

EACA comment on European Commission proposal for a regulation on contestable and fair markets in the digital sector (digital markets act) (COM (2020) 842 final)

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The European Association of Communications Agencies (EACA) represents more than 2,500 communications agencies and agency associations from nearly 30 European countries that directly employ more than 120,000 people. EACA members include advertising, media, digital, branding and PR agencies.

We welcome the Commission's intentions to make sure that businesses operating and competing in the digital sector can do so freely and fairly.

We are pleased to note that one of the major concerns we raised in relation to the platform-to-business regulation has eventually been integrated into the present proposal (see [EACA position paper, 15 October 2018](#)). We explained that agencies rely on platforms' transparency to assess the success of campaigns and decide on investments. Therefore, it is crucial that platforms allow so-called third-party verification companies access to relevant data in order to measure the success of campaigns against a standardised set of criteria.

With regards to the present proposal, we would like to share the following comments with the Commission:

- We welcome Art. 6 (g) whereby platforms need to provide advertisers and publishers with access to performance measuring tools and information necessary to carry out independent verification of that ad inventory. We understand this to include also communications agencies that act on behalf of advertisers and place their ads online.
- Also, we would like to note that it is crucial for business partners and clients of platforms to have access to information that allows them to understand the price paid for each of the different ad services (Recital 42). We welcome that such free-of-charge and real-time access for business users and the use of aggregated or non-aggregated data has been included under Art. 6 (i).
- Regarding the same article, we welcome that business users will be able to obtain consent for such data access directly of their users, which will allow both sides to build a more meaningful, transparent and trusted relationship.
- However, it is important to keep in mind that some of the perceived concerns about digital services (e.g. related to privacy, transparency or ranking decisions,) may apply regardless of the size of the online platform or its business model. Several of the *ex ante* rules appear to be designed to address consumer harm independent of the gatekeeper or non-gatekeeper status of a platform. If this is indeed the case, the benefits to platform users would be maximised by ensuring a consistent application across all players in the sector.

We remain at your disposal for any further question related to the above and/or to the interaction between communications agencies and platforms.

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