

**Question for written answer E-003265/2023
to the Commission**
Rule 138
Patrick Breyer (Verts/ALE)

Subject: YouTube allegedly violating EU law with its anti ad block detector

Ad blockers allow users to protect themselves from things like having their browsing behaviour tracked.

Some platforms, such as most recently Google's YouTube, look for signs that ad blockers are running on a user's device to deny access to them if so (anti ad block detector). They do this by checking whether the terminal equipment is hiding or blocking certain page elements or has certain ad blocker software running.

Article 5(3) of the ePrivacy Directive (2002/58/EC) provides that access to information stored in the terminal equipment of a subscriber or user is only permitted with the latter's consent, with an exception applying where the desired service cannot be provided otherwise.

1. Does the Commission consider that the protection of information stored in the terminal equipment (Article 5(3) of the aforementioned directive) also covers information on whether the user's terminal equipment is hiding or blocking certain page elements or running ad blocker software?
2. Does it consider such checks to be absolutely necessary to provide a service such as YouTube, or are they unlawful?

Submitted: 6.11.2023