



CONSUMER PROTECTION MEASURES

European measures for consumer protection are intended to protect the health, safety, and economic and legal interests of European consumers, wherever they live, travel or shop in the EU. EU provisions regulate both physical transactions and e-commerce, and contain rules of general applicability together with provisions targeting specific products, including medicines, genetically modified organisms, tobacco products, cosmetics, toys and explosives.

LEGAL BASIS

Articles 114 and 169 of the Treaty on the Functioning of the European Union (TFEU).

OBJECTIVES

To ensure that all consumers in the Union - wherever they live, travel or shop in the EU - enjoy a high common level of protection against risks and threats to their safety and economic interests, and to increase the ability of consumers to defend their own interests.

ACHIEVEMENTS

- A. Protection of consumers' health and safety
 - 1. EU actions in the field of public health and tobacco ([2.2.4](#))
 - 2. Foodstuffs ([2.2.6](#))
 - 3. Medicinal products ([2.2.5](#))
 - 4. General Product Safety System and market surveillance

[Directive 2001/95/EC](#) sets out safety standards for consumer products. If a product poses a major risk, it must be reported via RAPEX, a system for the rapid exchange of information between Member States and the Commission. This directive will be replaced by a new [General Product Safety Directive](#) on 13 December 2024, which focuses on comprehensive risk management, enhanced traceability, stricter surveillance, specific responsibilities for businesses and online marketplaces, mandatory accident reporting, and structured recall procedures with consumer remedies.



5. Safety of cosmetic products, explosives for civilian use and toys

[Regulation \(EC\) No 1223/2009](#) ensures cosmetic product safety with proper labelling, effective since 11 July 2013. [Directives 2014/28/EU](#), [2008/43/EC](#), and [Decision 2004/388/EC](#) cover safety for civilian explosives, updated by [Directives 2014/28/EU](#) and [2013/29/EU](#). Toy safety is governed by [Directive 2009/48/EC](#), with the European Committee for Standardisation handling relevant standards.

6. Affordable communications for businesses and consumers ([2.1.8](#))

B. Protection of consumers' economic interests

1. Information society services, electronic commerce and electronic and cross-border payments

The E-commerce Directive ([2000/31/EC](#)) regulates online service providers in the EU, including various online activities. It was updated by the [Digital Services Act](#), which was adopted on 19 October 2022. Other acts, such as [Directive \(EU\) 2015/2366](#) and [Regulation \(EU\) 2021/1230](#), ensure equal charges for cross-border euro payments between Member States.

2. TV without frontiers

[Directive 2010/13/EU](#) provides for free movement with regard to broadcasting, safeguarding public interests such as cultural diversity and the protection of minors. It governs advertisements for alcohol, tobacco and medicines, as well as teleshopping and explicit content. Events of major importance for society must be broadcast free of charge, regardless of exclusive rights bought by subscription TV channels.

3. Distance selling contracts and contracts negotiated away from business premises, the sale of goods and guarantees, and unfair terms in contracts

From 13 June 2014, the [Consumer Rights Directive \(2011/83/EU\)](#) replaced and amended older directives. It enhances consumer rights by setting rules on information provision, withdrawal rights and contractual provisions. On 11 May 2022, a [proposal](#) was introduced to update [Directive 2002/65/EC](#) on the distance marketing of consumer financial services, which is currently under negotiation by the EU institutions.

4. Unfair commercial practices and comparative and misleading advertising

[Directive 2005/29/EC](#) addresses unfair business-to-consumer practices, including misleading activities and coercion. [Directive 2006/114/EC](#) regulates misleading and comparative advertising. [Reviews](#) were proposed to address gaps, leading to [Directive \(EU\) 2019/2161](#), which modernised and enhanced consumer protection rules. Concerning unfair practices, in April 2022 the Committee on Internal Market and Consumer Protection (IMCO) held a public [hearing](#) on upholding consumer rights when shopping outside the EU, seeking to map out the challenges consumers face when buying from outside the EU.

5. Liability for defective products and price indication

[Directive 1999/34/EC](#) holds producers responsible for damage caused by defective products, with consumers having to prove damage, defect and causation within three years. [Directive 98/6/EC](#) mandates showing sale and unit prices to facilitate product



comparisons. [Directive 1999/44/EC](#) ensures product guarantees, with traders having to address defects appearing within two years of delivery. This was updated in 2011 and later replaced by [Directive \(EU\) 2019/771](#).

6. Consumer credit and mortgage credit

[Directive 2008/48/EC](#) standardises consumer credit information and allows consumers a 14-day withdrawal period and early credit repayment options. In June 2021, the Commission proposed [updates](#) to expand its scope, streamline advertising information, refine pre-contractual presentation, improve creditworthiness assessment rules, and promote financial education and debt advice accessibility in the Member States. [Directive 2014/17/EU](#) provides guidelines for consumer credit agreements tied to residential property. Its goal is to create a unified mortgage market benefiting consumers and mandates high professional standards from lenders and credit intermediaries^[1].

7. Package holidays, timeshare properties and short-term accommodation rental services

[Directive \(EU\) 2015/2302](#) protects consumers when booking package holidays or combined travel. [Directive 2008/122/EC](#) focuses on timeshares, providing for clear contract information and a 14-day withdrawal period. In November 2022, the Commission [proposed a regulation](#) for data collection and sharing for short-term accommodation rentals in order to address challenges such as affordable housing and to ensure effective local policies.

8. Air transport

[Regulations \(EC\) No 261/2004](#) and [\(EC\) No 2027/97](#) cover passenger compensation for flight issues and carrier liability following accidents. [Regulation \(EC\) No 80/2009](#) addresses computerised reservation systems for air transport, ensuring equal participation and information dissemination. It also sets common criteria for airfares and cargo rates. [Regulation \(EC\) No 300/2008](#) established aviation security standards following the 9/11 terrorist attacks.

9. Energy markets

The third EU energy package (adopted in 2009) aimed to enhance the internal energy market and addressed issues such as retail market transparency. [Directive 2012/27/EU](#) gives consumers easy access to their energy consumption data. [Regulation \(EU\) 2017/1369](#) ensures the clear presentation of energy consumption data for domestic appliances, helping people to make informed purchases. EU citizens can connect their homes to energy networks and freely choose any energy supplier in their area.

10. European Consumer Centres Network (ECC Network or ‘Euroguichets’) and Your Europe Portal

The ECC Network assists consumers with cross-border transactions and collaborates with European networks such as FIN-NET (financial), SOLVIT (internal market) and

[1] Relevant research includes Wiewiórowska A. et al., [Contribution to Growth: Legal Aspects of Protecting European Consumers](#), Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2019.



the European judicial network. The [Your Europe portal](#) offers detailed consumer information on various topics. Improvements were made with the introduction of the Single Digital Gateway ([Regulation \(EU\) 2018/1724](#)).

C. Protection of consumers' legal interests

1. Alternative dispute resolution procedures and online dispute resolution

Alternative dispute resolution (ADR) mechanisms offer out-of-court solutions for consumers and traders to resolve conflicts through third parties such as mediators. Various EU [directives](#) and [resolutions](#) set principles for ADR, offer cheaper and quicker remedies for consumers, introduce options for obtaining injunctions against cross-border commercial infringements, and provide avenues for both online and offline dispute resolutions. [Regulation \(EU\) No 524/2013](#) established an EU-wide online dispute resolution platform, accessible since February 2016.

2. European judicial network in civil and commercial matters and obligation for national authorities to cooperate

[Decision 2001/470/EC](#) created a European judicial network to assist citizens in cross-border litigation, enhance judicial cooperation and provide practical information. [Regulation \(EC\) No 2006/2004](#) set up a network of national authorities to enforce EU consumer protection law. This has obligated them to collaborate, since 29 December 2005, in ensuring compliance with EU law and addressing infringements through legal measures such as injunctions.

3. Representative actions for the protection of the collective interests of consumers

[Directive 2009/22/EC](#) standardised injunctions for collective consumer protection. [Directive 2014/104/EU](#) allowed those harmed by competition law violations to claim compensation. [Directive \(EU\) 2020/1828](#) broadened the injunction system to cover more EU instruments for collective consumer interests and set compensatory redress methods.

D. Measures implemented following the COVID-19 outbreak

During the pandemic, due to a rise in online irregularities, the Commission and consumer protection authorities in the Member States issued a [Consumer Protection Cooperation common position](#), urging online platforms to address illegal marketing. They also emphasised the importance of combating disinformation through a [joint communication](#). Amidst border controls and travel restrictions, the Commission, on 18 March 2020, provided [guidelines](#) ensuring the consistent application of EU consumers' rights. EU citizens have unique protection, covering all modes of travel. Carriers must offer refunds or re-routing for cancelled services.

ROLE OF THE EUROPEAN PARLIAMENT

Parliament is working to enhance EU consumer protection laws, ensuring a balance between market and consumer interests. This effort is guided by the [New Consumer Agenda 2020-2025](#), the [New Deal for Consumers](#), the [European Green Deal](#) and the [Circular Economy Action Plan](#). European consumers benefit from measures strengthening the EU internal market, in particular from the digital single market



initiative. This includes regulations on roaming charges, internet connectivity, the portability of online content, cross-border parcel delivery, general data protection and geo-blocking, the Directive establishing the European Electronic Communications Code and the free flow of non-personal data, and the Directive on Copyright in the Digital Single Market^[2].

In a [November 2020 resolution](#), Parliament advocated an update to the General Product Safety Directive (GPSD) to ensure that market surveillance rules are relevant for both offline and online products and to address challenges posed by emerging technologies such as artificial intelligence and robotics. A 2022 [study](#) for the IMCO Committee highlighted the need for a revised GPSD to account for these new technologies. Additionally, Parliament has discussed consumer protection in the digital age, emphasising robust measures for online marketplaces through the Digital Services Act, as highlighted in an [E-commerce workshop](#) in February 2020, as well as by a number of [studies](#)^[3]. Experts and stakeholders have insisted on the need to put in place strong consumer protection measures for online marketplaces via the Digital Services Act.

Recent research has delved into various aspects of consumer protection. A [study](#)^[4] from October 2020 discussed 'loot boxes' in video games and their potential to act as gateways to gambling, especially among young people. The IMCO Committee adopted a draft implementation [report](#) in December 2022 on consumer protection in online video games.

In January 2021, a [briefing](#)^[5] entitled 'Reimbursement and compensation in case of transport cancellation or delay: rights and their enforcement' detailed consumer rights under EU law for transport cancellations, specifically referencing the COVID-19 pandemic. Another [study](#)^[6] examined targeted advertising's impact on consumer choice, noting the benefits of personalised advertisements but raising concerns about transparency, the targeting of vulnerable consumers, and 'dark patterns' that may manipulate consumer decisions. The IMCO Committee held a public [hearing](#) in March 2022 to address the risks of dark patterns for consumers.

On 28 October 2021, the IMCO Committee held a public [hearing](#) on dual quality of goods in the single market. Experts from consumer associations and business organisations highlighted the challenges that dual quality practices have created, both for consumers and the industry, for example in terms of consumer information about

[2]Relevant research includes Wiewiórowska A. et al., Contribution to Growth: Legal Aspects of Protecting European Consumers, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2019.

[3]Maciejewski M., Blandin L., Digital Services Act: Opportunities and Challenges for the Digital Single Market and Consumer Protection, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020.

[4]Cerulli-Harms, A. et al., Loot boxes in online games and their effect on consumers, in particular young consumers, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020.

[5]Maciejewski, M. et al., Reimbursement and compensation in case of transport cancellation or delay: rights and their enforcement, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2021.

[6]Fourberg, N et al., Online advertising: the impact of targeted advertising on advertisers, market access and consumer choice, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2021.



the differentiation of goods. They also discussed how to raise consumer awareness on the issue.

A month later, on 9 December 2021, the IMCO Committee voted on the draft implementation [report](#) on the Toy Safety Directive to ensure that only safe toys are sold on the Union's market.

In February 2022, a [study](#)^[7] examined the impact of influencers on advertising and consumer protection, highlighting concerns about misleading content and the promotion of unsafe products in the rapidly growing influencer marketing industry. The Digital Services Act and Digital Markets Act aim to enhance transparency and regulate online platform gatekeepers, which are crucial in influencer activities. Another 2022 [study](#)^[8] in September analysed overdraft facilities in the EU, revealing significant interest rate variations among Member States. The authors advocated stricter, more equitable regulations, especially where interest rates are highest.

In November 2022, a [study](#) was published examining the increasingly prevalent practice of personalised pricing, where prices are tailored to individual consumers based on data analysis and often without their full awareness. This strategy may maximise profits for sellers by exploiting consumers' willingness to pay. This raises ethical concerns and potential consumer backlash due to perceived unfairness and the impact on price transparency and comparison. Currently, personalised pricing is permitted under EU law except where it violates anti-discrimination laws. New EU directives, such as Article 6(1)(ea) of the Consumer Rights Directive, require some disclosure of personalised pricing practices, but these are seen as insufficient. Given consumer opposition to this kind of pricing, future regulations could ban price discrimination leading to higher-than-regular prices. They could also expand and clarify information obligations and facilitate enforcement by reversing the burden of proof in cases of suspected price personalisation.

The Commission is [set to re-evaluate](#) Directive 2015/2302/EU on package travel, building on insights from the 2020 New Consumer Agenda and the 2021 report on the Directive's application. This reassessment aims to confirm if the Directive consistently offers robust consumer protections, including during insolvency, and reflects on lessons from the COVID-19 crisis, aligning with the sustainable and smart mobility strategy. Anticipated changes may involve streamlining the distinction between linked travel arrangements and packages, simplifying information requirements while preserving consumer safeguards, and clarifying rules such as those concerning voluntary vouchers. The Commission plans to propose legislative revisions, accompanied by an impact assessment, in the last quarter of 2023.

For more information on this topic, please see the website of the [Committee on the Internal Market and Consumer Protection](#).

[7]Michaelsen, F., Collini, L. et al., The impact of influencers on advertising and consumer protection in the Single Market, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2022.

[8]Knops, K. et al., Consumer protection in the context of overdraft facilities and overrunning, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2022.



