

# POLICY PRIORITIES 2024-2029

The Federation of European Data and Marketing (FEDMA) is the leading membership-based advocacy trade association in Brussels dealing with the interplay between privacy, consumer protection, and marketing.

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## FEDMA's Manifesto for a thriving data-driven ecosystem

The 2019-2024 legislative term has seen a proliferation of gamechanging legislative proposals. These new laws address multiple aspects of the digital ecosystem, ranging from online content moderation, online advertising, digital markets, to data governance, digital identity, and Artificial Intelligence.

## In this manifesto, FEDMA sets out its key policy priorities for 2024-2029, focusing on three key areas:





#### Coherent and Harmonized Legal Framework



The 2024-2029 legislative term should focus on the efficient and coherent implementation of the wide range of new legislations adopted over the past 5 years. We believe it will be crucial to (i) ensure synergies among different competent authorities, (ii) avoid overlaps with forthcoming legislations, (iii) minimize legal fragmentation, and (iv) clarify their interplay with the current legal framework. The need for such a coherent legal framework was already stressed in the implementation of the GDPR where marketers keep observing a fragmented approach from different DPAs and uncertainty on how the GDPR applies in parallel to consumer protection and competition.

### Key recommendations for policymakers

- **1.** Confirm and incentivize **Legitimate Interest** as a legal basis for marketing in full compliance with the GDPR.
- **2. Reassess the ePrivacy Regulation** in light of new legislation and outstanding concerns, including its scope of application, its definitions, its inflexible legal bases, and its relationship with the GDPR.
- **3. Clarify through guidelines the interplay** between the DSA ban on deceptive and manipulative online interfaces with the Unfair Commercial Practices Directive (UCPD) and the GDPR.
- 4. Ensure that any policy decision resulting from the Fitness Check on EU Consumer Law:
  - Strengthens the enforcement of existing rules, including through formalized cooperation mechanisms between competent authorities in different areas.
  - Considers clarifying the application of EU Consumer Law to the digital sphere through guidelines or Codes of Conduct.
  - Addresses, if necessary, unfair commercial practices using consumers' personal data exclusively through the relevant data protection and privacy framework, including relevant provisions in the DSA and DMA.
  - > Tackles, if necessary, deceptive user interface design choices without prejudice to the GDPR, the UCPD or the DSA.



# Structured dialogue with stakeholders



The efficient and coherent implementation of the regulatory landscape stemming from the 2019-2024 legislative term will require a structured dialogue between relevant stakeholders, key institutions, and regulators. Such dialogue should be consistent with long-term objectives, ensuring that all relevant parties can contribute efficiently to the interpreting work of the new legislation and its interplay with the current legal framework, especially the GDPR. This should translate into actual and effective consultations prior to the development of interpretation guidelines, as well as sectoral approaches to the application of horizontal regulations with the help of self- and co-regulatory tools.

#### Key recommendations for policymakers

- **1.** Set **co-regulatory departments** within each Data Protection Authority to collaborate with stakeholders from specific sectors in the development of sectoral guidance, Codes of Conduct, and certifications.
- 2. Utilize the EDAA's Advanced Advertising Transparency for the DSA's Code of Conduct for Online Advertising.
- **3.** Leverage the work of the European Advertising Standards Alliance (EASA) and the International Chamber of Commerce (ICC) to drive ethical marketing practices that help respond to global challenges such as sustainability, diversity, social inclusion, equity, etc.
- **4.** Involve all relevant stakeholders in the marketing and advertising ecosystem in the 2026 DMA evaluation regarding the gatekeepers' requirements directly affecting the contestability of the digital advertising market (Art.5(2)a, Art.5(9), and Art.6(8)).



#### Risk-based Innovation and Trust



Ensuring the protection of all fundamental rights in a way that drives innovation, individuals' trust, and competition in an evolving technological landscape is crucial. This will be a significant challenge in the implementation, interpretation, and enforcement of the new legislative landscape along with the evolving digital economy. As we recognize the economic and societal value of data as well as the risks arising from its use, we should remind regulators of the need for a balanced interpretation and application of the rules based on a flexible and pragmatic approach towards accountability and risk assessment.

### Key recommendations for policymakers

- **1.** Integrate the GDPR risk-based approach in the interpretation and guidelines by DPAs and the EDPB based on a **common definition of "risk"** and risk classification system.
- **2.** Promote risk assessment methodologies that reconcile the fundamental right of data protection with other fundamental rights and public policy objectives, including the benefits to individuals, companies, and society.
- **3.** Develop common and pragmatic EU **pseudonymization and anonymization** criteria and tools.
- **4.** Reconcile the GDPR principles of fairness, transparency, purpose specification, and data minimization with the processing of personal data for training algorithmic models and developing AI systems under the requirements of the AI Act.

FEDMA represents the interests of the data and marketing industry from across Europe. Its members use data for effective marketing and improved customer experience through all communications channels. FEDMA operates mainly through the participation of its network of national Data Marketing Associations (DMAs) across Europe and significant companies that have an interest in influencing EU legislation.

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