



## OBLIGATIONS APPLIED TO GATEKEEPERS

### Companies Designated as Access Controllers. And now?

Six months after the European Commission designated the companies considered to be gatekeepers, or access controllers, Alphabet (Google), Amazon, Apple, ByteDance (Tiktok), Meta (Facebook) and Microsoft, they now have to comply with the obligations and prohibitions arising from Articles 5, 6 and 7 of the Digital Markets Regulation (DMA).

#### OBLIGATIONS AND PROHIBITIONS IMPOSED ON ACCESS CONTROLLERS (ARTICLES 5, 6 AND 7)

The list of obligations and prohibitions that result from these articles have the main purpose of seeking to ensure the

contestability and fairness of markets in the digital sector.

Thus, these three articles are worded differently, with Article 5 having a set of self-executing obligations, unlike those listed in Articles 6 and 7, which may require a regulatory dialogue between the Commission and these gatekeepers in order to be implemented.

In the first instance, what is provided for in articles 5, 6 and 7 of the RMD is an *ab initio* application of the limitations imposed on these subjects, unlike what is provided for in competition rules, which impose punishments for anti-competitive

behaviour after it has already taken place.

As such, the result of these articles are fully self-executing obligations that seek to limit the behaviour of gatekeepers in the digital sector.

Thus, the main objectives of the rules in Articles 5, 6 and 7 are:

- Guarantee consumer freedom of choice;
- To impose limits on the extraction of data from end users and the promotion of access to and transmission of such data;
- Eliminate conflicts of interest and discriminatory behaviour among competitors;

- Promote transparency, especially with regard to the "harvesting" of end users' personal data.

#### FINAL NOTE

This month (March 2024), large digital platform companies began to be required to adhere to a long list of obligations and prohibitions, forcing them to significantly change the way they interact with consumers, business partners and competitors.

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