

Contribution to the consultation on the Digital Fairness Act

News Media Europe (NME) is the voice of the progressive news media industry in Europe, representing over 2,700 news brands in print, online, radio and TV, through national associations from sixteen countries. Together, we defend key principles which are vital to us: protecting the freedom of the press, championing the digital future of our industry, and ensuring that the value of content is properly protected.

1. Introductory remarks

News Media Europe welcomes the opportunity to contribute to the public consultation on the Digital Fairness Act. As the representative voice of European news publishers, we believe this initiative directly touches on key challenges facing the digital news ecosystem and the ability to sustain trusted journalism in an increasingly platform-driven environment.

News Media Europe strongly supports effective consumer protection in the digital environment. For news publishers, upholding the high standards of EU consumer protection, both offline and online, is crucial. News publishing is fundamentally a business built on trust between newsrooms and citizens, readers and editors. In today's digital world, this relationship increasingly depends on the ability of publishers to engage directly with their audiences online. More and more Europeans access their news through digital channels, yet this transition remains precarious. The dominance of large online platforms in both content distribution and the advertising market threatens the ability of news media to remain visible, viable, and independent.

Most news publishers rely on two main pillars for financial sustainability: reader revenue (such as subscriptions and memberships) and advertising revenue. Both of these are under pressure due to platform dominance, opaque algorithmic systems, and the rise of AI services that increasingly act as content aggregators or producers. These dynamics seriously undermine the business model of professional journalism, and by extension, the democratic function it serves.

While several European Commission initiatives, such as the Democracy Shield and the Media Freedom Act, rightly stress the need to support the business model of news media as a cornerstone of democracy, it is essential that the Digital Fairness Act is aligned with this objective. It is crucial that any consumer protection measures introduced through this initiative do not inadvertently harm the ability of news media organisations to engage audiences, grow readership, and secure the revenue necessary to produce independent, professional news content.

News publishers are concerned that the **current evidence base presented in the Fitness Check is insufficient to justify new legislation**. The quantitative analysis informing the Fitness Check relies heavily on opinion-based data, and struggles to isolate and attribute impacts directly to gaps in the existing Directives.

Moreover, the mere finding that some consumers consider a process “difficult” does not by itself indicate an underlying legal problem. At least some of the difficulties described may be more connected with necessary tech literacy and experience in the digital world. Overreaching on the basis of inconclusive data could result in unintended consequences for a wide variety of sectors, including news media.

News Media Europe therefore urges the European Commission to **prioritise better enforcement of existing consumer protection legislation** before considering the introduction of new, far-reaching obligations that could add complexity and legal uncertainty. Doing so would not only support the stated aim of legislative simplification, but also enable unified interpretation and effective enforcement.

It is crucial that any potential legislative proposals **adopt a risk-based approach**. This approach should be targeted and prioritise sectors and practices where actual consumer harm or unfairness is demonstrably occurring, rather than adopting broad horizontal measures that risk unintended negative impacts on news publishers. Overly generic rules could undermine the economic and editorial challenges faced by independent news media, thereby threatening their ability to provide trusted journalism. A targeted, evidence-driven focus will ensure that consumer protection is both effective and proportionate.

In the following sections, we present the perspective of European news publishers on the various issues raised in the public consultation and offer targeted recommendations to ensure that consumer protection objectives are met without compromising the viability of the independent press.

2. Subscriptions

Digital subscriptions are essential for the sustainability and growth of Europe's news media sector. They allow both small and large news publishers to invest in the creation of diverse, high-quality content for European citizens. In a rapidly evolving digital landscape, subscription models are one of the few viable revenue streams that support independent journalism and pluralistic editorial media offerings.

To develop a stable reader base and foster long-term relationships with audiences, news publishers rely on tools such as free trials, discounted introductory offers, and added-value incentives (e.g. welcome gifts). These offers are not only legitimate business practices, but they are also vital to building trust with new readers, encouraging experimentation with different news sources, and creating lasting engagement with reliable local, national, and international journalism.

Personalised offers also allow publishers to reach specific groups that might otherwise be difficult to engage, such as students, young readers, or low-income households, by tailoring subscription models to their needs and preferences. These targeted incentives help ensure that diverse audiences can access independent, fact-checked news, contributing to a more informed society. It is therefore essential that the Digital Fairness Act does not restrict the ability of publishers to offer personalised pricing and promotions.

Such commercial practices fall squarely within the freedom to conduct a business, a principle enshrined in the EU Charter of Fundamental Rights. Publishers must retain the ability to innovate in how they reach and retain subscribers, including through the responsible use of consumer data and payment information.

Free or discounted trials and payment information

Free or discounted trials are key tools in attracting new readers as they allow users to experience news services. When payment details are requested, this serves several legitimate and proportionate functions:

- Preventing abuse, such as repeated trial use or identity manipulation.
- Protecting content, for example from bots or unauthorised redistribution.
- Enabling service improvement, by collecting feedback from users who choose not to subscribe.
- Simplifying conversion, helping users move seamlessly from trial to subscription once properly informed.

Importantly, any transition from free to paid or a higher fee must be fully transparent, based on explicit consent, and accompanied by clear pre-contractual information. These principles are already enshrined in current EU consumer law. Free trials are already regulated under the CRD and the UCPD, which impose clear pre-contractual information requirements and have been further clarified through detailed guidance.

The real question, however, is what constitutes transparency. Too much information can be counterproductive: if users are overwhelmed with legal detail, this may hinder, rather than help, informed decision-making. Therefore, rather than prescribing specific formats or separating trial periods from the main contract, rules should focus on substance over form. Trials are, by definition, part of a broader paid agreement, and consumers already benefit from protection as long as information is accurate, clear, and not misleading.

When consumers sign up, businesses must ensure that payment obligations are explicitly acknowledged, and that terms relating to trials, expiration dates, and the start of billing periods are clearly and visibly communicated. This protects users while maintaining the flexibility for businesses to offer introductory promotions, an essential tool for onboarding new customers and encouraging editorial media engagement.

Stricter, one-size-fits-all obligations would reduce the availability of trial offers, ultimately leading to higher entry costs for consumers and limiting their ability to experience and assess digital content before committing.

Ultimately, transparency should empower the user, not drown them in complexity. The Digital Fairness Act should avoid overly prescriptive requirements and instead support practical, innovation-friendly transparency, grounded in existing law and tailored to consumer behaviour in the digital age.

Subscription management and cancellation rights

European news publishers fully support clear, simple, and fair processes for subscription management and cancellation. Consumers should be able to subscribe, unsubscribe, or modify their contracts easily, especially when logged into an account. This aligns with obligations under the

Consumer Rights Directive (CRD), Unfair Commercial Practices Directive (UCPD), and the Digital Services Act (DSA).

However, it is equally important to recognise that subscription contracts are legally binding on all parties of the agreements. While cancellation must not be made unnecessarily difficult, businesses should retain the ability to apply reasonable conditions, such as notice periods or minimum terms, provided these are communicated transparently and comply with consumer law.

Proposals to mandate specific interface designs (such as standardised cancellation buttons or uniform contract management layouts) risk undermining legitimate business flexibility, without providing clear added value for consumers. The focus should remain on identifying and sanctioning genuinely harmful practices, such as hidden cancellation options or misleading language, rather than restricting innovation in how businesses design user experiences.

No need for new withdrawal requirements

The current EU consumer protection framework already provides strong and flexible safeguards for digital subscriptions:

- CRD Article 11(1)(a) requires an easily accessible withdrawal function for online contracts.
- UCPD Article 9(d) prohibits barriers to contract termination and addresses subscription traps.
- DSA Article 25(1) bans interface manipulation that makes cancelling harder than subscribing.

These provisions, supported by detailed Commission guidance, strike the right balance between consumer protection and business freedom. Introducing new or overlapping withdrawal rules, such as mandatory additional confirmation steps or requiring a complete separation of trial and paid contracts, would create regulatory confusion and harm subscription-based business models.

Such measures would also reduce the availability of free or discounted trials, ultimately disadvantaging consumers who would lose access to risk-free opportunities to explore new services.

As the Commission considers new measures under the Digital Fairness Act, we urge policymakers to take a balanced, evidence-based approach that recognises the role of subscriptions in supporting independent journalism. The goal must be to protect consumers without undermining the business models that enable the production of trusted, professional news.

Ensuring proper enforcement of existing rules, rather than layering new regulatory burdens, will contribute both to consumer trust and to the long-term health of Europe's information ecosystem.

3. Personalised advertising

Alongside subscriptions, advertising revenues are a fundamental source of income for European news publishers, especially for news outlets that may not be able to build large subscription bases. Not all publishers can viably adopt a large subscription model, as factors such as limited local audience reach and the provision of niche or specialised content make such models financially unsustainable. This makes personalised advertising an indispensable component of a sustainable news media ecosystem, supporting high-quality journalism and enabling access for a broad range of audiences.

NEWS MEDIA EUROPE

Journalism can only be sustainable if sufficient revenue is generated to support editorial teams and the production of high-quality content. Today, many news websites remain accessible to the public thanks to advertising revenues derived from relevant, personalised ads, shown only after users give their informed consent.

News Media Europe is therefore concerned about proposals seeking to restrict online advertising practices. While user choice and transparency are vital, such proposals would disproportionately impact the news media sector, undermining the ability of publishers to monetise their content and fund journalism, especially in a highly competitive and concentrated digital advertising market.

In particular, proposals under consideration for the Digital Fairness Act include that users should always have an explicit option to receive non-personalised content or offers. While this may sound consumer-friendly in principle, in practice it could force news publishers into economically unsustainable positions. Mandating default non-personalised advertising, or enforcing restrictive design standards, would make it much harder for news media to continue offering high-quality journalism. The main reason for this is that advertisers pay a significant premium for the display of advertisements that are personalised as they result in higher engagement.

Personalised advertising already operates under strict rules set by the GDPR and ePrivacy Directive, which guarantee that consumers retain full control over their personal data. Consent must be freely given, informed, and revocable. When users choose to give their consent, this enables a fair value exchange: free access in return for responsible data use that is transparent, limited, and privacy-compliant.

In addition, the DSA strengthens these safeguards by introducing specific provisions to protect minors and to limit the use of sensitive personal data in the context of personalised advertising on very large online platforms and other intermediary services. In particular, Article 26 prohibits the use of sensitive personal data for targeted advertising, while Article 28 explicitly prohibits targeting advertising to children.

For news publishers, personalised advertising is not an optional or marginal activity: it is a core component of the business model. Advertising revenues, including those from personalised campaigns, help sustain journalism in the digital environment and support media pluralism, democratic discourse, and the free flow of verified information.

Importantly, personalised advertising also helps keep news accessible for free to a broad audience. This free access is crucial in preventing news inequality, ensuring that everyone, regardless of income, can stay informed and participate in democratic society without financial barriers.

For consumers, personalisation offers benefits: fewer irrelevant ads, better user experiences, and continued access to the content they value. At the same time, those who prefer not to share their data often already have less-personalised options or paid alternatives available.

While contextual advertising is often presented as a privacy-friendly alternative, it does not represent a realistic substitute for personalised advertising in the news media sector. In practice, contextual advertising only works effectively for advertisers in specific circumstances, and current technical implementations frequently still involve the processing of personal data in ways that bring

them close to personalisation. Moreover, the experience of European publishers demonstrates that contextual advertising alone cannot generate sufficient revenues to sustain quality journalism. This is supported by research from the University of Frankfurt, which shows that a shift from personalised to contextual advertising leads to an average reduction in online ad value of 18% to 23% for European publishers.¹

‘Consent or Pay’ model

As noted above, if growing numbers of users reject personalised advertising or if regulations limit its use, news publishers are increasingly forced to present website visitors with “Consent or Pay” models: either accept cookies for access, or pay for access to the news offering. This is not a strategic preference, but often a necessary response to ensure continued funding for journalism. In several EU Member States, this approach has already become essential to maintain a viable business model for independent news media.

So-called “Consent or Pay” models are not coercive for news media. They represent a practical, legally valid, and privacy-compliant mechanism that gives users a clear and informed choice: enter a value exchange with data or with money.

From a consumer protection perspective, “Consent or Pay” models fully respect the principle of informed choice and fair commercial practice. They do not constitute dark patterns, but rather present a transparent and straightforward value proposition. Users are clearly informed of the two available options and can freely decide how they wish to access professional journalism, either by contributing financially or through the lawful use of their data.

This aligns with EU consumer law, which is built on the premise that individuals are capable of making reasonable and autonomous decisions when provided with accurate and comprehensible information. Far from limiting consumer rights, this model effectively expands them by offering meaningful alternatives and avoiding hidden costs or deceptive design.

For this reason, European news publishers caution against proposals to impose centralised or default cookie settings, as such mechanisms would drastically reduce monetisable advertising opportunities, and ultimately harm media plurality and the availability of free access to trusted news in Europe. In addition, the centralisation of cookie settings in browsers, operating systems or similar is also problematic from a competition point of view, since it would essentially reinforce the position of gatekeepers through regulatory means and exacerbate existing power imbalances in digital markets.

For some publishers, especially those that rely heavily on advertising to finance open-access journalism, this model is already economically vital. For others, it may become the only realistic alternative as the effectiveness of consent-based monetisation erodes and some subscription markets reach saturation. In a digital environment increasingly dominated by global platforms, Consent or Pay offers one of the few remaining mechanisms for news media to stay competitive and secure fair compensation for their editorial efforts.

¹ The Economic Value of User-Tracking for Publishers, René Laub, Klaus M. Miller, Bernd Skiera, April 14, 2024
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4251233

Importantly, the “pay” option is not arbitrarily priced. The amount requested reflects the substantial investments made in producing professional journalism, content that is both resource-intensive and crucial to democracy. This gives the model its legitimacy: those who choose not to contribute with data are given an alternative route to support independent news media financially.

In any case, the privacy and preferences of users is observed. Under the “pay” route, no personal data is used for behavioural advertising. Under the “consent” route, data is processed lawfully and proportionately, within the strict boundaries of the GDPR. Both paths reflect a user-centric approach that ensures transparency, choice, and control.

For these reasons, it is important that policy discussions and regulatory guidance recognise the role that Consent or Pay can play in sustaining quality journalism. A balanced approach is needed: one that safeguards user rights and genuine choice, but also preserves viable business models that keep trusted, independent news accessible to the public.

Avoiding one-size-fits-all obligations

The ability to advertise freely and lawfully is essential for the economic viability of independent news media. The processing of personal data for advertising, measurement, and performance analysis is indispensable for news publishers to understand their audience, improve services and demonstrate value to advertisers.

However, European publishers face an increasing regulatory burden, including GDPR, ePrivacy, DSA and voluntary initiatives like the Cookie Pledge, often designed with the dominant practices of large tech platforms in mind. These one-size-fits-all rules risk creating additional barriers for news media, particularly smaller news titles, while failing to address the real imbalances in the digital advertising market. Big tech platforms can easily absorb compliance costs; independent news media cannot.

To support news media independence and digital sustainability, the Digital Fairness Act must avoid rigid, prescriptive rules that unintentionally restrict legal, responsible, and privacy-compliant business models in the news media sector. It should observe a risk-based approach, where the rules that must be observed reflect the nature of the actors and practices involved.

Instead, enforcement should focus on ensuring informed consent, preventing deceptive or manipulative practices, and supporting genuine user choice, while leaving room for diverse and legitimate monetisation models that fund journalism and protect the public interest.

Protecting the freedom to advertise is essential for the diversity of opinion, innovation, and editorial independence that underpins European democracy. The Digital Fairness Act should strengthen, not weaken, the ability of European news publishers to operate fairly and sustainably in a digital economy.

4. Design and engagement: a responsible use of digital features by news publishers

News publishers invest heavily in the development of their digital platforms to provide citizens with trusted, relevant, and diverse information. In an increasingly crowded and competitive online environment, where users are constantly exposed to countless stimuli, it has become more challenging to capture and maintain attention.

NEWS MEDIA EUROPE

To ensure that users are able to discover and engage with high-quality journalism, news publishers make use of digital design features that enhance the user experience and help surface relevant content in a clear and appealing manner.

It is important to stress that news websites must remain freely accessible without age verification or other access restrictions. Press publications are primarily aimed at adult audiences and, unlike online platforms, typically do not require user profiles. Introducing an obligation to verify the age of all users would be disproportionate, technically burdensome, and would deter citizens from accessing trusted editorial content.

The Digital Fairness Act rightly highlights concerns about *addictive design patterns*, such as infinite scrolling, autoplay, or recommender systems that aim to prolong user engagement beyond intention. These concerns are valid, particularly where design choices are used to manipulate or exploit vulnerable consumers. However, it is important to distinguish between designs that are manipulative and those that responsibly improve relevance and accessibility.

In this context, recommender systems should not be treated as inherently problematic. In the case of news media, these systems serve a valuable role in guiding readers to relevant articles, improving personalisation, and increasing exposure to verified information. Rather than creating dependency, well-designed recommender systems support informed engagement and content diversity, helping readers stay up to date with current events and topics of personal or societal importance.

Similarly, autoplay can be a meaningful and non-intrusive feature when applied responsibly, for instance to play relevant video news clips that enrich the article content. The intent is not to trap the user, but to present journalistic content in a format that aligns with user preferences and current digital standards.

Finally, we do not view infinite scrolling as inherently negative in the context of news consumption. News publishers aim to inform citizens about developments in the world around them, and infinite scrolling can support this by offering readers seamless access to a broader range of articles.

Publishers are aware of their societal responsibility and the importance of ethical design, particularly in relation to young or vulnerable audiences. This is reflected in editorial standards and business practices that put trust and user welfare first.

We therefore urge policymakers to apply a balanced and evidence-based approach. Not all engagement-enhancing features are addictive by nature. Context, purpose, and proportionality should guide assessments of digital design.

The goal is not to manipulate engagement, but to ensure that quality journalism remains discoverable and accessible in a modern digital environment. In the case of the news media sector, well-regulated design tools are essential for the sustainability of quality journalism and public access to reliable information.

5. Dark patterns

News publishers are committed to building trust-based relationships with their audiences. This trust is the cornerstone of independent journalism and relies on transparent communication, fair user interfaces, and respect for consumer rights. As such, manipulative interface practices, also known as *dark patterns*, are clearly undesirable and should be addressed where they intentionally deceive or coerce users. However, regulating dark patterns requires precision and nuance.

Despite being referenced in the DSA and other frameworks, dark patterns have no clear legal definition in EU law. This lack of clarity risks creating uncertainty for legitimate actors such as news publishers, who already operate under a wide range of consumer and data protection rules. Practices like presenting subscription options, cookie banners, or consent flows can easily be mischaracterised as dark patterns, even when implemented in good faith and in compliance with existing laws like the GDPR, ePrivacy Directive, the Unfair Commercial Practices Directive (UCPD), and the Consumer Rights Directive (CRD).

It is important to distinguish between intentional manipulation and reasonable interface design choices that guide user experience in a lawful and respectful manner. For example, presenting a subscription or consent dialogue in a clear and accessible format is not coercive; it is a legitimate part of the business model of many news outlets, particularly those offering ad-funded or paywalled journalism. Restricting such practices without careful consideration could undermine editorial media viability and the freedom to conduct business.

Moreover, publishers must retain the ability to design their digital environments in ways that align with their editorial and commercial goals, as long as they are not misleading users. Interface design is a form of communication and differentiation, and prescribing overly rigid or one-size-fits-all design norms could lead to overregulation that stifles innovation and expression.

Any future regulatory initiatives on dark patterns should therefore:

- Rely first on full enforcement of existing legislation, before introducing additional burdens;
- Ensure that enforcement differentiates between deliberate manipulation and fair commercial practice;
- Avoid undermining legitimate consent or subscription flows, which are essential for funding journalism.

News publishers are fully aligned with the principle of protecting consumers, but also stress that such protection must be proportionate, legally sound, and targeted at genuinely harmful practices, not at the tools used by trusted publishers to inform and engage with the public in the digital age.

6. Simplification measures

News Media Europe strongly supports the Commission's intention to simplify the regulatory environment while enhancing consumer protection. A simplified and harmonised framework is not only beneficial for legal clarity, but also for reducing compliance costs, especially for news publishers that are already subject to a broad and growing set of regulatory requirements.

However, true simplification cannot be achieved by layering new rules on top of existing frameworks, particularly when it remains unclear whether there is a genuine legislative gap, or rather an enforcement gap. Adopting additional, overlapping rules may lead to regulatory fragmentation and compliance uncertainty, ultimately undermining the stated goal of simplification. Stronger and more consistent enforcement of existing legislation must be the first step.

We support targeted simplification in the following areas:

1. Information requirements under the Consumer Rights Directive (CRD): The current information obligations are often overly detailed, repetitive, and rigid, particularly in the context of recurring subscriptions such as those offered by news publishers. Under the CRD, the same set of disclosures must often be presented at each renewal or payment stage, even if the terms and conditions remain unchanged. This leads to unnecessary friction in the user experience, as consumers are repeatedly confronted with identical information they have already acknowledged.

For digital news subscriptions, which typically operate on long-term reader relationships and continuous service delivery, such repetition provides no additional consumer benefit. Instead, it creates frustration, causes “consent fatigue,” and risks diminishing the impact of truly important information. From the publisher’s perspective, these requirements add administrative burdens without improving consumer protection outcomes.

A more streamlined, risk-based approach, would help ensure that relevant information is delivered clearly and meaningfully, without overwhelming the consumer.

2. Right of withdrawal for digital content subscriptions: Under current EU rules, consumers generally have a 14-day withdrawal period from the contract for digital services. News subscriptions often provide immediate access to valuable, time-sensitive journalism. A right of withdrawal that does not take this reality into account distorts the balance between consumer rights and business sustainability. Consumers can otherwise gain full and immediate access to articles, benefit from the content, and then cancel without cause, disregarding the high costs involved in producing professional journalism. Such a framework fails to reflect the resource-intensive nature of news production and undermines the economic viability of independent media. The rules should distinguish between unused and partially consumed services, to ensure fairness for both consumers and publishers.

3. Aligning rules across digital and non-digital formats: In the news media sector, subscriptions often combine digital and physical content (e.g. newspaper delivery plus access to a news website or app). Consumers expect a coherent regulatory framework, regardless of the channel. We therefore support the view that the same clear and harmonised rules should apply to all news media products, promoting clarity for consumers and reducing the regulatory burden for traders.

4. Revising the ePrivacy Directive: An essential part of the news media's consumer relationship is the ePrivacy directive, which urgently needs updating. The outdated ePrivacy rules have become an obstacle to effective and lawful data processing for editorial purposes. Increasingly strict interpretations make it difficult for news publishers to obtain valid consent, even for cookies used for editorial purposes and audience measurement. These functions are essential for both user

experience and the economic sustainability of independent journalism. A modernised ePrivacy framework should align more closely with the GDPR, adopt a risk-based approach, and exempt cookies used for editorial and audience measurement purposes from separate consent obligations.

Simplification, legal certainty, and effective enforcement must go hand-in-hand. A modernised, well-balanced digital consumer framework should recognise the role of trusted publishers and enable them to serve the public with reliable, high-quality information without unnecessary regulatory barriers.

7. Horizontal issues

News Media Europe acknowledges the importance of consumer protection in the digital environment but is concerned about the direction of certain suggestions under the heading of “horizontal issues”. First and foremost, there is a question about whether horizontal rules are needed at all, and if so about whether targeted rules are better suited to address the underlying concerns.

The proposed principle of “fairness by design”, where traders would be required to incorporate fairness considerations at all stages of product or service development, raises serious concerns. While well-intended, this concept risks creating vague and subjective obligations that are difficult to consistently interpret, operationalise and enforce. For news publishers, whose digital services evolve rapidly in response to public events and changing user needs, such rigid design expectations could stifle innovation and editorial freedom.

There is a fine line between ensuring fairness and mandating design choices that may not reflect the diverse ways in which consumers interact with content platforms and their preferences. Editorial organisations must retain the flexibility to experiment with different user interfaces, formats and recommendation mechanisms that serve the public interest, support sustainable journalism, and engage audiences in meaningful ways.

Furthermore, News Media Europe is of the view that the current definition of the average or ordinary ‘consumer’ remains a reasonable and balanced standard, and would advise careful consideration before making changes to it. Defined as someone who is reasonably well-informed, observant, and circumspect, in line with the case law of the European Court of Justice, the definition strikes a necessary balance between protecting consumers and respecting their autonomy. Lowering this standard risks overregulating legitimate practices and underestimates the role of digital literacy and responsibility in consumer decision-making.

While consumers do not always read the full Terms & Conditions or fully understand data processing practices, this should not lead to a systemic shift in how all digital services are assessed for fairness, regardless of their type. The solution lies in improving transparency and enforcement, not in weakening the legal standard of consumer diligence or introducing broad, design-based fairness mandates.

Finally, we urge the Commission to ensure that horizontal proposals do not undermine sector-specific contexts, such as journalism and editorial media, where consumer interaction patterns, legal obligations, and societal roles differ fundamentally from purely commercial platforms.

Fairness should be guided by principles and enforced through proportionate rules, not embedded into every technical or organisational layer in a way that may constrain the ability of publishers to serve the public effectively.

8. Conclusion

News Media Europe strongly supports effective consumer protection in the digital environment. Citizens must be able to trust the online services they use and feel confident that their rights are respected. At the same time, a stable and predictable regulatory framework is essential for news publishers to continue investing in quality journalism and providing citizens with reliable information online.

Addressing the digital challenges for consumer protection and empowerment in the EU requires a careful balance: enhancing consumer safeguards to ensure trust and safety in digital markets while maintaining regulatory stability to foster innovation and economic growth.

The Digital Fairness Act could directly impact how publishers design, deliver and monetise their digital services. While addressing manipulation or deception is legitimate, the proposed rules must avoid unintended consequences for editorial freedom and innovative user engagement.

Furthermore, there must be clear evidence that new legislation is needed. Many of the perceived challenges around consumer rights online could stem from insufficient enforcement of existing laws, not from legal gaps. Before introducing new legislative measures, the European Commission should prioritise the full and consistent enforcement of existing consumer and digital laws.

Enforcement efforts and any potential new rules should follow a risk-based approach, focusing on sectors and practices where demonstrable consumer harm occurs, rather than applying overly broad horizontal measures. An improved enforcement strategy, supported by well-equipped authorities and cross-border cooperation, would address the challenges identified without adding unnecessary complexity.

Above all, the EU must recognise that independent news media are not just another digital service. Journalism serves a unique democratic function and requires a regulatory approach that safeguards editorial freedom, supports economic sustainability, and allows for innovation in how content is accessed and funded.

A free, diverse, and sustainable press is a cornerstone of European democracy. The Digital Fairness Act must contribute to its protection, not jeopardise it through unintended consequences. With the right balance, Europe can strengthen consumer rights and uphold the public value of a strong, independent news media sector.