

## Targeted consultation: Study to support the Fitness Check of EU consumer law on digital fairness and the report on the application of the Modernisation Directive (EU) 2019/2161

This targeted survey is part of the stakeholder consultation for the **Study to support the Fitness Check of EU consumer law on digital fairness and the report on the application of the Modernisation Directive (EU) 2019/2161**. The study is being conducted for the European Commission's Directorate General for Justice & Consumers (DG JUST) by a consortium comprising CSES Europe, VVA Brussels, Tetra Tech, LE Europe and WIK Consult.

This study will **assess the fitness for purpose of three key EU consumer Directives in ensuring digital fairness and high levels of consumer protection**:

- **Unfair Commercial Practices Directive 2005/29/EC (UCPD)**
- **Consumer Rights Directive 2011/83/EU (CRD)**
- **Unfair Contract Terms Directive 93/13/EEC (UCTD)**

In addition to performing a Fitness Check of EU legislation in the digital environment, a further objective of the study is to gather information and feedback to inform the Commission's future application report on the **Modernisation Directive (EU) 2019/2161**, which amended the above-mentioned directives in particular in relation to the digital environment.

**Targeted survey aims:** This targeted survey **complements the public consultation** (which closed on 20th February 2023) by **gathering more technical feedback on issues addressed in the Fitness Check and the Modernisation Directive**, including:

- Feedback on the effectiveness, efficiency, relevance, coherence and EU added value of the consumer law legislation within scope.
- Costs and benefits of: i) applying the laws for traders and consumers; and ii) implementing, monitoring and enforcing the laws for national authorities.
- Fitness for purpose of EU consumer law in light of interactions with the broader regulatory framework in areas such as digital markets and services, data protection: i.e. recent (proposed) laws to accommodate digitalisation (e.g. the Digital Services Act (DSA), Digital Markets Act (DMA), Artificial Intelligence Act (AIA), Data Act, GDPR).
- Considerations around the technology-neutral, general principles based approach and whether there are any specific digital areas that need a more specific legislative approach or whether guidance and case law are sufficient in ensuring fitness for purpose in the digital era.

Please note that there are many open response fields that allow you to share more targeted feedback.

**Target audience:** The consultation is aimed at informed stakeholders that have familiarity with, and knowledge of, EU consumer legislation and broader EU legislation where relevant, as well as the digital fairness issues within scope. This will include: consumer associations and NGOs; business associations; national competent authorities; European Consumer Centres (ECCs).

**Survey timeframe:** The consultation will be kept open for 12 weeks, from **27 June 2023 to 25th September 2023**.

Should you wish to consult with colleagues or your members in advance of completing the online survey, please click here to access a **here** version of the questionnaire.

**Data protection and privacy:** All data will be collected, processed, and retained for the study's duration in accordance with the rules pertaining to the collection and processing of personal data by the European Commission. All survey data will be analysed anonymously and kept confidential. Data will be reported only in aggregate format and will not mention any specific respondent names. The data will be processed in accordance with the GDPR and with Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies and on the free movement of such data.

Should you have any queries regarding data protection and privacy matters, please contact CSES' data controller, Jan Smit (**[jsmit@cses.co.uk](mailto:jsmit@cses.co.uk)**) who is the overall nominated data processor for this targeted consultation under the coordination of the European Commission in their capacity as the data controller. The full privacy statement can be accessed by clicking the PDF link **here**.

**Queries about the consultation:** Should you have any questions regarding the targeted consultation or the evaluation study, please contact the study team leader: Mark Whittle ([enquiries@cses.eu](mailto:enquiries@cses.eu)).

Thank you for your valuable input.

Page 1

## Section 1: Respondent profile information

**\* 1. What type of stakeholder are you? (Please tick one option)**

- |  |  |
|--|--|
| <input type="radio"/> Business association   | <input type="radio"/> Consumer association / non-governmental organisation (NGO) |
| <input type="radio"/> Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms) | <input type="radio"/> National Ministry  |
| <input type="radio"/> National enforcement authority   | <input type="radio"/> European Consumer Centre (ECC)                             |
| <input type="radio"/> Academic / researcher in the field   | <input type="radio"/> Other, please specify                                      |

### Additional options (question 1)

- Order responses: alphabetically

Page 2

**Show page if**

1. What type of stakeholder are you? (Please tick one option)

**is Business association**

**or**

1. What type of stakeholder are you? (Please tick one option)

**is Consumer association / non-governmental organisation (NGO)**

**or**

1. What type of stakeholder are you? (Please tick one option)

**is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)**

**or**

1. What type of stakeholder are you? (Please tick one option)

**is National Ministry**

**or**

1. What type of stakeholder are you? (Please tick one option)

**is National enforcement authority**

**or**

1. What type of stakeholder are you? (Please tick one option)

**is European Consumer Centre (ECC)**

**2. Please specify the name of your organisation:**

Page 3

**Show page if**

1. What type of stakeholder are you? (Please tick one option)

**\* 3. Please specify the size of your firm:**

- Large (>250 staff)  Medium (50-249 staff)
- Small (10-49 staff)  Micro (<10 staff)

**Additional options (question 3)**

- Order responses: alphabetically

**\* 4. Please specify the types of trader:**

- E-commerce firm (selling goods and services online only).  Omni-channel firm (selling goods and services both offline and online).
- Provider of online marketplace (i.e. platform where contracts between sellers and buyers are concluded).  Provider of other online intermediary platform (e.g. comparison tool/ review provider).
- Provider of digital services/ digital content (DSP).  Other, please specify

**Additional options (question 4)**

- Order responses: alphabetically

**Page 4**

**\* 5. Which country are you responding from?**

- EU-level association  Austria
- Belgium  Bulgaria
- Croatia  Cyprus
- Czechia  Denmark
- Estonia  Finland
- France  Germany
- Greece  Hungary
- Ireland  Italy
- Latvia  Lithuania
- Luxembourg  Malta
- Netherlands  Poland
- Portugal  Romania
- Slovakia  Slovenia
- Spain  Sweden
- Other, please specify:

**Additional options (question 5)**

- Order responses: alphabetically

**Page 5**

 **Show page if**

1. *What type of stakeholder are you? (Please tick one option)*

is Consumer association / non-governmental organisation (NGO)

or

1. What type of stakeholder are you? (Please tick one option)

is Business association

\* 6. Please specify the levels at which your organisation operates:

**Please select all that apply**

At the international level

At the EU level (including trading intra-EU)

At the national level (EU-27) – indicate country:

#### Additional options (question 6)

- Order responses: alphabetically

#### Page 6

 **Show page** if

1. What type of stakeholder are you? (Please tick one option)

is Business association

or

1. What type of stakeholder are you? (Please tick one option)

is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)

\* 7. Does your enterprise (or for associations, enterprises belonging to your association) trade on a cross-border basis? **Please select one option**

Trade on a cross-border basis within the EU

Trade on a cross-border basis in the EU and internationally

Trade on a cross-border basis internationally only

Trade in our domestic market only (i.e. own country)

Don't know

#### Additional options (question 7)

- Order responses: alphabetically

#### Page 7

 **Show page** if

1. What type of stakeholder are you? (Please tick one option)

is Business association

or

1. What type of stakeholder are you? (Please tick one option)

is Consumer association / non-governmental organisation (NGO)

8. Please specify the fields / economic sectors of activity on which your organisation focuses:

- \* 9. Can the feedback in your responses be analysed in a way that identifies your organisation or would you prefer this is analysed confidentially – aggregated with other feedback of the relevant type of stakeholder, without being attributed to your organisation?

Please note that, given sensitivities, all costs data will be kept confidential and anonymised.

- Our feedback can be analysed in a way that attributes it to our organisation  Our feedback should be analysed anonymously at the stakeholder category level

**Additional options (question 9)**

- Order responses: alphabetically

## Section 2: Review of digital fairness in EU consumer law and the application of the Modernisation Directive

**Please note:** References to the “EU consumer law Directives” in this survey relate to the three Directives within the Fitness Check’s scope: (1) the Unfair Commercial Practices Directive 2005/29/EC (UCPD) (2) the Unfair Contract Terms Directive 93/13/EEC (UCTD) and (3) the Consumer Rights Directive 2011/83/EU (CRD). These were recently amended through the Modernisation Directive (EU) 2019/2161.

### Section 2.1 – Effectiveness

Effectiveness considers the extent of progress towards achieving the objectives of the EU’s consumer legislation, and whether the overall regulatory framework is delivering for consumers and traders.

#### 2.1.1 General questions

- \* 10. To what extent have the EU consumer law Directives contributed towards achieving the following objectives?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don’t know
Improved functioning of the EU digital single market.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating e-commerce through uniform rules on information requirements in distance contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating e-commerce through uniform rules on unfair commercial practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating e-commerce through uniform rules on the right to cancel online purchases within 14 days.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Striking the right balance between ensuring high levels of consumer protection and facilitating e-commerce.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthening consumer protection and trust in purchasing online.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring that consumers are well-informed before they make online purchases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring the transparency and fairness of subscription contracts for digital content and services (including their cancellation).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing deceptive practices (dark patterns) in website/app design.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing misleading or aggressive marketing online.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing the unfair online targeting of consumer vulnerabilities for commercial purposes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Preventing unfair standard contract terms in online contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protecting consumer rights when using 'free' services (involving commercial use of the consumers' personal data).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring the transparency and fairness of personalisation practices (e.g. personalised advertising, pricing, offers, ranking, recommendations).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring transparency and fairness in the marketing of virtual items (including loot boxes) and virtual intermediate currencies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing clear rules on the burden of proof / provision of evidence regarding the fairness of commercial practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 10)**  
 • Order responses: alphabetically

**11. Do you have any comments on the impact of the following developments on the application of the EU consumer law framework in the digital environment?**

- Development of relevant case law of the Court of Justice of the European Union:
- Development of interpretative guidance (e.g. Commission's Guidance on UCPD, CRD, UCTD):
- Application of the amendments to EU consumer legislation introduced by the Modernisation Directive:
- Application of new legislation in the digital area (e.g. the Digital Services Act, Digital Markets Act, General Data Protection Regulation, proposals for a Artificial Intelligence Act, Data Act):

**Additional options (question 11)**  
 • Order responses: alphabetically

**\* 12. Overall, to what extent have the EU consumer law Directives provided regulatory certainty in the digital environment?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
Regulatory certainty for <u>businesses</u> when trading online in their Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory certainty for <u>businesses</u> when trading online cross-border/in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory certainty for <u>consumers</u> when purchasing goods, digital content or services online in their Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory certainty for <u>consumers</u> when purchasing goods, digital content or services online cross-border/in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 12)**  
 • Order responses: alphabetically

**\* 13. To what extent have the EU consumer law Directives provided regulatory certainty about the applicable rules in the following specific areas?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
Online sale of physical products and services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Online sale of digital content and services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provision of “free” digital services (in exchange for consumers’ data)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online advertising (including influencer marketing and personalised advertising)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of AI systems in the context of B2C commercial practices (including AI chatbots)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personalised pricing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other personalisation practices (ranking, offers, recommendations etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fairness requirements concerning the design of online interfaces (websites, apps)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Virtual items (including loot boxes) and virtual intermediate currencies in digital services, such as video games	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standard contract terms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Subscription contracts for digital content and services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on burden of proof in disputes/enforcement of fairness requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of dropshipping (i.e. shop does not hold those products in stock)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of scalping (i.e. purchasing of products in high demand using automated tools with a view to resell them at higher price)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 13)**

- Order responses: alphabetically

\* 14. Do you perceive that there are any outstanding legal gaps?

- Yes
  No
  Don't know

**Additional options (question 14)**

- Order responses: alphabetically

Page 10

 Show page if

14. Do you perceive that there are any outstanding legal gaps?  
is Yes

15. Please provide examples of perceived legal gaps:

Page 11

2.1.2 Questions about problematic practices

Whilst recognising that many traders spend resources ensuring that they invest in compliance with EU consumer law, some studies undertaken for the European Commission and wider research point to a range of practices by traders considered to be

potentially problematic. This section seeks feedback on the extent to which such practices are prevalent, how far stakeholders agree there is a problem, and considers possible solutions. Some practices are already prohibited and/or addressed in EU law, raising questions around compliance levels and enforcement, whereas others may be pointing at regulatory gaps or uncertainty.

**\* 16. To what extent do you agree or disagree that the following practices are problematic?**

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Presence of deceptive practices (dark patterns) in website/app design.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of transparency concerning paid promotions in social media.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning personalised advertising / commercial communications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning personalised pricing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning other personalisation practices (ranking, offers, recommendation etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning the addictive use of digital products and services (e.g. social media, video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning the cancellation of subscriptions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems with price hikes in subscriptions, following initial promotional deals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to automatic conversion of free trials into paid subscriptions contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to lack of transparency about the actual value of virtual items offered in exchange for virtual intermediate currencies (in digital services such as video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of loot boxes and addiction-inducing design features (in digital services such as video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scalping of products using automated software (except event tickets).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of consumers' data that exploits specific vulnerabilities for commercial purposes (e.g. data indicating a gambling addiction).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of AI systems that deploy subliminal techniques beyond a person's consciousness for commercial purposes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of a clear and intelligible presentation of contractual information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems in communicating with traders due to the use of AI chatbots.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of transparency concerning the "dropshipping" business model (i.e. the fact that the shop does not hold those products in stock).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 16)**

- Order responses: alphabetically

**\* 17. In the past five years, how far have the following potentially problematic B2C digital practices increased or decreased in frequency?**

	Significant increase	No increase	Significant decrease	Don't know
Presence of deceptive practices (dark patterns) in website/app design.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of transparency concerning paid promotions in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



social media.						
Problems concerning personalised advertising / commercial communications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning personalised pricing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning other personalisation practices (ranking, offers, recommendation etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning the addictive use of digital products and services (e.g. social media, video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning the cancellation of subscriptions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems with price hikes in subscriptions, following initial promotional deals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to automatic conversion of free trials into paid subscriptions contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to lack of transparency about the actual value of virtual items offered in exchange for virtual intermediate currencies (in digital services such as video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of loot boxes and addiction-inducing design features (in digital services such as video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scalping of products using automated software (except event tickets).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of consumers' data that exploits specific vulnerabilities for commercial purposes (e.g. data indicating a gambling addiction).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of AI systems that deploy subliminal techniques beyond a person's consciousness for commercial purposes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of a clear and intelligible presentation of contractual information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems in communicating with traders due to the use of AI chatbots.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of transparency concerning the "dropshipping" business model (i.e. the fact that the shop does not hold those products in stock).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 17)**

- Order responses: alphabetically

**18. Do you have any follow-up comments regarding the problematic practices and how prevalent they are?**

Page 12

**\* 19. To what extent have the three core EU consumer law Directives been effective in tackling perceived problematic digital B2C practices?**

Very    Quite    Somewhat    Not    Don't

	effective	effective	effective	effective	know at all
Presence of deceptive practices (dark patterns) in website/app design.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of transparency concerning paid promotions in social media.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning personalised advertising / commercial communications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning personalised pricing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning other personalisation practices (ranking, offers, recommendation etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning the addictive use of digital products and services (e.g. social media, video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems concerning the cancellation of subscriptions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to price hikes in subscriptions, following initial promotion deals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to Automatic conversion of free trials into paid subscriptions contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems due to lack of transparency about the actual value of virtual items offered in exchange for virtual intermediate currencies (in digital services such as video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of loot boxes and addiction-inducing design features (in digital services such as video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scalping of products using automated software (except event tickets).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of consumers' data that exploits specific vulnerabilities for commercial purposes (e.g. data indicating a gambling addiction).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of AI systems that deploy subliminal techniques beyond a person's consciousness for commercial purposes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of a clear and intelligible presentation of contractual information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems in communicating with traders due to the use of AI chatbots.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absence of transparency concerning the "dropshipping" business model (i.e. the fact that the shop does not hold those products in stock).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify: <div style="border: 1px solid #ccc; height: 20px; width: 100%; margin-top: 5px;"></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Additional options (question 19)

- Order responses: alphabetically

**20. If you consider certain problematic practices to be already covered by EU consumer law, do you have any additional comments on the application of the laws in practice (e.g. are there specific regulatory gaps, a need for more regulatory clarity, guidance and/or more effective enforcement).**

The Modernisation Directive (EU) 2019/2161 had to be applied from May 28th 2022, although several Member States were late in their transposition. It amends EU consumer law with additional rules regarding the digital environment, among other areas, and strengthens the overall enforcement of the existing rules through stronger requirements regarding penalties in case of infringements and providing rights for individual remedies for consumers harmed by unfair commercial practices.

21. To what extent, in your opinion, has the Modernisation Directive **strengthened consumer protection** in the following areas it covers?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
More transparency in online search results (disclosure of ranking criteria and paid placements) when consumers search for products offered by different traders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More transparency about whether the third party offering products through online marketplaces is a trader or consumer.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More transparency regarding the processing and verification of consumer reviews that traders collect and make available.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Better access to event tickets as a result of the prohibition of scalping by automated software.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More transparency concerning price reduction announcements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Better consumer information about “free” digital content and services (provided in exchange for commercial use of personal data).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More transparency when the price is personalised as a result of automated decision-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Easier communication with the trader through the e-mail address and telephone number.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More deterrence against infringements through stronger penalties.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing the misleading presentation of goods (especially food) as being identical to those marketed in other EU countries when there are significant differences ('dual quality' of goods).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More deterrence against infringements through better redress for victims of unfair commercial practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 21)**

- Order responses: alphabetically

22. Do you consider that **consumers suffer detriment** due to unfair commercial practices (i.e. pressure selling, misleading information) in the context of the following selling techniques taking place outside the seller's regular business premises:

	This selling method is not used in the EU country where our organisation is established/active	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
Doorstep selling (sellers' visits to consumer's home).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Commercial excursions (leisure activities organised by a seller involving sale of products).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organised selling events at places like private homes, hotels, restaurants to which consumers are invited.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Additional options (question 22)

- Order responses: alphabetically

### Page 14

#### Show page if

22. Do you consider that consumers suffer detriment due to unfair commercial practices (i.e. pressure selling, misleading information) in the context of the following selling techniques taking place outside the seller's regular business premises:...

is To a great extent

or

22. Do you consider that consumers suffer detriment due to unfair commercial practices (i.e. pressure selling, misleading information) in the context of the following selling techniques taking place outside the seller's regular business premises:...

is To a moderate extent

### 23. What measures are needed to protect consumers better in such cases?

	Better enforcement of existing rules	Stronger customised national rules	Stronger EU-wide rules (prohibitions)	Don't know
Doorstep selling (seller's visits to consumer's home).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Commercial excursions (leisure activities organised by a seller involving sale of products).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organised selling events at places like private homes, hotels, restaurants to which consumers are invited.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other approaches, please specify: <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Additional options (question 23)

- Order responses: alphabetically

### Page 15

### \* 24. Do you consider that consumers suffer detriment due to traders' practices of marketing goods (through their branding and presentation) as being identical to those goods in other EU countries notwithstanding their differences in composition and characteristics ('dual quality')?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know

### Additional options (question 24)

- Order responses: alphabetically

### 25. Please explain your response to the above question should you wish to do so:

Show page if

24. Do you consider that consumers suffer detriment due to traders' practices of marketing goods (through their branding and presentation) as being identical to those goods in other EU countries notwithstanding their differences in composition and characteristics ('dual quality')?...

is To a great extent

or

24. Do you consider that consumers suffer detriment due to traders' practices of marketing goods (through their branding and presentation) as being identical to those goods in other EU countries notwithstanding their differences in composition and characteristics ('dual quality')?...

is To a moderate extent

\* 26. What is your opinion regarding measures to tackle such as 'dual quality' practices by traders? Please choose one option

- The current EU rules based on case-by-case assessment of such marketing practices, taking into account their impact on consumers in individual Member State, are adequate and should be enforced.
- Stronger legal rules are needed
- Do not know/question not relevant

Additional options (question 26)

- Order responses: alphabetically

Show page if

26. What is your opinion regarding measures to tackle such as 'dual quality' practices by traders? Please choose one option...

is Stronger legal rules are needed

\* 27. In your opinion, which of the following rules would strengthen the legal framework on 'dual quality' practices? (Please tick all that apply - more than one option is possible)

- Banning such marketing practices in all circumstances and in all Member States affected, irrespective of their impact on consumers in individual countries.
- Restricting/specifying the scope of 'legitimate and objective' factors that could justify such marketing practices
- Additional rules about informing consumers when national product versions are differentiated due to 'legitimate and objective' factors.
- Don't know
- Other measures, please specify:

Additional options (question 27)

- Order responses: alphabetically

28. Do you have any additional feedback regarding the extent to which the Modernisation Directive is likely to strengthen the effectiveness of the three consumer law Directives in terms of: i) ensuring fitness for purpose for the digital age and ii) strengthening enforcement:

Ensuring fitness for purpose of consumer law for the digital age:

Strengthening enforcement through harmonised penalties in certain cases and rules on consumer remedies:

**Additional options (question 28)**

- Order responses: alphabetically

\* 29. Were there any unforeseen or unexpected consequences of the Modernisation Directive's amendments in the UCPD, CRD, UCTD and PID? For example, more use by traders of other methods to promote price advantages instead of the - now regulated - price reductions (such as price comparisons, loyalty programmes, personalised discounts etc.)

- Yes
  No  
 Don't know

**Additional options (question 29)**

- Order responses: alphabetically

**Page 19**

 **Show page** if

*29. Were there any unforeseen or unexpected consequences of the Modernisation Directive's amendments in the UCPD, CRD, UCTD and PID? For example, more use by traders of other methods to promote price advantages instead of the - now regulated - price reductions (such as price comparisons, loyalty programmes, personalised discounts etc.)...*

**is Yes**

30. Please identify and explain any unforeseen or unexpected consequences stemming from the Modernisation Directive's amendments in the UCPD, CRD, UCTD and PID below. Please specify which Directive the amendments relate to from among the above-mentioned Directives:

**Page 20**

2.1.4 Enforcement and regulatory compliance

\* 31. How effective is the enforcement of EU consumer law in the digital environment?

Please provide your overall perception concerning the enforcement of the Consumer Rights Directive, Unfair Commercial Practices Directive and Unfair Contract Terms Directive respectively in the digital area.

	Very effective	Effective	Neutral/Neither effective nor ineffective	Ineffective	Very ineffective	Don't know
Public enforcement by administrative authorities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Private enforcement by qualified entities, such as consumer or business organisations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resolution of disputes between consumers and traders <b><u>through court action.</u></b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resolution of disputes between consumers and traders through <b><u>out-of-court dispute resolution mechanisms.</u></b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Development of soft law measures (e.g. guidance; compliance sweeps by the CPC Network; voluntary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

pledges).

Ensuring consumer redress, such as compensation, price reduction, ending the contract.

#### Additional options (question 31)

- Order responses: alphabetically

32. Please explain your response to the above question:

Page 21

\* 33. To what extent do you agree with the following statements concerning the functioning of the EU consumer law Directives in the digital environment?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
There are divergences in national interpretation of EU consumer law <u>across different Member States.</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are divergences in national interpretation of EU consumer law by <u>different competent bodies in the same Member State.</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traders are able to bypass certain obligations in EU consumer law using <u>contractual, technical or behavioural measures.</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Additional options (question 33)

- Order responses: alphabetically

34. If you responded 'to a great extent' or 'to a moderate extent', please explain your answer below, provide any specific examples, and mention what impact this has had:

Examples of divergence in national application of EU law (if any interpretation differences):

Impacts of divergence in application (e.g. on single market):

#### Additional options (question 34)

- Order responses: alphabetically

\* 35. What are your perceptions regarding the level of compliance among traders in relation to the following main requirements of the EU consumer law Directives?

	High compliance levels	Medium compliance levels	Low compliance levels	Don't know
Avoiding misleading or aggressive commercial practices (Unfair Commercial Practices Directive)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing precontractual information (Consumer Rights Directive)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adhering to the 14-day right of withdrawal (Consumer Rights Directive)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Avoiding non-transparent and unfair standard contract terms (Unfair Contract Terms Directive)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Adhering to requirements concerning price reductions (Price Indication Directive as amended by the Modernisation Directive).

### Additional options (question 35)

- Order responses: alphabetically

Page 22

## Section 2.2 - Efficiency - The costs and benefits of EU consumer law

Efficiency considers the relationship between the costs and benefits of EU consumer law in the digital area. The following questions seek feedback on the costs of complying with EU consumer law for traders and the administrative burdens of implementing the legislation for enforcers. Both quantitative estimates of costs and qualitative feedback would be useful.

### Guidance for traders (e-commerce enterprises, platforms, digital service providers etc.) and industry associations:

- We first ask about the compliance costs you incur as a trader (or costs of your members if a trader representative association) in complying with the three pieces of EU consumer legislation within scope (the UCTD, the UCPD and the CRD). The specific additional costs of compliance in the digital area, to the extent these can be distinguished, are also sought.
- The costs of any changes due to regulatory amendments in the Modernisation Directive are then sought (as these led to changes in the three Directives within scope).
- Enterprises selling cross-border are asked about any one-off costs incurred when entering another EU country's market for the first time to sell / market products/services online, due to national regulatory differences e.g. a cancellation button in Germany, rules on social media influencers in France).

**Guidance for enforcement authorities/national Ministries:** questions are asked regarding the costs of enforcement activities, both hard enforcement (e.g. monitoring, inspections, legal action, court cases), and soft law enforcement (e.g. guidance, awareness-raising).

Page 23

### Show page if

1. What type of stakeholder are you? (Please tick one option)  
is Business association

or

1. What type of stakeholder are you? (Please tick one option)  
is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)

- \* 36. To what extent has compliance with EU consumer law requirements in the digital environment resulted in any **additional** types of general compliance costs for your business? Please answer in respect of the following:

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
<b>Familiarisation with consumer protection rules for online sales</b> (e.g. developing compliance strategies, allocating compliance responsibilities, reviewing guidance documents on digital sales)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Checking compliance with legal requirements to ensure that digital commercial practices</b> (and contract terms) are not unfair or misleading (e.g. checking that website design is not unfair)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Adjusting business practices</b> (e.g. changing a website design where deceptive practices are identified, using different standard contract terms if considered unfair, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Cost of external services</b> (e.g. consultants / lawyers hired to support compliance process).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Additional options (question 36)

- Order responses: alphabetically



Show page if

36. To what extent has compliance with EU consumer law requirements in the digital environment resulted in any additional types of general compliance costs for your business? Please answer in respect of the following:  
**is To a great extent**

or

36. To what extent has compliance with EU consumer law requirements in the digital environment resulted in any additional types of general compliance costs for your business? Please answer in respect of the following:  
**is To a moderate extent**

37. If costs have increased to a great extent or to a moderate extent, please comment on how significant these additional costs were:

	Significant costs (>20%)	Moderate costs (10-20%)	Low costs (5-9.9%)	Very low costs (<5%)	No additional costs	Don't know
<b>Familiarisation with consumer protection rules for online sales</b> (e.g. developing compliance strategies, allocating compliance responsibilities, reviewing guidance documents on digital sales)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Checking compliance with legal requirements to ensure that digital commercial practices</b> (and contract terms) are not unfair or misleading (e.g. checking that website design is not unfair)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Adjusting business practices</b> (e.g. changing a website design where deceptive practices are identified, using different standard contract terms if considered unfair, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Cost of external services</b> (e.g. consultants / lawyers hired to support compliance process).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Additional options (question 37)

- Order responses: alphabetically

Show page if

1. What type of stakeholder are you? (Please tick one option)  
**is Business association**

or

1. What type of stakeholder are you? (Please tick one option)  
**is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)**

\* 38. To what extent has compliance with EU consumer law requirements in the digital area resulted in the following additional types of costs relating to **information obligations for your business?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
Pre-contractual information requirements about the products you sell	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disclosure requirements for platforms on aspects such as search rankings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

and the processing of consumer reviews.

Cost of complying with the right of withdrawal (products, services)



**Additional options (question 38)**

- Order responses: alphabetically

39. If possible, please provide any examples of estimated one-off and recurring compliance costs, such as staff time, and the costs of external services:

If unable to quantify these costs, please click next to move to next section.

	One-off costs: No. of days of staff time	One-off costs: Cash costs (EUR)	Recurring costs: No. of days staff time	Recurring costs: Cash costs (EUR)
Direct labour costs (e.g., staff time devoted to completing compliance activities)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Cost of external services (e.g., consultants / lawyers hired to support compliance, website redesign)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Additional options (question 39)**

- Order responses: alphabetically

40. Please provide any details or supporting information about relevant costs below:

\* 41. In recent years, how frequently have you checked that you still comply with EU legislation (as transposed into national legislation)? Please tick one option

- Once a month or more often
- Once every six months
- Once every two years
- Never
- Once every three months
- Once a year
- Less than once every two years

**Additional options (question 41)**

- Order responses: alphabetically

42. Please identify examples of the different costs stemming from the EU consumer law provisions related to the digital environment:

Please provide any examples of different types of costs (qualitative):

If you can quantify these costs, (or at least comment on their size/ magnitude), please do so here (otherwise, leave blank):

**Additional options (question 42)**

- Order responses: alphabetically

\* 43. Does your firm (or your industry association members) also trade cross-border?

Yes

No

Don't know

**Additional options (question 43)**

- Order responses: alphabetically

**Page 26**

 **Show page** if

43. Does your firm (or your industry association members) also trade cross-border?  
is Yes

**\* 44. When you entered another EU country's market, did you incur any additional costs to check compliance with the legal requirements of the other Member State regarding precontractual information, advertising/marketing and standard contract terms?**

Yes

No

Don't know

**Additional options (question 44)**

- Order responses: alphabetically

**Page 27**

 **Show page** if

43. Does your firm (or your industry association members) also trade cross-border?  
is Yes

and

44. When you entered another EU country's market, did you incur any additional costs to check compliance with the legal requirements of the other Member State regarding precontractual information, advertising/marketing and standard contract terms?...  
is Yes

**\* 45. To what extent when trading cross-border has compliance with consumer law requirements resulted in the following additional types of costs for your business in the digital area due to differences in national transposition and interpretation?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
Familiarisation with national specific consumer protection rules for online sales and initial compliance planning (e.g. developing compliance strategies, allocating compliance responsibilities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Checking compliance with additional national legal requirements for online sales regarding commercial practices and contract terms (e.g. check website is not unfair by design; ensure that a contract cancellation button exists, if specifically required by national law)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information obligations for online sales (e.g. additional national pre-contractual and other information requirements).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adjusting business practices (e.g. changing a website design where unfair, deceptive practices are identified, using different standard contract terms if considered unfair, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cost of external services (e.g. consultants / lawyers hired to support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

compliance process).

**Additional options (question 45)**

- Order responses: alphabetically

46. Please provide any examples of estimates of the additional costs of complying with consumer law when trading cross-border:

If unable to quantify these costs, please click next to move to next section.

	No. of days staff time	Cash costs (EUR)	No. of days staff time	Cash costs (EUR)
<u>Direct labour costs</u> (e.g., staff time devoted to completing compliance activities)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<u>Cost of external services</u> (e.g., consultants / lawyers hired to support compliance, website redesign). <u>Please do not consider translation costs.</u>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Additional options (question 46)**

- Order responses: alphabetically

Page 28

Show page if

1. What type of stakeholder are you? (Please tick one option)  
is Business association

or

1. What type of stakeholder are you? (Please tick one option)  
is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)

47. Are there any indirect costs of compliance due to EU consumer law? For instance, are there any opportunity costs or negative impacts on market functioning (e.g. reduced competition or market access)?

\* 48. To what extent have the regulatory amendments stemming from the Modernisation Directive's adoption resulted in new or increased costs in the following areas?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
<u>Familiarisation with the new rules</u> (e.g. developing compliance strategies, allocating compliance responsibilities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Complying with the new information obligations (for platforms)</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Costs of external services</u> (e.g., consultants / lawyers hired to support compliance, website redesign).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 48)**

- Order responses: alphabetically

Show page if

48. To what extent have the regulatory amendments stemming from the Modernisation Directive's adoption resulted in new or increased costs in the following areas?...

is To a great extent

or

48. To what extent have the regulatory amendments stemming from the Modernisation Directive's adoption resulted in new or increased costs in the following areas?...

is To a moderate extent

\* 49. If you responded that compliance costs have either increased to a 'great or moderate' extent due to the Modernisation Directive, please provide an indication of the scale of increase in different types of costs in respect of the following new requirements:

	Significant costs (>20%)	Moderate costs (10-20%)	Low costs (5-9.9%)	Very low costs (<5%)	No additional costs	Don't know
Disclosure of ranking criteria and paid placements/advertisements when offering consumers the online facility to search for products offered by different traders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Informing consumers about the processing and verification of consumer reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enabling consumers to communicate with the trader via e-mail address and telephone number	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Indicating 'prior' price in price reduction announcements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Informing consumers when the offered price is personalised as a result of automated decision-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adjusting the presentation (branding/packaging) of goods or aligning their composition/characteristics in different Member States, in view of the new provisions concerning "dual quality".	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthening of the rules applicable to "free" digital services provided against commercial processing of the consumer's personal data (as regards information obligations, the right of withdrawal)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 49)**

- Order responses: alphabetically

Show page if

4. Please specify the types of trader:

is Provider of online marketplace (i.e. platform where contracts between sellers and buyers are concluded)....

\* 50. If you responded compliance costs are either 'great or moderate,' please provide a further indication of the extent of different types of costs according to the following elements:

Significant Moderate Low Very No Don't  
costs low know

	costs (>20%)	costs (10-20%)	(5-10%)	costs (<5%)	additional costs
Collecting information from third party sellers about whether they are a trader or consumer and passing this information to consumers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Informing consumers about who is responsible for the performance of the contract with a third-party seller.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Informing consumers about the non-application of consumer rights when buying from a non-professional third-party seller.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Additional options (question 50)

- Order responses: alphabetically

#### Page 31

##### Show page if

1. What type of stakeholder are you? (Please tick one option)  
is Business association

or

1. What type of stakeholder are you? (Please tick one option)  
is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)

#### 51. Please identify and explain the nature and magnitude of the different costs of the Modernisation Directive's provisions related to the digital environment:

Please provide any examples of different types of costs (qualitative):

Can you quantify these costs (or comment on their size/ magnitude)?

#### Additional options (question 51)

- Order responses: alphabetically

#### \* 52. To what extent do the costs of regulatory compliance with the three core EU consumer law Directives (i.e. CRD, UCTD, UCPD) in the digital area differ between SMEs and large businesses? (tick one only)

- |   |  |
|---|--|
| <input type="radio"/> Regulatory compliance is significantly more costly for SMEs than large traders    | <input type="radio"/> Regulatory compliance is more costly for SMEs than large traders |
| <input type="radio"/> Costs of regulatory compliance are the same or similar for SMEs and large traders | <input type="radio"/> Regulatory compliance is less costly for SMEs than large traders |
| <input type="radio"/> Regulatory compliance is significantly less costly for SMEs than large traders    | <input type="radio"/> Don't know   |

#### Additional options (question 52)

- Order responses: alphabetically

#### Page 32

##### Show page if

1. What type of stakeholder are you? (Please tick one option)  
is National enforcement authority

or

1. What type of stakeholder are you? (Please tick one option)  
is National Ministry

or

1. What type of stakeholder are you? (Please tick one option)

\* 53. What have been the additional costs of the enforcement of the provisions in the three core EU consumer law Directives (i.e. CRD, UCPD, UCTD) being applied in the [digital environment](#)? Have the [enforcement costs](#) for your authority been significant, moderate, low or did they not have any impact at all for each of the following cost types?

	Significant costs (>20%)	Moderate costs (10-20%)	Low costs (5-10%)	Very low costs (<5%)	No additional costs	Don't know
Information and monitoring costs (e.g. publicising the requirements for traders, development of guidance documents for traders on compliance)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Establishing and implementing monitoring systems to check traders' compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Complaint handling costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inspection costs (e.g. to review compliance on websites, apps, platforms and marketplaces)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal costs (e.g. taking action against non-compliant traders).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 53)**

- Order responses: alphabetically

54. Please identify and explain the nature and magnitude of the different enforcement costs stemming from EU consumer law provisions.:

Please provide any examples of types of costs (qualitative):

Can you quantify these costs (or at least comment on their size/ magnitude)?

**Additional options (question 54)**

- Order responses: alphabetically

**Page 33**

 **Show page** if

1. What type of stakeholder are you? (Please tick one option)  
 is National enforcement authority
- or
1. What type of stakeholder are you? (Please tick one option)  
 is National Ministry
- or
1. What type of stakeholder are you? (Please tick one option)  
 is European Consumer Centre (ECC)

\* 55. To what extent have the regulatory amendments made to the three consumer law Directives as a result of the [Modernisation Directive](#) led to any additional costs for your authority?

Have the [enforcement costs](#) for your authority been significant, moderate, low or not impacted at all across each of the following cost types:

Significant Moderate Low (5- Very No Don't

	(>20%)	(10-20%)	10%)	low (<5%)	additional costs	know
Information and monitoring costs (e.g. publicising the requirements for traders, development of guidance documents for traders on compliance)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Establishing and implementing monitoring systems to check traders' compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Complaint handling costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inspection costs (e.g. to review compliance on websites, apps, platforms and marketplaces)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal costs (e.g. taking action against non-compliant traders, test cases with potential to test case the law).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Additional options (question 55)

- Order responses: alphabetically

56. Please identify and explain the nature and magnitude of the different monitoring and enforcement costs stemming from the **Modernisation Directive's** provisions:

Please provide any examples of types of costs (qualitative):

Can you quantify these costs (or at least comment on their size/ magnitude)?

#### Additional options (question 56)

- Order responses: alphabetically

Page 34

### Regulatory simplification & burden reduction

\* 57. To what extent are there opportunities to simplify the legislation or reduce unnecessary regulatory costs without undermining the objectives of the three EU consumer law Directives (i.e. CRD, UCTD, UCPD) in the digital area?

- To a great extent
  To a moderate extent  
 To a small extent
  Not at all  
 Don't know

#### Additional options (question 57)

- Order responses: alphabetically

58. Please explain if you see any opportunities to simplify the legal framework for traders or burden reduction for enforcement authorities? If yes, which? (if you don't know or prefer to skip, please click next)

Simplification measures for reducing compliance costs for traders:

Burden reduction for enforcement authorities:

#### Additional options (question 58)

- Order responses: alphabetically

Page 35

 Show page if

1. What type of stakeholder are you? (Please tick one option)  
 is Business association



or

1. What type of stakeholder are you? (Please tick one option)

is Trader (e.g. e-commerce firm, firm selling both online / offline, online marketplaces/platforms)

## Section 2.2.2 – The benefits of EU consumer law

\* 59. To what extent does your company (or for industry associations, your member companies) agree that the harmonisation of consumer protection rules at EU level has led to the following benefits in the digital area?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Improved regulatory certainty for businesses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Creating a level playing field across the EU for businesses through prohibition of unfair commercial practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Creating a level playing field by ensuring that standard contract terms are fair.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Single market benefits (harmonised legislation making it easier to sell cross-border to consumers in other EU countries).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring fairness for consumers in the digital environment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improved consumer trust due to better information for consumers in making purchases of goods, services or digital content online.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Striking the right balance between consumer protection, whilst not overburdening traders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other benefits – please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Additional options (question 59)

- Order responses: alphabetically

## Page 36

60. Please identify the benefits from the harmonisation of EU consumer law in the digital area and, where possible, explain their nature and scale.

Benefits (qualitative):

Benefits (quantitative if possible):

### Additional options (question 60)

- Order responses: alphabetically

61. Are there any benefits stemming from the [Modernisation Directive's](#) entry into application? If so, please identify the benefits and, where possible, explain their nature and scale.

Benefits (qualitative):

Benefits (quantitative if possible):

### Additional options (question 61)

- Order responses: alphabetically

## Page 37

## Overarching efficiency assessment

\* 62. At the societal level, to what extent do the provisions of the three EU consumer law Directives (i.e. CRD, UCTD, UCPD) achieve an adequate balance between regulatory costs for traders and benefits for consumers and other stakeholders? (tick one only)

- Benefits greatly outweigh the costs of regulatory compliance       Benefits outweigh the costs of regulatory compliance  
 Benefits and costs of regulatory compliance are well-balanced       Regulatory compliance costs outweigh the benefits  
 Regulatory compliance costs greatly outweigh the benefits       Don't know

### Additional options (question 62)

- Order responses: alphabetically

Page 38

## Section 2.3 - Relevance and fitness for purpose

Relevance considers the extent to which the three Directives are fit for purpose, considering how the legislation and its application has evolved over time (e.g. through case law, interpretative guidance). The ongoing relevance of the legislation in addressing new technologies and changes in digital markets, as well as in tackling problematic practices is also considered.

\* 63. Overall, to what extent do the provisions of the three EU consumer law Directives adequately address digital market trends?

- To a great extent       To a moderate extent  
 To a small extent       Not at all  
 Don't know

### Additional options (question 63)

- Order responses: alphabetically

\* 64. To what extent do the three EU consumer law Directives keep up with the following specific evolving developments in digital markets and new technologies?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know
Changes in digital services and markets (e.g. the increased role of marketplaces and platforms, subscription service models).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Development of technologies to facilitate transactions by consumers (e.g. smart contracts).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased use of connected products (e.g. Internet of Things) to make purchases and carry out everyday tasks (e.g. personal assistants).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased use of Artificial Intelligence (AI), including in profiling and personalisation practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased use of automation (e.g. in consumer services – AI chatbots; businesses using scalping bots).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Growing role of data/Internet of Behaviours (including data held by platforms) in personalisation practices (advertising / marketing and pricing).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Growing use of “free” digital services involving commercial processing of users’ personal data.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Changes in how consumers purchase goods and services (e.g. buying via mobile phone and social media platforms).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

New virtual/augmented reality environments (metaverse/immersive technologies).					
Increased use of blockchain technology.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 64)**

- Order responses: alphabetically

**65. If you have specific comments on whether the Directives adequately address (or conversely, do not sufficiently address) the needs of the EU and key stakeholder groups in light of evolving developments in digital markets, please enter below:**

- \* 66. How far has the application of the Modernisation Directive strengthened the ‘fitness for purpose’ and relevance of the underlying EU consumer law Directives concerned with addressing problematic practices?**
- Significant positive difference
  - Neutral / No difference
  - A very negative difference
  - Some positive difference
  - A negative difference

**Additional options (question 66)**

- Order responses: alphabetically

**\* 67. To what extent do you agree with the following statements regarding the extent to which vulnerable consumers are appropriately addressed in the three EU consumer law Directives (i.e. CRD, UCTD, UCPD):**

*\*Note - ‘Situational vulnerability’ is a situation whereby consumers may be vulnerable only in particular circumstances, even if they do not fall under any classic vulnerability category – all consumers could be vulnerable online.*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don’t know
The concept of an ‘average consumer’ is adequate in the digital area.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The concept of ‘vulnerability’ is sufficiently broad to cover all relevant vulnerable groups in the digital area, including situational vulnerability.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Directives place sufficient focus on accessibility issues for certain types of users (e.g. people without basic digital skills, people with disabilities, partially sighted users).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 67)**

- Order responses: alphabetically

68. What are the rules on [burden of proof in your national legal system](#) regarding EU consumer law Directives (i.e. UCPD, CRD, UCTD)?

\* 69. To what extent do you agree or disagree with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
It is proportionate to keep the burden of proof on consumers to provide evidence of an infringement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The burden of proof of compliance with legal requirements should be shifted to the business in certain circumstances (e.g. if there is reasonable suspicion of an infringement)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The burden of proof should be reversed and put on traders to demonstrate fairness in cases of major digital asymmetries (e.g. algorithms that consumers cannot understand)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 69)**

- Order responses: alphabetically

70. [If there were adaptations to the current rules on burden of proof](#), what would be the specific challenges? Do you have suggestions on how these might be overcome? Could there be any unintended consequences?

\* 71. What would be the most likely consequences if there is no further strengthening of the Directives with respect to consumer protection in the digital environment? Indicate the extent to which you agree or disagree.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
No consequences, as the current state of consumer protection is adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited consequences, as the legislation is already updated directly and indirectly (e.g. through the Modernisation Directive, other digital legislation) and it is sufficiently technology neutral	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risk of adverse consequences, as there would remain legal gaps or legal uncertainty, which cannot be overcome by enforcement or soft measures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 71)**

- Order responses: alphabetically

Coherence considers the internal clarity of the three Directives concerned and also their interaction with other relevant EU legislation concerning digital markets and services, data protection law, product safety law etc.

## Internal coherence

\* 72. To what extent are there internal inconsistencies, overlaps or gaps between the provisions of the three EU consumer law Directives in the digital environment?

- To a great extent
  To a moderate extent  
 To a small extent
  Not at all  
 Don't know

### Additional options (question 72)

- Order responses: alphabetically

## Page 41

Show page if

72. To what extent are there internal inconsistencies, overlaps or gaps between the provisions of the three EU consumer law Directives in the digital environment?...

is To a great extent

or

72. To what extent are there internal inconsistencies, overlaps or gaps between the provisions of the three EU consumer law Directives in the digital environment?...

is To a moderate extent

or

72. To what extent are there internal inconsistencies, overlaps or gaps between the provisions of the three EU consumer law Directives in the digital environment?...

is To a small extent

73. Please identify and explain any inconsistencies, overlaps or gaps between the different provisions of the three EU consumer law Directives:

## Page 42

## External coherence

\* 74. To what extent is there coherence between the provisions of key EU consumer legislation (i.e. CRD, UCTD, UCPD) and the following existing and proposed EU legislation as regards regulating consumer protection in the digital environment?

	Strong coherence	Some coherence	No coherence at all	Don't know
Digital Services Act – Regulation (EU) 2022/2065	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Digital Markets Act – Regulation (EU) 2022/1925	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Digital Content & Services Directive (EU) 2019/770	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Audiovisual Media Services Directive 2010/13/EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Proposal for an Artificial Intelligence Act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
GDPR – General Data Protection Regulation (EU) 2016/679	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proposal for a Data Act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ePrivacy Directive / future ePrivacy Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
General Product Safety Regulation (GPSR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Accessibility Act / Web Accessibility Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competition law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 74)**

- Order responses: alphabetically

75. If you identified **incoherences (e.g. inconsistencies or duplication)** between EU consumer legislation (i.e. CRD, UCTD, UCPD) and other existing or proposed EU laws, please describe these below:

76. If you identified any **legal gaps** in the legal instruments mentioned in the previous question in terms of consumer protection in the digital area, please describe them below:

Page 43

**Section 2.5 - EU Added Value**

EU added value considers how much value an EU-wide legal regime has had and what would be the situation were there to be no such legislation in place.

\* 77. To what extent has the EU consumer law framework achieved better outcomes than could have been achieved by Member States regulating these areas themselves?

	Significantly better outcomes through EU action	Moderately better outcomes through EU action	Moderately better outcomes through Member State action	Significantly better outcomes through Member State action	Don't know
High levels of consumer trust and empowerment in the digital environment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effective functioning of the (digital) single market through harmonised rules/ avoidance of fragmentation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Addressing problematic cross-border commercial practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Addressing problematic cross-border standard contract terms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating e-commerce through clear rules on distance contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating cross-border e-commerce.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 77)**  
 • Order responses: alphabetically

Page 44

### Section 3: Possible strengthening of the consumer law framework

Whilst this study is not an impact assessment, some previous research has pointed to potential legal gaps or uncertainties in addressing problematic practices in the digital environment. This section seeks views as to whether any further improvements are needed and if yes, whether this should be through regulatory changes, soft law mechanisms or other approaches.

**\* 78. How far do you agree that the EU consumer law framework and its application should be strengthened to address existing and/or anticipated future challenges through soft law mechanisms, such as guidance?**

Please indicate the extent to which you agree or disagree with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
No changes are necessary.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Update guidance documents periodically.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarify any implications of new digital practices, developments / trends in digital markets and services through guidance to reduce legal uncertainty.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Industry initiatives and self-regulation (e.g. codes of conduct, incorporating good business practices into website design, time-outs to prevent over-use / digital addiction).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 78)**  
 • Order responses: alphabetically

**\* 79. How far do you agree that the EU consumer law framework and its application should be strengthened to address existing and/or anticipated future challenges through legal mechanisms?**

Please indicate the extent to which you agree or disagree with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
Introduce new legal provisions to address specific gaps and uncertainties (see follow-up question with examples).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More Court of Justice rulings and national case law to clarify the law over time.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 79)**  
 • Order responses: alphabetically

**\* 80. How far do you agree that the EU consumer law framework and its application should be strengthened to address existing and/or anticipated future challenges in the area of enforcement?**

Please indicate the extent to which you agree or disagree with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
More harmonised enforcement across the EU-27 (including through coordinated actions and penalties).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More 'soft' enforcement e.g. to raise awareness about existing rules and new rules, working together with traders to address non-compliance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify: <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 80)**

- Order responses: alphabetically

**81. Do you have any specific comments regarding the measures referred to above? If yes, enter below, if no, go to next question.**

Soft law mechanisms:

Industry self-regulation:

Regulatory amendments to address particular misleading or unfair commercial practices or contract terms:

Enforcement:

**Additional options (question 81)**

- Order responses: alphabetically

**\* 82. What are your views on specific possible changes to the existing EU legal framework which could be considered to strengthen consumer protection and to address problematic practices and/ or legal gaps?**

	Strongly support	Support	Neutral	Don't support	Don't support at all	Don't know
Introduce additional transparency obligations about personalised commercial practices at the moment they are deployed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require additional transparency about the dropshipping business model (i.e. the fact that the shop does not hold those products in stock).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prohibit the exploitation of consumer vulnerabilities for commercial purposes (e.g. using psychographic profiling to target commercial messages to specific groups of consumers).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prohibit the deployment of subliminal techniques beyond a person's consciousness for commercial purposes (e.g. AI system that distorts consumer decisions and causes economic harm).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prohibit traders from using contractual, technical or behavioural measures to bypass obligations in consumer law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduce specific rules concerning the length of B2C contracts in the	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



digital environment.						
Introduce specific rules to mitigate the negative effects on consumers of addiction-inducing commercial practices in digital products and services (e.g. social media, video games).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Change the indicative nature of the Annex to the UCTD (defining a number of standard contract terms likely to be unfair) and adopt a harmonised approach (a list of standard contract terms that are always unfair or a list of terms that are presumed to be unfair).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Address in the UCTD the imbalances detrimental to consumers resulting from contract terms based on data-driven personalisation practices by traders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase the fairness of the online interface for making consumer complaints, claiming remedies, and enforcing other consumer rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protect consumers against price hikes in subscription contracts following the end of the initial promotional or free subscription period.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protect consumers against unwanted automatic renewal of subscriptions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limit registration/account creation requirement when consumers want to make a purchase.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require indication of the real price (e.g. EUR) of virtual items in digital products (e.g. social media, video games) when offered against intermediate currency that the user must purchase in the first step.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Additional options (question 82)**

- Order responses: alphabetically

83. Do you have any **specific comments** on the suggestions in the previous question? How far is further regulation likely to be effective, and are there any alternatives?

\* 84. Are there any national consumer laws that have emerged to tackle problematic digital practices?

- Yes
  No  
 Don't know

**Additional options (question 84)**

- Order responses: alphabetically

Page 45

Show page if

84. Are there any national consumer laws that have emerged to tackle problematic digital practices?  
is Yes

85. Please provide examples of relevant national consumer laws that aim to tackle problematic digital practices:

86. If you identified any examples of national legislation, how far would EU level regulatory action help to establish a level playing field?

**Note** – to ensure clarity in the analysis, please answer in respect of the specific national legislation you identified in the previous question.

Page 46

## Section 4: Closing remarks

\* 87. Would you be willing to be contacted again to discuss your responses?

Yes

No

### Additional options (question 87)

- Order responses: alphabetically

**If you respond 'No' to this question, you will exit the survey.**

Page 47

 **Show page if**

87. *Would you be willing to be contacted again to discuss your responses?*

**is** Yes

88. Please provide contact details:

First name and surname:

Email address:

### Additional options (question 88)

- Order responses: alphabetically

Page 48

Please click 'Finish' to end the survey. You will not be able to edit any previous answers once you have clicked 'Finish'.

Your responses have been registered!