

Feedback on the initiative 'Digital Fairness Act'

By Safer Internet Centre Denmark (SIC DK)

Save the Children Denmark, Center for Digital Youth Care and The Media Council for Children and Young People

1. General comments

The initiative highlights some important issues regarding consumer rights and protection online that are not sufficiently covered by current legislation. Therefore, Safer Internet Center Denmark (SIC DK) welcomes the fact that the Digital Fairness Act initiative should provide solutions to this problem.

SIC DK primarily focuses on consumer rights and online protection of children and young people, who are also specifically mentioned in the initiative as 'minors' and 'vulnerable consumers'. This is what the organizations behind SIC DK are experienced and engaged in every day. It is also in line with UNCRC General Comment 25, outlining children's rights in the digital environment as well as article 24 in the Charter of Fundamental Rights.

SIC DK calls on the Commission to involve children and young people in the work on the initiative.

For more information about SIC DK, please see Appendix 1.

It is noted that EU is working on a common minimum age for social media. SIC DK welcomes the demonstration of political urgency and the efforts by the commission and by member states to ensure that children are protected from online harm. Children have the right to participate, and it must be in a safe and child friendly online environment. We note that the current reality is, that existing age limits set by social media platforms themselves are not enforced, and our response is to be read in the context of that current situation where children's rights and safety are not sufficiently respected.

2. Age verification and age-appropriate universes

It is not the responsibility of minors to protect themselves in digital environments. It is the providers' responsibility to ensure compliance with children's rights and best interests. Therefore, regulation should ensure that minors are protected 'by default'.

A necessity for this is the implementation of mandatory, privacy preserving, age verification tools for when children and young people try to access digital platforms that pose risks towards their safety, and making the functions, feed and content that minors encounter age-

appropriate. A tool for this is currently piloted in Denmark, through EU's blueprint, and we are pleased with the efforts to implement a safe and rights-preserving solution for all.

Today, children and young people use different platforms that are not designed to ensure their well-being and rights. According to a Danish study from 2024, two of three children have had one or more unpleasant or harmful experience online during the last year – a number that has increased from 2021 to 2024 according to the study. The unpleasant experiences and harms take place on a variety of platforms, and the different platforms seem to exceed in different harms and risks.¹

To avoid this, we recommend that the Commission makes it mandatory for platforms to make use of the upcoming EU age verification tool. In addition, the implementation of more child right's-based digital environments should be supported. In that respect it should be examined how digital games and their non-binding age limits possibly stand in the way or could further support the implementation of child focused and rights-based digital environments.

The need for age verification and age-appropriate environments applies to all the proposed solutions mentioned in the initiative, which we elaborate on and provide feedback to below.

3. Elaboration of the problems and need for action stated in the call

The following is a compilation of the problems and proposed solutions in the initiative and SIC DK's feedback to these.

3.1 Problem: Deceptive or manipulative interface design (dark patterns)

Need for action: Preventing traders from using dark patterns and other unfair techniques that pressure, deceive and manipulate consumers online.

Feedback:

To tackle the problem with dark patterns and unfair techniques that pressure, deceive and manipulate consumers online, a clear definition of dark patterns is needed. We suggest inspiration from the Norwegian Consumer Council:

Dark patterns, or manipulative design, are features of user interface design that nudge or push consumers into making choices that are in the best interest of the service provider, rather than in the interest of the consumer. This may include that certain options are easier to choose

¹ Trygfonden og Red Barnet, 2024: [Børn og unges erfaringer med digitale krænkelser og andre ubehagelige oplevelser online](#)

than others, that consumers are tricked into giving consent to sharing personal data, and many other practices.

In SIC DK, we see dark patterns as a general problem for all consumers regardless of age. But dark patterns are especially problematic for children, as they, even more than adults, can have difficulties recognizing manipulative design and understanding the consequences of following dark patterns. As a consequence, children and young people make choices online that can lead to negative health and financial consequences, such as addictive behavior and gambling.

We therefore recommend the Commission to consider dark patterns and regulate it as unfair trade practices in products accessible to children – in line with the DSA – covering all services that are accessible to children. For products consumed by children under a certain age, this should be prohibited entirely. How different allowed features are used on a certain platform or service, should also be reported through mandatory child impact assessments, where the service argue how their designs are not risky or harmful to minors or other users of their service.

We suggest the following concrete solutions as examples of regulation focusing on purchases – a non-exhaustive list:

- Make it a requirement that when purchasing a virtual currency in a game or on other digital services, the real money cost must be clearly shown, as a minimum.
- Prohibit “pay-to-win” mechanisms for children, where a video game requires real monetary input to win the game.
- Prohibit already earned rewards in games that you have to pay to unlock.
- Prohibit marketing that manipulates the user into making a quick choice (called ‘Artificial urgency’) e.g. by promoting time-limited offers with countdown to when an offer expires, "hurry up - only 3 left" or "28 others are looking at...".
- Prohibit the need to provide personal information that is not necessary for the purchase/delivery (e.g. when subscribing, buying a product or a virtual item).
- Demand that it should be easy to unsubscribe from a service or subscription. It should be visually easy to find and accomplish and not require more than one click.
- Demand that products or services for minors must always have transparent terms and conditions that are concise and easy to understand for children and young people. To ensure this, the understandability of terms and conditions should be tested among the target group/minors.
- Ensure that parents are involved and by default have the option to regulate what digital purchases children under a certain age make.

3.2 Problem: Addictive features

Need for action: Giving consumers greater control of their online experience by addressing addictive design features that lead consumers, particularly minors, to spend excessive time and money on online goods and services.

Feedback:

Many Danish children say that they spend time they do not want to or even regret online and on social media. Furthermore 31 pct. of Danish teenage girls experience moderate to severe symptoms of addiction.² At the same time there is correlating systemic risks posed to national public health, e.g. lack of quality sleep³, increase in consumption of unhealthy foods⁴ and increase in sedentary activity / less physical exercise⁵.

This underlines how the design on many digital platforms and games affects user autonomy and how content-focused so-called social media services are designed against the user's best interest and autonomy in their effort to maintain users on their services and to nurture their commercial interests. The business model many social media and games are based on rely on the retention of their users, data harvesting and advertisements, regardless of them being minors. Thus, these are systemic risks that can affect the individual user as well as affect public health, and it should be approached as such.

SIC DK strongly suggest that instead of just 'addressing' addictive design features and user retention methods, which lead minors to spend excessive time and money on online goods and services, regulation and strong enforcement is highly needed, especially when it comes to minor's encounter with digital platforms, games and their use of addictive design practices.

We suggest minimizing the risk posed by these design features through regulation of the following addictive features – a non-exhaustive list:

- Content recommendation systems
- Autoplay
- Infinity scroll
- Rewards for a certain activity that forces users to increased use e.g. streaks or bonuses
- Rewards for time use e.g. in games
- Time-limited in-game rewards

² Danish Consumer Authority, 2025: [Young Consumers and Social Media](#)

³ National Institute of Public Health, 2021: [Danskernes sundhed](#)

⁴ Danish Cancer Society, 2025: [Når skærmen frister](#)

⁵ Danish Consumer Authority, 2025: [Young Consumers and Social Media](#)

3.3 Problem: Unfair personalization practices that exploit consumers vulnerabilities

Need for action: Addressing problematic personalisation practices, including situations where consumer vulnerabilities are targeted for the purposes of personalised advertising and pricing

Feedback:

Many digital services track users' every move and preference and predict user behavior – e.g. through their communication with others, what they pay attention to and like, their friends, family and other factors all at once – to make a comprehensive characteristic of users, which they are able to use in a way that supports their commercial interests.

This means that digital services design can exploit the human psyche via behavioral design. For example, the prediction of one's behavior based on previous behavior is easy to use for influencing people's information during elections or pandemics etc., as well as on a smaller, everyday basis. Based on that, the services can predict user-behavior and present users with information and commercials that they are highly susceptible to. This gives them enormous insight and power to manipulate user behavior without the user's knowledge. Profiling of children for commercial gain is already prohibited, but whether or how services use data to target certain individuals or groups is very in-transparent.

Children are entitled to safer digital spaces, that support their right to play and participate in digital environments on their terms, which include minimizing personalized content and prohibit advertisements, that exploit their vulnerabilities.

SIC DK suggest that the initiative should solve the following problems:

- 'Dynamic pricing' based on consumer behavior: When consumers are exposed to prices of product or services based on the interest that consumers have shown in something (e.g. by clicking on certain things or visiting a website several times). This makes it opaque to find out what a product or service costs. Understanding this marketing strategy is particularly difficult for children and young people, as it requires an understanding of, for example, cookies and algorithms, which cannot be expected of children and young people.
- That children and young people are exposed to content that may be harmful to them or that may keep them in an unhealthy pattern of use. For example, by exposing them to unhealthy products and functions or to expose them to content in ways that could lead to excessive use and addiction.
- That vulnerable young people can be targeted with products and services that are not in their best interests (e.g. which may expose them to something they are trying to avoid or something that could radicalize them or even to non-age-appropriate behavior such as make up routines for young children).

Examples of regulation to solve the problems stated above – a non-exhaustive list:

- Prohibit ‘dynamic pricing’ based on consumer interest as a marketing strategy.
- Profiling-based recommender systems should be restricted, transparent and work in the best interest of the user. They must have the option to be turned off, reset and restricted manually. This would provide a proactive solution to help minors avoid harmful content loops and regain larger control over their digital experiences.
- Restrict business models that profit from children’s attention and behavioral data, which does not comply with children’s best interests and general rights.
- There should be ongoing dialogue with national entities such as Safer Internet Centers and the Commission to negotiate developments within dark patterns, manipulative design and non-ethical design etc. exposing minors.

3.4 Problem: Misleading marketing by online influencers

Need for action: Preventing harmful practices by influencers (e.g. the lack of disclosure of commercial communications, the promotion of harmful products to their followers and clarifying the responsibilities of the companies that collaborate with them)

Feedback:

A lot of children follow many different influencers today, and they see these as trusted role models. Therefore, influencers, as well as influencers’ clients and agencies, have a great responsibility, when they create content, collaborate and promote commercial content exposing minors. We urge the Commission to specify these responsibilities through legislation and other means, that define the responsibilities of influencers and the influencer ecosystem.

SIC DK suggest the following examples of regulation:

- Make it mandatory for influencers, who have a business/commercial profile, that their content is automatically restricted from users under 18. If the influencer wants to remove the 18+ filter, the influencer must actively check various boxes, before publishing the content, that ensure the content is child-friendly (e.g. “No mention of drugs, tobacco, nicotine or alcohol”, “No mention of energy drinks”, “No mention of gambling” etc.)
- Enforce that influencers must always clearly mark advertising, paid collaborations, etc. in a way that cannot be overlooked by either children or adults.
- Clarify how responsibility is divided between the platform, on which the influencer appears, and the influencer/channel as well as the potential influencer agency and client involved in commercial collaborations marketed through these platforms.
 - SIC DK suggests in this context that the platform is responsible for a proper framework, e.g. through age assurance, while responsibility for the viewers of one’s profile/channel

also lies with the influencer. The influencer should adapt the content according to their knowledge on the followers of their channel – including advertising products that match the exposed group (e.g. not advertising products or services that may be unethical, risky or harmful). The influencer is thus not exempted from responsibility simply because the platform has an age limit.

- Influencers should be obliged to declare the demographics (ages) of their followers monthly, so there is transparency and data for supervising the content's appropriateness according to which age groups are exposed to it.
- Clarify the responsibilities of companies when selecting and collaborating with influencers. When an influencer promotes a product or partners with a company, responsibility for the marketing should lie with both parties – ideally specified in a signed contract.

3.5 Problem: Difficulties in managing digital contracts

Need for action: Addressing problems with digital contracts (e.g. difficult cancellations of subscriptions, auto-renewals or free trials converted into paid subscriptions, use of chatbots for customer service).

Feedback:

SIC DK considers the problems mentioned in the initiative, such as difficult cancellations of subscriptions, auto-renewals or free trials converted into paid subscriptions, as dark patterns. This manipulative design is problematic for both adults and minors, and should be regulated and monitored by the Commission. SIC DK also considers it highly problematic how digital services can disregard national age limits by referring to their entering into contracts with minors, when in other contexts children cannot enter into binding contracts.

We suggest the following examples of regulation:

- Demand that it should be easy and transparent to unsubscribe from a subscription. This is ensured by making it visually clear where to unsubscribe, while ensuring that it does not require more than one or two clicks to complete the action of unsubscribing.
- Make it mandatory to require confirmation from the customer when a free trial transitions to a paid subscription. If the customer does not confirm, the paid subscription cannot be created.
- Chatbots are turned off by default for minors and demand that companies make it clear and obvious when users are interacting with a chatbot, e.g. for customer service. Also, chatbots should not appear as humans through name and picture but clearly declared as bots, also during user interaction with bots.

- Platforms have a responsibility to collect an actual parental consent when parental consent is required.

3.6 Problem: Protection of children in games

Need for action: Addressing problematic features of digital products such as in video games, in particular as concerns their impact on minors.

Feedback:

SIC DK welcomes the fact that the initiative directly mentions that there should be more focus on the protection of children in video games, with particular focus on problematic features.

Many problematic aspects of video games are related to business models. In particular, many of the most popular games today are so-called “free-to-play”, where problematic features are then used to get the user to spend more time in a game and/or pay in other ways. In-game purchases, paid random items and user retention methods resulting in a pressure to play a game and spend money are methods that children and young people are extra susceptible to. The features are often opaque and restrictive and can be considered as dark patterns.

We suggest a need for regulation of the following:

Retaining elements:

- Rewards for time spend in games (e.g. daily bonuses). Some games offer a bonus for logging in within a certain time frame. This can pressure children and young people to spend more time on the game or interrupt other activities to log in.
- Limited-time in-game rewards (e.g. battle passes or season passes). If children and young people buy such a subscription, they can access content and obtain rewards (e.g. skins) that others do not have. However, when they have paid for a battle pass, for example, they must spend time in the game to get the rewards. And the opportunity to get them is typically limited to a certain period of time. Therefore, they may feel that they have to play extra hard and for a long time during the period for which they have purchased a battle pass, which is an undesirable pressure to apply to children. We therefore encourage, that battle passes and season passes should not be purchasable on children under a certain age’s accounts.
- Design features, such as pull-to-refresh, recommended content by the algorithm and infinity scroll to mention some, that draw upon mechanisms known from gambling, e.g. that provides rewards (here content) on a variable schedule, is known to be highly addictive, and should be off by default on children’s profiles.

Spending money:

- Loot boxes and other ‘paid random items’ are often used as vehicles for marketing that uses deceptive and highly addictive practices. There is growing evidence⁶ that loot boxes today can be linked to actual gambling activity. The unpredictability of random rewards triggers similar emotional and behavioral responses to those seen in gambling, leading players to repeatedly invest in hopes of a big win. These practices should be restricted in accordance to their link to gambling, age-inappropriate marketing and to ensure that children’s rights are respected.
- Virtual currencies. It is often unclear for children what these currencies are worth in real money. Especially if you exchange one type of currency for another in the same game (for example, this is the case in the most played Roblox-game Adopt Me). Which is why we recommend that as a minimum, the real money cost must be clearly shown when buying virtual currencies. And prohibit multiple currencies in the same game.

⁶ Xiao, L.Y. (2021): Exploring the Gambling-like Nature of Loot Boxes in Video Games: A Psychological and Legal Perspective. *International Journal of Mental Health and Addiction*, 19(6), 1433–1449.
 King, D. L., & Delfabbro, P. H. (2018): The cognitive psychology of Internet gaming disorder and the role of loot boxes in addiction. *Current Psychiatry Reports*, 20(9), 1-7.
 Zhou, X., & Xie, F. (2019): Gambling and gaming: The impact of loot boxes on adolescent behavior. *Journal of Gambling Studies*, 35(4), 1307-1323.

Appendix 1

Safer Internet Centre Denmark (SIC DK) is a national consortium consisting of the three organizations Save the Children Denmark, Centre for Digital Youth Care and The Media Council for Children and Young People. The three organisations have collaborated as partners in SIC DK since 2009, and each of the organisations has worked with media literacy and the protection and wellbeing of children online for more than 20 years. The three partners serve different roles in the partnership:

Save the Children Denmark operates the helpline Delete It and the hotline ReportIt. ReportIt receives anonymous reports containing links to images and videos of sexual abuse against children, which they then analyze to remove abusive material. ReportIt collaborates with Danish and international law enforcement to identify victims and stop perpetrators. As a member of the INHOPE network, they play a vital role in the international effort to combat sexual abuse of children. Delete It provides counseling to children and young people under 18, parents, relatives, and professionals about digital violations and unpleasant online experiences. The helpline offers psychological first aid, knowledge about legislation and rights and guidance

Centre for Digital Youth Care is responsible for all child and youth participation within SIC DK, ensuring that the voices of children and young people are heard and included throughout the center's work. This is achieved through facilitating youth panels, peer-to-peer activities, and participation in national and international collaborations. The Center for Digital Youth Care has many years of experience in facilitating youth involvement and expertise in digital counseling, children's digital habits and risk behaviors, media literacy, as well as trends and developments in social media and video games. Additionally, the Center actively participates in the European Insafe network, which comprises all Safer Internet Centres, contributing their knowledge and expertise in various working groups and collaborations.

The Media Council for Children and Young People run the awareness centre in SIC DK. This means the Media Council is responsible for spreading relevant knowledge about the digital lives of children and young people, developing awareness-raising activities, and publishing materials for children, youth, professionals, parents, and other caregivers. The Media Council has specialized expertise across a wide range of topics aimed at strengthening media literacy among children and young people, including knowledge of digital rights, gaming, platform guides, and resources targeted at parents and professionals. In addition to its role as an awareness centre, the Media Council also coordinates cooperation between the three organizations and serves as the main contact point for the European Commission, the Nordic SIC collaboration, and the European Insafe network, which comprises all Safer Internet Centres.

Safer Internet Centre Denmark is a national center connected to the EU-program Digital Europe. Under the strategy Better Internet for Kids+ (BIK+) the aim is to carry out a shared European strategy for the prevention of and combating digital illegal content.

For more information, visit our website: [SIC DK](#).