



The Digital Markets Act (DMA):

Between European autonomy and transatlantic cooperation

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Summary

- Greece is seeking to unleash innovation and digitalization to stabilize its economy in the aftermath of the economic crisis and to recover from the pandemic.
- Greece is closely monitoring EU regulatory developments on digital affairs and adjusting its legislation accordingly.
- The proposed Digital Markets Act (DMA) is aligned behind the broader EU strategy of increasing European digital autonomy, an objective also endorsed by Greece.
- The DMA-related concerns of politicians, experts, representatives of the business sector and start-uppers are important and multifaceted, and ought to be taken into account in Europe (and Greece), especially with regard to the question of the DMA's allegedly negative impact on innovation.
- It is in the interest of the EU (and Greece) to strike a balance between the emphasis on regulation and 'gatekeepers' on the one hand, and the need for enterprises and start-ups to benefit from services provided by digital giants (often for free) on the other. Combining the above with the pursuit of European digital autonomy is a demanding task.
- Although the DMA does not directly impact on Greek companies, the country is hoping for a smooth evolution in transatlantic relations during the Biden Presidency, both generally and in technological affairs. Greek start-ups envisage a boost in their US presence.
- The DMA proposal is inevitably complex; more time may be required for some EU member-states, including Greece, to actively join the debate.

Innovation and digital transformation in Greece

Greece's economic transformation is heavily reliant on efforts to boost innovation. This process was seriously thwarted by the post-2010 economic and financial crisis and its repercussions. A 2016 study showed that the Greek economy lacked crucial innovative and internationally competitive industries, as well as large enterprises with high added value and sophisticated jobs. This was in contrast to the country's significant intellectual and scientific potential.¹ In 2017, Greece was placed 22nd and in 2018 20th in the EU Innovation Scorecard. According to the 2019 European Innovation Scoreboard, Greece was above the European average in 'innovators' and 'linkages' but lagged behind in terms of other indicators such as 'intellectual assets', 'finance and support', 'innovation-friendly environment', 'foreign doctoral students', and 'venture capital expenditures'.² In the 2020 and 2021 European Innovation Scoreboard, Greece is ranked 20th for both years, maintaining its lead in 'innovators' and 'linkages'.³ In 2021, it also performed better than the EU average in 'employment impacts' as captured by increased employment in innovative enterprises. However, Greece still lags behind in certain structural aspects. Most notably, 'top research and development spending enterprises per 10 million population' is consistently well below the EU average, as is the 'value added share of foreign controlled enterprises' and the 'share of employment in medium/high technologically advanced manufacture'.

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Following Greece's exit from the so-called bailouts in summer 2018, expenditures on research and development increased. According to the National Documentation Center's statistics on state funding for the period 2008–2018, the expenditure in question amounted to €1,141.62 million in 2018, the highest recorded in this 10-year period.⁴ Data from the provisional 2020 budget demonstrate a consistently upward trend, with the funds allocated to research and development reaching €1.586,4 million.⁵ However, the 2020 OECD survey for Greece shows that spending relates to the deployment of existing technologies and the purchase of machinery and equipment, rather than to scientific activities. The barriers to innovation, the same report asserts, include difficulties obtaining public grants or subsidies, in addition to the lack of internal and external finance. They also include difficulties such as weak links between industry, universities and public research institutes. As a result, the number of patents filed remains low.⁶

As far as Greek startups are concerned, a study by Enterprise Greece shows that startups are highly concentrated in specific sectors with relatively low profitability. Most of the startups operate in the industrial technology and production hardware category. Their main operation model is business-to-business with some business-to-consumer types. The majority of profitable startups (71.5 percent) earned less than €50,000 in 2018. This was the lowest figure among European countries. Of the rest, 14.3 percent earned an amount ranging from €50,000 to €150,000, and 14.3 percent had an annual revenue

¹ German Institute for Economic Research-diaNEOsis, *The Impact of Research on Greek Economic Growth*, November 2016, available at: https://www.dianeosis.org/wp-content/uploads/2016/11/research_policy_eng_final.pdf

² European Innovation Scoreboard 2019, available at: https://www.eurostat.eu/eurostat/elementos/ele0016800/european-innovation-scoreboard/inf0016823_c.pdf.

³ European Innovation Scoreboard 2020, available at: <https://ec.europa.eu/docsroom/documents/41921>. And European Innovation Scoreboard 2021, available at: <https://ec.europa.eu/docsroom/documents/46013>.

⁴ National Documentation Centre Annual Report 2018, available at: https://www.ekt.gr/sites/ekt-site/files/reports/AR_EKT2020_EN_0.pdf,

⁵ National Documentation Centre GBARD Index, available at: <https://metrics.ekt.gr/en/gbard>

⁶ OECD Economic Survey Greece, available at: <https://www.oecd.org/economy/surveys/Greece-2020-OECD-economic-survey-Overview.pdf>, July 2020.

“Greece’s economic transformation has coincided with an ongoing emphasis on digitalization. The coronavirus pandemic, in particular, has acted as an accelerator as several services were transferred into the digital realm.”

surpassing €150,000.⁷ A January 2020 National Bank of Greece report analyzed innovative activity in Greek manufacturing and considered it essential that future innovation endeavors by SMEs be supported, if Greece is to narrow the gap with other European countries.⁸ On the same wavelength, a 2020 EY survey shows that the majority of investors who were asked—38 percent in comparison to 25 percent in 2019—said that investments in innovation and high technology were important for Greece.⁹

Greece’s economic transformation has coincided with an ongoing emphasis on digitalization. The coronavirus pandemic, in particular, has acted as an accelerator as several services were transferred into the digital realm. The Greek state had to continue to operate under very difficult conditions, and to serve citizens and businesses remotely and safely.¹⁰ Thus, in 2020, Greece was among the fast-tracker countries, obtaining a high open data maturity score (85%) bettered by only Germany, Italy, Cyprus, Lithuania and the Netherlands.¹¹ In addition, the Ministry of Digital Governance presented a white paper for the years 2020–2025 which lays out a holistic digital strategy and outlines the guiding principles, strategic axes, and horizontal and vertical interventions that would lead to the digital transformation of Greek society and the Greek economy.¹² Companies operating in the private sector are following suit. When asked by *Found.ation* in a joint research project conducted in collaboration with EIT Digital, the majority answered that they recognize the importance of digital transformation, as 90.2% have either initiated or intend to activate a digital transformation roadmap immediately. In fact, a large part of their workforce is involved in relevant projects. Another interesting finding from this survey is that while, before the pandemic, 7 out of 10 Greek companies had only 25% of their workforce working remotely, since the outbreak of Covid-19, 6 out of 10 companies have more than 50 % of their employees working remotely.¹³

The Digital Economy and Society Index (DESI) from the European Commission paints a similar picture of Greece starting from a low base but exhibiting signs of future improvement.¹⁴ Over the last year, Greece has ranked second to last among the 28 Member States on the DESI. However, it has shown a considerable improvement in the Human Capital dimension, with a record high of 50 percent of individuals acquiring basic digital skills. Greece also accelerated its fast broadband (NGA) coverage (15pp) very rapidly, with further increases in speed expected as a result of the planned ultra-fast broadband infrastructure project. It showed most of its progress in the Digital Public Service component of the index, following the recent efforts made to digitize public services and administrative procedures.

The DMA and the objectives of the European Commission

Laying the foundations for an innovative and digital recovery, Greece continues to monitor the EU debate on data protection and align its legislation with European

⁷ Enterprise Greece, *The Greek Start-up Scene*, available at: https://www.enterprisegreece.gov.gr/files/pdf/startup2019/5-The-Greek-Startup-Scene_2019.pdf, June 2019.

⁸ National Bank of Greece, *Survey of Greek SMEs: Innovation*, <https://www.nbg.gr/en/the-group/press-office/e-spot/reports/smes-innovation-en>, January 2020.

⁹ EY Attractiveness Survey 2020, *Investments and Sustainable Development: Greece’s Readiness*, available at: [ey-attractiveness-survey-greece-2020.pdf](https://www.ey.com/Att/Investments-and-Sustainable-Development-Greece-Readiness) (in Greek).

¹⁰ Kyriakos Pierrakakis, ‘The Next Challenge for Greece,’ available at: <https://www.ekathimerini.com/opinion/1160964/the-next-challenge-for-greece/>, 13 May 2021.

¹¹ Open Data Maturity Report 2020, available at: https://data.europa.eu/sites/default/files/edp_landscaping_insight_report_n6_2020.pdf.

¹² See the White Paper, available at: https://digitalstrategy.gov.gr/vivlos_pdf, 2021 (in Greek).

¹³ *Digital Transformation in Greece 2020-2021*, available at: <https://thefoundation.gr/2020/12/21/digital-transformation-in-greece-2020-2021-report/>.

¹⁴ DESI country profile for Greece available at: https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=66915

“GDPR was an essential step toward strengthening the fundamental rights of individuals in the digital age. It functions as a tough privacy law that imposes obligations on organizations which collect data relating to people in the EU, wherever they are based.”

regulations. Greece has transposed the General Data Protection Regulation (GDPR) into national legislation by means of Law 4624/2019. Despite a lengthy delay, Law 4624/2019 entered into force on 29 August 2019.¹⁵ Subsequently, the Hellenic Data Protection Authority—as a constitutionally established independent public authority—was assigned to supervise the implementation of the GDPR. On the whole, GDPR was an essential step toward strengthening the fundamental rights of individuals in the digital age. It functions as a tough privacy law that imposes obligations on organizations which collect data relating to people in the EU, wherever they are based. Harsh fines await those who violate privacy standards.

In its effort to lead globally in the digital sector, the EU seeks to complement its GDPR initiative with additional regulatory schemes and to set global standards. In her 2020 State of the Union speech, European Commission President Ursula von der Leyen said: ‘We need a common plan for digital Europe with clearly defined goals for 2030, such as for connectivity, skills and digital public services. And we need to follow clear principles: the right to privacy and connectivity, freedom of speech, free flow of data and cybersecurity.’¹⁶ There is more to it than that. The concept of ‘technological’ or ‘digital sovereignty’ summarizes the European Commission’s goal of leading and achieving strategic autonomy in the digital field. According to a study conducted by the European Parliament, Brussels was driven to take concrete action by powerful concerns centered on the economic and social influence of non-EU technology companies, which threaten EU citizens’ control over their personal data and constrain both the growth of EU high-tech companies and the ability of national and EU rule-makers to enforce European regulations.¹⁷ In this regard, the European data strategy seeks to make Europe a leader in a data-driven society and to create a single market for data. The European Commission’s proposal for a data governance act was made public in November 2020.¹⁸

In December 2020, the EU went further and decided to update its digital toolbox, which dated back to the 2000s. As European Commissioners Margrethe Vestager and Thierry Breton put it in a joint op-ed at the beginning of that month: ‘With a clear and predictable framework for the single market, swift preventive intervention powers and the possibility to impose sanctions, [the EU will] be able to prevent harmful behavior before it even takes place’. They subsequently compared such a framework with traffic rules that ensure safe travel for everyone.¹⁹ Subsequently, the EU introduced two new draft regulations aiming at regulating content and services online: namely, the Digital Markets Act (DMA) and the Digital Services Act (DSA). In the view of the European Commission, the DSA and DMA have the potential to create a safer digital space in which the fundamental rights of all users of digital services are protected, and to establish a level playing field which will foster innovation, growth, and competitiveness, both in the European Single Market and globally.²⁰

The DMA is a European legislative proposal intended to spur competition in European digital markets. By updating the regulations for online intermediaries and companies

¹⁵ ‘Mapping the Changes in GDPR’, available at: <https://www.grant-thornton.gr/insights/article/n-4624-2019-personal-data/>, 15 November 2019 (in Greek).

¹⁶ European Commission website, State of the Union Address by President von der Leyen at the European Parliament Plenary, 16 September 2020.

¹⁷ Tambiama Madiaga, *Digital Sovereignty for Europe*, available at:

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI\(2020\)651992_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI(2020)651992_EN.pdf), July 2020.

¹⁸ Proposal for a Regulation of the European Parliament and of the Council on European Data Governance, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020PC0767&from=EN>, 25 November 2020.

¹⁹ Margrethe Vestager and Thierry Breton, ‘Putting Digital Services at the Service of Europeans’, available at:

<https://www.irishtimes.com/business/technology/putting-digital-services-at-the-service-of-europeans-1.4429042>, 6 December 2020.

²⁰ European Commission website, ‘The Digital Services Act Package’, available at: <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>, 2021.

“The DMA is a European legislative proposal intended to spur competition in European digital markets. By updating the regulations for online intermediaries and companies that host third-party content or sell third-party products, Europe is blazing its own trail.”

that host third-party content or sell third-party products, Europe is blazing its own trail.²¹ The lemma ‘gatekeepers’, which it includes, captured global attention. Gatekeepers are considered to be those companies that act as an important nexus between users, and have the potential to comprise unavoidable tolls on routes to certain markets and customers. That is because their digital services equate to sine qua non parameters for the digital presence and operation of users.²² European Commission research has demonstrated that such practices are more frequently implemented in eight ‘core platform services’: namely, 1) online intermediation services, 2) online search engines, 3) social networking sites, 4) video sharing platform services, 5) number-independent interpersonal electronic communication services, 6) operating systems, 7) cloud services, and 8) advertising services.²³ Although the European Commission has not mentioned companies by name, it has proposed criteria that apply to tech giants such as Google, Facebook, Amazon, Apple, and Microsoft among others, since they each provide a core platform service that has more than 45 million monthly active end users established or located in the EU and more than 10,000 active business users in the last financial year.²⁴ On June 1, 2021, German MEP and rapporteur Andreas Schwab released a draft report on the DMA proposal which placed the economic threshold at equal or above €10 billion over the last three financial years.²⁵ The initial DMA proposal had prescribed a turnover equal to or above €6.5 billion.

Stricter European regulations, if approved, is expected to push companies identified as gatekeepers into adjusting to a fairer and more balanced ecosystem. Among other things, the gatekeepers will have to allow third parties to inter-operate with their services in certain specific situations, permit access to data by business users themselves along with their collaboration with other business users outside the ‘Big Tech’ platforms, and provide concrete details about the quality analysis and evaluation of advertisements. The DMA intends to prevent an outcome whereby gatekeepers rank their products and services more favorably than those of third parties, require pre-installed software and applications to be retained, and lead consumers to link only to businesses on ‘Big Tech’ platforms.

A lively debate on DMA

The proposed DMA legislation has sparked a heated debate in Europe and the USA. A stricter legal framework has been openly welcomed by some EU member states, with Germany, France and the Netherlands—the ‘friends of an effective DMA’—fully supporting the proposal’s goals to ensure a fair and contestable single market for digital services, and calling for the introduction of a tailor-made remediation provision and the reinforcement of the role of national authorities in enforcing the proposed legislation.²⁶ French President Emmanuel Macron in particular, a strong supporter of the DMA,

²¹ Aline Blankertz and Julian Jaursch, *What the European DSA and DMA Proposals Mean for Online Platforms*, available at: <https://www.brookings.edu/techstream/what-the-european-dsa-and-dma-proposals-mean-for-online-platforms/>, 14 January 2021.

²² Julia Anderson and Mario Mariniello, ‘Regulating Big Tech: the Digital Markets Act,’ available at: <https://www.bruegel.org/2021/02/regulating-big-tech-the-digital-markets-act/>, 16 February 2021.

²³ Tambiama Madiaga, *Digital Markets Act*, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690589/EPRS_BRI\(2021\)690589_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690589/EPRS_BRI(2021)690589_EN.pdf), May 2021.

²⁴ Regulation of the European Parliament and of the Council on Contestable and Fair Markets in the Digital Sector (Digital Markets Act), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020PC0842&from=en>, 15 December 2020.

²⁵ Andreas Schwab, Draft Report on the Proposal for a Regulation of the European Parliament and of the Council Contestable and Fair Markets in the Digital Sector, available at: https://www.europarl.europa.eu/doceo/document/IMCO-PR-692792_EN.pdf, 1 June 2021.

²⁶ The Netherlands on the International Organizations website, Letter and proposal: Strengthening the Digital Markets Act and its Enforcement, available at: <https://www.permanentrepresentations.nl/permanent-representations/pr-eu-brussels/documents/publications/2021/09/9/strengthening-the-digital-markets-act-and-its-enforcement>, 9 September 2021.

“The proposed DMA legislation has sparked a heated debate in Europe and the USA. A stricter legal framework has been openly welcomed by some EU member states, with Germany, France and the Netherlands—the ‘friends of an effective DMA’—fully supporting the proposal’s goals to ensure a fair and contestable single market for digital services.”

appears to have linked potential progress in the relevant consultations not only with the rotating EU French Presidency in the first semester of 2022, but also with his efforts to be re-elected in May 2022.²⁷ The debate about ‘Big Tech’ and the EU’s regulatory responsibilities resonates and is popular in France.²⁸ Reportedly, many EU member-states need more time to clarify their positions on the European digital decade;²⁹ Greece falls into this category.

Several European actors have already shared their views. For their part, Europe’s national competition authorities believe the way forward to ensuring an effective and rapid implementation of the DMA should include its primary application by the Directorate General for Competition, a complementary option for its enforcement by national competition authorities, and the establishment of a mechanism allowing for close coordination and cooperation between these agencies.³⁰ Business Europe, for its part, agrees with the DMA’s goal of harmonizing rules and ensuring contestable and fair markets in digital spaces where gatekeepers are present.³¹ Furthermore, the European Publishers Council (EPC), together with a group of European media organizations, issued a joint statement welcoming the proposal and endorsing what they saw as provisions aiming at creating a fair, balanced and contestable digital market.³² Additionally, the European Economic and Social Committee believes that the DMA (and DSA) will together ‘form the keystone of a framework’ that will be perfected over years and applied consistently with other key digital EU policies.³³

Whether the goals set by the DMA will be achieved in its current form is a question that does not find all its stakeholders in agreement in Europe. The Dutch Startup Association, for instance, while applauding the general aims of the DMA, sees flaws in it that will hinder startups from growing into European tech champions. The association prescribes no stimulation for European platforms, and sees a risk in being suspicious *ex ante* about all mergers and acquisitions made by gatekeepers. As it explains, most startups often want to acquire or be acquired, and several growing European scale-ups became successful as a result of a merger.³⁴ This is a position shared by some Greek start-ups which envisage boosting their presence in the United States, but it has yet to be systematically voiced via a similar association or group.

From an American perspective, the DMA tends to generate skepticism. This skepticism is grounded in the European Commission seemingly viewing gatekeepers as major inhibitors of competition and innovation, without necessarily providing evidence of concrete market failure and/or reporting specific actions. The US Chamber of Commerce has expressed serious concerns about Brussels’ perceived intentions in penalizing US

²⁷ Charles Grant, *Macron’s Europe*, available at: <https://www.cer.eu/publications/archive/bulletin-article/2021/macrons-europe>, 1 June 2021.

²⁸ Laura Kayali, ‘France’s Plan to Rein in Big Tech (and Ireland and Luxembourg)’, available at: <https://www.politico.eu/article/france-ireland-luxembourg-big-tech-regulation-apple-amazon-facebook-google-digital-services-act-digital-markets/>, 27 May 2021.

²⁹ Luca Bertuzzi, ‘EU Countries Reject Strict Deadline for DSA, DMA’, available at: <https://www.euractiv.com/section/digital/news/eu-countries-reject-strict-deadline-for-dsa-dma/>, 12 October 2021.

³⁰ European Commission website, *Joint Paper of the Heads of the National Competition Authorities of the European Union - How National Competition Agencies Can Strengthen the DMA*, available at: https://ec.europa.eu/competition/ecn/DMA_joint_EU_NCAs_paper_21.06.2021.pdf, 22 June 2021.

³¹ Business Europe website, *Position Paper on the Digital Markets Act*, available at: https://www.busseurope.eu/sites/buseur/files/media/position_papers/internal_market/2021-05-21_pp_digital_markets_act.pdf, 21 May 2021.

³² European Publishers Council website, ‘European Media Organisations Issues a Joint Statement on the Digital Markets Act Proposal’, available at: 25 May 2021.

³³ European Economic and Social Committee website, Opinion by Emilie Prouzet, available at: <https://www.eesc.europa.eu/el/our-work/opinions-information-reports/opinions/digital-markets-act>, 27 April 2021.

³⁴ Dutch Start-Up Association website, ‘Digital Markets Act: The end of the startup runway?’ Available at: https://www.dutchstartupassociation.nl/digital_markets_act_the_end_of_the_startup_runway, 7 June 2021.

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companies that have made investments and maintain significant operations in the single market. It has called the DMA ‘particularly troubling.’³⁵ Google, for its part, argues that the DMA will perhaps make it harder to develop new products to support small businesses in Europe.³⁶ However, there is also disagreement among ‘Big Tech’ American companies: Facebook, for instance, has accused Apple of using its power to harm developers and consumers and has welcomed the European Commission’s proposals.³⁷ On the same wavelength, Microsoft has suggested that the DMA is poised to address the unique challenges presented by gatekeepers.³⁸

The DMA has also been analyzed by American think tanks and other experts, some of who argue that the ‘tech autonomy’ aspirations of the European Commission, couched in protectionist rhetoric, should be balanced against a potential internet dichotomy and a dampening of the environment for innovation in Europe.³⁹ Such criticism is partly derived from the 2020 decision of the Court of Justice of the European Union to invalidate the 2006 EU-US Data Protection Shield.⁴⁰ Other experts focus on what they claim to be Europe’s monolithic approach to regulating the internet.⁴¹ Others are concerned about DMA provisions which arguably put non-discrimination, free speech, and democratic participation rights in peril.⁴² Another study suggests that the DMA is likely to diminish the benefits to consumers by eliminating choices in the market and potentially raising the cost of certain products.⁴³ Generally speaking, it has become a commonplace observation in the international media discourse that many of Silicon Valley’s biggest companies could face fines under the proposed EU legislation.⁴⁴ Fines can equate to up to 10% of the company’s total worldwide annual turnover, with provisions for periodic penalty payments of up to 5% of their average daily turnover.

Transatlantic technology relations

Discussions about technology are a crucial part of transatlantic relations. The European Union and the United States represent 780 million people who share democratic values and the largest economic relationship in the world. Together, they lay the foundations of the world economy and the rules-based international order based on openness, fair competition, transparency and accountability that has been dominant since World War

³⁵ Marjorie Chorlins, ‘Transatlantic Relations: Convergence in Principle, Divergence in Fact?’ Available at: <https://www.uschamber.com/series/above-the-fold/transatlantic-relations-convergence-principle-divergence-fact>, 27 May 2021.

³⁶ Reuters website, ‘Instant View: US Tech Firms Face New EU Rules for Business Practices,’ available at: <https://www.reuters.com/article/us-eu-tech-rules-instant-view/instant-view-us-tech-firms-face-new-eu-rules-for-business-practices-idINKBN28P2CQ?edition-redirect=in>, 15 December 2020.

³⁷ Sam Shead, ‘Facebook Criticizes Apple as it Welcomes Europe’s New Tech Rules,’ available at: <https://www.cnn.com/2020/12/16/facebook-criticizes-apple-as-it-welcomes-europes-new-tech-rules.html>, 16 December 2020.

³⁸ Rima Alaily, ‘Microsoft Supports New Rules for Gatekeepers,’ available at: <https://blogs.microsoft.com/eupolicy/2021/05/03/microsoft-supports-new-rules-for-gatekeepers/>, 3 May 2021.

³⁹ Meredith Broadbent, *Internet or Splinternet? The Consequences of European Tech Sovereignty*, available at: <https://www.csis.org/analysis/internet-or-splinternet-consequences-european-tech-sovereignty>, 10 August 2020.

⁴⁰ Court of Justice of the European Union website, The Court of Justice invalidates Decision 2016/1250 on the adequacy of the protection provided by the EU-US Data Protection Shield, available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-07/cp200091en.pdf>, 16 July 2020.

⁴¹ Bruna Martins dos Santos and David Morar, Four Lessons for US Legislators from the EU Digital Services Act, available at: <https://www.brookings.edu/blog/techtank/2021/01/06/four-lessons-for-u-s-legislators-from-the-eu-digital-services-act/>, 6 January 2021.

⁴² Center for Democracy and Technology website, ‘Digital Services Act: Despite Good Intentions, Fundamental Inconsistencies Put Rights at Risk,’ available at: <https://cdt.org/press/digital-services-act-despite-good-intentions-fundamental-inconsistencies-put-rights-at-risk/>, 15 September 2020.

⁴³ Jennifer Huddleston, *The Digital Markets Act: A Primer*, available at: <https://www.americanactionforum.org/insight/the-digital-markets-act-a-primer/>, 7 April 2021.

⁴⁴ Mark Scott, Thibault Larger and Kaura Kayali, ‘Europe Rewrites Rulebook for Digital Age,’ available at: <https://www.politico.eu/article/europe-digital-markets-act-services-act-tech-competition-rules-margrethe-vestager-thierry-breton/>, 15 December 2020.

“In December 2020, the European Commission proposed the creation of the EU-US Trade and Technology Council (TTC) to facilitate trade, expand investment, develop compatible standards, boost innovation, and strengthen the members’ technological and industrial leadership.”

Two. Of course, partners do not always agree. During the Trump administration, disagreements between Brussels and Washington on climate change and global institutions, the JCPOA, the financial commitments of NATO member states, coupled with the former US President’s tendency to view the EU as a foe, brought transatlantic relations to a low. Joe Biden’s victory in the 2020 US presidential election was welcomed in Europe and seen as an opportunity to put the transatlantic partnership back on track.⁴⁵

In December 2020, the European Commission proposed the creation of the EU-US Trade and Technology Council (TTC) to facilitate trade, expand investment, develop compatible standards, boost innovation, and strengthen the members’ technological and industrial leadership.⁴⁶ The Council was established a few months later, in June 2021, as agreed at the EU-US Summit in Brussels. Among other things, the TTC will include working groups with agendas focused on technology standards cooperation, climate and green tech, ICT security and competitiveness, data governance and technology platforms, the misuse of technology as a threat to security and human rights, export controls, investment screening, promoting SMEs access to and use of digital technologies, global trade challenges, and critical supply chains. The EU and the US also intend to establish a joint technology competition policy dialog while committing to work together to ensure safe, secure and trusted cross-border data flows that protect consumers and enhance privacy protections while enabling transatlantic commerce.⁴⁷

The TTC met for the first time in Pittsburgh on 29 September 2021. It was co-chaired by European Commission Vice Presidents Margrethe Vestager and Valdis Dombrovskis as well as the US Secretary of State Antony Blinken, Secretary of Commerce Gina Raimondo, and the US Trade Representative Katherine Tai.⁴⁸ The DMA is one of the thorniest questions the TTC is posed to address. CSIS expert Meredith Broadbent argues that the TTC cannot succeed if the EU fail to take US concerns about a number of EU policies, including the DMA, seriously and either scrap their proposed actions or make substantive changes to them.⁴⁹ For his part, Tyson Barker from DGAP believes that European policies such as the DMA ‘empower Chinese rivals and limit the growth for EU tech companies.’⁵⁰ A similar approach is employed by Robert Atkinson in his analysis for the Information Technology & Innovation Foundation.⁵¹

Intensive dialog between Brussels and Washington is imperative. But the need for closer Euro-Atlantic unity is not necessarily inimical to the pursuit of European strategic autonomy,⁵² which is a vision Greece fully supports. In particular, European competitiveness in innovation, research and technology are important factors in

⁴⁵ George N. Tzogopoulos, *Whither Transatlantic Relations in the Biden Era?* Available at: <https://besacenter.org/wp-content/uploads/2020/11/1820-Whither-Transatlantic-Relations-Tzogopoulos-final.pdf>, 16 November 2020.

⁴⁶ Marcin Szczepanski, *EU-US Trade and Technology Council New Forum for Transatlantic Cooperation*, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698037/EPRS_BRI\(2021\)698037_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698037/EPRS_BRI(2021)698037_EN.pdf), September 2021.

⁴⁷ EU-US Summit 2021 – Statement, available at: <https://www.consilium.europa.eu/media/50758/eu-us-summit-joint-statement-15-june-final-final.pdf>, 15 June 2021.

⁴⁸ European Commission website, *EU-US Trade and Technology Council Inaugural Joint Statement*, available at: https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_4951, 29 September 2021.

⁴⁹ Meredith Broadbent, *Implications of the Digital Markets Act for Transatlantic Cooperation*, available at: https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/210915_Broadbent_Implications_DMA.pdf?xiVAF5jjSEdwaklvtNE3v2dSWIVdiUTG, September 2021.

⁵⁰ Tyson Barker, ‘Future US-German Ties Depend on Managing the Transatlantic Tech Relationship,’ available at: <https://thehill.com/opinion/international/563228-future-us-german-ties-depend-on-managing-the-transatlantic-tech#bottom-story-socials>, 15 July 2021.

⁵¹ Robert Atkinson, ‘Advancing US Goals in the US-EU Trade and Technology Council,’ available at: <https://itif.org/publications/2021/09/13/advancing-us-goals-us-eu-trade-and-technology-council>, 13 September 2021.

⁵² George Pagoulatos, ‘Strategic Autonomy for Europe in the Post-Trump Era,’ available at: <https://www.ekathimerini.com/opinion/259655/strategic-autonomy-for-europe-in-the-post-trump-era/>, 30 November 2020.

“Intensive dialog between Brussels and Washington is imperative. But the need for closer Euro-Atlantic unity is not necessarily inimical to the pursuit of European strategic autonomy, which is a vision Greece fully supports.”

achieving strategic autonomy.⁵³ While it is understandable that US negotiators will vigorously defend American economic interests, Brussels is looking to create opportunities for European tech companies. Brussels also expects Washington to take concrete action with regard to privacy protection. Although the USA disagrees with inhibiting data flows, the EU links its digital sovereignty with the capacity to store, extract and process data. This, Brussels asserts, is how the EU digital economy and competitiveness can be reinforced.

The European Commission is hopeful that DMA will spur innovation. Its core belief is that more competition will lead to more innovation. Against this backdrop, the proposal will help users of core platform services to keep their innovation incentives, and thus be able to deliver innovative product. One risk stemming from a policy of this sort are the potential barriers which extensive regulation could place on the operation of SMEs. The latter tend to rely on bigger platforms to start their business more rapidly and to reach out to consumers more easily. According to Google, many of its products (Search, YouTube, Maps etc.) are provided free of charge and create value for their consumers in Europe and beyond.⁵⁴ The importance of these Google services transcends potential business profits for SMEs to public administration. The urban planning commission in Greece, for example, makes extensive use of Google Maps to verify information provided by citizens.

“It is important to strike a balance between SMEs’ (often) problematic dependence on internet giants and the vast business opportunities these same SMEs would lose, or which would come as a higher costs.”

It is important to strike a balance between SMEs’ (often) problematic dependence on internet giants and the vast business opportunities these same SMEs would lose, or which would come as a higher costs. Such a balance would need to accommodate both Europe’s need to proceed toward digital autonomy and the digital giants’ appetite for greater profitability. Toward this end, it will perhaps be helpful for the EU to elucidate how the DMA will pave the way for new investments in research and development in information and communication technology in member states. Similarly, ‘Big Tech’ do have some grounds for complaining about being stigmatized. Regulation remains critical, but online platforms are constantly innovating to attract and retain users, investing enormous sums in research and development,⁵⁵ and the role of these platforms is essential.

Expecting collaboration

The public debate on the DMA has been rather limited in Greece. Notwithstanding the high level of support for European integration among Greek citizens, technical and obscure themes tend to be absent from the public agenda, which often reveals national mindsets. During the economic crisis, for example, the Greek reception of Europe was directly affected by its traumatic experience of austerity and recession.⁵⁶ Although the national economy has stabilized over the last three years, the salience of European topics remains limited. Greek newspapers, for instance, have devoted little space to the DMA—with the exception of the occasional announcement by the European Commission, or stories reproduced from the international news agencies. As far as the

⁵³ Raluca Csernaton, ‘The EU’s Rise as a Defense Technological Power: From Strategic Autonomy to Technological Sovereignty’, available at: <https://carnegieeurope.eu/2021/08/12/eu-s-rise-as-defense-technological-power-from-strategic-autonomy-to-technological-sovereignty-pub-85134>, 12 August 2021.

⁵⁴ Google website, *Google’s Submission*, available at: https://blog.google/documents/89/Googles_submission_on_the_Digital_Services_Act_package_1.pdf/.

⁵⁵ Joe Kennedy, *Monopoly Myths: Do Internet Platforms Threaten Competition?*, available at: <https://itif.org/publications/2020/07/23/monopoly-myths-do-internet-platforms-threaten-competition>, 23 July 2020.

⁵⁶ George Pagoulatos, ‘Reinventing Europe: Desperately Hanging on in Greece,’ available at: https://ecfr.eu/article/commentary_desperately_hanging_on_the_view_from_greece/, 11 October 2012.

“Looking ahead toward the future, it is in the interest of Greece to closely monitor the DMA debate and see differences between the EU and the USA being bridged.”

business sector is concerned, the DMA proposal does not directly impact on Greek enterprises, the average size of which is smaller than their average EU SME counterparts, let alone companies that can be identified as gatekeepers. Their understanding of the DMA remains fragmented and somewhat focused on the possible impact of the new legislative scheme on their collaboration with the gatekeepers as a means for reaching clients.

As Greece has returned to European normality after exiting the bailouts, it has striven to accelerate its post-pandemic recovery so that the economy finds itself in a better place than it did during the economic crisis. European economic assistance from the Recovery Fund and Greece’s participation in the Multiannual Financial Framework will amount to approximately €72 billion. The €32 billion sum to be released by the EU Recovery Fund is divided into €19 billion in grants and some €12.5 billion in loans. This sum will be disbursed on terms that are more flexible than the existing National Strategic Reference Framework (NSRF) allowing an EU member-state to receive structural funds. Digital transformation and economic competitiveness are key pillars in the implementation of both the Recovery Fund and NSRF.⁵⁷

Looking ahead toward the future, it is in the interest of Greece to closely monitor the DMA debate and see differences between the EU and the USA being bridged. The cross-border trade opportunities offered in the single market are appreciated by the country’s SMEs and start-ups, which are also looking ahead to strong transatlantic commerce and harmonious data flows in the digital age. Although Greece can hardly play the role of mediator or facilitator in transatlantic technology deliberations, it expects these deliberations to continue in good faith. Given that the Greek-American Strategic Dialog focuses *inter alia* on trade and investments, and that Greece ‘welcomes US interest in investment in various fields and, more particularly, in innovation and start-ups,’⁵⁸ transatlantic tensions and a difficulty to compromise emerge as possible but highly undesirable scenarios. Such is also the case when it comes to disagreements between member-states over the European digital decade and the DMA.

⁵⁷ *Kathimerini* English edition website, ‘Greek Recovery Plan to Focus on Green, Digital Transformation, Employment, Investments,’ available at: <https://www.ekathimerini.com/economy/259560/greek-recovery-plan-to-focus-on-green-digital-transformation-employment-investments/>, 25 November 2020.

⁵⁸ US Embassy in Greece website, Joint Statement Regarding the Second United States-Greece Strategic Dialogue 2019, available at: <https://gr.usembassy.gov/u-s-greece-strategic-dialogue-2019/>, 7 October 2019.