

Ministerie van Economische Zaken

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De Voorzitter van de Eerste Kamer
der Staten-Generaal
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Datum 12 november 2025
Betreft Verslag informele Telecomraad 9-10 oktober 2025

Geachte Voorzitter,

Hierbij bieden wij uw Kamer het verslag aan van de informele Telecomraad van 9 en 10 oktober 2025 in Horsens, Denemarken. De staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties vertegenwoordigde Nederland bij de informele Telecomraad.

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Beleidsdebat over leeftijdsverificatie

Tijdens de informele Telecomraad organiseerde het Deens voorzitterschap een beleidsdebat over het gebruik van leeftijdsverificatie online. Het Deens voorzitterschap vroeg de lidstaten onder andere naar de ontwikkeling van verschillende methodes tot leeftijdsverificatie, de wenselijkheid van een digitale minimum leeftijd en het benodigde juridische raamwerk hiervoor.

Nederland heeft het belang van dit onderwerp benadrukt. Nederland heeft aangegeven dat leeftijdsverificatie een zwaar middel is dat invloed kan hebben op de fundamentele rechten van minderjarigen online. Voor Nederland is het van belang dat wordt gekeken naar de proportionaliteit van de toepassing van een dergelijke maatregel. Nederland heeft aangegeven geen voorstander te zijn van een algemene wettelijke minimumleeftijd voor het gebruik van sociale media, maar hiertoe recent wel richtlijnen heeft gepubliceerd¹. Ten slotte heeft Nederland aangegeven bezig te zijn met een onderzoek naar de wenselijkheid en haalbaarheid van een Nederlandse leeftijdsverificatie-app gebaseerd op de Europese *white label app* (blueprint) die in opdracht van de Europese Commissie wordt ontwikkeld.

Een grote hoeveelheid lidstaten benadrukte het belang van dit onderwerp en de mentale problemen die minderjarigen ondervinden door overmatig gebruik van sociale media. Veel lidstaten benadrukten tevens de problemen die nog bestaan bij de uitwerking van online leeftijdsverificatie, zoals het beschermen van de privacy van minderjarigen en verschillende nationale wetgeving. Tevens werd de rol van ouders in dit dossier door verschillende lidstaten benoemd.

De Commissie benadrukte het belang om kinderen op te laten groeien in een veilige omgeving en gaf aan dat zij de platformen als hoofdverantwoordelijke zien om de problemen met hun diensten voor minderjarigen op te lossen. Zij wees hierbij op de al lopende initiatieven die de Commissie onderneemt onder de DSA op dit onderwerp, zoals onderzoeken naar TikTok en Meta.

Beleidsdebat over maatregelen om minderjarigen online te beschermen

Tijdens de informele Telecomraad organiseerde het Deens voorzitterschap een beleidsdebat over verschillende maatregelen om minderjarigen online te beschermen. Het debat werd gestructureerd naar de beleidsmaatregelen die terugkomen in de Jutland verklaring, die meegestuurd wordt met deze Kamerbrief aan uw Kamer.

Nederland heeft aangegeven dat het van groot belang is om een veilige online wereld aan te bieden aan minderjarigen, in lijn met het beschermen van waarden en digitale rechten. Nederland is ingegaan op de prioriteiten van de Strategie Kinderrechten Online, zoals op 4 september jl. met uw Kamer gedeeld². Nederland

¹ Kamerstukken II 2024-2025, 32 793, nr. 848

² Kamerstukken II 2024-2025, 26 643, nr. 1392

benoemde de noodzaak om op Europees niveau samen te werken. Daarbij moet worden gekeken naar een mix van beleidsinstrumenten die verder gaat dan enkel wetgeving. Als voorbeeld heeft Nederland de resultaten van de Kinderrechten Impact Assessments genoemd³. Ook heeft Nederland benoemt dat het belangrijk is dat het gebruik van schadelijke verleidingstechnieken in online diensten wordt ontmoedigd.

Een grote groep lidstaten benoemde het belang van digitale veiligheid en de rol van ouders in het beschermen van minderjarigen online. Verschillende lidstaten opperden hierin het verbeteren van ouderlijk toezicht en de kennis van ouders over de digitale wereld. Tevens belichtten enkele lidstaten hun acties tot het komen van een digitale minimum leeftijd, uitgevoerd middels leeftijdsverificatiemechanismen. Veel lidstaten markeerden het aanpakken van *dark patterns*, zoals verslavend ontwerp, als prioriteit om de online wereld veiliger te maken voor minderjarigen.

De Commissie onderstreepte het belang van dit onderwerp en de aandacht die het ook in Brussel geniet. Zij verwees onder meer naar de acties van de Commissie in het ontwikkelen van de *white label app* en het aangekondigde Europees actieplan tegen online pesten, dat naar verwachting in het eerste kwartaal van 2026 door de Commissie wordt gepubliceerd.

Ondertekening van de Jutland Verklaring betreffende de bescherming van minderjarigen online

Na afloop van het beleidsdebat over het beschermen van minderjarigen online is een verklaring hieromtrent aangenomen: de Jutland Verklaring betreffende de bescherming van minderjarigen online (hierna: Jutland Verklaring). Nederland, 24 andere EU-lidstaten, Noorwegen en IJsland hebben de Jutland Verklaring ondertekend. De Jutland Verklaring roept nationale regeringen en de Commissie onder meer op tot effectieve en voorspoedige implementatie van de digitaaldienstenverordening (DSA), het veiliger maken van sociale media middels het *safety-by-design* principe en het onderzoeken van de mogelijke effecten van een digitale minimum leeftijd en het gebruik van leeftijdsverificatiemechanismen.

Lunchdebat over technologische soevereiniteit

Tijdens de informele Telecomraad organiseerde het Deens voorzitterschap een lunchdebat over technologische soevereiniteit. Het Deens voorzitterschap verzocht lidstaten te reflecteren op de huidige en toekomstige inzet die nodig is om zinvolle impact te hebben op digitale soevereiniteit. Verder werd gevraagd te reflecteren op de rol van aanbestedingen in het creëren van vraag naar betrouwbare en soevereine digitale diensten en waar vereenvoudiging van het digitale EU-acquis het meest nodig is om de digitale soevereiniteit van de Europese Unie te bevorderen.

³ Kamerstukken II 2024-2025, 26 643, nr. 1391

Nederland heeft benadrukt dat er strategische keuzes moeten worden gemaakt met betrekking tot de technologieën waarin wordt geïnvesteerd. Dit proces moet op transparante wijze verlopen, waarbij ook aandacht wordt besteed aan private investeringen in de Europese digitale technologiesector. Om technologisch leiderschap in 2035 te waarborgen, is het noodzakelijk om gericht te investeren in AI, halfgeleiders, quantumtechnologie, cloud, netwerktechnologie en cybersecurity. Ook heeft Nederland het belang onderstreept van een weerbare digitale infrastructuur, een geharmoniseerde aanpak van het gebruik van clouddiensten door overheden, het gebruik van open standaarden en technologieën, en het reduceren van regeldruk ter bevordering van digitale soevereiniteit. Ten slotte heeft Nederland aangegeven dat het Digital Package (waaronder de omnibus digitaal) breed moet inzetten op het verminderen van regeldruk.

Andere lidstaten onderschreven het belang van het maken van strategische keuzes binnen technologische investeringen om zo digitale soevereiniteit te versterken. Veel lidstaten benadrukten de noodzaak om investeringen in de digitale technologiesector te stimuleren en dat gerichte investeringen in AI, quantum, en cybersecurity essentieel zijn voor technologisch leiderschap. Verder werd brede steun uitgesproken voor een veerkrachtige digitale infrastructuur en initiatieven die regeldruk verminderen om innovatie en digitale soevereiniteit te bevorderen.

Non-papers

Digitale omnibus

Het kabinet heeft het bijgevoegde non-paper opgesteld om bij te dragen aan de Europese discussie over het *Digital Package*, met daarbinnen de nadruk op de Omnibus. Het Commissievoorstel wordt in november verwacht. Het kabinet zal in lijn met de inzet uit het non-paper de komende maanden in samenwerking met andere lidstaten, belanghebbenden en de Europese Commissie bijdragen aan de totstandkoming van het *Digital Package*. Hiermee geeft het kabinet uitvoering aan de motie van de leden Martens-America en Vermeer over het voortouw nemen om in de EU te komen tot een omnibus voor digitale wetgeving⁴. Ook wordt er invulling gegeven aan de motie van het lid Vermeer om een actieve rol te spelen richting de Commissie in het proces naar een Omnibusvoorstel voor digitaal en dat niet alleen versimpelt, maar ook hervormt⁵.

Online consumentenbescherming

Het kabinet heeft bijgevoegde non-papers opgesteld in aanloop naar de aangekondigde *Digital Fairness Act* en Europese Consumentenagenda 2025-2030. Het kabinet zet zich onder meer in voor de Europese aanpak van verslavend ontwerp in sociale media en verleidingstechnieken in games, zoals in-game aankopen en lootboxes.

⁴ Kamerstukken II 2024-2025, 21 501-30, nr. 645

⁵ Kamerstukken II 2025-2026, 26 643, nr. 1416



Ministry of Economic Affairs

Non-paper by the Netherlands on the Digital Fairness Act

The Netherlands believes that it is key to create the right conditions for well-functioning markets in the digital economy. Clear rules contribute to a level playing field, provide fair opportunities for businesses and effective protection of consumers. At the same time, unnecessary regulatory burdens should be prevented.

Developments in digital markets, such as influencer marketing, generative AI and price personalization, have the potential to drastically alter the way products and services are marketed and consumed. Although digital innovations create enormous opportunities and benefits for companies and consumers, they are not without risks.

With this non-paper we provide input for the upcoming Digital Fairness Act (DFA) in order to maintain a high level of consumer protection in the EU and make consumer law futureproof. This non-paper is an addition to our non-paper for the European Consumer Agenda 2025-2030.

Our main priorities for the DFA are:

1. Effective enforcement and guidance for businesses

First of all, we would like to stress that a lot of legislation that focuses on digital developments has been introduced in a relatively short period of time (such as the Omnibus Directive for consumer law, the Digital Services Act, the AI Act, the Digital Markets Act and the Data Act). We consider it important to focus on the enforcement of the current legislation, help businesses to apply these rules and to make sure that there is a level playing field between traders based in the EU and traders from outside the EU. In this context, we also urge the Commission to submit a proposal for the revision of the Consumer Protection Cooperation Regulation. This should include enforcement powers at the European level, so that infringements of consumer law that occur in large parts of the EU can be effectively addressed.

2. Addressing harmful online commercial practices

Although we believe that enforcement of existing legislation is key in maintaining a high level of consumer protection in the EU. We see certain harmful online commercial practices that are not or only partially covered by current legislation.

For these practices, we believe that the DFA should serve as a harmonised European solution to address these practices by filling in the legal gaps in the existing consumer acquis. A key objective should be to prevent further fragmentation of the Single Market and to avoid additional regulatory burden.

We believe action should be taken in the following areas in the DFA:

- I. Commercial practices in games.
- II. Dark patterns.
- III. Addictive design of digital services or social media.
- IV. Influencer marketing.

For most of these practices, special attention should be given to vulnerable groups such as minors, since these groups are more prone to being manipulated.

I. Regulate harmful commercial practices in games

Over the years, business models utilised by the gaming sector have shifted. The significance of in-game purchases has increased compared to revenues from game sales. Especially vulnerable consumers (not exclusively minors) can make an irresponsibly large number of in-game purchases and are therefore more likely to engage in excessive spending. To better protect consumers against financial harm caused by commercial practices in games, we believe that certain commercial practices and features in games require regulation.

First of all, we support banning paid loot boxes (or other in-app purchases with randomised uncertain rewards) in video games by including them in Annex 1 of the Unfair Commercial Practices Directive (UCPD). This is due to their high potential to distort the economic behaviour of consumers and gambling-like features. Moreover, we support further regulation of pay-to-win mechanisms in multiplayer titles that pressure consumers to increase their in-game spending. Examples of such mechanisms are exclusive items or boosts that give competitive advantages or game mechanics that bypass excessive time-consuming tasks or waiting periods. To prevent unauthorised spending in games, there should be more safeguards to verify that the consumer is eligible to make a transaction.

In addition, the use of in-game currencies obscures the actual amount of money spent in a game. This distorts consumers' decision-making. We are therefore in favour of additional transparency measures for in-game currencies. This can be done by transposing the most important elements from the recently published

Consumer Protection Cooperation (CPC) Network's Key Principles on In-game Virtual Currencies' into legally binding rules. This not only gives consumers more insight into the actual cost of in-game items, but also gives businesses more certainty about the legal basis for in-game transactions.

Lastly, age classification systems can help guide parents to determine whether a game is age-appropriate or not. Because of the high prevalence of in-game purchases, age classification systems should take these business practices into account.

Proposed actions:

- Ban loot boxes in video games via inclusion in Annex 1 of the UCPD.
- Consider additional rules for pay-to-win mechanisms.
- Consider additional verification measures for in-game transactions.
- Transpose key elements from the CPC key principles on in-game virtual currencies into law.

II. Clarify the regulatory framework to better address the issues regarding dark patterns

Dark patterns² are present in a lot of digital services and can negatively influence consumers' online behaviour, potentially to the detriment of their finances and their mental well-being. Although various recent legal acts explicitly regulate the use of dark patterns, there is legal uncertainty about the scope for both businesses and consumer authorities. This can be illustrated by Article 25 of the Digital Services Act (DSA): this article only applies to providers of online platforms that are using dark patterns, and in cases where these practices are not already covered by the UCPD and General Data Protection Regulation. We therefore believe that regulation on dark patterns should be converged between the UCPD and other legislation like the DSA and the Distance Marketing of Financial Services Directive. A way to achieve this is to ensure alignment with the provision of Article 25 DSA that requires platforms to avoid deceptive or manipulative design interfaces in the DSA to be laid down in the UCPD.³

Additionally, research by the European Commission⁴ and the OECD⁵ has shown that there are certain dark patterns that have a particularly high potential to harm consumers. These dark patterns have a high prevalence, are often unnoticed by consumers, are likely to be financially harmful and are not adequately covered by current legislation. For these dark patterns, inclusion in Annex 1 of the UCPD should be considered.

In our view, the following dark patterns should especially be taken into account:

- False hierarchy that promotes a certain option that is less favourable for consumers and hidden information that obscures important details and options for consumers.
- Confirm-shaming and other forms of emotional manipulation: making consumers feel bad when they make a choice that is not beneficial to the trader (like unsubscribing from a newsletter).
- Roach motels that make the cancellation of subscriptions or other agreements difficult for consumers. We should ensure that online termination is not more complicated than subscribing. To combat this, we advocate for the introduction of a clear and easily accessible termination function for subscriptions offered online. If such regulation is envisaged, experiences with the withdrawal function under the Distance Marketing of Financial Services Directive should be taken into account.

In addition, the general terms and conditions of digital services are often not properly read, due to their excessive length and complexity. As a result, consumers are not always aware of their rights, nor of the data

¹ https://commission.europa.eu/document/download/8af13e88-6540-436c-b137-9853e7fe866a_en?filename=Key%20principles%20on%20in-game%20virtual%20currencies.pdf

² Dark patterns are manipulative or deceptive techniques that can lead consumers to make choices that are not in their best interest.

³ Art.25 (1), Regulation (EU) 2022/2065: "Providers of online platforms shall not design, organize or operate their online interfaces in a way that deceives, manipulates or otherwise materially distorts or impairs the ability of recipients of their service to make free and informed decisions."

⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_418

⁵ https://www.oecd.org/en/publications/dark-commercial-patterns_44f5e846-en.html

(including personal data) they provide to businesses. We emphasize the importance of making terms and conditions more accessible, possibly through a standardized list of key terms. This could help consumers make better-informed choices before signing up for digital services.

Finally, data processing for personalisation requires consumers to grant consent specifically for these purposes. In practice, however, consumers are often persuaded to grant such consent through often complicated consent forms, a lack of transparency regarding personalisation purposes, and as a result of information overload and consent fatigue, even though their actual preferences might differ. Therefore, a European approach is needed to give citizens more control over their own data.

Proposed actions:

- Regulate dark patterns under the UCPD and converge the definition and scope of dark patterns in the current legal acts.
- Consider a prohibition on false hierarchy, confirm-shaming and roach motels by including them in Annex 1 of the UCPD.
- Propose and implement a European initiative to make the online termination of subscriptions easy for consumers.

III. Take action against addictive algorithms and harmful design techniques in digital services

We are committed to taking further European action against addictive algorithms and harmful design techniques in digital services, such as social media.

Designs in digital services that harm the well-being of consumers, for example techniques that cause overuse or harmful/unhealthy behavior, should be forbidden. Although such practices are partly covered by existing European legislation (under the Digital Services Act (DSA) and consumer law), there are legal gaps in the current framework.

Additionally, we suggest to explicitly include commercial practices which capture the consumer's attention under the scope of the UCPD. This could for example be done by transposing essential parts⁶ of paragraph 4.2.7 of the UCPD guidance into the UCPD. Clarification in the UCPD enables regulatory authorities to conduct a *case-by-case assessment* to determine whether the design of a digital service can lead to harmful outcomes.

Whether a design stimulates overuse depends on the specific situation and the combination of techniques or features used in the digital service. Especially the interplay of multiple techniques can lead to overuse. For example, to keep consumers engaged for a long time, the features endless scroll or autoplay are often combined with algorithms to show personalised content.

Furthermore, consumers do not always have effective control over their consumption and user experience. For example, it is not always possible to switch off certain features, such as endless scroll, engagement features or autoplay. Therefore, we ask the European Commission to consider regulation that empowers consumers to customise their experience in an easy and accessible way. Consumers (or their parents/guardians in the case of minors) should be able to decide whether they want these features to be enabled.

Proposed actions:

- Consider a ban on design techniques that harm consumer well-being in digital services.
- Transpose essential parts of paragraph 4.2.7 of the UCPD guidance into the UCPD directive.
- Consider regulation that gives consumers more effective control over their usage of digital services by giving them the possibility to customise their experience in an easy and accessible way.

⁶ Paragraph 4.2.7 of the UCPD guidance states: "[...] the Directive would also cover commercial practices such as capturing the consumer's attention, which results in transactional decisions such as continuing to using the service (e.g. scrolling through a feed), to view advertising content or to click on a link".

IV. Clarify the regulatory framework to better address the issues regarding influencer marketing

Influencers have become an important marketing route for businesses. They can have a significant influence on the purchasing behavior of –primarily young- consumers. A notable example of this is the role of social media influencers in promoting fast fashion. This marketing practice can pressure consumers to adapt to new trends and lifestyles, which has several negative effects including overconsumption and shopping addiction.

At this moment, it is not always clear which rules take precedence, especially in relation to the consumer law directives and the Audiovisual Media Services Directive (AVMSD). It is important that it is clear for influencers which rules apply to them in order to improve compliance.

In the Netherlands a certification system⁷, in combination with a control and monitoring mechanism, has been put in place and has had positive results.⁸ In order to ensure that businesses only collaborate with certified influencers³, certification systems could be given a more prominent role in consumer legislation. We therefore ask the Commission to consider introducing a responsibility for Member States to encourage the certification and registration of influencers.⁹ Additionally, large businesses could be required to collaborate only with influencers who have been certified.

Finally, the rapid growth of marketing of financial services via influencers raises concerns. This is specifically the case when so-called finfluencers are promoting the goods and services of unlicensed and thus illegal investment firms. These activities fall outside the scope of EU financial regulations.¹⁰

Proposed actions:

- Provide more clarity in the application of the rules between the consumer directives and the AVMSD.
- Give self-regulation a more prominent role in clarifying the rules and to encourage behavioral change and compliance.
- Consider an obligation for member states to establish a national certification register of influencers and require businesses to work with certified influencers.
- We advocate that the UCPD explicitly includes influencers' promotion of illegal financial products and services as an unfair commercial practice under Annex I of the UCPD.

⁷ The Dutch Advertising Code Committee (ACC) has gathered all relevant rules for influencers in one place and allows influencers to obtain a certificate to demonstrate compliance with the guidelines (www.influencerregels.com)

⁸ According to the ACC, compliance among certified influencers has nearly tripled in 2025.

⁹ An example of such an approach can be found in article 7 of the *Right to Repair Directive*, which provides for a online repair platform with an overview of qualified repair services.

¹⁰ We refer to the Annex to this non-paper for a further explanation.

Preventing consumer harm caused by (f)influencers by asserting promotion of illegal financial products and services as an unfair commercial practice

The growing number of (f)influencers cooperating with a variety of investment firms poses risks for consumers, especially when (f)influencers promote (knowingly or unknowingly) the products or services of unlicensed investment firms operating illegally in the EU.

To prevent consumer harm, we propose to assert that the promotion of illegal financial products and services and cooperation with illegal investment firms should be explicitly included in Annex I of the Unfair Commercial Practices Directive.

Background

There is growing concern in the Netherlands with regard to (f)influencers promoting high-risk financial products, particularly to young consumers. One of the most pressing points of concern regards finfluencers promoting the goods and services of unlicensed and thus **illegal investment firms**. While the investment firms themselves are illegal, the third-party promotion (by e.g. finfluencers) of their products currently falls into a legal void: while EU financial regulations are already adapted (or being adapted, for example by the proposal for a Retail Investment Strategy (RIS)) for the growing trend of (f)influencer promotion of financial products, these EU rules do not cover the marketing of unregulated products and services, because these products and services themselves fall outside the scope of these EU financial regulations. This legal void means national financial markets' supervisory authorities have difficulties acting against these marketing activities, especially when the finfluencers take care to ensure they obey the supervisory authorities' guidelines on prudential norms regarding financial advice (e.g., if they make sure not to provide *personalised* investment advice, which would require a licence). This allows for the finfluencer marketing of unregulated financial products and services to continue unchallenged, posing a risk to consumers. Also, relative to other (f)influencers that promote sound, regulated (financial) products or help consumers with making healthy financial choices, this poses a market risk of an unlevel playing field.

Case Example: Grinta Invest

The issue is exemplified by a particularly large scandal in the Netherlands involving Grinta Invest, a former investment firm based in Bermuda that promoted speculative financial investments in the Netherlands without the required license from the Dutch financial markets authority (*Autoriteit Financiële Markten*, AFM). Grinta Invest marketed its products through finfluencers who received substantial financial compensation of up to 10% of the money invested by clients they brought on. Initially, investors indeed made some of the promised returns, but suddenly, Grinta Invest went dark, shut down their website, and left hundreds of victims with total losses of more than EUR 5 million.

The actions of the finfluencers involved had added considerably to the damage. Firstly, because of their promotional activities, Grinta Invest had been able to sell so many of its illegal financial products. This effect was only exacerbated by the **substantial inducements** paid by Grinta Invest. Secondly, the finfluencers had exposed consumers to an investment firm that was able to shut down its Dutch operations in a heartbeat, did not provide any recourse, and which could not be summoned before a Dutch court for civil-law proceedings. Victims tried claiming some of their losses from the finfluencers. However, even though the finfluencers had promoted the products of an illegal investment firm, in at least one court case, **the court ruled against the**

claimant, mostly because the claimant (bearing the burden of proof) was unable to sufficiently substantiate her claims that the influencer had breached prudential norms.¹

Proposed solution: promotion of illegal financial products and services = unfair commercial practice

As noted, the framework of EU financial regulations provides no adequate consumer protection against influencers promoting unregulated products and services, because the rules on marketing in these financial regulations only apply to regulated financial products and services. Promoting products and services outside of this EU framework puts the promotional activities themselves also beyond the regulatory reach of this EU legislation.

To solve this issue, we should therefore look beyond financial legislation. Influencers promoting unregulated financial products and services may fall outside the scope of financial regulations, they are however still subject to the overarching principles of commercial practices, in particular, the Unfair Commercial Practices Directive (UCPD), providing the overall framework on practices infringing consumer protection rules. In recent years, the European Commission has put forward guidance specifying the applicability of the UCPD to the practices of influencers, for instance providing further clarification on when, for the purposes of the UCPD, an influencer would qualify as a trader or, alternatively, as a person acting in the name of or on behalf of a trader.² Furthermore, the CJEU ruling in Case-371/20 clarifies that the UCPD-rules on disclosure are also applicable in the case of editorial content that was paid for, even when this payment was non-monetary or any other counter-performance.³ The Audiovisual Media Services Directive (AVMSD) also includes rules for commercial communication, which apply to influencers when they fulfil certain criteria. Next to this, the Consumer Rights Directive (CRD) applies to influencers who act as sellers with regard to the obligations of online traders to disclose a wide array of information to consumers before the conclusion of a contract. The Digital Services Act (DSA) also adds to this framework with rules regarding online advertising and traceability of traders, intermediary liability, due diligence, and enforcement.⁴

With this overarching set of EU rules applicable to the marketing practices of influencers, one could argue that the promotion of illegal financial products *already* qualifies as an unfair commercial practice. However, the **UCPD does not yet explicitly qualify this promotion as such**, leaving room for multiple interpretations which hinder consumer protection (either by national authorities or civil law lawsuits). Accordingly, we propose to amend the UCPD to explicitly include the promotion of illegal financial products and services by adding this influencer practice to the list in Annex I of the Unfair Commercial Practices Directive, the list of marketing practices that are considered unfair in all circumstances. In our view, this will have a **preventive effect** as influencers will be forced to (i) conduct heavier checks on the investment firms and products or services they promote and (ii) refrain from promoting illegal financial products and services. Furthermore, it will (iii) provide a clear legal framework for national authorities (including soft-law/self-regulatory organizations in advertising and consumer rights organizations) and consumers to take action against influencers who engage in promoting illegal financial products and services.

¹ ECLI:NL:RBMNE:2023:7516.

² European Commission, 2021, Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market, 2021/C 526/01.

³ This CJEU ruling is especially relevant when looking at the practice of influencers pretending their investment advice is objective and non-personalized, while receiving inducements for the products they advise.

⁴ A more in-depth analyses of EU law applicable to influencers can be found in the report by the IMCO committee of the European Parliament, "The impact of influencers on advertising and consumer protection in the Single Market" (2022).

Ministry of Economic Affairs

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Non-paper of The Netherlands on actions for the EC Consumer Agenda 2025-2030

We aim to strengthen the effective protection of consumers and the competitiveness of the European economy. The European Single Market for consumers can be enhanced by protecting consumers effectively in the digital economy, promoting sustainable consumption, and addressing specific problematic practices such as door-to-door sales.

With this non-paper, we provide concrete input to the new European Consumer Agenda to be presented by the European Commission before the end of 2025. Actions should be taken in the following areas:

- [1. Improve effective protection of consumers in the digital economy](#)
- [2. Enable and promote sustainable and transparent choices for consumers](#)
- [3. Strengthen the Single Market for consumers](#)

1. Improve effective protection of consumers in the digital economy

Consumers must be well protected both offline and online, and they should be able to make purchases with the same level of confidence. It should be clear that online marketplaces have important responsibilities towards consumers. The digital economy can only flourish if consumers have a strong position.

Digital Fairness Act

The Digital Fairness Act (DFA) should serve as a harmonised European solution to address specific consumer challenges. Preventing fragmentation of the Single Market is essential. We advocate using the DFA as a targeted measure to tackle certain online commercial practices, thereby providing clarity for both consumers and businesses.

With regard to games, we support an EU ban on loot boxes and additional regulation of pay-to-win mechanisms and the use of digital currencies. When digital currencies are used, it must always be clear what the equivalent price is in real money (euros).

In addition, we are committed to further European action against addictive algorithms and design techniques. Although such practices are partly covered by existing European legislation (under the Digital Services Act (DSA) and consumer law), there is still uncertainty regarding the scope and effectiveness of the current legal framework. Further clarification is needed, as the DSA has only recently entered into force.

The general terms and conditions of digital services are often not properly read due to their excessive length and complexity. As a result, consumers are not always aware of their rights, nor of the data (including personal data) they provide to businesses. We emphasize the importance of making terms and conditions more accessible, possibly through a standardized list of key terms. This could help consumers make better-informed choices before signing up for digital services.

Finally, we consider it important that the online termination of subscriptions should be made easy for consumers. Therefore, we strongly advocate the introduction of a clear and easily accessible termination function for subscriptions offered online. In designing this European legislation, experiences with the withdrawal function under the Distance Marketing of Financial Services Directive should be taken into account.

Proposed actions:

- *Ban the use of paid loot boxes.*
- *Regulate pay-to-win mechanisms and the use of digital currencies. Ensure price transparency for digital in-app purchases.*
- *Make terms and conditions more accessible, possibly through a standardized list of key terms.*
- *Propose and implement EU action against addictive algorithms and design techniques.*
- *Propose and implement a European initiative to make the online termination of subscriptions easy for consumers.*

E-commerce

It is crucial that there are no obstacles to the free movement of goods, that there is a level playing field for businesses, and that consumers can trust the quality, sustainability, and safety of products. The growth of e-commerce from outside the EU poses a threat to this. We therefore welcome the Commission's communication on e-commerce¹ and we support the strict enforcement of the DSA in this regard. Furthermore, market surveillance authorities should be given more tools to enforce on online marketplaces. Finally, the revision of the Union Customs Code, the introduction of a handling fee on e-commerce packages, and stronger cooperation between Customs authorities should help to manage the large flow of non-compliant e-commerce packages.

Proposed actions:

- *Strictly enforce the DSA, in particular regarding very large online platforms (VLOPs).*
- *Ensure effective and uniform implementation of existing legislation, as well as including appropriate measures (such as the introduction of a non-discriminatory fee) into Customs reform in order to tackle the challenges of e-commerce.*
- *Improve cooperation and coordination between market surveillance, customs and extended producer responsibility authorities in the EU.*
- *Carry out a thorough evaluation of the Market Surveillance Regulation, to align with the General Product Safety Regulation. Ensure that the obligation to appoint an authorized representative will be properly implemented and that these economic operators can be contacted at all times by market surveillance authorities.*
- *Eliminate the obstacles in European financial legislation that prevent market surveillance authorities from making online test purchases under a cover identity.*

¹ [Fiche 2: Commissiemededeling veilige en duurzame e-commerce - EZ | Publicatie | Rijksoverheid.nl](#)

2. Enable and promote sustainable and transparent choices for consumers

Consumers should be provided with the right information at the right time, enabling them to make informed decisions. We support strengthening the information position of consumers to reduce information asymmetries with traders and to ensure transparency. Furthermore, reliable information can facilitate sustainable choices for consumers. At the same time, we believe a balance should be struck to ensure proportionality and avoid excessive regulatory, administrative and compliance burden for businesses.

Sustainability claims

Consumers must be able to trust environmental claims and certifications. We support requirements to combat greenwashing and ensure effective enforcement. The aim is to help consumers make sustainable choices, create a level playing field for businesses, and ensure that national authorities are well positioned to take action against misleading, ill-substantiated, and vague claims.

Proposed actions:

- *Ensure a harmonised implementation of the Directive on Empowering Consumers for the Green Transition (ECGT). This should be done, for instance, by providing guidelines for businesses and enforcement authorities on matters such as the certification of sustainability labels.*
- *Ensure that the Green Claims Directive effectively complements the ECGT Directive and that its requirements with respect to substantiating environmental claims are clear, implementable and proportionate.*

Price transparency

Despite new rules on the pricing of products, misleading practices persist regarding pricing and special offers. Promotional offers often refer to the manufacturer's recommended retail price, instead of the product's true original price. This is misleading for consumers as recommended retail prices are rarely used by sellers. We therefore call for a ban under the Unfair Commercial Practices Directive (Directive 2005/29/EC) on the use of recommended retail prices in promotional offers if the product has never been offered at that price by that seller. Furthermore, consumers should not face unexpected costs during or after their (online) purchase. For instance, administrative costs and transaction costs should be included in the (promotional) price that is advertised.

Proposed action:

- *Include the use of recommended retail prices in promotions on the list of commercial practices that are regarded as unfair in all circumstances in Annex I of the Unfair Commercial Practices Directive.*

Telemarketing and door-to-door sales

In the Netherlands, complaints about door-to-door sales and telemarketing remain persistent, despite national measures designed to better protect consumers. Vulnerable consumers are regularly subjected to excessive pressure. This is also the case for more expensive and complicated contracts, such as energy contracts. We advocate giving Member States the explicit option to ban door-to-door sales and telemarketing (at the general or sectoral level), when necessary in an individual Member State. These sales methods are rarely used cross-border.

Proposed action:

- *Grant Member States the option to ban door-to-door sales and telemarketing.*

3. Strengthen the Single Market for consumers

It is necessary to further strengthen the Single Market to boost competitiveness for the direct benefit of consumers. Ensuring a high level of consumer protection is essential for a well-functioning Single Market. Consumers should have access to a wide range of goods and services at fair prices, with better protection throughout the EU. Businesses should benefit from lower administrative burdens by reducing regulatory complexity and more harmonised enforcement. Therefore, we strongly welcome an action plan on consumers in the Single Market, as part of the Consumer Agenda.

Proposed actions:

- Align consumer policy with other European strategies and proposals, such as the horizontal Single Market Strategy² and the EU toolbox for safe and sustainable e-commerce³. In particular, action on the following aspects is important:
 - Tackle unjustified regulatory, administrative and compliance burden.
 - Ensure high-quality impact assessments, including in the case of substantial amendments during the negotiation phase, for all proposals. Impact assessments should include the consequences of application and enforcement for businesses, national authorities, and citizens, as well as an improved Single Market test as part of the Competitiveness Check to ensure Single Market consistency.
 - Ensure that EU's current and future legislation related to free movement of goods and product safety is thoroughly assessed to detect opportunities for simplification and reduce regulatory burden, without undermining the level of protection of consumers.
 - Develop legislative tools to act against territorial supply constraints.
 - Ensure harmonised rules and more uniform application of rules on labelling, to make it easier to trade products across borders, while taking into account possible health risks.
- Prevent fragmentation, duplication and inconsistencies in legislation and legislative initiatives. Promote the coherent development of core concepts and principles and unequivocal definitions in EU law related to consumers.
- Enable EU-wide account number portability in order to further integrate the Single Euro Payments Area (SEPA), increase competition in the market for payment accounts and increase consumer mobility within the EU.⁴

Enforcement

Consumer protection relies on effective enforcement of consumer legislation, both by public authorities and through private enforcement actions. To that end, cooperation between national enforcement bodies within the framework of the Consumer Protection Cooperation Network (CPC Network) should be enhanced. In addition, enforcement should be made possible at EU level for infringements of consumer law occurring almost everywhere in the EU. This should make enforcement more effective. Furthermore, consistency in enforcement across Member States is important in order to create a level playing field. To this end, guidance on the uniform application of consumer rules should, as much as possible, be given at EU level at an early stage.

Proposed actions:

- Provide early guidance on consumer legislation as much as possible at EU level to ensure harmonised application and enforcement.
- Revise the Consumer Protection Cooperation Regulation as soon as possible, including to ensure that the European Commission will have enforcement capabilities for high profile cases at EU level.

² [Single market strategy](#) and [Nonpaper on a new horizontal Single Market Strategy](#) | Tweede Kamer der Staten-Generaal

³ [E-commerce communication: A comprehensive EU toolbox for safe and sustainable e-commerce](#) | Shaping Europe's digital future

⁴ [Non-paper introducing EU-wide account number portability](#)

Information requirements

Numerous information requirements are placed on sellers and producers through EU legislation that cover many different areas, such as consumer protection, privacy and sustainability. Although these requirements have been put in place to address legitimate concerns within the areas they aim to address, they are often not very well aligned with one another.

For example, the General Product Safety Regulation and the Market Surveillance Regulation stipulate that online marketplaces should display contact information of the authorized representative. The Ecodesign for Sustainable Products Regulation (ESPR) stipulates that this information should be displayed in the digital product passport (DPP)⁵. This could require online marketplaces to implement two IT-solutions for the same piece of information. Therefore, if ESPR requirements have been established, it should be sufficient to provide this information via the DPP only. With regard to the DPP, it is key that fragmentation is avoided. DPPs should have the same format and implementation across all product categories in order to ensure a level playing field for consumers and businesses.

Moreover, when new legislation is drafted, attention should be given to the alignment of information requirements across all relevant areas that contain information requirements. The cumulative effect of information requirements across all areas of EU legislation can lead to confusion or information overload for consumers and unnecessary administrative burdens for businesses. These administrative burdens for traders can be exacerbated by certain factors, such as a lack of coherence between information requirements with a similar scope and a lack of guidance on how to properly comply with the information requirement.

Proposed actions:

- *Introduce A/B testing for new information requirements aimed at informing the consumer and test the effectiveness of new information prior to implementation.*
- *Facilitate the entry of structured information by sellers and producers within the DPP. This should prevent information overload and lower administrative burdens. This approach was introduced by Directive 2023/2673 on Distance Marketing of Financial Services and could be introduced to all consumer contracts. A distinction should be made between information that is relevant to the consumers' purchasing decision and information relevant for inspections by market surveillance authorities.*
- *Consider the cumulative effect of information requirements across all areas of EU legislation and ensure that during the preparation of new legislative proposals overlap of information requirements is avoided.*
- *Ensure harmonised format and implementation of the DPP for an increasing number of product groups, such as textiles.*

The Consumer Agenda should also cover relevant adjacent policy areas of other DGs that directly impact consumer policy, such as tobacco, competition, infrastructure and international rail transport.

EU tobacco control

We encourage swift and decisive actions to protect the health of our youth and to create a smoke-free generation by 2040⁶. We are concerned with the lack of progress of the revision of the Tobacco Products Directive and the Tobacco Advertising Directive. We support revisions in the near future.

⁵ Annex III (k), Regulation (EU) 2024/1781

⁶ [Joint letter EU Tobacco Control, 21 March 2025](#)

Proposed actions:

- *Develop, propose and implement future-proof EU legislation to further reduce the attractiveness, especially to young people, of tobacco products, e-cigarettes, and also cover other emerging nicotine products (like nicotine pouches). These regulations should include comprehensive restrictions on flavors, maximum nicotine levels and plain packaging. Fast response tools should be included to enable specific product bans or regulations throughout the EU.*
- *Adopt proposals to effectively tackle challenges and problems related to cross-border distance sales within Member States.*
- *Take action in collaboration with social media platforms and through targeted measures in order to proactively remove content from their platforms. It is important to prevent and remove social media content that is aimed at selling or marketing tobacco and nicotine products.*

New Competition Tool

A well-functioning and fair market is a cornerstone of the Single Market. However, competition and market performance in certain sectors are under pressure due to increasing market concentration and distortions of competition. This can harm consumers due to higher prices, reduced choice, and slower innovation. These problems are not caused by anti-competitive agreements or abuse of dominance but often lie within the characteristics of the markets themselves and cannot therefore be adequately addressed with the existing regulatory instruments.

The introduction of a New Competition Tool (NCT) at EU level would make it possible for European and national authorities to intervene in markets where traditional antitrust instruments fall short, thus enhancing competition. Based on such investigations, authorities and governments could impose (temporary) remedies to improve market dynamics.

Proposed action:

- *Adopt a NCT at EU level that allows for both European and national authorities, within their respective jurisdictions, to use the tool effectively to address market failures.*

Infrastructure and international rail transport

It must be possible to charge electric cars quickly and reliably across borders. This is good for consumers. Prices should be transparent for consumers and easy to compare. In addition, consumers should know for sure that they are charged the correct amount and should not face unexpected costs after charging, whether they charged their electric vehicle (EV) directly at a charging point or via an e-mobility service provider. To this end, requirements for measuring instruments at charging station infrastructure should be harmonised across the EU. The focus should be on the implementation of the Alternative Fuels Infrastructure Regulation (AFIR) and the removal of obstacles, for example, by making it easier for technicians to work across borders. This is crucial for the development of cross-border charging ecosystems.

International rail transport in Europe must be made easier, so that it becomes a more attractive alternative to road and air transport. Diverging usage fees and state aid for railways create barriers to the development of international rail services, including for rail freight transport. The focus should therefore be on more uniform application and a harmonised framework for user charges and on the application of State aid guidelines for railways. In addition, different technical requirements in Member States create barriers (for example related to protection systems, axle loads and length of trains).

Proposed actions:

- Quickly adopt the targeted amendment of the Measuring Instruments Directive (MID) to harmonise requirements on measuring systems for Electric Vehicle Supply Equipment.
- Present a Single Digital Booking and Ticketing Regulation, allowing Europeans to purchase a single ticket on a single platform and benefit from passenger rights protection for the whole trip.⁷
- Present initiatives on harmonised application of infrastructure charges, revise State aid rules for railways, update the European Union Agency for Railways (ERA) Regulation to support transition to interoperable railways, and harmonise technical requirements through the EU Technical Specifications for Interoperability.
- Present initiatives for paperless mobility for passengers and goods and cross-border car rentals.

⁷ [Non paper by the Netherlands as informal contribution to the EC's ongoing Impact Assessment | Rapport | Rijksoverheid.nl](#)

Non-paper on reducing the regulatory burden of the digital rulebook

The Netherlands welcomes a concerted effort to reduce unnecessary and disproportionate regulatory burdens of the digital rulebook for public and private entities, while at the same time preserving the digital rulebook's overarching objectives. We must ensure the digital rulebook is implemented such as to enable innovation and growth and bolster legal certainty and protection. The digital rulebook strengthens the internal market and thereby makes the whole Union more resilient. The Netherlands believes the digital omnibus and complementary initiatives to reduce the regulatory burden of the digital rulebook should be developed in consultation with a broad group of stakeholders according to three principles:

1. The goals of adopted digital legislation must stay intact. An omnibus must focus on clarification, increasing consistency and complementarity. The cumulative effects of the legislation should be assessed to identify opportunities for better alignment or increased coherence.
2. Reduce cost and efforts for compliance, especially for governments and SMEs by providing practical tools and assistance:
 - Guidelines, formats, model contracts and standards that ease the burden of compliance should be provided swiftly;
 - Definitions, reporting formats and tools should be streamlined and consolidated where possible.
 - A centralised European reference guide could help organisations navigate the regulatory landscape and its definitions.
3. Streamlined and consistent governance is instrumental. The European boards created for the governance of the digital rulebook should have a large role in consistent application and interpretation of law and policy. Currently, the boards vary in their effectiveness and insufficiently facilitate consistency across regulation.

The Netherlands looks forward to working with the EU institutions and member states to reduce the administrative burden in the digital domain. We believe the following actions should be considered to reduce the regulatory burden of the digital rulebook.

AI

- Prioritise simplification of implementation. Clarity about what is needed to comply with the AI Act is of utmost importance to improve trust and establish a European internal market for human-centric and trustworthy AI. Therefore, providing more clarity is a preferred strategy above extending deadlines.
- Define critical infrastructure. We encourage the Commission to draft a common list of infrastructure considered critical under Annex III, point 2. It is currently unclear which infrastructure is considered critical. This risks fragmented interpretations at a national level and higher compliance costs due to uncertainty.
- Create clarity, but leave room for flexibility. The Commission should continue drafting templates (such as those on role allocation or risk classification) and other tools to support the compliance efforts of providers and deployers. However, providers should have flexibility to adapt certain procedures to their specific circumstances, as long as this does not create conflict with the goals of the AI Act. An example is to create a possibility to deviate from the template of the post-market monitoring plan of article 72(3).
- Extend the derogation for Quality Management Systems (QMS) of article 63(1) to SMEs. The QMS and post-market monitoring are expensive aspects of the compliance activities.

Cybersecurity

- Investigate streamlining cybersecurity legislation. An impact assessment for streamlining cybersecurity legislation should be fast-tracked. The impact assessment should identify which proposed solutions will effectively reduce regulatory burdens, while taking into account the increase in workload caused by changes made while legislation is still being implemented.
- Identify the advantages and challenges of a Single Reporting Platform (SRP) before introducing this idea in new legislation. It is currently unclear whether a SRP on an EU and national level will

effectively reduce the regulatory burdens for incident reporting. A SRP should demonstrably contribute to reducing the regulatory burden.

- Streamline reporting obligations where feasible. Some reporting obligations (such as from NIS2 and CER) can easily be merged due to their similar nature. We see practical and legal challenges for reporting obligations where reporting frequency, purpose, mandate and responsibilities vary profoundly (such as from CRA and GDPR).

Data

- Strengthen the European Data Innovation Board (EDIB). The EDIB should be provided with sufficient financial and administrative support to exercise its tasks as set out in the Data Act and Data Governance Act (DGA). The governance for data legislation should be streamlined to avoid overlapping or redundant governance structures.
- Clarity on international non-personal data flows. A single, coherent regime on international data flows should be created. The relation between the provisions on international data flows in article 31 of the DGA, article 33 of the Data Act and the GDPR are insufficiently clear. The GDPR's adequacy decisions framework offers a strong foundation to build upon. Providing similar clarity for non-personal data can decrease the administrative burden.
- Allow data intermediaries to develop revenue streams. The provisions for data intermediation services, such as those in article 12 of the DGA, should be amended to strengthen the economic viability of European data sharing initiatives.

Data Protection

- Provide practical tools to make compliance easier for smaller organisations. We encourage supervisory authorities to continue developing practical tools, such as templates and model clauses. Specifically, lists of low-risk processing activities provided by supervisory authorities can provide clarity. Such guidance could be made the norm or even mandatory, by amending article 35(5) of the GDPR.
- Explore how the development and use of codes of conduct can be increased. Codes of conduct can be useful tools to facilitate compliance. However, they are rarely developed. The reasons for this are not entirely clear. We propose to explore how the development and use of codes of conduct can be stimulated, for example by simplification of the approval process.

Electronic Privacy

We observe practical challenges both for enterprises seeking to comply with ePrivacy legislation and for users experiencing consent fatigue being confronted with repeated consent requests.

- Explore exemptions for cookies or similar technologies for purely analytical purposes. Any exemption should be without prejudice to the GDPR.
- Protect the fundamental rights and freedoms of users, empowering them to make effective choices regarding cookies, fingerprinting and other technologies. This can be achieved through technical solutions such as user-controlled browser settings, in line with GDPR consent requirements. Such solutions would drastically reduce the regulatory burden of compliant consent flows, while having a meaningful impact on reducing consent fatigue.

The Jutland Declaration: Shaping a Safe Online World for Minors

A pressing need to protect minors in the digital environment

Date: 10 Oct 2025

Minors are exposed to severe dangers and risks in the online world and are spending more and more time in front of screens, instead of actively interacting with friends, family, and the offline world around them. Addictive designs keep them hooked. Every day, they are at risk of facing illegal, harmful and extremist content and are exposed to inappropriate contact on for instance social media.

A study conducted in 2024 by the WHO showed that problematic use of social media among adolescents increased from 7% in 2018 to 11% in 2022. It highlights the negative effects on mental health, sleep, well-being, and academic performance. This calls for stronger and decisive action to create a safer and age-appropriate digital world for all minors in Europe, promoting their mental, social and physical health and wellbeing. This is imperative in order for minors to continue benefitting from the many aspects of the digital transformation including opportunities for education, creativity, civic engagement and social participation.

In the EU, we have taken major regulatory steps to shape the digital environment in accordance with our values and principles. In this context, we welcome legislation such as the Digital Services Act (DSA), the Audiovisual Media Services Directive (AVMSD) and the Artificial Intelligence Act (AIA). These are key instruments for protecting, empowering, and respecting minors, and we are committed to leveraging these key instruments to achieve progress. Nevertheless, many challenges remain.

Effective implementation and enforcement of the existing regulatory framework

Protecting minors online requires continuous attention, cooperation, and the willingness to act decisively. Legislation must be effectively implemented and adapted to new digital developments and new technologies. Only through *effective* regulation, *strong* enforcement and *shared* responsibility can we create and promote a safer digital environment for minors.

A continued firm stance on the effective and consistent enforcement of legislation that protects minors must therefore continue to be a priority. Thus, we are dedicated to the enforcement of the DSA at the national level and will continue to engage in close cooperation with the European Commission, including through our national regulators, in its efforts to enforce the rules.

We welcome the European Commission's guidelines on protection of minors online adopted under the DSA in July 2025. Together with Article 28(1), these guidelines are the heart of the DSA's approach to the issue and constitute a major step towards ensuring that providers of online platforms accessible to minors implement appropriate and proportionate measures to ensure a high level of privacy, safety, and security for minors using their services. The guidelines target the role of platforms in particular, but the basic principles and many of the envisioned measures could also serve as an inspiration for improving the safety of other services and for other user groups.

While we generally need stronger efforts to simplify the existing legislation and reduce the regulatory burden to ensure that Europe is both competitive and innovation-friendly, there is an exceptional need to protect our minors online. Thus, there is a need to explore whether further measures are required to complement the DSA in order to strengthen the protection of minors online. This is also due to the fact that the scope of the DSA is limited to intermediary services.

Towards stronger online protection for minors

As a particularly vulnerable group in the digital environment, minors require stronger and more targeted protection. Therefore, we call for an ambitious approach to safeguarding minors online in the upcoming work on the digital agenda, including the review of the AVMSD as well as other relevant files and reviews.

If providers are to ensure privacy, safety and security for minors online with age-appropriate content and interfaces, those providers must take all necessary measures to achieve a high level of protection and implement safety by design. This includes, where necessary, appropriate and proportionate, having a firm awareness of the age group of their users.

Thus, there is a need to require effective and privacy-preserving age verification on social media and other relevant digital services that pose a significant risk to minors. Effective age verification is one of the essential tools to mitigate the negative impact of illegal and age-inappropriate content, harmful commercial practices, addictive or manipulative design elements, and excessive data harvesting, especially on minors.

In the offline world, age checks are standard for age-restricted goods and services. So, it is reasonable to expect similar safeguards online, where the risks — especially for minors — are significant and well-documented. Without proper and trustworthy age verification, it is difficult to prevent for example social media from targeting minors with content and features designed for adults, putting their wellbeing at risk.

In addition, assessments on a digital majority age could help point to the age at which minors should be allowed access to social media and other digital services — giving them more time to enjoy life without an invasive online presence. In this regard, we support President von der

Leyen's initiative to convene an expert panel to provide advice by the end of this year on the best approach for Europe. It is crucial to deepen our understanding of the digital environment's effects on children's health. We cannot leave it to social media to decide the age limits.

From a technical perspective we are already making great progress. Thus, the upcoming age verification apps in line with the EU approach to age verification and the voluntary European Digital Identity (EU-DI) Wallet can provide commonly available, interoperable, seamless and privacy-preserving ways to verify age. It will minimize friction especially if the verification methods are broadly adopted and thus familiar to all users.

In addition to age verification, it is necessary to ensure the highest level of privacy, safety and security "by design" and "by default" for minors and to gradually adapt features to their growing abilities. It is necessary to address addictive and manipulative design practices such as dark patterns, infinity scroll, auto play, streaks and notifications about "missing out". Harmful features such as certain loot boxes in videogames and micro-transactions, pay-to-win systems or digital coins in games should also be better regulated.

Ensuring minors' digital safety requires not only regulation but also preparing and involving parents, legal guardians and teachers. Teachers play a crucial role in the education of minors, while parents and legal guardians play a key role in shaping their children's digital experience. Thus, they should be provided with clear and coherent information and the appropriate tools. In this regard, free, enabled by default parental control software on smartphones and other relevant devices could strengthen their agency. It is important, however, that the responsibility is not transferred to parents and legal guardians. In addition, awareness-raising campaigns, support for digital literacy programmes and media competence, and close cooperation with health and education sectors could further empower minors to be able to critically assess potential risks.

With the adoption of this declaration, we aim to foster a digital environment that ensures greater safety and security for minors. Our goal is to ensure the protection of minors while guiding them to grow into responsible and respectful individuals. This requires us to work across sectors and borders to coordinate our efforts. By sharing information, aligning efforts, and considering the broader context of minors' lives, regulations can be designed to offer better protection and support while minimizing gaps and inconsistencies.

We also consider it important to promote regular policy impact assessments to ensure a proportionate balance between digital inclusion, safety and fundamental rights, especially given the rapid pace of technological development.

Finally, the work must include the meaningful participation of young people themselves in the design and evaluation of digital protection measures. By actively consulting with minors

and incorporating their perspectives, experiences, and needs, we can ensure that protective policies are both effective and respectful of their agency and rights as digital citizens.

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10 oktober 2025

Parafenroute

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Aanleiding

Op 9 en 10 oktober jl. vond de informele Telecomraad plaats in Horsens, Denemarken. Bijgaand treft u de Kamerbrief met het verslag ter verzending naar de Eerste en Tweede Kamer. Tevens wordt het Nederlandse non-paper over de Digitale Omnibus, de Digital Fairness Act, en de EU-Consumentenagenda 2025-2030 meegestuurd conform EU- informatieafspraken, evenals de ondertekende Jutlandverklaring (ondertekend door SBZK). Deze Kamerbrief stuurt u samen met de Staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties vanwege zijn coördinerende rol op het gebied van digitalisering.

Geadviseerd besluit

U wordt gevraagd bijgaande brieven te ondertekenen.

Kernpunten

- In het verslag worden de Kamers geïnformeerd over de Nederlandse inbreng, de voornaamste inbreng van andere lidstaten en die van de Europese Commissie tijdens de informele Telecomraad.
- Tijdens de informele Telecomraad werd er een beleidsdebat gevoerd over leeftijdsverificatie, over maatregelen voor de bescherming van minderjarigen online en over technologische soevereiniteit.
- Daarnaast werd tijdens de informele Telecomraad de Jutlandverklaring over de bescherming van minderjarigen online ondertekend. Nederland, 24 andere EU-lidstaten, Noorwegen en IJsland hebben de Jutlandverklaring ondertekend.

Ontvangen BBR

Kenmerk
DEIZ / 102139250

- Met het naar de Kamer sturen van de non-paper over het Digital Package informeert u de Kamer conform vaste EU-informatieafspraken en geeft het kabinet uitvoering aan de motie van de leden Martens-America en Vermeer over het voortouw nemen om in de EU te komen tot een omnibus voor digitale wetgeving¹ Ook wordt er invulling gegeven aan de motie van het lid Vermeer om een actieve rol te spelen richting de Commissie in het proces naar een omnibusvoorstel voor digitaal dat niet alleen versimpelt maar ook hervormt².
- Met het naar de Kamer sturen van de non-paper over de Digital Fairness Act en de EU-Consumentenagenda 2025-2030 informeert u de Kamer over de Nederlandse inzet in aanloop naar de aangekondigde Digital Fairness Act en Europese Consumentenagenda 2025-2030.

U tekent deze brief als verantwoordelijk minister voor de digitale economie en consumentenbeleid en eerstverantwoordelijke voor de Telecomraad. De Staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties ondertekent vanuit zijn coördinerende rol op het gebied van digitalisering.

¹ Kamerstukken II 2024-2025, 26 643, nr. 1416

² Kamerstukken II 2025-2026, 26 643, nr. 1416