



What is the Digital Fairness Act ("DFA")?

The European Commission is consulting on proposed new EU legislation called the Digital Fairness Act (DFA) that would update EU consumer rules for the online environment. The initiative targets practices such as dark patterns, addictive design features, specific features in digital products (e.g., loot boxes), unfair personalisation (ads/pricing), influencer marketing, drip pricing and misleading price claims, and difficulties with digital contracts (e.g., cancellations, auto-renewals, chatbot-only support). It prioritises protection of minors, aims to increase legal certainty and a level playing field across the Single Market. The Commission's consultation is open until 24 October 2025 at [Digital Fairness Act](#). Members whose products, UX, marketing, pricing or subscriptions could be affected are encouraged to respond. This paper is intended to alert members to the Commission's consultation and to brief you on the position that Scale Ireland intends to submit.

1 Scale Ireland Position

Scale Ireland represents a community of start-ups and scaling technology companies that power jobs, investment and innovation across Ireland. We welcome every initiative that strengthens consumer trust in the digital economy. At the same time, Ireland's entrepreneurs already navigate one of the densest regulatory landscapes in the world. In that context, the proposed DFA has the potential to add a new layer of complexity without necessarily delivering commensurate benefits for consumers or businesses.

1. Our Position at a Glance

- The existing EU rulebook already has a regulatory mechanism for addressing most of the practices the DFA seeks to curb.
- The biggest policy gap is not a lack of rules but a lack of clear guidance, consistent interpretation and proportionate enforcement.
- Where new measures are genuinely required, they should be flexible, evidence-based and mindful of the realities facing young and scaling companies.

2. Why Simplification Matters for Ireland

Ireland has cultivated an environment where new companies can establish themselves and grow. These businesses need a regulatory framework which is predictable, affordable and easy to navigate. The current regulatory regime has various layers and Scale Ireland feels this should be simplified and consolidated to ease the burden on start-ups and scaling businesses rather than added to with additional legislation. The introduction of additional regulation such as the DFA has broad impacts on scaling businesses, including diverting capital from R&D and hiring to compliance, legal advice and documentation and also slowing the speed at which new products and services can reach Irish and European consumers.

Scale Ireland's view is aligned with the recommendations made in the 2024 Draghi report calling for a simplification of European legislation and a simplification of the existing rules, particularly for SMEs and scaling businesses. Scale Ireland supports a one-stop-shop regulatory landscape for small and medium enterprises to mitigate against regulatory overlap and encourage alignment.

3. Key Concerns with the Current DFA Approach

Regulatory Overlap

Dark patterns, addictive design and misleading subscription practices are already covered by the Unfair Commercial Practices Directive, the Consumer Rights Directive, the Digital Services Act and the GDPR. Layering a new regulation on top of these instruments risks conflicting requirements and greater uncertainty for both companies and enforcement authorities.

Disproportionate Burden on SMEs

Unlike multinationals, early-stage firms lack in-house compliance teams and the resources to commission external counsel for every new regime. Uniform obligations without regard to company size could inadvertently stifle the very businesses driving Europe's digital competitiveness.

4. Our Recommendations

Prioritise Enforcement of Existing Law

Empower national authorities to investigate and sanction unfair practices under current rules. Quick, visible enforcement will deter bad actors more effectively than additional text in the Official Journal.

Deliver Clear, Practical Guidance

Issue sector-specific guidelines, FAQs and model compliance checklists so that start-ups understand precisely how to build consumer-friendly products from day one.

Simplify and Consolidate

Launch an EU-wide simplification exercise that identifies overlaps, eliminates redundant provisions and harmonises terminology across consumer, data and platform law and consolidates existing laws to encourage enforcement and alignment across the EU. This aligns with the 2024 Draghi report's call to reduce regulatory "stock" and consolidate EU legislation.

Adopt a Directive not a Regulation

If new regulation is unavoidable, a directive would allow each Member State to implement proportionate, context-sensitive measures that fit national legal traditions and market realities, while still achieving EU-wide consumer protection goals.

Introduce Proportionate SME Pathways

If additional obligations become unavoidable, scale them according to company size and risk profile. Lighter reporting and longer transition periods would keep compliance affordable for young enterprises.

5. Conclusion & Call to Action

Ireland's start-up ecosystem thrives when regulation is clear, coherent and fairly enforced. We therefore urge EU institutions and the Irish Government to focus on enforcing and clarifying the robust rules we already have, avoid overlapping or duplicative regulation that could hamper innovation and job creation, and engage closely with Ireland's start-up community to design any future measures that balance consumer protection with competitiveness.

By prioritising simplification and proportionate enforcement, policymakers can safeguard Irish consumers while allowing our brightest companies to innovate, expand and lead Europe's digital future. Scale Ireland stands ready to collaborate with legislators, regulators and fellow stakeholders to achieve this shared objective.