

Subject: External alert about Meta’s new paid subscription scheme for ad-free services on Facebook and Instagram

Dear members of the CPC-Network,

I am writing to you on behalf of BEUC - the European Consumer Organisation, to inform you that today, together with 19 of our member organisations from 16 European countries¹, we are launching an external alert to the CPC-Network pursuant to Article 27 of EU Regulation 2017/2394 (the CPC Regulation).

This alert focuses on Meta’s new subscription model requesting consumers to pay a fee (see below) if they want to subscribe to an “ad-free” service on Instagram or Facebook. This model has been rolled out in Europe since early November 2023. For the reasons set out below, we consider it constitutes an unfair and misleading commercial practice and to be a widespread infringement with a Union dimension² of Directive 2005/29/EC (the Unfair Commercial Practices Directive) and Directive 93/13/EEC (the Unfair Contract Terms Directive).

We call on the CPC-Network to:

- Start a coordinated enforcement action and to undertake the necessary enforcement measures for the cessation and prohibition of Meta’s unfair practices.
- Publish a joint position. This step is essential not only to enforce the law against the concerned traders but also to provide a clear signal and guidance to the whole sector about the misleading and aggressive nature of these practices.

This alert to the CPC-Network might be followed by other actions/complaints by BEUC and/or its members, notably based on EU Regulation 2016/679 (the General Data Protection Regulation – GDPR). We believe that Meta’s practice raises cross-cutting concerns that are crucial for fair digital markets.

¹The BEUC members participating in this coordinated action are: Асоциация Активни потребители (Bulgaria), dTest (Czech Republic), Forbrugerrådet Tænk (Denmark), UFC-Que Choisir (France), ЕКΠΙΖΟ & ΚΕΡΚΑ (Greece), Adiconsum (Italy), Latvijas Patērētāju interešu aizstāvības asociācija (Latvia), Vartotojų aljansas (Lithuania), ULC (Luxembourg), Consumentenbond (Netherlands), Forbrukerrådet (Norway), Federacja Konsumentów & Fundacja Konsumentów (Poland), Spoločnosť ochrany spotrebiteľov (S.O.S.) Poprad (Slovakia), ZPS (Slovenia), Asufin & CECU (Spain), Sveriges Konsumenter (Sweden).

² As defined under Art. 3(4) of Directive 2017/2394

In line with the operational conclusions for co-operation between the CPC-Network and consumer organisations of October 2022³, we invite the European Commission and the CPC-Network to keep us informed about any relevant procedural steps taken by the Network. Should you decide to launch an investigation, we are ready and keen to provide our views at different stages of the procedure and to provide feedback on the commitments that the traders may propose to the CPC-Network, as foreseen under the CPC Regulation.

I remain at your disposal for any additional information you could need and to respond to any questions you could have.

Yours sincerely,

Ursula Pachl
Deputy Director General

Annex: Choose to lose with Meta – an assessment of Meta’s new paid-subscription model from a consumer law perspective (November 2023).

³https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/cooperation-consumer-organisations_en