

To: European Commission

24<sup>th</sup> September 2025

**RE: Consultation on the First Review of the Digital Markets Act:**

Dear Sir,

The Online Dating and Discovery Association (ODDA) is the global voice for the sector with a mission to create safe, responsible and enjoyable experiences for everyone. Representing nearly 500 brands worldwide, many of whom operate within the European Union, the Digital Markets Act (DMA) is a key piece of legislation that seeks to create a fairer and more contestable digital market by regulating large online platforms.

We would like to thank the European Commission for the opportunity to provide feedback on this important consultation and have summarised our response below.

**Do you have any comments or observations on the current list of core platform services?**

The ODDA broadly agrees with the current list of core platform services under the DMA which we believe is an important first step in tackling the dominance of ‘big tech’. However, we note that there has been considerable pushback from several gatekeepers which we feel could threaten the overall effectiveness of the DMA.

**Do you have any comments or observations on the designation process (e.g. quantitative and qualitative designations, and rebuttals) as outlined in the DMA, including on the applicable thresholds?**

We believe that the thresholds within the designation process provide a clear, measurable benchmark that reduces ambiguity and increases transparency. We also welcome the provisions within the DMA that allow the designation of a gatekeeper based on qualitative criteria if the thresholds aren’t met. This allows the Commission greater flexibility in addressing the risks from emerging platforms who have significant market control.

Furthermore, we think one of the main benefits of the DMA is that it allows the Commission to be proactive rather than the approach traditional anti-trust measures take that often focus on action post-violation.

In summary, we believe the Commission has established a robust starting point through the DMA for identifying gatekeepers with systemic market power. The designation of seven gatekeepers so

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far has set a strong foundation for DMA enforcement, pointing towards greater competition in areas like app distribution which is an important issue for our members.

**Do you have any comments or observations on the current list of obligations (notably Articles 5 to 7, 11, 14 and 15 DMA) that gatekeepers have to respect?**

We welcome the current list of obligations that gatekeepers have to respect, specifically Article 5 that seeks to prevent business users from having to use native systems. We do, however, have some concerns in relation to Article 6 (7) that requires gatekeepers to allow providers of services the same levels of interoperability and access to those provided by the gatekeeper, which we feel could be misinterpreted by gatekeepers.

**Do you have any comments or observations on the tools available to the Commission for enforcing the DMA (for example, whether they are suitable and effective)?**

Effective enforcement of the DMA is crucial to retain the trust and confidence of app developers and consumers alike. We feel that the tools available to the Commission are both suitable and effective. However, we do raise some concerns regarding the protection of whistleblowers which we do not feel provides enough protection to encourage app developers to come forward for fear of repercussions from big tech giants.

**Do you have any comments in relation to the enforcement to the DMA?**

While we are encouraged by the Commission taking enforcement action against big tech, we believe the fines imposed so far have been lower than we expected. We also note that there is limited evidence of compliance and question whether the DMA will be strong enough to open up the markets to small app developers.

**Do you have any comments or observations on the DMA's procedural framework (for instance, protection of confidential information, procedure for access to file)?**

We have no comments to make in relation to this question other than the point we make above about the importance of protecting whistleblowers.

**Do you have any comments in relation to the Implementing Regulation and other DMA procedures?**

We believe that the regulation provides clear procedural guidelines, timelines for compliance and processes for market investigations which helps companies understand their obligations and rights. However, we note that some of the procedural requirements may impose significant administrative costs on companies, particularly smaller firms who might struggle with compliance. This could inadvertently favour larger firms with more resources.

Furthermore, while we view the Implementing Regulation as a positive step toward curbing the power of digital gatekeepers, it operates within a complex ecosystem where balancing competition, innovation, and consumer protection is challenging. The EUs proactive stance is commendable, but the regulation's success depends on the effectiveness of its enforcement and its ability to adapt to evolving digital markets.

In summary, the Implementing Regulation provides a robust framework for DMA enforcement, with potential to enhance digital market fairness, but its bureaucratic demands and enforcement approach require careful monitoring to avoid unintended consequences.

**Do you have any comments or observations on how the gatekeepers are demonstrating their effective compliance with the DMA, notably via the explanations provided in their compliance reports (for example, quality, detail, length), their dedicated websites, their other communication channels and during DMA compliance workshops?**

We recognise and welcome some of the changes that have been implemented by gatekeepers following the implementation of the DMA. For example, Apple enabling sideloading on iOS to comply with DMA rules on opening up its ecosystem, thereby allowing developers to distribute apps outside the App Store.

We also welcome the move by some gatekeepers to give users more control over their data, including enhanced privacy settings and options to opt out of personalised ads which aligns with a key aim of the DMA to empower end-users.

**Do you have any comments in relation to the impact and effectiveness of the DMA?**

The DMA is clearly an ambitious regulation with tangible early wins in promoting competition. It has created opportunities for businesses operating in Europe by ensuring gatekeepers provide fairer data access and terms to third parties, potentially unlocking innovation in areas like app development and digital advertising.


We also recognise that the DMA has given users more choice and control and that the European Commission has been proactive in its application of the DMA, designating seven gatekeepers and launching investigations into non-compliance within months of the rollout.

In summary, we believe that the DMA has so far been broadly effective as a deterrent against gatekeeper abuses and has had a positive impact on market openness and consumer choice, but its full potential hinges on adaptive enforcement and avoiding overregulation. The review could solidify the EUs role as a global regulatory leader without the pitfalls of excessive intervention.

**Do you have any further comments or observations concrete examples on how the DMA has positively and/or negatively affected you/your organisation?**

We have no further comments to make other than we welcome the opportunity to provide further feedback to the Commission on the effectiveness of the DMA.

Your faithfully,



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**Chief Executive Officer**

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