

Brussels, 22 August 2025

IAB Europe Submission to the European Commission Public Consultation on the Consumer Agenda 2025–2030 and Action Plan on Consumers in the Single Market

I. Executive summary

IAB Europe welcomes the European Commission's initiative to shape the Consumer Agenda 2025-2030 and its commitment to a fair and competitive Single Market. Strong consumer protection frameworks are essential for a well-functioning internal market. They create the legal certainty businesses need to operate across borders while fostering consumer trust in digital and offline markets. This trust supports fair competition, and ultimately benefits responsible businesses by rewarding quality, compliance, and transparency. In the EU context, robust consumer protection aligns market integrity with innovation, ensuring that economic growth is sustainable and inclusive.

For a well-functioning internal market, effective consumer protection must be balanced with enabling innovation, supporting economic growth, and preserving legal certainty for the digital advertising industry.

As the association representing the digital advertising industry, we urge the Commission to prioritise policy coherence, avoid duplication, and focus on the implementation and enforcement of existing rules. Particularly for the digital advertising industry, as our sector faces an already complex and continually evolving regulatory landscape. A risk-based, evidence-driven approach—aligned with current legislation—will help ensure consumer trust while safeguarding the competitiveness of European digital advertising companies.

We would additionally urge that the upcoming Consumer Agenda should also recognise the legitimacy and tangible benefits of that personalised advertising, which, when deployed transparently and responsibly, provides tangible benefits: it funds the open internet, sustains SMEs, and improves the consumer experience. The digital advertising industry

thrives on transparency, accountability, and responsible practices — values that are already deeply embedded in both EU law and our own industry standards.

II. Introduction

IAB Europe is the European-level association representing the digital marketing and advertising ecosystem. Our members, which are composed of national federations, media, technology, and marketing companies, engage daily with millions of European consumers through responsible, data-driven advertising practices that underpin access to high-quality, free online content and services.

We fully support the Commission's objective to empower consumers in the digital age. Our submission highlights how personalised advertising fits within the existing legal framework and offers practical recommendations to ensure future policies foster innovation, protect consumers, and enable SMEs to grow.

III. The value of personalised advertising

Personalised advertising is essential to Europe's digital economy and provides significant benefits for both businesses and consumers:

- **Funds a largely free and accessible internet**, supporting diverse online content.
- **Empowers European SMEs** with cost-effective tools to reach specific customers efficiently.
- **Enables media plurality** by supporting quality journalism and diverse online publishers.
- **Provides consumers with relevant, less intrusive advertising experiences.**

Recent studies validate this impact:

- **86% of EU SMEs** say personalised advertising helps grow their revenue, and **76%** believe it enables fairer competition with larger players¹.

¹ Source: [Public First \(2025\)](#)

- An estimated **10 billion euro in revenue** for publishers is generated by personalised advertising, twice as much compared to contextual ads².
- **80% of consumers** acknowledge the benefits of personalised advertising when combined with transparency and control³.

While legitimate concerns exist about "dark patterns" or misleading marketing, it's crucial to distinguish these from responsible advertising techniques. A recent IAB Europe/Kantar study⁴ provides crucial insights into consumer attitudes. It shows a nuanced but broadly supportive perspective on personalised advertising when accompanied by transparency and trust. Notably, more than half of consumers prefer relevant ads over less relevant ones, and a majority agree that fewer, targeted ads are less intrusive than large volumes of untargeted content. This highlights the industry's ongoing commitment to improving ad relevance and user experience.

IV. A committed and responsible digital advertising industry

We recognise the importance of strong consumer protection, including robust safeguards for vulnerable groups such as minors, and we acknowledge that trust is the foundation of our business model. The digital advertising industry thrives on transparency, accountability, and responsible practices — values that are already deeply embedded in both EU law and our own industry standards.

For this reason, we have not marked the questionnaire priorities *"Protecting vulnerable consumers, especially children and young people"*, *"Promoting sustainable consumption"*, or *"Strengthening consumer protection in the online environment"*. These areas are already addressed by a comprehensive set of EU laws — including the GDPR, ePrivacy Directive, Digital Services Act (DSA), Digital Markets Act (DMA), Unfair Commercial Practices Directive (UCPD), Audiovisual Media Services Directive (AVMSD) and the AI Act.

In addition, industry-led initiatives further strengthen responsible practices: the Transparency and Consent Framework ([TCF 2.2.](#)) facilitates compliance with certain provisions of the ePrivacy Directive and the GDPR; [AdEthics](#) promotes responsible

² Source: [Implement Consulting \(2025\)](#)

³ Source: [Kantar and IAB Europe \(2025\)](#)

⁴ See "[Optimisation over reform: EU Consumers' Perception and Knowledge of the Ad-Funded Internet and Related Privacy Rights Issues](#)" (April 2025)

influencer marketing; and the [ICC Advertising and Marketing Communications Code](#) — the global benchmark for legal, honest, decent, and truthful marketing — includes dedicated rules for the protection of children and teens, and restrictions on alcohol, gambling, and tobacco advertising to minors. The ICC also provides sector-specific Codes on responsible marketing of alcohol, and of food and beverages. The priority should be to ensure effective enforcement and support for compliance within this robust framework, rather than introducing overlapping new rules that risk confusion and undermine competitiveness.

IAB Europe is equally committed to supporting a more sustainable digital advertising industry. The sector's sustainability efforts are currently focused primarily on reducing emissions across the digital advertising ecosystem. Since late 2023, our Sustainability Standards Committee has worked with other industry bodies to develop a robust, practical, and representative standard methodology for measuring the carbon footprint of digital ad spend.

In April 2025, this work resulted in the [methodology for digital ad emissions adopted for Ad Net Zero's Global Media Sustainability Framework](#), developed by our ESG Methodology & Framework Working Group. On 3 April 2025, we also launched [LEAF](#), a centralised toolkit enabling industry actors to monitor and reduce the environmental impact of their campaigns.

V. Navigating an already heavily regulated landscape

The Consumer Agenda questionnaire, in particular its question 4, identifies several key issues, including:

- Dark patterns.
- Unfair personalisation practices.
- Influencer marketing
- Protecting children and young people.

In our view, the current legal framework already sufficiently protects consumers in the online environment regarding digital advertising, meaning additional legislation is unnecessary; the focus should be on effective enforcement.

Dark patterns (deceptive design)

Concerns regarding dark patterns, such as misleading presentation of choice buttons, are adequately covered by several legislative instruments:

- The **General Data Protection Regulation (GDPR)**, specifically Article 25 on privacy by design and by default, mandates that consent options must not be invasive or coercive. It requires that consent and refusal options be presented equally, accompanied by clear explanations of their implications.
- The **Unfair Commercial Practices Directive (UCPD)** is applicable to dark patterns, particularly addressing their use in data-driven business practices. Practices designed to capture attention and drive transactional decisions (e.g., excessive scrolling or clicking) may violate the UCPD if they mislead consumers or distort their behaviour.
- The **Digital Services Act (DSA)** includes a specific definition for dark patterns. Article 25 of the DSA explicitly prohibits deceptive or nudging techniques, including dark patterns, that distort users' free choice, such as highlighting consent options or pressuring decisions. Furthermore, the European Commission has the authority to define additional dark patterns through delegated acts.

More specifically, **consent is adequately covered by the GDPR**, including its core principles and definitions found in Article 4(11) (defining consent), the conditions for consent outlined in Article 7, the rights and transparency requirements in Articles 12, 13, and 14, and further guidance on affirmative action and conditions in Recital 32.

Unfair personalisation practices (e.g. online advertising targeting consumer vulnerabilities)

Concerns about targeting advertisements using sensitive data and unfair personalisation are also subject to strict regulation:

- The **DSA** prohibits online platforms from targeting ads using sensitive data.
- The **GDPR** rigorously regulates the processing of special categories of data, allowing for very specific and narrow use cases that are subject to stringent regulatory oversight by Data Protection Authorities.
- Additionally, the Transparency and Consent Framework⁵ ([TCF v.2.2.](#)) does not support the processing of such sensitive data, including for personalised advertising.

⁵ The Transparency & Consent Framework (TCF) ensures that participating organisations from the digital advertising ecosystem implement privacy practices aligned with the EU data protection framework.

Imposing new requirements to identify and protect vulnerable consumers in real-time presents significant technical and legal challenges. Identifying vulnerable users often necessitates processing personal data, which directly conflicts with the principle of data minimisation enshrined in current data protection laws.

Influencer marketing (e.g. lack of disclosure of commercial content)

Regarding influencer marketing and the disclosure of commercial content:

- The **UCPD**, the **Audiovisual Media Services Directive (AVMSD)**, and the **DSA** already prohibit all forms of hidden advertising.
- Issues related to the disclosure of commercial content in influencer marketing primarily stem from **enforcement gaps**, rather than a deficiency in legislative provisions.
- To ensure consistency across the EU, the European Commission and well-performing EU member states should focus on supporting member states waiting to develop stronger regulatory frameworks for influencer marketing, rather than disrupting the robust systems that are already in place.
- Important industry initiatives, such as the [AdEthics](#) programme, play a vital role in promoting ethical practices and warrant support and recognition.
- The European Commission's [Influencer Legal Hub](#) is a great resource providing clarity on applicable rules and more could be done to work with online service providers to raise awareness of this.

Protecting children and young people as online consumers

The protection of children and young people as online consumers is also adequately addressed:

- The **DSA** already prohibits profiling-based advertising to minors for online platforms.
- The **GDPR** severely restricts such practices, as per data protection authorities' interpretation⁶.

⁶ On top of the GDPR restrictions, the Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation 2016/679, state organisations should refrain from profiling children for marketing purposes.

Furthermore, the European Commission has just published guidelines for Article 28 of the DSA, specifically concerning children's protection, and online service providers should be given time to fully implement these rules.

It is also crucial to recognise and promote industry-led practices, such as the [ICC Code](#), [EASA Best Practice Model](#), and self-regulatory bodies such as the [Self-Regulatory Organisations \(SROs\)](#), as well as national initiatives, such as [IAB Poland's code on children's protection](#).

VI. IAB Europe recommendations

To contribute to the European Commission's objectives of simplification and competitiveness, we recommend the following measures in the area of consumer policy over the next five years:

1. Prioritise Clear Guidance and Proportional Enforcement:

- Focus on providing clear, actionable, and workable guidance to aid company compliance before any enforcement actions are taken, fostering legal certainty and facilitating adherence to and across regulations.
- Enforcement should be risk-based, targeting genuine harm and malicious actors, and should prioritise informal resolutions, reserving formal sanctions for serious and persistent breaches. The EU should shift away from using enforcement investigations and sanctions as the primary measure of regulatory success.

2. Ensure Regulatory Cohesion and Avoid Duplication:

- Before developing new legislation, conduct comprehensive impact assessments that fully account for intertwining existing legislation (GDPR, DSA, DMA, ePrivacy, UCPD, etc.), as well as industry standards and self-regulatory frameworks. This holistic approach will prevent regulatory overlap and unintended consequences.
- Specifically, evaluate the impact of the DSA rules, which only entered into force after the Fitness Check on EU consumer law was completed, and thoroughly assess whether any genuine regulatory gaps exist by auditing all applicable laws and regulations. In this regard, guidance under the DSA has either recently been published or is still being awaited, and time should be given firstly to online

providers to implement the guidance and then secondly to assess the effectiveness of the guidance.

- Avoid regulating areas where robust sector-specific rules (e.g., on advertising content and consent to cookies) already exist and are effectively enforced.

3. Foster a Supportive Business Environment:

- Do not introduce rules that could unfairly shift liability away from primary actors in complex supply chains (e.g., from advertisers to publishers or intermediaries) when the original source of potential harm is elsewhere.
- Establish and utilise robust mechanisms to enable continuous assessment of the impact of regulatory obligations on businesses, particularly SMEs. This feedback should inform future policy decisions.
- Provide greater recognition for industry initiatives, such as codes of conduct and best practices, as effective means to inform consumers and demonstrate compliance. These initiatives often offer agile and adaptable solutions to evolving digital challenges.
- Formalise regular dialogues with industry, both in enforcement and best practices, particularly if guidance is being developed.

4. Address Root Causes of Harm:

- Regulators should focus on addressing the root cause of issues, which may require international effort and law enforcement action where malicious or fraudulent actors are involved, rather than broadly restricting legitimate industry practices.

5. Strengthen Consumers' Digital Literacy through EU and National Initiatives:

- Enhance consumers' ability to make informed decisions in the digital space by prioritising investment in digital skills programmes. The European Commission and Member States should support targeted initiatives and awareness campaigns to equip consumers with the skills to understand online risks, exercise their rights effectively, and navigate the digital environment responsibly.

VII. Conclusion

The European Union already possesses a comprehensive and robust regulatory framework for personalised advertising, ensuring consumer protection in the online environment. This

extensive legislation, encompassing the GDPR, ePrivacy Directive, UCPD, DSA, Regulation on transparency and targeting of political advertising, AI Act, and DMA, alongside sectoral rules, already provides a multi-layered approach to governing advertising practices. Numerous advertising verticals are also heavily regulated at both European and national levels.

These regulations, combined with strong industry self-regulatory systems across Europe, ensure consumers are adequately protected and truly benefit from personalised advertising. Therefore, the European Commission should prioritise its commitment to simplification and coherence by unifying policy discussions, particularly for issues already being considered within the Digital Fairness Act (DFA) process. Avoiding conflict between consumer legislation and digital rules is paramount, ensuring effective protection without stifling innovation or overburdening businesses.