

24 September 2025

Feedback of

ACT | The App Association  
(Transparency Reg. # 72029513877-54)  
Rue Belliard 40,  
1000 Brussels, Belgium

to the

European Commission

regarding the

Consultation on AI in the Context of DMA  
Review

## I. Introduction

ACT | The App Association (hereafter ‘App Association’) welcomes the opportunity to submit comments to the European Commission’s consultation on AI in the Context of DMA Review.

The App Association is a policy trade association for the small business technology developer community. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build incredible technology. Today, the ecosystem the App Association represents—which we call the app economy—is valued at approximately €95.7 billion and is responsible for more than 1.4 million jobs in the European Union (EU).<sup>1</sup>

While the App Association’s members are unlikely to ever be considered gatekeepers, their success is closely linked to a small and medium-sized enterprise (SME)-friendly implementation of the Digital Markets Act (DMA). The purpose of this document is to share the perspective of our member companies to help the Commission ensure, as it implements and enforces the DMA, that SMEs can continue to thrive and innovate in the app ecosystem.

## II. AI in the Context of the DMA Review

Artificial intelligence (AI) is becoming a foundational element of many digital services, shaping how users interact with technology and how businesses innovate. While its importance is undeniable, we caution against designating AI itself as a Core Platform Service (CPS) under the DMA. AI is not a standalone service, but a general-purpose technology and is used by SMEs to improve user experiences, increase productivity, and remain competitive.

We believe that designating artificial intelligence as a CPS would go beyond the original intent and scope of the DMA. It would also create significant legal uncertainty by applying obligations designed for platform gatekeepers to technologies that function very differently. Unlike app stores, operating systems, or search engines, AI is not a distribution channel or gatekeeping point. It is a horizontal, enabling capability that SMEs integrate to enhance their offerings and productivity, for example, by embedding generative AI into customer support, translation, design, or productivity applications.<sup>2</sup>

The AI sector is nascent, but already dynamic, highly competitive, and rapidly evolving. Across the entire AI value chain, competition and innovation are intense and unparalleled. Businesses in every industry are increasingly adopting AI to improve efficiency, foster innovation, and enhance productivity. The speed of AI advancements exceeds that of any prior technological development, creating tremendous opportunities for SMEs in Europe.

If AI were included in the scope of the DMA in the same way as app stores or search engines, this would create uncertainty and create complications for small businesses that integrate third-

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<sup>1</sup> See [https://actonline.org/wp-content/uploads/220912\\_ACT-App-EU-Report.pdf](https://actonline.org/wp-content/uploads/220912_ACT-App-EU-Report.pdf)

<sup>2</sup> See <https://www.mckinsey.com/capabilities/mckinsey-digital/our-insights/the-economic-potential-of-generative-ai-the-next-productivity-frontier>

party AI application programming interfaces (APIs) into their products. This would introduce increased costs, while also reducing access to AI tools, resulting in a slower adoption and implementation of AI systems into small businesses or avoiding using AI altogether due to uncertainty about obligations.

For example, an SME using generative AI for translation or customer support could face higher costs, reduced access, or contractual restrictions. This outcome would discourage SMEs from experimenting with and integrating AI and undermine the DMA's own objective of fostering competition and innovation.

Since AI functionalities are already subject to DMA rules when they underpin covered platform services, extending the DMA to treat AI itself as a CPS would create unnecessary obstacles to growth and competition. In addition, there is no indication that AI exhibits anti-competitive behaviour warranting intervention under the DMA, and adding AI as a CPS could hinder innovation and jeopardise the growth of Europe's emerging AI ecosystem.

### III. DMA Enforcement and SME Involvement

Enforcement of the DMA to date has created uncertainty for SMEs, as the regulatory requirements continue to change for gatekeepers.

Additionally, enforcement has led to delays in the rollout of certain tools and technologies, including AI features,<sup>3</sup> which are critical for SMEs to remain competitive at the global level. Such delays leave our members at a disadvantage compared to peers in other regions where regulatory barriers have not slowed access to innovation.

We recommend that the Commission establish a structured forum for SME developers within the DMA Taskforce to provide input on the effects of enforcement and to ensure that AI-related obligations remain proportionate. Such a forum would allow policymakers to understand the practical consequences for smaller companies while supporting innovation and consumer protection.

### IV. Conclusion

The App Association cautions against expanding its scope to include AI as a CPS. Enforcement should instead focus on implementing the DMA with safeguards that protect privacy and security while safeguarding SMEs' ability to adopt and innovate with AI. A predictable, transparent, and SME-inclusive enforcement process can ensure that the DMA supports, rather than hinders, Europe's leadership in AI-driven innovation.

Given the nascent and highly competitive nature of the AI sector, further regulatory intervention is unnecessary and risks slowing innovation. Policymakers should ensure that SMEs can continue to benefit from AI as a general-purpose technology, leveraging it to enhance products and services without facing disproportionate regulatory burdens.

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<sup>3</sup> <https://www.reuters.com/technology/artificial-intelligence/apple-delay-launch-ai-powered-features-europe-blames-eu-tech-rules-2024-06-21/>

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Sax', with a stylized flourish at the end.

Mike Sax  
Founder and Chairperson

Maria Goikoetxea Gomez de Segura  
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