

**Question for written answer E-002319/2023
to the Commission**

Rule 138

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Subject: User tracking moratorium and enforcement of the Digital Services Act and the Digital Markets Act in the light of the recent Court of Justice judgment

In a landmark decision in early July 2023, the Court of Justice ruled that data collection for advertising purposes was only allowed if the personal data was explicitly provided by the data subject and did not include special categories of personal data, making the tracking of individuals illegal¹.

Following the judgment, the Norwegian authorities are introducing a moratorium on the tracking of users². At the same time, an increasing number of companies are abandoning tracking and the use of sensitive data, turning instead to alternative marketing methods, such as contextual advertising.

The members of the Tracking-Free Ads Coalition therefore wish to ask:

1. Will the Commission follow suit and introduce a moratorium on the tracking of users?
2. How will the Commission take these developments into account in its enforcement of Articles 26(3) and 28(2) of the Digital Services Act (applicable from late August 2023) and of Article 5(2) of the Digital Markets Act (applicable from February 2024)?
3. How will the Commission cooperate with the Member States, the European Data Protection Board and the European Data Protection Supervisor on this matter?

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¹ Judgment of the Court of Justice of 4 July 2023, *Meta Platforms Inc and Others v Bundeskartellamt*, C-252/21, ECLI:EU:C:2023:537.

² Goujard, C., 'Facebook, Instagram face Norwegian ban from tracking users for ads', *Politico Pro*, 17 July 2023, <https://pro.politico.eu/news/166506>.