

EN

E-000989/2025

Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(19.5.2025)

The Digital Markets Act (DMA) aims to establish fair and contestable digital markets in the EU. This includes creating a more dynamic advertisement market that offers more transparent, lower cost alternatives to gatekeeper advertising services for businesses, including small and medium-sized enterprises (SMEs).

Targeted advertising exploit personal data of users. The DMA requires gatekeepers to give users the choice whether to grant access to their personal data for advertising purposes. If users refuse consent, they should have access to an equivalent alternative that is less personalised (e.g. by using less data for advertisements).

On 23 April 2025, the Commission adopted a decision which found that Meta's 'Consent or Pay' model is not compliant with the DMA as it does not offer an equivalent alternative of its social networks.¹ The Commission's assessment of the 'Consent or Pay' is separate from the assessment of the model by the Court of Justice,² which was based on the General Data Protection Regulation³ and competition law, not on the DMA.

The DMA does not ban personalised advertisements. Companies can publish personalised advertisements using Meta's advertising services, while benefitting from a fairer and more contestable digital market.

In addition, the DMA only applies to designated gatekeepers and does not affect the use of subscription or consent or pay models by other companies.

The DMA applies equally to all large digital actors operating in the EU that meet certain objective criteria. The Commission investigates possible non-compliance with the DMA in the EU without discrimination.

¹ See https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1085

² See Case C-252/21, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62021CJ0252>.

³ Regulation (EU) 2016/679, OJ L 119, 04.05.2016.