CONSUMER CHECKLIST

BEUC The European Consumer Organisation

The Consumer Voice in Europe

MODERNISING CONSUMER PROTECTION ENFORCEMENT IN THE EU

The European Union boasts some of the world's highest consumer protection standards. Its rules grant consumers legal rights and impose obligations on traders operating in the EU. Yet enforcement has long been a weak spot. Insufficient enforcement allows traders' harmful practices to go unpunished and leaves consumers without redress. As BEUC and business representatives have noted, this undermines EU competitiveness and creates an uneven playing field between compliant traders and those who ignore the rules.

CHALLENGES TO ENFORCEMENT

Enforcement faces growing challenges. A widening gap in power and resources separates large traders from enforcement authorities, which often operate under tight budgets and limited staffing. In the digital space, violations can occur rapidly and invisibly, allowing traders to profit before authorities can respond – sometimes years later.

BEUC calls for modernising consumer protection enforcement. While private enforcement improvements are addressed in a separate checklist, this document focuses on upgrading public enforcement, particularly through reforming EU Regulation 2017/2394 (the CPC Regulation).

Modernising the CPC Enforcement Architecture

1

CENTRALISED ENFORCEMENT FOR EU-WIDE ISSUES

When infringements affect consumers across multiple countries, relying solely on national authorities leads to inefficiencies. Parallel investigations can result in inconsistent outcomes, duplicated efforts, and enforcement gaps. This fragmented approach also allows traders to exploit jurisdictional differences.

To address strategic cross-border cases, enforcement must be more centralised. **The European Commission should be empowered to initiate and lead investigations with Member States** for EU-wide illegal practices and impose sanctions when traders fail to cooperate or breach commitments.

2

ENHANCING THE EU COMMISSION'S INDEPENDENCE AND RESOURCES

A stronger enforcement role for the Commission must come with greater independence. CPC actions should be free from political influence to ensure credibility and public trust. This role also requires sufficient staffing and funding to carry out investigations effectively.

3

BRIDGING PUBLIC AND PRIVATE ENFORCEMENT

Effective consumer protection depends on synergy between public and private enforcement. The CPC Regulation, Representative Actions Directive, and Consumer ADR Directive should be interconnected.

For example:

- CPC decisions should bindingly support follow-on representative actions.
- Market data from ADR (Alternative Dispute Resolution) entities should continuously inform regulatory responses.
- This integration ensures enforcement is meaningful and responsive to unfair practices.

Upgrading enforcement procedures and tools

1 CHOOSING EFFECTIVE REMEDIES FOR COMPLIANCE AND DETERRENCE

Authorities have various tools to address unlawful practices, but many remain underused. Selecting the right remedy requires understanding what impacts traders most, considering their resources and market power.

- Fines can send strong signals and fund enforcement, education, or access to justice.
- For powerful traders, fines may be insufficient. These companies often accept penalties as a cost of doing business.
- Commitments and informal discussions can resolve issues but may be used by traders to delay action or avoid broader changes.
- Other tools, such as blocking access to online platforms or demanding compensation for consumer harm, can be more impactful.

Enforcement should be tailored. A mix of remedies and sanctions, adapted to the trader's profile and the nature of the violation, is often most effective.

2 BREAKING SILOS: CROSS-AUTHORITY COOPERATION

Many harmful practices —especially digital ones — have implications beyond consumer protection, touching on data privacy, competition, and safety. Yet cooperation between authorities remains limited.

A formal framework should be established between the CPC-Network and other bodies like the EDPB (data protection), ECN (competition), and others to share confidential information, align priorities and coordinate investigations into the same traders.

National examples, such as in the Netherlands, show that cross-sector collaboration is possible and beneficial. These models could inspire broader EU-level cooperation.

3 STRENGTHENING COLLABORATION WITH CONSUMER ORGANISATIONS

Stakeholder cooperation is vital. Under the CPC Regulation, certain entities can issue external alerts when they detect potential violations. BEUC and its members have used this mechanism 11 times since 2020, across sectors like gaming, aviation, and social media.

While this cooperation has helped build trust, the process remains opaque. Complainants are still scarcely informed about investigation progress or ongoing discussions with traders.

Yet, consumer organisations can contribute beyond alerts, providing field evidence and engaging in remedy discussions. To unlock this potential, they should be granted procedural rights, including the right to be heard during proceedings. EU competition law offers a useful model, where consumer organisations can participate in cases involving consumer products or services.

4 ENSURING RESOURCES AND DIGITAL COORDINATION

The CPC-Network's effectiveness depends on the strength of its individual members. Yet national authorities vary widely in financial, technical, and human resources. Some countries (e.g. France, Belgium) have developed digital tools to monitor markets, but these are not universally available.

The EU has created several tools to support enforcement: an e-lab for investigations, the EC-REACT platform for collective redress, a forthcoming tool for consumer alternative dispute resolution. These tools should be integrated, not used in isolation. For example, data from EC-REACT could inform CPC investigations. Better coordination between digital enforcement tools would strengthen the system and help authorities respond more effectively to emerging challenges.

Related BEUC publications:

- Strengthening the coordinated enforcement of consumer protection rules, 2022
- An unfinished journey: Consumer groups' experience of CPC external alerts two years on, 2022

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