

Brussels, 24 October 2025

IAB Europe Position Paper on the European Commission's Consultation on the Digital Fairness Act

I. Executive summary

IAB Europe recommends that the European Commission focus on the following priorities:

- Focus on effective implementation and oversight of existing rules and provide actionable and workable guidance to provide legal certainty and aid company compliance.
- Ensure coherent application of existing legislation and address duplication via the EU's simplification programme.
- Refrain from adding unnecessary new advertising-specific rules and recognise that digital advertising is already comprehensively regulated under GDPR, DSA, UCPD, AVSMD and ePrivacy.
- Recognise and further encourage industry-led best practices and self-regulatory initiatives and work hand-in-hand with industry and trade bodies like IAB Europe to enhance compliance.
- Prioritise guidance before targeted enforcement on harmful and intentional practices.
- Enable compliant personalised digital advertising to continue to contribute enormous value to the EU economy and consumers.
- Strengthen consumers' digital literacy through EU and national initiatives.

Fairness for European consumers and a level-playing field for European businesses is best achieved by ensuring the current system works effectively.

II. Introduction

IAB Europe, the European-level association representing the digital marketing and advertising ecosystem, welcomes the opportunity to contribute to the European

Commission's consultation on a possible Digital Fairness Act. This is a continuation of earlier policy processes in which we have actively engaged, including the [Public Consultation for the Fitness Check of EU Consumer Law on Digital Fairness](#) (20 February 2023), the [Targeted Consultation: Study to Support the Fitness Check of EU Consumer Law on Digital Fairness and the Report on the Application of the Modernisation Directive \(EU\) 2019/2161](#) (22 September 2023) and the [Consumer Agenda 2025-30 and action plan on consumers in the Single Market](#) (22 August 2025).

IAB Europe would like to highlight first that the consultation questionnaire may present a challenge in the way it is structured, as it allows respondents to justify their views only when supporting additional EU action. For this reason, IAB Europe considers it essential to provide this paper to explain our responses and share our opinion on the broader proposal.

We fully recognise the importance of protecting consumers. Trust is the foundation of our members' business model, as consumers need to trust the online services and advertising sectors to handle their data responsibly. The digital advertising industry is committed to transparency, accountability, and responsible practices - principles that are established and long embedded in EU law and reinforced by our own industry standards.

Our position, consistently communicated to the Commission, most recently in a [joint letter](#) to Executive Vice President Virkkunen and Commissioner McGrath in July 2025, is straightforward: rather than introducing new rules, the priority should be to ensure full and consistent implementation of the already existing regulatory framework across Member States. The effectiveness of the existing framework should also be assessed including recently introduced regulations not fully covered in the Fitness Check, such as the DSA. Where there are opportunities for simplification, these should be addressed in the ongoing processes - in particular, upcoming omnibus proposals and fitness checks - rather than used as a basis for new legislative proposals. The EU already has one of the most comprehensive systems of consumer protection and digital regulation worldwide; the challenge lies not in the absence of rules, but in their proper enforcement and coherent interpretation. The former will have a deterrent effect and the latter an enhancing effect on compliance.

III. Methodology Concerns

Before addressing the substance of the Digital Fairness Act consultation, we note several potential shortcomings in its design that will distort the evidence base and will undoubtedly warp the quantitative outcomes in favour of EU action, whether legislative or not:

1. **Conditional measurement:** The consultation structure makes it impossible for those who select “no actions are needed” to explain why they have taken this view or how the current framework and/or enforcement by national authorities already covers topics highlighted in the consultation. Only those who support an active intervention at the outset have the opportunity to provide explanations. This risks artificially inflating support for regulatory intervention, as it does not capture a full spectrum of views nor the supporting rationale.
2. **Oriented or biased survey logic:** Throughout the consultation, responses trigger dependent questions. However, if respondents choose any option besides ‘new action’ (e.g. ‘better enforcement of existing rules’; or ‘non-regulatory measures are needed’) the survey still goes on to ask them to choose what types of new actions are needed and a further text box regarding their top level response only opens if stakeholders select “other” to this question. These biases might go unnoticed by most respondents and deprive them of the opportunity to substantiate their responses. This is misleading insofar that it forces respondents to consider new actions even after they have explicitly chosen to not select the response option for new actions being necessary. The structure and flow of the questionnaire can create statistical anomalies that the Commission should disregard as a basis for policy-making, as respondents wishing to elaborate or substantiate their responses will be inclined to select an option that allows for this in the first question of the respective sections.
3. **Priming respondents:** asking close-ended questions with many different options may influence people’s later responses to later open-ended questions by priming them to consider specific types of interventions that might not have otherwise been top-of-mind. The measurement strategy preselects a menu of possible actions which may be incomplete or mismatched with respondents’ own preferences.
4. **Vague language:** the consultation references topics like “dark patterns,” “unfair personalization,” and “addictive design.” It is unclear if all respondents have the same concrete understanding of what these phrases refer to, and because the consultation does not include definitions, it’s difficult to compare responses across respondents on these topics. This makes it difficult to ensure consistent interpretation and meaningful comparison of responses, possibly undermining the reliability of the consultation’s future findings.

5. **Lack of ranking/tradeoffs:** while the consultation covers issues that the Commission decided to group under the theme of “Digital Fairness”, it does not present respondents with the opportunity to rank across issues or directly adjudicate the intensity of their preferences. In addition, where respondents can select multiple options, there’s no direct measurement of which specific option they would prioritize most. This may limit the consultation’s ability to inform nuanced policy decisions.
6. **“Bundled” measurement:** In many prompts that appear throughout the consultation, respondents are asked about practices that they “consider to be a concern and require EU action.” This question structure bundles issues together, making it impossible to separate out those issues for which respondents are concerned but not in favor of EU action. Saying yes to either requires saying yes to both.

IAB Europe urges the European Commission to take into account these potential biases in the final report and future actions. These biases should be acknowledged and balanced through contextual analysis, comparison with other data sources, potential additional deep-dives or studies and transparent communication of uncertainties. Recognising the limitations outlined above is essential to interpreting the results in a balanced and responsible matter.

IV. The Economic and Social Value of Personalised Advertising

Personalised advertising is a fundamental driver of Europe’s digital economy. It supports small and medium-sized enterprises (SMEs) find new customers and grow, sustains the media and publishing sectors, and underpins the provision of free online content and services to European consumers. It is also a vital economic enabler for the European economy overall: it currently secures €100 billion in additional sales for EU businesses, contributes over €25 billion to the EU’s GDP, and supports nearly 600,000 jobs across the supply chain. This economic contribution is driven by a significant multiplier effect: every €1.00 of digital ad spending drives follow-on sales activity of €18.61¹. This contribution is projected to more than double by 2030 to €250 billion in sales and 1.4 million jobs due to AI technologies.² For SMEs, personalised ads are especially valuable, helping them compete

¹ Source: Dr. Daniel Knapp, [“How is innovation and creativity shaping the future of the European digital advertising industry?” \(2025\), \(slide 15\)](#).

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

with larger businesses. Bigger brands also clearly acknowledge that personalised advertising enables them to find new clients and remain competitive³.

The benefits extend to the publishing industry, where personalised advertising generates approximately **€10 billion annually in revenue** - more than twice the revenue achievable through contextual advertising alone⁴. This additional income is critical for sustaining high-quality journalism and a diverse media landscape in Europe.

From the consumer perspective, personalised advertising delivers tangible value. A Kantar-IAB Europe study shows that **80% of consumers** recognise the benefits of personalised advertising when it is combined with transparency and user control⁵. The same study found that the average European **consumer gains access to approximately €212 worth of online content and services each month without direct payment**, with the bulk of this value funded by advertising. Furthermore, it should also be recalled that most of the services users access free of charge on a daily basis — not only editorial content, but also services such as price comparison tools, webmail, or weather forecast platforms — are provided at no cost for users and sustained by revenues deriving from personalised advertising.

V. Addressing Concerns about “Dark Patterns”

IAB Europe supports the Commission’s objective of addressing manipulative design practices that mislead or disadvantage consumers. However, it is important to recognise that robust rules in this area already exist, supplemented by national laws.

- The **General Data Protection Regulation (GDPR)**, specifically Article 5(1) mandates that personal data must be processed in a fair and transparent manner. This requirement effectively prohibits the use of dark patterns. Since any collection of a data point qualifies as processing, every individual online is a data subject with rights that deserve protection. The fairness principle in Article 5(1)(a) explicitly prohibits deceptive and non-transparent practices, while the GDPR’s detailed

³ Evidence from several studies confirms the scale of these benefits. According to research by CIPL and Implement Consulting, **86% of EU SMEs** report that personalised advertising helps to grow their revenue, while **76%** believe it enables fairer competition with larger market players. Source: [Public First \(2025\)](#)

⁴ Source: [Implement Consulting \(2025\)](#)

⁵ See "[Optimisation over reform: EU Consumers’ Perception and Knowledge of the Ad-Funded Internet and Related Privacy Rights Issues](#)" (April 2025)

provisions on transparency (Articles 13 and 14) and consent (Articles 4(11) and 7) reinforce this safeguard. The European Data Protection Board (EDPB) has further clarified the application of these rules to deceptive practices in its Guidelines 03/2022 on dark patterns in social media. In addition, data protection authorities (DPAs) across the EU have already acted against such practices, demonstrating that dark patterns are not a grey area but a clear violation of EU data protection legal framework⁶⁷.

- 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. This interpretation is confirmed and further elaborated by the European Commission's Guidance on the interpretation and application of Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market, which includes a dedicated section on data-driven practices and dark patterns⁸.
- 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.
- Article 5(1) **AI Act** expressly prohibits practices related to AI that deploy subliminal or purposefully manipulative or deceptive techniques, with the objective or effect of materially distorting the behaviour of a person by impairing the ability to make an informed decision and causing them to take a decision that they would not otherwise have taken.

One frequently raised concern in the consultation is the so-called “click fatigue” in relation to cookie banners. While this is a legitimate user experience challenge, it is not a consumer protection issue, but rather a matter of data protection compliance under the GDPR and ePrivacy rules. National Data Protection Authorities (DPAs) have issued varying guidance on cookie consent and on dark patterns, leading to fragmented implementation across the

⁶ The [French DPA \(CNIL\) fined Apple under the ePrivacy Directive](#) for implementing the ‘personalised ads’ setting as opted-in by default (without prior consent) and making it hard to change the setting by involving multiple steps.

⁷ The [Irish DPA \(DPC\) inquiry into Instagram \(Meta Platforms Ireland Limited\)](#) resulted in a fine and a [binding decision by the European Data Protection Board \(EDPB\)](#) for the public disclosure of contact information on children's business accounts and using ‘public by default’ settings for child users.

⁸ See [European Commission's Guidance on the interpretation and application of Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market](#)

Single Market. Rather than adding consumer-law-based rules that risk conflicting with this existing framework, the solution lies in greater coordination and clarity within the data protection regime.

It is also essential to preserve the ability of providers of online products and services, such as publishers, to interact directly with their audiences in the consent process. Proposals for centralised control mechanisms, such as browser-level settings, could undermine this relationship by preventing providers from explaining the value exchange in context and obtaining informed consent. As our consumer research shows⁹, trust in the specific publisher is a critical factor influencing consent decisions. Any approach that removes or intermediates this relationship could have negative consequences for both providers' revenue models and consumer understanding.

When it comes to dark patterns, the most pressing need is for these rules to be implemented and, where needed, enforced effectively and consistently across Member States. This requires greater coordination among Data Protection Authorities (DPAs) when developing guidance on dark patterns and cookie consent to avoid contradictions and ensure a consistent approach. Furthermore, to support the growth of EU businesses and enable innovative UX design and marketing, a common, clear definition for dark patterns is needed to differentiate between those manipulative practices already covered by existing regulation, which harm both consumers and service providers, and hinder legitimate, innovative digital design choices

VI. Unfair personalisation and the use of personal data

The consultation raises concerns around so-called “unfair personalisation” including user choice and control, the targeting of advertising based on sensitive data, the targeting of minors, and personalised pricing practices. The European Union already has comprehensive safeguards in place to protect consumers receiving personalised commercial offers or personalised content or services. Personalisation is a broad concept; the personalisation practices commonly applied across the digital advertising industry do not exploit individuals' vulnerabilities and are already comprehensively regulated under existing EU frameworks, including the GDPR, DMA, ePrivacy Directive, AI Act, and DSA.

⁹ Trust in the publisher is a decisive factor: acceptance rates for consent requests are significantly higher (38%) on trusted news sites compared to unfamiliar shopping links (28%), where users are more likely to decline data collection. Source: [Kantar Media, IAB Europe \(2025\)](#)

Consumers already have detailed choices with respect to the use of personal data, including for advertising purposes, which they are able to update at any time. They have access to comprehensive and useful information on what data is used for the ads they see, and how it is used. The ePrivacy Directive requires consent when information is stored or accessed on a consumer's device, including cookies or similar techniques used for personalised advertising. This model ensures that non-personalised experiences remain the default unless the user chooses otherwise. The GDPR also grants individuals the **right to withdraw consent** as easily as it was given, a principle enshrined in Article 7(3). Because the GDPR applies horizontally to all data subjects, regardless of the context where personal data is collected, consumers, including vulnerable consumers, are fully covered by all its provisions.

Personalisation online is useful for many reasons. In the case of ads, consumers see relevant advertisements that match personal or professional interests, based on their online behavior. **Sensitive categories of personal data** - such as racial or ethnic origin, political opinions, religious beliefs, or health information **are endowed with special protections** and subject to explicit consent under the GDPR. Courts and DPAs interpret sensitive data broadly, covering even inferred data, including mental health, addictions, or weight. Recital 75 of the GDPR also recognises that the risks of processing may result in discrimination or harm, particularly where data subjects are vulnerable. Processing of sensitive personal data is also considered as high risk under the GDPR and requires a Data Protection Impact Assessment (DPIAs) to assess the risks and implement mitigation measures, including anticipating that vulnerable consumers may be involved. The DSA further prohibits online platforms from targeting advertising using such data. In line with these requirements, the IAB Europe [Transparency and Consent Framework \(TCF\) v2.2](#)¹⁰ **does not support the processing of sensitive personal data for personalised advertising**. Furthermore, the GDPR's fairness principle (Article 5(1)(a)) and accountability requirements, along with Article 25 on data protection by design and by default, already ensure that personalisation, including advertising, is carried out fairly and responsibly. The Irish DPC has provided further guidance on safeguarding vulnerable adults data through a recently published [toolkit](#).

Furthermore, Article 26 DSA requires that providers of online platforms ensure that recipients of the service can directly and easily access meaningful information about the main parameters used to determine the ads they are shown.

¹⁰ The Transparency & Consent Framework (TCF) ensures that participating organisations from the digital advertising ecosystem implement privacy practices aligned with the EU data protection framework.

Proposals to regulate advertising based on **consumer “vulnerability,”** such as emotional or financial distress, or subjective criteria, such as **“negative mental states,”** raise significant technical and legal challenges. Identifying such vulnerabilities in real time is not possible, as this would require the collection and processing of additional personal data, which, if revealing information about a person's health, mental state, or financial situation, could easily fall under the definition of sensitive data (special categories of personal data) under the GDPR, which processing requires the user's explicit consent. Furthermore, if a user refuses to grant this explicit consent, it becomes **legally impossible to collect and process the data needed to identify their vulnerability** and, consequently, comply with the proposed prohibition on advertising to them.

In many cases, placing a requirement on traders would be technically unfeasible or legally impossible, and would effectively amount to a ban on them deploying personalised advertising. Increased uncertainty risks leading to over-enforcement, with direct consequences for the businesses that rely on advertising to thrive, especially small and medium enterprises. Such measures could inadvertently harm consumers by forcing publishers and advertisers to reduce or eliminate personalised advertising in some verticals, depriving them of the benefits outlined above. In addition, this raises the issue of actually being able to show ads to certain consumers who agreed to have their sensitive data collected, because they actually need to find a specific product to address their vulnerability (i.e. a hearing aid for a user suffering from hearing loss).

With respect to **minors**, profiling-based advertising is already prohibited for online platforms under the DSA and heavily restricted under the GDPR, as interpreted by national DPAs¹¹. Furthermore, the European Commission has recently published guidelines for Article 28 of the DSA three days before the publication of this present consultation, specifically concerning children's protection, and time should be given to fully implement these rules. However, requiring a much wider range of traders to age verify their customers would be disproportionate and would have broader implications. Mandatory age verification would over-regulate services that do not pose risks to children and would entrench inequalities by creating a tiered internet, where access depends on official ID or parental involvement, potentially disadvantageous to children. Rather, the Commission should continue to prioritise the effective implementation and oversight of existing protections for children in advertising in GDPR and the DSA and forebear from proposing

¹¹ 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.

new interventions.

In this context, industry-led initiatives — such as the [ICC Code](#), the [EASA Best Practice Model](#), national [Self-Regulatory Organisation \(SRO\)](#), and [IAB Poland's Code on Children's Protection](#) — play an important role and should be recognised by the Commission.

Fraud and other actions by malicious actors are highlighted as issues of concern. Such actions are addressed in many existing EU instruments, including the consumer *acquis* and GDPR, and are *de facto* breaches which must be addressed via robust enforcement against the primary offenders. In addition, there are a number of industry initiatives to collectively combat different types of malicious behaviour and engage law enforcement in the detection and investigation of offences. It is important that national authorities have expertise and resources to enforce consumer protection rules, and have the support of law enforcement agencies and the criminal justice system where needed. An appropriate next step would be to explore knowledge sharing between industry and authorities to help build this expertise and an understanding of how and where bad actors enter online supply chains, as well as explore new ways to raise awareness among consumers of how to spot a bad actor, take steps to protect themselves and where to report an offence.

VII. Influencer Marketing

Influencer marketing is another area where the Commission's concerns are already addressed by existing EU legislation. The **UCPD, AVMSD, and DSA all prohibit hidden advertising in any form**. The European Parliament's study of 2022 on influencer marketing¹² also reinforces this approach, concluding that the focus should be relying on and expanding the existing consumer protection legislation rather than creating entirely new laws. This is a rapidly growing sector with a global market value that reached \$13.8 billion in 2021 (a 700% increase compared to 2016, according to data cited in the European Parliament's 2022 study), and more recently estimated by \$32.55 billion¹³.

The main challenge here is not a lack of rules, but rather inconsistent enforcement. Issues such as inadequate disclosure of commercial relationships are best addressed through targeted enforcement and awareness campaigns to enhance compliance, not new legislative obligations. The Commission should focus on facilitating national authorities, their national level enforcement and support their capacity building. Indeed, most

¹² The impact of influencers on advertising and consumer protection in the Single Market: [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/703350/IPOL_STU\(2022\)703350_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/703350/IPOL_STU(2022)703350_EN.pdf)

¹³ Source: [Statista](#)

European countries have already developed national strategies that combine self-regulation with formal legal measures, tailored to their respective frameworks and consumer protection standards. For example, in Spain, IAB Spain, the Spanish SRO (AUTOCRONTRON) and the Spanish association of advertisers (AEA), co-led the 2025 [Influencer Marketing Code of Conduct](#) to promote transparency and proper disclosure, with nearly 1,000 adherent entities and monitored by government bodies like the Spanish competition authority (CNMC). Similarly, in Italy, following a public consultation, the Guidelines and the [Code of Conduct for influencers](#) were definitively approved and published in July 2025 by the Italian Communications Regulatory Authority (AGCOM). This diversity highlights the need for the Commission to prioritize coordination and harmonization of enforcement practices, rather than introducing new obligations.

The advertising industry has also taken proactive steps to promote responsible influencer marketing. Initiatives such as the [AdEthics](#), [endorsed by Commissioner McGrath](#), programme provide practical guidance and promote high standards of transparency as does the [ICC Advertising and Marketing Communications Code](#), which also prohibits hidden advertising. The Commission should explicitly recognise and encourage these voluntary efforts, which complement the existing regulatory framework.

The European Commission's [Influencer Legal Hub](#) is a resource intended to provide clarity on applicable rules and more could be done to work with online service providers and creators themselves to raise awareness of this and reorganise the information to make it more accessible and digestible.

Finally, IAB Europe shares the views of the [European Parliament's study](#) on influencer marketing, that new rules may lag behind the fast-paced nature of technological and market developments related to influencer marketing.

VIII. Recommendations

IAB Europe urges the Commission to take the following steps to achieve its goals to make the online world “fair” for consumers

1. Prioritise Clear Guidance, implementation and oversight:

- Ensure clear, actionable, and workable guidance is in place to aid company compliance before any enforcement actions are taken, fostering legal certainty and facilitating adherence to and across regulations.

- Regulator oversight should focus first on informing and supporting compliance and enforcement should be targeted on a risk-based basis, focusing on intentional acts, genuine harm and malicious actors. Informal resolutions should be preferred for technical compliance issues, 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 considering 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 limit regulatory overlap and unintended consequences, though the legislative process holds inherent risk of so-called “gold plating” and the “Christmas tree effect” over which the Commission exercises very little control. For this reason, the decision to introduce regulatory proposals must meet the high bar of Better Regulation Guidelines.
- Specifically, evaluate the impact of the DSA rules, which only entered into force in 2022. The transposition deadline for DSA came in 2024 after the Fitness Check on EU consumer law was completed. The DSA is still embedding, as evidenced by the recent publication of the Article 28 guidelines on minor protection, of obvious relevance for the Commission’s digital fairness objectives. It is critical to thoroughly assess whether any genuine regulatory gaps exist by auditing all applicable laws and regulations. As above, guidance under the DSA has either only recently been published or is still being awaited, and time should be given firstly to implement the guidance and then secondly to assess the effectiveness of the guidance.
- Avoid re-regulating areas where robust sector-specific rules (e.g., on advertising content and consent to cookies) already exist and are subject to existing implementation and oversight by regulators. In particular, the Commission should forbear from any new advertising-specific rules which risk contradicting the Commission’s objectives, given that digital advertising is already comprehensively covered by GDPR, DSA, ePrivacy and consumer law.
- Consider opportunities for simplification of consumer *acquis* only in the specific initiatives created for this purpose - such as the omnibus packages and fitness checks - and forbear from using simplification to justify unnecessary legislative interventions in the DFA.

3. Recognise and promote industry-led initiatives and best practices.

- Provide greater recognition for industry initiatives, such as self-regulatory standards. The ICC Code, the EASA Best Practice Model, national SRO rules, and IAB-led initiatives including the Transparency and Consent Framework (TCF) demonstrate industry's commitment to high standards of transparency, accountability, data protection and consumer protection. These continuously evolving initiatives add layers of consumer protection while resolving technical operational difficulties, offering agile and adaptable solutions to advancing digital challenges.
- Support these initiatives as complements to regulation and recognise them as effective means to inform consumers and demonstrate compliance.

4. 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), rather focus on the original source of potential harm.
- 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.
- Formalise regular dialogues with industry, both on implementation and best practices, particularly if guidance is being developed.
- Help to better advance consumer protection goals while fostering a competitive and innovative digital economy via the Commission's ongoing simplification workstreams.

5. 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 over-regulating and restricting legitimate industry practices.

6. 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. Recognise the

important role industry efforts play and encourage further partnerships that benefit EU consumers.

- The current EU legal framework enshrines the standard of the 'average consumer' (as interpreted under the UCPD). This standard should remain, alongside specific EU rules and non-legislative activities to safeguard the interests of particular groups such as minors.
- Enhance consumers' understanding of what they should expect from digital service providers, for example the Consumer Rights Directive (2011/83/EU) already mandates a comprehensive list of pre-contractual information consumers need before a purchase.

IX. Conclusion

The European Union has developed a world-leading framework for consumer protection and data privacy in the digital environment. Personalised advertising operates within - and is bound by - this framework, delivering significant economic and social benefits while respecting users' rights. The Commission's objective of ensuring fairness can best be achieved not by introducing a "Digital Fairness Act" focused solely on online players and practices that are already regulated, but by prioritising making the existing system work: through actionable and workable guidance to support compliance, targeted enforcement, regulatory alignment across intersecting areas of regulation, and the encouragement of responsible industry practices. Introducing additional advertising-specific rules would not deliver better outcomes for consumers, rather add unnecessary complexity to an already comprehensive framework. New rules should therefore be considered only where genuine, evidence-based gaps in consumer protection law exist.