

Response from the Online Dating and Discovery Association ("ODDA") to the CMA consultation on its guidance document under the Digital Markets, Competition and Consumers ("DMCC") Act

12th July 2024

The ODDA is the trade association recognised as the voice of the online dating and social discovery sector. We aim to facilitate a sector that is working on behalf of consumers, creating safe, trustworthy, and positive dating and social discovery experiences, while working on innovative solutions to challenges.

The ODA was founded in 2013 by leading dating services in the UK who wanted to create a body that would allow the sector to work together on standards and speak as one voice. Our Standards and Guidance reflect our members' shared commitment to users having an enjoyable, successful and safe experience. In 2024, the ODA relaunched as the ODDA, encompassing both online dating and social discovery services. Today our membership is international in nature with members and services across Europe, the US and the Far East.

The ODDA supports the strong and effective use of the CMA's powers under the UK's new digital markets regime and therefore generally supports the CMA's guidance document.

We set out below a few brief observations which we'd be very grateful if the CMA could consider when preparing the final version of its guidance document under the DMCC Act:

- **Equal rights for non-SMS firms:** we would support the inclusion of a broad principle of equal rights in terms of consultation, access to decision-makers, and the disclosure of data and other evidence for non-SMS firms.
- **Grouping together activities into a single destination:** we would support the CMA grouping together activities into a single designation where possible to avoid the risk that conduct requirements cannot be imposed as a result of a narrowly-drawn definition of the relevant activity in a prior designation decision.
- **SMS activities and non-SMS activities:** we would support the inclusion of additional wording in the guidance document to mitigate the risk of SMS firms obstructing the regime, including by moving conduct from an SMS activity to non-SMS activity.
- **Conduct requirements and pro-competitive interventions:** we would support the inclusion of further clarification of the difference between conduct requirements ("**CRs**") and pro-competitive interventions ("**PCIs**") in the guidance document, as well as an explanation of whether the CMA has a preference for one over the other.



- **Confidentiality:** we would support the inclusion of further reassurances to protect respondents' identities as well as their commercially-sensitive data, to avoid the risk of commercial retaliation from the SMS firms.
- **Statutory timetables:** we would support the CMA engaging with non-SMS firms in the period leading up to the clock starting given the tight deadlines included in the guidance document and the fact that non-SMS firms do not tend to have the same resources available as SMS firms do.
- International coordination: we would support there being an increased emphasis on international cooperation in the guidance document, including the possibility of the CMA explicitly stating it will work with like-minded agencies across the world to deal with the common issues faced across globalised digital markets.

We look forward to hearing from you.





The Online Dating and Discovery Association