

# Public consultation on the Digital Fairness Act

Fields marked with \* are mandatory.

## Public consultation for the Digital Fairness Act impact assessment

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### Introduction

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As a result of the development of EU consumer law over the last 50 years, EU consumers are among the most protected in the world, online and offline. EU consumer law aims at ensuring a high level of protection for European consumers and at contributing to the better functioning of the EU single market and the competitiveness of businesses. It protects consumers against unfair commercial practices, giving them the right to withdraw from contracts and be properly informed before purchasing goods or services, while harmonising such rules and providing a level-playing field for traders operating cross-border in the EU. With the rise of e-commerce, the development of new technologies and increasing use of AI, it is important to ensure that EU consumer law continues to provide a high level of consumer protection in the current digital environment.

In recent years, the EU has significantly reinforced its digital rulebook, with the Digital Services Act ('DSA'), the Digital Markets Act ('DMA') and the Artificial Intelligence Act ('AIA'), in addition to the Data Act and the Audiovisual Media Services Directive ('AVMSD'), amongst others. These instruments complement EU consumer protection laws and reduce the risks and harms associated with specific problems online. In particular, the DSA introduced new restrictions to several unfair practices occurring on online platforms. The Commission has actively exercised its enforcement powers to ensure compliance and issued guidelines, such as on the protection of minors online[1]. All in all, however, the application of consumer protection rules in the digital area in conjunction with other digital legislation, which provided rules on certain types of traders (e.g. online platforms) or technologies (e.g. AI systems), is complex and specific gaps remain.

In this context, in October 2024, the Commission published a "Digital Fairness Fitness Check" which evaluated three EU consumer law Directives[2], analysing whether the existing EU consumer protection legislation is still relevant, effective, efficient, in the view of the new digital challenges. In particular, consumers are too often exposed to practices such as deceptive or manipulative interface design (dark patterns),

addictive features, unfair personalisation practices that exploit consumers' vulnerabilities, misleading marketing by online influencers, as well as difficulties in managing digital contracts. The Fitness Check concluded the estimated financial detriment suffered by consumers as a result of the identified problems is at least EUR 7.9 billion per year. The Fitness Check also underlined the current lack of clarity and legal certainty regarding unfair commercial practices, pointing at the lack of enforcement, the existing regulatory gaps and market fragmentation. These problems have a negative impact on the Single Market and the level playing field for EU businesses, who face unfair competition from non-compliant competitors. Moreover, the exponential growth of ecommerce, in particular with non-EU traders, has raised many pressing challenges across different policy areas, including product safety and unfair marketing practices.

The aim of this public consultation is to gather citizens' and stakeholders' views on potential improvements in EU consumer law to strengthen the protection of consumers in general – and of minors as consumers in particular – in the digital environment and ensure a level-playing field for traders.

This public consultation **will be open for 12 weeks**[3] and respondents can reply in any EU official language [4]. The results of all consultation activities, including this public consultation, will inform the preparation of a possible Digital Fairness Act.

It will take you approx. 20 minutes to fill in the questionnaire. We recommend that you **regularly save a draft of the questionnaire** as you fill it in and submit the questionnaire ("Submit" button at the very end) before the end of the consultation period. You can download the questionnaire in PDF format to help you prepare or discuss the reply within your organisation and can download an electronic copy of your reply.

For the multiple-choice questions below, some of the answers are not combinable. If you wish to change your answer, please unselect your first answer by clicking on it again, then click on the answer(s) that you wish to select.

[1] Commission, Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Regulation (EU) 2022/2065, C(2025) 4764 final.

[2] The Directives assessed under the Digital Fairness Fitness Check were: Directives 2005/29/EC, 93/13/EEC, and 2011/83/EU. To be noted that the Fitness Check was conducted prior to the entry into force of some acts, such as the DSA, DMA and AI Act and thus could not fully take into account their concrete application and enforcement.

[3] The 12-week period will begin once all the linguistic versions of the public consultation are available.

[4] The EU has 24 official languages: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

## About the respondent

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**\* 1 I'm replying as / on behalf of a:**

- ☐ consumer
- ☐ large company (above 250 employees)
- ☐ non-governmental organisation
- ☐ association representing minors or young persons
- ☐ small and medium-sized enterprise (SME)
- ☐ university
- ☐ association representing parents
- ☐ national business association
- ☐ research institute
- ☐ association representing teachers
- ☒ European-level business association
- ☐ other (please specify)
- ☐ national consumer association
- ☐ national consumer protection authority
- ☐ European-level consumer association
- ☐ another public body

**\* 7 Organisation name:**

EuroCommerce

**\* 8 Please indicate your country of establishment:**

- ☐ AT - Austria
- ☐ FI - Finland
- ☐ LV - Latvia
- ☐ PL - Poland
- ☒ BE - Belgium
- ☐ FR - France
- ☐ LI - Liechtenstein
- ☐ PT - Portugal
- ☐ BG - Bulgaria
- ☐ DE - Germany
- ☐ LT - Lithuania
- ☐ RO - Romania
- ☐ HR - Croatia
- ☐ EL - Greece
- ☐ LU - Luxembourg
- ☐ SK - Slovak Republic
- ☐ CY - Cyprus
- ☐ HU - Hungary
- ☐ MT - Malta
- ☐ SI - Slovenia
- ☐ CZ - Czechia
- ☐ IS - Iceland
- ☐ NL - Netherlands
- ☐ ES - Spain
- ☐ DK - Denmark
- ☐ IE - Ireland
- ☐ NO - Norway
- ☐ SE - Sweden
- ☐ EE - Estonia
- ☐ IT - Italy
- ☐ other - other

**11 Transparency register number, if applicable.** Please check if your organisation is on the [transparency register](#), the voluntary database for organisations seeking to influence EU decision-making.

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**\* 12 Please specify which sector you operate in:**

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Agriculture              | <input type="checkbox"/> Public order and safety | <input type="checkbox"/> Pharmaceutical         | <input type="checkbox"/> Research              |
| <input type="checkbox"/> Automobile               | <input checked="" type="checkbox"/> Commerce     | <input type="checkbox"/> Energy                 | <input type="checkbox"/> R&D                   |
| <input type="checkbox"/> Fishing                  | <input type="checkbox"/> Construction            | <input type="checkbox"/> Mobility and transport | <input type="checkbox"/> Media                 |
| <input type="checkbox"/> Defence                  | <input type="checkbox"/> Shipping                | <input type="checkbox"/> Tourism                | <input type="checkbox"/> Telecoms              |
| <input type="checkbox"/> Education and training   | <input type="checkbox"/> Aerospace               | <input type="checkbox"/> Manufacturing          | <input type="checkbox"/> IT                    |
| <input type="checkbox"/> Environmental protection | <input type="checkbox"/> Healthcare provision    | <input type="checkbox"/> Finance                | <input type="checkbox"/> Other: please specify |

\* 14 ***What is the core/main activity of your company / group of companies?*** (multiple replies possible)

- ☒ Sale of goods
- ☒ Provision of services
- ☐ Provision of digital content
- ☒ Online platform
- ☐ Manufacturing
- ☐ Other (please specify)

\* 16 ***Publication privacy settings***

The Commission will publish the responses to this public consultation. You can choose whether you want your details to be made public or to remain anonymous.

☐ ***Anonymous***

Your personal details entered in response to the following survey questions will not be published: name, organisation name and size, transparency register number. The rest of your replies (including type of respondent, country of residence) will be published.

☒ ***Public***

Your replies will be published in full, including the personal details that you entered in response to survey questions about your name, organisation name and size, transparency register number.

\* 17 I agree with the Commission [privacy statement](#). (If you do not agree, your reply to the survey will not be taken into account and will be deleted.)

- ☒ Yes
- ☐ No

## Main Questionnaire

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### Section 1 - Dark patterns

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Dark patterns are unfair commercial practices deployed through the design of digital interfaces that can influence consumers to take decisions they would not have taken otherwise. Examples of such practices may include but are not limited to: presenting choices in a leading manner (e.g. trader's preferred choice in colour, prominently displayed, other option(s) in black and white and difficult to find), using countdown timers to create urgency or asking misleading questions using double negatives.

\* 1 **Concerning dark patterns, do you think any new EU actions should be taken to improve the protection of consumers and the functioning of the Single Market?** *(Multiple answers possible.)*

- ☐ No actions are needed
- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☒ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know

2 **Please select from the list below the practices you consider to be a concern and require new EU action:**

- ☐ **Click fatigue** i.e. technique that forces consumers to click through too many steps in order to be able to make the desired choice
- ☐ Creating the **false impression** that the consumer does not have another option apart from the one (prominently featured) that's usually in favour of the trader
- ☐ **Nagging** i.e. repeatedly requesting or urging the consumer to make a particular choice
- ☐ **Pressuring** the consumer through urgency and scarcity claims (e.g. countdown timer) even when the respective offer or available stock is clearly limited in time

- ☐ **Confirm-shaming** i.e. pressuring the consumer towards a particular choice through emotive language or shaming
- ☐ **Sneaking into the online basket** i.e. adding new products or services to the shopping basket when the consumer is about to complete a purchase without them knowing or consenting
- ☐ Features leading to a **different result** than normally expected (e.g. button marked with “cancel the contract” would lead to a page showing the benefits of that contract)
- ☐ **Ambiguous language** in the presentation of choices to consumers e.g. using double negatives
- ☐ Presenting choices in a **leading manner**, for example, to prioritise an option for a given choice by using a brighter colour or larger font
- ☐ Other: please specify

4 ***Please describe the specific EU actions (non-regulatory measures) you support with respect to the above indicated dark patterns?***

In general, we believe existing rules are fit for purpose and the lack of enforcement is the biggest concern. Consumer Law is principle-based and flexible enough to deal with new types of misleading practices. Also, a series of new rules have or will kick in on protection of consumers e.g. Omnibus Directive, DSA, CRA, AI Act, Data Act, Empowering Consumers Directive. It is important that we first assess if these rules are effective and enforceable before introducing any new rules. However, we believe the three following non-regulatory measures will help increase consumer protection: 1. Providing or updating guidance helping authorities to enforce existing rules to current or emerging misleading practices. These guidance should include recent case law e.g. Eventim (2024) regarding manipulative insurance sales practices, Compass Banca SpA (2024) addressing cross-selling practices, Ryanair (2020) concerning hidden administrative fees, and Booking.com's commitments (2019) on time-limited offers. 2. Improving consumer awareness as a continuous effort at EU and national level, where also associations can play a role. The March 2025 Consumer Conditions Scoreboard revealed that the majority of consumers don't have a good understanding of their rights. 3. National authorities and the CPC network should develop tools and campaigns to support traders on how to be compliant. There are 3,5 million retailers in the EU – 99% are SMEs. It is nearly impossible for them to keep track of the fast changing legal requirements they need to comply with, and this is also a problem for larger players due to vague, inconsistent or overlapping rules. Furthermore, the main focus of competent authorities should be ensuring that existing rules are also enforced on third country traders and marketplaces: [www.eurocommerce.eu/compliance4all](http://www.eurocommerce.eu/compliance4all). Below are some examples of how existing rules already provide a basis for authorities to act: Art. 8 et seq. UCPD can be used to effectively combat such "dark patterns" that are based on harassment, coercion or other undue influence, in particular the exertion of pressure through positions of power, if these significantly influence the consumer. Apparent information on the scarce availability of goods, for example in the form of a countdown or scarcity pattern, may be covered by Art. 6 UCPD. Numerous particularly problematic cases of "dark patterns" are already covered by the sufficiently strict applicable law, particularly in the GDPR, insofar as they are based on data processing. Art. 27 DSA has a corresponding provision obliging providers of online platforms to provide the consumers with the relevant information on ranking results and even letting them configure their preferences. Preselection is expressly prohibited in Art. 22 CRD, which also prevents sneak into basket patterns. Finally, Consumer Law and the GDPR provisions also apply if the trader or processor operates outside the EU. Dark patterns We would also urge policymakers to define the better in guidelines the misleading practice based on the UCPD than use the very vague term dark patterns. The term is now not defined, often applied in broad terms and regularly practices are brought up in the debate that are legal or could simply be remedied by for example the right of withdrawal (e.g. sneak into basket practices). There may be cases where a practice could appear to be misleading, but this was not the intention of the trader (e.g. product recommendations or low level of stock notification). Therefore, a case by case assessment remains necessary. A key challenge is that there is no clear consensus on what constitutes a "dark pattern," making new legislation potentially problematic. The term is often applied too broadly, sometimes encompassing legitimate business practices. It's crucial to distinguish between genuinely harmful practices (already illegal under current laws) and beneficial choice architecture that improves user experience. For instance, what might appear as "leading" design choices can actually be helpful features rather than harmful practices - such as highlighting top-rated products or offering streamlined selection for routine purchases like USB cables or office supplies. These design choices benefit consumers by simplifying decision-making rather than manipulating them. The EC questionnaire's identification of "presenting choices in a leading manner" as a potential dark pattern illustrates this confusion, as such practices often represent good user experience design that helps users navigate large product catalogues efficiently rather than harmful manipulation.

**5 Please describe the specific EU actions (on enforcement) you support with respect to the above indicated dark patterns?**

We believe more effective and efficient enforcement is the best way to ensure consumers are well-protected online. Existing rules are fit for purpose, but competent authorities are not able to enforce rules well. Especially, cross-border infringements are difficult to tackle. Also see our Study on Digital Fairness: enforcement of EU law key to protecting consumers shopping online: <https://www.eurocommerce.eu/2024/11/study-on-digital-fairness-enforcement-of-eu-law-key-to-protecting-consumers-shopping-online/>. In addition, it is often easier for authorities to enforce the rules on players established within the EU than on non-EU players. This is undermining a level playing field in the EU where EU based retailers invest in safety and compliance with EU rules, while their most important competitors from third-countries are selling at an enormous scale non-compliant products to EU consumers. In October 2024 we launched our campaign Compliance4All ([www.eurocommerce.eu/compliance4all](http://www.eurocommerce.eu/compliance4all)) against unfair competition from third country marketplaces and traders on the EU market. We called for a holistic approach covering a wide range of relevant enforcement domains, and to use all the tools available under existing legislation. We asked for stepping up coordination and collaboration between different enforcement domains at national level and EU level, but also between the national and EU level (see visual below). The type of non-compliance we found was very diverse, and could not be solved by a single enforcement domain. This also means consumer protection authorities have to collaborate with other type of authorities at national and EU level. Improving enforcement across enforcement domains was our first ask, as this provide immediate relief to our members who are suffering from unfair competition and would ensure that consumers are well-protected. However legal solutions are needed as well.

1. Establish EU framework for enforcement authorities to collaborate and coordinate activities across enforcement domains at national and EU level.
2. Create a permanent Commission Task Force against Unfair Competition from third country operators with a clear mandate, which is transparent, involves all relevant DGs and stakeholders.
3. Include Enforceability in EU Impact Assessments. Ensure that enforceability of new EU rules is systematically assessed during legislative impact assessments, especially regarding non-EU traders and marketplaces.
4. Expand the Commission investigative powers across different legislation to initiate or take over investigations when certain criteria are met for example multiple Member States are affected, and develop digital enforcement tools and data-sharing mechanisms.
5. Swiftly start the review of the CPC Regulation strengthening the CPC framework to improve cross-border enforcement, transparency, and collaboration, and leverage technology for efficient action against rogue traders. (see Joint Statement by BEUC, BusinessEurope and EuroCommerce).
6. Introduce EU instrument to limit or restrict Union market access, especially for third-country traders and marketplaces in cases of persistent and serious non-compliance.
7. Create a system of certified Authorised Representatives to ensure accountability, traceability, and enforceability, especially for non-EU products & explore extending their obligations.
8. Swiftly finalise the review of the EU Customs Reform Package.
9. Streamline Extended Producer Responsibility (EPR) schemes across the EU via a digital one-stop shop to reduce administrative burdens and ensure fair contributions.
10. Deploy the Digital Product Passport (DPP) increasing product compliance, supporting enforcement, ensuring interoperability with EU systems, and facilitate automatic compliance checks, while avoiding burdens on SMEs.

You can find more detailed recommendations about improving enforcement here: <https://www.eurocommerce.eu/latest/restoring-the-level-playing-field-in-retail> <https://www.eurocommerce.eu/2025/10/eurocommerce-urges-customs-reform-and-unified-eu-handling-fee-to-safeguard-fair-competition/>

## ***Section 2 - Addictive design***

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Addictive design features in digital products are those that make consumers spend more time and money online than intended, e.g. infinite scrolling (where a page loads content with no distinct end), content that disappears quickly (ephemeral stories), autoplay (that allows video or audio files to play without user's intervention), applying penalties for disengagement (such as breaking a streak) or recommender systems that are steered to increase the consumer's engagement.



**\* 1 Concerning addictive design, do you think any new EU actions should be taken to improve the protection of consumers and the functioning of the Single Market? (Multiple answers possible.)**

- ☐ No actions are needed
- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☒ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know

**2 Please select the actions you support: (Multiple answers possible)**

- ☐ Consumers should have more control over addictive design features, e.g. to be able to switch off the features they don't want or to choose the criteria for the recommendations they receive online (i.e. how the algorithm provides them with content)
- ☐ Addictive design features should be switched off by default, allowing consumers to opt in if they wish
- ☐ Addictive design features should be switched off by default for minors, allowing them, potentially with parental approval, to opt in if they wish
- ☒ Certain addictive design features should be prohibited for minors. Please specify which
- ☒ Other: please specify any additional or more specific actions you support

**3 Specific measures protecting minors:**

Introduce consistent EU-wide guidance on identifying and mitigating addictive design features in products aimed at minors. Promote voluntary industry standards and parental control tools that are easy to use. Protection of minors should not come at the expense of cutting the reasonable degree of freedom they should have. We believe that in most retail contexts that the consequences of minors' activities online are easily reversible. Retailers which provide easy ways to return the products with no consequences should not create undue barriers for minors to purchase online, with the exception of products that have for example age restrictions. It is important to address the service provider initiating the addictive practices e.g. in case where a minor has landed on a retailer's page after having an addictive design experience on another site but where the retailer has no control over the activities of the other service provider. Only players who include addictive features in their own environment should be responsible.

**4 Additional or more specific actions you support:**

Clarify in guidance how current consumer law applies to addictive design (including under the UCPD). Promote best practices from sectors that have successfully balanced engagement with user well-being. Avoid creating prescriptive new rules that could unintentionally harm innovation, particularly for SMEs. There seems to be considerable room for improvement in the awareness of parental control. A limited number of parents have effectively used parental controls e.g. to limit the time and money their children spent on online computer games. Only 8% are considering activating such controls without actually doing so (Consumer Condition Scoreboard 2023, p. 22). Additional awareness campaigns to increase uptake of parental control mechanisms already provided by market players may also improve protection of minors significantly.

## **Section 3 – Specific features in digital products, such as in video games**

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Specific concerns have arisen with regard to certain features in digital products, for example in-app purchases that include uncertainty-based rewards, imitating gambling (e.g. loot boxes), pay-to-progress and pay-to-win mechanisms, and in-app purchases offered in exchange for virtual currencies that blur the real-world value of those transactions.

**\* 1 Concerning specific features in digital products, such as video games, do you think that any new EU actions should be taken to improve the protection of consumers and the harmonisation in the Single Market?** (Multiple answers possible)

- ☐ No actions are needed
- ☐ Yes, non-regulatory measures are needed (e.g. guidance)
- ☐ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☒ No opinion / Don't know

## **Section 4 – Unfair personalisation practices**

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Consumers often find personalised offers and content useful (e.g. personalised advertising). At the same time, many consumers are concerned about how their personal data are used to personalise commercial offers, and many have the impression that information about their vulnerabilities (e.g. personal problems, financial challenges, or negative mental states) is used unfairly for commercial purposes.

**\* 1 Concerning unfair personalisation practices, do you think that any new EU actions should be taken to improve the protection and the functioning of the Single Market?** (Multiple answers possible)

- ☐ No actions are needed

- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☒ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know

**2 Please select the actions you support:** *(Multiple answers possible)*

- ☐ Consumers should have more control over personalised advertising, e.g. to have a simple and effective way to refuse personalised advertising (opt out) or to have explicitly to agree to it (opt in)
- ☐ Consumers should have more control over personalised pricing, e.g. to have a simple and effective way to refuse personalised pricing (opt out) or to have explicitly to agree to it (opt in)
- ☐ Personalised advertising using information about vulnerabilities should be restricted, e.g. personalised advertising that uses special categories of personal data (i.e. sensitive data, such as racial or ethnic origin, political opinions, religious or philosophical beliefs, or health data) or that uses information on consumers' individual vulnerability (e.g. age, emotional or financial distress)
- ☐ Personalised advertising that targets minors should be prohibited
- ☐ Personalised pricing based on personal data/profiling should be restricted when targeting vulnerable consumers, including minors
- ☐ Personalised pricing based on the personal data/profiling of particular consumers should be restricted in general
- ☒ Other: please specify any additional or more specific actions you support

**3 Additional or more specific actions you support:**

We believe no new rules are necessary to regulate personalisation. Personalisation is a long-standing marketing strategy that allows retailers to offer more meaningful products and services to consumers. Across the board, this is a very successful strategy and in today's multichannel environment where consumers have overwhelming choice personalisation offers inherent added value. Consumers receive offers about products they need, in their size, favourite colour, when they need it, etc. The better a retailer is able to provide customised offers the more successful it will be. Abundant market research also shows that stronger personalisation of offers is what consumers want and expect from retailers to have a more relevant shopping experience. Also see: State of Grocery Retail 2025 & State of Non-Grocery Retail 2024 (EuroCommerce & McKinsey). <https://www.eurocommerce.eu/app/uploads/2025/04/250407-online-the-state-of-grocery-retail-europe-2025-final.pdf> <https://www.eurocommerce.eu/2024/11/state-of-retail-2024-europe-transition-and-transformation-in-nongrocery-retail/> Personalisation strategies have proven particularly valuable for SMEs, with three in four European small businesses stating that online advertising allows them to compete effectively with larger firms. Studies demonstrate that the majority of Europeans find online advertising useful, with at least half preferring personalised content over generic ads. Advertising is already regulated in various EU legislation: GDPR, the ePrivacy Directive, DSA, DMA, UCPD, Ecommerce Directive, Omnibus, Directive, and AVMSD. These frameworks address various aspects including data privacy, user rights, ad transparency, online child protection, and restrictions on special categories of personal data for profiling. The GDPR, in particular, establishes crucial rules on accountability, fairness, legal bases for advertising, and automated processing to prevent discriminatory outcomes. Consumers currently have access to detailed choices regarding their personal data usage and comprehensive information about how their data is used in advertising, supported by both regulatory requirements and self-regulatory standards like the Transparency & Consent Framework. Therefore, we believe it is important that the Commission makes a clear distinction between what is harmful and what is not, and that the application of existing rules is clarified where necessary in guidance. Below some examples of existing provisions:

- The E-Commerce Directive contains a provision requiring Member States to set up opt out registers in which natural persons who do not wish to receive commercial communications can register, and that service providers must respect such registers.
- The Omnibus Directive has created an information obligation whereby a company that personalises prices must provide information about this. This ensures transparency should such personalisation take place.
- With regard to personalised rankings and product recommendations, the Modernisation Directive has also introduced an obligation in the UCPD and the CRD, particularly for online marketplaces. According to this, consumers must be provided with general information about the main parameters that determine the ranking of offers as a result of the consumer's search query, as well as the relative importance of these parameters in comparison to other parameters.
- The DSA also requires greater transparency in the terms and conditions of recommendation systems provided by platforms regarding the main parameters used, as well as information and functions relating to options for consumers to change or influence these parameters. In the case of VLOPs and VLOSEs, the DSA requires that at least one recommendation system option that is not based on profiling be offered. In addition, there is also a requirement for risk assessments and mitigation measures, which the DSA requires from very large players.
- With regard to personalised advertising, the DSA has created a requirement for platforms not to present personalised advertising based on profiling using special categories of personal data in accordance with the GDPR and to minors.

## ***Section 5 – Harmful practices by social media influencers***

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With the increasing importance of social media for consumer transactions, reports of problematic commercial practices have become more prominent. Concerns arise with regard to social media influencers, for example as regards hidden marketing and the promotion and sale of potentially harmful products.

**\* 1 Concerning unfair influencer marketing, do you think that any new EU actions should be taken to improve the protection of consumers and the functioning of the Single Market? (Multiple answers possible)**

- ☐ No actions are needed
- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☒ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know

**2 Please select the actions you support: (Multiple answers possible)**

- ☒ Influencers should disclose advertising clearly and prominently
- ☐ Brands and agencies should take measures to ensure that influencers comply with legal obligations
- ☐ Specific types of claims by influencers should be restricted to protect minors, e.g. claims about unhealthy foods, dietary supplements, plastic surgery, cosmetic procedures, tobacco/vaping, or promotion of unrealistic beauty standards (e.g. by means of retouched or AI generated images used in advertising where the body's shape, size or skin appearance has been changed)
- ☒ Other: please specify any additional or more specific actions you support

**3 Additional or more specific actions you support:**

Influencer marketing has exponentially grown over the past years, along with the risks for consumers of being exposed to harmful practices. However, the EU has already a comprehensive legal framework providing an adequate level of protection for the different activities influencers can carry out as both advertisers and sellers (i.e., UCPD, AVMSD, Ecommerce Directive, DSA). Considering the comprehensive framework, we believe no additional rules are needed on influencer marketing as all potentially harmful practices are already covered. What is problematic instead is the current fragmentation, due to different approaches and initiatives that have been individually taken by Member States. Also, it is very difficult to control the impacts of an influencer: among its own followers, because current tools don't offer enough assurance of what kind of public is being impacted, and among the rest of users because there is no way for a brand to detect whether the content promoted by an influencer will end up being shown to other people. We would therefore encourage the European Commission to work on dedicated guidelines for influencers, so that companies using influencer marketing can have more transparency on where the promotions end up and select those who protect consumers the most. A certification/excellence scheme could be of help here. This would also help ensuring alignment and more harmonised implementation of the existing rules. Also, not all influencers have the same audience size or resources, and therefore it cannot be expected that they comply with the same obligations. We recommend to include in the guidelines the example of Spain, Italy and the Netherlands, whose specific Legislation, Guidelines and Code of Conduct on influencers add/clarify requirements to influencers of particular relevance:

- The Spanish law on influencers which establishes the requirements to be considered an influencer with significant online presence includes criteria on income (more than 300.000 euros), audience (1 million followers on one platform or 2 million total in several platforms) and number of content (more than 24 videos in the previous year).
- The Italian Guidelines and Code of Conduct on Influencers apply to influencers who have at least 500,000 subscribers on at least one of the social media or video sharing platforms used, or average of one million monthly views on at least one of the social media or video platforms used.
- In the Netherlands, only creators of content that have 100,000 or more followers are required to register with the Dutch Media Authority. The European Advertising Standards Alliance (EASA) and its network of self-regulatory organisations (SRO) developed adEthics, to ensure influencers and creators understand the rules and principles of responsible advertising. The programme encompasses two complementary pillars: Training and Certification. By providing training and active oversight, the adEthics Programme supports the development of a more accountable, credible, and trustworthy influencer marketing landscape. Training equips creators with essential knowledge of responsible marketing communication, from disclosure rules to best practices. Certification ensures responsible communication through ongoing monitoring of the trained creators' content. The Programme has been implemented in Austria, Belgium, France, Germany, Hungary, Italy, Romania, Spain, Sweden and The Netherlands. Over 5000 influencers have completed the training. Training programmes for influencers are also being developed by other actors, outside of the consumer protection and media ecosystems. In Ireland, for instance, the South East Technological University announced a Bachelor's degree in Content Creation and Social Media in 2023. Framed as a "degree for influencers", it includes a dedicated ethics module, as well as several other modules on social media marketing.

**Dietary supplements** There is already legislation that protects consumers from unauthorised and prohibited claims on foods including food supplements (for example, the Regulation on nutrition and health claims on food, the Directive on food supplements, and the Unfair Commercial Practices Directive). In addition, IADSA (International Alliance of Dietary/Food Supplements Associations) has developed guidelines on influencer marketing of food supplements. Therefore, additional restrictions to protect minors from claims made by influencers on dietary supplements are not necessary. What is needed is enforcement of the existing rules. Imposing stricter restrictions on the promotion of food supplements by influencers than on advertising in other audiovisual media services would be disproportionate and inconsistent with harmonised EU law. Influencers should therefore be regulated on the same basis as other audiovisual media services such as TV broadcasting to ensure equality of communication channels.

## Section 6 - Unfair marketing related to pricing

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Consumers may face unfair practices related to the marketing of the price, such as drip pricing (failing to disclose upfront mandatory and unavoidable costs and fees and adding them later in the course of the booking), advertising attractive “starting” prices whilst automatically applying dynamic price increases (rendering such starting prices unrealistic for a majority of buyers) and misleading practices regarding price comparisons based on vague reference prices that give a false impression of reduction of the selling price.

**\* 1 Concerning unfair marketing related to pricing, do you think that any new EU actions should be taken to improve the protection of consumers and the functioning of the Single Market? (Multiple answers possible)**

- ☐ No actions are needed
- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☒ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know

**2 Please select the actions you support: (Multiple answers possible)**

- ☐ “Drip pricing” – i.e. where mandatory costs/fees are not presented upfront but get added during the order – should be prohibited
- ☐ The advertising of “starting” prices should be restricted if the trader uses software that adjusts the final price to the demand in real time (dynamic pricing)
- ☐ When making price comparisons, the price advantage should be advertised in a percentage or absolute value only if the product is actually offered by other traders to consumers for purchase at the reference price used in the comparison
- ☒ Other: please specify any additional or more specific actions you support

**3 Additional or more specific actions you support:**

EuroCommerce does not believe new rules regarding pricing in retail are required. The UCPD already clearly prohibits misleading and harmful commercial practices. To start, we believe updated guidance would be more helpful. It is important to keep those rules flexible as marketing strategies vary widely and new innovative marketing strategies are developed constantly. Creating a rigid or restrictive framework may undermine this. Further clarification of which practices are misleading or not could be done via guidance. Because Consumer Law is horizontal legislators should be careful that not to add more compliance burdens to the 3,5 million retailers in Europe. Retailers have observed that the implementation of existing rules on price reduction announcements—particularly Article 6a of the Price Indication Directive (PID), which requires indicating the lowest price in the past 30 days when advertising price reductions—has led to confusion and inconsistent application across the EU. This has hindered the ability to launch cross-border promotional campaigns, respond swiftly to market developments, and caused reduced flexibility in price competition. Moreover, the inconsistent implementation of the exemption for goods that deteriorate or expire rapidly has long been a concern in many Member States. For example, in Portugal, the exemption is limited to agricultural products; in Germany, it includes also goods with a long shelf life; Sweden distinguishes between goods that can quickly deteriorate and those likely to deteriorate; in France the exemption does not extend to old collections; and in Finland, the exemption is applied very narrowly, in practice covering only fresh food. As the Commission's guidance on Article 6a PID has not resolved these issues, EuroCommerce calls for more non-regulatory tools to help harmonize interpretation across the EU, without adding further burdens on the retail sector. Regarding price comparisons, the Commission's research suggests that consumers often struggle to distinguish between price comparisons and price reductions. However, EuroCommerce believes that restricting or prohibiting references to the Recommended Retail Price (RRP) would be disproportionate and unnecessary. Consumers generally understand both the concept of RRP and the meaning of crossed-out prices as indicators of reductions. It is important to recognise the value of RRP in helping consumers understand product positioning, e.g. for newly launched products or products not sold within previous 30 days. As mentioned above, Art. 6 UCPD already provides a basis to deal with cases when the advertising is misleading. We believe further guidance and better enforcement of existing rules is necessary. Therefore, there is no need for additional legislative measures in this area.

## Section 7 – Issues with digital contracts

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Consumers may face issues with digital contracts, notably regarding the cancellation or renewal of subscriptions, or the conversion of free trials into paid subscriptions, and with automated contracts. In addition, consumers may not have the possibility to contact a person when trying to reach the customer service about their contract.

**\* 1 *Considering issues with digital contracts, do you think that any new EU actions should be taken to improve the protection of consumers and the functioning of the Single Market?* (Multiple answers possible)**

- ☐ No actions are needed
- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☐ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know



## 2 **Please select the actions you support:** *(Multiple answers possible)*

- ☐ Consumers should have an easy functionality (such as a cancellation link or a button) on the trader's interface to exercise their right to cancel the online contract
- ☐ Consumers should benefit from more transparency, e.g. always be reminded before their subscription is automatically renewed or a free trial is converted into a paid subscription
- ☐ Consumers should have more control over their contracts, e.g. by having the possibility to terminate an automatically extended digital subscription any time with a short notice (e.g. one month) or by having to approve explicitly the renewal of a subscription or the conversion of a free trial into a paid subscription
- ☐ Consumers should have a right to request to communicate with a person in case of a problem with their contract, not only an automated chatbot
- ☐ Specific measures should be taken to protect consumers online in the context of automated contracting (Automated contracting refers to the use of Artificial Intelligence (AI) for autonomous conclusion of contracts, such as via digital assistants or smart devices.)
- ☒ Other: please specify any additional or more specific actions you support

## 3 **Additional or more specific actions you support:**

AI shopping assistants represent a significant opportunity to enhance consumer experiences, with McKinsey estimating generative AI could contribute between \$2.6 and \$4.4 trillion annually to global GDP, and the AI agents market expected to reach \$52.6 billion by 2030. However, overly rigid regulations could hinder innovation in this nascent field. For example, requiring AI assistants to verbally list all standard pre-contractual information for each product when responding to specific customer queries (like finding a laptop with particular specifications) would create an unnecessarily cumbersome experience. While current EU consumer law hasn't presented major barriers to existing use cases, a flexible approach to information requirements is crucial to allow this promising technology to evolve. Rather than introducing new regulations prematurely, the focus should be on establishing appropriate guardrails through transparency and self-identification mechanisms. As AI agents become more autonomous and interact across digital environments, clear attribution mechanisms will be essential for accountability and trust. This includes enabling third-party service providers to identify automated agents accessing their systems and allowing site owners to set preferences regarding agent interactions. While it's too early for specific regulations in this rapidly evolving field, developing norms and standards around transparency and self-identification, alongside structured dialogue and monitoring, would better serve innovation while maintaining consumer protection.

## Section 8: Simplification measures

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Any possible legislative change proposed in any of the areas above should contribute to enhanced consumer protection and simplification of the regulatory environment. In addition, the Digital Fairness Act could also address other issues with a view to further reducing compliance costs while improving effective consumer protection. The Digital Fairness Fitness Check has identified potential for targeted simplification and burden reduction for traders, specifically in the area of information requirements and the right of withdrawal.

**\* 1 *In your view, are there any concrete measures to simplify consumer laws that could reduce the burden for businesses while maintaining the same level of consumer protection?***

- ☒ Yes
- ☐ No
- ☐ No opinion / Don't know

**2 *Please select the simplification measures you deem appropriate: (Multiple answers possible)***

- ☐ Re-balancing the right of withdrawal from digital media subscription services (such as audio and video streaming) to make it more sustainable for the suppliers, whilst upholding the consumers' right to change their mind
- ☐ Reducing the consumer information requirements under the Consumer Rights Directive (CRD) in respect of repetitive transactions with the same supplier (such as in-app purchases) and in automated contracts concluded by consumers using a digital (AI) assistant
- ☐ Ending the current fragmentation of national rules on price reductions for perishable goods under the Price Indication Directive by fully exempting all food products regardless of their characteristics
- ☒ Other: please specify any additional or more specific actions you support

**3 *Additional or more specific actions you support:***

Businesses would benefit from harmonisation and simplification of consumer protection rules across the EU. Even though the CRD and UCPD are maximum harmonisation, we see that interpretations vary across Member States, which creates higher costs to be compliant when operating across borders (e.g. some authorities require banners while others prefer the information to be presented in a more integrated manner). This creates high costs and legal uncertainty when a trader considers to sell in another Member State.

1. Need to assess if current rules work well. Especially rules that have not been in force for long with a particular focus on compliance burdens on businesses, technological neutrality, legal coherence, etc
2. Revise and update existing guidance
3. Increase awareness of consumers and traders

Regarding the Consumer Rights Directive:

- Exemption from the provisions of the CRD for contracts concluded outside of business premises if the consumer initiated contact with the trader (e.g. if they called a tradesperson to their home). The provisions on contracts concluded outside of business premises also apply if a trader is called to a customer's home on the basis of an order (e.g. painting work, electrical installations, hairdressing in a home, etc.) and the contract is concluded there. The complex requirements (enormous information obligations that must be provided on paper, obtaining an 'express request' for the service to be provided) are impossible for SMEs to comply with and involve enormous bureaucratic effort, as well as potentially completely disproportionate penalties. Consumers also see limited benefits (if the consumer wants a service to be provided quickly, i.e. during the withdrawal period, they must expressly request this 'on paper').
- Removal of the obligation to provide a 'model withdrawal form': Companies must not only provide detailed information about the right of withdrawal, but also provide consumers with a 'model withdrawal form'. In addition, every online provider must also place a 'withdrawal button' on their website in future to make it easier for consumers to exercise their right of withdrawal. According to information from our members, the model withdrawal form is not used by consumers in practice at all. Consumers have no problem declaring their withdrawal without this form. The provision of this withdrawal form is completely superfluous and should be deleted.
- Greater legal certainty regarding information on the right of withdrawal through the creation of a comprehensive model withdrawal policy: Companies must inform consumers of their statutory right of withdrawal before concluding distance contracts and contracts concluded outside of business premises. Although a model notice for information on the right of withdrawal is available in the annex to the Directive, it contains many text modules that must be selected correctly for each individual case. Even for legally educated people, it is difficult, for example in the case of mixed contracts (covering both goods and services), to classify the contract correctly as a purchase or service contract. This model instruction form, with its many variants to choose from, is therefore unusable, particularly for SMEs, due to its complexity. The EU legislator should provide companies with a legally secure and standardised model instruction form for information on the right of withdrawal that covers all possible scenarios. The expertise of the ELI (European Law Institute based in Vienna) could be used to design such a form, for example.
- Balancing right of withdrawal between consumer and traders: For example, clothing is ordered, worn one time and then the right of withdrawal exercised. In theory, the entrepreneur can claim depreciation, but calculating this is difficult and the effort involved in exercising this right is considerable. It is also difficult to understand why the use by of the good should be at the expense of the trader while there is no defect. Consumer protection should strike the right balance between the consumer and the trader. Returning a product after trying or testing the product is reasonable, but not ever using the product. The return of used products has a high costs which is not sustainable and other consumers ultimately may pay a higher price.

#### **4 Do you think certain types of information should be provided to consumers solely in digital form?**

- ☒ Yes. Please describe concretely which information
- ☐ No. Please explain
- ☐ No opinion / Don't know

## 5 ***Please describe:***

Making Consumer Information Understandable, Meaningful and Manageable Retailers communicate with millions of consumers daily—through labels, point-of-sale materials, websites, apps, and more—helping them make informed choices about price, composition, health, sustainability, safety, and guarantees. Some information is essential; some is “nice to know.” Retailers are committed to providing clear, reliable, and understandable information. However, space on products is limited, especially for smaller items. It’s important to distinguish what consumers need to use products safely from what can be provided digitally (e.g. via QR codes or websites). Today, both consumers and retailers face information overload, which adds cost and complexity without improving consumer understanding. Not all product information is meant for consumers—some is for businesses or authorities. Decision-makers and enforcement bodies must respect this distinction.

**Key Issues for Future Consumer Information Requirements**

1. Ensure information is meaningful for consumers and manageable for businesses. EU legislation has introduced many new reporting and information requirements, with more on the way. Local authorities often interpret and enforce these differently, leading to inconsistent and overwhelming information for consumers. This can reduce comprehension and even make some consumers vulnerable. It’s essential to assess what is truly necessary and what can be delivered through digital tools—while remaining accessible to all. For businesses, the burden is growing. Product information changes frequently due to suppliers, composition, seasonality, production location, or legal updates. Frequent regulatory changes create overlapping obligations and increase compliance costs. Retailers need clarity and consistency.
2. Support digital tools for consumer information. As consumers increasingly rely on digital channels, retailers can use these to meet demand for more information. A coordinated EU-level approach is needed to support digital tools that simplify access for consumers and reduce burdens for businesses. Responsibilities must be clearly defined across the supply chain. Retailers often depend on producers for product data.

**Recommendations**

Map all existing consumer information requirements across EU legislation and consult stakeholders to ensure information remains meaningful, understandable, and manageable. Develop a coordinated EU-level approach to consumer information, including digital tools, with input from all relevant stakeholders.

**Digital Product Passports (DPPs): A Modern Solution**

DPPs offer a promising way to modernise product information for consumers, authorities, and supply chain operators. They can streamline data sharing, improve traceability, and reduce duplication. DPPs should be based on open standards, interoperability, and proportionality. To avoid overreach, DPPs should start with existing legal requirements (e.g. Ecodesign). Data sharing must protect trade secrets and intellectual property. Access should be limited to what’s necessary, with clear responsibilities for each supply chain actor. Explore how DPPs can complement consumer access to product information, starting with existing legal obligations and involving stakeholders in their development.

**7 *In your view, in which of the following areas would EU actions reduce single market fragmentation that may currently exist due to diverging national laws or interpretations by national courts or authorities?*** (Multiple answers possible)

- ☐ Online interface design (dark patterns, such as presenting choices in a leading manner)
- ☐ Addictive design (features that make consumers spend more time and money online than intended, e.g. infinite scrolling)
- ☐ Features in certain digital products, such as video games (e.g. loot boxes or pay-to-progress or pay-to-win mechanisms)

- ❑ Personalised commercial practices (such as advertising and pricing based on personal data/profiling)
- ❑ Commercial practices by social media influencers (e.g. lack of disclosure of the commercial intent, harmful claims about certain products or services)
- ❑ Pricing practices (e.g. adding unavoidable fees during the ordering process which makes the final price differ from the headline price initially advertised)
- ❑ Digital contracts (e.g. difficult exercise of the right to cancel subscriptions)

**8 Do you have specific suggestions, requests for clarification or concerns with regard to the interaction of cross-cutting EU consumer protection legislation with other existing EU legislation, including the Audiovisual Media Services Directive, the Digital Services Act, the Digital Markets Act, the Artificial Intelligence Act, or the EU Digital Identity Framework? Please be specific and provide evidence to support your views.**

We recommend that the European Commission: • prioritises the development of comprehensive guidance that reflects the current regulatory environment in which businesses operate. In particular, such guidance should clarify how EU consumer law interacts with other legislative instruments; • commissions a study on the current overlaps and inconsistencies and how to solve these issues; • commissions on a comprehensive study on the current fragmentation of consumer rules in the EU and how to achieve a harmonised approach to strengthen the single market. Targeted guidelines offering practical examples and reflecting the interplay between the different regulations, including the Unfair Commercial Practices Directive (UCPD), Audiovisual Media Services Directive (AVMSD), the DSA, and the E-commerce Directive as well as other non-regulatory measures rolled out in the EU would be welcome (e.g. influencer certification and monitoring tool of the Dutch Stichting Reclame Code). Also, it is essential to compare the legal situation with other economically comparable countries (e.g. the USA, Canada, Japan and the United Kingdom). EU regulations have taken on enormous proportions in a wide variety of legal areas, such as consumer law, product law, sustainability, etc. This poses immense challenges for companies. This is clearly demonstrated, among other things, by a Eurobarometer survey commissioned by the Commission and published recently (July 2025) Startups, scaleups and entrepreneurship - Juli 2025 - - Eurobarometer survey: • Regulatory burdens are the top problem. 64% of respondents (EU average) see this as an area that causes problems. Other factors follow at a considerable distance. • What is dramatic is that this is not really an issue in other markets. In the US, only 16% of companies see regulatory burdens as a problem, and in Japan 17%. Therefore, we believe there is an urgent need to simplify the existing EU legal framework, including consumer law, without undermining its benefits. The DFA public consultation does not sufficiently address how consumer law could be simplified, but rather explores new legal interventions.

## Section 9: Horizontal issues

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**\* 1 In addition to the above, do you think that any further EU actions should be taken to improve the protection of consumers and the functioning of the Single Market in the digital environment in a more general way? (Multiple answers possible.)**

- ☐ No actions are needed
- ☒ Yes, non-regulatory measures are needed (e.g. guidance)
- ☐ Yes, more effective enforcement by public authorities of existing rules is needed
- ☐ Yes, new binding rules are needed
- ☐ No opinion / Don't know

**2 Please select the actions you support: (Multiple answers possible)**

- ☐ Digital products accessible to minors that contain certain commercial practices should be subject to the mandatory use of age verification/age estimation tools
- ☐ Traders should ensure 'fairness by design' (i.e. take technical and organisational measures to incorporate consumer protection considerations at all stages of the product or service development)
- ☐ With a view to strengthening the enforcement of consumer protection law, the burden of proof should be reversed in cases where consumers/interested parties or authorities have disproportionate difficulty in obtaining information to prove a trader's wrongdoing
- ☐ The current definition of a consumer as someone who is reasonably well-informed, observant and circumspect should be amended to better reflect the reality of consumer behaviour in the digital environment (e.g. most people not reading Terms & Conditions or understanding how their personal data is used)
- ☐ Legislation should prevent commercial practices from targeting consumers' possible vulnerabilities of a temporary or permanent nature (e.g. socio-demographic, behavioural, financial or personal characteristics)
- ☒ Other: please specify any additional or more specific actions you support

**3 Additional or more specific actions you support:**

The proposed "fairness by design" concept appears to duplicate the UCPD's existing "professional diligence" standard without clearly adding value. Similarly, the suggested reversal of burden of proof lacks clear definition of "disproportionate difficulty in obtaining information" and could impose excessive documentation requirements on legitimate businesses. The proposal to amend the "average consumer" definition requires justification for

why the current well-established standard through ECJ jurisprudence is insufficient in the digital context. Rather than lowering standards, focus should be on improving consumer awareness and education. Additionally, targeting consumers' "possible vulnerabilities" is already prohibited under multiple existing frameworks (UCPD, GDPR, AI Act), and new requirements would create practical challenges in identifying and assessing these vulnerabilities, particularly in digital environments. Enhancement of existing enforcement mechanisms would be more effective than creating overlapping requirements. Innovation space for AI in Retail We need regulatory sandboxes or sector guidance that allow retailers to safely innovate with AI (recommendations, personalisation, conversational interfaces, AI agents). Without this, the EU risks limiting local innovation vs US/Chinese competitors which in the end may result in unfair competition from third countries.

- Create sector-specific guidance (especially for AI in retail) and training support, this should not lead to additional administrative burdens.
- Invest in digital compliance tools to lower costs and improve enforcement speed.
- Prioritise legal certainty and competitiveness over frequent revisions of consumer law.
- Avoid duplicating rules across different EU legal instruments.

Rather than creating new regulations, the Commission and Member States should engage in broader dialogue about long-term consumer protection in the digital age. This vision should focus on principles like technology neutrality, proportionality, and effective resource use, while fostering innovation and strengthening competitiveness. The goal should be simplification and better enforcement of existing protections rather than adding complexity to an already comprehensive framework.

#### **4 Do you have further suggestions for improving consumer protection and enforcement in the digital sphere and contributing to a level playing field for traders in the EU?**

##### **Do you have specific suggestions concerning the protection of minors?**

On level playing field: 1. Establish EU framework for enforcement authorities to collaborate and coordinate activities across enforcement domains at national and EU level. 2. Create a permanent Commission Task Force against Unfair Competition from third country operators with a clear mandate, which is transparent, involves all relevant DGs and stakeholders. 3. Include Enforceability in EU Impact Assessments. Ensure that enforceability of new EU rules is systematically assessed during legislative impact assessments, especially regarding non-EU traders and marketplaces. 4. Expand the Commission investigative powers across different legislation to initiate or take over investigations when certain criteria are met for example multiple Member States are affected, and develop digital enforcement tools and data-sharing mechanisms. 5. Swiftly start the review of the CPC Regulation strengthening the CPC framework to improve cross-border enforcement, transparency, and collaboration, and leverage technology for efficient action against rogue traders. (see Joint Statement by BEUC, BusinessEurope and EuroCommerce). 6. Introduce EU instrument to limit or restrict Union market access, especially for third-country traders and marketplaces in cases of persistent and serious non-compliance. 7. Create a system of certified Authorised Representatives to ensure accountability, traceability, and enforceability, especially for non-EU products & explore extending their obligations. 8. Swiftly finalise the review of the EU Customs Reform Package. 9. Streamline Extended Producer Responsibility (EPR) schemes across the EU via a digital one-stop shop to reduce administrative burdens and ensure fair contributions. 10. Deploy the Digital Product Passport (DPP) increasing product compliance, supporting enforcement, ensuring interoperability with EU systems, and facilitate automatic compliance checks, while avoiding burdens on SMEs. You can find more detailed recommendations about improving enforcement here: <https://www.eurocommerce.eu/latest/restoring-the-level-playing-field-in-retail> <https://www.eurocommerce.eu/2025/10/eurocommerce-urges-customs-reform-and-unified-eu-handling-fee-to-safeguard-fair-competition/> More general on consumer protection: <https://www.eurocommerce.eu/app/uploads/2024/04/eurocommerce-consumer-policy-position-paper-2024-final.pdf>

#### **5 Would you like to submit documents? Please upload your file(s) here.**

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