



Lamphills Digital Markets Act checklist

The Digital Markets Act (DMA) is a European Union legislative proposal aimed at regulating digital platforms with significant market power. While there isn't a specific checklist provided by the EU, here's a general overview of key provisions and considerations typically included in discussions about the DMA:

Definition of Gatekeeper Platforms: Determine whether your platform meets the criteria outlined in the DMA for being classified as a "gatekeeper," which typically involves assessing factors like user base, market share, and control over access to certain digital services.

Market Access and Interoperability: Assess whether your platform allows for fair and non-discriminatory access to its services for users and competitors and whether it facilitates interoperability with other services where applicable.

Self-Preferencing and Fair Competition: Review whether your platform engages in self-preferencing practices that may unfairly disadvantage competitors, and ensure compliance with rules regarding transparency and non-discrimination in ranking and displaying third-party products and services.

Data Access and Portability: Evaluate whether your platform provides users with control over their data, including the ability to easily access and transfer their data to other services, in accordance with the provisions of the DMA.

Market Investigation and Remedies: Be prepared for potential investigations by regulatory authorities to assess compliance with the DMA, including providing necessary data and information upon request. Develop strategies for implementing any remedies or corrective measures that may be mandated as a result of such investigations.

Notification and Reporting Obligations: Familiarize yourself with any notification and reporting obligations imposed by the DMA, including requirements related to notifying authorities of mergers and acquisitions that could affect competition in digital markets.

Fines and Enforcement: Understand the potential consequences of non-compliance with the DMA, including the possibility of significant fines and other enforcement actions by regulatory authorities.

Stakeholder Engagement and Public Consultation: Engage with relevant stakeholders, including other industry participants, consumer groups, and regulatory authorities, to provide input on the development and implementation of DMA regulations and to stay informed about any changes or updates to the regulatory framework.

Legal Review and Compliance Program: Conduct a comprehensive legal review of your platform's operations and practices to identify any potential areas of non-compliance with the DMA, and implement a robust compliance program to ensure adherence to regulatory requirements.

Monitoring and Adaptation: Continuously monitor developments in DMA regulations and guidance, and be prepared to adapt your platform's policies and practices as necessary to remain compliant with evolving regulatory requirements.