

To: The European Commission (via consultation portal upload)

21st October 2025

RE: EUROPEAN COMMISSION: PUBLIC CONSULTATION ON THE DIGITAL FAIRNESS ACT:

The Online Dating and Discovery Association (ODDA) is the recognised trade body for the sector with a mission to create safe, responsible and enjoyable experiences for everyone. Representing nearly 500 brands worldwide, many of whom operate within the European Union, the ODDA welcomes the opportunity to comment on the forthcoming Digital Fairness Act (DFA).

Our members view the DFA as an opportunity to ensure that Europeans continue to enjoy access to online services that are safe, user-friendly and foster trust between consumers and platforms.

Dark Patterns and Interface Design

We support the Commission's focus on seeking to address unfair commercial practices deployed through the design of digital interfaces. However, it is important that the DFA does not seek to overly complicate regulations so that it becomes difficult to distinguish between the types of commercial practices the Act seeks to prohibit and legitimate practices that help users make informed decisions. To address this, we suggest the Commission proactively engages with app developers to ensure they maintain an in-depth understanding of the approaches taken by different sectors.

Furthermore, we encourage the Commission to take a risk-based and proportionate approach that protects legitimate design practices, particularly those that enhance safety.

Addictive Versus Engaging Design:

The ODDA believes it is important that the DFA should make a clear distinction between harmful addictive features and what might best be described as legitimate mechanisms to encourage meaningful engagement such as subscription-based incentives which are widely used throughout our sector.

We also reference our previous point about the importance of a risk-based and proportionate approach that encourages innovation rather than inhibits it.

Personalisation:

Personalisation forms an integral part of online dating and discovery services. Without the ability to set preferences, users would be met with an overwhelming number of potential matches that would quickly result in user fatigue and disengagement. We therefore suggest that the

www.theodda.org

Email: info@theodda.org

Commission considers taking a more risk-based approach to the use of secondary data under GDPR. For example, the risks associated with reusing profile information to improve matching algorithms, personalise recommendations, or detect fraudulent activity directly benefits users and carries minimal privacy risk when appropriate safeguards are in place. By contrast, reusing matching data for third-party targeted advertising, poses higher risks and should continue to be subject to users' choices. Recognising these distinctions would allow firms to innovate and improve user trust and safety while ensuring that higher risk data uses remain tightly controlled.

Unfair Marketing Relating to Pricing:

Our members have worked hard to ensure pricing information to consumers is both transparent and fair. This means that subscription prices and their terms are displayed clearly and that any promotional discounts or premium features are communicated transparently.

Furthermore, we support prohibiting hidden or incremental fees but raise a concern about the potential to produce overly broad interpretations that could inadvertently include legitimate subscription tiers or optional add-ons, such as premium messaging features.

We also believe there is an opportunity to ensure consistency with the Competition and Markets Authority (CMA) in the UK and their definition of 'drip pricing' under the Digital Markets, Competition and Consumers Act (DMCCA) which specifically targets deceptive practices while allowing legitimate subscription models, discounts, and promotions.

Digital Contracts and Cancellation:

The ODDA supports consistent cancellation rules across Member States but recognises the risk that overly generous cancellation rules could be misused by consumers. For example, 'binge-consumption' during a cooling-off period has the potential to undermine the viability of services and potentially increases costs, particularly where consumers seek to 'game' the system.

We also recognise that there needs to be a distinction between different types of subscription which require different withdrawal and refund frameworks. A one-size-fits-all approach risks causing significant administrative burdens to services that directly impacts the customer journey.

Simplification Measures:

In our view, it is essential that the Commission ensures the DFA is aligned with existing regulatory frameworks such as the Digital Services Act (DSA), the Digital Markets Act (DMA) and the Artificial Intelligence Act (AI Act) to avoid duplication or contradiction.

We also believe that overlapping reporting requirements risk creating unnecessary administrative burdens, particularly for smaller services. These burdens increase compliance costs which potentially reduces investment in innovation.

Furthermore, it is important that privacy requirements do not hinder user safety. Simplifying privacy rules around fraud detection for example, would help many companies in our sector move from reactive compliance to proactive safety. This could be achieved by recognising that safety is a core feature of services such as dating platforms. This approach would empower platforms to take meaningful action to protect users without compromising privacy.

Artificial Intelligence:

Artificial Intelligence (AI) is widely used throughout our sector, particularly in relation to user safety where it can aid the detection and removal of fraudulent accounts, scammers and underage users. It is also being used very effectively as a tool to moderate content preventing harm before it escalates. Away from user safety, AI is proving to be an effective tool in enhancing the user experience through better matching and personalisation to suggest more compatible connections.

Collectively, these applications are low-risk when implemented with safeguards, yet they create high value for individuals by saving time, reducing exposure to irrelevant profiles, and improving the likelihood of finding a compatible partner.

We firmly believe that the DFA should encourage the development and responsible deployment of AI systems without imposing overly generic constraints that would deter investment or limit consumer protections.

We also recognise that responsible AI is a key driver of safer and more user-centric online experiences. Regulations should remain proportionate, risk-based, and supportive of innovation that benefits and protects consumers.

Age Assurance:

Keeping under-18s off dating and social discovery apps is a priority for our members. However, we are concerned that a single technical standard for all platforms could lead to unnecessary friction for adults while failing to address the highest-risk environments. Different platforms should be allowed the flexibility to choose age assurance technology that best suits their business model, recognising the impact of cost and friction. Mandating a uniform technological solution would only increase compliance costs without offering additional protection to users.

In addition, we firmly believe that age assurance should be implemented most effectively at the app store or operating system level, which serves as the main entry point for users accessing digital services. Verification at this stage ensures that only age-appropriate users can download or register for apps, creating a single, consistent checkpoint rather than duplicating verification within every individual platform.

Conclusion:

We welcome the opportunity to contribute to the Commission's consultation on the Digital Fairness Act. The initiative represents an important step in strengthening trust, transparency, and fairness in Europe's digital markets, and we support the Commission's efforts to address practices that may undermine consumer rights or distort competition.

We remain committed to engaging constructively with the Commission on behalf of the sector as the initiative develops and stand ready to provide further evidence and expertise to ensure that the Digital Fairness Act achieves its objectives by striking the right balance between user safety and innovation.

Yours sincerely,



Simon Newman
Chief Executive Officer

simon@theodda.org