# **DMA: New Season, New Plot Twists?**

**New Commission Decisions for Apple and Alphabet under the DMA** 

24 March 2025

After the Oscar-worthy performance in its opening act, the DMA series is back with a brand-new season, packed with twists, turns, and regulatory cliffhangers. On March 19, 2025, the European Commission stepped into the spotlight with two decisive moves: First, it handed Apple a script rewrite, demanding new specified measures to meet interoperability obligations under the DMA. Second, it preliminarily found Alphabet in breach of the DMA by self-preferencing in Google Search and enforcing restrictive steering rules in Google Play.

As the regulatory heat is turned up and the gatekeepers under the Commission's relent-less scrutiny, one thing is clear: the Commission isn't just directing this show – it's ready to play the enforcer's role with full confidence.

### Apple's Interoperability Challenge: A New Script for Innovation

In its latest plot twist for the Apple universe, the Commission has mandated concrete steps for Apple to enhance interoperability. They are part of the Commission's first specification decision, a less confrontational path than a non-compliance investigation. The goal? To open up key iOS and iPadOS functionalities, allowing third-party developers to bring more innovations into Apple's carefully curated ecosystem.

Rethinking interoperability, Apple's new script must focus on two key storylines:

- Connected Devices Apple must unlock nine critical iOS connectivity features, enabling third-party manufacturers to integrate their devices more seamlessly. This means better compatibility, a richer user experience and a more dynamic Apple ecosystem – all without compromising security or privacy.
- 2. A More Transparent Process Developers will now benefit from a clearer, faster, and more predictable approval process when seeking interoperability with iPhone and iPad features. Apple is required to streamline documentation, improve response times, and provide a structured review timeline.

While specification proceedings are not intended to sanction DMA breaches, the resulting measures still carry **legally binding** obligations. Apple must therefore roll out these changes according to the Commission's production schedule. Otherwise, Apple will risk finding itself in a non-compliance thriller with hefty penalties.

## **BLOMSTEIN**

#### Alphabet's Regulatory Cliffhanger: Can It Rewrite Its Ending?

Meanwhile, another tech giant finds itself in the regulatory hot seat. The Commission has dropped a bombshell preliminary finding: Alphabet's business practices may be in direct violation of the DMA. The two key allegations: Self-preferencing in Google Search and restrictive steering rules in Google Play.

#### The charges:

- Self-Preferencing in Google Search Under the DMA, search results must be fair and unbiased. Yet, the Commission suspects Alphabet of self-preferencing its own services in areas like shopping, travel and finance. Key concerns include the prioritization in search result ranks as well as the use of dedicated spaces, enhanced visuals and exclusive filtering tools that give Alphabet's services an unfair advantage.
- 2. **Unfair Steering Rules in Google Play** The Commission takes issue with Alphabet's restrictions that prevent app developers from freely informing users about better offers outside of Google Play. Alphabet is being accused of technically blocking certain forms of steering and charging fees beyond reasonable limits.

With the investigation reaching its climax, Alphabet now has a **narrow window to respond**. Will it tweak the script on time, or is a formal non-compliance ruling on the horizon?

## **DMA's Power Moves: The Key Rules in Play**

The latest regulatory drama revolves around three pivotal DMA provisions:

- Article 6(7) DMA (Interoperability Obligations): Requires gatekeepers to allow third-party developers to access and interoperate with key hardware and software features.
- Article 6(5) DMA (Self-Preferencing Prohibition): Prevents gatekeepers from giving their own services an unfair advantage in rankings and search results.
- Article 5(4) DMA (Anti-Steering Rules): Prohibits gatekeepers from restricting business users from directing consumers to alternative purchasing options outside their platform.

Violations can lead to eye-watering fines of up to 10% of global turnover, doubling to 20% for repeated infringements.

## **BLOMSTEIN**

#### What's next? A Season Finale or More Plot Twists?

With the Commission moving into action mode, the DMA's enforcement era is shifting into full throttle. Apple is on a tight deadline to implement the mandated changes or risk an even bigger regulatory storm. Alphabet, on the other hand, is racing against time to respond to the Commission's concerns before a final verdict is issued.

The DMA's latest enforcement actions also signal a shift in power dynamics, offering new opportunities for companies to push back restrictive platform practices. Whether it's challenging unfair search ranking, breaking free from steering limitations, or demanding better interoperability, businesses can now leverage these regulatory developments to level the playing field.

As the DMA script continues to unfold, one thing is certain: the Commission isn't bluffing. It's aiming for a fairer digital marketplace that balances innovation, competition and platform responsibility. With other tech giants watching from the wings, this regulatory drama is far from over. The continuation of investigations into the US tech giants shows that the Commission is not backing down on its big tech cases, despite tariff threats from US President Donald Trump.

<u>BLOMSTEIN</u> will continue to follow the latest twists and turns and stands ready to help business users seize new opportunities and assert their rights. If you have any questions about the DMA or digital regulation or if your company is looking to enforce your rights toward certain gatekeepers, <u>Anna Huttenlauch</u>, <u>Marie-Luise Heuer</u> and the entire competition team are happy to assist you.

BLOMSTEIN is specialised in European regulatory, competition and trade law. We provide legal support to our international client base on public procurement, international trade, antitrust, state aid, and ESG matters in Germany, Europe, and – through our global network – worldwide.

\* \* \*