

Alphabet and the DMA

Regulating the Most Designated Firm

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Google Android (OS)

Chrome (browser)

Google Maps

Google Shopping

Google Ads

Google Search

You Tube

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Chrome (browser)

Google Maps

Google Shopping

Google Ads

Google Search

You Tube

Rival **browsers and search engines**:

Choice screens & change defaults

Buy Google search data

New entry points for **apps**:

rival **app stores** & sideloading

Publishers and advertisers better informed:

voice and exit options improved

Alphabet has reduced data advantage

New **payment options**

Personal data sovereignty:

Control and portability

Other email providers than Gmail

How the DMA regulates

Multiple obligations converge – EG Rival Apps and App Stores

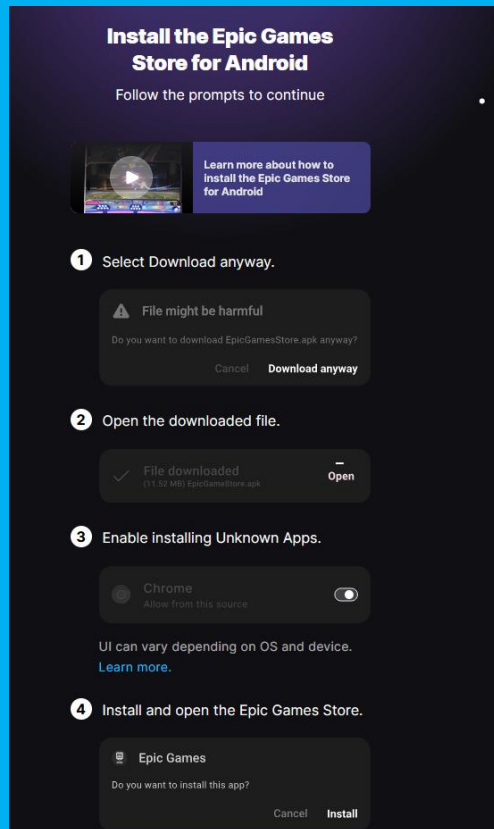
ENTRY POSSIBLE

- No tying two GK services (5.8)
- Uninstall apps, change defaults (6.3)
- Anti-steering blocked (5.4)

RIVAL APPS AND APP STORES WORK SMOOTHLY

- Ban on price parity clauses (5.3)
- Content purchased elsewhere usable on app (5.5)
- No tying browser with payment services (5.7)
- Interoperability of apps and app stores (6.4)
- FRAND conditions of access to app stores (6.12)

Should a mobile device work like a PC?



Limited Outcomes today – why?

Gatekeeper compliance is ineffective

- Malicious compliance (business users)
- Choice architecture is hard to design (CERRE)
- Regulatory uncertainty (gatekeepers)

Users aren't choosing

- Incumbent products better
- Do users know what a browser is?
- Gatekeepers scare users off

No big new product

- Expected gains too small?

Gatekeepers aren't competing (no Play Store on iPhones)

Securing Compliance: Arts 8 and 11

“The gatekeeper shall **ensure and demonstrate compliance** with the obligations laid down... measures... shall be effective

- in **achieving the objectives of this Regulation** and
- of the relevant obligation” [8]

“the gatekeeper shall provide the Commission with a report describing in a detailed and transparent manner the measures it has implemented to ensure compliance with the obligations” [11]

Dworkin v the legalistic child

Twining and Miers, *How To Do Things With Rules* (3rd ed 1994)

“Do not enter the larder to eat biscuits”

Child enters the larder, takes biscuits and eats them in his room

“Compliance makes my bed full of crumbs”, he complains

Dworkin: parents do not want me to eat biscuits and so I shall not

Make the text “the best it can be”

Dworkin v the legalistic child

Twining and Miers, *How To Do Things With Rules* (3rd ed 1994)

“gatekeeper shall not treat more favourably... services and products offered by the gatekeeper itself than similar services or products of a third party.”

Remove entry point for
maps

“Compliance makes
users unhappy”

Dworkin: add a button
where the user can pick
between Google Maps and
Bing maps and other maps
I can find

What is a search engine?

“Our search results are the best we know how to produce. They are unbiased and objective, and we do not accept payment for them or for inclusion or more frequent updating. We also display advertising, which we work hard to make relevant, and we label it clearly.”

The screenshot shows a Google search for "waterproof running jackets". The search bar is at the top with the Google logo. Below the search bar, there are tabs for "All Mode", "All", "Products", "Images", "Short videos", "Videos", "Forums", "More", and "Tools". The "All" tab is selected. Below the tabs, there are filters for "Woman", "Man", "Reviews", "Buy", "Usa", "Adidas", "The North Face", and "Under Armour".

The main content area is divided into two sections: "Sponsored products" and "Sponsored results".

Sponsored products: This section displays eight product cards. Each card includes an image of the jacket, the brand name, the product name, the price, the retailer, and a star rating. The products are:

- Kiprun Warm hardloopjack v... (€82.99, Decathlon, +€3.95 shipping, 4.5 stars (347), By Producthero)
- GOREWEAR Concurve Le4... (€215.96, GORE Wear UK, Free, By Producthero)
- Mizuno Waterproof 20K... (€143.96, All4running.nl, Free, By beslist.nl)
- Arcade 3L Lightweight... (€179.00, RevolutionRac..., Free, 4.5 stars (929), By Productcaster)
- Kiprun Warm hardloopjack v... (€82.99, Decathlon, +€3.95 shipping, 4.5 stars (347), By Producthero)
- Brooks High Point Waterpro... (€180.00, Brooks Running, Free, 4.5 stars (3), By Google)
- AGU Prime Regenjas... (€130.00, AGU.com, Free, 4.5 stars (12), By Channable)
- GOREWEAR Glidewheel Gor... (€160.97, GORE Wear UK, Free, By Producthero)

Sponsored results: This section displays two search results. The first result is from Salomon, titled "Officiële winkel van Salomon® | De kwaliteit van Salomon®", with a description "Bewegingsvrijheid en hydratatie: probeer onze drinksystemen voor langdurige prestaties." The second result is from All4running, titled "All4running", with a description "Voor 23u besteld, morgen thuis — De beste hardloopjassen voor ieder type hardloper. Gratis verzending vanaf € 50. Shop jouw hardloopjack online bij hardloopspecialist All4running. 60 dagen retourrecht." and a star rating of 4.6 from 2,430 reviews.

What is a search engine?

“a digital service that allows users to input queries in order to perform searches of, in principle, all websites ... on the basis of a query on any subject.”

Art 2(5) P2B Fairness Regulation (2019)

“Our search results are the best we know how to produce....”

Page and Brin, [2004 Founders' IPO letter](#) (2004)

“Search engines shape our understanding of the world by controlling what information we see and how we access it.

Herman and Zimmer, ‘Search Engines and Ethics’, [Stanford Encyclopedia of Philosophy](#) (2025)

Enforcement

In the books – behavioral remedies

- Non-compliance decisions – *gatekeeper to re-design product*
- Specification decisions – *EC designs product*
- Private enforcement (e.g. *GMX v Google*, 12 HK O 32.24)

In action: intense regulatory dialogues

- EC-GK; EC-business users/associations
- GK-business users-EC

“Alphabet now displays an improved choice screen... Commission continues to engage in regulatory dialogue with Alphabet regarding the roll-out of choice screens” (2nd DMA Report, 2025)

Perspectives

DMA tinkers at the edges

- Break up tech giants
- Suppress business models based on: automation, surveillance or digital advertising

Acemoglu and Robinson, *Power and Progress* (2023), p.405

DMA's potential to restore democracy?

Beyond conventional notions of market failure.... to encompass democratic deficits

- Informational plurality
- End-user empowerment
- Decentralization of communicative power

Zoboli, 'The DMA at the Intersection of Competition and Democracy'(2025)

Regulatory dialogue can function better

Commission

- Signal expected results more clearly to gatekeepers
- Suspend useless obligations

Gatekeepers

- More evidence of A/B testing
- Pro-user innovations are possible
- Duty to gather and provide data on a set of indicators?