

EN  
E-001136/2025  
Answer given by Mr McGrath  
on behalf of the European Commission  
(11.7.2025)

The Commission is committed to ensuring a high level of human health protection as provided for in Article 168 of the Treaty on the Functioning of the European Union (TFEU).

The Unfair Commercial Practices Directive 2005/29/EC<sup>1</sup> prohibits misleading or aggressive advertising affecting consumers' transactional decisions, especially when it targets vulnerable consumers. The Audiovisual Media Services Directive 2010/13/EU<sup>2</sup> lays down minimum qualitative requirements for audiovisual commercial communications and, for example, requires that they are recognisable and do not cause physical, mental or moral detriment to minors. Member States authorities and courts are primarily responsible for the enforcement of both Directive 2005/29/EC and Directive 2010/13/EU.

The Commission does not plan to propose specific EU legislation to ban gambling advertising. National gambling laws regulate such matters. However, the Commission works on a Digital Fairness Act which will tackle, among other issues, addictive design of digital services and gambling-simulating features (loot boxes) in video games.

Article 35 of the EU Charter of Fundamental Rights cannot constitute a legal basis for the adoption of policy measures to combat illegal gambling or prevent gambling addiction. Its scope is limited; it applies to EU institutions or Member States when they implement EU law (Article 51§1 of the Charter).

With respect to Malta's recently adopted Bill 55, the Commission has opened the infringement procedure under Article 258 of the TFEU against Malta (INFR(2025)2100) on 18 June 2025.

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<sup>1</sup> <https://eur-lex.europa.eu/eli/dir/2005/29/oj/eng>.

<sup>2</sup> <https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng>.