

NEWS – ECIPE PRESS RELEASE – NEW OCCASIONAL PAPER

Fairness and Politics of Digital Advertising

By **Hosuk Lee-Makiyama** and **Claudia Lozano**, *Director and Legal Analyst at ECIPE, respectively.*

Brussels, 30 June 2026 – As the European Commission begins internal review of its proposed digital consumer protection law tomorrow, a new [ECIPE Occasional Paper](#) argues that it duplicates existing consumer law and poses significant risks to Europe's advertising-funded media.

The proposed Digital Fairness Act (DFA) aims to address manipulative practices, the exploitation of vulnerabilities, and addictive design in the online environment.

The authors, Hosuk Lee-Makiyama and Claudia Lozano, argue that these practices are already prohibited or can be challenged under existing EU consumer legislation.

The Commission's own Better Regulation guidelines require proof of a regulatory gap before new laws. But the real problem is the lack of resources for enforcing even existing regulations, which new EU regulations cannot conjure.

One of the farthest-reaching legislative options considered by the EU executive is **the option to turn off personalised offers and advertising by default for all European citizens**; a measure that was already debated and rejected by the co-legislators as recently as two years ago.

With the authors having a background in advertising, the report dismantles the assumption that stripping out personalised advertising makes the internet fairer. Remove individual targeting, and advertisers fall back on crude proxies that discriminate based on income, ethnicity and gender.

Furthermore, online advertising is not merely an industrial activity, but the primary financing mechanism for both new and traditional media – especially for media in national languages that cannot scale internationally through subscription-funded models.

By reshaping the conditions under which advertising-funded media operate, a proposed ban on personalised advertising **could render many struggling**

advertising-funded national media outlets economically unviable. The report estimates that a personalisation ban could generate **up to €29 billion per year in losses** for advertisers and media.

The DFA, the authors conclude, reframes consumer protection as a question of who governs the single market: in favour of the executive in Brussels and the largest platforms, at the expense of national courts, national media, and the users it claims to serve.

Their recommendation is simple: ***"Drop the word 'digital' from the Digital Fairness Act. A general Consumer Fairness Act staves off consumer manipulation in supermarket queues, loyalty clubs, and online ads"***, says Lee-Makiyama, a former adman turned lawyer and diplomat. ***"Allocating EU funding for enforcement, rather than duplicating rulebooks, would deliver more protection at lower cost"***.

Publication details: [Fairness and Politics of Digital Advertising](#), ECIPE Occasional Paper No. 06/2026.

Contact the corresponding author: Hosuk Lee-Makiyama, hosuk.lee-makiyama@ecipe.org

Media inquiries: info@ecipe.org or +32 (0) 499 053 110