



BYTEDANCE LTD.

TIKTOK (ONLINE SOCIAL NETWORKING SERVICE)

**DMA.100057; DMA.100058; DMA.100059; DMA.100114; DMA.100138;
DMA.100139; DMA.100153; DMA.100155; DMA.100162; DMA.100170;
DMA.100171; DMA.100221**

Compliance Report (Non-confidential Version)

**under Article 11 of Regulation (EU) 2022/1925 of the
European Parliament and of the Council (Digital
Markets Act ("DMA"))**

CONTENTS

List of non-confidential Annexes.....	3
Section 1	4
1. Information about the reporting undertaking	4
Section 2	6
2. Information on compliance with the obligations laid down in Articles 5 to 7 of the DMA ..	6
Section 3	6
3. Information about the compliance function and monitoring	6

LIST OF NON-CONFIDENTIAL ANNEXES

Annex 2	Compliance with Articles 5 to 7 of the DMA for TikTok online social networking service – non confidential version
----------------	---

Further to the 5 September 2023 Commission decision ("**Designation Decision**") designating ByteDance Ltd. ("**ByteDance**" or the "**Undertaking**") as a gatekeeper under the DMA for a single core platform service ("**CPS**"), namely its TikTok online social networking service ("**TikTok**"), this non-confidential report ("**Compliance Report**") provides an overview of measures that ByteDance has implemented to ensure effective compliance with applicable obligations laid down in Articles 5, 6, and 7 of the DMA.

This Compliance Report describes the status quo as of 6 March 2024. This Compliance Report is structured as follows:¹

- Section 1 provides information on the Undertaking;
- Section 2 provides information on relevant compliance measures; and
- Section 3 provides information on the compliance function.

SECTION 1

1. INFORMATION ABOUT THE REPORTING UNDERTAKING

1.1 Please provide the name of the undertaking submitting the Compliance Report (the "Undertaking").

1. ByteDance Ltd.

1.2 Please provide the following information regarding the drafting of the Compliance Report:

1.2.1 identify the individuals responsible for drafting the Compliance Report or parts thereof, specifying the role they hold within the Undertaking;

2. [Confidential - contains personal information]

¹ [https://digital-markets-act.ec.europa.eu/document/download/904debfd-2eb3-469a-8bbc-e62e5e356fb1_en?filename=Article%2011%20DMA%20-%20Compliance%20Report%20Template%20Fo
rm.pdf](https://digital-markets-act.ec.europa.eu/document/download/904debfd-2eb3-469a-8bbc-e62e5e356fb1_en?filename=Article%2011%20DMA%20-%20Compliance%20Report%20Template%20Form.pdf).

1.2.2 provide contact details of all external legal or economic counsel or external technical experts (together, “external counsel”) involved in drafting the Compliance Report and whether they present guarantees in terms of independence, qualifications and absence of conflicts of interests, similar to the approval requirements for monitoring trustees under EU merger control. Provide also the original written Power of Attorney for such representative(s) (based on the model Power of Attorney available on the Commission’s website).

3. [Confidential - contains personal information]

SECTION 2

2. **INFORMATION ON COMPLIANCE WITH THE OBLIGATIONS LAID DOWN IN ARTICLES 5 TO 7 OF THE DMA**
4. **Annex 2** sets out ByteDance's compliance with the obligations laid down in Articles 5 to 7 of the DMA in relation to its only designated CPS, TikTok. **Annex 2** also explains which obligations in Articles 5 to 7 of the DMA do not apply.
5. Throughout this Compliance Report and in accordance with the Designation Decision, the term "business users" encompasses both registered business accounts and self-identified business accounts.² All measures ensuring compliance with the DMA described in **Annex 2** are available to the appropriate type of user(s) of TikTok. TikTok's features and services continue to evolve for both commercial and regulatory purposes.
6. The list of top fifteen business users of TikTok and their contact details are confidential.

SECTION 3

3. **INFORMATION ABOUT THE COMPLIANCE FUNCTION AND MONITORING**
- 3.1 **With respect to the compliance function provided for under Article 28 of the DMA, please provide the following information:**
 - 3.1.1 **a description of the role of the head of the compliance function in the preparation, drafting and approval of the Compliance Report;**
7. The head of TikTok's DMA compliance function oversaw the preparation of the Compliance Report. They coordinated the drafting process and validated the timeline of the preparation of the Compliance Report. Additionally, they reviewed and provided comments on interim versions of the Compliance Report, its non-confidential versions, and reviewed and signed-off on the final Compliance Report.

² Designation Decision, paragraph 93.

3.1.2 a description of the compliance function (including the composition, allocation of tasks, position within the Undertaking, reporting lines, activities in particular with respect to the elaboration and monitoring of the measures described in Annex 2;

Composition of the DMA compliance function

8. The head of the DMA compliance function was formally appointed on 8 February 2024. Prior to that, they served as interim head of the DMA compliance function. They are supported by dedicated personnel, together forming the DMA compliance function.
9. Consistent with Articles 28.4 and 28.5 of the DMA, the head of the DMA compliance function has the following responsibilities:
 - Reporting to the management body, escalating any potential DMA non-compliance risks;
 - Organising, monitoring, and supervising the measures and activities of ByteDance which aim to ensure compliance with the DMA;
 - Informing and advising the management body and employees of ByteDance on compliance with the DMA;
 - Liaising with the Commission for the purpose of DMA compliance;
 - If applicable in the future, monitoring compliance with commitments made binding pursuant to Article 25 DMA.

Allocation of tasks and position of the DMA compliance function within ByteDance

10. The DMA compliance function plays a key role in overseeing ByteDance's compliance with the DMA. It advises ByteDance on DMA requirements, the Compliance Report, the audited description of consumer profiling techniques,³ and underlying workstreams.
11. The DMA compliance function actively advises on and oversees the implementation of strategies and policies for taking up, managing, and monitoring the compliance with the DMA are put in place.
12. In the longer term, the compliance function will additionally play a key role in overseeing the compliance systems and controls that will be put in place.

³ Independent auditors are finalising their review of the description of consumer profiling techniques, pursuant to Article 15 of the DMA. TikTok anticipates submitting the finalised audited description of consumer profiling techniques to the Commission, and publishing the overview of that description, by end-March 2024.

Reporting lines and access to management body

13. The DMA compliance function reports to the ByteDance management body and also to TikTok Technology Limited ("**TikTok Ireland**") board, the entity that provides the TikTok service in Europe. The DMA compliance function has direct access to both the ByteDance management body and the TikTok Ireland board.
 - 3.1.3 **contact details of the head of the compliance function, including name, address, telephone number and e-mail address and an explanation of how it is ensured that this person is an independent senior manager with distinct responsibility for the compliance function as required by Article 28(3) of the DMA;**
14. [Confidential – contains personal information and business secrets]
 - 3.1.4 **a list of any compliance officers other than the head of the compliance function, including an explanation of how it is ensured that they have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in Article 28(5) of the DMA; and**
15. The personnel of the DMA compliance function possess relevant expertise and experience regarding digital platforms, regulatory engagement, compliance, risk assessments and data privacy.
 - 3.1.5 **an explanation why the Undertaking considers that the compliance function is independent from the operational functions of the Undertaking and why the Undertaking deems it to have sufficient authority, stature and resources (e.g., budget, staff, etc.), as well as access to the management body of the Undertaking to monitor the compliance of the Undertaking with the DMA.**
16. Personnel of the DMA compliance function are not instructed by the ByteDance management body or TikTok Ireland board regarding the exercise of their activities and tasks.
17. As noted in paragraph 2 in **Annex 2**, several other internal and external resources support the DMA compliance function. The significance of the DMA compliance function is recognised and as the scope and nature of the compliance role evolves, the head of the DMA compliance function will regularly assess the resourcing needs and advise the ByteDance management body and the TikTok Ireland board accordingly.

3.2 With respect to the strategies and policies for taking up, managing and monitoring the compliance with the DMA as provided for under Article 28(8) of the DMA, please provide the following information:

3.2.1 a description of the content of these strategies and policies (including, e.g., information on internal staff trainings on compliance) and of any major changes compared to the previous periodic review by the Undertaking's management body; and

18. ByteDance takes compliance seriously and is cognisant that the DMA compliance function plays a key role in ensuring adherence to the DMA.

Overall compliance strategy

19. The DMA compliance function remit includes advising on the adequacy and effectiveness of measures and procedures that have been put in place to ensure DMA compliance, overseeing risk and control strategies, and monitoring compliance.

Internal staff trainings on compliance

20. ByteDance has prepared tailored training plans to ensure it acts and makes decisions in line with the DMA.

3.2.2 copies of all related internal documents approved by the Undertaking's management body in their most recent periodical review and the date, list of participants and any agenda or minutes for the meeting during which these internal documents have been approved.

21. [Confidential – contains business secrets]

ANNEX 2
COMPLIANCE WITH ARTICLES 5 TO 7 OF THE DMA FOR TIKTOK ONLINE
SOCIAL NETWORKING SERVICE

1. Introduction	12
2. Article 5.2	13
2.1 Declaration of compliance	13
2.2 TikTok's consent mechanisms are consistent with Article 5.2 requirements	13
3. Article 5.3	19
4. Article 5.4	19
4.1 Declaration of compliance	19
4.2 TikTok does not impose any anti-steering obligations	19
5. Article 5.5	20
6. Article 5.6	20
6.1 Declaration of compliance	20
6.2 TikTok does not prevent users from raising concerns with public authorities	20
7. Article 5.7	21
8. Article 5.8	21
9. Article 5.9	21
10. Article 5.10	21
11. Article 6.2	22
11.1 Declaration of compliance	22
11.2 ByteDance does not compete with TikTok's business users	22
12. Article 6.3	22
13. Article 6.4	22
14. Article 6.5	23
15. Article 6.6	23
16. Article 6.7	23
17. Article 6.8	24
18. Article 6.9	25
18.1 Declaration of compliance	25
18.2 TikTok enables end-user data portability	25
19. Article 6.10	30
19.1 Declaration of compliance	30
19.2 TikTok provides business users with access to their data	30
19.3 Business Analytics user interface	35

19.4	Accessing the data through Business Analytics.....	40
19.5	Accessing end-users' personal data (as specified by Article 6.10)	42
20.	Article 6.11	47
21.	Article 6.12	48
21.1	Declaration of compliance	48
21.2	TikTok has fair, reasonable, and non-discriminatory terms and conditions of access	48
22.	Article 6.13	51
22.1	Declaration of compliance	51
22.2	TikTok does not impose disproportionate conditions for termination.....	51
23.	Article 7	52

1. INTRODUCTION

1. This Annex sets out (i) ByteDance's⁴ compliance with relevant obligations in Articles 5, 6, and 7 of the DMA and (ii) why other obligations in those Articles are not relevant.
2. For all DMA obligations, ByteDance has assessed compliance with the assistance of both internal and external subject matter experts. A large-scale compliance program was established to drive ByteDance's compliance with the DMA. The participation of relevant legal and business personnel, who were consulted to provide valuable insights as part of the compliance program, was an integral part of the process. Personnel representing all key functions including Product, Legal, Compliance, Antitrust, and Privacy formed part of the large-scale compliance program.
3. The ByteDance management body and the TikTok Ireland board have been updated regularly on DMA compliance progress in line with Article 28 requirements.

⁴ Capitalised terms have the meaning as defined in Sections 1-3 of the Compliance Report.

2. ARTICLE 5.2

2.1 Declaration of compliance

4. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 5.2 of Regulation (EU) 2022/1925.

2.2 TikTok's consent mechanisms are consistent with Article 5.2 requirements

5. TikTok is an entertainment platform where users post, view, or search for videos, as well as comment on/like videos, and follow chosen creators. TikTok is the only service for which ByteDance has been designated (in social networking services). Given that ByteDance does not offer a wide ecosystem of services similar to other designated platforms, the provisions of Article 5.2 are generally less relevant. Nevertheless, in the limited circumstances, where applicable, TikTok already offers its end users a consent mechanism that complies with Article 5.2 requirements.
6. TikTok refers to the TikTok EEA⁵ privacy policy ("**Privacy Policy**")⁶ and its Privacy Center webpages⁷ for information on the collection and use of first-party data collected on TikTok ("**1P data**") and off-app data/third-party data ("**3P data**"). Below, TikTok describes its current consent mechanism, which ensures compliance with Article 5.2.

A. TikTok obtains consent for personalised ads based on processing of user data of third parties that make use of TikTok services

7. Article 5.2(a) applies when the gatekeeper is processing 3P data to provide online advertising services. Pursuant to Article 5.1, the DMA obligations only apply with respect to the CPS listed in the designation decision. As TikTok has not been designated for its online advertising services, Article 5.2(a) is currently not applicable. In any event, if Article 5.2(a) were applicable, TikTok already obtains the relevant consent from its users.
8. Article 5.2(a) of the DMA requires consent where: (i) a third party uses TikTok (ii) the personal data of end users who use the third party's service is provided to TikTok; and (iii) TikTok processes that data to provide online advertising services. Article 5.2(a) would therefore apply to TikTok only to the extent it receives information from third parties about their customers (*e.g.*, custom audience lists) that it then uses for personalised advertising. TikTok already obtains consent to use the user data of

⁵ The EEA refers to the European Economic Area.

⁶ <https://www.tiktok.com/legal/page/eea/privacy-policy/en>.

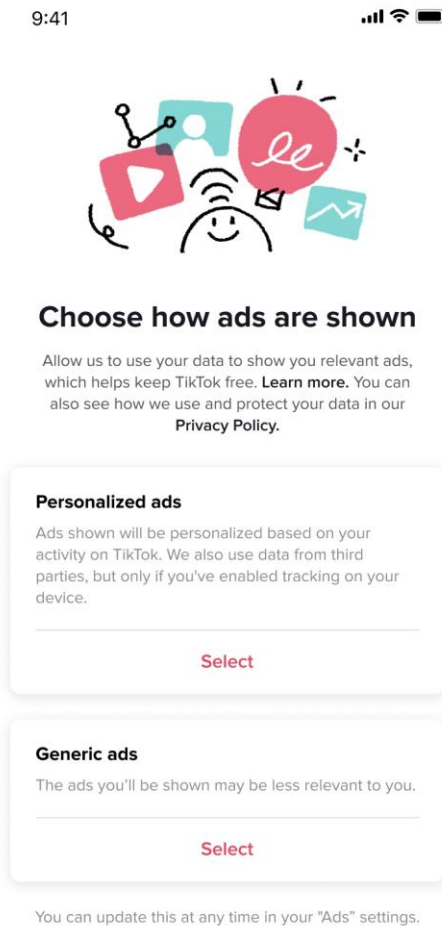
⁷ <https://www.tiktok.com/privacy/learn-about-data/en> and <https://www.tiktok.com/privacy/ads-and-your-data/en>.

businesses using its platform through its custom audiences advertising product (see **Figure 1** below). A user's personal data, received from businesses using TikTok's custom audience advertising product, will not be used to deliver personalised advertising to that user without the user's prior consent.

B. TikTok obtains consent for combination of 1P and 3P data or combination of data from different first-party services

9. Article 5.2(b) DMA states that consent is required to "*combine personal data from the relevant core platform service with personal data from any further core platform services or from any other services provided by the gatekeeper or with personal data from third-party services*". TikTok understands this obligation would apply to the combination of personal data from the designated service, i.e. TikTok, with other services offered by the undertaking, i.e. ByteDance, or third-party services.
10. TikTok's advertising services are an integral part of the TikTok entertainment platform. TikTok does therefore not combine personal data from different services for the purposes of Article 5.2(b) when it creates user profiles for personalised advertising from 1P data.
11. The "combination" that occurs on the TikTok platform is the combination of 1P and 3P data for the purpose of ads personalisation on TikTok. In any event, however, TikTok already obtains consent from users for personalisation of advertisements (see **Figure 1** below). Finally, as noted below, TikTok obtains consent for any combination of data between TikTok and separately provided ByteDance services in the limited circumstances where such combinations are possible (*i.e.*, CapCut). (see **Figure 2** below).

Figure 1: User consent for personalised ads



C. Consent is obtained for the cross-using of data between TikTok and separately provided services

12. Article 5(2)(c) DMA states that consent is required to "*cross-use personal data from the relevant core platform service in other services provided separately by the gatekeeper, including other core platform services, and vice versa*". TikTok understands this to include the use of personal data from a designated CPS in other gatekeeper services that are provided separately, and vice versa.
13. As TikTok does not offer a distinct or separate advertising service, unlike other designated platforms, but only TikTok's first party ads, we believe advertising is rightly considered part of the TikTok social networking service. Nonetheless, as noted above, TikTok obtains consent from users for personalisation of advertisements (see **Figure 1** above).

14. For separately provided ByteDance services (*i.e.*, CapCut), users must affirmatively take action to link to TikTok to enable any cross-use of data. An example of cross-use of personal data in relation to CapCut is the cross-use of a user's profile information from TikTok (such as a user's follower count) to personalise the user's experience on CapCut. TikTok already offers a specific sign-in and data sharing consent form via its TikTok for Developers Login Kit service,⁸ which is also offered to third-party services (see **Figure 2** below). The consent form clearly sets out the types of data that will be shared between these services.
15. To provide further transparency to its users, CapCut aims to launch a slightly modified account linking experience in the EEA mid-March. This is to enable users to understand more easily why CapCut is using data from TikTok, provided that the user has consented to this. The new experience has been designed with careful consideration for both the need for transparency and high-quality user experience (see **Figure 3** below).

D. TikTok does not sign in end users to its other services in order to combine personal data without user consent

16. TikTok does not sign in end users to any ByteDance services without user consent. TikTok provides users the ability to sign in to TikTok and CapCut separately (see **Figure 2** below).

⁸ <https://developers.tiktok.com/doc/login-kit-overview/>.

Figure 2: CapCut sign-in and data sharing consent flow

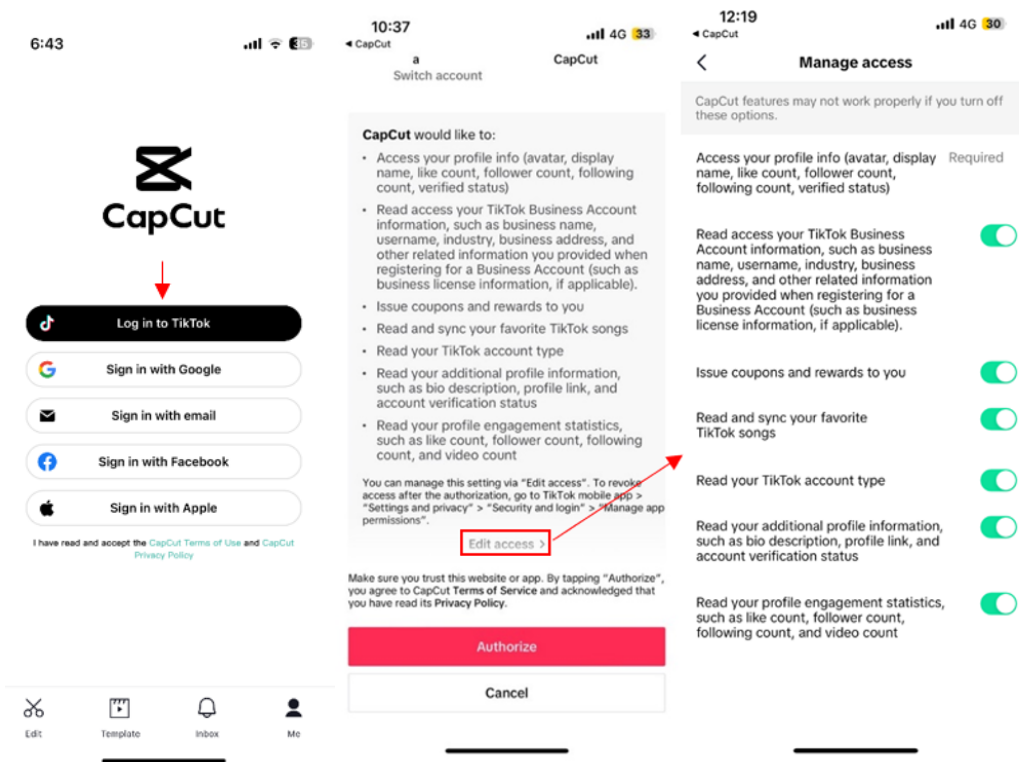
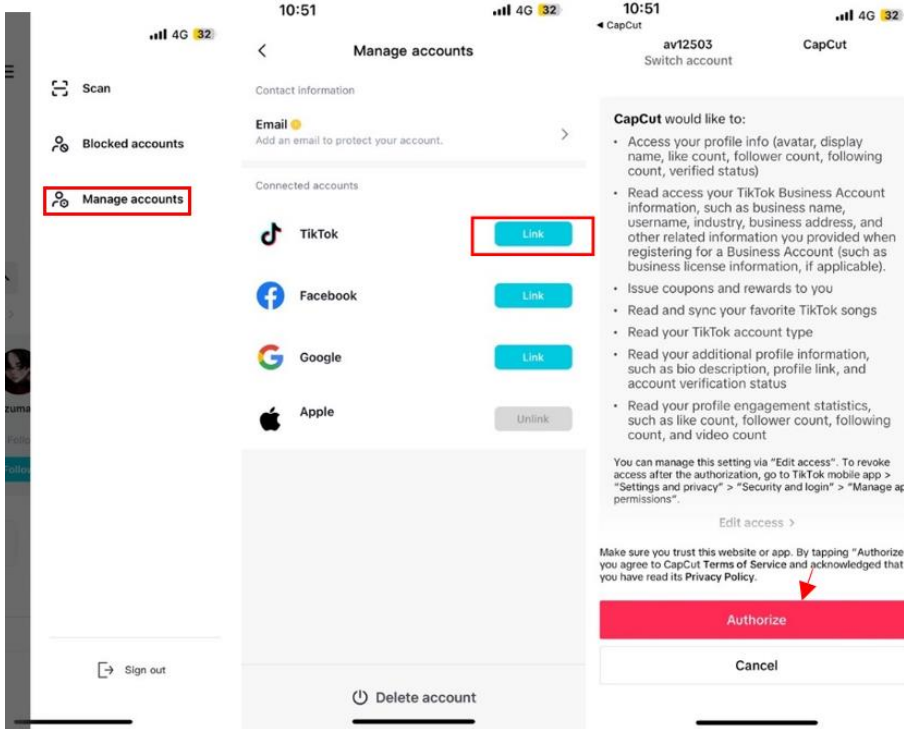
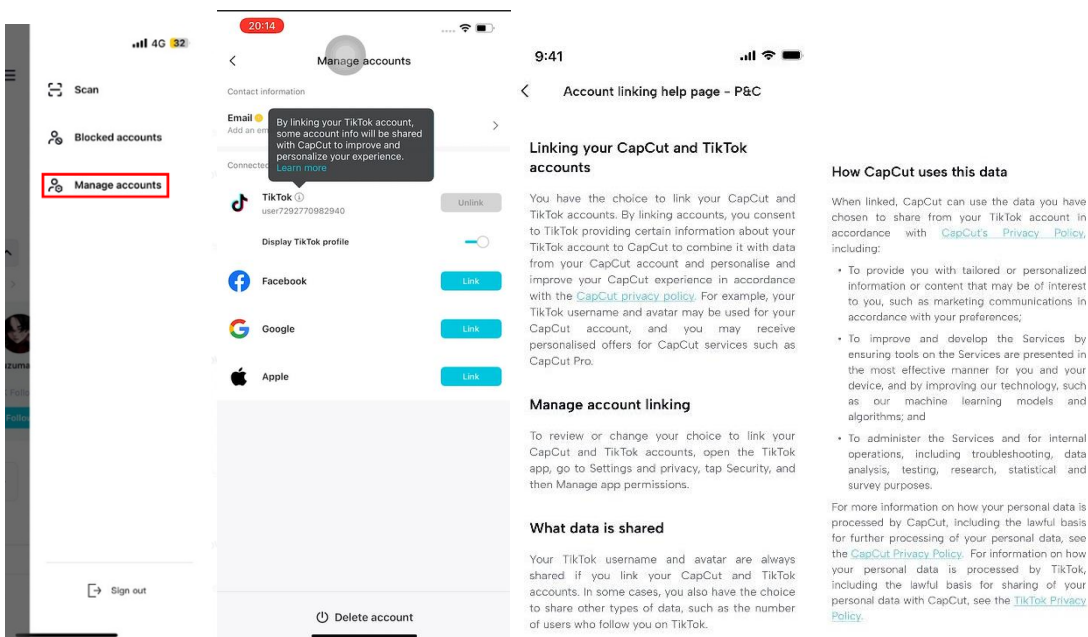


Figure 3: Linking CapCut and TikTok accounts

a) Current account-linking flow



b) Planned change to the account-linking flow⁹



⁹ Note that the flow is currently in demo and may still change. As noted in the introduction on page 4 of the Compliance Report, this Compliance Report describes the status quo as of 6 March 2024.

3. ARTICLE 5.3

17. Article 5.3 prohibits parity clauses. It requires gatekeepers designated in online intermediation services to allow their business users to sell their products or services through their own sales channel or through other intermediation services at prices and conditions different from those offered through the gatekeeper's service.
18. Article 5.3 applies to online intermediation CPS and is therefore inapplicable to TikTok, as TikTok has only been designated as an online social networking service.

4. ARTICLE 5.4

4.1 Declaration of compliance

19. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 5.4 of Regulation (EU) 2022/1925.

4.2 TikTok does not impose any anti-steering obligations

20. Article 5.4 prohibits so-called anti-steering clauses. Article 5.4 requires gatekeepers to allow their business users to communicate offers and conclude contracts with their acquired users outside the relevant gatekeeper's CPS. Pursuant to Recital 40, the obligation applies to any form of communication and conclusion of contracts between business users and "acquired" end users, with whom business users have already entered into a commercial relationship. Business users should have the freedom to choose their "distribution channel," whether that is the gatekeeper's CPS or an alternative channel.
21. TikTok's online social networking service falls squarely outside the anti-steering scenario targeted by the obligation. Business users do not use TikTok as a "*distribution channel*" through which they would directly "*enter into contracts*" and "*commercial relationships*" with end users.
22. Even if Article 5.4 did apply, TikTok would be in compliance with this provision. TikTok's terms and conditions do not impose any restrictions on the way business users communicate with their end users. Where appropriate, TikTok even proactively enables business users to easily communicate with end users outside of TikTok through features such as links to external profiles and websites as well as email, call, and address buttons.

5. ARTICLE 5.5

23. Article 5.5 requires gatekeepers to allow end users to access and use content, subscriptions, features, or other items through a business user's software application even where these were purchased from a business user without using the gatekeeper's CPS.
24. Article 5.5 does not apply to TikTok. Article 5.5 only applies where end users consume content through a CPS "*by using the software application of a business user.*" In other words, it only applies to those CPSs through which users can access developers' software applications. End users do not consume content through business users' software applications on TikTok's online social network (because TikTok does not offer a platform for third party software applications), and Article 5.5 is therefore not applicable to TikTok.

6. ARTICLE 5.6

6.1 Declaration of compliance

25. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 5.6 of Regulation (EU) 2022/1925.

6.2 TikTok does not prevent users from raising concerns with public authorities

26. TikTok does not apply any practices that could be considered a violation of Article 5.6. TikTok's business terms and conditions include a lawful dispute resolution mechanism and state that nothing prevents a business user or TikTok "*from bringing a claim in a court of law, where [the parties] have legal right to do so, which cannot be given up or changed by contractual agreement.*"¹⁰ Similarly, TikTok's general terms and conditions include a possibility of alternative dispute resolution, but also expressly state that users can bring claims in national courts.¹¹

¹⁰ <https://www.tiktok.com/legal/page/global/business-terms-eea/en>, Article 12.

¹¹ <https://www.tiktok.com/legal/page/eea/terms-of-service/en>, Article 8.

7. ARTICLE 5.7

27. Article 5.7 prohibits gatekeepers from imposing their identification service, web browser engine, payment service, or technical service supporting a payment service ("**Ancillary Services**") within the services provided by the business users using that gatekeeper's CPS.

28. Article 5.7 does not apply to TikTok because it does not offer Ancillary Services to (and certainly does not impose them on) business users of its only designated CPS, the TikTok online social networking service.

8. ARTICLE 5.8

29. Article 5.8 prohibits making the use of and access to a CPS listed in the designation decision conditional on subscribing to or registering with another CPS that is also listed in the designation decision or meets the thresholds in Article 3.2(b).

30. Article 5.8 does not apply to TikTok. The online social networking service is the only CPS listed in the Designation Decision. TikTok does not currently offer any other CPS listed in the Designation Decision or otherwise meeting the Article 3.2.b thresholds relevant to the obligation.

9. ARTICLE 5.9

31. Article 5.9 requires gatekeepers operating a designated advertising CPS to provide pricing related information to their advertisers, such as prices and fees paid by the advertiser, remuneration received by the publisher and the metrics used for calculating prices and fees.

32. Article 5.9 does not apply to TikTok, as it only applies to gatekeepers designated as an advertising CPS. TikTok has only been designated as an online social networking service.

10. ARTICLE 5.10

33. Article 5.10 requires gatekeepers operating a designated advertising CPS to provide pricing related information to publishers, such as remuneration received by the publisher, price paid by the advertiser and the metrics used for calculating prices and remuneration.

34. Article 5.10 does not apply to TikTok, as it only applies to gatekeepers designated as an advertising CPS. TikTok has only been designated as an online social networking service.

11. ARTICLE 6.2

11.1 Declaration of compliance

35. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 6.2 of Regulation (EU) 2022/1925.

11.2 ByteDance does not compete with TikTok's business users

36. Article 6.2 is not relevant for the current business model, as ByteDance does not have a dual role as envisaged by the obligation. The relevant business users are those business accounts on the TikTok service engaged in the provision of content, and neither TikTok nor ByteDance compete with these business users in this context. While TikTok does maintain a limited number of self-managed accounts that post content, this content is not of a commercial character and does not compete head-to-head and for the same end users with the content created by business users of TikTok on the platform. In any event, there is no reliance on business users' data in the creation of content.

12. ARTICLE 6.3

37. Article 6.3 requires gatekeepers (i) to enable end users to easily uninstall applications on their designated operating system, (ii) to enable end users to easily change the default settings on their designated operating system, virtual assistant or web browser, and (iii) to prompt a choice screen upon an end users first use of their designated online search engine, virtual assistant or web browser.

38. Article 6.3 is not applicable to TikTok because online social networking services – the only CPS for which TikTok was designated – fall outside of the scope of this provision. Article 6.3 only applies to gatekeepers that are designated for their operating systems, virtual assistants, and web browsers.

13. ARTICLE 6.4

39. Article 6.4 requires gatekeepers providing a designated operating system to allow the installation and effective use of third-party software applications and software application stores.

40. Article 6.4 is not applicable to TikTok because online social networking services – the only CPS for which TikTok was designated – fall outside of the scope of this provision. Article 6.4 only applies to gatekeepers that are designated for their operating systems.

14. ARTICLE 6.5

41. Article 6.5 prohibits gatekeepers from favouring their own products and services compared to those of third parties in ranking on the designated CPS.
42. Article 6.5 is not applicable to TikTok because TikTok does not offer products or services to end users through its designated online social networking service in competition with business users. As an online social networking service that allows users to share video content, TikTok's core function is to facilitate user-generated content sharing, rather than providing those products or services itself.
43. While TikTok maintains a limited number of first-party accounts that generate content, this content does not compete head-to-head with the content posted by TikTok's business users.

15. ARTICLE 6.6

44. Article 6.6 applies in circumstances where (i) third-party software applications or services must be accessed through a gatekeeper's CPS in order to be used, and (ii) the gatekeeper is able to restrict access to these software applications or services.
45. Article 6.6 is not applicable to TikTok because TikTok's online social networking service does not qualify as a CPS that is used to access third-party software applications or services. In any event, TikTok lacks control over access to those services.

16. ARTICLE 6.7

46. Article 6.7 requires gatekeepers whose operating systems or virtual assistants have been designated to grant service providers and hardware manufacturers free access and interoperability with the same software and hardware features accessible through the gatekeeper's designated operating system or virtual assistant as are accessible to the hardware or software services of the gatekeeper.
47. Article 6.7 is not applicable to TikTok because TikTok is not designated for operating systems or virtual assistants CPS, nor does it currently offer such services. TikTok has only been designated as an online social networking service.

17. ARTICLE 6.8

48. Article 6.8 requires gatekeepers operating a designated advertising CPS to provide each advertiser and publisher or their authorised third parties with free access to ad performance measuring tools and the data necessary to carry out an independent verification of the advertisement inventory.
49. Article 6.8 does not apply to TikTok, as it only applies to gatekeepers designated as an advertising CPS. TikTok has only been designated as an online social networking service.

18. ARTICLE 6.9

18.1 Declaration of compliance

50. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 6.9 of Regulation (EU) 2022/1925.

18.2 TikTok enables end-user data portability

51. Even before TikTok's designation under the DMA, TikTok already offered various data portability solutions. TikTok developed its "Download Your Data" ("**DYD**") functionality to provide its users the ability to port their data, including their videos (subsection B). In addition, TikTok enables users to (a) download their own videos and (b) instantly share them on multiple other platforms from the TikTok app.¹²

52. To give its users even more control over portability of their data and in line with evolving regulatory requirements, including those of the DMA, TikTok regularly amends its data portability functionality. The most recent enhancements of its data portability offering are consistent with Article 6.9 DMA and consist of three main parts: i) developing a Data Portability API (subsection A); ii) improving data access speeds (subsection 0); and iii) offering a more granular selection of the data to be ported (subsection D).

A. TikTok Data Portability API

53. TikTok has built a Data Portability API that allows third parties to integrate with its service to facilitate direct data portability in the EEA. Users are able to authorise the developer to make, on the user's behalf, either (a) a single data portability request, enabling a one-off porting of relevant data, or (b) a recurring request, enabling the developer to make repeated requests over time and thus to update the data on a regular basis. Regardless of the choice, users are able to revoke any active authorisation. A recurring user authorisation is valid for one year, after which the third party will need to request authorisation from the user again. In addition, users can control the types of data that they authorise to be ported.

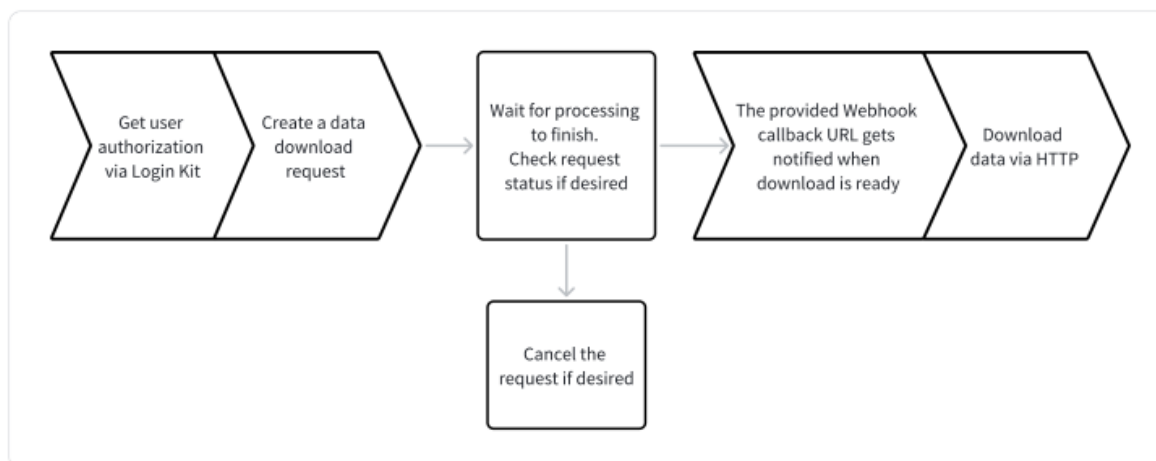
Data Portability API user flow

54. The third-party developer is responsible for creating an entry point in their application that allows users to request data portability (and will require authorisation to use the API as described below). Once the third-party developer completes this initial step, the figure below provides a visual presentation of the lifecycle of a data portability request

¹² <https://support.tiktok.com/en/using-tiktok/exploring-videos/sharing>.

through a third-party application using the TikTok Data Portability API. Step-by-step instructions for third-party developers and users on how to use the Data Portability API are available on the TikTok for Developers website.¹³

Figure 1: Lifecycle of data portability request via the Data Portability API



Data Portability API application process

55. The application process for TikTok's Data Portability API is designed to ensure user safety, respect data protection rules, and protect the security and integrity of the service. TikTok currently provides app developers with the ability to set up a TikTok developer account and integrate their apps with TikTok development kits and server APIs. The Data Portability API has been added to this TikTok offering.
56. Specific documentation related to the Data Portability API, including onboarding documents and reasonable conditions of use, are publicly available on the TikTok for Developers website.¹⁴

Data Portability API application review

57. Developers applying for the Data Portability API must complete a form that includes basic contact information such as their name, email address, organisation, and website. This information is necessary for TikTok to verify that requests are valid and are made by genuine companies, and to provide updates on the application status.

¹³ <https://developers.tiktok.com/doc/data-portability-api-get-started/>.

¹⁴ <https://developers.tiktok.com/products/data-portability-api/> and <https://developers.tiktok.com/doc/data-portability-api-get-started/>.

58. To protect user privacy and security, third-party developers must also specify the data scopes they need for their use case(s) as part of the Data Portability API application process. Developers are asked to present mock-ups that illustrate a user's in-app experience for the requested data scope(s). Additionally, third-party developers must provide information on their data privacy and security policies, including their GDPR compliance.
59. TikTok evaluates a Data Portability API application based on objective and transparent criteria to protect users from malicious actors. In addition, TikTok has published guidelines for a successful application.¹⁵ Once the review is complete and the developer's application is approved, TikTok grants access to the API keys and the third-party developer can integrate its application with the Data Portability API.

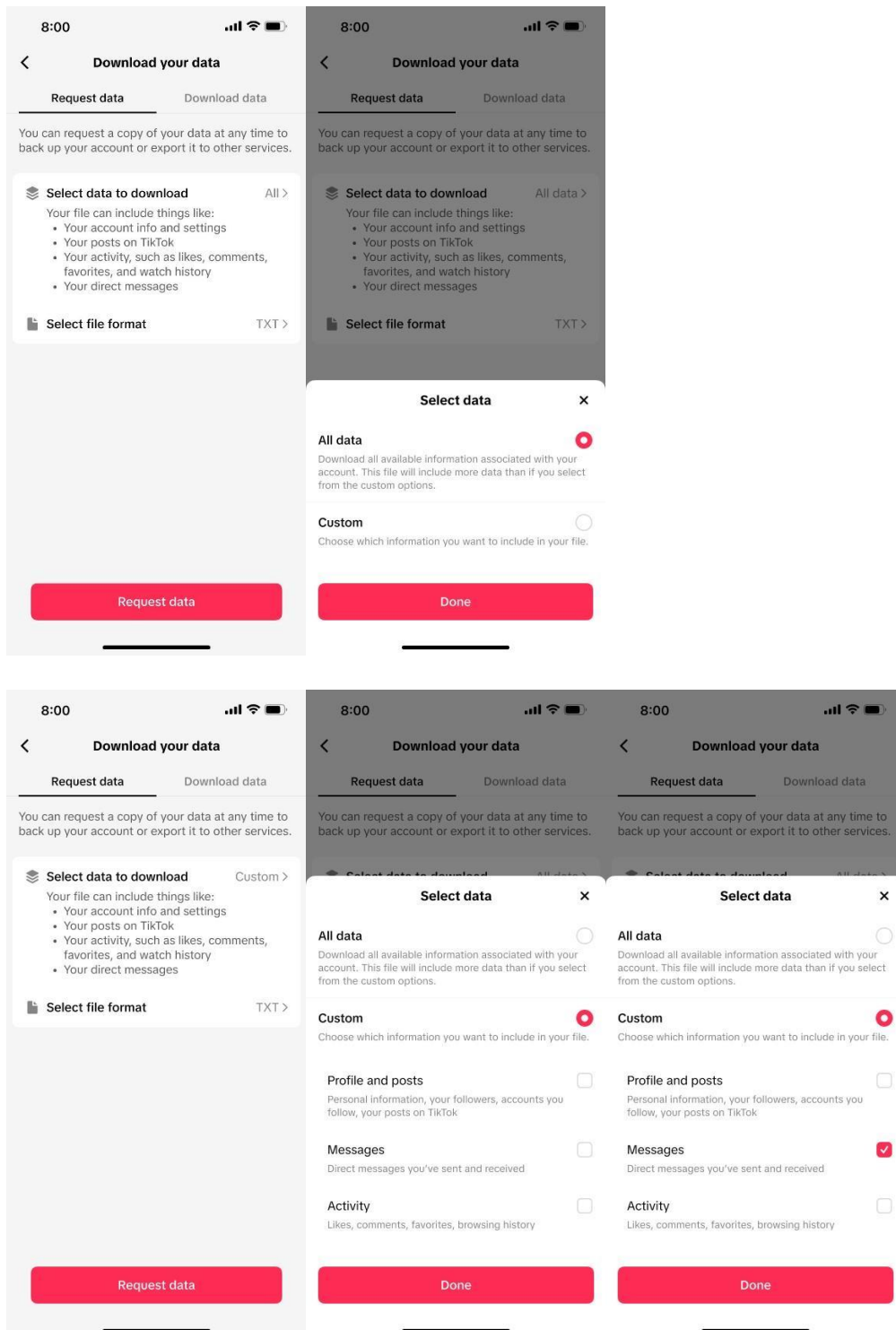
B. TikTok DYD

60. As set out above at paragraph 51, TikTok already offered DYD to provide its users the ability to port their data including their videos. Moving forward, TikTok's DYD feature will continue to function as before, with some changes made to further enhance TikTok's offering, as will be described in subsections O and D. Step-by-step instructions for users on how to request and download their data through DYD are available on the TikTok support website.¹⁶
61. TikTok is in the process of launching a new DYD tab, providing users granular control over the scope of their data portability request, as described in subsection D below. In this menu, users are informed that they can request a copy of their data at any time. In addition, users are able to select which data they wish to port. Finally, users can choose their preferred file format and then finalise the request.

¹⁵ https://developers.tiktok.com/doc/data-portability-api-application-guidelines?enter_method=left_navigation.

¹⁶ <https://support.tiktok.com/en/account-and-privacy/personalized-ads-and-data/requesting-your-data>.

Figure 2: TikTok's modified DYD tab with granular data selection for porting



C. Changes to TikTok's data storage to improve access speed

62. TikTok has upgraded its data storage and serving system to shorten the time between the portability request and the porting from 1-2 days to an estimated seconds or minutes for those subsets of data most relevant to the user experience, such as posts and profile data, activity data, and direct messages data, and an estimated minutes or hours for a full data package (including archived data). This improvement applies to the existing DYD feature as well as the newly built Data Portability API solution.

D. Data selection for porting

63. TikTok offers users a more granular selection of data types for data portability. Previously, users could only request one file with the full archive of data available via DYD (including username, video history, comment history, and privacy settings). Through both the Data Portability API and DYD, TikTok now offers users the flexibility to select either their full archive, or choose specific categories of data, such as the user's posts and profile, their activity data, and/or their direct message history.
- **Posts and Profile:** Includes information about a user's profile, including their profile information, following and follower list, and the posts they have made on TikTok;
 - **Activity:** Includes information about a user's activity on TikTok, including data related to their comments, favourites, likes and hashtags;
 - **Direct Messages:** Includes the user's direct message history with other users on TikTok; and
 - **All Data:** Includes a user's full data archive like app settings and ad data, in addition to profile information, activity, and direct message data.
64. More information on the available datasets for porting is available on the TikTok for Developers website.¹⁷

¹⁷ <https://developers.tiktok.com/doc/data-portability-data-types/>.

19. ARTICLE 6.10

19.1 Declaration of compliance

65. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 6.10 of Regulation (EU) 2022/1925.

19.2 TikTok provides business users with access to their data

66. TikTok's success depends on providing an attractive platform on which creators, including holders of a business account, can create entertaining and impactful content reaching a wide and engaged audience. TikTok thus offers its business users¹⁸ detailed information enabling them to understand and improve the performance of their TikTok content. TikTok also regularly evaluates and addresses any feedback that business users may have in relation to the available tools.

67. In particular, TikTok offers tools to business accounts (and authorised third parties) offering insights into data (i) of these business accounts when using TikTok and (ii) of users who engage with their content on TikTok.

68. In the following subsections, TikTok provides information on data that TikTok makes available to its business users (Section A) and on methods of accessing business users' data (Section 0).

A. Data shared with business users

69. Consistent with the requirements of Article 6.10, TikTok offers its business users access to the data they "*provided for or generated in the context of [their] use*" of the TikTok social networking service, as well as non-personal and personal data of users "*engaging with the products or services*" of business users.

a) *Data provided for or generated by business users*

70. TikTok provides business users access to the data that they "*provided for or generated in the context of [their] use*" of the TikTok social networking service through TikTok's DYD functionality. The data is provided free of charge, and users can request it at any time. Moreover, authorised third parties can also access this data through the Data Portability API. For all changes in relation to users' (and authorised third parties') access to their data, please see **Section 18** above related to Article 6.9 compliance.

¹⁸ For completeness, TikTok also offers some video analytics to personal accounts, accessible via "Creator tools".

b) Non-personal user-engagement data available in TikTok Business Analytics

71. TikTok provides all business users with free-of-charge access to TikTok Business Analytics, which helps business users understand how their content performs.
72. Business Analytics are organised into four main categories: Overview, Video, Audience, and LIVE (see **Figure 1** in Section 19.3):¹⁹
- **Overview:** The overview tab provides business users insights into their (i) performance (in terms of reach, engagement and conversions), (ii) most popular videos, and (iii) followers (see **Figure 1** in Section 19.3):
 - **Video:** Enables business users to filter and rank their videos by most recent or highest views. It also enables business users to obtain granular data on individual video analytics (see **Figure 2** in Section 19.3):
 - **Audience:** Enables business users to obtain insights into their audience. For both reached²⁰ and engaged²¹ audience, the Audience category provides information on what time of day viewers are most active, as well as breakdowns of age, gender, and top home countries and cities (see **Figure 3** in Section 19.3).
 - **LIVE:**²² Business users can access analytics about their live streams, such as the number of views, amount of new followers, average view time, aggregated demographic information about viewers (e.g., country, age, gender).
73. Business users can access the data free of charge, at any time. The data is updated at regular intervals and business users can choose the relevant time frame over which the data is shown (e.g., last 7 days, last 28 days, last 60 days).

c) End users' personal data available to business users

74. Consistent with Article 6.10, TikTok provides access to personal data "*directly connected with the use effectuated by the end users in respect of the products or services offered by the relevant business user.*" Business users have access to information about the users who have directly engaged with their content. In particular, they can access the list of their followers, list of users who have liked or commented on their videos, viewer ranking by highest watch time and gift count for LIVE videos, post view

¹⁹ There may be some variations in metrics shown, depending on the functionalities unlocked by the relevant business account.

²⁰ People who watched business users' published content at least once.

²¹ People who engaged (liked, commented or shared) with business users' content at least once.

²² https://www.tiktok.com/live/creators/en-MY/article/tiktok-live-center_en-MY?name=undefined.

history,²³ profile visit history²⁴ and chat history. The data is provided in accordance with TikTok's Privacy Policy²⁵ that users accept when signing up for TikTok. Business users do not need to obtain any additional consent to access this data.

75. Direct messages provide an additional way for end users freely to communicate and share personal information with business users. All business users have access to the Contact Card functionality in a web browser, which enables them to easily note the information collected about the users they have communicated with. Business users must accept Contact Card Terms²⁶ before using this functionality (see **Figure 4** in Section 19.3).
76. In addition to the above, certain business users can generate "leads" on TikTok with a form in which users can voluntarily provide their contact information (*e.g.*, name, email, phone, country, city) and signal their interest in business user's services or products. End users agree to send their personal information to the relevant business user via this form and they accept the business user's own privacy policy, which is linked in the form. Businesses may collect leads organically via profile, video, or LIVE rooms. Currently, five different options for lead generation exist (get quote, apply now, sign up, subscribe and special offer) (see **Figure 5** in Section 19.3).
77. The lead generation functionality is already available to registered business accounts and business accounts with more than 1,000 followers in Germany, France, Italy, Spain, the Netherlands, Belgium, Poland, Denmark, Finland, Sweden, and Norway.

²³ Available if the business user has less than 5,000 followers and has turned on the feature; <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/tiktok-post-view-history>.

²⁴ Available if the business user has less than 5,000 followers and has turned on the feature; <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/tiktok-profile-visit-history>.

²⁵ <https://www.tiktok.com/legal/page/eea/privacy-policy/en>.

²⁶ <https://www.tiktok.com/legal/page/global/contact-card-terms/en>.

B. Methods of accessing business users' data

a) Data provided for or generated by business users

78. First, business users' own data can be accessed via the DYD functionality as well as the Data Portability API, both described in more detail in **Section 18** above.

b) Non-personal user-engagement data available in TikTok Business Analytics

79. Second, business users can access TikTok Business Analytics data via a web browser, within their mobile app, through downloads in their choice of .xlsx or .csv format, and via a dedicated API.
80. To access TikTok Business Analytics via a web browser or within the mobile app, the business user must click on their profile, then choose "Business suite," and finally "Analytics" (See **Figures 1 and 2** in Section 19.4). Business users can also download the data through the browser in their choice of .xlsx or .csv format (see **Figure 3** in Section 19.4).
81. Third, TikTok also offers business users the ability to obtain their data through an Accounts API.²⁷ Authorised developers can obtain the data through the API free of charge and can make calls to the API on a continuous basis, subject to certain limits on the number of calls per minute to ensure service performance and availability.²⁸ The data is updated at regular intervals. Numerous metrics available in Business Analytics in the TikTok app are already available through the Accounts API. The list of metrics currently available through the Accounts API is publicly available on the TikTok for Business Developers website.²⁹
82. TikTok has published information on how to register for use of the API on the TikTok for Business Developers website.³⁰
83. The review process ensures user safety and prevents potential misuse of data obtained through the API. Through this process, TikTok ensures that only trusted developers can obtain access to the data.

²⁷ <https://business-api.tiktok.com/portal/docs?id=1737565048641538>.

²⁸ <https://business-api.tiktok.com/portal/docs?id=1738084416214017>.

²⁹ Profile data: <https://business-api.tiktok.com/portal/docs?id=1762228399168514>; Video data: <https://business-api.tiktok.com/portal/docs?id=1762228421622786>.

³⁰ <https://business-api.tiktok.com/portal/docs?id=1760334598980610>.

c) End users' personal data available to business users³¹

- Business users can access the list of their followers in their profile at any time (see **Figure 1** in Section 19.5). The follower list is also available through the DYD functionality and will be accessible through the Article 6.9 data portability API.
- Business users can access the list of users who have liked their videos in each of the videos in their profile (see **Figure 2** in Section 19.5).
- Business users can access the list of users who have commented on their videos in each of the videos in their profile (see **Figure 2** in Section 19.5). Business users can also access comments left on their videos through the Accounts API.³²
- Business users who have published LIVE videos can see viewer ranking by highest watch time and gift count in LIVE Center Analytics (see **Figure 3** in Section 19.5).
- The list of users who viewed the posts is available in each video for seven days from the post date (see **Figure 4** in Section 19.5).³³
- The list of users who viewed a business user's profile in the past 30 days is available in the profile (see **Figure 4** in Section 19.5).³⁴
- If business users communicate with end users via direct messages, they can access their chat history in their profile activity and through the DYD functionality, which is also accessible through the Article 6.9 Data Portability API (see **Figure 5** in Section 19.5).
- Business users can download the Contact Cards via a web browser (see **Figure 6** in Section 19.5)
- Business users can download the collected lead generation submissions lists via a web browser. (see **Figure 7** in Section 19.5).

³¹ For completeness, some of the metrics listed in this section are not only available to business users, but also available to users with personal accounts.

³² <https://business-api.tiktok.com/portal/docs?id=1769113255352322>.

³³ <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/tiktok-post-view-history>.

³⁴ <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/tiktok-profile-visit-history>.

19.3 Business Analytics user interface

Figure 1: Overview tab

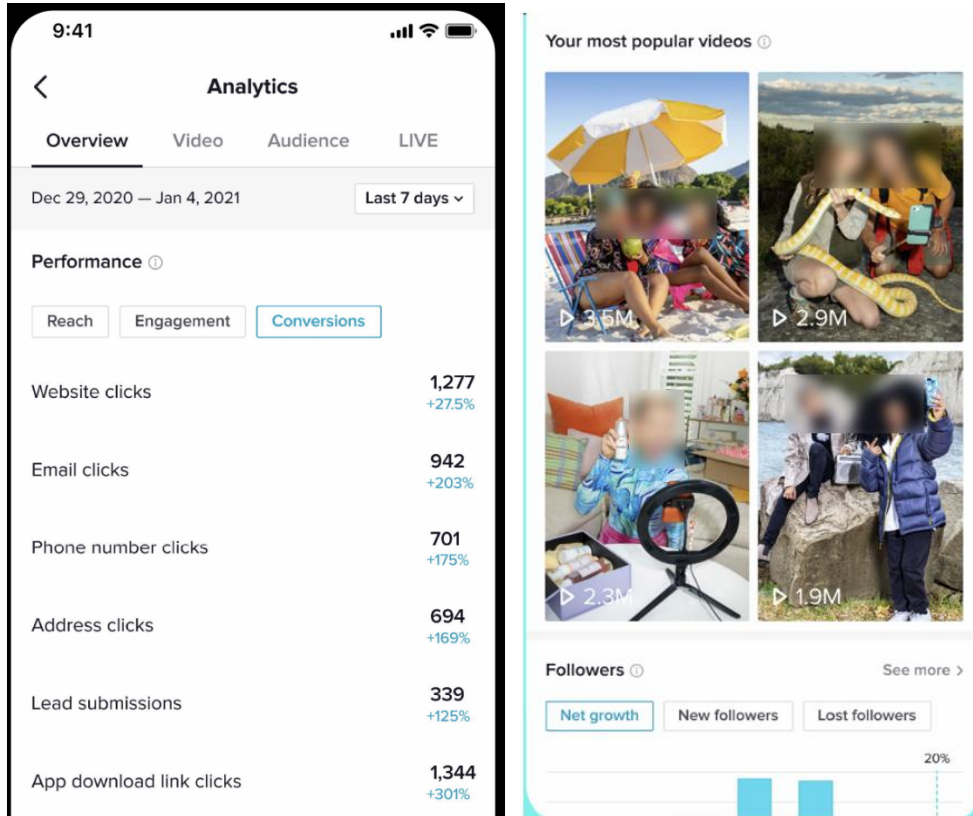


Figure 2: Video Analytics

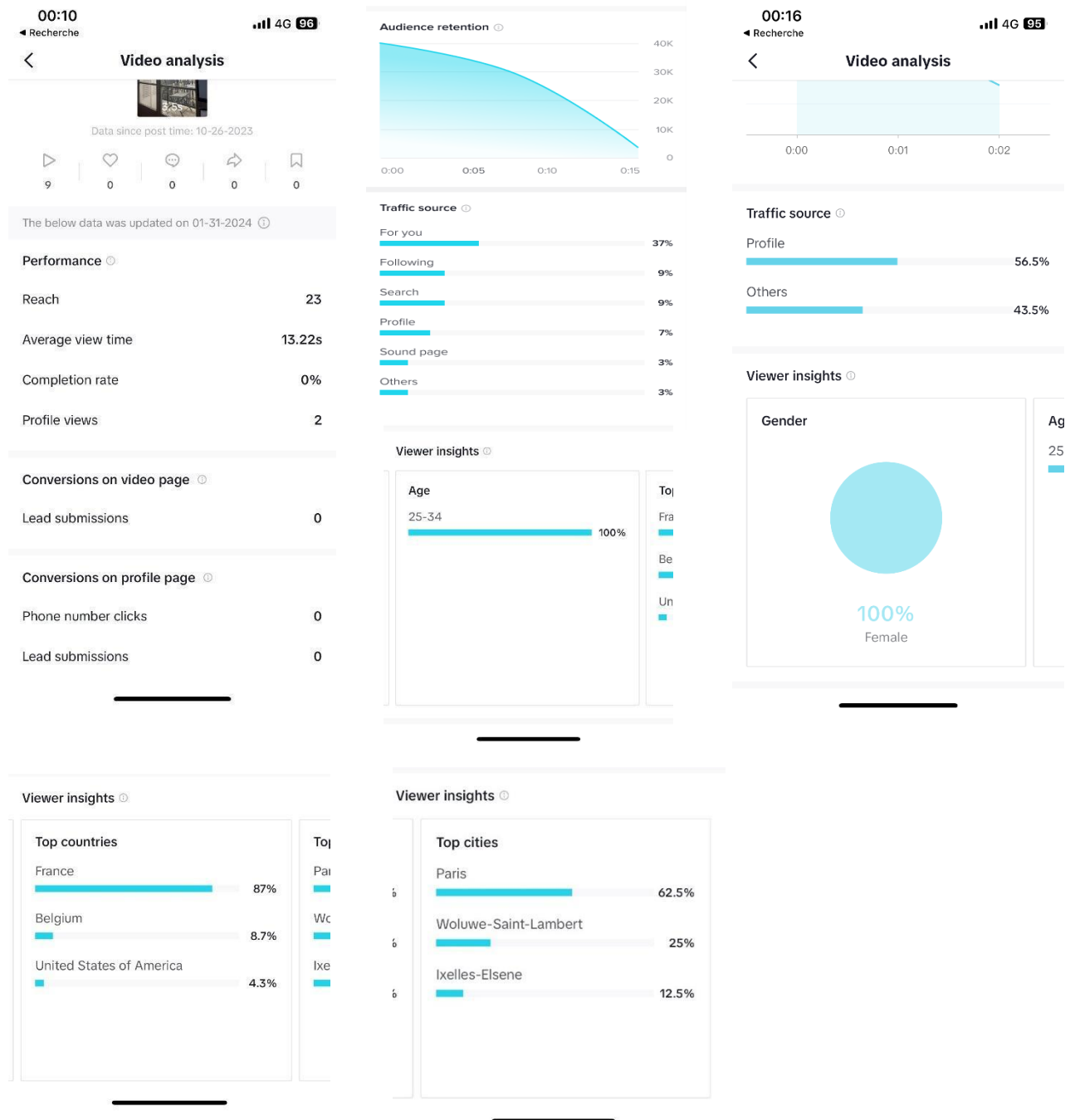


Figure 3: Audience Analytics



Figure 4: Contact Card

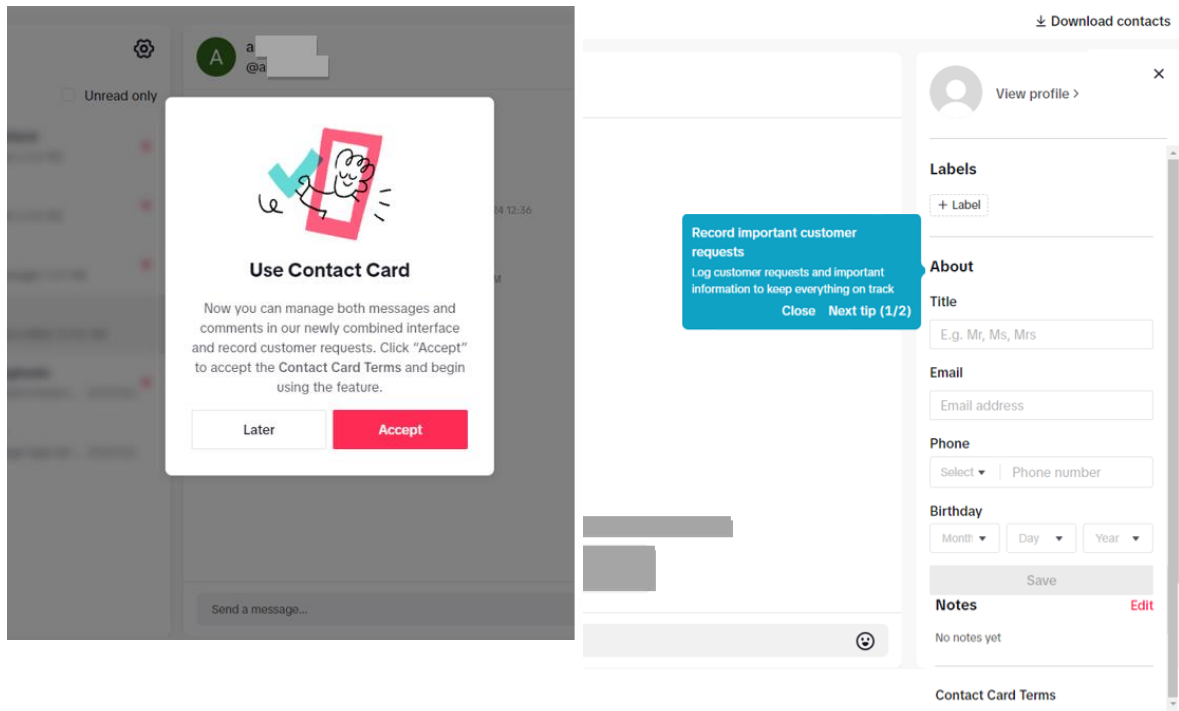
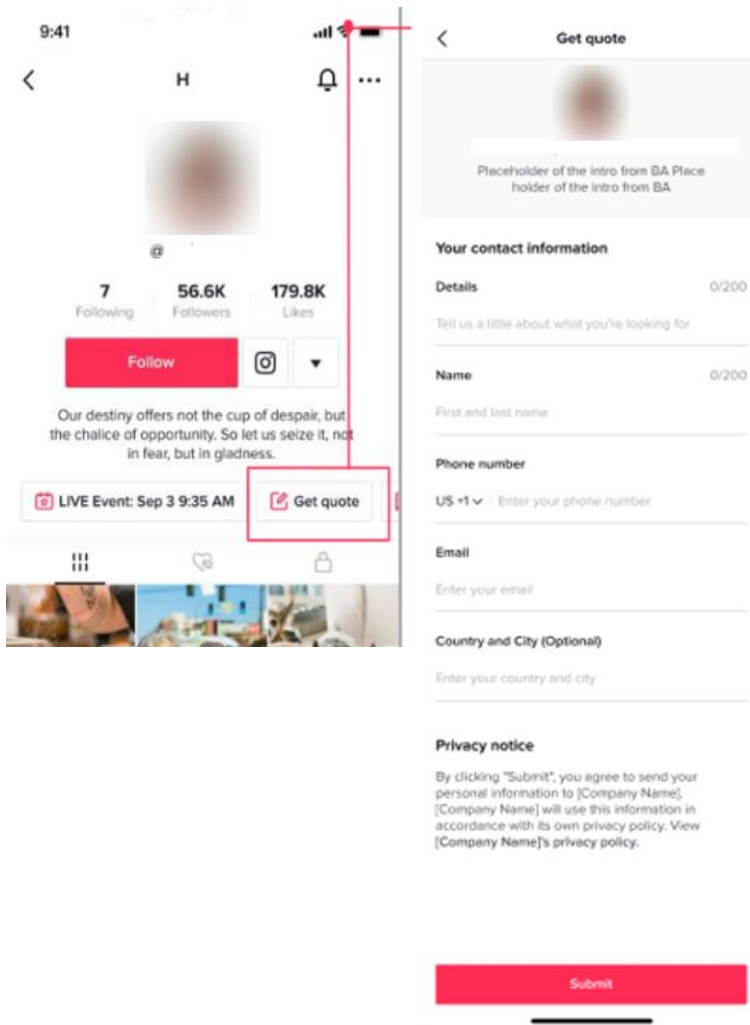


Figure 5: Lead generation



19.4 Accessing the data through Business Analytics

Figure 1: Accessing the Business Analytics in a browser

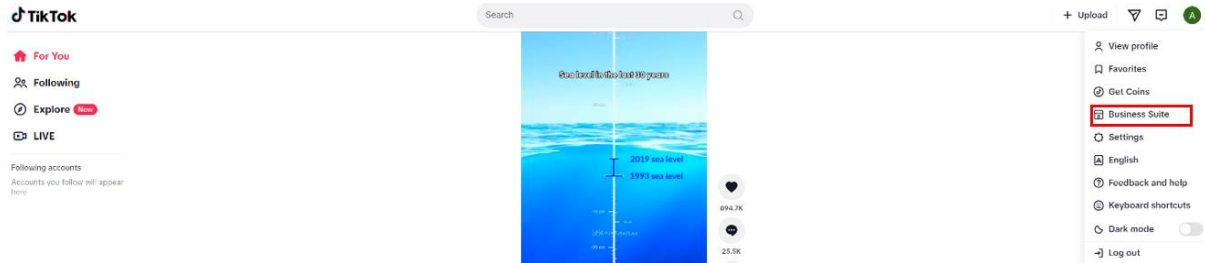


Figure 2: Accessing the Business Analytics in the mobile app

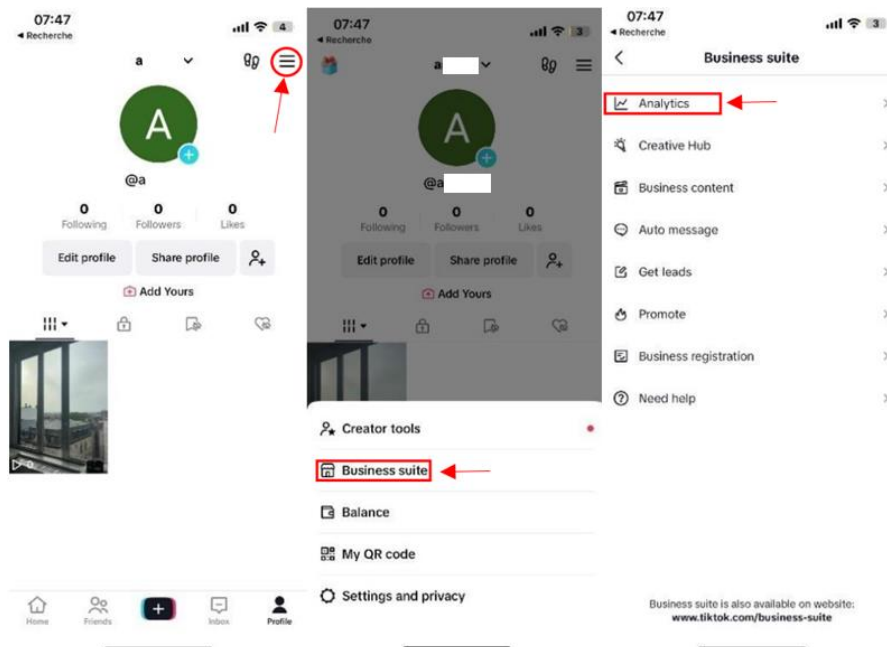
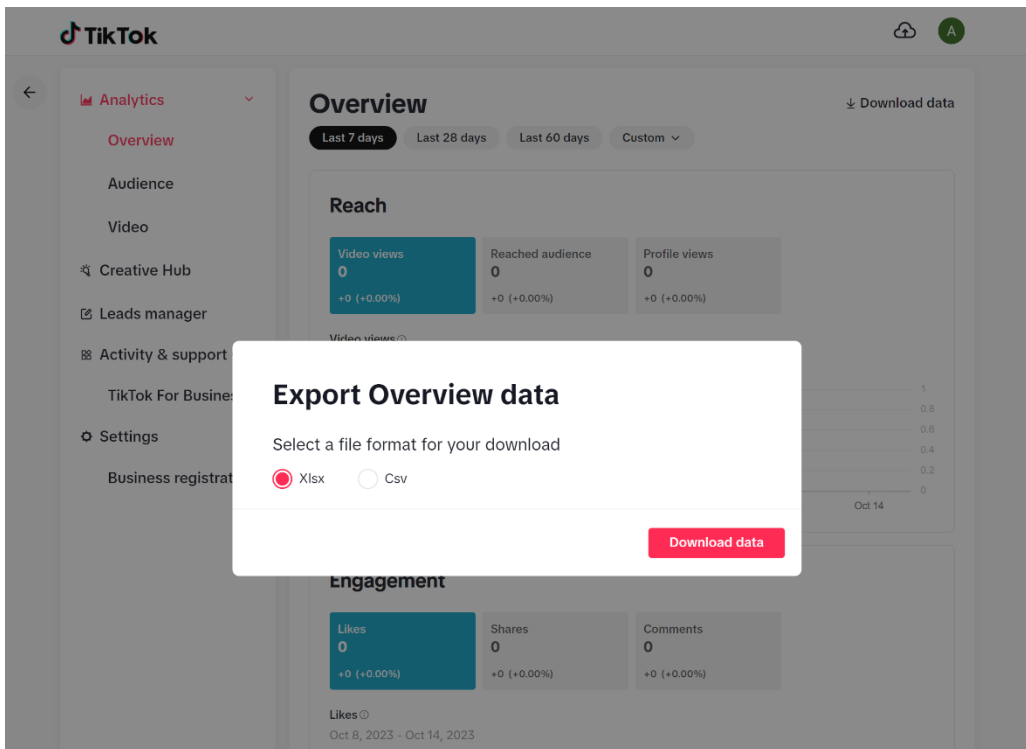


Figure 3: Download the data



19.5 Accessing end-users' personal data (as specified by Article 6.10)

Figure 1: List of followers

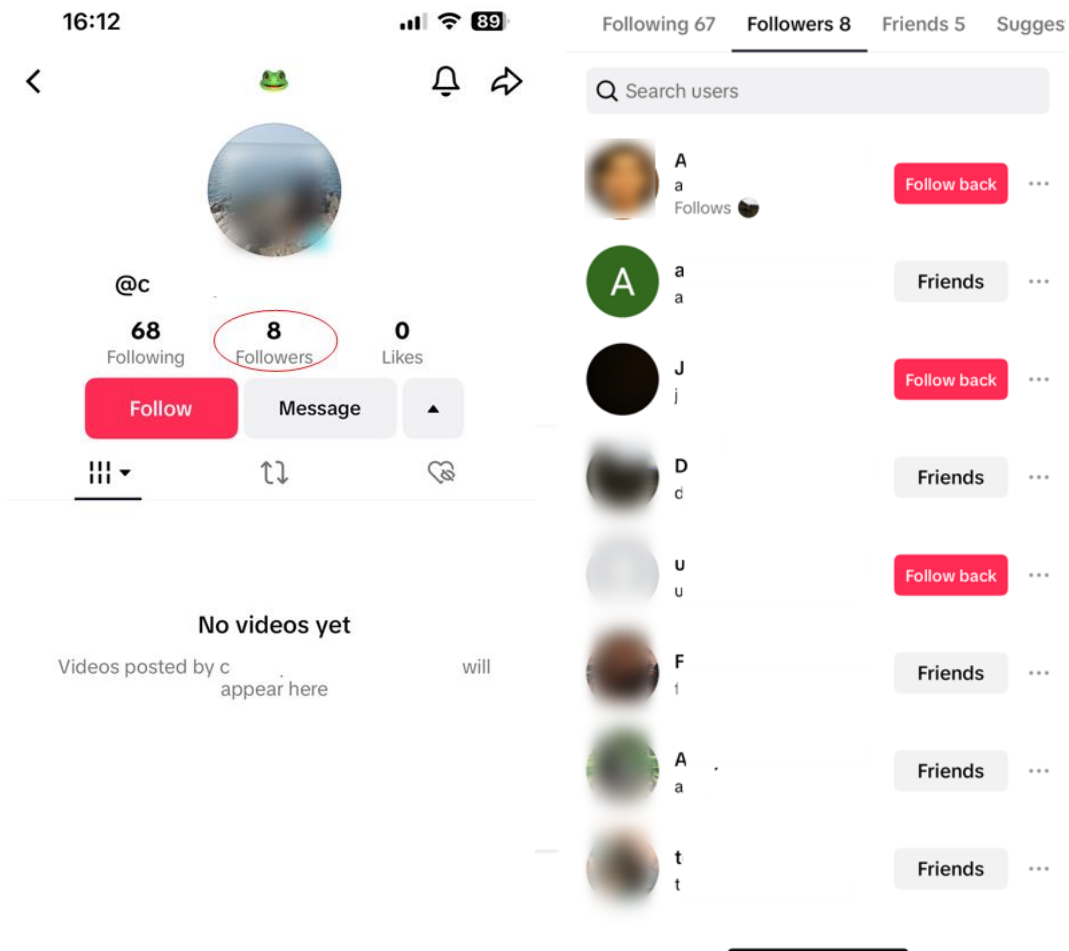


Figure 2: Likes and comments on business user's videos

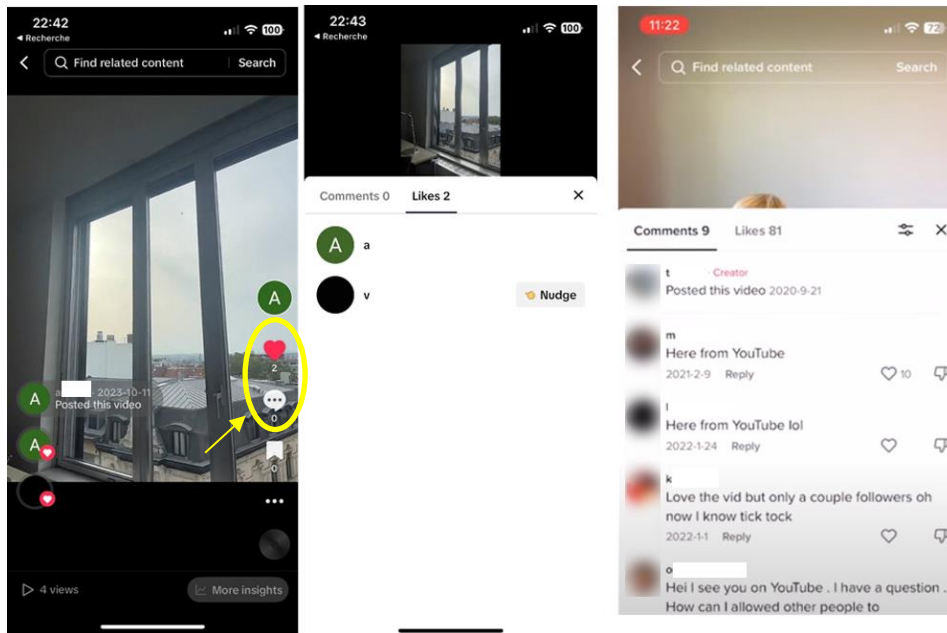


Figure 3: Viewer ranking for LIVE videos

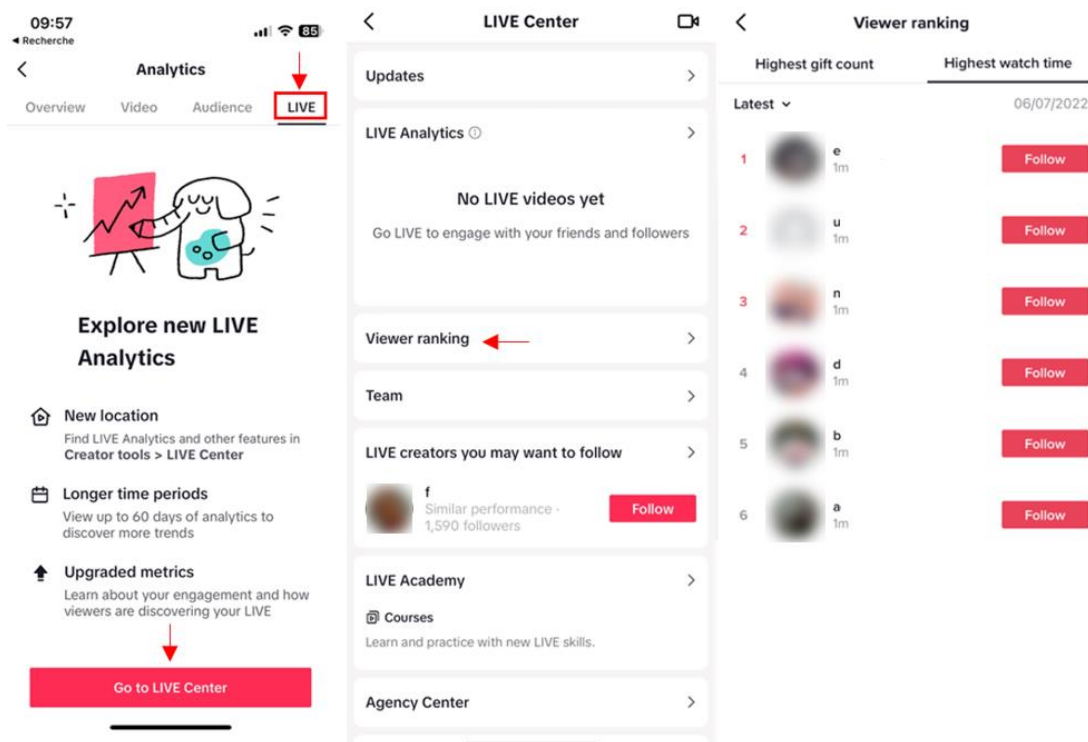


Figure 4: Users' post and profile views

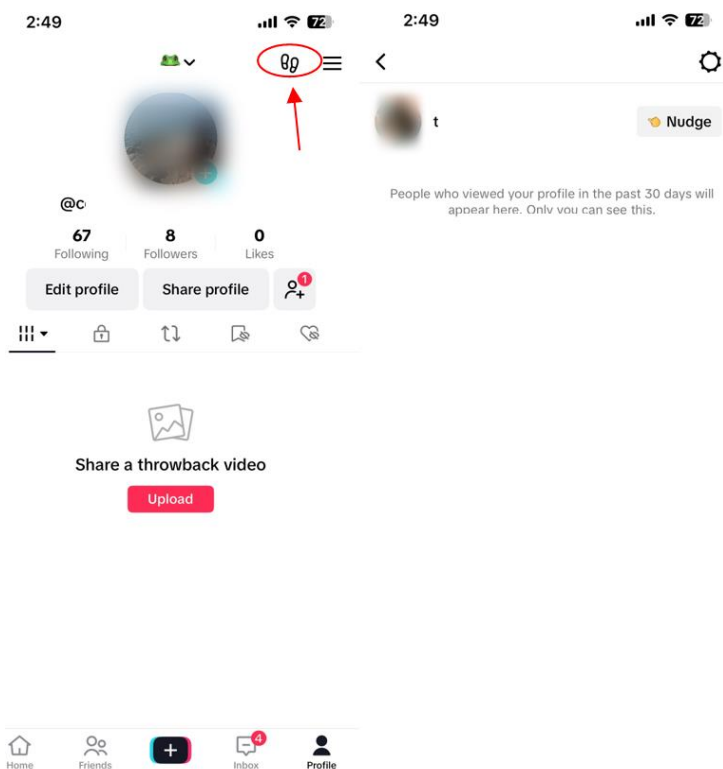
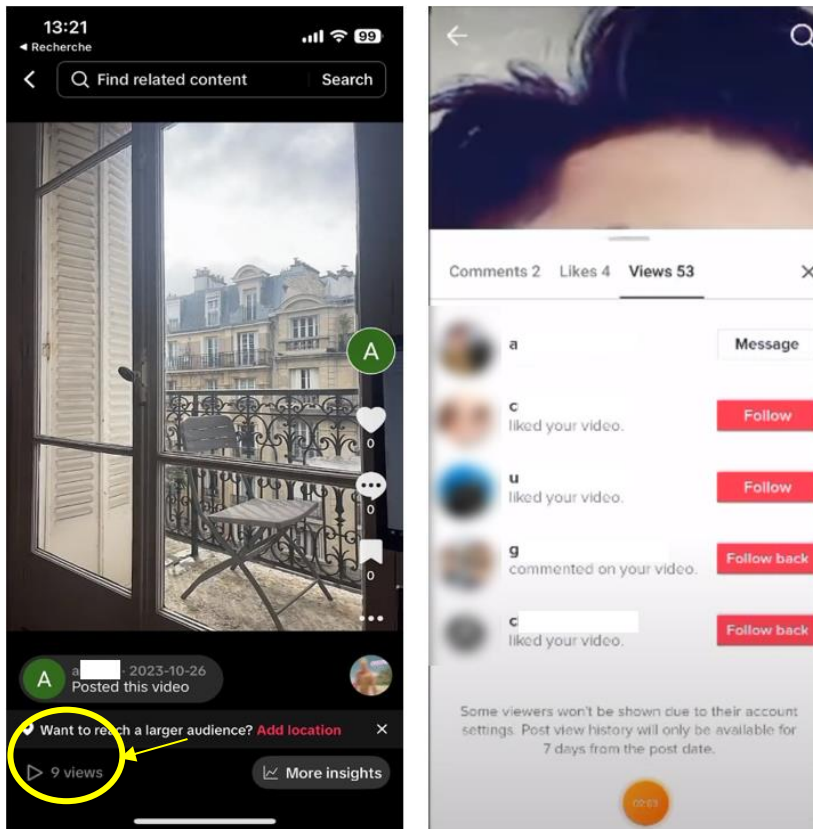


Figure 5: Business users and end users can communicate via direct messages

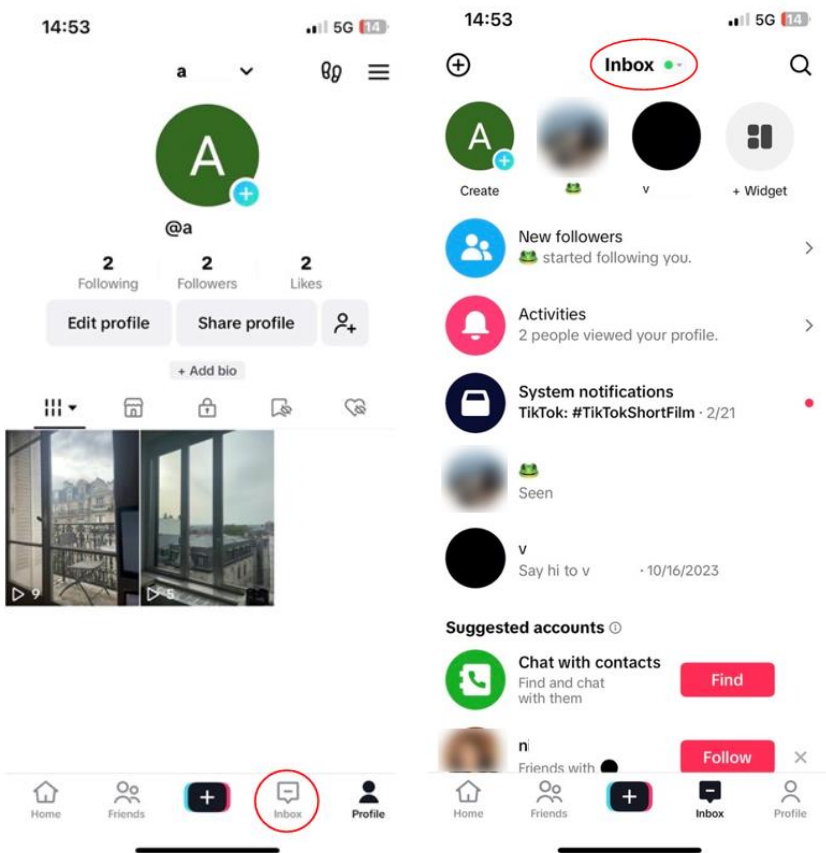
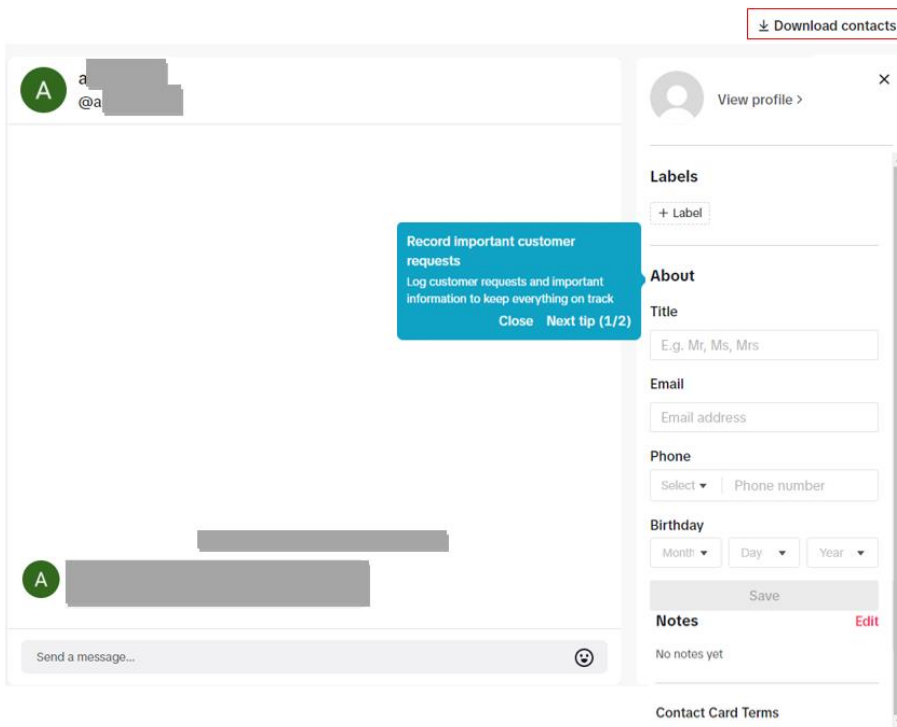


Figure 6: Download Contact Cards



20. ARTICLE 6.11

84. Article 6.11 requires gatekeepers to provide ranking, query, click, and view data generated on their online search engines to third-party search engines.
85. Article 6.11 does not apply to TikTok, as it only applies to designated online search engines. TikTok has only been designated as an online social networking service.

21. ARTICLE 6.12

21.1 Declaration of compliance

86. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 6.12 of Regulation (EU) 2022/1925.

21.2 TikTok has fair, reasonable, and non-discriminatory terms and conditions of access

87. Article 6.12 requires gatekeepers designated for their software application stores, online search engines or online social networking services to publish their general conditions of access for business users. These terms should be fair, reasonable, and non-discriminatory ("**FRAND**"). They should also include an alternative dispute settlement mechanism.

88. TikTok does not provide a software application store or an online search engine. Thus, Article 6.12 only applies to TikTok as an online social networking service. TikTok's general terms and conditions of access for business users (*i.e.*, Business Accounts) meet the requirements of Article 6.12 as:

- They are published, providing clear definitions of their scope, and are easily accessible on TikTok's website. TikTok also gives users reasonable advance notice of planned changes to its terms and conditions and informs them of the date that those changes will come into force.³⁵
- They are consistent with FRAND principles, and
- They foresee the possibility for business users to refer their dispute to an easily accessible alternative dispute settlement mechanism.

89. The terms listed below applicable to business users are collectively referred to as "**Terms**":³⁶

- Terms of Service;³⁷
- Business Terms of Service,³⁸ which apply in addition to the Terms of Service, for those who use the platform for defined Business Purposes;

³⁵ TikTok's Terms of Service, Clause 7.

³⁶ Note that certain Terms are not exclusive to business users and may also apply to users with personal accounts.

³⁷ <https://www.tiktok.com/legal/page/eea/terms-of-service/en>.

³⁸ <https://www.tiktok.com/legal/page/global/business-terms-eea/en>.

- Additional terms and policies³⁹ that might apply depending on the features used: Music Terms, Commercial Music Library, Intellectual Property Policy, Branded Content Policy, Coins Policy, Rewards Policy, Lead Generation Services, Contact Card Terms; and
 - Community Guidelines.⁴⁰
90. First, the Terms are fair and reasonable. The access to TikTok is free of charge for all users and they can terminate it at any time, without notice, as explained in **Section 22** below. In relation to fairness as outlined in the Recital 62, TikTok's Terms (i) do not create an imbalance of rights and obligations imposed on business users; (ii) do not confer an advantage on TikTok that is disproportionate to the service provided by TikTok to business users, and (iii) do not lead to a disadvantage for business users in providing the same or similar services as the gatekeeper. Indeed, the last element is not applicable to TikTok, as it does not offer the "*same or similar*" services as its business users on TikTok.⁴¹
91. Second, TikTok's Terms are non-discriminatory as TikTok applies the Terms, including its Community Guidelines consistently across all users.⁴² Community Guidelines set out what is acceptable content on TikTok to help foster a welcoming, safe, and entertaining experience.
92. Finally, in addition to the internal appeal mechanism, and consistent with Article 6.12 and wider industry standards, since 2022, TikTok's Terms have included an alternative dispute settlement mechanism for business users. Clause 12 of the Business Terms of Service foresees the option to refer a dispute to mediation to the International Chamber of Commerce ("**ICC**"), based in the European Union (Paris), or to the Centre for Effective Dispute Resolution ("**CEDR**"), based in the UK (London).

³⁹ <https://www.tiktok.com/legal/page/global/music-terms-eea/en>;
<https://www.tiktok.com/legal/page/global/commercial-music-library-user-terms/en>;
<https://www.tiktok.com/legal/page/global/copyright-policy/en>;
<https://www.tiktok.com/legal/page/global/bc-policy/en>; <https://www.tiktok.com/legal/page/global/coin-policy-eea/en>; <https://www.tiktok.com/legal/page/global/rewards-policy-eea/en>;
<https://www.tiktok.com/legal/page/global/contact-card-terms/en>.

⁴⁰ <https://www.tiktok.com/community-guidelines/en/>.

⁴¹ As noted in **Sections 11** and **14** above, while TikTok maintains a limited number of first-party accounts that generate content, this content does not compete head-to-head with the content posted by TikTok's business users.

⁴² As TikTok is an entertainment platform, it develops policies to promote a positive environment and prevent harmful misinformation. Some specific rules are in place for political accounts: <https://support.tiktok.com/en/using-tiktok/growing-your-audience/government-politician-and-political-party-accounts>.

93. Both mechanisms offer an independent and impartial resolution of disputes, and TikTok does not impose charges on users for using the alternative dispute settlement mechanism pursuant to its Terms applicable in the EEA. Business users only bear their own costs, which are limited to a) their share of the fees as attributed by the standardised mediation rules developed by ICC or the CEDR and b) legal representation costs. In CEDR mediation, TikTok would apply the CEDR Model Mediation Procedure⁴³ and would expect to follow the CEDR Model Mediation Agreement.⁴⁴ The rules of the Model Mediation Agreement developed by the CEDR provide that mediation fees are split equally between the parties.⁴⁵ In the ICC mediation, TikTok would follow the ICC Mediation Rules,⁴⁶ which also foresee that costs shall be split in equal shares by the parties.⁴⁷
94. As noted in **Section 6** above, the alternative dispute settlement mechanism is without prejudice to the right of business users to seek redress before judicial authorities.

⁴³ <https://www.cedr.com/wp-content/uploads/2023/03/CEDR-Model-Mediation-Procedure-2023.pdf>.

⁴⁴ <https://www.cedr.com/foundation/currentprojects/mediationcontractclause/>.

⁴⁵ See paragraph 11 of Model Mediation Agreement.

⁴⁶ <https://iccwbo.org/dispute-resolution/dispute-resolution-services/adr/mediation/mediation-rules/>.

⁴⁷ See Article 6, paragraph 6 of ICC Mediation Rules.

22. ARTICLE 6.13

22.1 Declaration of compliance

95. ByteDance confirms that as of 7 March 2024 it has ensured compliance with the obligation laid down in Article 6.13 of Regulation (EU) 2022/1925.

22.2 TikTok does not impose disproportionate conditions for termination

96. TikTok is in compliance with Article 6.13 by offering its users a user-friendly account management process and an account termination process that is seamless, straightforward and accessible. Under the standard TikTok termination flow, which applies uniformly to both business users and end users, an account can be terminated quickly and easily.⁴⁸

97. Once a user completes the account termination process, TikTok initiates a 30-day account deactivation period. During this time, the account remains inactive and will not be publicly visible. However, to provide those users with the ability to recover their account and data, the account is not yet permanently deleted. A user can fully restore their account in the app within these 30 days. Upon expiration of this 30-day period, the account is permanently deleted.

⁴⁸ <https://support.tiktok.com/en/account-and-privacy/deleting-an-account/deactivate-your-account> and <https://support.tiktok.com/en/account-and-privacy/deleting-an-account/deleting-an-account>.

23. ARTICLE 7

98. Article 7 mandates gatekeepers that provide designated number-independent interpersonal communications services to ensure interoperability with the number-independent interpersonal communications services of other providers active in the EU.
99. Article 7 is not applicable to TikTok, as it has not been designated as a provider of a number-independent interpersonal communications service.