliance decision pursuant to Article 29(1), point (a), of Regulation (EU) 2022/1925.

In order to demonstrate compliance as required by Article 8(1) of Regulation (EU) 2022/1925, the Commission expects gatekeepers to engage in a regular compliance dialogue with users of the relevant services and with the Commission, including an ongoing reporting to the Commission, in particular when new compliance measures are elaborated and put into place and/or when events impact gatekeepers' compliance with Regulation (EU) 2022/1925.

## SECTION 1

### Information about the reporting undertaking

- 1.1. Please provide the name of the undertaking submitting the Compliance Report (the "Undertaking").
- 1.2. Please provide the following information regarding the drafting of the Compliance Report:
  - 1.2.1. identify the individuals responsible for drafting the Compliance Report or parts thereof, specifying the role they hold within the Undertaking;
  - 1.2.2. provide contact details<sup>3</sup> of all external legal or economic counsel or external technical experts (together, "external counsel") involved in drafting the Compliance Report and whether they present guarantees in terms of independence, qualifications and absence of conflicts of interests, similar to the approval requirements for monitoring trustees under EU merger control.<sup>4</sup> Provide also the original written Power of Attorney for such representative(s) (based on the model Power of Attorney available on the Commission's website<sup>5</sup>).

## SECTION 2

### Information on compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925

**Information in this Section should be provided in separate and standalone annexes for each core platform service for which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925.**

<sup>3</sup> Please use the "eRFI contact details template" on the DMA website: [https://digital-markets-act.ec.europa.eu/about-dma/practical-information\\_en#templates](https://digital-markets-act.ec.europa.eu/about-dma/practical-information_en#templates).

<sup>4</sup> In order to assess whether external counsels meet or not these characteristics, please refer to the conditions for approval of monitoring trustees under EU merger control as set out in paragraphs 123 to 127 to the Commission notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004 (2008/C 267/01). There is no obligation under Regulation (EU) 2022/1925 that compliance should be monitored by external consultants meeting these conditions.

<sup>5</sup> Accessible here: [https://digital-markets-act.ec.europa.eu/legislation\\_en](https://digital-markets-act.ec.europa.eu/legislation_en).

2.1. For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>6</sup> please provide the following information:

2.1.1. The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *‘[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act’s Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.’*

2.1.2. An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>7</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation.

The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) an explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and

ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>8</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:

- a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;
- b) when the measure was implemented;
- c) the scope of the measure in terms of the products/services/devices covered;
- d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);
- e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data

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<sup>6</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>7</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commission requests this raw data.

<sup>8</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);

- f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>9</sup> consent forms,<sup>10</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>11</sup>);
- g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);
- h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;
- i) any consultation<sup>12</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high-level description of the topic of the consultation with those users/parties;
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the

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<sup>9</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>10</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>11</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

<sup>12</sup> This information should include a description of the methodology for the consultation.

recommendations made by the external consultants were not followed;

- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;
- l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;
- m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;
- n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;
- o) any type of market analysis or testing (in particular A/B testing<sup>13</sup>), business user surveys or consumer surveys or end user consent rates,<sup>14</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>15</sup>
- p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>16</sup>
- q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are *‘effective in achieving the objectives of this Regulation and of the relevant obligation’*, as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;
- r) any relevant data<sup>17</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU)

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<sup>13</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>14</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>15</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>16</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>17</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;

- s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;
- t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).

- 2.1.3. A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).
- 2.1.4. A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.
- 2.1.5. A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>18</sup>

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<sup>18</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the

- 2.2. A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer).<sup>19</sup> If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.
- 2.3. If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.

### **SECTION 3**

#### **Information about the compliance function and monitoring**

- 3.1. With respect to the compliance function provided for under Article 28 of Regulation (EU) 2022/1925, please provide the following information:
  - 3.1.1. a description of the role of the head of the compliance function in the preparation, drafting and approval of the Compliance Report;
  - 3.1.2. a description of the compliance function (including the composition, allocation of tasks, position within the Undertaking, reporting lines, activities in particular with respect to the elaboration and monitoring of the measures described in Section 2.1.2 and how the compliance function's role is explained in the Undertaking's annual report);
  - 3.1.3. contact details of the head of the compliance function, including name, address, telephone number and e-mail address and an explanation of how it is ensured that this person is an independent senior manager with distinct responsibility for the compliance function as required by Article 28(3) of Regulation (EU) 2022/1925;
  - 3.1.4. a list of any compliance officers other than the head of the compliance function, including an explanation of how it is ensured that they have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in Article 28(5) of Regulation (EU) 2022/1925; and
  - 3.1.5. an explanation why the Undertaking considers that the compliance function is

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Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

<sup>19</sup> Please use the "eRFI contact details template" on the DMA website: [https://digital-markets-act.ec.europa.eu/about-dma/practical-information\\_en#templates](https://digital-markets-act.ec.europa.eu/about-dma/practical-information_en#templates).

independent from the operational functions of the Undertaking and why the Undertaking deems it to have sufficient authority, stature and resources (e.g., budget, staff, etc.), as well as access to the management body of the Undertaking to monitor the compliance of the Undertaking with Regulation (EU) 2022/1925.

- 3.2 With respect to the strategies and policies for taking up, managing and monitoring the compliance with Regulation (EU) 2022/1925 as provided for under Article 28(8) of Regulation (EU) 2022/1925, please provide the following information:
- 3.2.1. a description of the content of these strategies and policies (including, e.g., information on internal staff trainings on compliance) and of any major changes compared to the previous periodic review by the Undertaking's management body; and
  - 3.2.2. copies of all related internal documents approved by the Undertaking's management body in their most recent periodical review and the date, list of participants and any agenda or minutes for the meeting during which these internal documents have been approved.

## **SECTION 4**

### **Non-confidential summary**

- 4.1. Provide a detailed, clear and comprehensive non-confidential summary of Sections 1 to 3 of the Compliance Report in line with the requirements in Article 11(2) and recital (68) of Regulation (EU) 2022/1925. The non-confidential summary must enable third parties to provide meaningful input to the Commission on the Undertaking's compliance with its obligations under Regulation (EU) 2022/1925. To this end, the non-confidential summary should:
- a) comprise self-standing texts that give a faithful comprehensive and meaningful picture of the Compliance Report's content. Information may be omitted in the non-confidential summary only if it constitutes the Undertaking's business secrets or if the information is otherwise confidential.<sup>20</sup>
  - b) follow the same structure as the Compliance Report, all headings should be visible, and all sections and sub-sections should be covered.
  - c) specifically for Section 2 of the present template, the non-confidential summary should be provided in separate and standalone annexes for each core platform service for which the

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<sup>20</sup> On the type of information which may be considered as 'business secrets and other confidential information' that the gatekeepers can take into account for the purpose of the 'clear and comprehensible non-confidential summary' that will be made 'publicly available' in line with recital (68) of Regulation (EU) 2022/1925, the gatekeepers can refer to the Commission's guidance in relation to antitrust and mergers procedures: [https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b\\_en](https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b_en); [https://ec.europa.eu/competition-policy/system/files/2021-03/guidance\\_on\\_preparation\\_of\\_public\\_versions\\_mergers\\_26052015.pdf](https://ec.europa.eu/competition-policy/system/files/2021-03/guidance_on_preparation_of_public_versions_mergers_26052015.pdf).



Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925.

- d) For confidential underlying numerical data, please include meaningful ranges, baseline level for indicators measured in absolute terms and/or aggregated data rather than redacting entirely.

The Commission intends to publish the non-confidential summaries on its website for the Digital Markets Act ([https://digital-markets-act.ec.europa.eu/index\\_en](https://digital-markets-act.ec.europa.eu/index_en)).

## SECTION 5

### Declaration

The submission and each submitted annex should conclude with the following declaration, which should be signed by the head of the compliance function on behalf of the Undertaking:

*‘[Name of the Undertaking], as a gatekeeper, declares that, to the best of its knowledge and belief, the information given in this submission is true, correct, and complete, that all estimates are identified as such and are its best estimates of the underlying facts, and that all the opinions expressed are sincere.’*

For digitally signed forms, the following fields are for information purposes only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

[signatory 1]

Name:

Organisation:

Position:

Address:

Phone number:

E-mail:

[“e-signed” / signature]