Brussels, 9 November 2026

DFA: Prioritising Simplification to Preserve User Access to Digital Content and Services

Dear President von der Leyen,

Dear Executive Vice-President Virkkunen,

Dear Commissioner McGrath,

Ahead of the expected publication of the Digital Fairness Act (DFA) proposal, the undersigned organisations representing Europe's digital advertising industry call **for simplification to guide the Act and for the Commission to avoid disproportionate restrictions on personalisation.**

We welcome Commissioner McGrath's stated ambition for the DFA to simplify rules, provide legal certainty and ensure a level playing field for European businesses. In this spirit, we are particularly concerned about two potential measures: (i) **an additional opt-out mechanism for personalised ads**, **and (ii) the introduction of "dynamic vulnerability"** as a basis for restricting commercial practices.

While we support closing regulatory gaps, additional obligations must deliver demonstrable consumer benefits without undermining the advertising-funded business model that supports European publishers, Small- and Medium-Sized Enterprises (SMEs), and consumers. A recent ECIPE study, *Fairness and Politics of Digital Advertising* (2026), estimates that additional DFA compliance costs and reduced advertising effectiveness could result in **€10–29 billion in annual economic losses**, depending on the regulatory scenario.

1. User empowerment through existing EU data privacy rules

The GDPR and ePrivacy Directive already uphold strong protection by empowering users to make choices about ad-related data processing, with robust and predominant "consent" requirements.

Widespread "consent fatigue" demonstrates that consumers can already feel overwhelmed by repetitive choice interfaces. Adding *another* layer of ad-related opt-outs or ambiguous

definitions will create legal fragmentation, confuse consumers, and increase compliance burdens, contrary to the Commission's simplification objectives.

2. The reality of "dynamic vulnerability"

Any new measures addressing consumer vulnerability should be consistent with the EU's simplification objectives, reducing rather than adding complexity and legal uncertainty for businesses. The debate around vulnerability risks conflating personalisation with manipulation. Personalised advertising is not inherently harmful, and consumers recognise the value of relevant advertising and ad-supported services. According to IAB Europe's consumer research conducted by Kantar in 2025, **80% of European internet users recognise the benefits of personalised advertising when combined with transparency and user control.** The study also estimates that the average European consumer benefits from approximately **€212 worth of online content and services each month without direct payment**, much of it supported by advertising.

Protecting vulnerable consumers must be grounded in a clear, objective and workable legal framework. Expanding vulnerability into a subjective, "dynamic" concept could mean that virtually *anyone* could be considered vulnerable at a given moment, making it difficult for businesses to determine when restrictions actually apply. Consumers can experience situational vulnerability, but that should not become an open-ended presumption that personalisation is harmful. A broadly defined concept of "dynamic vulnerability" would create uncertainty about which circumstances trigger additional obligations and could encourage intrusive inferences about consumers' emotional or financial states. The relevant question is not whether a consumer's circumstances change or a service responds to them, but rather whether any intervention should rest on clear, foreseeable criteria and evidence of what unfair conduct is.

Indeed, identifying temporary vulnerabilities in real time could require businesses to process additional personal data. **This creates a fundamental contradiction: a measure intended to protect consumers could incentivise greater data collection, potentially conflicting with the GDPR's data minimisation and fairness principles.** Conversely, where businesses cannot lawfully or reliably identify such vulnerabilities, it is unclear how they could comply with the proposed restrictions. This uncertainty risks overly restrictive compliance approaches, affecting legitimate personalised advertising and European businesses that depend on it, while adding another layer of regulatory complexity rather than delivering meaningful simplification.

Simplification through prioritisation of effective enforcement and workable consumer protection

We believe consumer protection measures should focus on addressing clearly identified harms through proportionate, objectively assessable and technically feasible measures. The priority

should be consistent and harmonised interpretation and enforcement of existing legislation rather than introducing new concepts whose practical application remains uncertain.

We remain committed to constructive engagement with the European Commission and stand ready to contribute our expertise towards effective, proportionate and evidence-based consumer protection.

Yours sincerely,

The undersigned organisations:

List of Signatories

IAB Europe: IAB Europe is the European-level association for the digital marketing and advertising ecosystem. Through its membership of national IABs and media, technology and marketing companies, its mission is to lead political representation and promote industry collaboration to deliver frameworks, standards and industry programmes that enable businesses to thrive in the European market.

Alliance Digitale: Alliance Digitale is the leading professional association for digital marketing players in France. It was formed in 2022 from the merger of IAB France and the Mobile Marketing Association France. Alliance Digitale's main mission is to structure the development of the digital marketing industry and promote innovative, responsible and interoperable solutions by defining industry standards and best practices. The association is also a privileged interlocutor for public authorities, the media and other professional organisations in matters of digital regulation and the promotion of an open Internet. The association brings together the vast majority of digital marketing players in France, representing more than 250 companies (Brands, Media, Agencies, Tech).

BVDW: The German Association for the Digital Economy (BVDW) is the advocacy group for companies that operate digital business models or whose value creation is based on the use of digital technologies. With its members from the entire digital economy, the BVDW is already shaping the future today through creative solutions and state-of-the-art technologies. As a catalyst, guide, and accelerator for digital business models, the association relies on fair and clear rules and advocates for innovation-friendly framework conditions. BVDW always keeps an eye on the economy, society, and the environment. In addition to DMEXCO, the leading trade fair for digital marketing and technologies, and the German Digital Award, the BVDW also organises the CDR Award, the first award ceremony in the DACH region for digital sustainability and responsibility, as well as a variety of specialised events.

IAB Austria: With more than 200 members representing all sectors of the industry – including publishing houses and media companies, advertisers, agencies, technology service providers, and start-ups – IAB Austria is the largest independent industry association representing Austria's digital economy. Through dialogue among its specialised and interconnected working groups and all relevant stakeholders, IAB Austria develops holistic perspectives and represents the collective interests of the entire digital industry. To strengthen Austria's position as a digital business hub, IAB Austria develops technical and legal standards as well as education and professional development programs. It promotes knowledge sharing through events and publications, organises the IAB webAD – Austria's most prestigious digital industry award – and advocates for the industry's interests at both national and European policy levels.

IAB Finland: IAB Finland is the leading industry association and expert community for digital advertising in Finland, bringing together advertisers, media companies, agencies, technology providers and other industry stakeholders. Our mission is to strengthen the competitiveness and responsible growth of digital advertising, creating opportunities for our members and businesses to grow through digital advertising. As an independent industry voice, we foster collaboration, provide market research and insights, develop common standards and best practices, and advocate for a fair and competitive digital advertising market. Through our expert working groups and international IAB network, we connect industry expertise, share knowledge and help shape the future of digital advertising in Finland.

IAB Ireland: IAB Ireland represents the Irish digital advertising industry. Our members include advertisers, agencies, broadcasters, publishers, platforms and retail media companies—all the elements of the Irish digital advertising and marketing ecosystem. We focus on policy and regulatory affairs, the development of digital advertising standards that align with best practice, and the sharing of knowledge through our programme of events, including two annual in-person conferences and over 14 webinars. We work to support a sustainable digital advertising value exchange for the benefit of our members and the wider industry. IAB Ireland is a member of IAB Europe.

IAB Italia: IAB Italia is the Italian chapter of the Interactive Advertising Bureau, the leading association of digital marketing and advertising. Since 25 years it has significantly contributed to the diffusion of digital culture and to the acceleration of market growth in Italy through the development of ethical and sustainable communication. IAB Italia pursues its mission through the realisation of vertical events, special projects, training activities and with Intersections, the largest Italian event dedicated to marketing and digital innovation on the most relevant issues for the industry, involving top national and international speakers. The Association has more than two hundred members, among the main Italian and international operators active in the interactive advertising market.

IAB Polska: IAB Polska is a Polish advertising industry organisation that unites and represents entities of the interactive industry. IAB Poland members include more than 200 companies, including the biggest web portals, global media groups, interactive agencies, media houses and technology providers. In 2012 the organisation received the MIXX Awards Europe, honouring the best IAB bureau in Europe. The mission of IAB Poland is to support development of the Internet industry and take regulatory actions to enhance the competitiveness of the market, conducting research projects, leading educational programs and providing legal protection.

IAB Portugal: IAB Portugal is the largest and most inclusive national association of companies in the digital advertising industry, and the only one that brings agencies, publishers, platforms, and technology partners to the same table. It exists to promote the growth of this industry by fostering ethical and transparent norms and standards, best practices, advanced training and certifications that are relevant to the market, and a platform for constructive dialogue between the European Regulator, the National Regulators, local stakeholders and the consumer. In other words, it exists to promote sustainable growth. Its members represent the overwhelming majority of digital advertising investment in the Country.

IAB Spain: IAB Spain undertakes a comprehensive mission as a forum for meeting and representing the digital advertising industry in Spain. Since its inception in 2001, IAB Spain has played a crucial role in the promotion and development of digital advertising. IAB Spain's mission unfolds on various strategic fronts: With the aim of contributing to the proper regulation of the sector, by contributing, assisting, and fostering conversations with public administrations. Furthermore, IAB Spain proactively works on creating industry standards, with the goal of establishing guidelines and best practices that promotes the sustainable and ethical growth of digital marketing, advertising and therefore promoting innovation and positivities for the society. Members of IAB Spain encompass a wide range of stakeholders in the digital advertising ecosystem, including digital and audiovisual publishers, platforms, media agencies, marketing and advertising agencies, advertisers, consulting firms, technology providers, advertising networks, and others, such as eCommerce and research institutes.