

Consultation on the review of the DMA (Article 53 of the DMA)

Fields marked with * are mandatory.

The Digital Markets Act (DMA) is the EU's law to make the markets in the digital sector fairer and more contestable. To do so, the DMA establishes a set of clearly defined objective criteria to identify "gatekeepers" to which specific obligations apply. The DMA's obligations have been fully applicable since March 2024.

The Commission is consulting on the first review of the DMA that is due by 3 May 2026. The Commission will conduct subsequent reviews every three years and report on the results to the European Parliament, the Council and the European Economic and Social Committee.

Target group

All citizens, companies and organisations are welcome to contribute to this consultation on the review of the DMA. Contributions are sought particularly from business users (especially SMEs) and end users of the gatekeepers' digital services in scope of the DMA and associations representing these users.

Objective of the consultation

The objective of the consultation is to gather feedback and evidence on the effectiveness of the DMA so far in achieving its objectives of ensuring contestable and fair digital markets.

The Commission will use this stakeholder feedback, as well as other inputs, to prepare a report assessing the impact of the DMA so far and whether any measures are necessary following this assessment.

Under the DMA, there are four main aspects to be assessed by the Commission as part of the review procedure:

- whether the aims of the DMA of ensuring contestable and fair markets have been achieved;
- the impact of the DMA on business users, especially SMEs, and end users;
- whether the scope of interoperability obligation (Article 7 DMA) may be extended to online social networking services; and
- whether it is required to modify rules, including regarding the list of core platform services, the obligations laid down in Articles 5, 6 and 7 DMA and their enforcement.

How to provide feedback

Please submit your contribution by 24 September 2025, 23:59 (CEST).

Your contributions should not include any personal data or confidential information. Your contributions will be published on the Commission's website for the Digital Markets Act.

If you decide to have your contribution published anonymously, your name and surname (or the name of your organisation) and the transparency register number will not be published. Please ensure that your replies or comments do not contain any information that could disclose your personal information or name of organisation. Replies and comments will not be checked before publication, even if you have selected the anonymous publication option.

Your email address will never be published.

Your answers can be in any EU language.

Your details

* Are you replying in your personal capacity or on behalf of an organisation?

- ☐ In my personal capacity.
- ☒ On behalf of an organisation.

* Publication of your details

- ☒ I agree to the publication of my details along with my contribution (note that your email address will never be published).
- ☐ My contribution should be published anonymously (name of the organisation and transparency register number will be redacted, all other details will be published except for the email address which will never be published).

You can download here the Privacy Notice

[Consultation on DMA Article 53 privacy notice-rev.pdf](#)

* Email

laura.kancel@eraa.org

* Organisation

European Regions Airline Association (ERA)

* Type of respondent

- ☐ Gatekeeper
- ☐ SME
- ☐ Other type of business user

- ☒ Trade association
- ☐ Civil society association
- ☐ Law firm / Consultancy
- ☐ Academic
- ☐ End user
- ☐ Other (please specify below)

If you clicked "Other" above, please specify here:

* Do you have any relation or affiliation with any of the current gatekeepers (e.g. legal adviser, consultant, recipient of funding from a gatekeeper, contractual links, etc.).

- ☐ Yes
- ☒ No

* If you have one, please indicate your organisation's transparency register number.

No transparency register number

Your contribution

You can insert a text in response to the questions below and/or upload your contribution (or supporting documentation) using the button at the bottom of the consultation.

Your contribution should not contain any personal data or confidential information as it will be published on the Commission's website for the Digital Markets Act.

List of Core Platform Services and designation of gatekeepers

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

The European Regions Airline Association's (ERA) feedback focuses on the impact of the Regulation 2022 /1925, the Digital Markets Act (DMA), and more specifically the impact of Alphabet's (Google) compliance with the DMA on the regional airline sector. Our response does not cover other gatekeepers.

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?

Obligations

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?

Article 6.5 of the DMA prohibits the practice of self-preferencing by ensuring that similar services or products of a third-party benefit from the principle of equal treatment. On the other hand, article 6.12 ensures that business users get access to online search engines under 'fair, reasonable, and non-discriminatory' conditions. However, in the context of air ticket distribution, the distinction between actors who offer similar services to Google's services and actors who are only business users of Google's services is not clear and most of these actors operate in intertwined markets. Based on how article 6.5 is currently implemented, only Vertical Search Services (VSS) benefit from the principle of equal treatment: they offer air ticket comparison services, similar to the ones offered by Google Flights. On that basis, it is considered that, by nature, direct service providers, and notably airlines, do not offer similar services to those offered by Google since they do not compare flights. Airlines would therefore only qualify as 'business users' who benefit from the principle of fairness of access established in article 6.12. However, although airlines might not offer similar comparison services to those offered by Google, they offer similar services as to those offered by a certain type of VSSs: Online Travel Agents (OTA). OTAs allow consumers to search, compare but also book travel services and act as an intermediaries between direct suppliers and consumers. On the other hand, Meta-Search Engines (MSE), like Google Flights, provide price comparison services by aggregating search results but do not sell offers directly to the consumer. Consequently, OTAs and carriers are in direct competition in the air ticket distribution market. A recent survey from McKinsey & Company confirmed that, between 2016 and 2024, the share of bookings by value via OTAs increased, rising from 13 percent to 16 percent in North America, Europe, the Middle East, and Asia, which proves once again their increasing role in the air ticket distribution market. However, this distinction has never been considered in the application of the DMA which consolidates the two types of actors in the same VSS category. Pursuant to the application of article 6.5, OTAs' offers cannot be treated less favourably than Google's own products and will automatically benefit from visibility on the Google Search Engine for both their comparison services and their booking services. On the contrary, airlines, which offer similar booking services, do not have the certitude that their offers will be visible compared to their competitors' offers, since the principle of fairness solely covers access to platforms. It remains quite unclear what is the definition of 'fair, reasonable, and non-discriminatory' access conditions to the online search engine contained in article 6.12. Although this article is supposed to protect direct service providers, it leaves room for interpretation. Therefore, such implementation of the DMA risks creating discrimination in the air ticket distribution market and leading to an unfair competitive advantage for VSSs. Consequently, the way it is currently drafted, the DMA has unforeseen consequences that negatively impact direct suppliers. This issue should be addressed.

Do you have any other comments in relation to the DMA obligations?

Enforcement

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)?

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

While ensuring enhanced transparency appears to be one of the objectives of the DMA (recital 52 and 58), notably when it comes to gatekeepers' online advertising services and ranking of similar services, ERA members note a remaining opacity in the way Google operates. Greater clarity and transparency are required on the criteria used by Google to rank and display air ticket offers on its search engine. Therefore, ERA believes the transparency obligations imposed on Google should be further enforced.

Implementing Regulation and procedure

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

ERA fully understands that the European Commission shall not disclose business secrets or confidential information, however, we warn that the procedure for the implementation of the DMA has been very opaque for third parties who will end up being impacted by it. The non-confidential content of the preliminary findings should be disclosed as much as possible for the sake of procedural transparency.

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

Effectiveness and impact on business users and end users of the DMA

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?

It is positive that direct suppliers and, more specifically, regional airlines have been involved in the process of assessing Google's compliance with the DMA. It is necessary to have all actors of the air ticket distribution present when discussing the display of air ticket offers on the Google Search Page, and constant regional airlines' fair representation should be ensured. ERA notes that the whole compliance process has been lengthy. Opacity and lack of transparency often remain in the way Google demonstrates its DMA compliance, notably when it comes to developing designs for the display of air ticket offers on the Google Search Page. To this date, it is still unclear what are the data feeding the information provided on the page and algorithms used to rank and display both VSSs and direct service providers' offers. Access to further information and assessment of performance metrics is necessary for regional airlines and would enable better transparency in the whole compliance process. Also, additional information is required on the Google sponsored section and Google AI Overviews and Gemini algorithms.

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

The implementation of the DMA has had several negative consequences on regional airlines. Visibility on search engines is essential for our members, but the DMA has degraded it and ultimately has led to a decrease in direct bookings. Conversion rates have decreased and traffic has partially been redirected to third-party booking services. Consequently, airlines have been facing additional costs, such as booking fees and commissions paid to other distribution channels. This further increases regional airlines' dependence on such third parties and leaves them with less negotiating power over the contractual terms for the distribution of their own tickets. Also, AI travel search has led to reduced visibility for airlines, data asymmetry, and more intensive competition. Similar trends can be observed in the hotel industry, which has also been impacted by the DMA. Indeed, while observing the traffic volumes since the beginning of the roll-out of Google's proposals for a DMA-compliant solution in January, it was observed that in only 4 months there was a 30% drop in clicks to websites and a 36% drop in direct bookings in markets affected by DMA (Mirai, DMA implementation sinks 30% of clicks and bookings on Google Hotel Ads). Based on the many similarities on how both air ticket and lodging offers have been displayed before and after the adoption of the DMA and the roll-out of Google's proposed solution, we can only assume that a similar impact could be observed for the air ticket distribution market.

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

ERA would like to reiterate that the implementation of the DMA should not lead to unforeseen negative consequences on direct service providers by giving an unfair competitive advantage to VSSs while increasing complexity for the consumer experience. Any DMA compliant solution for the display of air ticket offers on the Google Search Page needs to fulfil the following conditions: - Direct suppliers' and VSSs' offers need to be visibly distinguished from each other with a clear and prominent display on the Google Search page, in order to bring clarity to the consumer and to ensure an essential fair representation for regional airlines on digital platforms such as Google. - Prices displayed must be live, accurate, based on data feeds, and associated with specific dates to reflect the reality of direct suppliers' offers. Such elements represent an essential component of the product sold by airlines. - Links displayed in the direct suppliers' box must be 'direct links', leading to the booking page for the dates and prices displayed on the search page to enhance the consumer's experience.

Additional comments and attachments

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

Optional – if you wish you can also upload an attachment to your contribution.

Contact

EC-DMA@ec.europa.eu

Contact

[Contact Form](#)