



# Enforce

Ms. Henna Virkkunen  
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Sovereignty, Security and Democracy  
European Commission

Ms. Teresa Ribera  
Executive Vice-President for a Clean,  
Just and Competitive Transition  
European Commission

25 March 2026

**Subject: Joint open letter to enforce the Digital Markets Act to deter Meta from exploiting European consumers and businesses**

Dear Executive Vice-President Virkkunen,

Dear Executive Vice-President Ribera,

*Meta Platforms Inc.* (formerly Facebook Inc.) (Meta) is one of the handful of companies with a market capitalisation of \$1 trillion and regularly reports that approximately 99% of its revenue comes from online advertising, for which it processes consumers' personal data. Since the General Data Protection Regulation (GDPR) took effect on May 25, 2018, until the Court of Justice of the European Union (CJEU) decision on July 4, 2023, in *Meta vs Bundeskartellamt* judgment ([Case C-252/21](#)), the company has earned more than \$120bn, revenue that was largely a result of processing personal data of millions of Europeans without appropriate legal basis. Such unlawful data extraction also gave the company an unfair "data advantage" over its advertising competitors. Apart from clear anti-competitive harms, such data extraction also encouraged competitors to seek exploitative and unlawful means to extract data from their consumers, reinforcing the economic logic often known as "surveillance capitalism".

The Digital Markets Act (DMA) was designed precisely to end this dynamic, giving the European Commission the authority and procedural power to curb unlawful data advantages and end exploitation of European consumers and businesses. The Commission's [April 2025 decision](#) regarding Meta's "consent-or-pay" model has demonstrated the power of the DMA, for which we commend your leadership. That initial "consent-or-pay" model illustrated the very essence of surveillance capitalism, which continued exploitative data extraction and was a blatant violation of the DMA. While the fine of €120 million was less than 0.1% of Meta's global turnover, the success of the DMA was to force the company to change its data extraction practices, effectively setting boundaries on Meta's ability to exploit consumers and businesses.

In January 2026, Meta released its latest update to comply with the DMA. The [analysis](#) of the European Consumer Organisation (BEUC) shows that this new model keeps consumers "stuck in the mud", demonstrating this as yet another attempt by the company to evade EU law. This is particularly concerning, as the company has already reported to its shareholders that it is "aligned with the European

[Commission](#)” on this offering. This means that, 10 years after the adoption of the GDPR and 4 years after the adoption of the DMA, Meta will continue to unlawfully extract value from Europeans.

We call for your urgent and decisive action. You have an opportunity to begin to end the digital “wild west”, assert the European public interest over the profit interests of a monopolist, open digital markets to new waves of competition, and promote a healthy online advertising ecosystem in Europe and globally. Being complacent about current changes would mean condoning an exploitation of European consumers and businesses and inviting further unlawful practices by the industry. In our view, for Meta to bring its business model into compliance with the DMA and the GDPR, the company must do the following:

- **Triple option on the first layer:** Meta must introduce a triple-option choice (“personalised ads”, “non-personalised ads”, “subscription-no ads”) at the front layer of the choice screen.
- **No “dark patterns”:** Preselection should never be tolerated, and none of the options should be highlighted compared to the others. Each option should require the same number of steps to avoid friction for users. The “non-personalised ads” option should not include ad breaks, as this clearly degrades the service’s quality and is not directly due to Meta stopping the processing of personal data. The same is true for preventing an end-user from placing ads any longer when selecting the “non-personalised ads” option, as well as other arbitrary service restrictions.
- **The current “less-personalised ads” option would still require consent:** The “less personalised ads” option, in its current form, requires consumer consent, because it involves extracting [specific information about the user](#), including content a user views or which ads they engage with, among other aspects. This equates to a “consent-consent-or-pay” model, which would be as exploitative as the dual option already deemed unlawful. Instead, the “non-personalised ads” option should not involve the processing of personal data. Otherwise, such processing would require a legal basis, which, in the case of [Meta’s advertising practices, is consent](#) (see par. 117).
- **Clear boundaries to be set by the Commission and the EDPB.** We therefore call for the European Commission, working closely with the EDPB, to set clear boundaries about which advertising practices involve the processing of personal data and are consequently not suitable for the “non-personalised ads” option. On social networking services such as Facebook and Instagram, even a single session can reveal a lot about a user and their behaviour (e.g., likes, hover times, comments, etc.), which can contribute to detailed profiling. These concerns are amplified when artificial intelligence (AI) is used for semantic analysis, targeting, or ad delivery, which can exploit consumer vulnerabilities based solely on limited information. Thus, even minimal personal data processing requires an appropriate legal basis. It is for Meta to identify how to place ads without processing personal data.

We urge the Commission to take decisive action and impose a periodic penalty payment on Meta in accordance with Article 31 of the DMA to urgently bring the company’s practices into compliance with the law.

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noyb – European Centre for Digital Rights

Enforce, Irish Council for Civil Liberties