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A 'yellow card' for WhatsApp and a disappointment for consumers

The European Commission and the [European network of consumer authorities](#) have closed their investigation into Meta's messaging app WhatsApp following a [complaint](#) made by BEUC together with eight of its members¹ in July 2021. It results in a mere commitment by the company to do better in the future. The news is a disappointment for consumers.

WhatsApp has committed to better explain the policy changes it intends to make and to give users a possibility to reject the changes as easily as to accept them. However, this will only apply to future changes to the app. It does not offer a solution to thousands of users who accepted the app's policy updates in 2021 due to persistent and intrusive notifications from WhatsApp pressuring consumers to accept their policy changes. Additionally, these terms were also neither transparent nor comprehensible for consumers.

BEUC's [complaint](#) identified multiple breaches of consumer rights. These included aggressive commercial practices, and unclear and misleading changes in the company's policies. The complaint also highlighted potential data protection infringements. Since BEUC's complaint was filed, the company has in fact been found in breach of the GDPR in two occasions² for not providing transparent information to its users.

Disappointingly, the authorities' response is limited to improving transparency for consumers and that only for the future. Authorities did not address the main point of our complaint, namely the aggressive nature of the practices that WhatsApp used, and no remedy was offered to consumers who under the pressure exerted by WhatsApp were forced to accept the new terms.

BEUC Deputy Director General Ursula Pachl commented: "WhatsApp bombarded users for months with aggressive and persistent pop-up messages to force them to accept its new terms of use and privacy policy. They told users that their access to their app would be cut off if they did not accept the new terms.

"Our complaint into the company has now been closed after more than one and a half years but the outcome is disappointing. More transparency and easy options to reject policy changes in the future are simply not enough. This will not offer a remedy to the millions of WhatsApp users who were forced to accept the changes due to the aggressive behaviour of the company back in 2021. Unfortunately, with this weak reaction, consumer authorities are sending a very worrying signal accepting that a tech giant like WhatsApp can breach consumer rights and then get away with just a promise to do better in the future. This illustrates the lack of deterrence from the current way to enforce consumer law and the need for an urgent reform to ensure more effective enforcement particularly in cases of EU-wide infringements."

Background

BEUC report on WhatsApp: [‘What’s up with WhatsApp? An assessment of WhatsApp’s practices in the light of EU consumer protection rules’](#)

BEUC position paper: [Strengthening the coordinated enforcement of consumer protection rules](#)

¹ Members include: APC (Romania), Consumentenbond (the Netherlands), dTest (Czech Republic), Forbrukerrådet (Norway), KEPKA (Greece), EKPIZO (Greece), S.O.S. Poprad (Slovakia) and UFC-Que choisir (France).

² September 2021: <https://www.dataprotection.ie/en/news-media/press-releases/data-protection-commission-announces-decision-whatsapp-inquiry>

January 2023: <https://iapp.org/news/a/irish-dpcs-whatsapp-fine-deepens-fissure-with-edpb-over-enforcement-jurisdictions/>

