
European Commission Consultation on the First Review of the Digital Markets Act.

Response from the American Chamber of Commerce Ireland
(AmCham) to the European Commission.

September 2025

The American Chamber of Commerce Ireland

The Voice of US-Ireland Business

The American Chamber of Commerce Ireland (AmCham) is the collective voice of US companies in Ireland and the leading international business organisation supporting the Transatlantic business relationship. Our members are the Irish operations of all the major US companies in every sector present here, Irish companies with operations in the United States and organisations with close linkages to US-Ireland trade and investment.

Introduction:

The American Chamber of Commerce Ireland (AmCham Ireland) welcomes the opportunity to contribute to the European Commission's consultation on the first review of the Digital Markets Act (DMA). Ireland, as home to many leading MNCs plays a unique role within the EU and as such experiences direct impacts of regulatory changes across numerous sectors of significant importance to the domestic and European economy.

AmCham Ireland, as the collective voice for US companies in Ireland, recognises the need for continued innovation and competition in the economy, at home and across the European Union, as critical to sustainable long-term growth within the EU. It is vital that regulation helps to unlock the potential of businesses, and the future investment these businesses will bring to the European economy. Conversely, it is of paramount importance that regulations within the EU do not hinder that growth through a lack of clarity, undue complexity, and unanticipated impacts.

While the principles of the DMA are well established, there exists significant concerns among the business community regarding the implementation of the DMA, and a range of unintended consequences directly flowing from the DMA.

These issues are resulting in sub-optimal end user experiences, lost revenue across the business community, in particular among SMEs, an undermining of EU competitiveness and innovation, and an opportunity cost to European growth from investor uncertainty.

In alignment with the sentiment contained within the Draghi Report, AmCham Ireland is of the view that regulations work best when they support the growth of businesses while providing the necessary safeguards. As such, the Commission should make the necessary adjustments to ensure the DMA is fit for purpose, works in conjunction with other pieces of EU legislation, and contributes to future economic growth.

Simplification:

In reviewing the DMA it is vital that the complexities and inconsistencies in processes and enforcement are addressed in order to negate negative impacts on EU consumers and businesses. It is important that this review, in conjunction with the introduction of new ongoing DMA impact assessments, identify and address obsolete regulations, compliment overarching simplification goals, and align the DMA with other EU legislation, particularly where these laws interlink, or impact upon intellectual property rights. Further, the Commission should ensure that tested and trusted approaches to

safeguard user security and privacy are considered in its interpretation ‘integrity’ and that related enforcement mechanism under the DMA do not conflict with complimentary policy goals or legal rights. A systemic and thorough assessment of existing DMA regulations and their effectiveness would provide for a proactive, efficiency driven approach.

Further, inclusion of the DMA in the Digital Simplification Package would allow for greater efficiencies to be achieved in the implementation of the DMA. By delivering clear guidelines for companies interacting with the DMA, greater certainty and clarity will be brought to the implementation process, avoiding delays, compliance issues, and lost economic growth.

By not addressing the concerns raised by businesses regarding the effectiveness and efficiency of DMA regulations, the European Commission risks hindering investment, with the DMA potentially causing more problems than it solves. This can result in inhibiting or delaying the launch of new innovative products and services in the EU. Through flexibility and simplification, however, the Commission can deliver a framework through which the EU and businesses can employ best practices, comply with robust safeguards, and benefit consumers across the bloc.

Competition and Innovation:

It is paramount that a legislative and regulatory environment that supports growth in the EU is achieved. In order to reach this goal, it is pivotal that legislation, such as the DMA, is clearly guided, with a fair and balanced playing field for businesses operating within the EU.

Fostering a pro-growth regulatory landscape will have direct benefits to consumers, SMEs and large companies alike, driving European innovation and creating a pathway for future investment and development in Europe. To ensure that this objective is attainable, a tailored approach must be adopted. It is clear that a ‘one-size-fits-all’ approach is creating significant imbalances in the operationalisation and implementation of the DMA and is having tangible knock-on effects for businesses and consumers. This has a deflating effect on European competition, innovation, and revenue streams.

A reduction in the number of targeted advertisements, demonstrable through the significant increase in advert dismissals, is having a disproportionate impact on SMEs in

the EU. Moreover, this is resulting in notable loss of potential revenue with some studies suggesting that this figure stands at €114 billion in annual business turnover for EU businesses. This further results in decreased onsite and offsite conversations, undermining the ability of SMEs to grow at scale and maintain international competitiveness.

It can be challenging for the European Commission to adequately consider the technical feasibility and the complexity associated with certain compliance solutions. This can have negative impacts on competition and innovation, and the Commission should recognise the engineering challenges created by the related short timelines. Further, the Commission should introduce mechanisms to facilitate detailed input from technical experts on specific aspects of the DMA implementation at all enforcement stages.

Concerningly, within the EU, there is growing number of product and service launches, and innovation related projects that have been delayed or cancelled due to the impacts and complexity imposed through the DMA. This is further compounded by the DMA's interlinkages with other regulations, giving rise to concerns over intellectual property rights. This once again results in a weakening of EU competitiveness and innovation with long-term economic implications and a sub-optimal user experience.

Adapting DMA regulations to more accurately reflect the diverse range of Core Platform Services will create a greater ability for companies to engage with regulations without resulting in a diminished end-user experience. This will enhance the competitive and innovative work companies are engaging in, in Europe. By focusing regulations toward innovation and end-user experience, in tandem with strong, efficient compliance processes, the Commission can facilitate a strengthening of the EU's competitiveness, and innovation output.

Artificial Intelligence and Cloud Computing

There exists significant concern over the potential negative effect that extending the DMA to cover AI and cloud computing technology would have on the development and competitiveness of these sectors.

At present, the AI landscape in the EU enjoys significant competition, growth and innovation. Significantly, the cost of AI tokens has fallen at a dramatic rate within the previous 18 months, making AI the most cost-depreciating technology to date. This

competitive sector, with low costs is driving new start-ups and removing entry barriers for businesses. This environment must continue to be developed and nurtured in order to reach its potential, intervention risks stifling positive growth and innovation in the sector and would jeopardise future investments, weakening the EU's position in the process.

The nature of the AI market is inherently resistant to inflexibility and entrenchment. Currently, there is a high degree of cooperation between established technology leaders and start-ups entering the market. Moreover, accepted market norms of non-exclusivity allow for multiple, concurrent strategic partnerships to operate without any evidence to date of anti-competitive harm resulting from this approach.

The growing role of specialisation is also demonstrating significant potential for the EU market, with start-ups focusing on specific sectoral solutions successfully scaling up alongside traditional leaders in AI. This is complemented by a diverse range of foundation models that allow developers to adapt to new or different models at low cost, contributing to continued efforts to innovate and launch world-leading solutions, and strengthening EU competitiveness.

With regard to cloud services, existing regulations, specifically those detailed through the Data Act, already encompass related matters. It is important that the DMA does not introduce tensions between different EU regulatory frameworks, and avoids duplication of regulations set out in existing law.

Extension of the DMA to cover AI and cloud computing would represent the introduction of greater investor uncertainty at a time when strong growth is being recorded. Further, such a move could hinder innovation and competition within the EU, while other nations outside the EU are strengthening these areas rapidly.

Compliance

In ensuring that compliance regulations set out in the DMA are implemented effectively and efficiently, it is vital that the Commission introduces a number of changes to procedures which will enhance clarity and timely resolutions. By developing clear and defined guidelines regarding compliance, the Commission can facilitate greater certainty among the business community that will ensure that safeguards are operational and not resulting in unintended consequences. In issuing this guidance, the Commission should clearly outline the specific circumstances in which the

Commission would initiate specification proceedings rather than infringement proceedings.

At present the Commission retains the right to interpret the DMA and existing processes have created inconsistencies within the implementation of DMA regulations and legal standards. This has resulted in moving compliance targets, as well as a lack of clarity among the business community as to their compliance priorities. Given that the Commission has a significant scope for discretion to determine what compliance should look like, with several obligations presenting practical and legal challenges, notably, obligations related to access and interoperability (Art. 6(7)), it is important that this should be technically proportionate and secure while also aligning to DMA requirements. This is compounded by the potential for large fines to be placed on businesses found to be uncompliant, underscoring the importance for greater clarity to be provided through consistent guidelines.

The development of an independent regulatory body would benefit both confidence in impartial, transparent processes, and provide greater certainty in the legal requirements on businesses. It is important that this would be coupled with meaningful, systemic engagement with other Commission stakeholders with relevant expertise, and also with National Data Protection Authorities, and related agencies within the EU.

By clearly delineating between formal inquiries and formal investigations, along with more targeted document requests, the Commission can further enhance the certainty of existing processes and avoid undue delays in compliance procedures. Moreover, establishing standard operating procedures at sign-posted intervals of the regulatory process could address concerns relating to uncertainty.

Enhancing mechanisms through which businesses engage in dialogue with regulators would yield significant benefits for the operation of the DMA, the business community, and consumers. Currently, restrictive timelines for compliance compels companies to act at pace; this risks the potential for solutions to be delivered under time pressure, when stronger solutions that enhance user experiences could be delivered under a more flexible timeframe.

Furthermore, development of processes in which businesses can seek an oral hearing, while also receiving full access to case files, can facilitate the appropriate avenue for organisations to defend their position, while also building greater cooperation and certainty within the system. Within this context, it is important that the Commission aligns DMA enforcement procedures with existing antitrust standards and provide predictable timelines for regulatory dialogue. Furthermore, the establishment of standard operating procedures (SOPs) at defined intervals of the regulatory process

would foster best practices from existing regulatory frameworks to be mirrored in DMA processes.

In regard to developing transparency within DMA enforcement, the Commission would benefit from the clarity brought by introducing independent, ongoing impact assessments with annual reporting mechanisms, for each non-compliance decision. Further, impact assessments for each enforcement action should be carried out, with particular attention to the impacts on affected businesses, the sector, and the broader economic impacts. Ultimately, by ensuring that alignment between the DMA and other existing EU laws is achieved before issuing non-compliance decisions, the publication of legally binding guidelines, and the defined hierarchy of DMA and EU laws, through a reformed High-Level Group, the Commission can increase efficiencies in DMA enforcement. This will allow the Commission to act more effectively by focusing on areas with demonstrated market failures and on areas with clear consumer, innovation, and competitive benefits.

As a consequence of a complex and administratively burdensome compliance process, and without clarity from the Commission regarding compliance priorities, businesses are increasingly allocating more time and resources to the compliance process. By delivering improvements in how these mechanisms are implemented, businesses can act with greater certainty and instead dedicate resources to growth and innovation, benefitting the EU's position as a competitive, innovative landscape.