Reimagining interoperability: a proposal for horizontal obligations under the Digital Markets Act

23 September 2025

I. Executive Summary

Euroconsumers'[1] response to the European Commission's consultation on Article 7 of the Digital Markets Act (DMA) posits that while the regulation correctly identifies interoperability as a cornerstone for fostering contestable digital markets, its current vertical application to gatekeepers for Number-Independent Interpersonal Communications Services (NIICS) has not achieved the desired market transformation. Evidence suggests that despite gatekeepers' formal compliance, widespread interconnection by third-party services remains limited, indicating a fundamental limitation in the current framework. This suggests a strategic shift towards a horizontal interoperability obligation, applicable to all relevant market participants, to genuinely foster competition and user choice.

For what it concerns a potential extension of Article 7's scope to online social networking services, we highlight the complex technical, security, and privacy challenges inherent in such a move and it may not be advisable.

II. Introduction: the DMA and the promise of interoperability

Article 7 of the DMA specifically mandates gatekeepers providing Number-Independent Interpersonal Communications Services (NIICS), such as popular messaging applications, to make their basic functionalities interoperable with other service providers upon request and free of charge. This obligation is phased, initially covering end-to-end text messaging and file sharing between individual users. More complex functionalities, such as group messaging, voice calls, and video calls, are slated for interoperability within two and four years, respectively, from the gatekeeper's designation. A critical provision within Article 7 is the requirement to preserve the existing level of security, including end-to-end encryption, across all interoperable services. Gatekeepers are also obliged to publish a comprehensive reference offer detailing the technical specifications and general terms and conditions for interoperability. The longer timelines for implementing interoperability for group and calling functionalities directly correspond with the inherent technical and security complexities associated with deeper levels of communication integration, particularly concerning end-to-end encrypted services.

Interoperability is widely recognized as a fundamental principle for fostering competition and expanding user choice in digital ecosystems, drawing parallels to established standards in traditional sectors like telephony or email. Its core purpose is to dismantle the "walled gardens" created by dominant platforms, thereby preventing them from locking

[1] **About Euroconsumers:** Gathering five national consumer organisations and giving voice to a total of more than 6 million people in Italy (Altroconsumo), Belgium (Testachats/Testaankoop), Spain (OCU), Portugal (DecoProteste) and Brazil (Proteste), Euroconsumers is the world's leading consumer group in innovative information, personalised services and defence of consumer rights. Our European member organisations are part of the umbrella network of BEUC, the European Consumer Organisation. Together we advocate for EU policies that benefit consumers in their daily lives.

users into their proprietary ecosystems and enabling new services to compete effectively by overcoming powerful network effects. By allowing different services to seamlessly interact, interoperability can lower entry barriers for new market entrants, reduce switching costs for end-users and ultimately promote a more vibrant and competitive digital marketplace. The DMA's strategic focus on "gatekeepers" and their "core platform services" reflects an intention to target market "bottlenecks" to achieve systemic change, rather than broadly regulating all digital services. This targeted approach, while efficient for initial implementation, inherently limits the potential scope of interoperability benefits if non-gatekeepers are not also incentivized or obligated to participate in the interconnected ecosystem.

III. Assessment of current Article 7 implementation: a vertical limitation

The European Commission initially designated six gatekeepers on September 6, 2023: Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft. Among these, Meta Platforms, Inc. was specifically designated for its Number-Independent Interpersonal Communications Services (NIICS), namely WhatsApp and Messenger.

Compliance under art. 7 included the publication of a reference offer detailing the technical specifications and general terms for interoperability. Meta has indeed published a "Reference Offer" and "Developer Documentation Overview" for Messenger and WhatsApp, outlining the procedures for third-party applications to interoperate with their services.

Despite the gatekeeper's submission of compliance reports and the publication of reference offers, a notable absence of widespread, effective interconnection by third-party services has been observed. Critically, despite the DMA allowing any provider to request interoperability, there is limited public evidence of numerous smaller messaging applications successfully integrating with WhatsApp or Messenger. For example, Signal, a prominent privacy-focused messaging service, has explicitly stated its unlikelihood to interoperate due to paramount privacy concerns and its non-profit status. This situation illustrates that formal compliance by gatekeepers does not automatically translate into effective market contestability or widespread interoperability uptake. This suggests a fundamental limitation in the design or scope of the current obligation, rather than merely a question of gatekeeper non-compliance. The discrepancy between gatekeepers reporting compliance and the observed lack of widespread third-party integration indicates that the current framework, while compelling gatekeepers to offer interoperability, has not sufficiently addressed the practical barriers and disincentives for third parties to engage. This points to a structural issue where the market dynamics are not fundamentally altered by the one-sided obligation.

The current DMA framework places the obligation solely on gatekeepers to provide

interoperability: it explicitly states that "non-gatekeeper service providers of messenger services are not obliged to implement interoperability". This one-sided approach means that smaller competitors may lack sufficient incentive to interoperate if they perceive little added functionality beyond simply gaining access to their own users. This can lead them to prioritize service innovation and differentiation within their own ecosystems rather than investing in integration. Consequently, the "pull" from the market for interoperability remains weak, even if the "push" from gatekeepers exists. This regulatory blind spot regarding the incentives and capabilities of smaller, requesting parties means that while the "supply" of interoperability is mandated from gatekeepers, the "demand" from smaller apps is not effectively activated, leading to low actual uptake.

IV. The imperative for horizontal interoperability

The current vertical interoperability obligation, imposed exclusively on gatekeepers, has not fundamentally altered market dynamics to the extent required for true contestability.

On the contrary, a horizontal interoperability obligation would require all relevant market players, not just designated gatekeepers, to make their services interoperable with one another. This approach addresses the limitations of the current vertical model by creating a truly level playing field and ensuring that interoperability becomes a shared responsibility and a universal feature of the digital ecosystem.

By enabling seamless communication across services, horizontal interoperability promotes "competition for the market" by allowing innovative entrants to gain a foothold without the prohibitive necessity of replicating an incumbent's entire user network. This encourages service innovation and differentiation among all providers, as users can select services based on their unique value propositions, privacy commitments, or user experience, rather than simply where their friends are. This fundamentally shifts the competitive focus from user lock-in to service quality and innovation.

A horizontal mandate could spur innovation across the entire digital ecosystem, as companies would compete on features and quality rather than relying on proprietary lock-in. This is particularly beneficial for startups and Small and Medium-sized Enterprises (SMEs) by reducing significant entry barriers and addressing the "chicken-and-egg problem" of acquiring users without an existing user base.

Consumers would benefit from a wider array of services, the ability to switch providers effortlessly, and potentially improved quality and fairer prices as a result of heightened competition.

The current DMA Article 7, by focusing solely on gatekeepers, essentially creates a "supply-side" interoperability mandate without adequately stimulating "demand-side" adoption from smaller players. This approach fails to comprehensively address the core

market failure driven by network effects.

The paradox of interoperability, where it might reduce the incentive for users to multihome if one service can connect to all others, should be understood not as a flaw, but as a liberation from forced multihoming, allowing users to choose their preferred single service or multihome by choice. This represents a gain in user freedom and contestability. Furthermore, while mandating horizontal interoperability, particularly with common standards, could reduce the possibilities for differentiation among suppliers and potentially dampen incumbent incentives to innovate as proprietary advantages erode, it simultaneously has the potential to boost innovation from third parties by providing a stable foundation upon which to build. The optimal level of standardization is thus a critical policy consideration, ensuring that competition is fostered without stifling future advancements.

V. Extending interoperability to online social networking services

The European Commission is currently evaluating the potential extension of Article 7 of the DMA to online social networking services. This consideration is highly pertinent given that social networks exhibit market characteristics strikingly similar to messaging services, including powerful network effects, significant user lock-in, and the presence of dominant "gatekeepers". Users frequently find it difficult to migrate to alternative platforms without losing access to their established social connections, a barrier that actively impedes competition and restricts user choice. Expanding interoperability to this sector could substantially reduce the market power of these gatekeepers and create vital opportunities for the emergence of new social networking models. The increasing convergence of messaging and social networking functionalities, exemplified by WhatsApp's addition of audiovisual capabilities and Instagram's integrated messaging features, further reinforces the argument for extending Article 7. This functional overlap suggests that the initial legislative distinction that limited the scope of Article 7 is becoming less relevant in practice, as the underlying market dynamics and user expectations are already merging.

Unlike NIICS, where Meta (WhatsApp/Messenger) is the primary designated gatekeeper subject to Article 7, the social networking landscape already includes multiple designated gatekeepers, such as Meta (Facebook, Instagram) and ByteDance (TikTok). While X (formerly Twitter) successfully rebutted its designation, the presence of several large players already subject to DMA obligations could, in theory, mitigate some of the "single point of failure" or "dominant bottleneck" issues observed with messaging. Interoperability in this context would occur between multiple large networks, potentially leading to a more distributed and robust interoperable ecosystem and reducing the risk of any single gatekeeper dictating terms for the entire interoperable network.

Nevertheless, there are significant challenges that shouldn’t be underestimated, namely:

- **Technical complexities**: interoperability for social networks is considerably more complex than for basic messaging, encompassing a diverse array of functionalities beyond simple text and file exchange, such as personalized feeds, reactions, event management, rich content sharing, algorithmic ranking, comprehensive user profiles, and content discovery. Defining "basic functionalities" for interoperability while simultaneously preserving room for differentiation is a critical but inherently difficult task. A significant hurdle is the current lack of clear, universally accepted standards for these complex, interactive social interactions. The inherent complexity of social network features compared to basic messaging necessitates a careful definition of "basic functionalities" for interoperability. Overly ambitious mandates could lead to technical instability, security vulnerabilities, or a reduction in platform differentiation, while too narrow a scope might not achieve the desired competitive impact. This highlights a critical balance to strike between comprehensiveness and practical feasibility.
- **Security and privacy concerns**: extending interoperability to social networks, particularly those with end-to-end encryption, raises profound security and privacy challenges. Ensuring the preservation of encryption across disparate services, managing the secure exchange of personal data (e.g., user profiles, activity data), and preventing malicious actors from exploiting vulnerabilities in an open system are paramount considerations. This includes addressing concerns about impersonation, spam, harassment, and maintaining usability while rigorously safeguarding sensitive user information.
- **Content moderation**: interoperability significantly complicates content moderation efforts, as harmful or illegal content could flow seamlessly across interconnected platforms, making it exceedingly difficult to enforce platform-specific policies and legal obligations (e.g., under the Digital Services Act). The development of clear, harmonized mechanisms for cross-platform content flagging, removal, user blocking, and reporting to authorities would be essential to prevent the widespread dissemination of misinformation, hate speech, and other harmful content.

VI. Policy recommendations and next steps

To address the limitations of the current Article 7 implementation and to effectively extend interoperability to social networking services, a series of targeted policy recommendations are proposed. The ongoing consultation process itself underscores the EU's commitment to a dynamic and adaptive regulatory approach for the DMA, acknowledging that initial legislation may require adjustments based on real-world implementation and market evolution. This provides a critical opportunity to advocate for more fundamental changes like horizontal interoperability. Any expansion of interoperability requires a delicate balancing act between promoting competition, preserving security and privacy, fostering innovation and ensuring technical feasibility.

Specific proposals for amending Article 7 to mandate horizontal interoperability may

include:

- Broadening scope of obligation: article 7 should be amended to explicitly include a horizontal obligation, requiring all NIICS providers (not solely gatekeepers) to interoperate with each other. This would establish a reciprocal connectivity, ensuring that smaller players are both incentivized and, where necessary, obligated to participate in the interoperable ecosystem.
- Incentives and support for smaller players: mechanisms should be introduced to support smaller providers in meeting interoperability requirements. This could include providing technical assistance, offering clear and simplified guidelines, and potentially implementing financial incentives or reduced compliance burdens for SMEs. Such measures would directly address the resource asymmetry identified as a key barrier to effective participation.

VII. Conclusion

While Article 7 of the Digital Markets Act represented a crucial initial step towards fostering contestability in digital markets, its current vertical application has not fully unlocked the potential for genuine market interconnection and user choice. The observed low uptake by third-party messaging services, despite gatekeeper compliance, underscores the pressing need for a more comprehensive, horizontal interoperability mandate that applies across all relevant market players. This shift is essential for fundamentally altering market dynamics and ensuring that the DMA's objectives are truly realized.

On the contrary, extending Article 7 of the Digital Markets Act (DMA) to social networking services presents significant challenges and may not be advisable. The inherent technical, security, and privacy complexities of these platforms differ vastly from the services initially envisioned by Article 7. Applying this principle directly could lead to unintended consequences, potentially stifling the very innovation the DMA aims to foster.

Moreover, the nuanced interactions and vast amounts of user-generated content on social networks introduce unique complexities that a straightforward extension of Article 7 might not adequately address. Such a move could also create an undue burden on these platforms, especially smaller or emerging ones, hindering their ability to compete with established players.


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