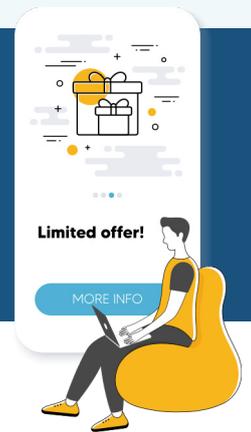


TOWARDS THE DIGITAL FAIRNESS ACT

Digitalisation seems to give consumers easy access to endless choices, yet it also widens the information and bargaining power asymmetries between businesses and consumers. Recently, unfair practices in the digital environment caused consumers at least €7.9 billion in annual financial harm. EU policymakers should increase consumer protection online, through the upcoming Digital Fairness Act (DFA). This checklist sums up our key recommendations.



Read more in our [2025 position paper](#).



1

UPDATE CORE CONCEPTS OF EU CONSUMER LAW

Central parts of EU consumer law are more than 20 years old and therefore do not live up to the challenges that consumers face online today.

Recommendations

- Update the definition of “average consumer” in the Unfair Commercial Practices Directive (UCPD) to reflect all consumers’ potential vulnerability online.
- Require fairness by design and by default as part of businesses’ “professional diligence”.
- Ensure that EU law protects consumers from all unfair commercial practices, regardless of the harm they may cause.
- Require businesses to prove compliance if consumers signal potential misconduct (adjust the burden of proof).

2

STOP THE USE OF MISLEADING AND ADDICTIVE DESIGN

Many companies design their websites and apps to mislead consumers towards certain choices (“dark patterns”) or to maximise the time consumers spent online (“addictive design”) with the former often resulting in financial harm and the latter increasingly in mental harm.

Recommendations

- Introduce a general ban on dark patterns and prohibit widely used dark patterns explicitly in UCPD Annex I.
- Require businesses to disable addictive design by default and let consumers easily adjust recommender systems (algorithms suggesting things you might like) according to their interests.
- Let consumers cancel automatic renewals with one month’s notice through an easy-to-use cancellation button.

3

ADDRESS ISSUES WITH IN-APP PURCHASES

Many companies hide the real cost of in-app purchases by using paid virtual currencies or sell virtual items that incentivise overspending, especially among younger consumers.

Recommendations

- Clarify that EU consumer law covers all in-app purchases, requiring businesses, for instance, to display prices in real currency and to respect the right of withdrawal (i.e. to cancel your purchase within 14 days for any reason without justification to the seller).
- Ban premium virtual currencies.
- Ban paid loot boxes and pay-to-win mechanism which are a gateway from gaming to gambling and can further increase financial harm.

4

PROTECT CONSUMERS AGAINST UNFAIR PERSONALISATION

Companies constantly collect and trade consumers' data to create profiles categorised using thousands of keywords like "eating disorder" or "fragile senior". Companies can use these profiles to target individual vulnerabilities and to discriminate certain individuals by showing them specific offers, prices or ads or by excluding them.

Recommendations

- Ensure apps and websites do not personalise content by default and allow easy settings adjustment if consumers want to see personalised offers.
- Prohibit any personalisation that exploits consumers' vulnerabilities.
- Prevent pricing based on tracking and/or profiling, except for price reductions.
- Consider a general ban of advertising based on tracking and/or profiling.

5

INCREASE CONSUMER TRUST IN ONLINE ADVICE

Many companies hire influencers to promote their products. But influencers often do not properly label their content as advertising and promote unhealthy or risky products and services. Companies also try to influence online reviews and ratings causing misleading advice.

Recommendations

- Set clearer labelling requirements on influencer marketing and prohibit it for certain unhealthy or risky products and services.
- Make influencers, their agencies and the brands they represent jointly liable.
- Prohibit to incentivise reviews and prevent businesses from refusing or deleting negative reviews.
- Require businesses to provide clear and transparent information about star-ratings' meaning and criteria.

6

PREVENT UNFAIR PRICING

Many companies use pricing techniques to exploit consumer's willingness to pay or trigger purchases that would not occur with transparent conditions. In the event sector, a common unfair practice involves resales companies buying tickets on the primary market and reselling them at highly inflated prices.

Recommendations

- Require businesses to inform consumers if they use dynamic pricing and prohibit dynamic price increases after consumers have selected a product or service.
- Prohibit adding mandatory fees during the purchase (drip pricing).
- Only allow price comparisons with the lowest retail price from the past 30 days.
- Prohibit ticket resale above face-value and prevent ticket sellers from prohibiting private resale.

7

CLARIFY AI CONTRACTING RULES

AI systems will soon autonomously manage consumer contracts, but their unexpected actions may cause harm. Current rules need updating, also because they assume human decision-making.

Recommendations

- Assess how EU consumer law applies when AI autonomously makes or alters contracts for consumers and address any legal gaps.
- Preserve existing consumer rights (e.g. access to pre-contractual information), even if AI-based contracting requires tailored implementation.
- Protect consumers against unexpected AI actions.

