CIVIL LIBERTIES UNION FOR EUROPE

Submission to the European Commission's Call for Evidence on the Digital Fairness Act

24.10.2025

The *Digital Fairness Act* (DFA) is a crucial step towards re-balancing power in the digital ecosystem. The **Civil Liberties Union for Europe** (Liberties) welcomes the European Commission's intention to safeguard fairness online, and to strengthen users' ability to understand and resist manipulation in increasingly monetised information spaces.

1. Executive Summary

A growing share of online **political communication** now occurs through influencers and content creators who **monetise** their speech. These actors operate in a hybrid space between authentic political expression and commercial communication. Because their activity is financially incentivised often through not direct political sponsorship but through platform revenue-sharing or engagement-based reward schemes, it often **escapes existing transparency and fairness obligations**.

Current EU instruments, the *Digital Services Act* (DSA), the *Transparency and Targeting of Political Advertising* Regulation (TTPA), and the *Unfair Commercial Practices Directive* (UCPD) do not sufficiently address this phenomenon. The forthcoming **DFA** offers an opportunity to **tackle the commercial unfairness and opacity of monetised political influence**, **complementing the DSA and TTPA without encroaching on electoral law.**

2. The Problem: Monetised Political Speech Outside Transparency Frameworks

Very Large Online Platforms (VLOPs, hereinafter also platforms) play an increasing role in political communication and advertising markets. Yet under the TTPA they have transparency and due diligence duties only when acting as political advertising service providers (i.e. publishing or delivering political ads for remuneration). When they simply host, promote, or monetise political influencer content, they are treated as intermediary service providers under the TTPA, with no additional transparency obligations.

This creates a **regulatory blind spot**:

- A growing volume of **monetised political communication takes place outside formal political advertisements** purchased through platform infrastructure. Influencers often publish political messages as organic posts, which are not archived in ad libraries, and not labelled, but are **financially motivated** through revenue-sharing or engagement-reward programmes operated by the hosting platforms.
- **Platforms profit** from this content not as political advertising service providers, but through engagement, commercial ad impressions, and user retention.
- **Users are unaware** that economic incentives and algorithmic design shape the political content they consume.

3. Relevance for the Digital Fairness Act

Liberties approaches the monetisation of political speech mainly from the perspective of voter rights and democratic integrity, rather than consumer protection. Nevertheless, we observe a growing category of communication that is neither authentic political speech in the classical sense (protected by freedom of expression) nor regulated political advertising. It is **commercialised or monetised speech** that, from the platforms' perspective, **happens to be political.**

Through revenue-sharing programmes and engagement-reward programmes, platforms financially motivate influencers to produce highly emotional or divisive content, because such material drives attention and therefore income. This turns **political communication into a profit-driven product, while concealing the speaker's economic interest.**

The Digital Fairness Act can intervene here by clarifying that **consumers of digital content have a right to know when speech is financially incentivised.** Platforms should be required to label content whose creators receive remuneration or rewards, and to inform users, clearly and prominently, that the speaker is economically incentivised by the platform itself. This transparency strengthens user autonomy without restricting freedom of expression.

4. Enhanced Transparency Obligations

Transparency should go **beyond a mere label** indicating that a creator participates in a monetisation scheme. Platforms should also be required to explain in clear, accessible language **how these financial and algorithmic systems shape the content users see.**

Consumers/users/voters should be able to learn:

- **What types of content** are systematically prioritised (e.g., those triggering strong emotional reactions such as fear or anger, because they generate more engagement and therefore more revenue);
- That content creators participating in revenue-sharing or engagement-reward programmes are **financially incentivised to produce such content**; and
- Their exposure to this content is not neutral, but guided by **commercial logics optimised for profit** rather than for accuracy or civic value.

This information should be made readily and continuously available, for instance through an easily accessible "About this content / Why am I seeing this?" function, so that users can recognise when and why the content reaching them is economically and psychologically optimised to capture attention.

Such a measure would not limit freedom of expression, but would align with the Digital Fairness Act's goal of **combating unfair techniques that deceive and manipulate** consumers online, by equipping them with a genuine understanding of the economic and behavioural mechanisms shaping their online environment.

5. Additional Recommendation: Repository of Monetised Content Creators

The Digital Fairness Act should also oblige VLOPs to maintain **a publicly accessible, searchable repository** listing all content creators and sharers participating in their revenue-sharing or creator-reward programmes.

The repository should specify at least:

- participation in a monetisation or partnership scheme (when, with what content);
- the type of remuneration or reward mechanism;
- basic information (country, language, content category, basic engagement data) enabling independent scrutiny.

This would allow regulators, journalists, and civil society researchers and academics to study how political speech is commercialised, including in cases **where platforms formally ban political advertising but continue to profit from political engagement indirectly.**

Liberties notes with concern that with the **entry into full application of the TTPA**, Google and Meta **withdrew from the political advertising market** and **removed their public ad repositories.** While such actions undermine transparency, no explicit legal obligation directly requires platforms to maintain or reinstate those special archives. Articles 34–35 of the DSA could, in principle, justify requiring them to reinstate these repositories and include the newest ads circumventing the platform ban on political ads as part of systemic-risk mitigation. However, it remains to be seen whether these articles will be used to do so.

The **Digital Fairness Act cannot rewrite the DSA and the TTPA**, but it **can address the commercial layer of influence** - political communication monetised by platforms themselves. A repository and disclosure duty would thus **reinforce consumer fairness and democratic accountability in the digital sphere.**

It needs to be noted, that if a platform's algorithms or moderation policies reflect a particular political leaning, this could translate into systematic financial advantage for content creators whose messages align with that orientation, effectively a form of platform-funded political advertising operating outside the transparency framework of the TTPA. At present, there is no public evidence or data enabling researchers or regulators to verify whether such patterns exist.

This makes the creation of a **public repository of monetised content creators** not only a transparency measure but also a research and accountability tool, allowing independent experts to examine whether algorithmic or financial biases shape the flow of political information online. Detecting such trends would be essential to determining when a platform has crossed the line from neutral intermediary to sponsor of political advertising, a distinction with major implications for EU law.

6. Conclusion

Monetised political influence is an emerging form of digital unfairness. To date, platforms tend to reward emotionally charged political content because it sustains engagement and profit, while users remain unaware of the underlying incentives. The Digital Fairness Act should recognise and address this dynamic by ensuring **transparency for all financially incentivised online speech**, including that rewarded through platform monetisation schemes.

Such a step would not regulate political expression, but would protect European citizens as consumers of political content, ensuring they can make informed choices in an online environment where attention, trust, and truth have become market commodities.