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Subject: Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act)
- General approach
- *Joint statement by the Danish, Italian, Portuguese and Spanish delegations*

Delegations will find attached a joint statement by the Danish, Italian, Portuguese and Spanish delegations on above-mentioned subject with a view to the Competitiveness Council meeting on 25 November 2021.

**PROPOSAL FOR A REGULATION ON CONTESTABLE AND FAIR MARKETS IN
DIGITAL SECTOR (DIGITAL MARKET ACT) – GENERAL APPROACH**

DENMARK ITALY PORTUGAL SPAIN JOINT STATEMENT

We support the Presidency's compromise text in order to reach the General Approach at the COMPET Council on 25 November 2021.

However, we strongly underline the need for improvements in order that the DMA is not watered down in the course of negotiations during the further procedure.

For instance, we believe that the scope of Article 6(1)(k) on FRAND conditions of access for business users has been unambitiously limited to software application store.

Recent cases have highlighted the persistence of a strong imbalance in the contractual relations between gatekeepers and business users also in relation to access to search engines and social network services, leading to unbalanced, unfair and potentially unjust conditions. These practices have shown a negative direct impact on business partners, undermining both the long-term contestability and the possibility of users' choice, as well as the full accessibility and quality of content.

We support therefore the enlargement of the scope of Article 6 (1) (k) to search engines and social network services.

We are confident that such request will be taken in due and serious account in the course of future negotiations.