

**From:** Eva Ljungbert  
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**To:** N Registrator  
**Subject:** VB: Florian Nehm, Axel Springer SE, Berlin / DMA: What EU publishers propose to fix some rather absurd gaps  
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**Från:** Nehm, Florian <florian.nehm@axelspringer.com>  
**Skickat:** den 15 oktober 2021 17:12  
**Till:** Eva Ljungbert <eva.ljungbert@regeringskansliet.se>  
**Ämne:** Florian Nehm, Axel Springer SE, Berlin / DMA: What EU publishers propose to fix some rather absurd gaps

Dear Ms Ljungbert,

I am the EU Affairs officer at the Axel Springer media group headquartered in Berlin. I work on issues related to EU regulation in close contact with the European publishers associations. I would like to get in touch with you in relation to DMA being negotiated in the Council working groups.

There is specially one big dangerous gap related to article 6-1-k that is causing alarm among publishers from Helsinki to Lisbon. Publishers do fear that if this is not fixed now in the Council working group, it will not succeed in the triologue either: The need to include **Prohibition of unfair access conditions for business users not only by 'App Stores' but by all core platform services such as search engines (Article 6(1)(k) DMA).**

To demonstrate the need to amend Art 6, the EU press publishers' associations have identified **nine cases** that refer to abusive access conditions imposed by gatekeeper platforms other than AppStores. These cases – probably important to share with still sceptic governments – therefore further highlight the absolute necessity to extend Article 6.1(k) DMA to all "core platform services":

Google (Search, News, Showcase and Discover):

1. Google (Germany) - Page 31
2. Google (France) - Page 34
3. Google News Showcase (Germany) - Page 39
4. Google Discover (Denmark) - Page 41
5. Google and Facebook (Australia) - Page 42
6. Facebook NewsTab - Page 45
7. Google Search (Features and Tools) - Page 17
8. Google Search (Google Ads) - Page 47

**Six key elements proposed by EU publishers for fixing DMA**

1. Prohibition of unfair access conditions for business users not only by ‘App Stores’ but by all core platform services such as search engines (Article 6(1)(k) DMA).
2. Obligation for Gatekeepers to participate in binding procedures to set a fair price (similar to Australian ‘bargaining code’); Article 6(1)(m) (new) DMA;
3. Prohibition of gatekeeper’s preferential “embedding” of separate own services as well as of preferential treatment of selected third-parties (Article 6(1)(d) DMA);
4. Prohibition to discriminate relevance-based generic search results in favour of paid search-advertising (Article 2(2)(18b) (new) DMA and Article 6(1)(d1) (new));
5. Prohibition of combining data from different own services with data from third parties (Article 5(a));
6. Inclusion of web-browsers as ‘core platform services since dominant web-browser is functioning as a gatekeeper; (Article 2(2)(i) (new) and Article 2(2)(10a) (new) DMA).

When would be a good moment to call you on this?

Many thanks and kind regards

Florian

Florian Nehm

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