

# DFA\_stakeholder survey\_Business Associations

Fields marked with \* are mandatory.

## 1 Part A: General questions

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\* Q1. In which countries does your organisation operate?

*Please select all that apply.*

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- Other

\* Q2. In which sectors does your organisation or do your member businesses operate?

*Please select all that apply.*

- Gaming
- Advertising
- Social media content creation (influencing)
- E-commerce
- Technology & software development
- Telecommunications
- Subscription-based services (e.g., streaming services),
- Other digital content and services (e.g., e-learning platforms), other please specify
- Retail (other than e-commerce)
- Other

Other, please specify

all data-driven marketing sectors

\* Q3. Does your association represent a significant number of SMEs?

- None or only a few (0–25%)
- Some (26–50%)
- Many (51–75%)
- Most or all (76–100%)
- Don't know

\* Q4. How many members does your association represent? If your association has associations as members (umbrella association), please consider the number of members of all associations.

- 50 or fewer
- Between 51 and 200
- Between 201 and 500
- Between 501 and 1000
- More than 1000
- Don't know

\* Q5. What is the average gross revenue per year of your members?

- Less than EUR 2 million
- Between EUR 2 million and up to EUR 10 million
- Between EUR 10 million and up to EUR 50 million
- Between EUR 50 million and up to EUR 250 million
- EUR 250 million or more
- Don't know

\* Q6. What kind of products, services or digital content do your member business primarily provide to consumers?

*Please select all that apply.*

- They sell physical goods online directly to consumers on their company's website/app (e.g., physical goods such as clothes, house appliances or perishable goods such as groceries, flowers)
- Through website/apps, they sell non-digital services online directly to consumers (e.g., accommodation, sport club membership, cleaning services)
- They operate as a so-called online marketplace meaning they allow other companies to sell goods directly to consumers through their website/app
- They provide video games and/or interactive entertainment directly to consumers (e.g. via gaming platforms such as Steam, console stores, or company websites/apps) or they are involved in the development or publishing of such video games, regardless of whether they sell them directly.
- They provide paid digital services and/or digital content directly to consumers (e.g., Netflix, Audible, software, online storage, audio-video content subscriptions, e-mail, online courses, films, e-books, news, etc.)
- They provide digital services (e.g. social media platforms, search engines, content websites) and generate revenues primarily through processing users' personal data and advertising (e.g., by displaying targeted advertisements)
- They create and share digital content as influencers or content creators and generate revenues through advertising, brand collaborations, or sponsorships
- They use influencers or content creators to promote their own or their clients' products or services online (e.g., through brand collaborations, product placements, or sponsored content)
- They use an external platform to offer their goods or services online to consumers
- Other
- None of the above

Other, please specify

our members are mostly marketing providers (or associations representing them)

## 2 Part B: Current practices

The table below summarises and explains topics that will be covered in this questionnaire. Some questions will refer to these concepts.

Topic	Description
Dark patterns	Dark Patterns are elements in the design of websites and apps that can influence people's choices and decisions. Examples include: misleading or vague language in choice presentation (e.g. double negatives), making it seem as if only one option is available when actually other options are available, unsolicited products being added to an online shopping basket right before placing an order, urgency and scarcity claims (e.g. countdown timers), repeated requests to make a particular choice, making consumers click through too many steps to make the desired choice, features

leading to a different result than normally expected, presenting choices in a leading manner (e.g. using brighter colours or larger fonts to prioritise options), using emotive language to push consumers towards a choice (e.g. suggesting that a choice is shameful)

Addictive designs refer to certain design features used by websites and apps to keep people engaged. Examples include loading new content automatically (for example, an infinite scroll or “next video” autoplay), notifications or alerts prompting people to engage again with the app /website or chatbot, or rewards, badges or streaks to prompt daily use.

Problems of digital products, e.g. such as in video games

Some games, apps or websites use certain problematic features. Examples include the use of virtual currency (coins, gems, points) for in-app purchases, chances to win randomly selected items for which players have to pay (e.g. loot boxes), pay-to-win or pay-to-progress where players pay to win or progress (e.g. to get to the next level in the game).

Unfair personalisation

Many websites and apps use a range of different personalisation practices. These may include adverts, offers or prices that are personalised or tailored based on (e.g.) people’s activity, personal situation, personal characteristics, interests or location. For example, the price or advertising being shown to one person may differ from that being shown to another person.

Unfair influencer marketing

Harmful practices include that some influencers share content for which they receive payments or rewards, which can include discounts, partnership arrangements, a percentage of sales that come from affiliate links, free products (including unsolicited gifts), trips or event invitations from brands in order to promote their products, without effective disclosure. Some influencers promote certain goods and services that may be unsuitable for minors.

Problems of pricing

Problematic pricing refers to pricing practices used by some websites and apps, such as: ‘drip pricing’, when traders add costs along the purchase process, for example, by adding charges which are unavoidable but were not shown at the beginning (e.g. “processing fees”), use of dynamic pricing, when the provider changes the price of a product in a highly flexible and quick way in response to market demand (e.g. for event ticket prices), and the price appears unclear,

price comparisons that are misleading or unclear, such as inflated 'before' prices, and being unclear whether a price reduction is a discount or a comparison with the price of another trader. Misleading price comparisons could be seen online or in physical settings (e.g. shops).

#### Issue

Some websites and apps use a range of practices related to digital contracts – meaning contracts made online – such as online interfaces, or cancellation processes, which make it difficult to cancel such contracts, automatic extensions of such contracts (e.g. automatically extending a subscription). automatic conversions of free trials into paid-for contracts, exclusive use of chatbots rather than employees to communicate with customers (e.g. to resolve problems).

acts

Q1. To what extent do the following problematic commercial practices online raise issues with regard to the proper functioning of the internal market today?

*Functioning of the internal market: Issues with regard to the proper functioning of the internal market refer to fragmentation of the EU Single Market (diverging rules or interpretation of the rules between Member States creating obstacles to cross-border trade), legal uncertainty and/or unfair competition.*

	No issue	Minor issue	Moderate issue	Severe issue	Don't know
* Dark patterns	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Addictive designs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Problematic features of digital products, e.g. such as in video games	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unfair personalisation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unfair influencer marketing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Problematic pricing	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Issues with digital contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q1a. Please describe why you believe this practice raises issues with regard to the proper functioning of the internal market. You may include examples, affected sectors, or specific outcomes. (Dark Patterns)

The vast majority of data-driven marketeers rely on compliant design frameworks (backed up by existing standards) and do not engage in practices that distort the consumer's choice or decision. Problems took place in relation to interface design related to cookie banners. Existing EU legislation already prohibits some dark patterns, and these legislations need to be fully clarified before new legislations are enacted (e.g. Article 25 of the Digital Services Act or the Unfair Commercial Practices Directive and the Digital Services Act). Furthermore, the European Court of Justice already clarified longstanding legislation. For instance in the Case Planet 49 (C-673/17), it was held that a pre-checked box is not equating to valid consent, and users have to actively give consent (paragraph 65).

Besides, complaints and enforcement actions against large platforms are taking place, demonstrating that the moderate issues connected to the enforcement actions are not widespread in the data-driven marketing sector.

Q1a. Please describe why you believe this practice raises issues with regard to the proper functioning of the internal market. You may include examples, affected sectors, or specific outcomes. (Addictive designs)

The sector FEDMA represents (data-driven marketing, including amongst other data brokers) operate upstream in the data-driven marketing ecosystem and does not design or control consumer-facing apps or websites. The most problematic practices are concentrated in other sectors where companies could develop addictive or attention-maximising design. By contrast, the data-driven marketing sector we represent relies on consent-based data flows as well as established and recognised compliance frameworks. The ePrivacy Directive and the GDPR already regulates this area comprehensively, to the point where issues such as 'consent fatigue' have emerged. These concerns are currently being addressed through the Digital Omnibus Proposal amending the GDPR and the ePrivacy Directive. Another EU initiative would be superfluous and would directly contradict the European Commission's objective to simplify EU legislation. Given the existing regulatory coverage and the sector's upstream role, we consider addictive design to be a minor issue and is presently being remedied on by the European Commission, meaning that the issue will most likely decline in the future.

In other sectors, the problem may be more significant.

Q1a. Please describe why you believe this practice raises issues with regard to the proper functioning of the internal market. You may include examples, affected sectors, or specific outcomes. (Problematic pricing)

The data-driven marketeers we represent do not directly set end-user prices since their role is limited to data provisioning (to companies that will set the ultimate consumer price), and therefore do not have a direct impact on the problematic pricing practices for consumers. The moderate issues mostly appear in retail sectors or possibly as part of large platforms. While data-driven marketeers may provide audience insights or segmentation that downstream actors could use for various purposes, they do not determine the prices ultimately presented to consumers, nor do they control the interfaces where pricing occurs. Downstream actors set consumer prices. Data-driven marketeers do not want problematic consumer prices to arise, and see it amongst other as a reputational risk. This risk is mitigated by working with trusted, transparent and ethical downstream partners.

To draw the whole picture: data-driven marketing pricing is mainly B2B and contract-based, implying that their prices are negotiated between professionals, effectively leaving the consumer out of the equation from a process perspective.

Q1a. Please describe why you believe this practice raises issues with regard to the proper functioning of the internal market. You may include examples, affected sectors, or specific outcomes. (Issues with digital contracts)

Digital contracts, particularly for subscription models, play a vital role in the EU economy. Subscriptions enable modern customer engagement, support data-driven marketing, and provide consumers with continuous access to products, services, and digital content. The moderate issues in this area relate primarily to user-centric cancellation processes. These concerns are already being addressed through the recent amendments in the Directive on the Marketing of Financial Services at Distance and the transposition deadline is June 2026 (ref. Article 2 of Directive 2023/2673). While the issue can still be considered moderate today, its severity is expected to decline as Member States implement the new rules. In this context, an additional EU initiative is not necessary and would contradict the European Commission's objective to simplify EU legislation.

Q2. Considering current social, economic, and technological trends, how do you expect the prevalence of the following digital commercial practices to evolve over the next 10 years? Please consider a scenario where the current EU regulation of these practices does not change compared to today.

	Decrease significantly	Decrease moderately	Stay the same	Increase moderately	Increase significantly	Don't know
* Dark patterns	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Addictive designs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Problematic features of digital products, e.g. such as in video games	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unfair personalisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unfair influencer marketing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Problematic pricing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Issues with digital contracts	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q3. And what will be the impact of this development on the functioning of the internal market? Please consider a scenario where the current EU regulation of these practices does not change compared to today.

*Functioning of the internal market: Proper functioning of the internal market refers to the integration of the EU Single Market (consistent rules or interpretation of the rules between Member States facilitating cross-border trade), legal certainty and fair competition*

	Very negative	Somewhat negative	No effect	Somewhat positive	Very positive	Don't know
* Dark patterns	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Addictive designs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Problematic features of digital products, e.g. such as in video games	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unfair personalisation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Harmful practices by influencers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Problematic pricing practices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Issues with digital contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 3 Part C: Specific questions - Dark patterns

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\* Q1. How prevalent are specific elements in the design of websites and apps that can influence people's choices and decisions in your sector/among your members?

*Examples include misleading or vague language in choice presentation (e.g. double negatives), making it seem as if only one option is available when actually other options are available, unsolicited products being added to an online shopping basket right before placing an order, features leading to a different result than normally expected, urgency and scarcity claims (e.g. countdown timers), repeated requests to make a particular choice, making consumers click through too many steps to make the desired choice, presenting choices in a leading manner (e.g. using brighter colours or larger fonts to prioritise options), using emotive language to push consumers towards a choice (e.g. suggesting that a choice is shameful)*

- Not prevalent
- Slightly prevalent
- Moderately prevalent
- Highly prevalent
- Extremely prevalent
- Don't know

A potential new EU measure could introduce an explicit prohibition of deceiving or manipulating consumers, or otherwise distorting or impairing consumers' ability to take free and informed decisions, through the design, structure and functioning of online interfaces (e.g. websites, apps).

\* Q2a. In your opinion, how would such a measure affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q2b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Reduced legal risk
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
-

Impact on marketing strategies

- Increase in consumer prices
- Decrease in revenue/profits
- Need for one-off changes to business processes
- Other
- None
- Don't know

Other, please specify:

Divergent interpretations across jurisdictions create compliance ambiguity, as key terms may be understood differently by national authorities. This fragmentation slows innovation because companies would fear to accidentally not comply. In addition, this fragmentation risks distorting competition, since larger companies may be better equipped to adapt their processes to multiple regulatory interpretations. In addition, excessive regulatory standardisation would undermine competition on upstream interface design and limit the ability of companies (particularly SMEs) to differentiate and compete through user-centric innovation.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would more affect SMEs? Select all that apply.

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

To avoid regulatory risk, SMEs may feel like they have to over-communicate with users so as to explain the new rules. Having less resources than larger companies, the communication plan could be less effectively executed, meaning that the consumer might become confused, frustrated which ultimately undermines trust. Besides, divergent interpretations across jurisdictions could create compliance ambiguity, as key terms may be understood differently by national authorities. This fragmentation could lead to a phenomenon where

consumers face different interface changes and explanations, and the lack of convergence and predictability also reduces trust.

Q6a. In your opinion, how would each of the following measures affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could prohibit forcing consumers to click through too many steps in order to be able to make the desired choice (e.g. to cancel a subscription)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit creating the falseimpression that the consumer has no other options apart from the prominently featured option	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit repeatedly requesting or urging the consumer to make a particular choice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit pressuring the consumer through urgency and scarcity claims (e.g. countdown timer)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit pressuring the consumer towards a particular choice through emotive language or shaming	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit adding new products or services to the shopping basket when the consumer is about to complete a purchase without them knowing or consenting	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* A potential new EU measure could prohibit features leading to a different result than normally expected (e.g. button marked with “cancel the contract” would lead to a page showing the benefits of that contract)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit ambiguous language in the presentation of choices to consumers e.g. using double negatives	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit presenting choices in a leading manner, for example, to prioritise an option for a given choice by using a brighter colour or larger font	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Q6b. And how would they affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could prohibit forcing consumers to click through too many steps in order to be able to make the desired choice (e.g. to cancel a subscription)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit creating the false impression that the consumer has no other options apart from the prominently featured option	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could prohibit repeatedly requesting or urging the	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

consumer to make a particular choice						
* A potential new EU measure could prohibit pressuring the consumer through urgency and scarcity claims (e.g. countdown timer)	●	●	●	●	●	●
* A potential new EU measure could prohibit pressuring the consumer towards a particular choice through emotive language or shaming	●	●	●	●	●	●
* A potential new EU measure could prohibit adding new products or services to the shopping basket when the consumer is about to complete a purchase without them knowing or consenting	●	●	●	●	●	●
* A potential new EU measure could prohibit features leading to a different result than normally expected (e.g. button marked with “cancel the contract” would lead to a page showing the benefits of that contract)	●	●	●	●	●	●
* A potential new EU measure could prohibit ambiguous language in the presentation of choices to consumers e.g. using double negatives	●	●	●	●	●	●
* A potential new EU measure could prohibit presenting choices in a leading manner, for example, to prioritise an option for a given choice by using a brighter colour or larger font	●	●	●	●	●	●

\* Q7. If such a measure of prohibiting specific dark patterns was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

*A potential new EU measure could introduce an explicit general prohibition of deceiving, manipulating or otherwise distorting or impairing consumers' ability to take free and informed decisions through the design, structure and functioning of online interfaces (e.g. websites, apps). This measure could mean that certain online practices will be deemed illegal based on a case-by-case assessment.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Reduced legal risk
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
- Impact on marketing strategies
- Increase in consumer prices
- Decrease in revenue/profits
- Need for one-off changes to business processes
- Other
- None
- Don't know

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would more affect SMEs?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise

- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

## 4 Part C: Specific questions - Addictive designs

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Q1. On a scale from 1 to 5 (with 1 being not prevalent at all and 5 being most prevalent), how prevalent are the following engagement enhancing design features in the digital products and services of your members?

	1 Not prevalent	2 Slightly prevalent	3 Moderately prevalent	4 Highly prevalent	5 Extremely prevalent	Not applicable	Don't know
* Infinite scroll	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Autoplay	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Rewards (e.g. badges)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Penalties for disengagements (loss streak)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Notifications, prompt, reminders or alerts to encourage or prompt you to open them engage continuously again with the app /website or chatbot	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Disappearing/ephemeral content (e.g. stories)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Social validation such as likes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q1a. Are there other engagement enhancing design features in digital products and services which are often used in the digital products and services of your members?

The above mentioned are not directly used by FEDMA's members.

Q2a. In your opinion, how would the following measures related to engagement enhancing design features affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require that, when digital products/services are used by minors, certain features incentivising them to spend more time and money online are turned off by default.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that consumers are always given an easy and clearly visible option to deactivate certain features in digital services such as infinite scroll, autoplay (of videos), rewards for engagement, penalties for disengagement, etc.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require businesses to provide users with more control over the content they are shown e.g. to customise recommender systems depending on their preferences for type of content, opt out of algorithmic content curation and choose alternative methods of content delivery that do not rely on engagement-maximising algorithms.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could restrict digital services that are likely to be accessed by children from using certain design features that strongly encourage prolonged use or spending.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Q2b. And how would they affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require that, when digital products/services are used by minors, certain features incentivising them to spend more time and money online are turned off by default.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that consumers are always given an easy and clearly visible option to deactivate certain features in digital services such as infinite scroll, autoplay (of videos), rewards for engagement, penalties for disengagement, etc.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require businesses to provide users with more control over the content they are shown e.g. to customise recommender systems depending on their preferences for type of content, opt out of algorithmic content curation and choose alternative methods of content delivery that do not rely on engagement-maximising algorithms.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could restrict digital services that are likely to be accessed by children from using certain design features that strongly encourage prolonged use or spending.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Measure 1 : A potential new EU measure could require that, when digital products/services are used by minors, certain features incentivising them to spend more time and money online are turned off by default.

\* Q3. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
- Increase in consumer prices
- Decrease in revenue/profits
- Need for changes to business processes
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 2 : A potential new EU measure could require that consumers are always given an easy and clearly visible option to deactivate certain features in digital services such as infinite scroll, autoplay (of videos), rewards for engagement, penalties for disengagement, etc.

\* Q3. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses

- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
- Increase in consumer prices
- Decrease in revenue/profits
- Need for changes to business processes
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 3 : A potential new EU measure could require businesses to provide users with more control over the content they are shown e.g. to customise recommender systems depending on their preferences for type of content, opt out of algorithmic content curation and choose alternative methods of content delivery that do not rely on engagement-maximising algorithms.

\* Q3. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
-

- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
- Increase in consumer prices
- Decrease in revenue/profits
- Need for changes to business processes
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 4 : A potential new EU measure could restrict digital services that are likely to be accessed by children from using certain design features that strongly encourage prolonged use or spending.

\* Q3. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
-

- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
- Increase in consumer prices
- Decrease in revenue/profits
- Need for changes to business processes
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

## 5 Part C: Specific questions - Problematic features of digital products

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Q1. In your view, how prevalent is the use of the following features in digital products, such as in video games, by your members or in your sector?

	Not prevalent	Slightly prevalent	Moderately prevalent	Highly prevalent	Extremely prevalent	Don't know
* The use of virtual currency (coins, gems, points) for in-app purchases	<input checked="" type="radio"/>	<input type="radio"/>				
* Chances to win randomly selected items for which players have to pay (e.g. loot boxes)	<input checked="" type="radio"/>	<input type="radio"/>				
* Pay-to-win or pay-to-progress where players pay to win or progress (e.g. to get to the next level in the game)	<input checked="" type="radio"/>	<input type="radio"/>				

Q2a. In your opinion, how would the following measures in regard to such design features affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require traders to clearly display the probabilities of obtaining specific virtual items or rewards when players purchase or open loot boxes.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require traders that include loot boxes in video games/websites/apps to give players/consumers a clear and easy option to disable or avoid them entirely.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that traders refrain from including loot boxes in video games/websites/apps accessible to minors.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require traders to offer players/consumers the option to disable pay-to-win features — that is, paid advantages such as faster progress, stronger abilities, or exclusive items that affect gameplay outcomes.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that traders refrain from including pay-to-win features, such as faster progress, stronger abilities, or exclusive items that affect gameplay outcomes, in video games/websites/apps accessible to minors.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that all prices for in-game or in-app purchases be displayed in real currency (e.g. euros) as well as in virtual currencies such as coins or gems.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that traders refrain from the use of for sale in-game or in-app virtual currencies (e.g. coins, gems, tokens) for minors (i.e. the use of in-game or in-app virtual currencies obtained for free or through gameplay/actions would remain possible).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Q2b. And how would they affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require traders to clearly display the probabilities of obtaining specific virtual items or rewards when players purchase or open loot boxes.	<input type="radio"/>	<input checked="" type="radio"/>				
* A potential new EU measure could require traders that include loot boxes in video games/websites/apps to give players/consumers a clear and easy option to disable or avoid them entirely.	<input type="radio"/>	<input checked="" type="radio"/>				
* A potential new EU measure could require that traders refrain from including loot boxes in video games/websites/apps accessible to minors.	<input type="radio"/>	<input checked="" type="radio"/>				
* A potential new EU measure could require traders to offer players/consumers the option to disable pay-to-win features — that is, paid advantages such as faster progress, stronger abilities, or exclusive items that affect gameplay outcomes.	<input type="radio"/>	<input checked="" type="radio"/>				
* A potential new EU measure could require that traders refrain from including pay-to-win features, such as faster progress, stronger abilities, or exclusive items that affect gameplay outcomes, in video games/websites/apps accessible to minors.	<input type="radio"/>	<input checked="" type="radio"/>				
* A potential new EU measure could require that all prices for in-game or in-app purchases be displayed in real currency (e.g. euros) as well as in virtual currencies such as coins or gems.	<input type="radio"/>	<input checked="" type="radio"/>				
*						

A potential new EU measure could require that traders refrain from the use of for sale in-game or in-app virtual currencies (e.g. coins, gems, tokens) for minors (i.e. the use of in-game or in-app virtual currencies obtained for free or through gameplay/actions would remain possible).



Measure 1 : A potential new EU measure could require traders to clearly display the probabilities of obtaining specific virtual items or rewards when consumers purchase or open loot boxes.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 2 : A potential new EU measure could require traders that include loot boxes in video games/websites /apps to give players/consumers a clear and easy option to disable or avoid them entirely.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU

- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 3 :A potential new EU measure could require that traders refrain from including loot boxes in video games/websites/apps accessible to minors.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 4: A potential new EU measure could require traders to offer players/consumers the option to disable pay-to-win features — that is, paid advantages such as faster progress, stronger abilities, or exclusive items that affect gameplay outcomes.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
-

- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 5 : A potential new EU measure could require that traders refrain from including pay-to-win features, such as faster progress, stronger abilities, or exclusive items that affect gameplay outcomes, in video games /websites/apps accessible to minors.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

-

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 6 :A potential new EU measure could require that all prices for in-game or in-app purchases be displayed in real currency (e.g. euros) as well as in virtual currencies such as coins or gems.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 7 : A potential new EU measure could require that traders refrain from the use of for sale in-game or in-app virtual currencies (e.g. coins, gems, tokens) for minors (i.e. the use of in-game or in-app virtual currencies obtained for free or through gameplay/actions would remain possible).

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

## 6 Part C: Specific questions - Personalisation practices

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Q1. In your view, how prevalent is the use of the following personalisation practices among your members or in your sector?

	Not prevalent	Slightly prevalent	Moderately prevalent	Highly prevalent	Extremely prevalent	Don't know
* Adverts that are personalised or tailored based on (e.g.) people's activity, personal situation, personal characteristics, interests or location.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Offers or prices that are personalised or tailored based on (e.g.) people's activity, personal situation, personal characteristics, interests or location.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q2a. In your opinion, how would the following measures in regard to personalisation practices affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require that consumers have the right to opt out from the personalisation of advertising based on their online behaviour or personal data. Companies using personalisation technologies for advertising, would need to provide users with a clear and easily accessible setting to disable this form of personalisation and ensure that non-personalised (generic) advertising is displayed when the opt-out is activated.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that consumers have the right to opt out from the personalisation of prices based on their online behaviour or personal data. Companies using personalisation technologies for setting the price would need to provide users with a clear and easily accessible setting to disable this form of personalisation and ensure that non-personalised (generic) pricing is displayed when the opt-out is activated.	<input checked="" type="radio"/>	<input type="radio"/>				

Q2b. And how would they affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

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	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require that consumers have the right to opt out from the personalisation of advertising based on their online behaviour or personal data. Companies using personalisation technologies for advertising, would need to provide users with a clear and easily accessible setting to disable this form of personalisation and ensure that non-personalised (generic) advertising is displayed when the opt-out is activated.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that consumers have the right to opt out from the personalisation of prices based on their online behaviour or personal data. Companies using personalisation technologies for setting the price would need to provide users with a clear and easily accessible setting to disable this form of personalisation and ensure that non-personalised (generic) pricing is displayed when the opt-out is activated.	<input checked="" type="radio"/>	<input type="radio"/>				

Measure 1 : A potential new EU measure could require that consumers have the right to opt out from the personalisation of advertising based on their online behaviour or personal data. Companies using personalisation technologies for advertising, would need to provide users with a clear and easily accessible setting to disable this form of personalisation and ensure that non-personalised (generic) advertising is displayed when the opt-out is activated.

\* Q3. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

If users can easily opt out of personalisation for advertising, the quality of advertising could decline (e.g. real-time bidding heavily relies on a.o. behavioural data). Besides, the market value of personalisation technologies could decline.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models

- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

This rule will inadvertently raise SMEs' marketing costs in the internal market. If users can easily opt out of personalisation for advertising, it will decline efficiency of advertising and SMEs will have to spend more for reaching the same audience, and that is if it remains possible to reach the same audience. Besides, SMEs need marketing to compete with larger companies and to increase their revenues and grow. Less efficient marketing will ultimately undermine EU economic growth, SMEs being the backbone of the economy.

Furthermore, the European growing ecosystem around personalised advertising (incl. ad tech companies) will slow down, and innovation will be disincentivized. Non-European companies will innovate more and better in this field and attract investment. European companies will lose global competitiveness.

Most importantly, this measure constitutes a lost opportunity to incentivise technologies that allow for ethical and legitimate personalised advertising (such as privacy enhancing technologies), and may even disincentivise its development in the European Union.

Regulatory initiatives should focus exclusively on harmful use of personalisation in advertising and not on personalisation itself.

Measure 2 : A potential new EU measure could require that consumers have the right to opt out from the personalisation of prices based on their online behaviour or personal data. Companies using personalisation technologies for setting the price would need to provide users with a clear and easily accessible setting to disable this form of personalisation and ensure that non-personalised (generic) pricing is displayed when the opt-out is activated.

\* Q3. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

This rule will inadvertently raise SMEs' marketing costs in the internal market. If users can easily opt out of personalisation for advertising, it will decline efficiency of advertising and SMEs will have to spend more for reaching the same audience, and that is if it remains possible to reach the same audience. Besides, SMEs need marketing to compete with larger companies and to increase their revenues and grow. Less efficient marketing will ultimately undermine EU economic growth, SMEs being the backbone of the economy. Moreover, this could decrease cross-border price competition, which is when SMEs adapt the price to local purchasing power. SMEs could therefore struggle to enter new markets in another Member State. Personalised pricing also allows margin optimisation, and SMEs will lose out on this opportunity.

Furthermore, the European growing ecosystem around personalised advertising (incl. ad tech companies) will slow down, and innovation will be disincentivized. Non-European companies will innovate more and better in this field and attract investment. European companies will lose global competitiveness.

Most importantly, this measure constitutes a lost opportunity to incentivise technologies that allow for ethical and legitimate personalised advertising (such as privacy enhancing technologies), and may even disincentivise its development in the European Union.

Consumers currently benefit of personalised discounts, making certain goods that are relevant to them more affordable. Generic prices could also lead to higher prices in general.

Regulatory initiatives should focus exclusively on harmful use of personalisation in pricing and not on personalisation itself.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
-

Greater need to adapt existing business models

Lower bargaining power with partners or suppliers

Greater opportunity to increase consumer trust

Benefits from fairer competition

Potential to differentiate through higher standards

Chance to innovate and adopt new technologies

Improved long-term competitiveness through compliance

Other

None

Don't know

Other, please specify:

The measures will disproportionately harms SMEs by reducing their access to data-driven tools because SMEs depend on third party data (such as data brokers) while larger companies can rely on first party data through a.o. logged-in user bases and large CRM databases.

SMEs lose access to efficient advertising, which ultimately slows down EU economic growth. Generic ads are less efficient and marketing costs will raise for SMEs.

Thanks to personalised pricing tools, SMEs can more easily optimise margins and adapt to local purchasing power.

Q6a. In your opinion, how would the following measures in regard to personalisation practices affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could prohibit personalised pricing when it results in less favourable offers or higher prices for consumers who are minors or considered vulnerable.	●	●	●	●	●	●
* A potential new EU measure could restrict certain types of personalised pricing practices where price personalisation is used to exploit consumers' urgency or willingness to pay.	●	●	●	●	●	●
* A potential new EU measure could align consumer protection law with Digital Services Act (DSA)						

prohibitions by requiring that all businesses (and not just online platforms) must not target minors with personalised advertising based on personal data and not to target any consumers using sensitive data as defined in Article 9 of the GDPR.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that businesses must not use personalised advertising based on vulnerabilities of users. This would include, but not be limited to, targeting minors, elderly persons, or users in a situation of economic or cognitive vulnerability.	<input checked="" type="radio"/>	<input type="radio"/>				

#### Q6b. And how would they affect the internal market ?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could prohibit personalised pricing when it results in less favourable offers or higher prices for consumers who are minors or considered vulnerable.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could restrict certain types of personalised pricing practices where price personalisation is used to exploit consumers' urgency or willingness to pay.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could align consumer						

protection law with Digital Services Act (DSA) prohibitions by requiring that all businesses (and not just online platforms) must not target minors with personalised advertising based on personal data and not to target any consumers using sensitive data as defined in Article 9 of the GDPR.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could require that businesses must not use personalised advertising based on vulnerabilities of users. This would include, but not be limited to, targeting minors, elderly persons, or users in a situation of economic or cognitive vulnerability.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Measure 1 : A potential new EU measure could prohibit personalised pricing when it results in less favourable offers or higher prices for consumers who are minors or considered vulnerable.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
-

- Need for one-off design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

A key challenge would be the practical difficulty for businesses in identifying whether a consumer is vulnerable. Without clear indicators, companies may face a dilemma: either collect more personal (and potentially sensitive) data to assess vulnerability, thereby increasing the risk of non-compliance with the GDPR, or avoid collecting such data and risk unknowingly targeting a vulnerable person, thus breaching the DFA. To navigate this, the Commission might be tempted to propose a “reasonable degree of certainty” threshold, similar to the wording used in Article 28(2) DSA regarding advertising to minors. However, such vague standards only create legal uncertainty, undermining one of the DFA’s core goals. Should the Commission nonetheless pursue this route, the legal provision should be supported by concrete criteria or contextual indicators to help businesses act responsibly without overstepping GDPR limits. These would likely include sector-specific red flags (e.g. gambling, high-interest loans, weight-loss products), behavioral signals (e.g. browsing patterns indicating distress), or situational contexts (e.g. time of day, language suggesting urgency or distress).

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

Dual pricing systems are expensive to maintain, making this measure practically nearly impossible for SMEs. Moreover, SMEs lack the data, infrastructure, and compliance capacity to identify vulnerability. As a result, SMEs would be forced to abandon personalised pricing entirely, while larger companies with extensive first-party data continue to benefit. This risks further market concentration, reduced competition, and a weakening of the internal market.

Measure 2 : A potential new EU measure could restrict certain types of personalised pricing practices where price personalisation is used to exploit consumers' urgency or willingness to pay.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for one-off design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Measure 3 :A potential new EU measure could align consumer protection law with Digital Services Act (DSA) prohibitions by requiring that all businesses (and not just online platforms) must not target minors with personalised advertising based on personal data and not to target any consumers using sensitive data as defined in Article 9 of the GDPR.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for one-off design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
-

- Other
- None
- Don't know

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 4 : A potential new EU measure could require that businesses must not use personalised advertising based on vulnerabilities of users. This would include, but not be limited to, targeting minors, elderly persons, or users in a situation of economic or cognitive vulnerability.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for one-off design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

A key challenge would be the practical difficulty for businesses in identifying whether a consumer is vulnerable. Without clear indicators, companies may face a dilemma: either collect more personal (and potentially sensitive)

data to assess vulnerability, thereby increasing the risk of non-compliance with the GDPR, or avoid collecting such data and risk unknowingly targeting a vulnerable person, thus breaching the DFA. To navigate this, the Commission might be tempted to propose a “reasonable degree of certainty” threshold, similar to the wording used in Article 28(2) DSA regarding advertising to minors. However, such vague standards only create legal uncertainty, undermining one of the DFA’s core goals. Should the Commission nonetheless pursue this route, the legal provision should be supported by concrete criteria or contextual indicators to help businesses act responsibly without overstepping GDPR limits. These would likely include sector-specific red flags (e.g. gambling, high-interest loans, weight-loss products), behavioral signals (e.g. browsing patterns indicating distress), or situational contexts (e.g. time of day, language suggesting urgency or distress).

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

Dual pricing systems are expensive to maintain, making this measure practically nearly impossible for SMEs. Moreover, SMEs lack the data, infrastructure, and compliance capacity to identify vulnerability. As a result, SMEs would be forced to abandon personalised pricing entirely, while larger companies with extensive first-party data continue to benefit. This risks further market concentration, reduced competition, and a weakening of the internal market.

\* Q10. What challenges do you foresee with enforcing a measure that restricts or prohibits personalisation based on vulnerabilities?

*Select all that apply.*

- Difficulty in defining “vulnerability”
-

Difficulty in detecting vulnerability

- Difficulty to separate vulnerable from non-vulnerable consumers
- Limited transparency of ad targeting algorithms
- Resistance from businesses
- Technical complexity of monitoring targeting practices
- Other
- None
- Don't know

Other, please specify:

Extensive data on consumers would be necessary to be able to qualify them as vulnerable, but existing EU legislation may not allow the collection or processing of this data.

Besides, it would be challenging to design a measure that would not lead to compliance asymmetries between consumers and larger companies.

The high legal uncertainty resulting from the difficulties in defining vulnerability could lead to higher enforcement needs. Moreover, to enforce measures based on the detection of vulnerability, regulators will have to conduct extensive audits or investigations and might have to acquire new technical expertise.

## 7 Part C: Specific questions - Unfair influencer marketing

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\* Q1. Does your organisation have experience with influencer marketing?

- Yes
- No
- Don't know

## 8 Part C: Specific questions - Marketing related to price

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Q1. In your opinion, how prevalent are the following pricing marketing practices among your members?

	Not prevalent	Slightly prevalent	Moderately prevalent	Highly prevalent	Extremely prevalent	Don't know
* Drip pricing ( <i>To make their advertised prices more attractive, traders do not include unavoidable charges (e.g. processing fees) in the advertised price upfront but add such unavoidable costs only later in the purchase process.</i> )	<input checked="" type="radio"/>	<input type="radio"/>				
* Dynamic pricing ( <i>Provider changes the price of the product in a highly flexible and quick way in response to market demand (e.g. for event ticket prices)</i> )	<input checked="" type="radio"/>	<input type="radio"/>				
* Price comparisons ( <i>Suggesting specific price advantage whereas they are based on mere recommended or estimated prices. Popover: This relates to price comparisons using techniques such as percentage discounts (e.g. 30% off) or absolute amount discounts (e.g. 30% off) or similar techniques suggesting to consumers specific price advantages whereas these comparisons are based on mere estimates or recommendations. Such price comparisons can occur both online or in physical setting (shops)</i> )	<input checked="" type="radio"/>	<input type="radio"/>				
* Resale of event tickets by businesses for profit (on the secondary market)	<input checked="" type="radio"/>	<input type="radio"/>				

Q2a. In your opinion, how would the following measures related to pricing practices affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could prohibit drip pricing in all circumstances (i.e. without the need for case-by-case assessment of its fairness), i.e., clarifying that businesses have to display the full price of a product or service upfront, including all mandatory fees such as taxes or service charges.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could introduce stricter requirements for businesses that use dynamic pricing systems which automatically adjust prices based on demand. Such requirements could ban the advertising of 'starting from' prices without specifying how many items are made available at that price and/or could increase transparency with regard to the price, such as obligation to display the current price whilst the consumers are waiting in the virtual queue for their chance to buy.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could strengthen consumer transparency and protection regarding price comparisons that suggest specific price advantage but are based on mere estimated or recommended prices (such as the Recommended Retail Price). Specifically, the revised rules could specify that price advantage in price comparisons can be advertised as a specific percentage discount (e.g. 30% off) or absolute amount discount (e.g. 30% off) or with similar techniques only if the product is sold at the reference price used in the comparison by a specified competing trader (and not if the indicated reference price is a mere recommendation or estimate).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* To enable more consumers to access cultural and sports events through the primary ticket marketing and to prevent price distortion on the secondary market, a potential new EU measure could prohibit business resale of event tickets for profit.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Q2b. And how would they affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could prohibit drip pricing in all circumstances (i.e. without the need for case-by-case assessment of its fairness), i.e., clarifying that businesses have to display the full price of a product or service upfront, including all mandatory fees such as taxes or service charges.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could introduce stricter requirements for businesses that use dynamic pricing systems which automatically adjust prices based on demand. Such requirements could ban the advertising of 'starting from' prices without specifying how many items are made available at that price and/or could increase transparency with regard to the price, such as obligation to display the current price whilst the consumers are waiting in the virtual queue for their chance to buy.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could strengthen consumer transparency and protection regarding price comparisons that suggest specific price advantage but are based on mere estimated or recommended prices (such as the Recommended Retail Price). Specifically, the revised rules could specify that price advantage in price comparisons can be advertised as a specific percentage discount (e.g. 30% off) or absolute amount discount (e.g. 30% off) or with similar techniques only if the product is sold at the reference price used in the comparison by a specified competing trader (and not if the indicated reference price is a mere recommendation or estimate).	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* To enable more consumers to access cultural and sports events through the primary ticket marketing and to prevent price distortion on the secondary market, a potential new EU measure could prohibit business resale of event tickets for profit.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Measure 1 : A potential new EU measure could prohibit drip pricing in all circumstances (i.e. without the need for case-by-case assessment of its fairness), i.e., clarifying that businesses have to display the full price of a product or service upfront, including all mandatory fees such as taxes or service charges.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 2 : A potential new EU measure could introduce stricter requirements for businesses that use dynamic pricing systems which automatically adjust prices based on demand. Such requirements could ban the advertising of 'starting from' prices without specifying how many items are made available at that price and /or could increase transparency with regard to the price, such as obligation to display the current price whilst the consumers are waiting in the virtual queue for their chance to buy.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

Dynamic pricing use behavioural data, signals, demand patterns, click data and audience segments. If businesses must disclose what this measure requests to disclose, they will likely decide to simplify their pricing models to avoid regulatory risk. This will ultimately lower the demand for services data brokers provide and affect their business activities negatively.

Real time transparency will affect the ability of prices to fluctuate quickly, which will deter price optimisation. This also creates an unequal level playing field between larger and smaller companies. It will be more difficult for smaller companies to comply to the measure for technical reasons, but also the loss of revenue it entails.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs

- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

SMEs rely on third party data while bigger companies more likely can rely on first party data. Besides, they heavily rely on pricing tools. If the regulation becomes too expensive to comply on, they will simply not use dynamic pricing tools. As a result, services of data brokers and ad tech companies will be much less in demand, negatively impacting the ecosystem, but also the financial viability of SMEs in other sectors. SMEs need efficient marketing tools to compete with larger companies and marketing allows them to increase revenue and grow. This measure will significantly negatively impact EU economic growth because SMEs are the backbone of the European economy.

Measure 3 : A potential new EU measure could strengthen consumer transparency and protection regarding price comparisons that suggest specific price advantage but are based on mere estimated or recommended prices (such as the Recommended Retail Price). Specifically, the revised rules could specify that price advantage in price comparisons can be advertised as a specific percentage discount (e.g. 30% off) or absolute amount discount (e.g. 30% off) or with similar techniques only if the product is sold at the reference price used in the comparison by a specified competing trader (and not if the indicated reference price is a mere recommendation or estimate).

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

Data brokers often provide market price benchmarks, competitor price estimates and recommended retail prices. If only actual competitor prices can be used in comparisons, then inferred competitor prices lose value as well as estimated prices. A significant portion of pricing-related datasets becomes unusable for advertising or promotional purposes, which will significantly negatively impact the advertising ecosystem as it exists today. Furthermore, advertisers will shift budgets away from personalised ad campaigns that rely on price-advantage messaging, further negatively impacting the existing advertising ecosystem. Besides, SMEs will lose access to top notch competitive strategies and larger companies will be quicker to adapt and remain competitive simply because they have more resources in house.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None

Don't know

Other, please specify:

Data brokers will lose a revenue stream because inferred competitor pricing constitutes an important service to SMEs. They will have to develop new types of data driven products.  
SMEs will lose access to top notch competitive strategies and larger companies will be quicker to adapt and remain competitive simply because they have more resources in house.  
This proposed measure risks further concentrating market power in large platforms with extensive first-party data and pricing infrastructure, undermining competition and the functioning of the internal market.  
This will eventually impact negatively the EU economy at large because SMEs will lose competitiveness.

Measure 4 : To enable more consumers to access cultural and sports events through the primary ticket marketing and to prevent price distortion on the secondary market, a potential new EU measure could prohibit business resale of event tickets for profit.

\* Q3. If such a measure was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

Professional resellers of tickets rely on a.o. event-popularity forecasts, demand forecasts, demographic segments which data brokers provide to them. Some data brokers specialised in these kind of services, and their viability is at stake. This will have an important negative economic impact on a segment of the EU advertising sector.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would affect SMEs more?

Select all that apply.

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

Some data brokers specialised in these kind of services, and their viability is at stake. This will have an important negative economic impact on a segment of the EU advertising sector. In this part of the sector, SMEs rely on secondary markets for visibility and distribution, and they will lose this opportunity and make them more dependent on larger companies on the primary markets. The measure risks further concentrating the ticketing ecosystem around dominant primary platforms, reducing competition and undermining the functioning of the internal market.

## 9 Part C: Specific questions - Digital contracts & Automated contracts

Q1. In your view, how prevalent the following practices in relation to digital contract among your members or in your sector?

	Not prevalent	Slightly prevalent	Moderately prevalent	Highly prevalent	Extremely prevalent	Don't know
--	---------------	--------------------	----------------------	------------------	---------------------	------------

* The use of online interfaces or cancellation processes, which can make it difficult to cancel digital contracts.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Automatic extensions of digital contracts (e.g. automatically extending a subscription).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Automatic conversions of free trials into paid-for contracts.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Exclusive use of chatbots in customer service rather than a human interlocutor.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Automated contracting, i.e. using Artificial Intelligence (AI) for autonomous conclusion of contracts, such as via digital assistants or smart devices.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

A potential new EU measure could require businesses offering online subscriptions or recurring contracts to provide a clear and simple cancellation facility, for example, a prominently displayed “cancel subscription” button in the user account area.

\* Q2a. In your opinion, how would such a measure affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q2b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively

- Very positively
- Don't know

\* Q2. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Reduce wasteful spending
- Other
- None
- Don't know

\* Q4. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

The most important change for our sector is that businesses may shift budgets from client retention services (which require services our member offer) to client acquisition. This will require changes in the current business models of our companies and budgets will be allocated differently, potentially affecting job security.

\* Q5. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q5a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

The most important change for our sector is that businesses may shift budgets from client retention services (which require services our member offer) to client acquisition. This will require changes in the current business models of our companies and budgets will be allocated differently, potentially affecting job security. SMEs that heavily rely on services for client retention would face major issues on the market and their viability might become at stake.

Q6a. In your opinion, how would the following measures related to subscription in relation to digital contracts affect your members?

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require businesses offering automatically renewed subscription-based contracts to allow consumers to terminate the renewed contract at any time - i.e. not only at the (e.g. yearly) renewal date - with a short notice period of e.g. one month.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require traders to notify consumers in advance that a paid subscription or contract (covering both digital services and non-digital goods/services such as utilities, telecoms, insurance, magazines, gyms) will soon renew or that a free trial will convert into a paid service. The reminder would need to clearly indicate the renewal date, price, duration, and cancellation procedure.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require traders offering digital subscriptions only (e.g., streaming, software, cloud, online media) to notify consumers in advance that a paid subscription will soon renew, or that a free trial will convert into a paid service. The reminder would need to clearly indicate the renewal date, price, duration, and cancellation procedure.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that, once a consumer has received a reminder about an upcoming renewal or the conversion of a free trial into a paid subscription, the renewal would only take effect if the consumer actively confirms it. Automatic renewals without explicit confirmation would no longer be permitted. This measure applies to all contracts.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that, once a consumer has received a reminder about an upcoming renewal or the conversion of a free trial into a paid digital subscription, the renewal would only take effect if the consumer actively confirms it. Automatic renewals of digital subscriptions without explicit confirmation would no longer be permitted. This measure only applies to digital subscriptions.	<input checked="" type="radio"/>	<input type="radio"/>				

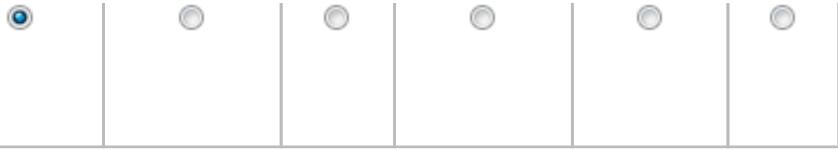


## Q6b. And how would they affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

	Very negatively	Somewhat negatively	No effect	Somewhat positively	Very positively	Don't know
* A potential new EU measure could require businesses offering automatically renewed subscription-based contracts to allow consumers to terminate the renewed contract at any time - i.e. not only at the (e.g. yearly) renewal date - with a short notice period of e.g. one month.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require traders to notify consumers in advance that a paid subscription or contract (covering both digital services and non-digital goods/services such as utilities, telecoms, insurance, magazines, gyms) will soon renew or that a free trial will convert into a paid service. The reminder would need to clearly indicate the renewal date, price, duration, and cancellation procedure.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require traders offering digital subscriptions only (e.g., streaming, software, cloud, online media) to notify consumers in advance that a paid subscription will soon renew, or that a free trial will convert into a paid service. The reminder would need to clearly indicate the renewal date, price, duration, and cancellation procedure.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that, once a consumer has received a reminder about an upcoming renewal or the conversion of a free trial into a paid subscription, the renewal would only take effect if the consumer actively confirms it. Automatic renewals without explicit confirmation would no longer be permitted. This measure applies to all contracts.	<input checked="" type="radio"/>	<input type="radio"/>				
* A potential new EU measure could require that, once a consumer has received a reminder about an upcoming renewal or the conversion of a free trial into a paid						

digital subscription, the renewal would only take effect if the consumer actively confirms it. Automatic renewals of digital subscriptions without explicit confirmation would no longer be permitted. This measure only applies to digital subscriptions.



Measure 1 : A potential new EU measure could require businesses offering automatically renewed subscription-based contracts to allow consumers to terminate the renewed contract at any time - i.e. not only at the (e.g. yearly) renewal date - with a short notice period of e.g. one month.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Need for changes to business processes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

There will be a clear ripple effect on the activities of some companies providing retention analytics and the value of personalised advertising might decline. Less consumer retention has a direct negative impact on the quality of behavioural data, as such declining the value of personalised advertising and its positive effects on the economy. SMEs need personalised advertising to better compete with larger economies, increase their revenue, leading to their growth.

The extent of predictable revenue will also be at risk, creating a more financially risky environment for SMEs in all sectors.

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected

- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Lack of technical expertise
- Limited resources for implementation
- Greater impact on business models
- Lower bargaining power
- Other
- None
- Don't know

Other, please specify:

SMEs are more impacted because when budgets are under pressure, and the value of retention analytics decreases, the contracts with providers of data-driven marketing services will be cut first. This puts the viability of some SMEs at risk and will significantly negatively impact the sector.

If there is a lower rate of predictable revenue, there will also be more instability which will hit SMEs in all sectors. This will ultimately negatively impact the internal market, because SMEs are the backbone of the EU economy.

Measure 2 : A potential new EU measure could require traders to notify consumers in advance that a paid subscription or contract (covering both digital services and non-digital goods/services such as utilities, telecoms, insurance, magazines, gyms) will soon renew or that a free trial will convert into a paid service. The reminder would need to clearly indicate the renewal date, price, duration, and cancellation procedure.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
-

Increased recurring compliance costs

Legal uncertainty

Need for design changes

Need for changes to business processes

Possible innovation deterrence

Increase in consumer prices

Decrease in revenue/profits

Other

None

Don't know

Other, please specify:

There will be a clear ripple effect on the activities of some companies providing retention analytics and the value of personalised advertising might decline. Less consumer retention has a direct negative impact on the quality of behavioural data, as such declining the value of personalised advertising and its positive effects on the economy. SMEs need personalised advertising to better compete with larger economies, increase their revenue, leading to their growth.

The extent of predictable revenue will also be at risk, creating a more financially risky environment for SMEs in all sectors.

\* Q9. How would this measure affect different types of businesses, especially SMEs?

SMEs would be more affected

All businesses would be equally affected

Larger businesses would be more affected

Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

Select all that apply.

Higher compliance costs

Lack of technical expertise

Limited resources for implementation

Greater impact on business models

Lower bargaining power

Other

None

Don't know

Other, please specify:

SMEs are more impacted because when budgets are under pressure, and the value of retention analytics decreases, the contracts with providers of data-driven marketing services will be cut first. This puts the viability of some SMEs at risk and will significantly negatively impact the sector.

If there is a lower rate of predictable revenue, there will also be more instability which will hit SMEs in all sectors. This will ultimately negatively impact the internal market, because SMEs are the backbone of the EU economy.

Measure 3 : A potential new EU measure could require traders offering digital subscriptions only (e.g., streaming, software, cloud, online media) to notify consumers in advance that a paid subscription will soon renew, or that a free trial will convert into a paid service. The reminder would need to clearly indicate the renewal date, price, duration, and cancellation procedure.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Need for changes to business processes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

There will be a clear ripple effect on the activities of some companies providing retention analytics and the value of personalised advertising might decline. Less consumer retention has a direct negative impact on the quality of behavioural data, as such declining the value of personalised advertising and its positive effects on the economy. SMEs need personalised advertising to better compete with larger economies, increase their revenue, leading to their growth.

The extent of predictable revenue will also be at risk, creating a more financially risky environment for SMEs in all sectors.

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Lack of technical expertise
- Limited resources for implementation
- Greater impact on business models
- Lower bargaining power
- Other
- None
- Don't know

Other, please specify:

SMEs are more impacted because when budgets are under pressure, and the value of retention analytics decreases, the contracts with providers of data-driven marketing services will be cut first. This puts the viability of some SMEs at risk and will significantly negatively impact the sector.  
If there is a lower rate of predictable revenue, there will also be more instability which will hit SMEs in all sectors. This will ultimately negatively impact the internal market, because SMEs are the backbone of the EU economy.

Measure 4 : A potential new EU measure could require that, once a consumer has received a reminder about an upcoming renewal or the conversion of a free trial into a paid subscription, the renewal would only take effect if the consumer actively confirms it. Automatic renewals without explicit confirmation would no longer be permitted. This measure applies to all contracts.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

Select all that apply.

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Need for changes to business processes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

There will be a clear ripple effect on the activities of some companies providing retention analytics and the value of personalised advertising might decline. Less consumer retention has a direct negative impact on the quality of behavioural data, as such declining the value of personalised advertising and its positive effects on the economy. SMEs need personalised advertising to better compete with larger economies, increase their revenue, leading to their growth.

The extent of predictable revenue will also be at risk, creating a more financially risky environment for SMEs in all sectors.

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

Select all that apply.

- Higher compliance costs
- Lack of technical expertise
- Limited resources for implementation
- Greater impact on business models
- Lower bargaining power
- Other
- None
- Don't know

Other, please specify:

SMEs are more impacted because when budgets are under pressure, and the value of retention analytics decreases, the contracts with providers of data-driven marketing services will be cut first. This puts the viability of some SMEs at risk and will significantly negatively impact the sector. If there is a lower rate of predictable revenue, there will also be more instability which will hit SMEs in all sectors. This will ultimately negatively impact the internal market, because SMEs are the backbone of the EU economy.

Measure 5 : A potential new EU measure could require that, once a consumer has received a reminder about an upcoming renewal or the conversion of a free trial into a paid digital subscription, the renewal would only take effect if the consumer actively confirms it. Automatic renewals of digital subscriptions without explicit confirmation would no longer be permitted. This measure only applies to digital subscriptions.

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Need for changes to business processes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

There will be a clear ripple effect on the activities of some companies providing retention analytics and the value of personalised advertising might decline. Less consumer retention has a direct negative impact on the quality of behavioural data, as such declining the value of personalised advertising and its positive effects on the economy. SMEs need personalised advertising to better compete with larger economies, increase their

revenue, leading to their growth.

The extent of predictable revenue will also be at risk, creating a more financially risky environment for SMEs in all sectors.

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Lack of technical expertise
- Limited resources for implementation
- Greater impact on business models
- Lower bargaining power
- Other
- None
- Don't know

Other, please specify:

SMEs are more impacted because when budgets are under pressure, and the value of retention analytics decreases, the contracts with providers of data-driven marketing services will be cut first. This puts the viability of some SMEs at risk and will significantly negatively impact the sector.

If there is a lower rate of predictable revenue, there will also be more instability which will hit SMEs in all sectors. This will ultimately negatively impact the internal market, because SMEs are the backbone of the EU economy.

A potential new EU measure could require that consumers always have the possibility to contact a human representative and not solely chatbots when addressing issues related to digital services, subscriptions, or complaints. Businesses would need to ensure that customer support systems include an accessible option for human interaction, such as live chat, email, or phone support.

\* Q10a. In your opinion, how would such a measure affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q10b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q11. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q12. Which concerns or risks for businesses do you associate with such a measure, if any?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Need for design changes
- Need for changes in business processes
- Possible innovation deterrence
- Increase in consumer prices
- Decrease in revenue/profits
- Other
- None
- Don't know

Other, please specify:

Human-service interactions reduce the value of automated behavioural signals which are the services data driven marketeers offer. This measures will significantly decline the value of automated behavioural signals.

\* Q13. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected

- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q13a. What is the main reason you believe this measure would affect SMEs more.

Select all that apply.

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

\* Q14. How relevant is the issue of unintended outcomes in automated contracts (e.g., accidental purchases via AI tools) for your sector or stakeholders today?

- Very relevant
- Somewhat relevant
- Not very relevant
- Not relevant at all
- Don't know

\* Q15. How do you expect the relevance of this issue to change over the next 10 years for your sector or stakeholders?

- Increase significantly
- Increase somewhat
- Stay the same
- Decrease somewhat
- Decrease significantly
- Don't know

\* Q16. Do you consider that measures regarding automated contracts, such as allowing consumers using automated contracting tools to set their parameters, i.e. to specify whether the automated contracting tool must obtain their confirmation every time before completing a transaction, should be introduced?

- Yes, definitely
- Yes, somewhat
-

No

Don't know

\*Q17. Do you consider that measures regarding automated contracts, such as allowing consumers using automated contracting tools to reverse the actions of the automated system or object to them before they become legally bound to a transaction, should be introduced?

- Yes, definitely
- Yes, somewhat
- No
- Don't know

## 10 Part C: Specific questions - Simplification

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Q1. To what extent, from your perspective, would the following measures provide simplification for companies operating in the digital market?

	Not at all	To a small extent	To a moderate extent	To a great extent	Don't know
* A potential new EU measure could simplify information obligations for repetitive transactions with the same trader that are functionally related to the consumer's use of their main digital content or service provided by that trader (e.g. in-app purchases within a video game). Traders would be allowed to provide lighter information that is specific to the concrete in-app purchase (such as main characteristics and price) but will not be required to repeat full pre-contractual information that is of static nature (such as trader's contact details and consumer's legal rights related to the contract)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* A potential new EU measure could simplify information obligations in the machine-to-machine contracting context for traders that will choose to design their online interfaces to be only accessible by automated contracting tools deployed by consumers (e.g. AI chatbots or smart devices that will conclude contracts on behalf of consumers in highly autonomous manner). For example, such traders would be allowed to provide information on their products only in machine-readable form tailored for the automated contracting tools deployed by consumers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* A potential new EU measure could replace the current 14-day right of withdrawal for digital media subscription					

<p>services, such as audio or video streaming (which allows the user to withdraw during 14 days subject to paying compensation for the services consumed on a pro rata temporis basis), with a right to cancel during the first month, subject to paying the full subscription fee for that full month, regardless of the contract's overall duration.</p>					
<p>* A potential new EU measure could replace the current regulatory option under Article 6a of Directive 98/6/EC ('PID') enabling Member States to exempt or regulate differently price reductions for goods liable to deteriorate or expire rapidly ('perishable' goods), with a full exception of all food (i.e. including drink) from the scope of Article 6a PID, regardless of their characteristics (whether perishable or not). For sellers this would mean that the different specific national rules implementing the current option under Article 6a will no longer apply, and the fairness of price reduction announcements regarding food would be only subject to the general rules of the Unfair Commercial Practices Directive, applied subject to case-by-case assessment.</p>					
<p>* A potential new EU measure could clarify that in cases where consumers explicitly request immediate access to online digital content (e.g. downloads, streaming, in-app purchases) they purchase and acknowledge the loss of their right of withdrawal from the contract, businesses would no longer need to provide them the mandatory pre-contractual information about the right of withdrawal.</p>					

Measure 1 : A potential new EU measure could simplify information obligations for repetitive transactions with the same trader that are functionally related to the consumer's use of their main digital content or service provided by that trader (e.g. in-app purchases within a video game). Traders would be allowed to provide lighter information that is specific to the concrete in-app purchase (such as main characteristics and price) but will not be required to repeat full pre-contractual information that is of static nature (such as trader's contact details and consumer's legal rights related to the contract)

\* Q1b. What improvement would you expect from such a simplification, if any?

*Select all that apply.*

- Improved legal clarity
- Reduced regulatory burden
- Lower compliance costs
- Easier enforcement by authorities
- Better alignment across EU Member States

- Enhanced consumer trust
- Other
- None
- Don't know

Other, please specify:

Less obstacles for consumers does have a ripple effect on the activities of data driven marketeers. Ultimately, the quality of behavioural data could improve, because the data would be truer to the initial intention of the consumer.

\* Q2. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q2a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

Less consumer obstacles could lead to more sales for consumers, which would ultimately also have a beneficial impact on EU economic growth.  
Because behavioural data's quality could improve, personalised advertising will be more qualitative which will ultimately benefit SMEs in all sectors.

Measure 2 : A potential new EU measure could simplify information obligations in the machine-to-machine contracting context for traders that will choose to design their online interfaces to be only accessible by automated contracting tools deployed by consumers (e.g. AI chatbots or smart devices that will conclude contracts on behalf of consumers in highly autonomous manner). For example, such traders would be allowed

to provide information on their products only in machine-readable form tailored for the automated contracting tools deployed by consumers.

\* Q1b. What improvement would you expect from such a simplification?

*Select all that apply.*

- Improved legal clarity
- Reduced regulatory burden
- Lower compliance costs
- Easier enforcement by authorities
- Better alignment across EU Member States
- Enhanced consumer trust
- Other
- None
- Don't know

Other, please specify:

This measure could have a positive impact on innovation, and allow for better integration of AI tools.

\* Q2. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q2a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Measure 3 :A potential new EU measure could replace the current 14-day right of withdrawal for digital media subscription services, such as audio or video streaming (which allows the user to withdraw during 14 days

subject to paying compensation for the services consumed on a pro rata temporis basis), with a right to cancel during the first month, subject to paying the full subscription fee for that full month, regardless of the contract's overall duration.

\* Q1b. What improvement would you expect from such a simplification?

Select all that apply.

- Improved legal clarity
- Reduced regulatory burden
- Lower compliance costs
- Easier enforcement by authorities
- Better alignment across EU Member States
- Enhanced consumer trust
- Other
- None
- Don't know

Other, please specify:

The volume of behavioural data may improve and this could improve the efficiency of marketing strategies.

\* Q2. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q2a. What is the main reason you believe this measure would affect SMEs more?

Select all that apply.

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

Compliance costs could be spared and the revenue could be more stable for companies.

Measure 4 : A potential new EU measure could replace the current regulatory option under Article 6a of Directive 98/6/EC ('PID') enabling Member States to exempt or regulate differently price reductions for goods liable to deteriorate or expire rapidly ('perishable' goods), with a full exception of all food (i.e. including drink) from the scope of Article 6a PID, regardless of their characteristics (whether perishable or not). For sellers this would mean that the different specific national rules implementing the current option under Article 6a will no longer apply, and the fairness of price reduction announcements regarding food would be only subject to the general rules of the Unfair Commercial Practices Directive, applied subject to case-by-case assessment.

\* Q1b. What improvement would you expect from such a simplification?

*Select all that apply.*

- Improved legal clarity
- Reduced regulatory burden
- Lower compliance costs
- Easier enforcement by authorities
- Better alignment across EU Member States
- Enhanced consumer trust
- Other
- None
- Don't know

\* Q2. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

Measure 5 : A potential new EU measure could clarify that in cases where consumers explicitly request immediate access to online digital content (e.g. downloads, streaming, in-app purchases) they purchase and acknowledge the loss of their right of withdrawal from the contract, businesses would no longer need to provide them the mandatory pre-contractual information about the right of withdrawal.

\* Q1b. What improvement would you expect from such a simplification, if any?

*Select all that apply.*

- Improved legal clarity
- Reduced regulatory burden
- Lower compliance costs
- Easier enforcement by authorities
- Better alignment across EU Member States
- Enhanced consumer trust
- Other

- None
- Don't know

Other, please specify:

Less obstacles for consumers does have a ripple effect on the activities of data driven marketeers. Ultimately, the quality of behavioural data could improve, because the data would be truer to the initial intention of the consumer.

\* Q2. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q2a. What is the main reason you believe this measure would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

## 11 Part C: Specific questions - Horizontal issues

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\* Q1a. How would introducing a general 'fairness by design' obligation consisting in ensuring that companies check that their websites/apps do not contain problematic practices such as addictive designs, dark patterns, etc. (without imposing reporting obligations) affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q1b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q2. If a general 'fairness by design' obligation was introduced, which benefits do you associate with this obligation, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Enhanced user experience
- Other
- None
- Don't know

Other, please specify:

A fairness-by-design obligation would push companies to rely on clear, user-friendly interfaces rather than manipulative design tricks. For companies in the data driven marketing sector, this means less volume of low-quality data and instead a stronger supply of meaningful, intent-based behavioural signals. It also opens opportunities for SMEs to differentiate through transparent, user-centric analytics and to develop new services that help clients optimise ethically designed digital experiences.

\* Q3. Which concerns or risks for businesses do you associate with such an obligation, if any?

*Select all that apply.*

- Lack of clarity in requirements
- Reduced flexibility for the design of the digital infrastructure, including user interface design
- Increased compliance costs
- Need for design changes
- Possible innovation deterrence
- Need for technical expertise
- Decrease in revenue or profits
- Increase in consumer prices
- Need for changes to business processes

- Other
- None
- Don't know

\* Q4. How would this obligation affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q4a. What is the main reason you believe this obligation would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

At present, to stop or remedy a consumer law infringement, consumers, their representatives and public authorities have to prove that a certain commercial practice is unlawful. Providing evidence for consumer law infringements may be difficult in digital environments considering that the functioning of digital designs, recommender systems or algorithmic systems appear as “black boxes” to outsiders.

\* Q5. Do you think current rules on the burden of proof in consumer law are appropriate for digital environments?

- Yes
- No
- Don't know

A potential new EU measure could shift the burden of proof to businesses, requiring businesses to demonstrate that their digital commercial practices comply with consumer protection law. This would be limited to technologically complex cases, when consumers, interested parties or authorities have disproportionate difficulty in obtaining information to prove a trader's wrongdoing.

\* Q6a. In your opinion, how would such a measure affect your members?



- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q6b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q7. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Enhanced user experience
- Other
- None
- Don't know

\* Q8. Which concerns or risks for businesses do you associate with such a measure?

*Select all that apply*

- Growing number of legal disputes in consumer law
- Costs for legal consulting
- Increase recurring compliance costs
- Legal uncertainty when the reversal of burden of proof will apply
- Possible innovation deterrence
- Need for changes to business processes
- Other
- None
- Don't know

\* Q9. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q9a. What is the main reason you believe this obligation would more affect SMEs?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

A potential new EU measure could ease the burden of proof. For example, based on a plausible claim, traders could be required to explain how their digital commercial practices operate. A rebuttable presumption of unfairness could be implemented when traders do not provide (sufficient) explanations.

\* Q10. Would such a measure change your assessment of the impacts, compared to the measure proposing the shifting of the burden of proof?

- Yes
- No
- Don't know

\* Q11a. In your opinion, how would this measure affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q11b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q12. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Enhanced user experience
- Other
- None
- Don't know

\* Q13. Which concerns or risks for businesses do you associate with such a measure?

*Select all that apply.*

- Growing number of legal disputes in consumer law
- Costs for legal consulting
- Increase recurring compliance costs
- Legal uncertainty when the reversal of burden of proof will apply
- Possible innovation deterrence
- Need for one-off changes to business processes
- Other
- None
- Don't know

Other, please specify:

Operations would be negatively impacted because staff will have to redirect from their daily work to respond to the requests from regulators.

\* Q14. How would this measure affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected

Don't know

\* Q14a. What is the main reason you believe this obligation would affect SMEs more?

Select all that apply.

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

\* Q15. In your opinion, are the current definitions of an average and vulnerable consumers provided in the Unfair Commercial Practices Directive appropriate and fit for purpose, considering specific consumer risks in digital environments?

*Average consumer: Under the Unfair Commercial Practices Directive, the “average consumer” is defined as a reasonably well-informed, observant, and circumspect individual.*

*Vulnerable consumers: Under the Unfair Commercial Practices Directive, “vulnerable consumers” are defined as those whose characteristics, such as age, disability, or credulity, make them particularly susceptible to misleading or aggressive practices, thereby warranting enhanced protection.*

- Yes
- No
- Don't know

A potential new EU measure could revise or expand the ‘average consumer’ and/or the ‘vulnerable consumer’ concept (e.g. expanding the list of sources of vulnerability to include behavioural or other characteristics).

\* Q16a. In your opinion, how would a measure revising the consumer concepts affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q16b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

\* Q17. If such a measure was introduced, which benefits do you associate with it, if any?

*Select all that apply.*

- Clearer rules for businesses
- Better consumer outcomes
- More harmonisation of the rules in the EU
- Fairer competition
- Improved trust in digital services
- Stronger legal alignment with existing consumer law
- Other
- None
- Don't know

\* Q18. Which concerns or risks for businesses do you associate with such a measure?

*Select all that apply.*

- Reduced flexibility for user interface design
- Increased recurring compliance costs
- Legal uncertainty
- Possible innovation deterrence
- Need for design changes
- Impact on marketing strategies
- Increase in consumer prices
- Decrease in revenue/profits
- Need for one-off changes to business processes
- Other
- None
- Don't know

Other, please specify:

A key challenge would be the practical difficulty for businesses in identifying whether a consumer is vulnerable. Without clear indicators, companies may face a dilemma: either collect more personal (and potentially sensitive) data to assess vulnerability, thereby increasing the risk of non-compliance with the GDPR, or avoid collecting such data and risk unknowingly targeting a vulnerable person, thus breaching the DFA. To navigate this, the Commission might be tempted to propose a "reasonable degree of certainty" threshold, similar to the wording used in Article 28(2) DSA regarding advertising to minors. However, such vague standards only create legal

uncertainty, undermining one of the DFA's core goals. Should the Commission nonetheless pursue this route, the legal provision should be supported by concrete criteria or contextual indicators to help businesses act responsibly without overstepping GDPR limits. These would likely include sector-specific red flags (e.g. gambling, high-interest loans, weight-loss products), behavioral signals (e.g. browsing patterns indicating distress), or situational contexts (e.g. time of day, language suggesting urgency or distress).

\* Q19. How would this obligation affect different types of businesses, especially SMEs?

- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

\* Q20. What is the main reason you believe this obligation would affect SMEs more?

*Select all that apply.*

- Higher compliance costs
- Limited access to specialised technical expertise
- Fewer resources available for implementation
- Greater need to adapt existing business models
- Lower bargaining power with partners or suppliers
- Greater opportunity to increase consumer trust
- Benefits from fairer competition
- Potential to differentiate through higher standards
- Chance to innovate and adopt new technologies
- Improved long-term competitiveness through compliance
- Other
- None
- Don't know

Other, please specify:

Moreover, SMEs lack the data, infrastructure, and compliance capacity to identify vulnerability. This risks further market concentration, reduced competition, and a weakening of the internal market.

A potential new EU measure could require businesses to implement effective age assurance or verification mechanisms to identify whether users are minors. This would refer to situations where special protections for minors are being applied.

\* Q21a. In your opinion, how would such a measure affect your members?

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively

Don't know

\* Q21b. And how would it affect the internal market?

*Internal market: The internal market refers to the EU Single Market, which is characterised by integration, the facilitation of cross-border trade, and the assurance of fair competition.*

- Very negatively
- Somewhat negatively
- No effect
- Somewhat positively
- Very positively
- Don't know

Q22. To what extent would you consider that introducing obligations for age assurance mechanisms in the following contexts can be effective for the protection of minors from harmful content or other consumer detriment?

	Not effective at all	Slightly effective	Moderately effective	Highly effective	Don't know
* Addictive or manipulative design features (e.g. infinite scroll, autoplay)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Digital products (e.g. video games) with in-game purchases or loot boxes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Personalised advertising	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Influencer marketing not aimed at minors	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* Q23a. What would be the main challenge or risk in implementing a measure requiring age assurance, including age verification, in your country and sector, if any?

- Privacy concerns
- Cost of implementation
- Lack of reliable technology
- Legal uncertainty
- Access barriers to all age groups
- Risk of over-blocking or excluding legitimate users
- Technical difficulties for users
- Ineffectiveness due to workaround strategies
- Other
- None
- Don't know

\* Q23b. What would be further challenges and risks?

Select all that apply.

- Privacy concerns
- Cost of implementation
- Lack of reliable technology
- Legal uncertainty
- Access barriers to all age groups
- Risk of over-blocking or excluding legitimate users
- Technical difficulties for users
- Ineffectiveness due to workaround strategies
- Other
- None
- Don't know

Q24. To what extent do you think such a measure would have positive or negative effects on your members in the following areas?

	Very negative	Somewhat negative	Neutral	Somewhat positive	Very positive	Don't know
* User experience	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance cost	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Operational feasibility	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* Q25. How would this obligation affect different types of businesses, especially SMEs?

- 
- SMEs would be more affected
- All businesses would be equally affected
- Larger businesses would be more affected
- Don't know

## 12 Part D: Concluding questions

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\* Q1. Are there any measures you believe would be particularly challenging to implement?

Select all that apply.

- Burden of proof in the digital environment (Burden of proof in the digital environment)
- Age assurance requirements for protecting minors in digital environments
- Principle-based prohibition of dark patterns
- Blacklisting of specific dark patterns
- Clarify "Transactional Decision"
- Default-off for Minors
- Opt-out from Features

- Algorithmic Control
- Ban Most Harmful Features for Children
- Loot Box Odds Disclosure
- Opt-out for Loot Boxes
- Ban Loot Boxes for Minors
- Opt-out for Pay-to-Win
- Ban Pay-to-Win for Minors
- Real-Money Price Display
- In-Game Currency Ban for Minors
- Generic opt-out from personalisation of advertising
- Generic Opt-out from personalisation of pricing
- Prohibitions on price personalisation which is to the detriment of Minors and vulnerable customers
- Prohibitions on specific practices relating to personalised pricing
- Coherence with DSA regarding personalised advertising using personal data of minors and personalised advertising using sensitive data as defined in Article 9 of the GDPR
- Prohibiting personalized advertising based on vulnerabilities
- Clarification of currently existing law concerning influencers
- Simplification
- Prohibiting influencers to advertise harmful goods/services
- Increasing responsibility of all actors involved in influencer marketing
- Ban of Drip Pricing
- Ban of certain practices in dynamic pricing
- Ban of misleading price comparison
- Easy cancellation facility
- Right to terminate auto-renewed subscriptions with short notice
- Reminder before renewal or subscription (for all contracts)
- Reminder before renewal or subscription (only for digital subscriptions (not for physical goods))
- After reminder, active acceptance for renewal or subscription (for all contracts)
- After reminder, active acceptance for subscription (only for digital subscriptions (not for physical goods))
- Right to human interlocutor
- Simplifying withdrawal rules for immediate digital content
- Reducing pre-contractual information requirements for in-app purchases and/or contracts concluded using virtual assistants
- Simplifying withdrawal rights for digital media subscriptions
- Exempting food and drink products from the scope of PID Article 6a on price reductions
- Other
- None
- Don't know

Q1a. Please explain why you consider this measure particularly challenging to implement. (Burden of proof in the digital environment)

This measure requires documenting and explaining complex data-processing and targeting systems, which is resource-intensive for SMEs.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Age assurance requirements)

This measure disrupts data flows, requires new integrations, and reduces available data for modelling.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Prohibition of dark patterns)

Data-driven marketeers do not control interfaces (mostly) but rely on partners' data collection practices.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Blacklisting of specific dark patterns)

Requires continuous monitoring of clients' UX and data-collection methods, which is difficult for companies who operate downstream.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Algorithmic Control)

Any obligation to explain, audit, or adjust algorithms is challenging for SMEs with limited engineering capacity.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Generic opt-out from personalisation of advertising)

Directly affects the core business model of data-driven marketing and reduces the data available for segmentation.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Generic Opt-out from personalisation of pricing)

Requires new data-handling logic and complicates data analytics.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Prohibitions on specific practices relating to personalised pricing)

Adds complexity to modelling and segmentation, especially when rules differ across Member States.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Coherence with DSA regarding personalised advertising using personal data of minors and personalised advertising using sensitive data as defined in Article 9 of the GDPR)

Requires alignment across multiple regulatory frameworks, which has historically been incredibly challenging in the data-driven marketing sector.

Q1a. Please explain why you consider this measure particularly challenging to implement. (Prohibiting personalized advertising based on vulnerabilities)

Difficult to operationalise because “vulnerability” is context-dependent and hard to detect in data (if relevant data can be accessed, which is not always the case).

\* Q1b For the measures where you consider the main challenge to be the additional costs they will impose on your member businesses, how could these costs be mitigated?

*Select all that apply.*

- Clearly defined legal provisions
- Gradual or delayed implementation
- Additional guidance
- Other
- Don't know

Other, please specify:

Reliance on already existing legislation.

\* Q2. To what extent could implementing multiple digital fairness measures together (e.g., combining transparency requirements with opt-out mechanisms) streamline compliance efforts for your member businesses?

- Not at all
- To a small extent
- To a moderate extent
- To a great extent
- Don't know

\* Q3. To what extent could implementing multiple digital fairness measures together create cost synergies for your member businesses?

- Not at all
- To a small extent
- To a moderate extent
- To a great extent
- Don't know

Q4. What challenges might arise from overlapping or interacting requirements of different measures?

For data-driven businesses, each new digital fairness measure typically affects different parts of the data processes (collection, segmentation, profiling, targeting), so combining them does not meaningfully reduce the overall workload.

Q5. Is there anything else you would like to highlight regarding digital fairness and consumer protection?

Overall, FEDMA agrees that the exploitation of consumers' vulnerabilities to personalise commercial offers is an unacceptable practice. However, it is our belief that existing laws already enable to address this situation.

Adding a new layer of rules on this topic would complicate further the legal framework, undermine the functioning of the single market and make it more difficult for European start-ups and SMEs to flourish.

I. Unfair consumer practices & consumer choice | Key message: As the Commission is exploring whether consumers could express their preferences regarding personalised advertising through a simple and effective (i.e. centralised) opt-in or opt-out system, FEDMA recalls ongoing challenges with the ePrivacy Directive, GDPR consent requirements, and competition implications.

II. Unfair consumer practices & vulnerable consumers | Key message: Rather than adding new rules, FEDMA recommends leveraging existing legislations, in particular the UCPD's provision on 'undue influence', the DSA's ban on personalised ads based on sensitive data, and the GDPR's risk-based approach.

III. Dark patterns | Key message: Rather than adding new rules, FEDMA recommends issuing additional guidelines, including the missing DSA guidelines on dark patterns.

IV. Digital contracts & subscriptions | Key message: Rather than adding new rules, FEDMA recommends assessing the future transposition and implementation of the Directive on the marketing of financial services at a distance (DMFSD) and its crosssectoral requirement for a withdrawal function for all online contracts.

V. Simplification measures | Key message: Any possible legislative change should contribute to enhanced consumer protection and simplification of the regulatory environment for Small and Medium Enterprises (SMEs).

## Contact

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