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**COMMISSION STAFF WORKING DOCUMENT**

**2022-2023 biennial overview of actions carried out by national authorities under  
Regulation (EU) 2017/2394 on consumer protection cooperation and key market trends  
that might affect consumers' interests in the future**

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## 1. INTRODUCTION

With more than 440 million consumers, the EU is the largest Single Market in the world. Consumers' expenditure is contributing to more than half of the Union's Gross Domestic Product (GDP) and is enabling millions of SMEs to flourish. Due to a comprehensive set of laws protecting consumers, retail markets across the Union benefit from a large array of harmonised rules enabling businesses to easily trade across borders and minimise legal costs. Enforcing consumer law swiftly and effectively is thus indispensable for the smooth and levelled functioning of the Single Market. This is regularly stressed by consumer stakeholders and policy makers, as for example during the 2023 EU Consumer Summit <sup>(1)</sup>.

National authorities play a key role in this respect. They cooperate with each other and with the Commission under the Consumer Protection Cooperation Regulation 2017/2394 <sup>(2)</sup> (hereafter: "CPC Regulation") to address illegal practices in an effective and consistent manner throughout the Union <sup>(3)</sup>.

In accordance with Article 37(2) of the CPC Regulation, this staff working document:

- provides an overview of actions carried out in 2022 and 2023 under the CPC Regulation, and in particular investigation and enforcement measures related to the widespread infringements, as well as statistics exchanged by means of alerts issued between competent national authorities and the Commission;
- presents major market trends identified by national authorities that might affect consumers' interests.

## 2. OVERVIEW OF THE ACTIONS OF THE CPC NETWORK IN 2022 AND 2023

### 2.1. Mutual assistance requests

Compared to 2020-2021 <sup>(4)</sup>, the first two years of application of the CPC Regulation, CPC authorities exchanged a total of 440 requests (+41%) under the mutual assistance mechanism provided by the CPC Regulation. Out of these, 283 were requests to take enforcement measures and 157 requests sought to obtain information.

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<sup>(1)</sup> <https://european-consumer-summit-2023.eu/home>

<sup>(2)</sup> [Regulation \(EU\) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation \(EC\) No 2006/2004](#) (OJ L345, 27.12.2017, p.1)

<sup>(3)</sup> The CPC Regulation also applies in the EEA.

<sup>(4)</sup> The biennial overview of key market trends and actions of the CPC network of 2020-2021 is accessible at: [Consumer Protection Cooperation network - European Commission \(europa.eu\)](#)

Most of these requests concerned infringements of Directive 2005/29/EC on unfair business-to-consumer commercial practices (hereafter: “UCPD”)<sup>(5)</sup> and Directive 2011/83/EU on consumer rights (hereafter: “CRD”)<sup>(6)</sup>.

Those requests concerned various topics, as detailed in the table below:

Consumer protection issues		Mutual assistance requests <sup>(7)</sup>		
		Requests for information	Requests for enforcement measures	Total
Horizontal consumer rights	Unfair commercial practices	129	187	316
	Unfair contract terms	0	21	21
	e-commerce	5	22	27
	Consumer rights	15	103	118
	Indication of prices of products	1	27	28
	Sales of goods and guarantees	0	7	7
	Misleading advertising	0	4	
Travel	Common air services rules	1	2	3
	Denied boarding, cancellation, long delay of flights	2	3	5
Communications	Privacy and electronic communications	10	26	36
Digital services	Supply of digital content and services	0	1	1
	Unjustified geo blocking	2	19	21
Medicinal products	Medicinal products for human use	2	5	7

## 2.2. Alerts

Alerts (see Articles 26 and 27 of the CPC Regulation) are issued by CPC authorities <sup>(8)</sup> and other bodies designated for this purpose by the Member States or the Commission,

<sup>(5)</sup> [Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market \(OJ L 149, 11.6.2005, p. 22\).](#)

<sup>(6)</sup> [Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights \(OJ L 304, 22.11.2011, p. 64\).](#)

<sup>(7)</sup> Requests for mutual assistance commonly concern several consumer protection issues at the same time.

<sup>(8)</sup> The CPC authorities are the national consumer protection authorities of the CPC network, as defined in Article 3(6) of the CPC Regulation: “any public authority established either at national, regional or local level and designated by a Member State as responsible for enforcing the Union laws that protect consumers’ interests”.

where, under specific conditions, they suspect a breach of EU consumer law, committed by a trader and affecting the collective interests of consumers.

The Internal Market Information system (IMI) provides the technical tools for this cooperation by supporting the requests for mutual assistance, the coordinated investigation and enforcement mechanisms, and the Union-wide activities (i.e., alerts, external alerts and exchange of other information relevant for the detection of infringements laid down in Articles 11 to 23 and 26 to 28 of the CPC Regulation.

CPC authorities and external entities empowered for this purpose by the Member States, or the Commission issued 93 alerts (+3% in comparison to the 2020-2021 period). The objective of such alerts is to inform authorities in other Member States about businesses practices that CPC authorities suspect to be in breach of consumer law.

Alerts exchanged between 2020-2021 covered a wide scope of consumer issues relating to practices by manufacturers, platforms and intermediaries, sellers, service providers and suppliers that were active both online (websites, social media, emails, etc.) and offline (face-to-face sales, doorstep sales, newspapers ads, etc.).

They mostly concerned dark patterns, subscriptions (automatic renewals, difficult cancellations, etc.), unsolicited sales, non- or partial implementation of the contract, misleading “green claims”, or abusive choice-of-law or jurisdiction in contract terms, false promotions, lack of delivery information, absence of consumer consent prior to payment, and the unfair promotion of crypto investments.

There were also problems particular to certain sectors, for example related to transport operators (e.g., air services, vehicle maintenance and rentals, etc.) or Information Technology services (e.g., consulting, software development, Internet, and related support services, etc.).

Of the 93 alerts issued on specific traders’ conduct during the 2022-2023 period, 44 had a potential EU dimension <sup>(9)</sup>.

Article 27 of the CPC Regulation also allows associations representing consumers or traders designated for this purpose at the national or the EU level to issue “external” alerts to the CPC network. In 2022-2023, one additional external entity has been designated by a Member State to issue external alerts, raising the total number of entities having the power to issue external alerts to 77 <sup>(10)</sup>. Those entities issued 50 out of the 93 alerts during the period of 2022-2023. While the CPC Regulation does not oblige CPC authorities to initiate proceedings or take any other action following an external alert, many of these

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<sup>(9)</sup> In accordance with Article 3(4) of the CPC Regulation, a ‘widespread infringement with a Union dimension’ means a widespread infringement that has done, does or is likely to do harm to the collective interests of consumers in at least two-thirds of the Member States, accounting, together, for at least two-thirds of the population of the Union.

<sup>(10)</sup> The public list of these entities is available here: [https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/consumer-protection-cooperation-network\\_en#cpc-actors](https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/consumer-protection-cooperation-network_en#cpc-actors)

external alerts have been followed up by coordinated actions or actions at the national level.

Those alerts mostly concerned suspected infringements to the UCPD and/or the CRD.

### **2.3. Sweeps**

Sweeps are “concerted investigations of consumer markets through simultaneous coordinated control actions”<sup>(11)</sup> in order to detect possible infringements. Until now sweeps have taken the form of compliance checks of websites, carried out simultaneously by national enforcement authorities, aiming to identify breaches of EU consumer law in a specific economic sector or in relation to specific commercial practices.

The Commission facilitates the preparation and execution of the sweeps by inviting CPC authorities every year to decide on the feasibility and the topic of the sweep, by assisting in drafting the survey, providing the CPC authorities with the technical support to carry out the investigations, record and compute the results.

Generally, CPC authorities carry out one large scale sweep per year. While participation of individual authorities takes place on voluntary basis, almost all authorities participate in the sweep. The last two annual sweeps focused on dark patterns in 2022 and on influencers in 2023.

Additionally, smaller scale sweeps are conducted by a smaller number of Member States participating to the e-enforcement group<sup>(12)</sup>. In 2022, one of those smaller scale sweeps focussed on misleading price reductions during the Black Friday sales period and another one on car rental intermediaries.

The sections below provide for more details about the large and smaller scale sweeps carried out by the CPC authorities in 2022 and 2023.

#### *2.3.1. Dark patterns*

Dark patterns are interfaces designed in a way that push consumers into making choices that may not be in their best interest. In April 2022, a Commission study<sup>(13)</sup> assessed various categories of dark patterns and revealed that they are increasingly used by online traders. Among the major platforms checked, 95% contained at least one dark pattern. Following these alarming results, CPC authorities decided to carry out a large scale sweep dedicated to this issue in November 2022<sup>(14)</sup>.

23 Member States, Norway and Iceland checked 399 websites and applications of retail sellers selling for their own account – i.e., not intermediaries. 148 web shops included at

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<sup>(11)</sup> Article 16 (3) of the CPC Regulation.

<sup>(12)</sup> More information to be found in the dedicated paragraph 2.6.3 below.

<sup>(13)</sup> [Behavioural study on unfair commercial practices in the digital environment \(op.europa.eu\)](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1111)

<sup>(14)</sup> [Sweep on Dark patterns \(europa.eu\)](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1111)

least one of the three following dark patterns: 42 websites used fake countdown timers with deadlines to benefit from an offer, 54 websites directed consumers towards certain choices – from subscriptions to more expensive products or delivery options, either through their visual design or choice of language, 70 websites were found to hide important information or to make it less prominent for consumers, for example, information related to delivery costs, the composition of products, or the availability of a cheaper option.

This sweep also included the corresponding apps of 102 of the websites checked, 27 of which also deployed at least one of the three categories of dark patterns.

Consumer protection authorities concluded that at least 37% of the checked websites potentially violate the UCPD due to the use of one of these three dark patterns.

### 2.3.2. *Black Friday misleading price reductions*

Since a few years now, the last Friday in the month of November is, also in Europe, commonly referred to as “Black Friday” and is dedicated to sales. In fact, depending on the shop, this sales period can, in fact, span even over several days or weeks. In accordance with Article 6(a) of the Price Indication Directive 98/6/EC, as amended by Directive (EU) 2019/2161<sup>(15)</sup>, price reductions on goods have to refer to the lowest actual selling price over the 30 previous days as of when the price reduction is applied.

The Commission has developed and provided CPC authorities with an AI-based digital tool for automatic detection of misleading price reductions. This tool was first used by 13 national authorities during the 2022 “Black Friday” sales <sup>(16)</sup>, and 43% of the websites were found to be in breach of EU consumer laws relating to the presentation of discounts.

In 2023, a monitoring exercise for the same sales period covered over 500 web shops in 16 countries and more than 28,000 products. Over 70% of the shops displayed at least one non-compliant discount. The tool allows authorities to monitor shops and retain robust evidence that they can use, where necessary, to initiate enforcement actions.

### 2.3.3. *Influencers*

Influencer marketing is a type of social media marketing where online creators promote products and services through placements and endorsements. It has become a growing

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<sup>(15)</sup> Article 6 (a) of Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers, as amended by Directive (EU) 2019/2161 (OJ L 080 18.3.1998, p. 27) provides:

- “1. Any announcement of a price reduction shall indicate the prior price applied by the trader for a determined period of time prior to the application of the price reduction.
2. The prior price means the lowest price applied by the trader during a period of time not shorter than 30 days prior to the application of the price reduction.
3. Member States may provide for different rules for goods which are liable to deteriorate or expire rapidly.
4. Where the product has been on the market for less than 30 days, Member States may also provide for a shorter period of time than the period specified in paragraph 2.
5. Member States may provide that, when the price reduction is progressively increased, the prior price is the price without the price reduction before the first application of the price reduction.”

<sup>(16)</sup> [Sweep on Black Friday sales \(europa.eu\)](https://ec.europa.eu/consumers/odr/press-releases/2023-04-12-sweep-on-black-friday-sales)



pillar of the digital economy, as the size of this market has worldwide more than doubled since 2019, with an estimated global value of more than EUR 19 billion in 2023 <sup>(17)</sup>. Influencers acting as traders under EU consumer law <sup>(18)</sup> are required to disclose advertisements and other commercial content in a transparent manner.

In November 2023, CPC authorities conducted a sweep to detect how influencers are disclosing their commercial activities. CPC authorities from 24 countries scrutinised 576 influencers who were active on at least 7 different social media platforms <sup>(19)</sup>. This sweep revealed that 97% of these influencers engaged in commercial activities but 80% did not consistently disclose such activity, and 40% were endorsing their own products, services or brands. As a result, CPC authorities selected 62% (358) of the influencers for further investigation.

In parallel, the Commission launched its Influencer Legal Hub <sup>(20)</sup> to assist influencers in becoming acquainted with applicable EU legislation. This hub provides videos, practical guidelines, such as guidelines on how to properly disclose advertising on social media <sup>(21)</sup>, and links to content made available at the national level.

Finally, the Commission entered into a recurrent dialogue with the members of the European Advertising Standards Alliance (EASA) to facilitate cooperation between enforcement authorities and self-regulatory bodies so that they can align the guidance they provide to influencers at national level.

#### 2.3.4. *Car rental intermediaries*

In 2022, the CPC network checked 78 websites offering car rental booking services, including websites of car rental brokers and airlines. As a result, 55% of these websites were found to be non-compliant with regards to their legal obligation to inform consumers about the contact details of the company providing the booking service, to provide clear contractual documents and information on insurances, prices and mandatory fees. As a follow-up, national authorities initiated a dialogue with some of the largest car rental booking companies in order to achieve compliance.

## 2.4. **CPC coordinated actions concerning digital markets**

The CPC network conducted a significant number of Union wide coordinated actions during the period of 2022-2023. As these actions are carried out under confidentiality, the

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<sup>(17)</sup> <https://www.statista.com/statistics/1092819/global-influencer-market-size/>

<sup>(18)</sup> Article 2 of the UCPD provides: a “‘trader’ means any natural or legal person who, in commercial practices covered by this Directive, is acting for purposes relating to his trade, business, craft or profession and anyone acting in the name of or on behalf of a trader”.

<sup>(19)</sup> By descendant order, Instagram, TikTok, YouTube, Facebook, X (ex-Twitter), Snapchat and Twitch. [Results of a screening \(“sweep”\) of social media posts \(europa.eu\)](#)

<sup>(20)</sup> [Commission and consumer authorities look into business practices of influencers \(europa.eu\)](#)

<sup>(21)</sup> [Dos and Don’ts: Best practices for advertising disclosures \(europa.eu\)](#)

following sections only provide the information which was made public before the end of May 2024.

#### 2.4.1. Marketplaces

**Wish** is an e-commerce platform allowing sellers who are registered on that platform to sell their products to consumers. In July 2022, following the launch of a dialogue with CPC authorities which started the year before, Wish implemented a new interface to prevent unauthentic and misleading discounts advertised by their business partners. It also ceased price personalisation techniques (which it previously used without appropriately disclosing this material information to consumers as required under EU law) <sup>(22)</sup>.

**Shopify**, a platform providing ready to use e-shops, committed to improve the design of its templates in October 2022. This was to ensure compliance of its business clients with EU consumer law <sup>(23)</sup> regarding the provision of companies' contact details wherever necessary and of mandatory pre-contractual information. Shopify also agreed to provide their clients with clear guidance on the applicable EU consumer law and to reply to national consumer authorities' requests, including to take down web shops found in breach of applicable EU law. Such breaches could include, for instance, fake scarcity claims, pressure selling, counterfeit goods, or non-existing products.

**Amazon**, in July 2022, committed to implement changes on all its EU websites which can be used via all devices (desktop, mobile and tablet computers) to enable consumers to unsubscribe from Amazon Prime with just two clicks, by using a prominent and clear new "cancel button" <sup>(24)</sup>. Alerted by a complaint issued together by the "European Consumer Organisation" BEUC <sup>(25)</sup>, the Norwegian Consumer Council and the Transatlantic Consumer Dialogue, CPC authorities initiated a coordinated action in April 2021. The reported cancellation practices involved a large number of steps consumers have to take to unsubscribe, including complicated navigation menus, confusing wording to present choices, and repeated nudging to continue the subscription.

**Google**, in January 2023, agreed to change several of its practices in relation to its applications stores as well as hotels and flights comparators <sup>(26)</sup>. In particular, Google agreed to create a separate contact channel reserved for the communication with consumer protection authorities about suspicious commercial content. Regarding flight and hotel booking, Google consented to clarify its role as an intermediary, to clearly disclose which reference prices are used when advertising discounts, that reviews are not verified on Google Hotels as well as to improve information on prices or availability of hotels.

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<sup>(22)</sup> [Following EU action, online marketplace Wish commits to increasing price transparency to comply with EU consumer rules \(europa.eu\)](#)

<sup>(23)</sup> [Shopify commits to new practices to make it safer for consumers buying from web stores on the platform \(europa.eu\)](#)

<sup>(24)</sup> [Amazon Prime changes its cancellation practices to comply with EU consumer rules \(europa.eu\)](#)

<sup>(25)</sup> [www.beuc.eu](http://www.beuc.eu)

<sup>(26)</sup> [Google commits to give consumers clearer and more accurate information to comply with EU rules \(europa.eu\)](#)

Concerning its applications stores, Google agreed to improve information on delivery costs, consumers' right of withdrawal, and the legal guarantee afforded to consumers pursuant to Directive (EU) 2019/771. Furthermore, Google consented to enhance its templates to allow third party traders to provide information on their company (e.g., legal name and address) and direct and effective contact points (e.g., a live telephone agent). Google also committed to provide information to consumers on how to browse different country versions of the Google Play Store and inform developers about their obligations under the Geo-blocking Regulation <sup>(27)</sup> to make their apps accessible EU-wide, as well as to enable consumers to use means of payment from any Member State. However, Google, until the present day, failed to ensure that when travelling to another Member State, consumers can download apps that are available in that market and for which it is not justified to deny access based on the country of registration of the Google account of the traveller.

**Vinted**, a peer-to-peer intermediary of clothing and other second-hand trading, was the subject of several national complaints <sup>(28)</sup> and investigations <sup>(29)</sup> which have been shared among consumer authorities of the CPC network. In 2024, the company committed before the CPC Network to improve the presentation of prices to consumers and ensure that unavoidable fees are included in the total price <sup>(30)</sup>.

#### 2.4.2. *Social media platforms and messaging services*

**TikTok**, in 2022 committed to align its practices with EU consumer law. Concretely, TikTok committed to ensure that users can report advertisements exhorting children to purchase goods or services, that brands do not promote inappropriate products or services, and that content published by a user having more than 10,000 followers is reviewed by the company to check whether commercial content is appropriately disclosed. TikTok also committed to clarify its policies on the use of virtual coins and to ensure that paid advertisements are clearly and adequately identified with a new label duly tested for its effectiveness <sup>(31)</sup>.

**WhatsApp** <sup>(32)</sup> agreed in 2023 to better explain updates to their terms of service and privacy policy and to give users sufficient time to assess such updates and the possible impact on their rights. WhatsApp also agreed to make it as easy for users to reject the

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<sup>(27)</sup> [Regulation \(EU\) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market](#) (OJ L 60I, 2.3.2018, p. 1–15)

<sup>(28)</sup> For example, in France: [L'UFC-Que Choisir lance une action de groupe contre Vinted](#)

<sup>(29)</sup> For example, in Italy: [Italian Competition Authority: vinted fined 1.5 million euro for an unfair commercial practice \(en.agcm.it\)](#)

<sup>(30)</sup> [Dialogue with Commission and consumer authorities brings Vinted to improve pricing information and transparency for consumers](#)

<sup>(31)</sup> [TikTok commits to align with EU rules to better protect consumers \(europa.eu\)](#)

<sup>(32)</sup> [WhatsApp agrees to comply fully with EU \(europa.eu\)](#)

proposed updates as it is to accept them and promised to respect users' choices, in particular by refraining from sending them recurring notifications.

**Tinder** <sup>(33)</sup> offers discounts to attract users and make them pay for premium services (the basic version of the app is free of charge). Following a dialogue with the CPC network, Tinder committed to inform consumers upfront and in a clear way that the discounted prices are personalised based on automated decision making. Moreover, Tinder agreed to provide information on the criteria that it uses to set and propose their personalised prices to consumers. Tinder also committed not to apply personalised pricing based on age without properly informing consumers about this.

#### *2.4.3. Online Travel Agencies*

**eDreams Odigeo, Etraveli Group and Kiwi.com**, three major European Online Travel Agencies ('OTA') that in particular sell flight booking services, committed to better inform consumers about their passenger rights in case of cancellations and, where applicable, how the OTA's practice of not transferring the passenger's contact or payment details to the airline affects the way in which those rights can be exercised. Importantly, the three OTAs also committed to clear any remaining reimbursement backlogs and to transfer ticket refunds that they receive from airlines to the concerned passenger <sup>(34)</sup>.

This action is a follow-up to the dialogues that the Commission and the CPC network held with 16 major airlines in 2021, in the aftermath of the COVID-19 pandemic. At the early stages of the pandemic, massive flight cancellations occurred, and airlines often issued vouchers without giving consumers a real choice to opt for getting reimbursement instead. Due to this action, the airlines agreed to reimburse such unused vouchers if consumers so wished. As a result, more than 500,000 consumers chose to have their vouchers reimbursed <sup>(35)</sup>. While the dialogues with airlines helped to ensure reimbursement for passengers who had booked their ticket directly with the airline, passengers who had booked their ticket via an intermediary often continued to face delays in getting reimbursement. It appeared that one of the factors causing those delays was that those passengers' contact or payment details often were not available to the airlines <sup>(36)</sup>.

#### *2.4.4. Payment services*

**Mastercard, VISA and American Express**, in January 2023, under the Payment Services Directive <sup>(37)</sup> and the UCPD, committed to introduce a series of changes to their rules and

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<sup>(33)</sup> [Tinder commits to provide consumers with clear information \(europa.eu\)](#)

<sup>(34)</sup> [Major online travel agencies commit to refund within 14 days for cancelled flights \(europa.eu\)](#)

<sup>(35)</sup> [Airlines reimburse over 500,000 flight vouchers as result of Commission and consumer authorities action in COVID-19 pandemic \(europa.eu\)](#)

<sup>(36)</sup> The Commission adopted a proposal on 29 November 2023 COM (2023)753 requiring the intermediaries to provide contact details and the booking details to the air carrier as amendment to Regulation (EC) No 261/2004 as Article 14a (2).

<sup>(37)</sup> [Directive \(EU\) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market \(OJ L 337, 23.12.2015, p. 35–127\)](#)

payment windows in order to ensure that consumers receive clear information that they are about to agree to recurring payments before being bound to pay <sup>(38)</sup>.

This action aimed at preventing the phenomenon commonly referred to as “subscription trap”, in other words the practice of luring consumers into hidden subscriptions charged by credit card on a monthly basis, using “free trials” or low-cost product as baits.

**PayPal Europe**, in December 2023 <sup>(39)</sup>, committed to modify its Terms and Conditions regarding the limitation of liabilities, commercial warranty, and governing laws and jurisdiction in order to be in line with the Directive on unfair terms in consumer contracts <sup>(40)</sup>.

#### 2.4.5. *Tickets resellers*

Ticket reselling websites have been on the CPC network’s radar since 2018.

**Viagogo** <sup>(41)</sup>, a peer-to-peer online platform allowing reselling of event tickets, has been subject to various complaints and national investigations <sup>(42)</sup> which were shared within the CPC network. The main issues concerned lack of transparency on Viagogo’s role as an intermediary, the identity of the third-party sellers and the capacity in which they act (trader or a peer consumer). There were also concerns about inadequate price indication, pressure selling and the platform’s terms and conditions.

The network launched a coordinated action against Viagogo in April 2021. The location of Viagogo’s registered office outside the EU/EEA and the existence of parallel actions against the trader on national level complicated the matter, which in turn affected the progress of the coordinated action. By the end of the period covered by this biennial report, the dialogue between the CPC network and Viagogo reached its final stage. The platform committed to better inform consumers on the conditions under which tickets are being resold and to stop pressuring consumers with excessive countdown messages <sup>(43)</sup>.

### 2.5. **Enforcement actions supporting the green transition**

The green transition has emerged as a priority for national consumer authorities, reflecting the EU’s overarching commitment to sustainable development and environmental responsibility. The CPC network, thus, under the coordination of the Commission, has

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<sup>(38)</sup> [Consumer frequent traps and scams \(europa.eu\)](#)

<sup>(39)</sup> [PayPal commits to amending terms & conditions to fully comply with EU consumer rules \(europa.eu\)](#)

<sup>(40)</sup> Op. cit.

<sup>(41)</sup> [Viagogo commits to improving terms and consumer info \(europa.eu\)](#)

<sup>(42)</sup> For example in Italy: <https://www.altroconsumo.it/vita-privata-famiglia/viaggi-tempo-libero/news/biglietti-concerti-ticketone>

<sup>(43)</sup> [Market places and digital services - European Commission \(europa.eu\)](#)

engaged in a wide scope of activities in order to empower consumers in the green transition.

In 2023, a coordinated action against **Nintendo** addressed the issue of early obsolescence. BEUC alerted the CPC network about a technical problem that occurred frequently on “Nintendo Switch” hand controllers becoming irresponsive and useless. The CPC network coordinated by the Commission initiated an enforcement action that resulted in Nintendo granting to consumers a right to free repair of affected controllers beyond the legal guarantee <sup>(44)</sup>.

The CPC authorities, under the coordination of the Commission, carried out a coordinated action following concerns relating to **Zalando**’s environmental claims, notably in the form of self-defined logos. Zalando committed to remove from its platform the icons representing sustainability flags displayed next to the products. Instead, Zalando will provide clear information about products’ environmental benefits, such as, for instance, the percentage of the recycled materials used <sup>(45)</sup>.

In the field of unfair green claims, CPC authorities have been exchanging best practices and know-how on how to tackle a wide range of practices linked to the use of vague and/or unsubstantiated advertising labels in various economic sectors such as textiles, airlines and cars. A joint workshop between the CPC network and BEUC was also organised in June 2023 on “Addressing misleading carbon offsetting claims”. The objective of this workshop was to provide an in-depth legal analysis and common understanding on how carbon offsetting claims can be misleading for consumers.

Finally, a taskforce on misleading green claims was formed among CPC authorities, members of the European Advertising Standards Alliance (EASA) and the Commission. The goal of this taskforce is to address the issue of misleading green claims at an early stage, by communicating to advertisers the “do’s” and “dont’s” for various types of environmental claims. Two meetings were held in 2023: during the first meeting, participants presented cases related to the communication and the substantiation of green claims used in ads, while during the second meeting, participants focused on claims which were assessed to be misleading by omission (including the use of generic claims).

## **2.6. Additional enforcement actions enhancing consumer protection**

### *2.6.1. Gaming sector*

The CPC network expressed concerns regarding unfair commercial practices exhorting children, who are vulnerable consumers, to spend money when they play online, given that such practices are detrimental to their economic interests and to those of their parents.

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<sup>(44)</sup> [Nintendo agrees to offer free repairs of irresponsive Nintendo Switch controllers \(europa.eu\)](#)

<sup>(45)</sup> [Zalando commits to remove misleading environmental claims \(europa.eu\)](#)



In the context of the e-enforcement academy <sup>(46)</sup>, the Commission, in 2022, organised a “Master class” for CPC authorities on online games. During this event, CPC authorities shared their national experiences regarding enforcement cases concerning online gaming and discussed emerging threats. Cooperation with the European Consumer Centres also enabled the CPC network to look into concrete issues children face <sup>(47)</sup>. Further, in May 2023, the Commission, to facilitate the work of the CPC network in the area of gaming, organised a joint workshop exchange with BEUC, representatives of Video Games Europe and the European Games Developer Federation and academics to discuss the use of virtual money in online games and the possible unfair practices linked to them, including the difficulty for younger children to understand the monetary value of such items. The rapid development of virtual worlds is also a possible source of unfair practices such as hidden advertising.

Due to their concern regarding this sector, CPC authorities decided to focus on the acquisition of a specific behavioural study in order to identify the most harmful practices as well as on exchanging on possible unfair practices in relation to, among others, loot boxes or the presentation and trading of virtual items.

#### 2.6.2. *Online advertising and the data economy*

Studies show that digital advertising globally covers 59% of the overall market of advertising <sup>(48)</sup> and is primarily based on the use of consumer data to show them targeted advertising.

The majority of consumers, in the Consumer conditions survey of 2022 <sup>(49)</sup>, expressed that the following concerns are very important to them:

- Their personal data could be used for other purposes and/or they do not know with whom it might be shared (70.5%).
- Their online data is collected/a profile is created without them knowing it or having had the chance to agree (66.3%).
- Cookies are installed on their computers (56.7%).

The CPC network considers it important to analyse the functioning of the current data economy. In particular, CPC authorities are concerned about consumers being correctly informed about business models which offer services “free of monetary payment” but in

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<sup>(46)</sup> See paragraph 2.7.3. on the e-enforcement working group and the Academy below.

<sup>(47)</sup> [ECC-Net Provides Teaching Materials for Young Consumers | European Consumer Centers Network \(eccnet.eu\)](https://eccnet.eu) As part of the European Year of Youth 2022, the European Consumer Centres of Austria, Cyprus, Greece, Luxembourg, Portugal, Slovakia and Sweden with the support of the European Commission produced a teaching toolkit in English for English class. This toolkit is composed of a brief teacher’s manual, video and accompanying guides providing a range of discussion questions on the topic of online games for children and teenagers and quiz for teenagers only. The aim is to raise awareness among children and teenagers of issues related to free-to-play and mobile games.

<sup>(48)</sup> [Zenith Forecasts 4.8% Growth for 2024, Marking Continued Adspend Acceleration Into 2025 and Beyond – Zenith \(zenithmedia.com\)](https://www.zenithmedia.com)

<sup>(49)</sup> [2023 Consumer Conditions Scoreboard | European Commission \(europa.eu\)](https://ec.europa.eu/eurobarometer)

exchange of their agreement to share their data for digital advertising purposes, and how this relates to the relevant, consumer, data protection and privacy legislation.

At the end of November 2023, BEUC alerted the CPC network of potential consumer law infringements in the context of Meta rolling out their new paying offer for using Facebook and/or Instagram “without ads”. While Meta argued that this was required to comply with a preliminary ruling <sup>(50)</sup> of the Court of Justice of the European Union as well as a decision of the Irish Data Protection Commission,

BEUC <sup>(51)</sup>, in their alert, considered that the main benefits of entering into a paid subscription for using Facebook and Instagram was not clear and that it was not in line with consumer law to present a “zero-payment” option as “free” when consumers are required to allow Meta to use their personal data for advertising purposes. For CPC authorities the questions raised by BEUC and its member organisations in their alert calls for further reflections and closer cooperation also between CPC and data protection authorities.

### *2.6.3. Online fraud schemes*

National consumer authorities and the Commission, together with Law enforcement agencies, cooperate with Europol against online fraud schemes. The objective is to focus on a strategic approach for the exchange of information between different enforcement networks and to develop a collaborative platform. This cooperation also aims at improving the understanding and quantification of the consumer harm generated by such criminal activities and at discussing means to detect new scams as fast as possible to stop them, and ultimately to put in place stringent measures to prevent scams from reaching consumers in the first place, including where relevant with the cooperation of social media, messaging and internet and communications providers.

## **2.7. Development of capacities of CPC authorities**

### *2.7.1. eLab*

As effective online investigations require state-of-the art digital solutions, that may not always be available to individual authorities, the CPC network, together with the Commission (that provides financing and manages this project for the benefit of the CPC network) developed the “EU eLab” to make available, and, where necessary, to adapt or develop information and communication tools that CPC authorities can use to perform online investigations of infringements covered by the CPC Regulation.

By the end of 2023, 200 users from 25 countries were using this service to perform investigations adapted to their specific needs, including the collection of evidence,

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<sup>(50)</sup> [Case-252/21](#)

<sup>(51)</sup> [Choose to lose with Meta \(beuc.eu\)](#)



emulation of mobile phones or tablet computers, as well as advanced investigative software.

Through the eLab, CPC authorities also exchange best practices and organise trainings for the use of these tools. Through the eLab, the CPC network and the Commission also developed targeted AI solutions for identifying malpractices such as misleading price discounts, fake reviews and lack of transparency on traders' contact details.

Other areas for which CPC authorities have used the eLab so far also include the investigation of online frauds, such as fake shops, phishing and otherwise unsafe websites. For example, in 2023, two in-person training sessions to show how software can be used to detect companies and individuals behind websites, and complex online scam networks were provided through the eLab.

CPC authorities and the Commission agreed to further develop this system in the future so that CPC authorities can use contribute to the work of law enforcers, such as police bodies, to identify international fraud scheme and develop cooperation including with platforms and domain name registries and registrars to prevent fraudsters to reach consumers.

#### *2.7.2. Financial support to CPC authorities*

During the 2022-2023 period, CPC authorities engaged in various activities to develop tools, to assist other actors under the CPC Regulation, and to exchange best practices across the CPC network and with other enforcement networks, including at the international level, to improve their capacities regarding the detection, investigation, and enforcement of infringements covered by the CPC Regulation.

CPC authorities organised the first “Nordic consumer summit” in Norway to increase the cooperation among CPC authorities in the specific regional context, and an event in Bucharest to discuss and define a common approach to enforcing the new “dual quality” provisions in the UCPD introduced under the Better Enforcement and Modernisation Directive (EU) 2019/2161.

In addition, the Polish CPC authorities developed digitalised enforcement tools allowing consumer associations designated as entities that can alert CPC authorities to use Artificial Intelligence (AI) solutions for developing a complaints database. The consumer authorities in Poland and Portugal also organised events to exchange best practices with the informal International Consumer Protection Enforcement Network (“ICPEN”) under their respective presidencies of that network.

The Commission supported these activities by making available EUR 1 million under the Single Market Programme on an annual basis.

#### *2.7.3. e-enforcement Working Group and Academy*

The CPC network established the e-enforcement working group with specialists of internet investigations so that they can exchange on technical matters linked to online enforcement tools as well as on widespread infringements taking place in digital markets. They held six

meetings in 2022-2023. In the context of this working group, CPC authorities organised several coordinated investigations whereby they also made use of the tools provided under the eLab, such as the sweep on car rental intermediaries <sup>(52)</sup> and the Black Friday sweep mentioned under section 2.3.2 above.

In order to train their officials involved in the application of the CPC Regulation, the Commission supports CPC authorities by running a training project for national authorities on state-of-the art internet investigation. During the last two years, this “e-enforcement Academy” <sup>(53)</sup> provided 24 e-learning modules, 20 online video tutorials, 12 basic-intermediate webinars, 12 advanced webinars, six master classes and 15 local training sessions. Via the Academy, CPC authorities also produced videos and resources for the Influencer Legal Hub project mentioned in section 2.3.3 above. Priorities for the work of the Academy are set by the CPC network in the context of the e-enforcement working group.

#### *2.7.4. Behavioural testing of commitments and change of practices of traders*

Since the last quarter of 2022, the Commission supports CPC authorities by providing them with the possibility of having commitments, as well as the changes traders implement to adapt their business practices in order to comply with those commitments or voluntary pledges, tested by an external contractor. In this context, six behavioural experiments have been carried out since the last quarter of 2022 to measure whether the changed practices linked to four enforcement actions and one pledge fulfilled their objective of accurately disclosing the necessary information to consumers.

The experiments are performed with real consumers, incentivised in order to induce realistic purchasing behaviours. Some experiments also involved minors. In the case of one enforcement action against a large platform in the entertainment/social media sector, the results have been shared with the trader concerned to allow that trader to further improve their practices taking into account their actual impact on consumers. The testing mostly involved several ways to disclose the nature of commercial content to consumers of social media posts. Tested practices of other traders included the labelling of sponsored search results as well as the clarity of information for consumers when it is presented with digital hover-over features.

## **2.8. Cooperation with other EU bodies**

### *2.8.1. BEUC*

In order to enhance cooperation and achieve better protection for all consumers in the Single Market, CPC authorities, with the support of the Commission, agreed with BEUC and its member organisations on a series of cooperation principles in 2022 and 2023 in two

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<sup>(52)</sup> [Sweeps - European Commission \(europa.eu\)](https://european-commission.europa.eu)

<sup>(53)</sup> [E-Enforcement Academy.pdf \(aenor.com\)](https://aenor.com)

joint workshops <sup>(54)</sup>. The discussions focused on how to better exchange evidence provided with external alerts and information concerning the follow-up by the CPC network on the alerts. The CPC network also agreed with BEUC and its member organisations on the principle of organising common activities and exchanging on their respective enforcement priorities on a more regular basis.

### 2.8.2. *CENTR*

Among the minimum powers under the CPC Regulation <sup>(55)</sup> is the power to order domain registries or registrars to de-register a website (e.g., a fake web shop) under the domain name they administer.

In November 2022, the CPC network, with the support of the Commission and in cooperation with the Council of European National Top-Level Domain Registries (CENTR), discussed with representatives of national top-level domain registries the practical aspects of the cooperation between CPC authorities, including in relation to the implementation of this power in practice. For this purpose, a joint meeting took place in November 2022, which showcased the well-established cooperation between the Belgian CPC authorities and its national top-level domain registry DNS counterpart. Also, the French model of using injunctions was found to be a successful cooperation model in this area. However, in the context of this meeting, some CPC authorities reported that cooperation with their national counterparts was difficult. Nevertheless, both CENTR members and CPC authorities expressed willingness to establish a dialogue on topics of interest. For the purpose of organising a second meeting with CPC authorities, a survey was carried out among CENTR members to map the various cooperation models existing across Member States to inform the discussion during that meeting which focussed on fake web shops.

### 2.8.3. *Data protection authorities*

Throughout 2022 and 2023, CPC authorities continued the cooperation and exchange of best practices among consumer and data protection authorities, which the Commission and the European Data Protection Board (EDPB) facilitate, notably through annual meetings and regular webinars.

In 2022, a group of volunteers from both authorities prepared a joint document outlining five key principles that traders should respect when directing their online advertising to children <sup>(56)</sup>. The document was formally endorsed by the CPC network and published on the Commission's website in the context of the 2022 European Year of Youth <sup>(57)</sup>. It

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<sup>(54)</sup> [Cooperation with consumer organisations - European Commission \(europa.eu\)](#)

<sup>(55)</sup> Article 9 (4) (g) (iii) of the CPC Regulation.

<sup>(56)</sup> This document was presented during an annual meeting of the CPC network and the members of the EDPB, in the presence of Justice Commissioner and EDPB Chair.

<sup>(57)</sup> [Cooperation between consumer and data protection authorities: 5 key principles of fair advertising to children \(europa.eu\)](#)

constitutes the first ever joint document published by consumer and data protection authorities at the European level.

As the provision of information to consumers on the processing of their personal data by connected cars is one of the many areas of concern both for consumer and data protection authorities, in 2023 the Commission supported the gathering of information in this area by publishing a study <sup>(58)</sup>. This study found that only about one third of consumers surveyed had a basic idea of what data connected cars collect and what this data is used for. Moreover, it found that the information provided to consumers during the marketing and pre-contractual phase by manufacturers and dealers was largely insufficient.

As a consequence, and in order to support the 2020 EDPB Guidelines 01/2020 on processing personal data in the context of connected vehicles and mobility related applications <sup>(59)</sup>, the group of volunteers among consumer and data protection authorities agreed to work on a new project in 2024 to advise manufacturers on how to better inform consumers about the processing of their personal data by connected cars.

#### *2.8.4. Safer Internet Centres (for kids)*

In order to bring more information to CPC authorities about misleading commercial practices targeting children online, the Commission supported activities in this area as part of the 2022 Better Internet for Kids strategy <sup>(60)</sup>.

#### *2.8.5. European Consumer Centres Network (ECC-Net)*

ECCs, which are present across all EU countries, Norway and can send external alerts to the CPC authorities and the Commission to draw their attention to infringements covered by the CPC Regulation. During the 2022-2023 period, those entities, which are co-financed by the EU budget with over EUR 7 million per year <sup>(61)</sup>, sent 16 external alerts <sup>(62)</sup>.

As entities having the power to issue external alerts under the CPC Regulation, these centres are also key in providing consumers with advice free of charge and in their native

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<sup>(58)</sup> [Study on the provision of information to consumers about the processing of vehicle-generated data \(pdf\) \(europa.eu\)](#)

<sup>(59)</sup> [Guidelines 01/2020 on processing personal data in the context of connected vehicles and mobility related applications \(pdf\) \(europa.eu\)](#).

<sup>(60)</sup> [A European strategy for a better internet for kids \(BIK+\) | Shaping Europe's digital future \(europa.eu\)](#)

<sup>(61)</sup> A similar amount is provided by the Member States every year.

<sup>(62)</sup> More information about the projects of the ECC-Net is found on [www.eccnet.eu](http://www.eccnet.eu).

language on cross border consumer purchases <sup>(63)</sup> and by designing quality consumer educational campaigns <sup>(64)</sup>.

## **2.9. International Cooperation**

### *2.9.1. Informal dialogue with the US*

Since 30 March 2022<sup>(65)</sup>, CPC authorities actively contributed to an informal dialogue with the U.S. Federal Trade Commission (FTC) to exchange knowledge and experience on consumer issues to strengthen the transatlantic coordination on key areas of policy and enforcement strategies.

During 2022 and 2023, the dialogue covered topics of common interest related to the digital economy and green transition, such as on-line reviews, influencers marketing, dark patterns, greenwashing and tools to conduct on-line investigations. The Transatlantic Consumer Dialogue (“TACD” <sup>(66)</sup>), representing consumers from both sides of the Atlantic, also intervened to present their views and experience in relation to a number of topics.

### *2.9.2. ICPEN*

In the course of 2022 and 2023, the CPC network, with the support of the Commission, substantially contributed to the activities of the International Consumer Protection Enforcement Network (“ICPEN”). Most of EU and EEA countries are members of this global network which provides for a unique enforcement cooperation forum for consumer enforcement authorities from over 50 countries. CPC authorities participated to numerous multilateral projects including sweeps and sharing of best practices, information and intelligence on consumer protection trends and risks, key consumer protection laws, enforcement powers and regulatory approaches to consumer protection.

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<sup>(63)</sup> Between 2022 and 2023, 245,000 consumers contacted the ECC network for assistance with a cross-border consumer issue (120,000 in 2022, rising to 125,000 in 2023). In 18% of queries, the ECC network intervened directly with the trader, achieving an amicable resolution in more than 60% of cases. In descending order, the top five specific economic sectors in which queries were made were: air passenger transport, car hire, accommodation services, online sales of clothing and footwear and furniture and furnishings.

<sup>(64)</sup> For example, in the context of the 50<sup>th</sup> anniversary of EU consumer rights in 2022 ([50 years of consumer legislation \(europa.eu\)](#)) or by providing hands-on support to displaced people in the EU, e.g., since 2022, [targeted to people fleeing Ukraine after Russia’s war of aggression against Ukraine](#).

<sup>(65)</sup> [Joint statement by Federal Trade Commission Chair Lina Khan and Didier Reynders, Commissioner for Justice of the European Commission \(europa.eu\)](#).

<sup>(66)</sup> The Transatlantic Consumer Dialogue is a forum of U.S. and EU consumer organisations which develops and agrees on joint consumer policy recommendations to the US government and European Union to promote the consumer interest in EU and U.S. policy making (<https://tacd.org>).

### **3. KEY MARKET TRENDS THAT MIGHT AFFECT CONSUMERS' INTERESTS IN THE FUTURE**

Building on the investigation work it is carrying and on the continuous examination of market trends affecting consumers, the CPC network identified a growing number of concrete market trends which are likely to affect consumers' interests across the Single Market in the foreseeable future. The following chapters summarise their views.

#### **3.1. Online fairness in relation to the presentation of the price and on influencers**

During regular exchanges between the Commission and the CPC network about key market trends potentially affecting consumers' interests in the future, CPC authorities expressed that the focus should be on the level of compliance by large online traders in the following areas:

- Price transparency requirements, as the total price should be presented upfront with all foreseeable fees and taxes included.
- Discount presentation, as price rebates must be based on the lowest actual price applied in the last 30 days.
- Information on price personalisation technics, which needs to be given where relevant.
- Influencers, who must disclose their commercial activities.
- Influencers who also operate web-shops, as they must respect consumer rights.
- Ranking criteria, which should be transparent, and reviews, which should clearly indicate their sources.

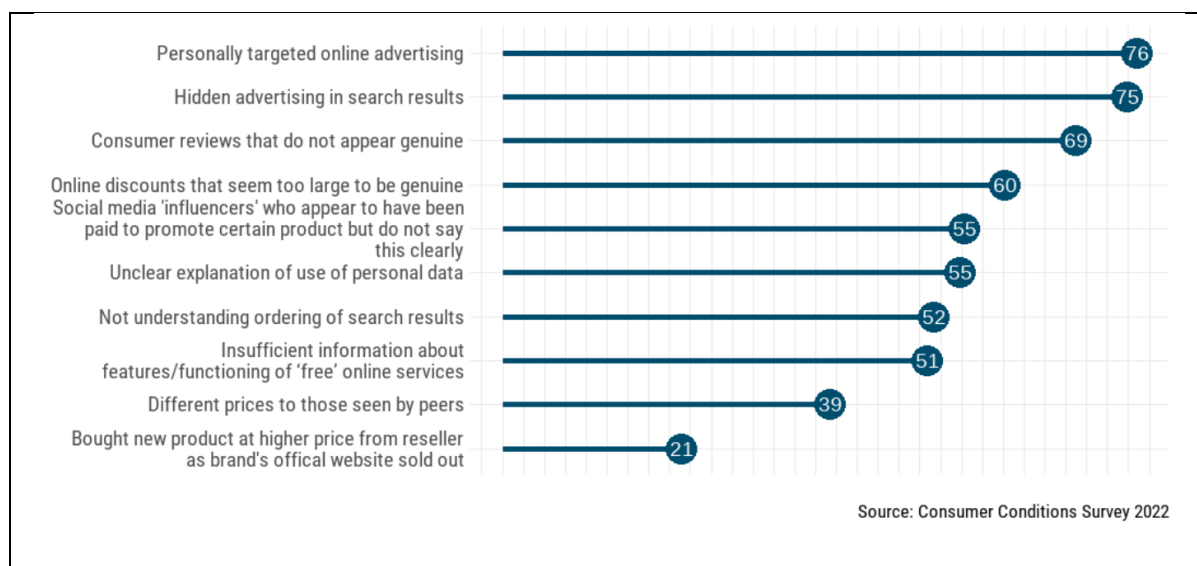
Following information from BEUC, CPC authorities are also aware of potential serious financial risks consumers face when following influencers advertising of crypto assets <sup>(67)</sup>.

Moreover, CPC authorities consider that the problems consumers are facing today, and on which the network already took firm action in the period covered by the present report <sup>(68)</sup>, are not diminishing, in particular as cross-border online trade continues to increase: according to the Consumer Conditions Scoreboard, by end 2022, 71% of EU consumers purchased goods or services online, 61% purchased from retailers/providers in their own country, 27% from another EU country and 20% from retailers/providers outside of the EU. When asked the question: "When you are searching for or buying products online, how often, if at all, would you say you experienced the following: reply always, often or sometimes", consumers reportedly encountered the main types of issues that are outlined in the table below. The three following practices have been identified as the most problematic ones: 76% has been personally targeted by online advertising, 75%

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<sup>(68)</sup> See section 2.4. above on CPC coordinated actions concerning digital markets.

experienced hidden advertising in search results, and 69% had come across reviews that did not appear genuine:



### 3.2. Generative Artificial Intelligence (AI) and chatbots

In April 2023, BEUC called the CPC network for action about generative AI systems, and in particular ChatGPT provided by OpenAI. According to BEUC, consumers are insufficiently informed about risks and harms they may suffer when using such systems <sup>(69)</sup>. Moreover, in June 2023, consumer groups from 13 European countries called national competent authorities in the area of consumer protection, personal data protection and product safety to launch investigations and ensure full compliance with existing legislation to protect consumers <sup>(70)</sup>. The call came along with a new report from a Norwegian consumer organisation, which analysed the risks of generative AI and the application of various EU laws, including the GDPR <sup>(71)</sup> and consumer protection legislation, and suggested a way forward that comprises both enforcement and policy action <sup>(72)</sup>.

Generative AI creates a great potential to transform several sectors of our daily lives and provide concrete benefits to individuals, including consumers. At the same time, such technologies should be developed, deployed and used safely to prevent risks. When asked about the key market trends that might affect consumers' interests in the future, CPC authorities confirmed that generative artificial intelligence clearly is an area which requires further assessment.

<sup>(69)</sup> [Call for action to open an inquiry on generative AI systems to address risks and harms for consumers \(beuc.eu\)](#). The civil society research organisation CAIDP (Center for AI and digital Policy) also filed a complaint to the U.S. Federal Trade Commission.

<sup>(70)</sup> [Consumer groups call on regulators to investigate generative AI risks & enforce existing legislation \(beuc.eu\)](#)

<sup>(71)</sup> [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data \(OJ L 119, 4.5.2016, p. 1–88\)](#)

<sup>(72)</sup> [Ghost in the machine - addressing the consumer harms of generative AI - Forbrukerradet \(pdf\)](#)

### 3.3. Greenwashing

CPC authorities noted that the promotion of claims related to sustainability is likely to increase more and more. They have identified, for instance, the following issues as being problematic in the near future: carbon compensation schemes in the airlines sector, premature obsolescence and the durability of products, subscriptions for more sustainable products (goods and services) and online sales of second-hand goods.

In June 2023, BEUC alerted the CPC network on CO2 compensation schemes <sup>(73)</sup> to which consumer can contribute when purchasing airline tickets. According to BEUC, the promotion of such schemes might be misleading as regards their actual environmental benefits. Moreover, in November 2023, BEUC also alerted the CPC network about allegedly misleading recyclability claims on plastic bottles for water used by three major providers of such bottles across the Single Market.

### 3.4. Multiple crises

Since 2020, consumers have been impacted by various crises (the COVID-19 pandemic, the rise of inflation and in particular the increase of energy prices). CPC authorities are conscious that such crises are disrupting markets in a different manner depending on the nature of the problems at stake and that they take a more important toll on vulnerable consumers. In addition, an increasing part of the population may become vulnerable when prices are rising faster than their income, as more consumers have difficulties to pay all their bills and credit instalments.

In the near future, CPC authorities reported that they were likely to focus more on how to increase consumers' economic resilience, notably where consumers face a temporary decrease in their purchasing power. The objective of increasing consumers' economic resilience is also to prevent an increase in the number of people with vulnerabilities. In this respect, CPC authorities stress that it is important to focus on fair commercial practices in consumer credits and to prevent for instance aggressive marketing of short-term credits and instant loans. Another area of activity could also be the issue of "shrinkflation"<sup>(74)</sup>.

In addition, CPC authorities note that, during the past years, also the energy sector has become an increasingly important area of concern for many consumers. They do not expect this to change in the near future, in particular given that the prices of fossil fuels are likely to remain high, but also because of the increasing need for consumers to switch to greener energy and to renovate their houses. This is why CPC authorities remain concerned about issues such as unfair contract terms of energy suppliers, scams linked to energy saving and renovation, price comparison websites for gas and electricity offers, or unfair marketing of possibilities to switch energy providers etc.

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<sup>(73)</sup> [Green \(f\)lying \(beuc.eu\)](https://www.beuc.eu/green-flying)

<sup>(74)</sup> This relates to downsizing content while packages may remain of the same size, making consumers believed that products they are used to remains the same while unit prices are in fact increasing substantially. A similar issue happens when the products look the same, but the quality is reduced.



### **3.5. Online fraud**

Fraud is widespread issue in the context of digital services. Every year, criminals that can easily conceal their identities target millions of consumers. Most recent consumer data collected by the Commission on fraud (dating back 2019) shows that 56% of adults in the EU reported that they experienced fraud in the previous two years <sup>(75)</sup>, including scams when purchasing products online and identity theft. Those who experienced financial harm mostly lost up to EUR 500. On this basis, estimates suggest that adults in the EU cumulatively could have lost in the region of EUR 24 billion on scams and fraud over a two-year period. When people experienced scams or fraud, 79% of victims reported to have suffered emotionally, 24% financially and 6% physically.

Consumers residing in Member States where there is a high rate of online shopping generally become more cautious with experience. Consumers who were less active online were more likely to be targeted by scammers over the phone, they were more likely to be older, and to have a lower level of education. Those in a financially difficult situations experienced fraud less frequently but, when exposed to it, they were more likely to suffer from the financial loss. Only 21% of those who experienced a scam or fraud reported it to the competent authorities, although this figure was notably higher (44%) in cases that involved more than EUR 50 financial loss.

The COVID-19 pandemic broke out shortly after the publication of the study outlined above, and the number of frauds increased dramatically. In early 2024, cyber security risks were ranked number four among global risks for the following two years <sup>(76)</sup>.

### **3.6. Intensified internationalisation of trade**

CPC authorities identified the globalisation consumer markets, especially online, as an important challenge for enforcement. For this reason, the CPC network is contributing to the work of various international networks, such as the ICPEN and the Organisation for Economic Co-operation and Development (OECD).

CPC authorities use such fora to exchange information and best practices on consumer issues which represent common threats at global level. In this context, the emphasis is on closer cross-border cooperation to enforce consumer law in a consistent manner, especially with key international partners such as the United States. But CPC authorities are also looking at way to enhance cooperation with authorities from other regions, including Australia, China and other Asian countries.

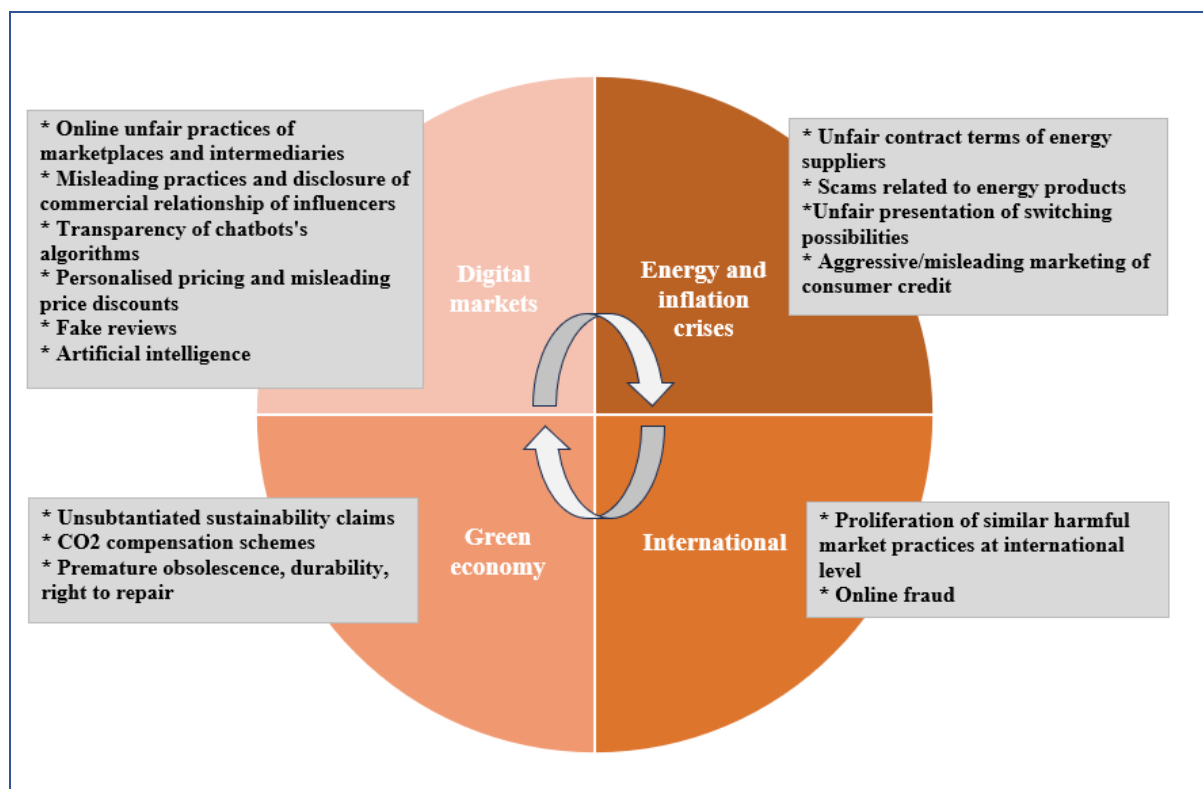
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<sup>(75)</sup> [Survey on Scams and fraud experienced by consumers \(factsheet\) \(pdf\) \(europa.eu\)](#) and [Final report \(pdf\) \(europa.eu\)](#)

<sup>(76)</sup> [World Economic Forum - The global risks report 2024 \(weforum.org\)](#)

### 3.7. Summary of the market trends which according to CPC authorities might affect consumers' interest in the future

This diagram reflects the four “mega” market trends, and within each the specific practices, which, according to CPC authorities, are most likely to affect consumers' economic interests in the years to come.



This biennial stock-taking report on the past activities of CPC authorities during the 2022-2023 period, as well as CPC authorities' identification of market trends that might affect consumers' economic interests across the Single Market in the future serves as a compass.

It informs consumers, businesses, as well as their respective representatives about CPC authorities' main areas of concern and consequently on the areas that are likely to steer their work related to the cross-border enforcement of consumer law in the EU/EEA in the near future.