

The EU-Commission's 2030 Consumer Agenda and what it means to businesses

– Cheers and jeers

The *2030 Consumer Agenda and action plan for consumers in the single market* recently published by the European Commission contains the strategic framework for EU consumer policy and sets out priorities and actions for the next five years, focusing on four priorities: Removing obstacles for consumers in the Single Market, strengthening digital fairness and online consumer protection, promoting sustainable consumption and strengthening enforcement of consumer rights. The Consumer Agenda partly fulfils the demands highlighted by the Confederation of Swedish Enterprise, but more focus is needed on strengthened competitiveness and burden reduction.

The main messages of the Confederation of Swedish Enterprise in the preparation of the European Commission's Consumer Agenda were that it should focus on enforcing existing rules, simplifying consumer law, and strengthening competitiveness instead of new regulation.

We welcome the overarching priority of the Consumer Agenda to simplify and clarify consumer protection rules and reduce unnecessary administrative burden. Yet, the Consumer Agenda includes few specific proposals for simplification and administrative burden reductions for businesses.

We focus our comments on two priorities that we believe are central to the Consumer Agenda:

Strengthening digital fairness and online consumer protection contains various measures. Proposing a Digital Fairness Act is the most comprehensive measure. We agree with the European Commission that the consumer protection framework provides rules and incentives that create trust, safeguards, and legal certainty that benefit both consumers and businesses. European consumers already have a strong level of support and deserve to be protected against new challenges from a fast-accelerating digitalization in their daily lives. However, that protection must not lead to excessive regulatory burdens for businesses.

According to the Consumer Agenda, the EU's digital rule book was strengthened through the Digital Services Act, the Digital Markets Act and the Artificial Intelligence Act, but the digital fairness fitness check of EU consumer law showed shortcomings for consumers in the digital environment requiring action to fill the gaps. This conclusion is hasty and premature since these new and transformative regulations have not been able to leave an impact yet and the Commission itself has recently published a Digital Omnibus proposal and launched a digital fitness check to analyse the interplay between the different digital rules and their cumulative impact on businesses.

New legal measures in a Digital Fairness Act must only be proposed in case true legal gaps are identified. Introducing new rules when there has not yet been a proper evaluation of the new digital rulebook is inappropriate and not likely to deliver substantial benefits to consumer protection. Instead, it risks

unnecessarily burdening companies with disproportionate or unnecessary red tape.

There is already a plethora of EU consumer protection legislation in force regarding clearly identified dark patterns, addictive design features and unfair personalization. There is no need for new legislation, as the current legal framework offers sufficient coverage. Instead, focus should be on guidance for businesses and on improving consumer awareness and education. Targeting consumers' possible vulnerabilities is already prohibited under multiple existing frameworks and new requirements would create practical challenges in identifying and assessing these vulnerabilities, particularly in digital environments. Enhancement of existing enforcement mechanisms would be more effective than creating overlapping requirements.

On a positive note, we believe that the announced simplification proposals in a Digital Fairness Act regarding consumer information requirements are a step in the right direction. However, more burden reduction is clearly needed to live up to the promise of simplification and administrative burden reductions in the Consumer Agenda.

Effective enforcement and redress live up to one of our main demands for the Consumer Agenda: To review the Consumer Protection Cooperation Regulation (CPC) and supports its coordinated enforcement actions, with the aim of strengthening cross-border enforcement, ensuring strong protection for consumers and a level playing field for all traders serving EU consumers regardless of where they are located. We also welcome the focus of the Commission to support the implementation of existing rules and guidelines for businesses.

Finally, to be successful the Consumer Agenda needs to involve and seek discussions with stakeholders and we welcome and are looking forward to regular exchanges with the European Commission on burden reduction and simplification issues in consumer policy, including implementation dialogues with Commissioner McGrath and business stakeholders on challenges faced and to identify effective measures to be taken.

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