



50th
ANNIVERSARY
SPECIAL EDITION

THE NEW CONSUMER

DECEMBER 2022

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**CELEBRATING A HALF-CENTURY OF
CONSUMER PROTECTION IN EUROPE**

HAVE DELAYS AND LOST LUGGAGE TURNED A DREAM TRIP INTO A NIGHTMARE?

KNOW YOUR RIGHTS!

 DEPARTURES					
TIME	DESTINATION	FLIGHT	GATE	REMARKS	
12:39	LONDON	CL 903	31	CANCELLED	
12:57	SYDNEY	UQ5723	27	CANCELLED	
13:08	TORONTO	IC5984	22	CANCELLED	
13:21	TOKYO	AM 608	41	DELAYED	
13:37	HONG KONG	IC5471	29	CANCELLED	
13:48	MADRID	EK3941	30	DELAYED	
14:19	BERLIN	AM5021	28	CANCELLED	
14:35	NEW YORK	ON 997	11	CANCELLED	
14:54	PARIS	MG5870	23	DELAYED	
15:10	ROME	RI5324	43	CANCELLED	

EU RULES PROTECT AIR TRAVELLERS WHEN THINGS GO WRONG.

DELAYED

- Possible compensation of up to €600 per passenger, plus free meals and refreshments while waiting for departure.

CANCELLED

- Choose a new flight or get your money back – and possibly get compensation and accommodation too.

BOARDING DENIED

- Get a refund or a new flight – as well as compensation and possibly accommodation.

LOST LUGGAGE

- Compensation of up to €1 300.

DON'T DELAY. GET THE HELP AND COMPENSATION YOU DESERVE TODAY.

GO TO THE EUROPA WEBSITE FOR MORE ON PASSENGER RIGHTS



EUROPE'S CONSUMER PROTECTION STORY

For the past 50 years, EU consumer rights have been protecting and empowering Europeans everywhere.

Starting from the premise that people should be protected when using goods or services, over the past five decades the EU has put in place a robust set of policies and rules to ensure strong rights for consumers.

Each of these policies and rules are built from a foundation of five core consumer rights:

- 1. The right to health protection and safety**
- 2. The right to protection of economic interests**
- 3. The right to damages**
- 4. The right to information and education**
- 5. The right to representation**

Taken together, these rights mean consumers are protected when they spend their money, empowered to make informed purchasing decisions, and able to take proper action if things go wrong. They also mean that every citizen can take comfort in knowing they have the same right to be treated fairly when buying goods and services anywhere in the EU – whether that be in the supermarket or via an online store.

Of course, the times, policies, and policymakers have all changed significantly over the course of the past half-century. Globalisation and digitisation weren't even on the radar back in the 1970s!

However, thanks to its wealth of experience and unwavering dedication to consumer protection, EU consumer rights have been able to evolve to answer the many challenges of today's digital society.

This history and expertise are also why the EU is well-positioned to continue to successfully protect consumers in the future, even against products and services that haven't even been thought of yet.

This proactive approach to consumer protection – an approach that is unwavering yet agile enough to evolve to the needs of a rapidly changing society – is Europe's Consumer Protection Story.

In the following pages, we celebrate this story, not as a history lesson or a policy briefing, but by highlighting achievements past, present, and even future.

Ana Gallego

Sincerely,

Ana Gallego Torres
Directorate-General for Justice and Consumers



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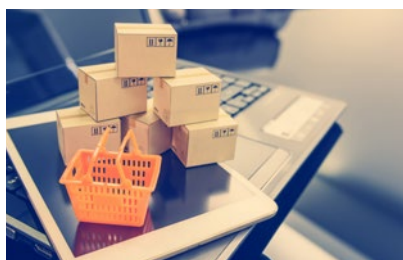
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LETTERS TO THE EDITOR

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“So,
I contacted
the European
Consumer
Centre in
Spain, who
was able to
get a full
refund for
the items
I had
returned.

Thanks
ECC-Net!”

A group of 12 of us were all set for an exciting trip to Rome. But just four days before we were scheduled to leave, the airline cancelled our return flight. We had to scramble not only to book another flight back to Cyprus, but also to book additional hotel nights. Sure, Rome is great, but these additional days meant more expenses, all of which quickly added up! What a relief to learn that, thanks to EU passenger rights, we were entitled to compensation from the airline – for the delay we experienced returning home, our accommodation, even our food! And they had to fly us back without additional costs.

Constantinos, Cyprus



I'm writing to say how impressed I am with the European Consumer Centres Network, particularly the centre in Spain. A few weeks back I ordered some products from a popular online marketplace. It was a rather sizeable order – totalling €2 051.23. But, as we do, I changed my mind about two of the items with the knowledge that EU consumer protection law gives me the right to withdraw my order. Following the company's instructions for returns, I sent the two items back, and then nothing. The company even ignored my emails. So, I contacted the European Consumer Centre in Spain, who was able to get a full refund for the items I had returned. Thanks ECC-Net!

Daniel, Spain



I recently had a horrible experience with a rental car in Germany. When I got the car, I was handed the keys and the contract, but not the usual documents regarding the vehicle's condition. Being in a hurry, I didn't think much of it. But boy was I surprised when, back in Romania, I received a bill for €1 000 in damages. They claimed that I was in an accident, and when I asked for a full report, the evidence they sent was nothing more than some blurry pictures of what appeared to be a superficial scratch. This doesn't seem fair!

Ivan, Romania



Editor's note: You're right, it's not fair. It's also a violation of EU consumer protection law, which requires that companies provide you with clear information – not only about the charges, but also about all the rental conditions. Furthermore, the company should not charge you for damages that occurred before the time of your rental or an excessive amount for any small scratches that you may have caused. EU consumer protection law also gives you the right to redress. For help, you can contact the European Consumer Centres Network at

<https://www.eccnet.eu>

“When I got the car, I was handed the keys and the contract, but not the usual documents regarding the vehicle's condition. Being in a hurry, I didn't think much of it. But boy was I surprised when, back in Romania, I received a bill for €1 000 in damages.”



Anybody who has ever had a flight cancelled may be reluctant to seek compensation. But take it from me, don't be discouraged by the bureaucracy or frustrated by how long it might take. In the end, it's definitely worth it – it's your right after all!

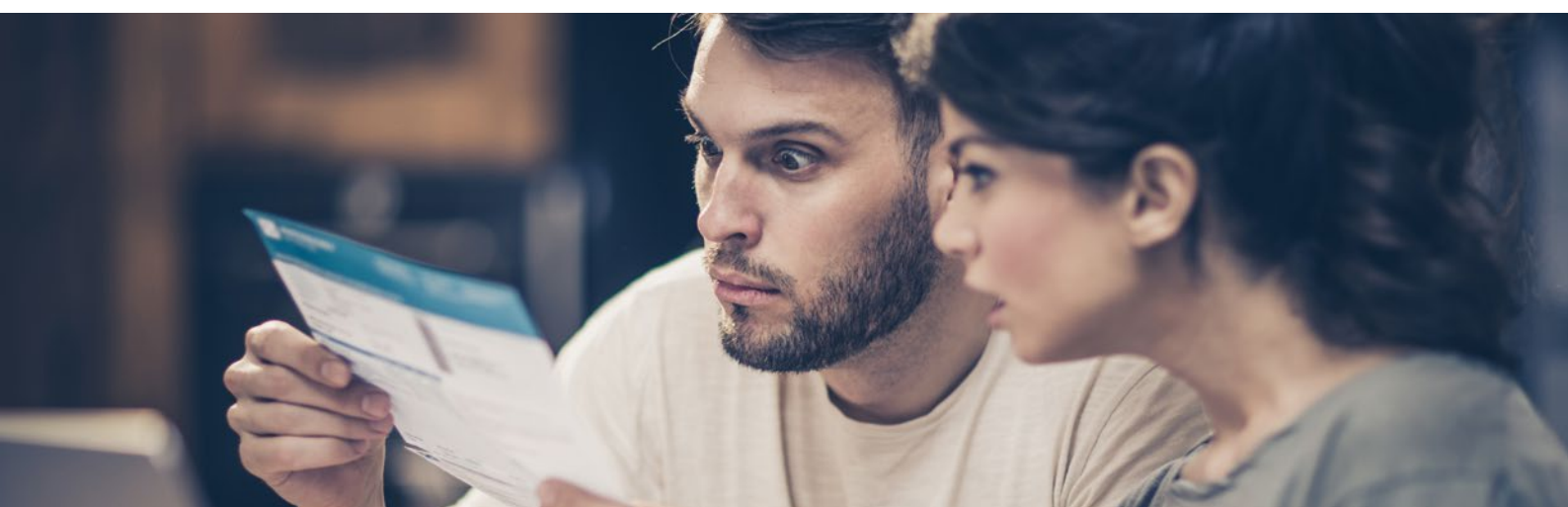
My story starts in Ecuador when, due to political turmoil and ongoing protests, my flight back to Slovakia was cancelled. Stuck in Quito for an additional three days, I incurred accommodation- and meal-related expenses.

When I got home, I decided to try to file a claim for these expenses directly with the air carrier, but only received automatic replies. I then decided to take it up a notch and contacted the ECC in Slovakia. Unfortunately, the airline didn't want to work towards finding an out-of-court solution, so off to court it was.

After nearly two years and legal proceedings, the court ordered the airline to reimburse my costs. You think that would have done the trick, but the airline still refused to pay! Because the judgment was issued in Spain, where the airline is headquartered, this time I contacted the ECC in Spain, who helped me notify the airline about the judgment.

Happy to say that, another year on, I've just received my reimbursement! So don't be discouraged, and definitely don't give up!

Katarína, Slovakia



I live in Latvia but I often do my shopping online. I recently ordered some spare parts online from a French retailer. Long story short, I had to cancel my order, which I did not only before the parts arrived, but before they were even shipped. I was a little miffed when the parts showed up at my door, but I figured it was a simple mistake so had the courier send them back to the store. Although the parts were returned, I was still charged. However, thanks to EU consumer protection rules, I, like all consumers, benefit from the right to cancel before delivery. And because of this right, I was eventually reimbursed in full!

Edgars, Latvia

Just writing to share a positive experience I had with the ECC in Denmark. Due to circumstances beyond my control, I was a little over an hour late for picking up my rental car. In that time, not only had the company already given my vehicle away, they refused to give me a refund.

I tried to appeal to common sense, but got nowhere, so I contacted the ECC instead. They argued that, because of unclear contract terms and a lack of transparency, I was legally owed a refund, which the company finally agreed to pay.

I wanted to share this story so that others know that it pays to keep fighting for your rights!

Tommy, Denmark



We all know that things can go wrong when you shop online, mistakes happen. But there's mistakes and then there's the Kafkaesque situation I recently found myself in. Sure, I didn't wake up as a giant bug, but I did see my order for a new mobile phone transform into something entirely different. I immediately knew something was wrong when the package arrived, it just seemed too light. Inside wasn't a phone but, get this, a solution for curing a specific fish disease!

Needless to say, I contacted the seller and they gave me instructions for returning the fish disease potion. I also took photos and had the courier take note of the mistake. Although I was refunded for the product, I had to pay for the shipping, which didn't seem right. Luckily, with the support of the ECC-Net, I was able to get the issue resolved using the photos and the note.

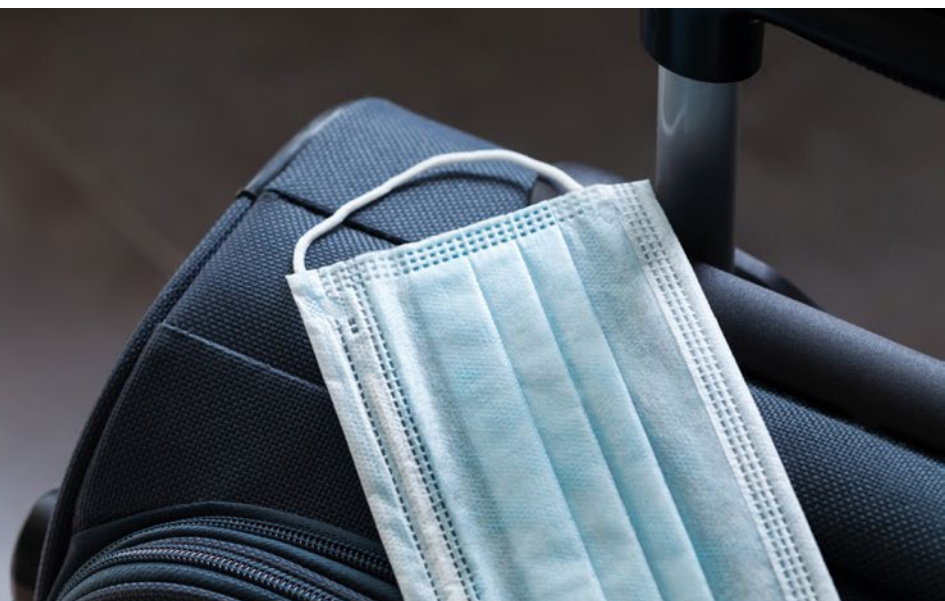
Claudia, Italy

I am very concerned about climate change and absolutely detest today's throwaway society. That's why I always try to repair a product before I think about replacing it. I also pay attention to whether the manufacturer sells spare parts. When my baby's pram started to malfunction, I ordered replacement parts from the manufacturer, sending them the specific reference of my model and for the required parts. Unfortunately, some of the parts didn't conform with my make and model. Frustrated, I contacted the ECC-Net in France, who helped me get the parts I needed. As a result, my 2017 pram is still good as new and I feel good knowing that I have the possibility of repairing it!

Alina, France

I had booked a hotel room online way back in early 2020. But COVID-19 changed that. Instead of a refund, the company gave me a voucher to use with a future booking, and I was happy with that, and very much looking forward to being able to travel again. When I could, I contacted the booking company about redeeming my voucher, but was informed that the hotel was now under different management and thus my voucher was no longer valid. I know my rights as a traveller, and I know that EU consumer law requires that I be reimbursed for this cancellation. It wasn't my fault the management changed. With a little pushing and some help from the ECC-Net, I received my refund, which I will promptly use to book a much-needed holiday!

Carmelo, Malta



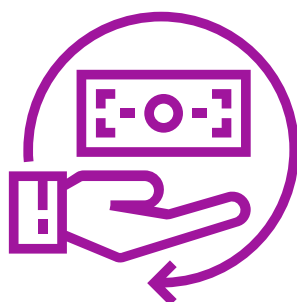


I booked a flight to Egypt on a Maltese airline via a Czech booking site from my home in Belgium – the wonders of the digital age! Several weeks before the flight, the airline changed the time of the flight. They claimed that they notified the booking site about the change, but regardless, I was never informed. I didn't find out until I arrived at my gate and the flight had already departed. Who should compensate me, the airline or the booking site?

Anne-Marie, Belgium



Editor's note: According to a judgment by the European Court of Justice, the airline is required to inform you, the passenger. The fact that the airline shared the information with the booking site is insufficient. After all, the site isn't the passenger! That's why you should always insist that the airlines reimburse you.



I booked a rental car via an online broker and, when I picked it up from the airport, I specifically indicated that I did not want any additional insurance. For good measure, I even wrote "no additional charges" right on the contract. Yet my credit card was still charged €373.96. Of course I complained, but the rental car company informed me that a premium protection insurance package was automatically included with the rental car. I was surprised to hear this as I had bought a comprehensive insurance package via the online broker. Thanks to EU consumer rights and the support of the ECC Austria and ECC France, the car rental company refunded the additional insurance costs.

Sandra, Austria

My son and I flew from Sofia to Geneva, with a connection in Vienna. Somewhere between here and there, our checked luggage was lost for five days. We had to buy clothes and other personal effects for our trip, which amounted to over €1 900. I immediately filed a complaint and was told that I would be fully reimbursed for all expenses related to the delayed bags. But they failed to mention there were some thresholds, and indeed, I was only reimbursed for 25 % of my expenses. The good news is that I have a right to compensation, which I exercised thanks to the help of the ECC Bulgaria and ECC Austria. In the end, I returned some of the items we purchased and received a refund for the remaining expenses.

Anelia, Bulgaria



PROTECTED BY SAFETY GATE

YOUR FRONT-LINE DEFENCE AGAINST DANGEROUS NON-FOOD PRODUCTS

Safety Gate is a centralised tool that national authorities can use to quickly alert the European Commission – and each other – about any and all non-food products that pose a serious risk to the safety and well-being of European consumers.

- ▶ **Daily Alerts**
- ▶ **Weekly Reports**
- ▶ **Searchable Database**

Information includes:

- ▶ Type of products identified as dangerous
- ▶ A description of the risks
- ▶ Measures being taken to eliminate the risks



**DON'T DELAY
CHECK SAFETY GATE TODAY!**

LEARN MORE ON THE SAFETY GATE WEBSITE





PRODUCT SAFETY – AT THE HEART OF CONSUMER PROTECTION

Product safety is at the centre of consumer protection. In the EU, all consumers have the right not to be harmed by the products they buy and use.

Of course, ensuring this requires that national authorities constantly monitor the markets – markets that are always evolving and changing. **For example, over the past 50 years, we've seen the markets react to such changes and challenges as the establishment of the single market, globalisation, climate change, technological advancements, pandemics and digitalisation.**

Today, Europeans benefit from some of the world's strongest consumer protection rules when it comes to product safety, they are protected by the same rights across all Member States.

But we can always do better, especially in rapidly changing scenarios in today's world. According to the latest **report by the European Commission**, Safety Gate, the EU's rapid alert system, receives hundreds of notifications about unsafe products every year. **In 2021 alone, the system received 2 142 notifications.**

The product groups with the most notifications were motor vehicles and toys, and the most common risks were due to these products causing physical injuries or containing chemicals harmful to health.

Organisations such as ANEC, the European consumer voice in standardisation, and BEUC, the European consumer organisation, applaud the European Commission's work on proposing the new General Product Safety Regulation, and ensuring a political agreement on it with the co-legislators, which will replace the General Product Safety Directive (GPSD) adopted back in 2001.

"Although one of the central pieces of legislation ensuring that all non-food products sold to consumers in the EU market are safe, the GPSD has become outdated and needs to be revised to keep ensuring the safety net for European consumers," says a communication by the European Commission.



The revision focuses on:

- ▶ further improving the safety of consumers and at the same time providing a level playing field for businesses;
- ▶ safety of products linked to new technologies as well as on the challenges posed by the growth of online sales;
- ▶ ensuring a better enforcement of the rules and more efficient and even market surveillance;
- ▶ improving the recall of dangerous products in the hands of consumers.

"We welcome the Commission's recognition that accidents and injuries related to unsafe products cost consumers and broader society €11.5 billion annually, not forgetting the physical and emotional pain suffered," says ANEC Director-General Stephen Russell.



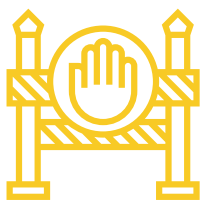


When it comes to product safety, it takes a village

To be effective, the updated regulation must also be backed by informed consumers, law-abiding manufacturers, effective market surveillance, strong enforcement and unwavering advocates.

“The first line of defence in Product Safety is ‘the good guys’, that is the law-abiding manufacturers and importers who embrace safety by design, and precautionary and careful risk assessment to ensure that only safe and compliant products are made available to the market,” says Pipsa Korkolainen, Senior Specialist, Consumer Products at the Finnish Safety and Chemicals Agency.

Ms Korkolainen says that consumers also play a critical role. **“Safety-aware consumers avoid buying non-compliant products and demand safe ones, which also puts pressure on suppliers,”** she adds.



But being safety-aware first requires that consumers be informed. “Consumers should be expected to pay with their money, not their health,” notes Korkolainen. **“If a dangerous product has been sold to consumers, they have the right to be informed.”**

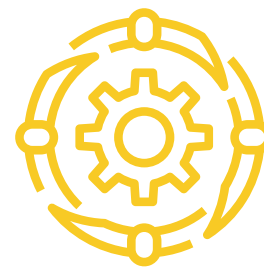
According to Korkolainen, the most effective way to reach consumers is via direct contact. **“Consumers cannot be expected to constantly search for information on recalls after buying a product,”** she says. “Ideally, all consumers with a dangerous product can be contacted directly, for example through product registration schemes.”

The essential role of cooperation

Product safety has long benefited from cooperation between Member States thanks to the cooperation mechanism in place since 2001. Safety Gate, the rapid alert system for dangerous non-food products, enables an efficient circulation of information between the Member States and the European Commission about the measures being taken against dangerous products. This ensures effective action against dangerous products across the single market. Consumers and other end users are also informed via a dedicated Safety Gate [webpage](#).

“Before the establishment of Safety Gate, information about an unsafe product had to be sent separately to all the market surveillance authorities in all EU Member States where the product in question was on the market,” explains Korkolainen. “But now, thanks to the unified notification form, all affected Member States can be notified at the same time.”

For example, if a Greek authority finds a dangerous product and acts against it, they will add a notification about this in Safety Gate. In doing so, this information is shared directly with all other market surveillance authorities in the EU and European Economic Area (EEA). These other authorities will then check their own national markets and take the appropriate measures in their own country against the same dangerous product.



Information about any measures being taken in other countries is also shared via the Safety Gate system. All this information is made available to consumers in all official EU languages via the Safety Gate website.

Korkolainen says that Safety Gate can also be used by economic operators to support their risk assessments and to increase their knowledge of what kind of problems or safety issues certain products have had. It is also an important source of information for legislators in determining which kind of products or hazards may need more detailed regulating. **“The role of Safety Gate can be expected to expand in the future and new features to be introduced to benefit both EU consumers and businesses,”** she adds.

Another example of how cooperation benefits product safety can be found in the Coordinated Activities on the Safety of Products (CASP). CASP projects help all EU and EEA market surveillance authorities cooperate in reinforcing the safety of products placed on the EU single market. **“By joining forces, market surveillance authorities can do their jobs more effectively, which ultimately benefits the consumer,”** explains Korkolainen.

Funded by the European Commission, CASP organises the testing and research that national authorities may lack the funding and resources to do on their own. **“Cooperation and working together is what the EU is all about, and so it makes sense that it is also at the centre of product safety,”** says Korkolainen.

As the world continues to rapidly evolve, with new threats and challenges constantly arising, cooperation will continue to be an essential ingredient in ensuring product safety. **“There is a lot to be done, as the world is changing fast, but through cooperation, new tools and a bit of common sense, Europe will continue to keep its consumers safe in the years to come,”** concludes Korkolainen.

The business end of product safety

A Q&A with Delphine Dauba-Pantanacce, Director, Legal Counsel of Global Regulatory at eBay.

How is protecting consumers and complying with product safety legislation good for business? Does it give you a competitive advantage?

eBay takes product safety extremely seriously and works constantly to keep consumers safe at a global level. We believe that this proactive approach to product safety helps to build trust with our community, which is so important for consumers when buying or selling on an online marketplace.



Why did eBay take the Product Safety Pledge? How do you implement the Pledge within your processes?

Product safety remains a key global priority for eBay. As a founding signatory of the EU Product Safety Pledge, we believe this initiative reflects our product safety strategy, which aims to help protect consumers in cooperation with regulatory authorities and consumer organisations at a global level. We enforce our Product Safety Policy using AI and image detection to proactively identify potentially unsafe products. Our Regulatory Portal also enables regulators and authorities to automatically remove a listing, if they find the product to be unsafe, within two hours. If one of these authorities informs us a product is dangerous, we immediately remove existing listings, warn buyers, ban it on all our marketplaces globally and inform and educate sellers. These processes surpass what eBay has committed to as a signatory of the Product Safety Pledge.

How does the Pledge help you take action to keep shoppers safe? Can you provide an example?

The Pledge helps to consolidate our existing processes by reporting to the

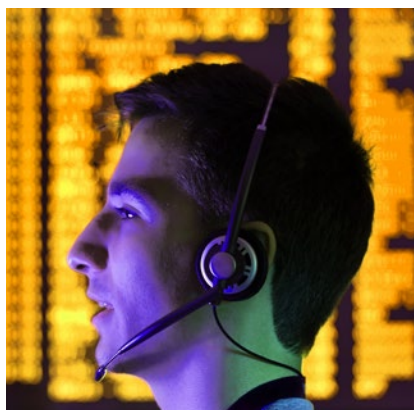


European Commission on our actions via key performance indicators, along with qualitative information about our own initiatives to raise consumer awareness of product safety issues. The Pledge also streamlines the process for authorities and stakeholders within the EU to ensure faster and more effective enforcement on product safety issues.

We proactively enforce our own Product Safety Policy by using block filter algorithms that are aimed at preventing unsafe products being listed on the site in the first place. These algorithms blocked 7.4 million unsafe listings in 2021. The eBay Security Team also performs sweeps to identify listings that were not caught by the algorithms and takes enforcement action against sellers who breach our policies. This includes removing listings, selling restrictions, and account suspensions.

What advice would you give to a company currently thinking about taking the Pledge?

We firmly believe that all organisations across the product safety ecosystem should take part in the Pledge, including consumer associations. This would improve data-sharing and visibility of product safety issues while also providing better protection for consumers. In fact, since September 2022, we have been participating in a pilot project that we proposed to the European Commission to improve and streamline product safety reporting between Pledge signatories and consumer associations.



50 years of European Consumer Protection: a role model for the world

On behalf of BEUC, the European Consumer Organisation, which just turned 60 this year, we would like to thank the European institutions for their consistent efforts to protect consumer rights and promote their interests.

While the founding Treaty of the EU, the Treaty of Rome, only mentioned consumers in the context of competition policy, as of 1972, the first steps were taken by European policymakers to roll out a genuine consumer policy. There was a strong political will, despite the absence of a legal basis in the Treaty, to rebalance the asymmetric market powers between traders and consumers. This led to numerous regulatory initiatives, from food safety to doorstep selling, from responsible lending to unfair contract terms, to name only a few.

This political will led to the inclusion, in the Maastricht Treaty in 1992, of a specific consumer protection article, and of the principle that consumer interests must be taken into account in all other European policies.

We are proud of the European values reflected in the consumer protection body. While it is often criticised by vested interests as killing EU competitiveness on global markets, this has never been supported by any evidence, and our consumer advocate colleagues around the world tell us how they envy the standards set in the EU.

But consumer champions are not allowed to rest on their laurels. Markets develop, innovation is often not in the consumer's interest, and consumer policy needs to constantly be upgraded to address new risks and new practices. **Therefore, we expect the coming 50 years to bring plenty of new challenges for EU consumer policy.**

However, one fundamental, original challenge still needs to be addressed: delivering enforcement on the ground. Despite the numerous initiatives taken by the EU, the possibilities of consumers having their rights respected on the ground remain unheeded. Bridging that gap would certainly be the top priority for the coming decades.

Monique Goyens
BEUC Director-General

THE NEW CONSUMER AGENDA – THE FUTURE OF CONSUMER PROTECTION IN EUROPE



Over the past five decades, the EU has put in place a robust set of policies and rules ensuring a very high level of protection and strong rights for consumers. But how will the New Consumer Agenda build on these achievements to protect and empower consumers in the current pandemic, economic and environmental circumstances – as well as for the years to come? Ana Catarina Fonseca, Director-General of the Consumer Directorate-General at the Ministry of Economy and Digital Transition in Portugal, sounds off.

The New Consumer Agenda is a very important and truly inspiring work plan! Its development took into account the experience and impact of the pandemic that was felt across the European Union and around the world. Hence, it was possible to identify the weaknesses of the current European framework, along with the challenges and priority areas where further work is needed to ensure consumer protection within the European Union.

I believe that the Commission's action plan indicates precisely the path we need to take to protect and empower consumers and, at the same time, make businesses more competitive so that the European market can function properly and provide the best goods and services to consumers.

This path involves the development of legislation to establish new rights in the context of the green transition – for example, the legislative instrument we are negotiating to empower consumers for the green transition – and the protection of consumers in the digital environment, as demonstrated by the demanding and ambitious negotiations under way on general product safety, consumer credit, and distance marketing of financial services.

In addition to these actions on the green and digital transitions, the New Consumer Agenda identifies very important initiatives aimed at improving enforcement by public authorities. Indeed, it is not enough to have robust legislation, it is also essential to have authorities with the expertise and powers to monitor and sanction practices that undermine consumers' rights. In this context, it is worth highlighting the evaluation and future revision of the Administrative Cooperation Regulation,



which we hope will strengthen the role of the European Commission and of national authorities.

One of the five key priorities of the New Consumer Agenda is the protection of vulnerable consumers, a topic that has taken on added significance in light of the effects of the Russian invasion of Ukraine.

This conflict has been pushing consumers into very precarious situations, the result of the slowdown in economic activity and the increase in the price of fuel, raw materials and, of course, essential goods. There's also inflation and the increase in interest rates, both of which have a strong impact on household budgets.

Although the New Consumer Agenda contains important measures to protect consumers in vulnerable situations, I believe that, in light of the international conflict, other measures should be adopted by the European Union to protect consumers, particularly in the field of energy.

I would also like to highlight the international cooperation initiatives, particularly with China and Africa, to ensure that safe products are placed on the market. **The pandemic and international conflict have made it clear that only by working closely together can we hope for a better world.**

Portugal, through the Consumer Directorate-General/Ministry of the Economy, embraced the New Consumer Agenda and included it in its work agenda as a fundamental tool for protecting and empowering consumers.

In conclusion, as members of the European Union, we are very fortunate to have a legal framework that guarantees the highest level of consumer protection. **But now, more than ever, it is essential to consolidate this framework.**

The challenges ahead are many, but by working together and focusing on common goals, we will be able to ensure a safe and competitive European market.

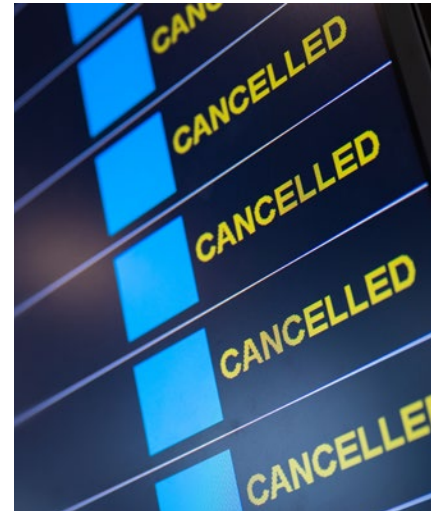
Ana Catarina Fonseca
Director-General for Consumers, Portugal



ASK AN EXPERT



“You have questions, we have answers! The European Consumer Centres Network (ECC-Net) is standing by to provide help and advice to consumers across Europe.”



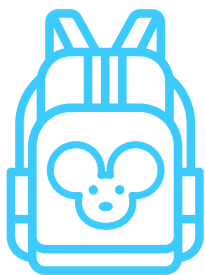
After over two years of hardly leaving my house, I was really looking forward to a summer beach holiday in Greece. I was all packed, checked-in and waiting at my gate when I was informed that my flight was cancelled. I missed my entire holiday! Is there anything I can do?

Sincerely, Beached in Berlin

In the event of a cancelled flight, you have the right to choose between a refund or another similar flight to your final destination. You can also claim compensation from the airline if you were informed of the cancellation less than 14 days before departure. Depending on the flight route, this could range from €250 to €600. If you booked the flight directly with the airline, you should start by contacting the airline. If, however, the trip was booked through a third-party platform, we recommend contacting both the airline and the intermediary. If you do not get a response or are rejected, then please contact the ECC Germany for help.

Madeline Schillinger, Case Handler,
ECC Germany





My son is starting school this year and really wanted the new Mickey Mouse backpack. I ordered it online, but it never arrived. He was so disappointed! Can you help?

Bummed out in Brussels

The seller must deliver within the agreed time of delivery or within 30 days if no delivery period is agreed. When the seller is unable to comply, we advise that you contact them and agree on a new timeframe, such as a week. If you still do not receive the Mickey Mouse backpack within this additional period, then you are entitled to a full refund.

Martijn Dirckx, Legal Advisor, ECC Belgium



“If a product is faulty, as is the case with your mobile phone, you have the right to ask the seller to either repair or replace the product free of charge.”



I just got back from the Brilliance Bar in Milan with the latest mobile phone. It's supposed to have all the apps and an out-of-this-world camera. Excitedly, I opened the box but, to my horror, the screen was cracked! Ahh, I need my phone!

Infuriated in Italy

EU consumer protection law gives you a right to guarantee, which is valid for a period of two years and covers any defects at the time of delivery. If a product is faulty, as is the case with your mobile phone, you have the right to ask the seller to either repair or replace the product free of charge. To exercise your right, start by contacting the seller and asking them to either repair or replace your phone. If this for some reason isn't possible, you have the right to ask for a full refund or a reasonable price reduction. If you don't get a satisfactory response and the seller is from another EU country, be sure to contact your local European Consumer Centre for advice and assistance in resolving the dispute in an amicable way.

Barbara Klotzner, Case Handler, ECC Italy



My family rented a holiday home online in Croatia via a booking platform. The pictures and description seemed amazing, but when we arrived, it was more like a haunted house than the nice beachside bungalow we thought we had rented. What can I do?

Terrified in Transylvania

EU consumer law does not regulate the conditions for and consequences of a cancellation of individual services such as accommodation reservations. Therefore, your rights as a consumer depend on national contract law, including the rules on the type and terms of your contract and the service provider's cancellation policy.

As a rule, using a booking platform results in a direct contract with the property, so the property is responsible for the quality of service and, if needed, for refunding the amount paid. We strongly advise that you complain to the property as soon as you observe any irregularities. This gives them a chance to offer you an amicable solution. We also recommend that you take pictures and document the irregularities so you have proof in case the situation escalates.

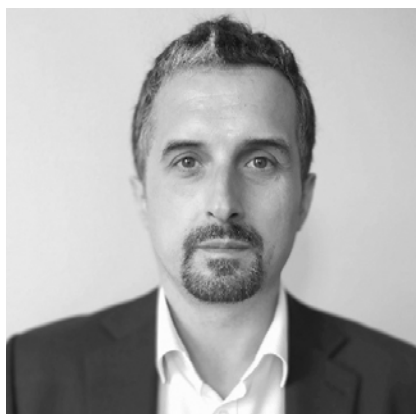
If a solution isn't found, you can contact the booking platform, which may offer alternatives. If no alternative is provided, you can stay and ask for a partial refund, or you can try to find new accommodation on your own. You can then later ask the property to refund the amount for the remaining nights and/or the price difference between the original booking and the accommodation you found on your own.

Elena Moise, Case Handler, ECC Romania



Got my mail today and found the bill for a car I rented during my recent trip to Iceland. I nearly fainted when I saw the total price charged! There's a laundry list of additional items that I just don't understand, including some in a different language. Can you clear things up?

Puzzled in Poland



There are some 'typical' reasons for these additional charges in the car rental sector. For example, if the bill was received some time after your rental ended and the charges were not listed in the agreement you signed at the location, they're usually related to damage sustained by the vehicle during your rental or to any traffic/parking tickets you received. In any case, you should contact the company to have them clarify the charges.

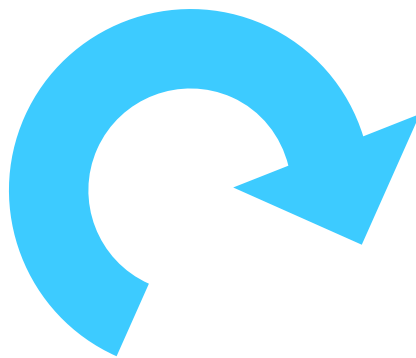
It may also be worth having someone familiar with the subject look at the bill to see if they can help you understand the charges. Your national European Consumer Centre Network office is a good place to start. Before speaking to an advisor, please try to recall if the pre- and post-rental inspections were done when you picked up and dropped off the car. If so, do you have the documents and were they signed? Did you have insurance? If so, what did the policy cover? For example, in Iceland, you often must pay for a specific insurance package that covers damage caused by sand and ash.

Wojciech Szczerba, Case-handling Team Coordinator, ECC Poland

"It may also be worth having someone familiar with the subject look at the bill to see if they can help you understand the charges."

Your national European Consumer Centre Network office is a good place to start."





I was super-excited about a new vase I ordered online. It's now on my mantle but, after a few days, I don't think it really fits with my décor. Can I still send it back and get my money refunded?

Flip-flopping in Finland

I have good news for you – if you purchased the vase in the EU, you have the right to cancel and return your online store order within 14 days, for any reason! I advise that you inform the seller of the cancellation as soon as possible, but no later than 14 days from when you received the vase. After that, you must return the order within 14 days. The seller then needs to refund your money within 14 days of receiving your cancellation request. Please note that you may have to wait for reimbursement until after the seller receives the returned vase or you have proven that it has been sent via, for example, a return receipt.

In addition to reimbursing you for the cost of the item, the seller may also be required to reimburse the cost of returning the order. However, if the seller had informed you in advance that you would be responsible for any return costs, then you'll have to pay that cost yourself.

Lastly, keep in mind that the right to cancellation does not apply to all online purchases. For example, airline tickets and tailor-made goods are excluded.

Oskari Stenius, Senior Specialist / Case Handler, ECC Finland



I was scrolling through social media a couple of days ago and stumbled upon an advertisement for vitamins. I decided to buy a package of vitamin D supplements for just €10. Today, the company I purchased the supplements from sent me a €150 invoice for a one-year subscription of vitamins. I never agreed to any kind of subscription. Is this really allowed?

Stunned in Stockholm



First of all, take comfort in knowing that you're not alone – this kind of consumer issue is common within Sweden and the EU. If you find yourself in a subscription without having approved an agreement, you probably are a victim of what we call a 'subscription trap'. To start, I recommend you examine whether you received any information indicating that your purchase of the vitamins was connected to a subscription.

Even if this is the case, you're not obligated to pay for something you did not agree to. The company must prove that there is an agreement and provide the conditions you agreed on. If you believe you should not pay for the subscription, you can dispute the claim. This means contacting the company and explaining why you will not pay the invoice.

You might be able to get out of the subscription by using your statutory right of withdrawal, which applies when you make a 'distance purchase', for example online. The right of withdrawal normally lasts 14 days and applies across the entire EU. Contact the company within two weeks of when you received the vitamins and notify them that you have changed your mind.

Nora Shoki, Legal Advisor, ECC Sweden



Whether shopping online, in a store, or across borders, EU Consumer Protection law keeps you safe from unfair commercial practices – including the use of misleading advertising. In fact, EU law requires not only that a company be able to substantiate any claim it makes, but also that they provide the accurate information you need to make an informed purchasing decision.

EU law also prohibits the use of misleading and otherwise aggressive marketing practices.

THINK YOU'VE BEEN MISLED? TREATED UNFAIRLY?
YOU HAVE THE RIGHT TO SEEK REDRESS!

LEARN HOW ON THE EUROPA WEBSITE



THE BUSINESS CASE FOR CONSUMER PROTECTION

Whether selling online, offline or a little of both, Ecommerce Europe says that consumer protection just makes good business sense.

As the representative of the digital commerce sector, Ecommerce Europe has had a front row-seat in the rapid developments that retail has gone through. **"In the last decade, and particularly since the pandemic, our sector has gone from one where businesses were either online or offline to being a highly digitalised sector in which businesses have largely adopted an omnichannel approach,"** says Maïke Jansen, Public Affairs Advisor at Ecommerce Europe.



Ecommerce Europe is the sole voice of the European Digital Commerce sector. It represents, via its national associations, more than 150 000 companies selling goods and services online to consumers in Europe. The Association acts at the European level to help legislators create a better framework for online merchants so that retailers of all shapes and sizes can grow their sales further.

But it's not just businesses that have gone digital, so too have consumers – a transition that Ecommerce Europe says has strengthened consumer protection.

"The digital economy empowers consumers by increasing access to the Single Market and by giving consumers even more choices at often very competitive prices," explains Jansen.

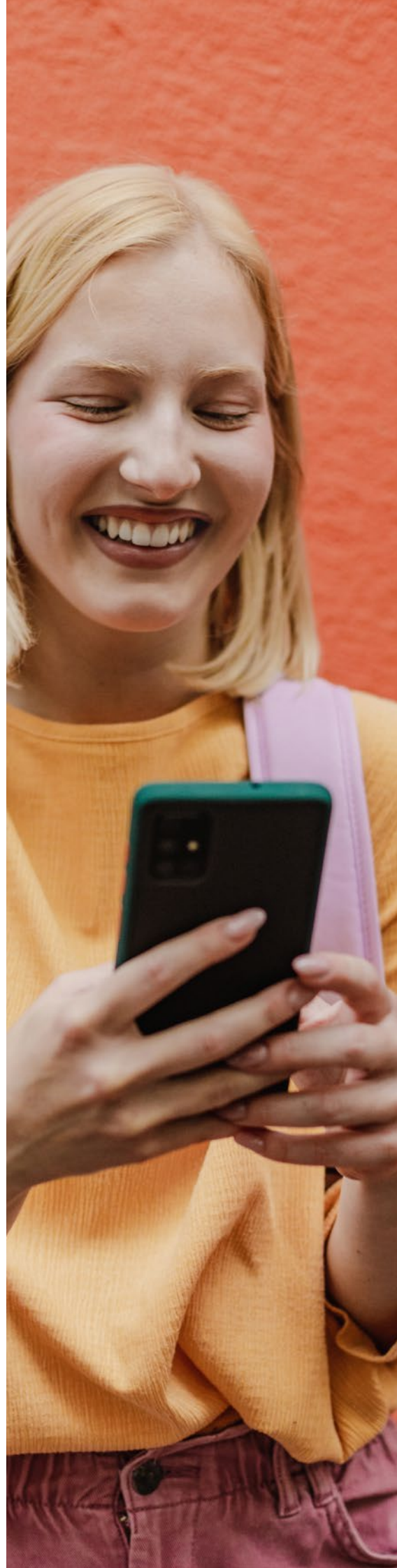
However, the digital economy has also raised new challenges. Privacy concerns, subscription traps, misinformation campaigns and a lack of transparency being just a few of the many challenges facing the online consumer.

According to Jansen, these challenges highlight why consumer rights must keep evolving to meet the challenges of a digital society. **"Ecommerce Europe believes that the EU possesses a very complete and flexible legislative framework where existing consumer rules, complemented by other legislation, can tackle the key challenges of our digital age,"** she says.

A streamlined approach to regulation

European citizens benefit from what Jansen calls the world's most comprehensive consumer protection framework. **"From regulations on distance selling to rules on unfair commercial practices to specific legislation pertaining to marketing, advertising, finance and product safety, the EU provides consumers with multiple layers of protection,"** she says.

That being said, Ecommerce Europe believes that this framework needs to continue to evolve to better meet the new omnichannel approach that many of its members are now taking. According to Jansen, that starts with not categorising a business as either online or bricks-and-mortar, but as a seamless, even hybrid, entity.





Omnichannel retail defined

According to **Intel**, omnichannel retail is

“a strategy where retailers engage customers through multiple digital and physical touchpoints. As customers move across these channels, applications and data move with them. This creates a consistent, on-brand experience from start to finish.”



“Retailers have moved beyond the distinction between online and offline commerce, and consumer protection law must adapt and start seeing the retail sector as a single industry,” says Jansen. “Making consumer regulations channel-neutral would better reflect the consumer’s preference for omnichannel retail.”

A single framework would also help retail businesses better understand what is required to comply with consumer protection laws. After all, for any rule to succeed, all the actors involved need to be aware of their rights and responsibilities. **“It is crucial to ensure that all businesses – large and small, online and off – understand and implement consumer protection rules,”** adds Jansen.

Yet for many online businesses, this is easier said than done. That’s because, according to Ecommerce Europe, businesses in Europe still face significant barriers to cross-border trade, the most notable being regulatory fragmentation. **“Differences in implementation do not help businesses, especially when so many are now selling across borders,”** remarks Jansen.

This is why ongoing dialogue between policymakers and industry is crucial. **“Dialogue is the key to understanding what, if any, gaps remain and how to best resolve any ongoing challenges,”** explains Jansen.

Retail raises the bar in consumer protection

Jansen stresses how most businesses want to be at the forefront of consumer protection. **“Protecting the consumer is at the heart of good customer service and, for many businesses, customer service is a key differentiator,”** she explains. “That’s why many of our members are leaders in consumer protection, often going beyond what the law requires in, for example, their return policies and guarantees.”

Ecommerce Europe’s members are continually striving to raise the bar in consumer protection – taking actions that influence the evolution of consumer protection regulation. For example, some of the commitments in the voluntary Product Safety Pledge have been included in the upcoming General Product Safety Regulation.

Furthermore, Ecommerce Europe’s members take customer privacy very seriously. Not only do many of them maintain clear and transparent communication about their compliance with the General Data Protection Regulation (GDPR), they also help customers understand how their data is used to improve the services being offered. Ecommerce Europe’s national associations further help businesses by providing legal advice and compliance and by offering such extra services as codes of conduct and trustmarks. See section **‘Ecommerce Europe Trustmark’** on page 23. ▶ ▶ ▶

“That’s why many of our members are leaders in consumer protection, often going beyond what the law requires in, for example, their return policies and guarantees.”



Even digitalisation itself has enhanced consumer safety. For instance, consumers now have a direct line of communication with the seller, meaning that, in the case of a product recall, retailers can communicate important, often safety-critical information directly to consumers in a very targeted and efficient manner.

Trust starts with consumer protection

Speaking of consumer safety, Jansen notes digitalisation's role in conducting market surveillance.



“Businesses, consumer advocacy groups, and enforcement authorities all use sophisticated tools to monitor the market,” she explains.

“Emerging technologies, such as Artificial Intelligence, present a unique opportunity to more effectively enforce consumer protection rules.”

The challenge, however, is to share this information. **“Bad actors, those businesses that use fraudulent means to conduct business, aren't only bad for consumers, they're also bad for business,”** remarks Jansen. “Open communication is the key to staying ahead of these bad actors.”

Jansen says that recent legislative trends aim to increase the quality of information being shared between enforcement authorities and businesses.

The European Commission is also exploring new ways to further increase cooperation with consumer groups to ensure the timely removal of unsafe goods from the market.

Complementing this is Ecommerce Europe's ongoing work with consumer organisations and engagement with the ECC-Net to exchange views, discuss potential remedies for emerging challenges and find new synergies. Ecommerce Europe and its members are also open to discussing initiatives with consumer groups to find new ways to ensure that consumers are better informed about their rights and how to enforce those rights.

“Whether online or omnichannel, our members want to be the most trusted businesses on the market – and in today's digital era, that starts with consumer protection,” concludes Jansen.





Ecommerce Europe Trustmark

The Ecommerce Europe Trustmark protects you when you make a purchase through an online shop in another EU country.

If you see the Ecommerce Europe Trustmark on the website of an online shop you are visiting, it means that the company has made a commitment to work in compliance with the Ecommerce Europe **Code of Conduct** and is certified by a national e-commerce association.

The Ecommerce Europe Trustmark stimulates cross-border e-commerce through better protection for consumers and merchants by establishing one European set of rules and by ensuring clear communication of these rules.

>10 000

Online **shops with national trustmark**



Developed in continuous **dialogue with consumer organisations**

So, you want to start an online business...

I'm thinking about starting a new online store selling t-shirts. Where can I go to learn more about doing business in a fair and responsible way?

There are many national- and EU-level resources available from Ecommerce Europe and its member associations, along with such government sites as EU Consumer Law Ready, SPEAC and EUIPO. Additionally, many online marketplaces, logistics, payments and other service providers have extensive materials available to help sellers understand what they need to do to comply with the rules and get up and running quickly. National e-commerce associations can also play an important role in informing their (new) members.





CREATING SAFE, AGE-APPROPRIATE DIGITAL EXPERIENCES FOR CHILDREN

Over the past decade, digital technologies and the way children use them has changed dramatically.

“Not only do most children now use their smartphones almost twice as often as they did just 10 years ago, they start using them at a much younger age,” says Roberto Viola, Director-General at the Directorate-General for Communication, Networks, Content and Technology (DG CONNECT) at the European Commission.

With the increasing use of social media, TikTok and the metaverse, this trend will only continue. **“Young people are at the forefront of developing metaverses and are the biggest users of such virtual environments as Fortnite and Roblox,”** adds Viola.

However, as Viola correctly points out, in addition to being extremely entertaining and creative, these platforms are also very attractive to marketers, who see them as an opportunity to promote their brands and sell products and services to a captive audience.

And herein lies the problem. While digital devices and virtual experiences bring many opportunities and benefits, they also come with a number of risks – including exposure to disinformation, cyberbullying, and access to harmful and potentially illegal content.



“When children are online, they are exposed to an array of commercial content, from advertising to influencer marketing, gamification, and in app purchases,” notes Viola.

According to Viola, children are particularly vulnerable to such content and therefore need to be protected. **“EU consumer protection law classifies children as vulnerable consumers,”** he says. “This means commercial practices must consider these vulnerabilities when designing advertisements or marketing techniques that are likely to be seen by children.”

In practice, this prohibits online service providers from designing or operating their interface in a manner that deceives children or unduly influences them to take a particular action. For example, marketers are prohibited from using aggressive techniques that exhort children to make a purchase – or to ask their parents to make a purchase for them. **“Children must be able to understand the commercial context of the online platforms they use and the content they engage with,”** explains Viola.

Building a better internet for kids

Because the consumer protection needs of children differ from those of adults, the European Commission has taken concrete steps to increase the protection of minors online. One outcome of those steps is the **European Strategy for a Better Internet for Kids (BIK+)**, which was officially adopted in May 2022.

“By creating safe, age-appropriate digital experiences and supporting the game-changing Digital Services Act, BIK+ ensures the online privacy, safety and security of children,” adds Viola.

To create these experiences, the strategy includes such measures as the development of an EU code for age-appropriate design and the adoption of a European standard for online age verification based on the forthcoming **European Digital Identity Wallet**. BIK+ also supports the swift reporting of illegal and harmful content and harmonises the 166 111 phone number for providing assistance to victims of cyberbullying.

As Viola explains, children will play a central role in the strategy’s success. They are already involved in creating the code of conduct for age-appropriate design, and the Commission plans to establish a child-led initiative for promoting digital citizenship via the EU Children’s Participation Platform. **“BIK+ is all about empowering children in the digital environment, and that starts with getting them directly involved in building fun yet safe digital experiences,”** he says.

The BIK+ strategy also promotes empowerment by ensuring that all children – especially the most vulnerable – have the skills and knowledge they need to make informed choices and to safely navigate digital environments.



Here, the Commission, via the **Safer Internet Centres** network, is organising a digital literacy campaign. The campaign consists of numerous learning activities, all of which are available via the **Better Internet for Kids portal**, that can be used by teachers and parents. **“Not only does this initiative raise awareness about digital risks, it also helps bridge the digital divide by teaching basic online skills,”** says Viola.

In addition to building the strategy, children will play a key role in its implementation. **“The BIK Youth Ambassadors is a fantastic initiative that encourages children with significant digital experience to teach the less experienced about online opportunities and risks,”** explains Viola.

The BIK Youth Ambassadors inform and advise the Commission, industry, and other partners through ongoing events and other related activities. Furthermore, a child-led evaluation of the strategy will be held every two years.

“BIK+ is just one step – albeit a very important one – in an ongoing effort to better protect children in an ever-evolving digital world,” concludes Viola. **“It also exemplifies the European Commission’s unwavering commitment to enforcing consumer law in respect to children.”**

“BIK+ is all about empowering children in the digital environment, and that starts with getting them directly involved in building fun yet safe digital experiences.”



The time spent online by European children aged 9-16 has doubled since 2010

167 MINUTES

In 2020, children spent an average 167 minutes **a day online**



14 to 16-year-olds spend nearly **twice as much time online** as 9 to 10-year-olds



The most frequent online activity for children is **watching videos** or listening to music (65 %), **communicating** with friends and family (61 %), **using social media** (54 %) and **gaming** (44 %)



CONSUMER PROTECTION IN RETROSPECT

Serving as chief negotiator for her country's accession to the European Union, in 2006 Meglena Kuneva became Bulgaria's first member of the European Commission, serving as European Commissioner for Consumer Protection from 2007-2010. In 2009, she was named Commissioner of the Year by European Voice and Politician of the Year by The European Observer. She also served as EU Ambassador at the Council of Europe from 2018-2022.

She recently sat down with *The New Consumer* to discuss her work on and thoughts about European consumer protection.

When European Commission President Barroso first assigned her the portfolio on Consumer Protection, Kuneva remembers thinking 'this isn't just about the internal

market, this is about civil rights too'. **"If you look at the Lisbon Treaty, you will see that consumer rights are part of the same family as citizen rights,"** she remarks.

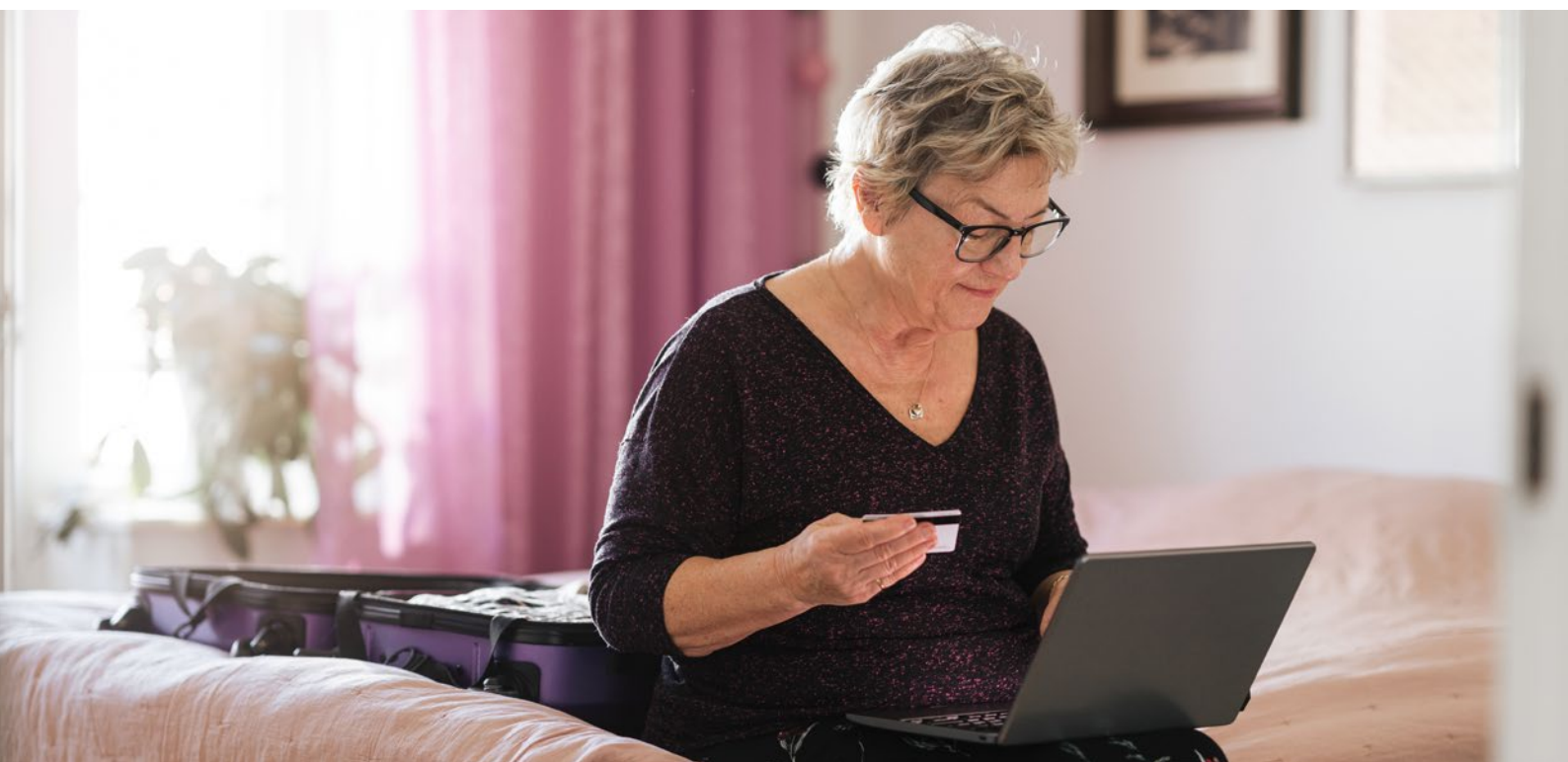
As a result, Kuneva says that two schools of thought developed around consumer protection. **"One of these schools sees consumer protection as an internal market issue, while the other sees it as a social right, an important component of the social safety net,"** she explains. "Personally, I see it as being equal parts of both."

Perhaps this is why Barroso included her in the cluster of Commissioners working on the internal market. **"I was the very first consumer policy Commissioner, and I believe Barroso set an important precedent by including consumer rights with the internal market,"** she says.



Kuneva also notes that, considering 57% of the internal market belongs to consumers, it also made practical sense. **"Without consumers, there is no internal market, so my starting point as Commissioner was protecting the consumer, particularly vulnerable consumers, as a means of ensuring a robust and vibrant economy,"** she says.

Of course, back in 2007 when she first became Commissioner, the digital market was in its infancy, and there were few to no rules aimed at protecting digital consumers. In fact, policymakers were reluctant to even call those using digital services consumers, preferring the term 'digital users'.



But Kuneva disagreed. **"I immediately saw an opportunity for this portfolio to grow to include not only products, but services too, especially digital services,"** she recalls. "Expanding the consumer protection umbrella to include both products and services was really quite a new concept at the time."

Putting consumers at the heart of a global economy

Another challenge of the time was globalisation. **"When we talked about globalisation, our conversations tended to focus on supply chains and free trade, not consumers,"** says Kuneva.

But a global economy depends on having global consumers – and those global consumers expect to have similar protections and rights regardless of where they do their shopping. "This is why I put a lot of focus on the global safety chain, especially in places like China," remarks Kuneva.

Kuneva recalls going to China five times in less than a year to work with her counterparts there to ensure the products being produced in China conformed with EU safety expectations. **"In the EU, we put the responsibility of consumer safety on the producer, not the individual consumer,"** she says.

Because this isn't the case in places such as China and even the United States, facilitating global trade required additional legwork on Kuneva's part to implement framework directives that protected consumers against, for example, unfair commercial practices.

"We have to remember that the EU is a big player with a big market, and so we need to come to the global table with big ideas," adds Kuneva.



"For me, that big idea was seeing consumers not as individuals, but as a collective having a big impact on the global economy and thus deserving of the strongest protections and rights."



A positive impact on everyday lives

Kuneva's time as Commissioner also coincided with increasing public awareness about climate change and the need to reduce energy use. But, as Kuneva points out, you can't reduce the amount of energy you're using if you don't actually know how much you're using in the first place.

"Reading your energy bill was not such an easy thing in Europe," notes Kuneva. **"Every country is different, and trying to figure out how much you're using and what it costs could be next to impossible."**

"While long-term strategies are important, even critical, one must never lose sight of the consumer – they must be at the centre of every decision we make."

One of the achievements Kuneva is most proud of addressed this issue. Working with consumer organisations like BEUC, she was able to bring the energy bill into the consumer protection tent. From there, her team could create a common template for energy bills, one that made it easier for consumers everywhere to understand what they were using and paying for.

"This achievement is very close to my heart as it shows that the Commission isn't about bureaucracy but about having a direct and positive impact on our everyday lives," explains Kuneva.

Keeping the consumer at the centre

Although no longer Commissioner, Kuneva continues to keep her finger on the consumer protection pulse. **"I'm very disturbed by the fake news all around us,"** she says. "This disintegrates consumer trust, which is the bedrock of a vibrant economy."

What advice would she give to policymakers currently working on consumer protection challenges like this? "While long-term strategies are important, even critical, one must never lose sight of the consumer – they must be at the centre of every decision we make," she says.

One trick she used to do was to ask herself how her neighbour would feel about a particular policy. **"The world is not as it used to be, and consumers, particularly vulnerable consumers, need constant education about their rights and how to navigate an increasingly complex digital world,"** she adds. "Remember, every consumer is unique, and we must work to protect and serve each and every one of them."

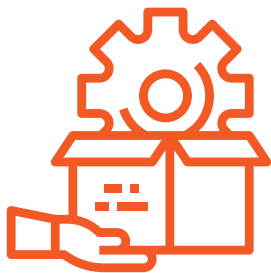
If the next generation of consumer protection policymakers and leaders can do this, Kuneva says she is confident that the EU will enjoy another 50 years of consumer protection success. **"There really is no other option,"** she concludes.

CONSUMER PROTECTION CREATES A LEVEL PLAYING FIELD

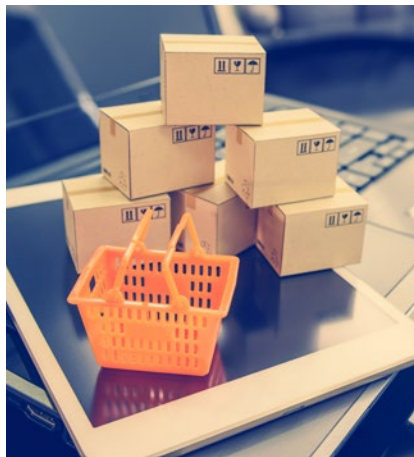
What does consumer protection mean for European businesses, both online and off, and what are the challenges ahead? Ilya Bruggeman, Director, Digital, Single Market, and Consumer Policy at EuroCommerce, the principal European organisation representing the retail and wholesale sector, sounds off.

Retail is a highly competitive and dynamic sector, always adapting to new consumer behaviour, megatrends and technology. Our sector has changed significantly over the last decades, even over the past couple of years. You used to go to a physical store, buy what you want, and then go home. But digitalisation of course has changed that.

What this means is that now you go to a store to browse different styles of, for example, shoes. You find a pair you like, but the store doesn't have them in the colour or size you want. No worries, you just open the store's app on your phone and order the style you want, pay for it in the app, and have them delivered either to your home or to the store for pick up. **If there's something wrong with the product or it isn't the right size, you can either send it back or return it to the store for a refund.**



What this is meant to demonstrate is how, today, the most successful retailers seamlessly integrate the online and offline environment into a single consumer experience. **At the centre of this experience is customer trust – which is where consumer protection law comes into play.**



In Europe, we are lucky in that we have the highest level of consumer protection in the world. That being said, there's always room for improvement. The question, however, is whether that improvement should come in the form of new rules and regulations or by applying existing rules to new challenges.

Enforcement of consumer law is a top priority, it essentially creates a level playing field for all businesses. EuroCommerce believes that, in most instances, current consumer law is sufficient. But we don't really know simply because the rules haven't been applied yet to all the new digital challenges. That's why we believe that the first step to better consumer protection is to have national consumer protection authorities apply the robust rules we already have. If there's a gap and the rules don't work, then we can look at how we can improve those rules.

You must remember that of the 3.6 million retailers in Europe, 99% are SMEs. If we continue to create new rules and regulations, it will be nearly impossible for many of these companies to keep up and stay compliant. And failure to comply could result in a hefty fine – even up to 4% of one's turnover. In our view, this risks punishing these SMEs, who are actually quite willing to be compliant, instead of catching the actual bad guys.

Ultimately, we want companies to comply with the rules. If there isn't compliance, there is no adequate consumer protection and no level playing field. Instead of creating more rules and adding more layers of complexity, we should focus on enforcing existing rules and helping companies to understand them and be compliant. This will increase consumer trust.

In other words, there's more we can do than only coming up with tougher penalties and higher fines.

We also need to give companies room to innovate and increase choice for consumers. Especially in making the transition to a circular economy in Europe, consumer protection should help businesses that are investing time and resources in offering safe and sustainable products and services.

We also value the use of alternative dispute resolution as a means of protecting consumers' rights. It favours mediation over litigation. Not only is mitigation less expensive, it's also faster than lengthy court cases – which in the end benefits the consumer.

This brings us back to the topic of trust. As I previously mentioned, consumer trust is the backbone of a healthy economy, and consumer protection regulation helps ensure this trust. But businesses also need to trust that this regulatory framework has their best interest in mind. If consumer protection law can level the playing field, reward those companies that are doing the right thing, i.e., the good guys, and favour finding solutions over fines, then it will succeed in this regard.



All in all, the EU has provided an incredible platform for exchange between EU institutions, consumer and business representatives, academics, media and more. This enables everyone to learn from each other and to understand each other's needs and wishes. This leads to better outcomes for consumers and businesses. **So it is definitely worthwhile celebrating together "50 Years of Consumer Protection in the EU"!**

ROAM IF YOU WANT TO ROAM AROUND THE EU WITHOUT FEAR, WITHOUT FEES

Long gone are the days when taking your mobile phone across EU borders meant coming home to excessive roaming fees. Today, EU citizens are free to 'roam like at home' – all thanks to EU Consumer Protection Rules.

The rules guarantee that you can roam without fees!

But why stop there?

In addition to protecting the right to call, text and surf across EU borders, the new and improved regulation also comes with a Quality of Service provision. Consumers now have the right to the same quality of mobile internet abroad as they have at home – meaning if you have 5G at home, you can access 5G abroad (if available).



SO, WHAT ARE YOU WAITING FOR?

GO OUT AND 'ROAM LIKE AT HOME'!



THE CPC NETWORK: PROTECTING CONSUMERS IN A BORDERLESS, DIGITAL SINGLE MARKET

Without effective enforcement mechanisms, consumer protection law is all bark and no bite.

National authorities are the teeth of European consumer law. When a violation happens, they can order companies to respect consumer protection legislation or, eventually, impose sanctions. But sometimes where the consumer lives and where the transaction occurs fall on different sides of a border. For situations like this, there's the Consumer Protection Cooperation (CPC) Network.

"Coordinated action is the key to protecting consumers in the digital single market," explains Marie-Paule Benassi, Head of Unit – Consumer enforcement and redress, Directorate-General for Justice & Consumers, European Commission. **"The CPC Network tackles cross-border consumer protection issues by coordinating actions at the EU level."**

Established under Consumer Protection Cooperation Regulation (EC) No 2006/2004, this network of competent public enforcers works to protect consumers when shopping across national borders. **"The CPC Network gives national authorities stronger powers to detect irregularities and take speedy action against those violating European consumer protection laws,"** says Benassi.



The sweep

One of those powers is what is called a 'sweep'. These sweeps check websites within a particular sector, such as air travel and accommodation booking, with the aim of identifying breaches of EU consumer law. "By enforcing the law before more consumers are harmed, these sweeps represent a proactive approach to consumer protection," says Benassi.

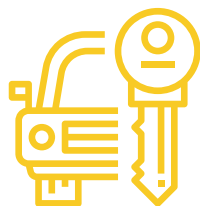
This year, the CPC Network conducted a sweep on car rental intermediaries, those websites that consumers use to compare offers from different rental companies. The action followed information coming from the European Consumer Centres, as well as findings from a European Commission-procured study, both of which pointed to the possibility of consumer protection issues within this particular business sector.



78 WEBSITES

THE SWEEP INVOLVED
10 MEMBER STATES
PLUS NORWAY AND
CHECKED 78 WEBSITES.

The sweep involved 10 Member States plus Norway and checked 78 websites. Of these, only 45% – less than half – met EU standards. The breachers mainly involved providing insufficient information on such things as filing a complaint, terms and conditions, and what was included with a booking. Many sites also automatically pre-selected optional paid services, meaning the consumer had to uncheck what they didn't want to purchase – a clear violation of EU consumer protection law.



2022 CPC Network sweep of car rental intermediaries

Of the 78 websites reviewed

1/3

had unclear information on whether the consumer should contact the broker or rental agency in case of questions or complaints

28%

failed to clearly indicate the broker company's name

32%

did not clearly indicate which company was bound by the rental terms and conditions

1/2

lacked clear information about what was included in the booked insurance

21%

automatically pre-selected optional paid services

Following the sweep, the relevant national authority contacts the websites in question and ask them to rectify the violation. If necessary, they can also initiate enforcement actions according to their national procedures. **"This process allows us to simultaneously identify and rectify infringements of consumer protection legislation in a coordinated manner across a particular business sector,"** adds Benassi.

Other sweeps have involved such sectors as consumer credit, telecommunications, and digital services. Sweeps have also looked at specific consumer protection issues, like misleading sustainability claims, delivery, right of withdrawal, and price transparency.

The CPC Network – in action!

The CPC Network's actions have already dealt with several EU-wide issues, resulting in positive outcomes for consumers:

- ▶ **Booking.com** made changes in the way it presents offers, discounts and prices to consumers
- ▶ **Airbnb** improved and clarified the way it presents accommodation offers, providing consumers with more adequate pricing and complete information on all mandatory charges and fees
- ▶ **Facebook, Twitter and Google+** updated their terms of services and implemented a dedicated procedure for consumer authorities to flag problematic content
- ▶ The five leading car rental companies all significantly improved the transparency of their offers and the way they handle damages
- ▶ **Apple iTunes and Google Play** developed information on the existence and pricing of items that can be purchased as part of games



The Dieselgate emissions scandal

Not all the CPC Network's actions come from online sweeps, sometimes they come straight from the headlines. A case in point: Dieselgate – the 2015 Volkswagen emissions scandal that ultimately saw 8.5 million cars recalled for failing to meet established emission standards.

“Dieselgate had a direct impact on consumers as they were the ones who had to get their vehicles up to standard,” recalls Benassi.



Because the scandal involved vehicles across the EU, the CPC Network took action. **“By working directly with the Volkswagen Group, we ensured that the company provided free-of-charge repairs to all effected consumers,”** adds Benassi.

While the European Commission and national consumer authorities applaud this effort, it was not enough to make affected consumers whole. So, in 2020, European Commissioner for Justice and Consumers Didier Reynders wrote to Volkswagen stressing that consumers expected not only to be treated fairly, but to receive adequate compensation for the damages they suffered in a similar way across the whole EU.

Even today, seven years after news of the scandal broke, the CPC Network's work goes on. **“We continue to ask Volkswagen to find solutions that will allow consumers seeking redress and courts to avoid spending years in litigation,”** says Benassi. Unfortunately, the company has thus far only agreed to compensate EU consumers residing in Germany at the time the vehicle was purchased.





The most vocal advocate for consumer protection is you

While sweeps and controls play an important role in the CPC Network's enforcement activities, often times the most vocal advocate for consumer protection is the consumer themselves.

"Many of our most successful actions have stemmed from alerts given to us either by consumers or consumer advocacy groups," explains Benassi.

For example, in 2022, the CPC Network received a request from the European Consumer Organisation (BEUC) to look into potential consumer rights violation by video-sharing platform TikTok.

BEUC specifically flagged the app's use of hidden marketing, aggressive advertising techniques targeting children, and certain contractual terms that could be perceived as misleading and confusing for consumers.

Following dialogue with the Commission and national consumer protection authorities, TikTok committed to aligning its practices with EU consumer protection rules. These measures make it easier for consumers to spot advertisements on the platform.

The CPC Network is now actively monitoring the implementation of these commitments. **"We are particularly interested in assuring that there is sufficient clarity around children's understanding of TikTok's commercial aspects, including as they relate to advertising embedded in influencer posts,"** adds Benassi.



The CPC Network is currently involved in a coordinated action against WhatsApp. The action follows an alert from BEUC and involves alleged unfair practices in the context of an update to the company's terms of services and privacy policy.

"Because they are the ones directly affected by violations of consumer protection rules, consumers and consumer advocacy groups are an essential source of information for the CPC Network," concludes Benassi.

"But this can only happen when consumers fight for their rights and complain, which is why raising awareness on rights and redress possibilities must go hand-in-hand with enforcement."



CPC Network endorses 5 key principles of fair advertising to children

When designing their advertisement and marketing techniques, companies should consider the following principles to better protect children:

1

Specific vulnerabilities of children should be considered when designing advertisement or marketing techniques that are likely to be seen by children.

- ▶ (Online) Service providers must not design or operate their interface in a manner that deceives children or unduly influences them to take a particular action.
- ▶ Certain marketing techniques (e.g., personalised marketing) could be inappropriate to use due to the specific vulnerabilities of children.

2

Children's particular vulnerability because of their age or credulity is not to be exploited.

3

When general marketing content is addressed to children or is likely to be seen by them, the marketing purpose should be indicated in a manner that is appropriate and clear for children.

4

Children are not to be targeted, urged, or otherwise prompted to purchase in-app or in-game content, and games marketed for free should not require in-app or in-game purchases to play them in a satisfactory manner.

5

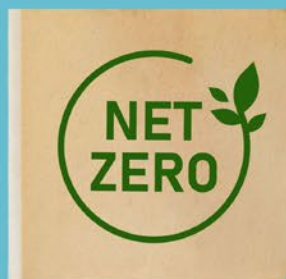
Children should not be profiled for advertisement purposes.

To learn more about consumer protection's role in keeping children safe, please see our **Special Report on p. 24.** ▶ ▶ ▶



WE WANT COMPANIES TO TAKE THE PLEDGE

When it comes to increasing sustainability and decreasing carbon emissions, your business has a choice. You can either do the minimum of what is required by EU law, or you can take the **Sustainable Consumption Pledge**.



The voluntary initiative invites companies to take various steps to become more sustainable:

- ▶ Reduce your overall environmental footprint
- ▶ Produce more sustainable products
- ▶ Promote the circular economy
- ▶ Implement social sustainability across the supply chain
- ▶ Raise consumer awareness



READY TO TAKE THE PLEDGE?

START NOW



PUTTING CONSUMERS AT THE HEART OF THE GREEN DEAL

Can consumers play a role in helping Europe achieve its ambitious Green Deal goals? According to Member of the European Parliament Biljana Borzan, the answer is a resounding ‘yes’.



“Studies have shown that consumers are very interested in the environmental impact of the products and services they buy, and a great majority are willing to pay more for products that are more beneficial for the environment,” says Ms Borzan, who is a member of the Parliament’s Committee on the Internal Market and Consumer Protection. “But sustainable options need to be available to everyone, and consumers must have clear and easily accessible information about the products they buy.”

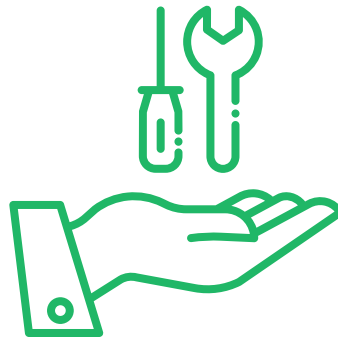
One of those options should be the right to repair a product. “As purchasing power is decreasing, consumers are becoming increasingly interested in the repair option and are often disappointed when there isn’t one,” adds Ms Borzan.

Repairing a product also has important environmental benefits. “More often than not, the bulk of a product’s environmental impact happens during the manufacturing process,” explains Jean-Pierre Schweitzer, Deputy Policy Manager for Circular Economy at the European Environmental Bureau (EEB), Europe’s largest federation of environmental NGOs.



“After all, buying something once costs a lot less than having to buy the same product multiple times. Perhaps that’s why 77 % of EU consumers say they would rather repair a product than buy a new one and 86 % want to know how long their products will last.”

Mr Schweitzer helped set up the European **Right to Repair Campaign**, a coalition of repair businesses and repair cafes, refurbishment companies and environmental NGOs dedicated to extending product lifespans. “**By increasing a product’s lifespan, we decrease the need to manufacture new products and, in doing so, reduce the amount of energy and raw materials used and emissions produced.**”



This energy saved by repairing instead of replacing a product could also contribute to the EU achieving energy independence.

Beyond being good for the environment, more repairable and longer lasting products are also good for a consumer’s wallet. After all, buying something once costs a lot less than having to buy the same product multiple times. Perhaps that’s why 77 % of EU consumers say they would rather repair a product than buy a new one and 86 % want to know how long their products will last.

According to Ms Borzan, the vast majority of consumers have had their devices fail earlier than expected, with studies showing that most failures happen between the second and third year of usage, when the obligatory legal guarantee expires. “Every failure creates additional costs for consumers as they have to buy a new product or repair the current one, which is often impossible due to lack of spare parts or repair services, or to other repair restrictions,” she says.

“**The right to repair is good for the environment and it’s what a lot of consumers want as well,**” adds Mr Schweitzer.



To make this right a reality, the Right to Repair Campaign is working with policymakers to set minimum design requirements to ensure easy disassembly and replacement of key components – starting with smartphones, laptops and other electronics. The Campaign is also taking steps to make sure everyone has ready access to spare parts and repair manuals for the entire lifetime of a product.

But it's not just consumers and the environment who will benefit from having a Right to Repair, according to Ms Borzan, repairing, reusing and refurbishing products can create more jobs than throwing them away or even recycling them.



“The Right to Repair isn’t just about environmental and consumer benefits, it’s also about creating important benefits for the labour market,” she says.

The case of the shrinking life expectancy of washing machines

Although the Right to Repair campaign is focused on electronic devices, the fastest growing source of waste, Mr Schweitzer says the same concept can be applied to nearly any product group. For example, a study by **Halte à l’obsolescence programmée**, a French NGO, looked at the rapidly shrinking lifespan of washing machines.

“Within an eight-year period, the lifespan of some washing machines decreased from roughly 10 years to an average of just seven,” says Mr Schweitzer. “This trend could be reversed, or at least slowed down, if consumers had the ability to repair their broken machine.”

“In my country, Croatia, consumers often contact me because they are disappointed that the products they bought 20 years ago still work, but the ones they buy today break shortly after purchase,” adds Ms Borzan.



“For an average household, buying a new wash machine or a mobile phone is a significant expense, and we should do our best to protect consumers from early obsolescence practices and ensure an effective right to repair.”

The shrinking life expectancy of washing machines also raises another important point: product durability. Although some models have shorter lifespans, there are still durable washing machines available on the market. The challenge for consumers is to figure out which machine is the durable model that will last 20 years, and which will have them soon coming back to buy a new one.





According to Mr Schweitzer, this highlights why product information is so important. **“People can’t make an informed decision if they don’t have the right information,”** he says.

Mr Schweitzer applauds such EU initiatives as the Ecodesign and Energy-Efficient Product labels, which have gone a long way in helping consumers easily understand an appliance’s energy efficiency and performance. **“Information tools similar to the energy label could be considered for other product groups such as furniture or textiles,”** he says.

Mr Schweitzer also notes how the new proposal for the Ecodesign for Sustainable Products Regulation is an excellent opportunity to create informative tools for other product groups. He suggests that, in addition to energy efficiency, these labels also provide information on, for example, a product’s durability, longevity and reparability. **“Consumers want to know if their products are built to last or can be repaired,”** he says. “Information on product reparability should be made available at the point of purchase to both the consumer and the repairer.”

Ms Borzan agrees: **“We need to ensure this information is made available in a clear and understandable way,”** she says. “By doing this, we will also promote competition and motivate producers to make more durable products.”

It’s time to put an end to greenwashing

But consumers don’t need just *any* information, they need information that is accurate and honest.

“Right on the heels of consumer demand for sustainable products is a wave of sustainability-focused marketing campaigns,” says Mr Schweitzer. **“There’s not a day that goes by that we don’t see a company making some claim about a product’s environmental friendliness.”**



The problem is that all-too-many of these claims are unfounded, at best – and that’s a violation of EU Consumer Protection rules, which protect consumers against misleading advertisements.

This particular type of deceptive marketing practice is called ‘greenwashing’. These greenwashing ads typically make unsubstantiated claims that a company’s products, objectives or policies are in some way sustainable.

A classic example is the popular ‘carbon neutral’ claim – a claim that many consumers assume means that the product doesn’t have a carbon footprint. However, as Mr Schweitzer explains, it is often used by companies who offset their emissions by paying a third party for the removal of greenhouse gas emissions outside their own production operations. The problem with this approach is that there is no set definition for what an offset can be, meaning many schemes don’t actually deliver the reductions that the company is paying for.

“This is probably the number one claim you see on products at the moment, even though, by definition, every product has some kind of climate impact – there is no such thing as a carbon neutral product,” explains Mr Schweitzer. “I find it very, very misleading, that a person can buy a product thinking it has no impact on the environment or climate when that is simply not the case.”

It's not only Mr Schweitzer who finds this misleading. According to an **article published by Clean Energy Wire**, the vast majority of people don't have a clear idea of what a 'climate neutral' claim actually means. The article cites a survey conducted by the North Rhine-Westphalia Consumer Protection Centre where just 3 out of every 100 respondents knew in detail what was behind the 'climate neutral' label.

The article goes on to note that even environmentally conscious consumers tend to be unaware of the label's full meaning. **“The misconception that the manufacturing companies are committed to reducing CO₂ emissions is even more prevalent among this group than on average,”** a representative of the North Rhine-Westphalia Consumer Protection Centre told *Clean Energy Wire*. “(Because) such labels mislead consumers, we need reliable labels that meet people's expectations and leave no room for greenwashing.”

The *Clean Energy Wire* article goes on to report that 86% of survey respondents said that a product should not be labelled as climate neutral if it was not produced in a climate-friendly way.

Interestingly, investors and financial institutions are likely to soon have access to such detailed information about a company or product's actual carbon footprint. **“Consumers, on the other hand, only see the vague and ambiguous ‘carbon neutral’ claim,”** says Mr Schweitzer. “In the future, companies should be required to provide citizens the same information they have to provide investors, as doing so would help prevent consumers from being misled by a climate neutral claim.”

Other common examples of greenwashing include a product being advertised as **‘made from recycled materials’** when in fact the percentage of recycled materials used is shockingly low, or when an energy company promotes its

use of renewable fuels when that use is miniscule. There's also the popular practice of a company making a bold splashy campaign about its future performance (e.g., slash carbon emissions by 30% by 2030) but then failing to provide any follow-up. **“It's easy to see why consumers can be confused by this type of misleading language,”** adds Mr Schweitzer.

“If consumers are to drive the green transition, the most sustainable option must be the most attractive option.”

Here the **European Commission has proposed new rules** that strengthen consumer protection against greenwashing practices. The EEB, however, advocates that these rules be more ambitious by, for instance, prohibiting a product from being labelled carbon neutral when that neutrality includes the use of carbon offsetting.

Making the most sustainable option the most attractive option

With the right to repair and accurate information, consumers should be firmly in the green transition driver's seat, right? Well, not quite. There's also the issue of costs. **“If consumers are to drive the green transition, the most sustainable option must be the most attractive option,”** says Mr Schweitzer.

The challenge is that although more sustainable options can be cheaper in the long run, they are often more expensive upfront. And in tough economic times, consumers will feel increased pressure to let their purchasing decisions be dictated by price.

But Mr Schweitzer says that doesn't have to be the case. **“We need to counter the ‘sticker shock’ and justify the upfront costs by helping consumers understand how an efficient, durable, long-lasting product will save them money in the long run while also benefiting the environment,”** he says.

A perfect example of how this can be done is the existing Ecodesign Directive, which is **expected to save consumers €285 per household in energy bills** by helping them choose more efficient appliances.



But again, Mr Schweitzer says it really all comes down to information. “Communicating to citizens about what could be the best option for them is really important, as is making sure they have the right information when they're buying products so they know, ‘okay, maybe this isn't the most efficient model, maybe this isn't the most repairable model,’” he concludes. **“This can go a long way to helping consumers actually make what is economically – and environmentally – the right choice.”**



WHY COLRUYT ANSWERED THE CALL AND TOOK THE SUSTAINABLE CONSUMPTION PLEDGE

The European Commission's Sustainable Consumption Pledge calls on EU non-food businesses (including retailers) of various sizes and in different sectors to make specific, public and verifiable commitments to reduce their overall environmental footprint, produce more sustainable products and redouble their efforts to raise consumer awareness of the impact of their consumption choices.

The Pledge is a voluntary commitment that businesses can take and that goes beyond what is required by EU law. **Astrid Van Parys**, a member of the Sustainability Team at **Colruyt Group**, shares why this Belgian retail company has signed the Pledge – and why you should too.

Sustainability is at the heart of everything we do at Colruyt Group, so much so that it's even at the core of our mission statement: **'Together, we create sustainable added value through value-driven craftsmanship in retail'.**

To ensure we stay true to our mission, we wanted to challenge ourselves by publicly committing to ambitious targets. The European Commission's Sustainable Consumption Pledge not only provides this challenge, it's also proof that Colruyt Group talks the talk and walks the sustainability walk. In fact, since taking the Pledge, we successfully reduced our absolute carbon footprint by 25% between 2017 and 2021. Furthermore, we decreased our CO₂ intensity by more than 40% between 2008 and 2021 (CO₂



equivalent per million euro). And by 2030, we plan on further reducing our carbon footprint by 42% (from a 2021 baseline).

Being able to back one's sustainability claims with proof comes with multiple advantages – something we realised very early on in our company's history. From the start, Colruyt Group has been extremely economical in our use of resources and (raw) materials: **we focus on reuse and standard dimensions, on recycling waste and on using electricity both functionally and economically.**



Today, these simple measures continue to provide us with a competitive advantage in terms of low operational costs and low use of energy per m² compared to other retailers. They've also allowed us to lead the way in terms of reducing our CO₂ footprint. **Furthermore, our sustainability initiatives are helpful when it comes to recruiting new employees, as we see them being particularly interested in working for a sustainability-oriented company.**

But even with these successes, there's still more work to do. With major societal transformations ahead and massive regulation packages coming our way, we are convinced that a continuous and ambitious focus on sustainability in

"With major societal transformations ahead and massive regulation packages coming our way, we are convinced that a continuous and ambitious focus on sustainability in everything we do is the key to competing in tomorrow's world."

everything we do is the key to competing in tomorrow's world.

This is why Colruyt Group continues to strive to do more. Currently, we are taking concrete actions to address the sustainability of our suppliers. For instance, we have asked our suppliers to participate in the Eco-Score initiative. Eco-Score is the food eco-labelling system that Colruyt Group is pioneering in practice, with consumers. **Furthermore, we've launched an incentive programme granting points to ecological initiatives when consumers purchase A and B scored products, and we're also working with our suppliers to identify potential risks and to map these across the value chain.**

Of course, all of this requires that we work closely with our suppliers and partners to share data, ambitions and best practices – including those best practices outlined in the Sustainability Pledge. **So, if you're on the fence about taking the Pledge, based on our experience and successes with the initiative, my advice would be to stop delaying and sign it!** It's the first step towards aligning your internal stakeholders and informing your external stakeholders about your commitment to sustainability. From there, you will be well-positioned to create a clear path for collaboration and co-creation towards achieving your sustainability targets.

Astrid Van Parys
Head of Sustainability at Colruyt Group



PROTECTING CONSUMERS AGAINST THE POTENTIALLY MISLEADING PRACTICES OF SOCIAL MEDIA INFLUENCERS

Once upon a time, Nikkie de Jager was just an unknown teen in a rural Dutch town who liked to create videos about makeup and post them on YouTube. Then one day she struck gold – her ‘The Power of Make-Up’ video went viral, quickly amassing nearly 40 million views.



SOCIAL MEDIA INFLUENCER:

SOMEONE WHO HAS ESTABLISHED CREDIBILITY IN A SPECIFIC INDUSTRY, HAS ACCESS TO A HUGE AUDIENCE AND CAN PERSUADE OTHERS TO ACT BASED ON THEIR RECOMMENDATIONS.

(DIGITAL MARKETING INSTITUTE)

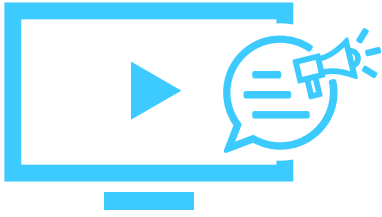
Today, her popular NikkieTutorials YouTube channel has 13.9 million subscribers and over 1.5 billion views – that's a lot of fans considering that Nikkie doesn't have any professional or formal training in communication or marketing, let alone the beauty sector.

According to the paper **"The Regulation of Social Media Influencers: An Introduction"** by Catalina Goanta and Sofia Ranchordás¹, de Jager's story is very typical of the social media influencer phenomena.

"A growing number of individuals, often without any traditional professional certification, have a job that consists of sharing moments in their daily lives or offering advice in different areas and, while doing so, endorsing consumer goods and services," write the authors.

The problem, as Goanta and Ranchordás correctly point out, is that, in many cases, social media influencers don't properly disclose the commercial nature of their posts – a failure that raises issues relevant to Consumer Protection Law.

¹ Goanta, Catalina and Ranchordas, Sofia, The Regulation of Social Media Influencers: An Introduction (September 20, 2019). 'The Regulation of Social Media Influencers: An Introduction' in C. Goanta and S. Ranchordas (eds), The Regulation of Social Media Influencers (Edward Elgar, 2020, Forthcoming), University of Groningen Faculty of Law Research Paper No. 41/2019, Available at SSRN: <https://ssrn.com/abstract=3457197> or <http://dx.doi.org/10.2139/ssrn.3457197>



In a paper entitled 'The impact of influencers on advertising and consumer protection in the Single Market', written by the European Parliament's Policy Department for Economic, Scientific and Quality of Life Policies (IPOL)², influencer marketing can have a negative impact on consumers, especially such vulnerable consumers as children and teenagers:

² Michaelsen, F., Collini, L. et. al., 2022, The impact of influencers on advertising and consumer protection in the Single Market, Publication for the committee on Internal Market and Consumer Protection (IMCO), Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg.

"Influencer marketing has an impact on consumer purchase decision-making. Children and consumers with low education and/or low income are particularly vulnerable to influencer marketing. The specific features of influencer marketing exacerbate these vulnerabilities more than other forms of media (e.g., fashion/lifestyle magazines). In this context, the COVID-19 pandemic has led to more time spent online and thereby possibly to an increase of exposure to influencer marketing."

Within this framework, influencer marketing can restrict a consumer's access to information and education – one of the key rights of EU Consumer Protection policy. As such, both papers argue that specific steps must be taken to better protect consumers against such potentially misleading marketing practices.

"In a world where YouTube and Instagram have become the new

television, children and teenagers closely follow the advice given by social media celebrities and aspire to become influencers rather than doctors, firemen, or astronauts, it is imperative to discuss the need to regulate social media influencers," write Goanta and Ranchordás.



Existing legislation works, but is it enough?

Although there is no specific law regulating influencer marketing, the IPOL paper says horizontal legislation on consumer protection applies:





“The Unfair Commercial Practices Directive (UCPD) in particular provides the overall framework on practices infringing consumer protection rules, while the Consumer Rights Directive (CRD) and other legislation on consumer contracts apply to influencers who act as sellers, with regard to the obligations of online traders to disclose a wide array of information to consumers.”

Other existing legislation applicable to the regulation of social media influencers include Directive 2000/31/EC and Directive 2018/1808, both of which require influencers to clearly mention when content is an advertisement or paid partnership and, for the latter, who that partnership is with.

The IPOL paper also cites the Digital Services Act (DSA) proposal as another means of addressing the new challenges posed by influencer marketing.

But is relying on existing legislation enough?

While the IPOL paper believes that leveraging and expanding existing consumer protection legislation is “generally considered to be the right path to tackle influencer marketing”, there are other actions that can be taken. On the enforcement side of the equation, this includes providing national authorities with the digital tools they need to effectively monitor influencer activity.

However, the paper also stresses the importance of education.

“Information and guidance that helps influencers comply with applicable rules already exist at national level, and the EU could create a resource centre where this information is centrally available,” write the IPOL authors.



IPOL also recommends that the EU lend support to national, regional, and local initiatives working to educate consumers about their rights, stating that doing so would help empower consumers to readily identify influencer marketing practices.

“Regulating influencers requires striking the right balance between, on the one hand, enabling the Single Market for commercial activities but also for (online) social interaction and the creation of non-commercial content and, on the other hand, protecting the interests of consumers,” concludes the paper.

LAST WORD EUROPEAN COMMISSION VICE-PRESIDENT VĚRA JOUROVÁ ON THE FUTURE OF EUROPE

Held April 2021 to May 2022, the Conference on the Future of Europe was a first-of-its-kind opportunity for citizens from across the EU to come together, share ideas, and help shape a common future. During the Conference, citizens were also invited to raise issues important to them as consumers – and looked at the consumption from a sustainability and environmental protection angle.

To learn more about the event, we sat down with **Věra Jourová**, Vice-President of the European Commission, who was one of the Commission representatives at the Conference.

What did you learn from the Conference on the Future of Europe?

First and foremost, I was impressed by the energy and the creativity brought by all the citizens who participated in the Conference, either as delegates or online – this is what made it a success and a commitment for us. What I heard from the citizens is that they want an EU that is more ambitious, decisive, and assertive and more focused on solving everyday problems and less on complex processes.

Where does consumer protection fit into this future?

People shop and buy products and services everyday – meaning consumer protection is one of those everyday problems that citizens want us to focus on. EU consumer policy plays an important role in ensuring that every citizen can enjoy a safe and fulfilling life every day and everywhere within the European Union. In fact, consumer protection is one of the most tangible benefits of the EU and the Single Market and thus plays an essential role in creating trust with citizens.

I'm glad you mentioned trust, as that goes hand-in-hand with another hot topic: democracy. During the Conference on the Future of Europe, participants were clear – they want democracy and democratic values to be actively protected and upheld. Considering the role it plays in building trust in the market and with our



institutions, can one call consumer protection a pillar of democracy?

Our democracies and democratic institutions are facing many challenges – disengagement, foreign interference, a pandemic, and, most recently, the unimaginable war of Russian aggression in Europe. These challenges affect each of us and impact all aspects of our lives.



But I am confident that, thanks to the resilience of our social economic model, our democratic way of life will continue to prevail. You see, this social economic model is what provides decent living conditions across the EU, it is the glue that binds us together. And at the heart of this model is a strong consumer protection framework that guarantees similar rights across all Member States. So yes, in this sense, consumer protection is an essential pillar of a healthy, prosperous, and fair democracy, as well as a strong economy.

The challenges you cited are mostly geopolitical. But there are other challenges, challenges that directly impact consumers. For example, today's digital markets can be very manipulative, pushing consumers to buy more than they need. How can we uphold consumer confidence in a market that is so full of misinformation?

In my view, we cannot downplay a consumer's freedom to make choices. What is important, however, is to keep consumers properly informed and not subjected to deceit and illegal forms of manipulation. For example, digital technologies are increasingly integrated into all areas of our lives – and it enriches us in many ways. However, this same technology is also being used to attack our democracies and our democratic norms. For example, today illegal content like hate speech, scams, and disinformation are spread mostly via the web and targeted online advertising.

The European Commission has taken very important steps to protect our fundamental rights within the digital market. For instance, the Digital Services Act requires online platforms to design their services in a way that prevents the spread of illegal content. It also requires that any promoted content clearly identify not only who is paying for it, but also why the viewer is being targeted by it. We've also proposed that the same regulations be applied to political advertising.

While steps like these will greatly improve the transparency and fairness of our digital markets, because technology continues to evolve, so too must our consumer protection rules.



“In the not-so-distant future, I hope consumers can freely choose a product that is both good for them and good for the planet.”

That is also why we regularly conduct a comprehensive fitness check of the EU's consumer laws and ensure that every consumer is as well protected when shopping online as they are when shopping offline.

Another challenge of paramount importance is climate change. How can EU Consumer policy help achieve the Green Deal and make Europe carbon neutral by 2050?

Without addressing consumption and production, I really don't see a path forward to achieving our climate goals. At the Conference on the Future of Europe, citizens were very clear that although they value sustainable consumption, they feel that the market does not. Consumer protection can help change this.

Policymakers must enact measures that enable consumers to make informed and sustainable purchasing decisions. Here, we proposed measures to crack down on greenwashing and provide consumers with accurate information about a product's sustainability – including its durability. I would also like to see legislation that would significantly boost the repair rate of goods – in place of discarding only mildly damaged products.

In the not-so-distant future, I hope consumers can freely choose a product that is both good for them and good for the planet. I believe this mentality is already here, especially among the youngest generations – and that makes me very hopeful for our future.



LAST WORD WITH EUROPEAN COMMISSIONER FOR JUSTICE DIDIER REYNDERS

Today we are celebrating a half-century of consumer protection in Europe. Why has consumer protection been such a European success story?



Consumer protection's roots are in addressing the disparities in living conditions amongst the Member States. In order to build a Single Market, we had to ensure a similar level of protection across all EU countries. So, in 1972, when the six founding Member States of what was then the European Community gathered on the eve of its first enlargement, they saw consumer protection as a tool for advancing European integration. The rest, as they say, is history.

In your opinion, what has been the EU's crowning consumer protection achievement?

That's a difficult question as, undoubtedly, the world has changed substantially in those 50 years. And as the world has changed, so too have the needs of consumers. However, if I had to choose one achievement, it would be the landmark legislation known as the 'Unfair Commercial Practices Directive'.

This legislation laid the foundation for regulating a range of business tactics that are not only unfair, but also harmful to the consumer. Common examples include the use of untruthful or misleading information and aggressive marketing techniques meant to influence a consumer's choice. It has turned out that this legislation has been relevant in many

different situations, underlining the significance of these rules. They have truly made a difference.

By clearly defining what marketing practices are considered unfair, the Unfair Commercial Practices Directive substantially expanded the EU Consumer Protection law net, and every citizen is better off because of it.

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Today, millions of businesses across the EU – along with those selling outside the Union – comply with this Directive. But this is not the end of the story. This tool continues to evolve. The Commission recently proposed to update it to add a number of practices related to premature obsolescence and greenwashing to the Directive's famous blacklist of banned practices. We are now evaluating whether this Directive, amongst others, is fit to protect consumers in an increasingly digital world and whether it should be updated.

The Unfair Commercial Practices Directive puts the bulk of the responsibility on the trader, or business. But what about the consumer, do they play a role in consumer protection?

In medicine they say that prevention is the best cure, and the same can be said for consumer protection. Prevention starts with knowing your rights, but it also means using your voice. Ask questions when you don't understand a transaction and contact the European Consumer Centres Network when something goes wrong. If a deal seems 'too good to be true', chances are, it is.

But this reminds me of an important point. Remember how I said a lot has changed over the past 50 years? Not so long ago, a consumer could do a pretty good job at evaluating the fairness of a proposed transaction based on its face value. In today's complex digital market, this isn't always the case.

With unfounded price reductions, unclear terms and conditions, and hidden fees, trying to distinguish between a good deal and a raw one can quickly become a nightmare. That's why the EU has just introduced a new rule that requires all price reductions be explained based on the lowest price of the past 30 days.



But isn't this leadership under threat by today's many challenges?

Of course, we cannot ignore the challenges, and, at the moment, there seems to be a lot of them. Inflation, a pandemic, recession, the energy crisis, climate change and finding peace and prosperity both in the EU and beyond. These are societal challenges, challenges that the EU will address from all possible dimensions, and challenges that our robust consumer protection laws can help resolve.

This is why I am adamant that consumer protection levels are not to be lowered in times of crisis. In fact, it is times like these that consumer protection becomes more important than ever. During difficult times, consumers are at a greater risk of falling victim to unscrupulous traders who take advantage of their vulnerability. If this is left unchecked, consumers will lose confidence in the market, which will further impact an already perilous economy. After all, consumer spending accounts for over half the EU's GDP, meaning that any impact on consumer confidence would have vast economic consequences.

To mitigate this risk, the EU is working with two networks of enforcement authorities, one on product safety and one on consumer law, to monitor the market for such dubious practices and take the necessary action to maintain consumer confidence.

How can the EU leverage its half-century of experience and success in consumer policy to address the challenges of the next 50 years?

Consumer protection is more than an economic goal, it's a core value of the EU – one that is inscribed in our Charter of Fundamental Rights. This is why we have been so successful at protecting consumers over the past 50 years and why I am confident that we will continue to succeed in the 50 years to come.

“I am adamant that consumer protection levels are not to be lowered in times of crisis. In fact, it is times like these that consumer protection becomes more important than ever.”

This seems like an issue of consumers not having enough information.

Not a lack of information, I would argue that there's too much information and that the challenge for consumers is to be able to separate the good information from the misinformation.

I believe technology can help. For example, the EU is currently looking at how we can use artificial intelligence to, on the one hand, help authorities detect unfair online practices and, on the other, help consumers assess the fairness of an offer or the risk of a particular transaction.

The EU has also enacted a number of new laws aimed at ensuring that all digital services are efficient, competitive, safe and fair. One such law requires that consumers be notified whenever an offer is personalised based on, for example, one's search history.

It's rules and developments like these that have put the EU at the forefront of consumer protection, especially in the digital age.



EU PRODUCT SAFETY AWARD

CELEBRATING BUSINESSES THAT GO THE EXTRA MILE FOR CONSUMERS

Organised every two years by the European Commission, the EU Product Safety Award celebrates innovation and investment in consumer protection.

The Award is an opportunity to recognise the many businesses across the EU that go the extra mile to protect consumers and who help raise the bar for product safety in Europe.



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