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Re: CCIA Europe comments on the preliminary findings of the AWO study on personalised advertising

Dear Nick,

We would like to thank you again for the opportunity to participate in the workshop organised by the AWO Agency to present the preliminary findings of the study “Online advertising at the crossroads of different regulatory frameworks” on 10 September. Further to our discussion, we would like to share our perspective, which we hope will guide the finalisation of the study and contribute to the Commission’s reflection on online advertising.

The Computer & Communications Industry Association (CCIA Europe) remains committed to supporting the Commission’s broader goal of ensuring a competitive and innovative digital economy. We strongly believe that European digital policy should continue to foster innovation while avoiding unnecessary regulatory burdens, particularly in an area as dynamic as online advertising.

As we seek to provide guidance, we remain concerned that the current conceptualisation of the study may lead to an incomplete picture, particularly regarding its methodology and the representation of the diverse online advertising ecosystem.

The preliminary findings presented during the workshop selectively discussed use cases of AdTech-supported display advertising. We believe the final study needs to acknowledge the host of other advertising business models that cater to the diverse marketing needs. Indeed, advertisers’ interests and priorities vary widely depending on their size, industry and marketing goals. Smaller advertisers, e.g., startups or direct-to-consumer brands that prioritise outcomes directly resulting in direct sales may prioritise performance marketing and affordable digital media channels, whereas established brands also value building brand awareness or attracting a broad audience, and therefore invest more in TV, outdoor and radio. Advertising is used by many of the 26.2 million EU SMEs,¹ and the depth and diversity of this segment of the sector must be well represented.

CCIA Europe believes that the final study should fully acknowledge the substantial evidence of personalised advertising’s benefits for the EU economy, small businesses, and

¹ Annual Report on European SMEs 2024/2025, European Commission, May 2025, available [here](#).

consumers. Research by the Centre for Information Policy Leadership and Public First (CIPL) demonstrates these advantages, revealing that 75% of small European businesses rely on online advertising to compete effectively with larger firms.² The Commission itself recently noted that online advertising is the backbone of the online economy.³ EU consumers recognise those benefits too, with over 50% indicating a preference for ads that are relevant to them, as well as agreeing that fewer personalised ads are less intrusive than a great number of untargeted ads.⁴

Far from being problematic, personalised advertising serves as a vital, cost-effective tool that enables businesses of all sizes to reach customers and expand internationally.⁵ This ability to scale is particularly critical given the broader challenges facing the EU's digital economy in creating global champions and the need for growth-enabling policies. Any policy discussion on advertising must acknowledge the fact that personalised advertising is not just a business practice, but a fundamental driver of the EU's digital economy and societal progress.

Separately, we are concerned that the study's selective focus on the Digital Services Act (DSA) and Digital Markets Act (DMA), and its apparent skew toward players in their scope, could inadvertently obscure legitimate policy processes and lead to contradictory outcomes. Careful examination is critical, especially when considering recent reports that the DMA is already triggering major economic losses.⁶ This narrow focus, without a clear policy objective, puts the validity of this research exercise into question.

Further, the study's sustained interest in further regulating advertising technologies based on this narrow lens can lead to perverse and contradictory outcomes. For example, in the discussion regarding fraud, we see no full recognition of fraud as a criminal activity which should be dealt with by law enforcement. Fraudsters are highly organised and technically sophisticated and use their knowledge of the different delivery models and technical capabilities of online advertising to exploit the system. Instead, we see concerning attempts to extend the DSA scope with respect to fraud, making a link to legitimate advertising business models where players across the value chain in fact suffer losses due to activity of fraudsters.

Similarly, the suggestion to 'de-risk' Real-Time Bidding (RTB) technology by removing personal data from the protocol exposes inconsistent and potentially flawed feedback collected. In practice, even if advertisers and publishers cease to use such a technology, they will still be able to exchange personal data through alternative, potentially less transparent solutions. Further, this approach overlooks the critical economic reality that a shift to purely contextual advertising will result in insufficient monetisation for publishers. This puts the rationale behind the recommendation into question.

² The Impact of Digital Advertising on Europe's Competitiveness: A Study on the Role of Digital Advertising in Europe, March 2025, available [here](#).

³ Statement by Executive Vice-President Ribera on the adoption of the Google Adtech decision, available [here](#).

⁴ Optimisation over reform Understanding EU consumers' perception and knowledge of the ad-funded internet and related privacy rights issues, by Kantar Media, April 2025, available [here](#).

⁵ S9+ declaration, from 27 March 2025, available [here](#).

⁶ LAMA Economics Research Study on 'Economic Impact of the Digital Markets Act on European Businesses and the European Economy', available [here](#).

While the European Commission has started taking actions to address the well-documented phenomenon of 'cookie fatigue,' it is difficult to understand how the study's suggestions for new, specific, and granular consent requirements for a set of players can support consumers who should be able to meaningfully engage with their privacy choices. Moreover, the recommendation appears to contradict other preliminary findings within the study that rightly seek to allow certain data processing activities without consent. The priority should be to establish a clear legal definition of legitimate interest for processing activities necessary for the functioning of the digital supply chain, such as ad fraud prevention and detection and ensuring brand compliance, in order to guarantee proportionality and ease regulatory burdens. We strongly encourage reflection on a proposal to exclude demonstrably low-risk processing activities from the most burdensome consent requirements, focusing instead on a robust, risk-based compliance framework that reduces friction for consumers.

Finally, the preliminary findings of the study that was presented to us fail to adequately address two fundamental regulatory challenges: the complexity of the existing legal framework and the fragmented nature of enforcement. Advertising practices in the EU are currently governed by multiple overlapping frameworks, with enforcement distributed across various authorities. By way of example: Data Protection Authorities (DPAs) enforce privacy and data protection laws, the European Data Protection Board provides interpretative guidance, sometimes conflicting with well-established national interpretations; national telecommunications authorities in some Member States, and now additionally, the European Commission and Digital Services Coordinators enforce DSA and DMA provisions that complement existing consumer privacy rules. This fragmented structure, where multiple regulators independently interpret and apply different aspects of the law, creates significant business uncertainty, inconsistent interpretations across jurisdictions, increased compliance costs, and reduced confidence in long-term investments.

Overall, the publication of this study comes at a time when stakeholders, including CCIA Europe,⁷ have already expressed significant concern about the rapid increase in tech legislation and the resulting challenges in complying with a regulatory environment that includes significant overlaps and inconsistencies.

CCIA Europe is concerned about the study's preliminary findings going against the broader EU simplification agenda, including the Commission's objective to drive innovation and support competitiveness and growth in the EU. In CCIA Europe's view, rather than introducing additional regulatory layers, the priority should be to streamline enforcement mechanisms and provide clearer, more consistent interpretations of existing rules.

Thank you in advance for your consideration, and I remain at your disposal for any further information.

Sincerely yours,

⁷ CCIA Europe's response to the Commission's public consultation on the 'Consumer Agenda 2025-2030 and Action Plan on Consumers in the Single Market' and CCIA Europe's response to the public consultation on 'the Single Market Strategy for 2025'

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