European Commission

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Questions and answers on the Consumer Package

How will the proposals benefit businesses and align with the simplification agenda?

The proposed measures will provide clearer, simpler, and harmonised rules across the EU. The Digital Fairness Act (DFA) will also make the rules more uniform across the EU. It will transform the Unfair Commercial Practices Directive (UCPD) into a Regulation, directly applicable in all Member States. This will reduce fragmentation and legal uncertainty, saving businesses the cost of navigating different national rules. It will also simplify existing rules and make compliance easier. The DFA proposal includes targeted measures to reduce administrative burdens while keeping a high level of consumer protection. For example, it lightens mandatory pre-contractual information for repeated microtransactions with the same company and for automated contracts. The proposal also clarifies the right of withdrawal for digital subscription services.

Enforcement will be stronger against companies that do not play by the rules, including non-EU companies. Faster, stronger and more coherent enforcement will level the playing field between businesses, which will stem down unfair competition, support honest businesses and the proper functioning of the Single Market.

How will the DFA address dark patterns in practice?

The DFA proposal clarifies that EU consumer protection law bans practices that push or mislead consumers into making decisions they would not otherwise make—so-called **dark patterns**. In practice, it updates the “blacklist” of practices that are banned in all circumstances. This includes, for example:

- Fake claims that a product or service is running out (“Only 1 left”, “5 other customers are interested in this!”, etc.);
- Practices that shame consumers for not making choices that benefit the business (“We're sad to see you go”, asking a consumer to click a button saying “I don't like good deals” to unsubscribe from a mailing list, etc.); or
- Default options that consumers have to reject, such as pre-ticked boxes or extra items added automatically to the basket.

How will the DFA address addictive design?

The DFA will give consumers more control over addictive design features that encourage the excessive or compulsive use of digital products. It does so by allowing consumers to turn off features such as autoplay of videos or notifications not directly related to the consumer's activity on the service, thus complementing the more specific rules for minors in the proposed EU KIDS Act.

How will the DFA prevent overspending?

The DFA will address practices that drive consumers to spend more than they intended online. It clarifies the rules on virtual in-app currencies, which consumers can buy with real money to purchase virtual items, for example in video games. Companies will have to clearly show what these purchases are worth in real currencies. For minors, virtual in-app currencies will also have to be turned off by default. The DFA also bans features that encourage gambling-like behaviour or put pressure on minors. This includes loot boxes, which are paid virtual items that give a random reward, and *pay-to-win* or *pay-to-progress* features.

How will the DFA address influencer marketing?

Under the DFA, influencers will need to clearly disclose when they are being paid to promote a product, rather than misleadingly present the sponsored content as personal advice. They will also not be allowed to promote products which under existing laws cannot be legally advertised, are dangerous or present products as appropriate for minors when they are not. Brands and agencies will have to ensure that influencers comply with their obligations.

How will the DFA address unfair personalisation?

Currently, the DSA bans online platforms from targeting minors with personalised advertising or targeting people based on sensitive data, such as on health or ethnic origin. The DFA will extend these bans to all websites and apps. In addition, companies will be banned from presenting higher personalised prices to minors or vulnerable consumers.

What will the DFA do on pricing?

To ensure that consumers have all the tools they need to get a fair deal, the DFA will address dynamic pricing, drip pricing and misleading price comparisons. Companies will need to inform consumers waiting in virtual queues how the price is changing in real time and the maximum possible price. Companies will have to show the full price from the start, including additional fees, taxes, and charges. This will effectively ban drip pricing, where a company makes a product appear affordable at first by withholding information on additional fees in the beginning of the booking process, only to add them to the total price at checkout. Companies reselling event tickets will also clearly have to show the total price of the original ticket, as well as the ticket type, row and seat number, where relevant.

What will the DFA do about digital contracts and subscriptions?

Currently, subscriptions can be easy to sign up for, but difficult to cancel. Some free trials automatically switch to paid subscriptions without the consumer agreeing to it. Others get automatically renewed without warning, and it can be difficult to reach a human in customer service when problems arise. The DFA will address all these issues by requiring a simple, unambiguous cancellation option for digital contracts, as well as clearer information before free trials end or subscriptions are automatically renewed. It will also require active confirmation before free trials are converted into a paid contract. In addition, consumers will have the right to access human customer service when problems arise in an ongoing contract and when other means are not effective.

How will enforcement of consumer law improve? When will the Commission step in?

In today's day and age, digital markets evolve rapidly. So do unfair practices, which

are proliferating online. To keep our consumers safe and ensure businesses can compete fairly, we need to equip ourselves with the right tools to respond rapidly and effectively to breaches of consumer law. The proposal provides for direct EU powers to enforce EU consumer law. The Commission will have the power to investigate and issue fines in large-scale cases with a high impact on consumers in the Single Market.

The Commission will be able to intervene directly when a breach is likely to affect consumers in at least two-thirds of EU Member States, representing at least two-thirds of the EU population. The case must also involve a company that is not a Small or Medium Enterprise (SME). If the Commission decides to launch proceedings, national authorities will have to stop investigating the same case to ensure a single and coordinated EU-level response. The Commission will have the power to issue **fines of up to 6%** of a company's worldwide annual turnover.

In addition, the revision will help strengthen enforcement at national level with powers and procedures to act faster and more effectively. It will streamline the procedure for cooperation in cross-border cases by introducing timelines for key procedural steps and by improving how penalties are coordinated. This will lead to better protection for consumers across the EU and greater clarity for businesses.

What is the link between the digital rulebook and the DFA?

The EU wants to ensure people and businesses can use online platforms and e-commerce services in a safe manner everywhere, and that businesses can innovate freely, allowing consumers to enjoy a wider range of products and services. The digital rulebook aims to ensure that everyone can use online platforms without fear of manipulative algorithms or illegal goods and content, and that digital markets operate fairly and remain open to competition and innovation. The **Digital Services Act (DSA)** aims to make online spaces safer and more transparent, for example by introducing rules on the reporting and removal of illegal content, establishing transparency rules for algorithms and advertising, and also requiring the largest platforms to assess and mitigate systemic risks on their services.

The **Proposal for a Digital Fairness Act**, by addressing gaps identified in the 2024 Digital Fairness Fitness Check, acts as a safety net of consumer protection that complements the EU digital rulebook. It provides for targeted amendments to modernise the existing consumer law framework online. For example, the DSA applies only to online platforms, while the DFA would apply to all companies engaging in business-to-consumer commercial practices.

The **Digital Markets Act (DMA)** aims to address unfair practices and limited contestability in digital markets. To this aim, it imposes a set of obligations on a limited number of very large digital platforms, which act as gateways between businesses and consumers. These include requirements to allow effective interoperability, data access and portability, transparency in advertising services, as well as to not give preference to their own products and services. The **Artificial Intelligence Act** sets out risk-based rules to promote the safe uptake of human-centric and trustworthy AI.

Together, these rules aim to foster a digital environment where EU business can thrive and users are safe.

What is the link between the DFA proposal and the EU KIDS Act proposal?

In light of the specific risks that minors face online due to their unique vulnerabilities and developmental stage, the **EU KIDS Act** proposal aims to make the internet safe for children across the EU. It will focus specifically on protecting minors' privacy, safety and security online by introducing a phased approach to autonomous accounts on social media, in line with their development, and introducing robust safety-by-design rules, including on social media, video-sharing platforms, online games, AI companions and chatbots.

As President **von der Leyen** outlined in her State of the Union speech 2026, it is not only minors that are at risk. Unfair commercial practices continue to be harmful after

18. All consumers need strong protection against them. This is why we need a wider framework. The DFA proposal builds on the EU KIDS Act proposal to protect consumers of all ages – adults, young people, and children alike - against unfair commercial practices online. It focuses on economic interests and acts as a safety net for companies selling goods and services to consumers.

For more information

Press release

Factsheet of the Consumer Package

Digital Fairness Act website

Consumer Protection Cooperation Regulation website

Digital Fairness Act (DFA) Regulation

DFA – Proposal amending the Consumer Rights Directive

Revision of the Consumer Protection Cooperation (CPC) Regulation

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