Forum: European Parliament

Issue: Modernizing European Union Consumer Protection Laws for the Digital Age

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Introduction

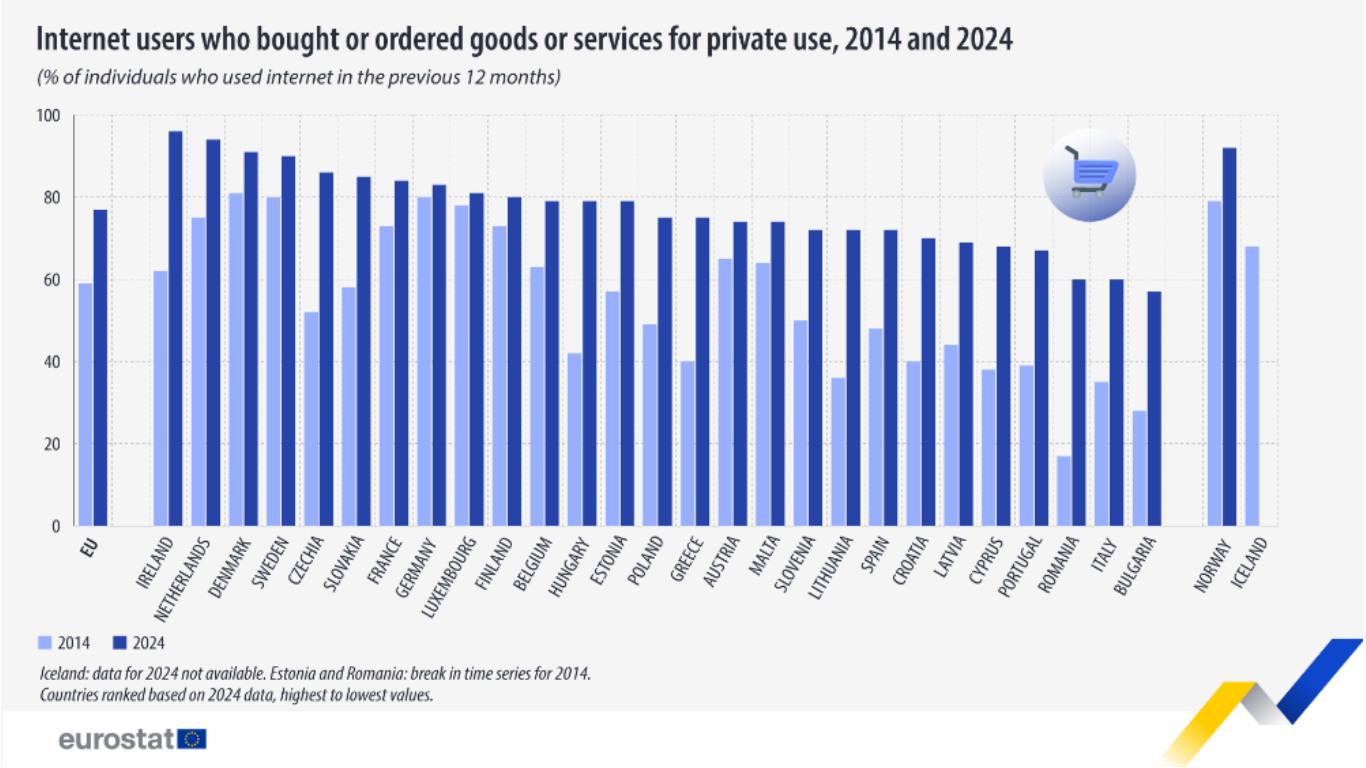

Figure 1: The share of EU internet users purchasing goods and services online, 2014 to 2024 (Eurostat)

The rapid expansion of digital commerce has changed the relationship between European consumers and businesses. Consumers can now purchase products from another Member State within seconds, subscribe to services without speaking to a trader, receive personalised advertising based on their online activity, and access digital products that may be continuously modified after purchase. These developments have created new opportunities for competition and convenience, but they have also changed the ways in which consumers can be influenced and the ways in which businesses can interact with them. Traditional consumer protection laws were

largely designed around transactions where the product, trader, and terms of purchase were relatively clear. Digital markets can make each of these elements considerably less straightforward.

The European Union has already developed an extensive legal framework for addressing these changes. The Consumer Rights Directive establishes requirements concerning information, withdrawal rights, and contracts. The Unfair Commercial Practices Directive regulates misleading and aggressive commercial practices. The Digital Services Act has introduced rules concerning online platforms, recommender systems, and manipulative interface design. The Digital Content Directive has also established consumer rights when digital content or digital services fail to meet contractual requirements.

However, the expansion of digital markets has exposed gaps between these different areas of law. A consumer may be protected against an explicitly misleading advertisement while still encountering an interface designed to make one choice substantially easier than another. Similarly, a platform may fall under the Digital Services Act while other digital businesses remain primarily governed by horizontal consumer legislation. The European Commission's 2024 Digital Fairness Fitness Check found that existing consumer legislation remains relevant, but also identified problems.

This issue therefore asks the European Parliament to consider how existing protections should be adapted rather than simply assuming that more regulation will always produce better outcomes. Delegates should consider how to protect consumer autonomy while maintaining innovation and competition within the Single Market. Particular attention should be given to vulnerable consumers, especially minors, and to the difficulty of enforcing rules when digital businesses operate across national borders. The European Commission is currently preparing a Digital Fairness Act that is intended to address several of these issues, making the question of how the EU should modernise consumer protection particularly relevant to current European policymaking.

Definition of Key Terms

Digital Consumer

A person who purchases, accesses, or uses goods, services, digital content, or digital services through digital means.

Digital Fairness

The principle that consumers should be able to make informed and autonomous decisions in digital markets and should not be unfairly disadvantaged by digital services. The European Commission uses this concept when examining whether existing consumer law remains effective in the digital environment.

Dark Patterns

Digital interface designs that manipulate or materially distort a person's ability to make an autonomous and informed choice. Examples can include making one option significantly more prominent than another, repeatedly asking users to accept a choice they have already rejected, or making it unnecessarily difficult to cancel a service. The Digital Services Act prohibits certain manipulative interface practices on online platforms, while the broader EU framework addresses other forms of deceptive design through consumer law.

Addictive Design

Features of a digital product or service that are designed or structured in ways that can encourage prolonged or repeated use. Examples discussed by the European Parliament include infinite scrolling, autoplay, persistent notifications, and certain recommender systems. The regulation of these practices remains an area where existing EU legislation has limitations.

Vulnerable Consumer

A consumer who is particularly susceptible to certain commercial practices because of characteristics or circumstances that make it more difficult to understand information, evaluate choices, or resist manipulation. Digital consumer protection discussions increasingly focus on minors as a particularly vulnerable group.

Digital Content

Data that are produced and supplied in digital form, such as music, films, software, or digital books. EU law distinguishes digital content from broader digital services, although both can fall under the consumer protections established by the Digital Content Directive.

Background

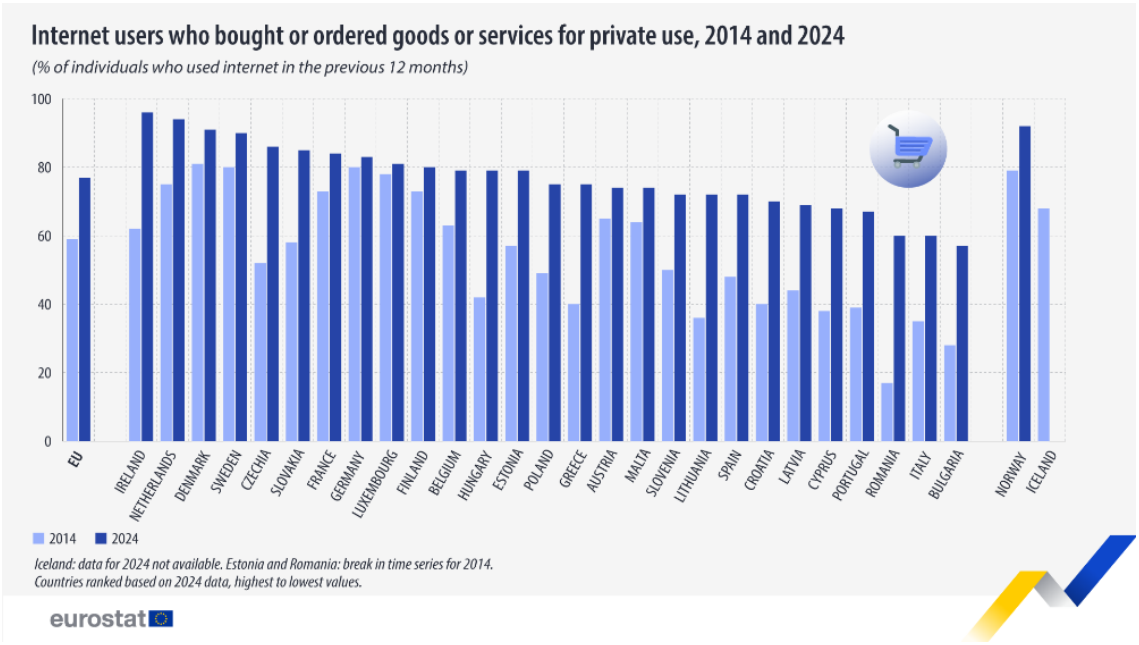

Figure 2: Growth in online shopping among EU consumers, 2014 and 2024 (Eurostat)

The development of EU Consumer Protection in the digital market

Consumer protection has long been connected to the development of the European Single Market. The EU has sought to ensure that consumers can participate in cross-border markets while businesses operate under a common set of standards. As commerce has moved online, this objective has become more complicated. A consumer in one Member State can purchase from a trader located in another Member State without necessarily knowing where the trader is based or which rules apply to the transaction. Digital platforms can also connect consumers and businesses without directly selling the products themselves.

The Consumer Rights Directive of 2011 established important protections for consumers entering contracts with traders. It includes requirements for information before a contract is concluded and establishes rules surrounding withdrawal rights and contractual arrangements. These protections were designed to function across different forms of commerce, allowing them to remain relevant as technology developed. The European Parliament has nevertheless recognised that digital markets create problems that were not fully anticipated by earlier consumer legislation.

The EU subsequently introduced more specific legislation addressing digital transactions. Directive 2019/770 on certain aspects concerning contracts for the supply of digital content and digital services established common rules concerning conformity, remedies, and modifications to digital products. Consumers can, under specified conditions, require digital content to be brought into conformity, receive a price reduction, or terminate a contract. The legislation also recognises that digital products may require continuing updates and that consumers can experience problems that do not exist with traditional physical goods.

This development reflects a broader change in the understanding of what constitutes a consumer transaction. Purchasing a physical product generally creates a relatively clear moment of exchange. Digital services can instead involve continuous interaction between the consumer and the trader. Consumer protection therefore increasingly concerns not only what is sold, but also how digital services operate after the transaction.

The problem of dark patterns and manipulative design

One of the most significant challenges in digital consumer protection is the use of interfaces that influence consumer decisions. Dark patterns can take many forms. A website might make accepting cookies much easier than rejecting them. An online store might create a false sense of urgency around a purchase. A subscription service might make signing up simple while making cancellation difficult. These practices can influence behaviour without necessarily presenting consumers with an obviously false statement.

The Digital Services Act represents an important development because Article 25 prohibits providers of online platforms from designing, organising, or operating interfaces in ways that deceive users or materially impair their ability to make free and informed decisions. However, this provision applies specifically to online platforms and does not create one universal prohibition covering every type of digital business.

This creates a broader question for EU lawmakers. If the same manipulative interface can appear on an online marketplace, a social media platform, a gaming service, or an independent commercial website, should the legal response depend on which category the business falls into? The European Parliament's research has identified fragmentation in the current legal framework and noted that there is no single EU definition of dark patterns. Different forms of manipulation can instead be addressed through different pieces of legislation.

The European Commission reached a similar conclusion in its 2024 Digital Fairness Fitness Check. The assessment found that existing consumer legislation remains necessary, but that digital developments have amplified the power imbalance between traders and consumers. Online businesses can use detailed information about consumer behaviour to personalise commercial practices, while consumers may have less time and less incentive to examine every decision they make.

This does not mean that every form of personalisation is inherently harmful. Personalised recommendations can make digital services easier to use and can help consumers find products that are relevant to them. The regulatory challenge is distinguishing useful personalisation from practices that exploit vulnerabilities or interfere with genuine consumer choice.

Children and other vulnerable consumers

The digital environment creates particular concerns for minors. Children and teenagers increasingly interact with social media, video games, online marketplaces, and other commercial platforms. Their developing ability to evaluate commercial persuasion can make certain forms of targeted advertising and manipulative design especially significant.

The European Parliament has highlighted concerns surrounding targeted advertising, influencer marketing, addictive design, loot boxes, in app currencies, and dark patterns. Parliament has also noted that existing legislation addresses some of these practices but does not provide one comprehensive framework for digital consumer protection.

The issue is complicated further because children may not always be the direct purchaser. A minor may use a platform or game while a parent pays for the service. Consumer protection therefore has to consider the person interacting with the digital environment as well as the person formally entering the transaction.

Existing EU legislation already contains protections relevant to minors. The Digital Services Act requires online platforms accessible to minors to take appropriate and proportionate measures to provide a high level of privacy, safety, and security. The European Parliament has nevertheless argued that further action may be required to address manipulative commercial practices that particularly affect children.

For delegates, this raises an important question about whether minors should receive stronger protections than adults and, if so, where the boundary should be drawn. A regulation that is too broad could restrict legitimate services used by adults, while weak protections may leave young consumers exposed to practices that they are less equipped to recognise.

The emerging digital fairness framework

The European Commission's 2024 Fitness Check provides an important starting point for understanding the current direction of EU consumer policy. It examined the Unfair Commercial Practices Directive, the Consumer Rights Directive, and the Unfair Contract Terms Directive. The Commission concluded that these laws remain relevant, but identified areas where additional action could improve consumer protection in digital markets.

The Commission is now preparing a Digital Fairness Act. The initiative is intended to address several practices identified through the Fitness Check, including dark patterns, addictive design, problematic influencer marketing, unfair personalisation, and certain problems involving digital contracts. The initiative also places particular emphasis on vulnerable consumers, including minors.

The development of this legislation creates an opportunity for the European Parliament to consider how the different parts of EU digital regulation should work together. The goal is not simply to create another layer of regulation. Delegates should consider whether existing laws can be clarified and enforced more effectively, where new rules are necessary, and how responsibilities should be divided between the EU institutions, national authorities, online platforms, and individual businesses.

The central challenge is therefore one of balance. Digital markets develop faster than legislation can always adapt, yet unclear or overlapping rules can create uncertainty for both consumers and businesses. A modern consumer protection framework needs to address genuine risks while remaining sufficiently flexible to apply to technologies that may not yet exist. The European Parliament's task is to determine where existing protections are

insufficient and how the EU can strengthen consumer autonomy without undermining the functioning of the Digital Single Market.

Major Parties Involved

European Commission

The European Commission is responsible for proposing new EU legislation and overseeing the implementation of existing consumer protection rules. Its Directorate General for Justice and Consumers has played a central role in evaluating whether the current framework remains effective in the digital environment. The Commission's 2024 Digital Fairness Fitness Check concluded that the main consumer protection directives remain relevant, but identified significant difficulties involving dark patterns, personalised commercial practices, addictive design, subscriptions, and digital contracts. The Commission has therefore announced a Digital Fairness Act as a future legislative initiative. As of 2026, the initiative is expected to address several of these issues through more specific rules for digital markets.

European Parliament

The European Parliament represents EU citizens and will have an important role in shaping any new Digital Fairness Act through the ordinary legislative procedure. Parliament has increasingly focused on the effects of digitalisation on consumer autonomy, particularly where children and other vulnerable consumers are concerned. Recent parliamentary work has called for clearer rules surrounding dark patterns and greater coordination between existing legislation. Parliament has also raised the possibility of revising the Consumer Protection Cooperation Regulation so that widespread infringements can be addressed more effectively at EU level.

Digital Service Providers and Online Marketplaces

Digital platforms, online marketplaces, social media companies, gaming services, and other technology businesses are directly affected by changes to consumer protection law. These businesses have different roles in the digital economy, so applying identical obligations to all of them may not always be appropriate. At the same time, the growth of online marketplaces has created difficulties surrounding misleading prices, fake discounts, pressure selling, product information, and responsibility for third party traders. A 2025 CPC investigation into SHEIN, for example, examined several practices that authorities considered potentially inconsistent with EU consumer law.

Previous Attempts to Resolve the Issue

- Consumer Rights Directive, 25 October 2011 (Directive 2011/83/EU)

The Consumer Rights Directive established common rules concerning information requirements, distance contracts, and consumers' right to withdraw from many online purchases. It remains one of the foundations of EU consumer protection and has subsequently been amended to account for developments in digital commerce.

- Better Enforcement and Modernisation of EU Consumer Protection Rules, 27 November 2019 (Directive [EU] 2019/2161)

The Modernisation Directive updated several existing consumer protection rules. It strengthened penalties for certain infringements and adapted EU law to developments in online markets. The legislation represented an attempt to modernise existing rules without replacing the broader consumer protection framework.

- Digital Services Act, 19 October 2022 (Regulation [EU] 2022/2065)

The Digital Services Act created a broader framework for online platforms and introduced rules addressing manipulative interface design. It also established additional protections for minors and imposed greater responsibilities on platforms with significant reach. However, the European Parliament has noted that the DSA's specific prohibition on dark patterns applies to online platforms, while similar practices can occur elsewhere in the digital economy.

Possible Solutions

The European Union could modernise consumer protection by creating a clearer and more consistent framework for digital fairness. A Digital Fairness Act could establish common criteria for identifying harmful dark patterns, particularly when interface design materially interferes with a consumer’s ability to make an informed decision. This could apply across different types of digital businesses rather than relying on whether a service falls within the scope of a particular existing regulation. The framework could also address subscription services by requiring clear renewal information and cancellation processes that are not substantially more difficult than signing up. At the same time, greater transparency around personalised recommendations and commercial content could help consumers understand when their online experience is being shaped by their personal data. These measures should focus on practices that meaningfully undermine consumer autonomy rather than treating all personalisation or persuasive design as inherently harmful.

Stronger protections could also be developed for minors while improving enforcement across the Single Market. Existing EU legislation already recognises children as particularly vulnerable online, but Parliament could consider additional restrictions on targeted commercial practices, manipulative design, and certain purchasing mechanisms directed toward minors. Any age verification requirements would need to be designed carefully so that

stronger consumer protection does not create unnecessary privacy risks. Enforcement should also be strengthened through greater cooperation between national consumer authorities, particularly when businesses operate across several Member States or outside the EU. Online marketplaces could be required to provide more reliable information about third party sellers and cooperate with investigations into widespread violations. Finally, consumer remedies should be made easier to access through clearer refund, cancellation, and complaint procedures. These reforms could be combined with periodic reviews and flexible Commission guidance so that the framework remains capable of responding to new technologies without requiring legislation to be rewritten whenever a new digital business model emerges.

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