



2023/2043(INI)

18.10.2023

FINAL COMPROMISE AMENDMENTS 1 - 22

on the Draft Report
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(PE750.069v01-00)

Addictive design of online services and consumer protection in the EU single market(2023/2043(INI))

CA 1

AM 70, 71, 72, 73

Motion for a resolution

1. Is alarmed that **platforms** and other tech companies exploit psychological vulnerabilities to design digital interfaces for commercial interests that maximise the frequency and duration of user visits, so as to prolong the use of online services and to create engagement with the platform; stresses that addictive design can cause psychological **and** material harm to consumers; calls on the Commission to urgently **close** existing regulatory gaps with regard to consumer vulnerabilities, dark patterns and addictive features of digital services;1.

Amendment

1. Is alarmed that **certain** platforms and other tech companies exploit psychological vulnerabilities to design digital interfaces for commercial interests that maximise the frequency and duration of user visits, so as to prolong the use of online services and to create engagement with the platform; stresses that addictive design can cause **harm to physical and** psychological **health as well as** material harm to consumers; calls on the Commission to urgently **assess and where appropriate close** existing regulatory gaps with regard to consumer vulnerabilities, dark patterns and addictive features of digital services;

CA 2

AM 74, 75, 76, 77, 78, 79, 80

Motion for a resolution

2. Stresses that despite **its legislative efforts in** the digital field, **such as** the **DSA** or the AI Act, the issue of addictive design is not sufficiently covered in existing EU legislation, and if unaddressed could lead to further deterioration in the area of public health, especially affecting minors; considers that if the **topic gets further delayed**, Parliament **should use** its right of legislative initiative;

Amendment

2. Stresses that despite **a strongly evolving EU legal framework** in the digital field, **among other the Digital Services Act (DSA)** or the AI Act, the issue of addictive design is not sufficiently covered in existing EU legislation, and if unaddressed could lead to further deterioration in the area of public health, especially affecting minors; considers that if the topic **remains unaddressed**, Parliament should **be the frontrunner and** use its right of legislative initiative; **calls on the Commission to ensure strong and robust enforcement of all existing legislation on the matter with the highest possible degree of transparency; calls on the Commission to adopt the necessary guidelines under Articles 25 and 35 of the DSA to that aim;**

CA 3

AM 80, 81, 82, 83, 84, 86

Motion for a resolution

3. Calls on the Commission to **present legislation against** addictive design; urges the Commission in its review of the Unfair Commercial Practices Directive⁵ (UCPD), Consumer Rights Directive⁶ and Unfair Contract Terms Directive⁷ (Fitness check) to **pay particular** attention to and tackle the growing issues around the **addictive and manipulative** design of online services;

Amendment

3. Calls on the Commission to **examine which policy initiatives are needed and present legislation against** addictive design, **where appropriate and necessary; welcomes the Commission initiative to ensure an equal level of fairness online and offline;** urges the Commission in its review of the Unfair Commercial Practices Directive⁵ (UCPD), Consumer Rights Directive⁶ and Unfair Contract Terms Directive⁷ (Fitness check) to **ensure a high level of protection in the digital environment with** attention to **tackling** the growing issues around the addictive, **behavioural** and manipulative design of online services **and within this review also assess the definition of “consumer”, “vulnerable consumer” and “trader” in the digital age; stresses the importance to ensure an effective and coherent enforcement of consumer law, paying special consideration to vulnerable groups such as children;**

CA 4

AM 87, 88, 89, 90, 91, 92

Motion for a resolution

4. Recalls that the Commission **study** on unfair commercial practices in the digital environment has found that transparency provisions against dark patterns and manipulative personalisation practices both for average and vulnerable consumers are insufficient to counter the negative consequences; calls on the Commission **to prohibit** the most harmful practices, which are not yet blacklisted in Annex I of the UCPD or other EU legislation, **and to impose a fair/neutral design obligation on traders;**

Amendment

4. Recalls that the Commission **behavioural** study on unfair commercial practices in the digital environment has found that transparency provisions against dark patterns and manipulative personalisation practices both for average and vulnerable consumers are insufficient to counter the negative consequences; calls on the Commission to **urgently assess the need to** prohibit the most harmful practices, which are not yet blacklisted in Annex I of the UCPD or other EU legislation; **recalls that several dark patterns and manipulative practices could already be prohibited through the**

blacklist Annex I of the Unfair Commercial Practices Directive (UCPD); in addition, the principle-based Articles 5 to 9 of the UCPD concerning professional diligence, misleading omissions and actions, and aggressive practices provide a basis for assessing the fairness of most business-to-consumer practices;

CA 5

AM 93, 94, 95, 96

Motion for a resolution

5. Recalls that the Commission assessment on taxonomies of dark patterns ***clarifies*** that certain addictive design features ***are not*** taken into account in the current legislation, including the infinite scroll and the default auto play function ***present in services such as YouTube, Netflix, and Spotify***; stresses that other addictive design features such as ***interaction-based recommender systems***, constant push notifications or read receipt notifications are not covered by existing legislation either; recalls that ***the Commission in its Guidance*** on the interpretation of the Unfair Commercial Practices Directive ***expressed concern over uncertainty regarding the rules applicable to addictive interface designs***;

CA 6

AM 85, 97, 98, 99

Motion for a resolution

6. ***Demands*** that a revision of the Unfair Commercial Practices Directive should take into account consumers' susceptibility to the exploitation of the unequal power in the trader-consumer relationship resulting from internal and external factors beyond the consumer's control; stresses that the autonomy of

Amendment

5. Recalls that the Commission assessment on taxonomies of dark patterns ***notes*** that certain addictive design features ***may not be*** taken into account in the current legislation, including the infinite scroll and the default auto play function; stresses that other addictive design features such as constant push notifications or read receipt notifications are not covered by existing legislation either; recalls that ***there remains legal*** uncertainty regarding the rules applicable to addictive interface design; ***underlines*** the Unfair Commercial Practices Directive (***UCDP***) ***guidance***; ***stresses the importance to keep guidance updated and provide for legal certainty in view of technological developments***; ***calls on the Commission to assess and prohibit harmful addictive techniques that are not covered by existing legislation***;

Amendment

6. ***Considers*** that ***any*** revision of the Unfair Commercial Practices Directive should take into account consumers' susceptibility due to the unequal ***position*** of power in the trader-consumer relationship resulting from internal and external factors beyond the consumer's control; stresses that the autonomy of

consumers should not be undermined by traders' commercial practices, in particular the design and operation of the interface;

consumers should not be undermined by traders' commercial practices, in particular the design and operation of the interface; ***to this end is of the opinion that the Unfair Commercial Practices Directive (UCPD) should integrate the concept of digital asymmetry; notes that both consumers and enforcers are often in the dark on what happens behind the interfaces of online services due to a lack of knowledge and insight; calls on the Commission to consider to reverse the burden of proof for practices that the Commission or national authorities have found to or presume to be addictive; considers that undertakings should have an obligation to develop ethical and fair digital products and services without dark patterns and misleading or addictive design 'by design'; considers that this constitutes reasonable professional diligence; notes that sharing the outcomes of online services providers' experimentation dashboards, where applicable, and the consequent effects on the users on their platforms with authorities and consumers is instrumental in proving the effects of design features including that the design feature is not addictive; calls on the Commission to examine and review experimentation with consumers in this regard; considers that the definition of 'transactional decision' in the UCPD includes continuing to use the service (e.g. scrolling through a feed), to view advertising content or to click on a link, as described in the Commission guidelines on the Unfair Consumer Practices Directive; reiterates that horizontal consumer law must respond to the fact that digital asymmetry also affects enforcers and to this end calls on the Commission to review and where relevant strengthen the Consumer Protection Cooperation Regulation;***

CA 7

AM 100, 101, 102, 103, 104, 105

Motion for a resolution

7. Calls for ***a ban*** on interaction-based recommender systems, in particular hyper-personalised systems that ***are designed to be*** addictive ***and*** keep users on the platform as long as possible rather than to serve users information in a more neutral ***manner***; underlines that it is evident from whistle-blowers' testimonies that safer alternative recommender systems ***are possible***, such as those based on chronological order, those with more real user control over the content is displayed or those based on more secure settings, ***but that*** these alternatives are less profitable for social-media platforms;

Amendment

7. Calls for ***an assessment by the Commission of) the addictive and mental-health effects of*** interaction-based recommender systems, in particular hyper-personalised systems, that keep users on the platform as long as possible rather than to serve users information in a more neutral manner ***and pay particular attention to services not covered by obligations under the Digital Services Act; calls on the Commission to further clarify the risk assessment and mitigation of VLOPs in relation to potential harms to health caused by addictive design of recommender systems in the enforcement of Article 34 and 35 of the DSA; further calls for an examination of whether and to what extent an obligation not to use interaction-based recommendation systems 'by default' is desirable and whether consumer law should grant consumers meaningful personalisation that would afford them effective control***; underlines that it is evident from whistle-blowers' testimonies that safer alternative recommender systems ***can be employed***, such as those based on chronological order, those with more real user control over the content is displayed or those based on more secure settings, ***insists on the protection of consumers through such safer alternatives even if*** these alternatives are less profitable for social-media platforms; ***calls on the Commission to explore the opportunity to promote opening up the social network infrastructure in order to offer the capacity for users to have access to third party applications or to add external functionalities to the original interfaces and thus depart from the original and addictive aspects of social media***;

CA 8

AM 107, 108, 109, 110

Motion for a resolution

8. Demands that, in its legislation on addictive design, the Commission puts forward a digital ‘right not to be disturbed’ **including design that would turn** all attention seeking features off by **default**;

Amendment

8. Demands that, in its **review of existing EU** legislation on addictive design, the Commission puts forward a digital “right not to be disturbed” **to empower consumers by turning** all attention-seeking features off by **design and where the user can choose through simple and easily accessible ways to activate such features, possibly with an attached mandatory warning of the potential dangers of such features with opt-in to activate these, offering consumers real choice and autonomy without burdening them with an information overload**;

CA 9

AM 111, 112, 113, 114, 115

Motion for a resolution

9. Urges the Commission to **promote and ensure** ethical design of online **services**; calls on the Commission to create a list of good practices of design features that are not addictive or manipulative and ensure users are fully in control and can take conscious and informed actions online without facing an information overload; stresses that policy actions in this area should not place a burden on **consumers but** address the harm caused by the **businesses**; notes the best practices of ‘think before you share’, turning all notifications off by default, more neutral online recommendations, such as those based on chronological order or increased user-control, up-front choice between colour and greyscale apps, or warnings when users have spent more than 15 minutes or 30 minutes on a specific service;

Amendment

9. Urges the Commission to **foster** ethical design of online services **by default**; **strongly believes that providers should move away from platform features that encourage a focus on monopolising users’ attention**; calls on the Commission to create a list of good practices of design features that are not addictive or manipulative and ensure users are fully in control and can take conscious and informed actions online without facing an information overload **or subconscious influencing**; stresses that policy actions in this area should not place a burden on consumers, **notably vulnerable users or their legal guardians**, but address the harm caused by the **addictive design**; notes the best practices of ‘think before you share’, turning all notifications off by default, more neutral online recommendations, such as those based on chronological order or increased user-control, up-front choice between colour

and greyscale apps, or warnings when users have spent more than 15 minutes or 30 minutes on a specific service *or automatic locks for certain services after a preset time of use, in particular for minors, the possibility for users to restrict access to the apps between certain times, in particular for minors, or weekly summaries of total screen time, further broken down by online service or in-app awareness campaigns concerning potential risks resulting from problematic online behaviours; furthermore, believes that the broad use of educational guidelines and prevention plans as well as awareness-raising campaigns should promote self-control strategies to help individuals develop safer online behaviours and new healthy habits;*

CA 9

AM 106, 92, 81, 64

new text

Amendment

9a new *Believes that any response at the EU level should aim to create meaningful consultation, cooperation, and collaboration with and between stakeholders, and involve in particular lawmakers, public health bodies, healthcare professionals, industry, in particular SMEs, as well as media regulators, consumer organisations and NGOs; stresses that stakeholders are encouraged to work collaboratively to develop, assess and take regulative actions to prevent and minimize the harm associated with problematic online behaviours; calls on the Commission to facilitate a meaningful dialogue between all relevant stakeholders; underlines the need to provide suitable fora for this dialogue;*

CA 10

AM 116, 117, 118

Motion for a resolution

10. Stresses the significant impact of addictive design on children **and youngsters** and calls on the Commission to make additional international efforts to **regulate** addictive design online in this regard;

Amendment

10. Stresses the significant impact of addictive design on **all individuals but especially on children and adolescents; underlines the need for further research into addictive design, its forms and its effects; calls on the Commission to coordinate, facilitate and fund targeted research** and calls on the Commission to make additional international efforts to **promote regulation of** addictive design online in this regard **and the need to promote and implement policy initiatives and industry standards on safety by design digital services and products for children which can foster compliance with children's rights;**

RECITALS

CA 11

AM 1, 2, 3, 4, 5

Motion for a resolution

Amendment

- **having regard to Article 24 of the EU Charter of Fundamental Rights**
- **having regard to the United Nations Convention on the Rights of the Child and the General comment No. 25 (2021) to the Convention on children's rights in relation to the digital environment,**
- **having regard to the Better Internet for Kids strategy of the Commission,**

CA 12

AM 6, 7, 8, 9, 10, 13

Motion for a resolution

A. whereas many digital services, such as online games, social media, streaming services for films, series or music, online marketplaces or web shops **and dating apps are** designed to keep users on the platform for as long as possible so as to maximise **the time** and money they spend **there**; whereas consequently many online services are **designed to** be as addictive as possible; whereas the terms **'addictive design'** or 'behavioural design' of online services describe features that lead to behaviour-related **forms** of digital addiction, such as, 'excessive or harmful internet use', 'smartphone addiction', 'technological or internet addiction', 'social media addiction'; whereas there is a growing consensus among academics that phenomena, such as 'social media addiction' exist;

Amendment

A. **whereas in today's attention-based economy, certain technology companies use design and system functionalities to take advantage of users' and consumers' vulnerabilities in order to capture their attention and increase the amount of time they spend on digital platforms;** whereas many digital services, such as online games, social media, streaming services for films, series or music, online marketplaces or web shops **may be** designed to keep users on the platform for as long as possible so as to maximise the **data collected and the** time and money they spend there **as well as maximise activity, engagement, content production, network development and data sharing;** **whereas this applies in specific to data monetizing services;** whereas consequently many online services are designed to **serve several aims at once: to optimize user experience and to retain users' attention and therefore** be as addictive as possible; **whereas digital services are not based on the same business model, while some digital services work on data monetization and time spent on the application in order to collect data and use it for advertising purposes other digital services work in part or in full with subscription-based models which may or may not contain addictive design features;** **whereas some services successfully do not rely on design that prolongs the time spent on the platform;** **whereas commercial success and ethical app development are not mutually exclusive;** whereas the terms **'manipulative design'**, 'addictive design' or 'behavioural design' of online services describe features that lead to behaviour-related **risks and harms, including** forms of digital addiction, such as, 'excessive or harmful internet use', 'smartphone addiction', 'technological or internet addiction', 'social media addiction';

whereas there is a growing consensus among academics that phenomena, such as ‘social media addiction’ exist; *whereas we must look into the attention retaining or addictive features that incite that behaviour, not the media or devices as such; whereas further research is needed to better understand the underlying issues, impact of online services and potential solution;*

CA 12a

AM 11, 12, 14, 18

Motion for a resolution

Amendment

A. *no text*

whereas digital services, including social media, are radically changing society and bringing positive effects such as increased efficiency, connectedness, accessibility and leisure, as well as allows children and young people to connect, learn about and appreciate different perspectives and worldviews, as well as to build knowledge and explore areas of interest; whereas apps can help us become more productive or exercise more, or solve specific problems, , as illustrated by traffic, banking or translation apps; whereas digitisation and social media also pose new challenges to society and require policy attention to both physical and mental health risks associated with the use of online services; whereas with all the improvements that technology has brought into the lives of individuals, sophisticated use of addictive, behavioural or deceptive or persuasive design can have harmful consequences affecting consumers’ online behaviour and give regulators and researchers the necessary tools to analyse the effects of using these platforms;

CA 13

AM 15, 16, 17

Note the addition of footnote to back the statements about research

Motion for a resolution

B. whereas 16-24 year-olds spend an average of over seven hours a day on the internet; whereas one in four children and young people display ‘problematic’ or ‘dysfunctional’ smartphone use, meaning behavioural patterns mirroring addiction; whereas research suggests that problematic smartphone use continues to rise; whereas research also suggests that the rise in mental health problems in adolescents might be related to excessive social media use;

Amendment

B. whereas 16-24 year-olds spend an average of over seven hours a day on the internet¹; whereas one in four children and young people display ‘problematic’ or ‘dysfunctional’ smartphone use, meaning behavioural patterns mirroring addiction²; whereas research suggests that problematic smartphone use continues to rise ***and that many children rarely disconnect from social media and use it constantly throughout the day feeling insecure without their mobile phone***; whereas research also suggests that the rise in mental health problems in adolescents might be related to excessive social media use ***and that social media pressure has been identified as one of the top five causes of mental health difficulties for children; whereas younger populations are more vulnerable to psychopathological developments and harmful behaviours and mental health conditions established in childhood can shape the subsequent life course; whereas gaming addiction is recognised as a mental health disorder by the World Health Organisation***;

CA 14

AM 19, 20, 21, 22

Note the addition of footnote to back the statements about research

C. whereas internet-use-related addiction ***displays*** similar side effects to

C. whereas internet-use-related addiction ***may display*** similar side effects

¹ Average daily time spent using the internet by online users worldwide as of 4th quarter 2022, by age and gender, Statista, 22 May 2023, <https://www.statista.com/statistics/1378510/daily-time-spent-online-worldwide-by-age-and-gender/>.

² O. Lopez-Fernandez & D. Kuss, Harmful Internet Use Part I: Internet addiction and problematic use, EPRS, STOA, p. 51, [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU\(2019\)624249_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU(2019)624249_EN.pdf).

substance-related addictions, including evidence of tolerance and relapse; whereas strict regulation exists for **addictive products**, such as **drugs, alcohol, tobacco and gambling** to prevent addiction and protect consumers from harm; whereas problematic smartphone or internet use has been linked to lower life satisfaction and mental health symptoms such as depression, low self-esteem, body-image disorders, eating disorders, anxiety, high levels of perceived stress, neglect of family and friends, loss of self-control, lack of sleep and obsessive-compulsive symptoms, such as compulsive buying among young adults³; whereas heavy users of digital media are twice as likely to have mental-health issues, including risk factors for

to substance-related addictions, including evidence of tolerance and relapse⁴; whereas strict regulation exists for **other** addictive products **and services**, to prevent addiction and protect consumers from harm; whereas problematic smartphone or internet use has been linked to lower life satisfaction and mental health symptoms such as depression, low self-esteem, body-image disorders, eating disorders, anxiety, high levels of perceived stress, neglect of family and friends, loss of self-control, lack of sleep and obsessive-compulsive symptoms, such as compulsive buying among young adults⁵; whereas heavy users of digital media are twice as likely to have mental-health issues, including risk factors for suicide and self-harm; whereas children

³ See inter alia: Sohn, S., Rees, P., Wildridge, B., Kalk, N. J., & Carter, B. R. (2019). Prevalence of problematic smartphone usage and associated mental health outcomes amongst children and young people: a systematic review, meta-analysis and GRADE of the evidence. *BMC Psychiatry*, 19. <https://doi.org/10.1186/s12888-019-2350-x>; Peterka-Bonetta J, Sindermann C, Elhai JD, Montag C (2019) [Personality associations with smartphone and internet use disorder: a comparison study including links to impulsivity and social anxiety](#). *Front Public Health* 7:127 [Samra, A., Warburton, W. A., & Collins, A. M. \(2022\)](#). Social comparisons: A potential mechanism linking problematic social media use with depression. *Journal of Behavioral Addictions*; [Cross-cultural study of Problematic Internet Use in nine European countries](#) / Stéphanie Laconi et al. In: *Computers in Human Behavior*, 84 (July 2018), pp.430-440; O. Lopez-Fernandez & D. Kuss, Harmful Internet Use Part I: Internet addiction and problematic use, EPRS, STOA, p. 51, [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU\(2019\)624249_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU(2019)624249_EN.pdf); Glued to your phone? Generation Z's smartphone addiction and online compulsive buying / Michela Cesarina Mason, Gioele Zamparo, Andrea Marini, Nisreen Ameen. In: *Computers in Human Behaviour*, Vol.136, November 2022; Learning to deal with Problematic Usage of the Internet, Revised Edition / COST Action 2023; M. Boer, #ConnectedTeens Social media use and adolescent wellbeing, 2022; E. Neophytou, L.A. Manwell, R. Eikelboom, Effects of excessive screen time on neurodevelopment, learning, memory, mental health, and neurodegeneration: a scoping review, *Int J Ment Health Addiction*, 19 (2019), pp. 724-744.

⁴ O. Lopez-Fernandez & D. Kuss, Harmful Internet Use Part I: Internet addiction and problematic use, EPRS, STOA, p. 51, [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU\(2019\)624249_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU(2019)624249_EN.pdf).

⁵ See inter alia: Sohn, S., Rees, P., Wildridge, B., Kalk, N. J., & Carter, B. R. (2019). Prevalence of problematic smartphone usage and associated mental health outcomes amongst children and young people: a systematic review, meta-analysis and GRADE of the evidence. *BMC Psychiatry*, 19. <https://doi.org/10.1186/s12888-019-2350-x>; Peterka-Bonetta J, Sindermann C, Elhai JD, Montag C (2019) [Personality associations with smartphone and internet use disorder: a comparison study including links to impulsivity and social anxiety](#). *Front Public Health* 7:127 [Samra, A., Warburton, W. A., & Collins, A. M. \(2022\)](#). Social comparisons: A potential mechanism linking problematic social media use with depression. *Journal of Behavioral Addictions*; [Cross-cultural study of Problematic Internet Use in nine European countries](#) / Stéphanie Laconi et al. In: *Computers in Human Behavior*, 84 (July 2018), pp.430-440; O. Lopez-Fernandez & D. Kuss, Harmful Internet Use Part I: Internet addiction and problematic use, EPRS, STOA, p. 51, [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU\(2019\)624249_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624249/EPRS_STU(2019)624249_EN.pdf); Glued to your phone? Generation Z's smartphone addiction and online compulsive buying / Michela Cesarina Mason, Gioele Zamparo, Andrea Marini, Nisreen Ameen. In: *Computers in Human Behaviour*, Vol.136, November 2022; Learning to deal with Problematic Usage of the Internet, Revised Edition / COST Action 2023; M. Boer, #ConnectedTeens Social media use and adolescent wellbeing, 2022; E. Neophytou, L.A. Manwell, R. Eikelboom, Effects of excessive screen time on neurodevelopment, learning, memory, mental health, and neurodegeneration: a scoping review, *Int J Ment Health Addiction*, 19 (2019), pp. 724-744.

suicide and self-harm; whereas children and young people are more vulnerable to these symptoms; whereas mental-health conditions established in childhood can shape an individual's subsequent life course; whereas excessive internet use is associated with problems with daily obligations, declining grades, poor school and academic performance or poor job performance;

and young people are more vulnerable to these symptoms; whereas mental-health conditions established in childhood can shape an individual's subsequent life course; whereas excessive internet use is associated with problems with daily obligations, declining grades, poor school and academic performance or poor job performance; ***whereas the prevalence of digital addictions and its association with symptoms of common mental disorders is a growing public health problem and as such, it should be a concern to policy makers; whereas further research is necessary to further inform the development of the most appropriate diagnostic criteria and determine risk factors for different digital addictions; whereas certain services, products or features that may not affect adults can instead be highly risky, addictive or otherwise harmful for children, including because of the cumulative impact of a combination of several features or prolonged impact over time;***

CA 15

AM 25, 26

Motion for a resolution

D. whereas according to some research, excessive screen time or problematic use impacts brain development; whereas increases in social media use problems are linked to attention deficits, shorter attention spans, impulsiveness and attention deficit hyperactivity disorder (ADHD) symptoms; whereas intensive social media use has been associated with lower levels of grey matter in certain areas of the brain, just as is the case with other addictive substances, ***such as alcohol and heroin***; whereas excessive screen time (***more than 2-3***

Amendment

D. whereas according to some research, excessive screen time or problematic use ***may*** impact brain development whereas increases in social media use problems are linked to attention deficits, shorter attention spans, impulsiveness and attention deficit hyperactivity disorder (ADHD) symptoms⁶; whereas intensive social media use has been associated with lower levels of grey matter in certain areas of the brain, just as is the case with other addictive substances; whereas excessive screen time ***has shown to*** have ***potential*** effects on

⁶ M. Boer, #ConnectedTeens Social media use and adolescent wellbeing, 2022; M. Boer, G. Stevens, C. Finkenauer, R. van den Eijnden, Attention Deficit Hyperactivity Disorder-Symptoms, Social Media Use Intensity, and Social Media Use Problems in Adolescents: Investigating Directionality, *Child Development*, 91, 4, 2020.

hours a day in front of a screen) can have effects on neurodevelopment, learning and memory, and the sedentary lifestyle linked to time spent on electronic media brings a potential increased risk of early neurodegeneration;

CA 16

AM 28, 29, 30, 31, 32

Motion for a resolution

E. whereas addictive design can be seen to have a negative impact on everyone, not just individuals showing problematic usage patterns; whereas addictive design, *especially of smartphones and social media*, makes it hard to focus on the task in hand owing to distractions such as messages and notifications constantly disrupting peoples' concentration, *even at school or while driving*; whereas the addictive design of online services leads to increased pressure to perform and social pressure to be permanently online and connected, increasing the risk of stress and burnout; whereas consumers online are increasingly confronted with an information overload and *excessive* sensorial stimuli throughout the day, *constraining their* cognitive ability, and user interfaces offer only limited control over their data; whereas the time people spend behind screens is time not spent being active, moving, being outside, or shutting down and relaxing, all of which are associated with physical and mental well-being; whereas adolescents who spend a small amount of time on electronic communication are generally the happiest; whereas people that stop using social media for a week experience significant improvements in well-being;

neurodevelopment, learning and memory, and the sedentary lifestyle linked to time spent on electronic media brings a potential increased risk of early neurodegeneration⁷;

Amendment

E. whereas addictive design can be seen to have a negative impact on everyone, not just individuals showing problematic usage patterns; whereas addictive design, makes it hard to focus on the task in hand owing to distractions such as messages and notifications constantly disrupting peoples' concentration; whereas the addictive design of online services leads to increased pressure to perform and social pressure to be permanently online and connected, increasing the risk of stress and burnout; whereas consumers online are increasingly confronted with an information overload and *enormous* sensorial stimuli throughout the day, *which may lead to limited* cognitive ability, and user interfaces offer only limited control over their data; whereas the time people spend behind screens is time not spent being *physically* active, moving, being outside, or shutting down and relaxing, all of which are associated with physical and mental well-being *as well as crucial for children's development*; whereas adolescents who spend a small amount of time on electronic communication are generally the happiest; whereas people that stop using social media for a week experience significant improvements in well-being;

⁷ E. Neophytou, L.A. Manwell, R. Eikelboom Effects of excessive screen time on neurodevelopment, learning, memory, mental health, and neurodegeneration: a scoping review Int J Ment Health Addiction, 19 (2019), pp. 724-744.

CA 17

AM 33, 34, 35

Motion for a resolution

F. whereas on average, adolescent girls spend more time online, on smartphones, social media and texting than boys; whereas boys spend more time on gaming and electronic devices in general; whereas girls show a stronger association between screen time and poor mental health than boys and are more than twice as likely to have clinically relevant levels of depressive symptoms than boys; whereas addictive online services ***such as Facebook, TikTok and Instagram*** are often targeted at minors;

Amendment

F. whereas on average, adolescent girls spend more time online, on smartphones, social media and texting than boys; whereas boys spend more time on gaming and electronic devices in general; whereas girls show a stronger association between screen time and poor mental health than boys and are more than twice as likely to have clinically relevant levels of depressive symptoms than boys; whereas addictive online services are often targeted at minors ***or accessible to children of all ages; whereas all services and products likely to be accessed by children must be safe for them and consider the best interest of the child;***

CA 18

AM 36, 37, 38, 39, 40, 41, 43

Motion for a resolution

H. whereas addictive design features are often linked to psychosocial patterns playing on consumers' psychological needs, vulnerabilities and desires, such as social belonging, social anxiety, fear of missing out (encouraged by information being available only temporarily, such as 'stories', 'is typing...'), network effects, the urge to finish tasks in a flow, even if interrupted (endless scrolling, ***taking a number of seconds to load your*** newsfeed) ***and*** loss of self-control; whereas design features can be addictive for different reasons, such as an intermittent variable reward, leading to a dopamine surge, just like the dynamics of slot machines, such as push notifications, or social reciprocity leading to chemical brain reactions, where on the one hand people receive social gratification, such as likes, and on the other hand people feel social pressure to respond

Amendment

H. whereas addictive design features are often linked to psychosocial patterns playing on consumers' psychological needs, vulnerabilities and desires, such as social belonging, social anxiety, fear of missing out (encouraged by information being available only temporarily, such as 'stories', 'is typing...'), network effects, the urge to finish tasks in a flow, even if interrupted, ***for example by removing all intuitive moments to end or finish a task, also known as 'stopping cues'*** (endless scrolling, ***flashes of high-relevance content that are immediately hidden as the newsfeed reloads***), ***autoplay by setting goals for users, like 'streaks', and playing into*** loss of self-control; whereas design features can be addictive for different reasons, such as an intermittent variable reward, leading to a dopamine surge, just like the dynamics of slot machines, such as push notifications, or social reciprocity

to people, such as with read-receipts;

leading to chemical brain reactions, where on the one hand people receive social gratification, such as likes, and on the other hand people feel social pressure to respond to people, such as with read-receipts; ***whereas the described features above are combined with granular personalisation to influence users on an individual level, thus increasing the behavioural patterns and risks identified; whereas children are more vulnerable to those features, especially in earlier developmental stages;***

CA 19

AM 44, 45, 46, 47, 24, 56

Motion for a resolution

I. whereas addictive practices have been empirically studied ***and widely documented*** and include design features such as ‘infinite scroll’, ‘pull-to-refresh’ page reload, ‘never ending auto-play’ video features, personalised recommendations, ‘recapture notifications’, meaning notifications to regain users’ attention after leaving a service or app, ‘playing by appointment’ at certain moments during the day, design leading to ‘time fog’ causing a diluted perception of time or ‘fake social notifications’ creating the illusion of updates within the user’s social circle online, whereas such features are often to be found in conjunction with personalised elements ***and manipulate*** consumers into spending more time on these platforms; whereas other persuasive design features are elements ***are*** the ‘like-button’, ‘read-receipt functions’, ‘is typing’ displays, but also the number of followers collected on a platform, the colours platforms use, ***interaction-based recommendations and personalisation of content***, push notifications and time restrictions of content, such as temporarily available stories;

Amendment

I. whereas addictive practices have been empirically studied and include design features such as ‘infinite scroll’, ‘pull-to-refresh’ page reload, ‘never ending auto-play’ video features, personalised recommendations, ‘recapture notifications’, meaning notifications to regain users’ attention after leaving a service or app, ‘playing by appointment’ at certain moments during the day, design leading to ‘time fog’ causing a diluted perception of time or ‘fake social notifications’ creating the illusion of updates within the user’s social circle online, whereas such features are often to be found in conjunction with personalised elements; ***whereas consumers are nudged*** into spending more time on these platforms; whereas other persuasive design features are elements ***such as*** the ‘like-button’, ‘read-receipt functions’, ‘is typing’ displays, but also the number of followers collected on a platform, the colours platforms use, push notifications and time restrictions of content, such as temporarily available stories; ***whereas the extremely fast development of social media requires continuous research especially as regards mental health and as regards minors;***

CA 20

AM 48, 49, 50

Motion for a resolution

J. whereas **recommender** systems, which are based both on personalisation and on interaction such as clicks and likes, **represent** an important persuasive, addictive or behavioural design feature; whereas **such** recommender systems **are solely aimed at keeping users on the platform and cause harm both to them and society at large;**

Amendment

J. whereas **certain** recommender systems, which are based both on personalisation and on interaction such as clicks and likes, **potentially** represent an important persuasive, addictive or behavioural design feature; whereas **simultaneously** recommender systems **can contribute to the functionality of platforms to enhance social interaction , but are often also aimed at keeping users on the platform; whereas the Digital Services Act (DSA) has introduced a number of transparency obligations on recommender systems;**

CA 21

AM 52, 53, 54, 55, 63, 27

Motion for a resolution

K. whereas the addictive design features outlined above cannot be solved simply by imposing time-limits on online services, as this approach shifts the **burden** onto the individual instead of addressing the core issue of the **intentionally** addictive design of online services for profit; whereas none of the ‘solutions’ platforms have implemented have led to a serious change or decrease in usage of online services; whereas teenagers do not readily accept parental regulation of their social media use and often find it easy to bypass any technical constraints imposed;

Amendment

K. whereas the addictive design features outlined above cannot be solved simply by imposing time-limits on online services, as this approach shifts the **responsibility** onto the individual instead of addressing the core issue of the addictive design of online services for profit; whereas none of the ‘solutions’ platforms have implemented have led to a serious change or decrease in usage of online services; whereas teenagers do not readily accept parental regulation of their social media use and often find it easy to bypass any technical constraints imposed; **whereas measures such as parental controls and digital literacy are complementary to the responsibility of providers to protect and promote children’s rights in the digital environment, notably through safety-by-design measures to ensure that the design of their products and services does not cause harm for children; whereas research has shown that setting clear**

rules and constructive communication with children can help prevent social-media addiction⁸; whereas digital services should provide a platform which parents and educators can consult for information about the dangers of excessive internet use and how to communicate about the issue with children and young people; whereas discussions are taking place in the context of ongoing non legislative initiatives such as EU Code of Conduct on age-appropriate design (as part of the 2022 European strategy for a better internet for kids (BIK+)), the European Commission’s approach to mental health, the Digital Education Action Plan (DEAP) 2021- 2027;

CA 22

AM 57, 58, 59, 60, 61, 62, 65, 66, 67

Motion for a resolution

L. whereas the Digital Services Act (DSA) introduces provisions against the use of ‘dark patterns’ but these are limited to choice architecture and influences choices and do not address behavioural design that is addictive per se, moreover they are limited *in* scope as they only apply to online platforms, not to all online services; whereas the AI Act⁴ seeks to ban AI systems that deploy subliminal features but is limited to systems that ‘are purposefully manipulative or deploy deceptive techniques’;

Amendment

L. *whereas articles 25, 27, 28 and 38 of the Digital Services Act (DSA) provide for a prohibition regarding deceptive or manipulative features, transparency and choice obligations for recommender systems and profiling as well as measures to protect minors;* whereas the Digital Services Act (DSA) *already* introduces provisions against the use of ‘dark patterns’ but these are limited to choice architecture and influences choices and do not address behavioural design that is addictive per se, moreover they are *also* limited scope as they only apply to online platforms, *thereby excluding crucial problematic services like online games* not to all online services; whereas the *soon to be adopted* AI Act *horizontal legislation*⁴ seeks to ban AI systems that deploy subliminal features but is limited to systems that ‘are purposefully manipulative or deploy deceptive techniques’;

⁸ Koning, I.M. (e.a.), Bidirectional effects of internet-specific parenting practices and compulsive social media and internet game rules, Journal of Behavioral Addictions 2018, 624-632.

