

For a Europe which protects its consumers in their daily lives



European
Consumer Centres
Network



Co-funded by
the European Union

→ ECC-Net offers its expertise on cross-border consumer topics

29 centres across all EU Member States, Norway and Iceland, work closely together to resolve consumer disputes in an amicable manner. Each centre is co-funded by the European Union and national governments. By providing a full and centralised service, ECC-Net is committed to empowering consumers and enabling them to take full advantage of the Single Market.

The primary role of ECC-Net is to enhance consumer confidence when engaging in cross-border transactions by providing free information and advice to the public on their rights as consumers, as well as assistance in the resolution of cross-border consumer disputes.

ECC-Net also contributes to the cooperation between national authorities responsible for the enforcement of consumer protection laws (CPC-Network), as an external alert mechanism. In the following pages, ECC-Net will share its insight into the most pressing issues European consumers are facing today and provide evidence-based feedback to policy makers.

→ Legislative achievements 2019-2024

ECC-Net appreciates the achievements in enhancing consumer protection between 2019 and 2024. European Union regulations and directives have introduced new rights to empower and protect consumers across various sectors. Rail passengers now have options for alternative travel and refunds in case of cancellations or missed connections. The Digital Services Act ensures better information and protection against illegal products on online marketplaces. The Digital Markets Act curtails the dominance of tech giants and enhances consumer control over preinstalled software and personal data. Consumers also have strengthened rights in areas such as sales of goods, representative actions, cross-border payments, digital content, and financial services contracts. These measures aim to promote transparency, fairness, and accessibility, contributing to a more consumer-friendly environment in the EU¹.

The full list of the concluded legislation that promotes consumers rights can be found in the Annex.

On the way for conclusion:

- The recent legislative push for extended product lifespan, reparability and sustainable ecodesign² aligns with ECC-Net's priorities, which fully support products to be designed for longevity and ease to repair. ECC-Net's support emphasises the need for ethical production practices, standardised and accessible repair information, and measures against

1. For a detailed description of the regulations and directives mentioned above, please refer to the comprehensive table provided at the end of this document.

2. ECC-Net is looking forward to the final adoption of the Ecodesign for Sustainable Products Regulation.

planned obsolescence, making it a cornerstone of consumer protection and environmental stewardship. Here you can read in detail the position and recommendations of the Network in a comprehensive position paper <https://www.eccnet.eu/publication/right-repair-european-union>

- The European Commission has recently proposed new measures to streamline alternative dispute resolution (ADR) in the digital market. A key element of this proposal is the designation of European Consumer Centres (ECCs) as ADR contact points. More detailed info on our paper: <https://www.eccnet.eu/publication/eccs-ideal-candidates-adr-contact-points>
- ECC-Net eagerly anticipates the comprehensive reform introduced by the legislation 2023/0156(COD), which aims to establish the Union Customs Code and the European Union Customs Authority. This significant overhaul is expected to streamline customs procedures, enhance efficiency, and bolster security within the EU's trading ecosystem, benefiting both consumers and businesses. By modernising customs operations, ECC-Net views this development as a pivotal step toward facilitating smoother trade, ensuring product safety, and reinforcing the integrity of the Single Market, aligning with its mission to protect and empower consumers.

➔ Priorities for Consumer Protection 2024-2029

As the digital landscape evolves and new consumer challenges emerge, it is imperative that the European Union adapts and responds with robust, forward-thinking legislation. The term 2019-2024 saw significant advancements in consumer rights within the EU, setting a strong foundation for future action. However, the lives of European consumers become ever more complex, so do the challenges for an effective EU consumer policy. To ensure consumers remain in the spotlight and protected in an increasingly complex world, legislators must focus on several critical issues in the term leading up to 2029. These include advancements in artificial intelligence (AI), the regulation of digital payments, enhancements to passenger mobility and rights, and the protection against fraud and exploitation.

We are convinced that a European Parliament that is strongly committed to addressing consumer issues has a strong hand of cards when it comes to responding to people's expectations.

ECC-Net campaign priorities:

- AI and digital risks: Safeguarding Consumer Interests
- Secure Digital Wallets: Enhancing Digital Payment Safety
- Scam-Proof Futures: Fortifying Against Fraud and Scams
- Travel Empowered: Revolutionising Passenger Rights
- A true Single Market: persisting issues

Scam-Proof Futures: Fortifying Against Fraud

In its case handling, ECC-Net has seen many ways in which consumers have been scammed. Pyramid schemes, phishing, financial frauds, rental scams, tickets and subscription frauds are among the major categories, often enhanced by social media. One of the raising issues is also the promotion of goods by influencers.

As online shopping and social media advertising become increasingly popular, consumers are bombarded with messages encouraging them to buy things. However, not all of these messages are transparent or truthful. Some ads are hidden, products are misrepresented, and deals can be unfair. This leaves consumers unsure of what is really happening when they shop online.

Influencers have become an indispensable part of modern marketing in Europe. Companies have recognised the potential of influencers and use them for their advertising campaigns. Very present on social networks, influencers who test, praise and promote products of all kinds have one mission: to encourage or even convince consumers to buy them. And it works! From lipsticks to tooth whiteners, from slimming products to branded clothing from all over the world, many consumers click on the link of the featured brand to buy the featured product. If influencers are mostly paid or receive gifts for this activity (free hotel stay, clothes, beauty products...), they do not always inform consumers who then think that it is a personal, spontaneous opinion as influencers are not clearly identifying the commercial promotion of the product. What are the obligations of an influencer towards consumers in Europe? Are the rules of influencer marketing the same all over Europe or would EU intervention be suitable to hold influencers liable?

In our Digital Fairness Fitness Check paper you can delve into the network's insights and recommendations concerning influencer practices. Explore more about the observations and recommendations outlined in this comprehensive report.

Our recommendations

- Provide for a specific definition of the 'influencer marketing' in UCPD.
- Tackle hidden advertising and insufficient disclosures of commercial contents
- Adapt liability to cover influencers, their agencies, brands etc.
- Enforcement authorities to publish non-compliant actors.

Example of French law: Loi n° 2023-451 du 9 Juin 2023 visant à encadrer l'influencer commercial et à lutter contre les dérives des influenceurs sur les réseaux sociaux.

Health Scams

A radiant smile with straight, white teeth and a perfect, slim body are no longer trends exclusive to Hollywood; they have evolved into highly sought-after beauty standards, particularly among young adults. These ideals, often amplified by social media and influenced by celebrities and influencers, have sparked widespread interest in health treatments.

An increasing number of start-ups are capitalising on this trend, aiming to revolutionise health treatments through a purely digital approach known as the Direct-to-Consumer concept, as opposed to the traditional Doctor Directed Care concept. In this model, the involvement of treating physicians is significantly reduced, with consumers overseeing treatments through apps, effectively assuming the role of physicians themselves. However, the efficacy of this treatment concept has been called into question, as evidenced by the numerous complaints received by the ECC-Net regarding digital providers of i.a. invisible aligners for misaligned teeth.

Our recommendations

- Develop a regulatory framework to safeguard consumer interests in digitally supported medical treatments.
- Ensuring that digital health treatments can only be provided directly by doctors, rather than by commercial providers, is imperative for safeguarding patient safety and ensuring high-quality care.

AI and digital risks: Safeguarding Consumer Interests

Examples found in ECC-Net case-handling:

Deceptive practices (dark patterns) in website/app design

These design elements or e-commerce features, which are deliberately placed on shopping websites, are designed to entice or manipulate consumers into making a purchase or signing up for a service or subscription, for example pop-ups that announce a “limited-time offer”.

These practices undermine consumers’ autonomy and agency in making an informed and conscious decision to make a purchase or subscribe to a contract.

AI and customer interactions

AI-powered and even human chatbox customer service interactions are problematic at present as increasingly more traders – large and small – are using digital apps to manage customer service. In some cases, AI-powered chatbots are limited in their functionalities and the amount of information or questions they can deal with, which essentially makes them not useful in terms of consumers making real contact with the trader or trying to resolve issues and disputes. In other cases, as consumers do not have access to the discussion with the customer service agent or chatbox so they are not provided with the evidence that they have made contact or submitted an inquiry/complaint.

Product scalping

Scalping, facilitated by automated software, is a problem in the online retail space, especially for popular products like limited-edition consumer goods and consumer electronics.

Our recommendations

- **Ethical AI Guidelines:** Develop and enforce ethical guidelines for AI development and application, prioritising consumer privacy and data protection.
- **Transparency Standards:** Mandate transparency in AI algorithms to ensure consumers understand how AI impacts their choices and lives.
- **Consumer Consent:** Implement strict consent requirements for data use in AI systems, ensuring consumers have control over their personal information.

- Impact Assessments: Require AI developers to conduct impact assessments that evaluate potential risks to consumer rights and implement mitigating measures.
- Ongoing Monitoring: Establish a framework for the continuous monitoring of AI technologies' impact on consumers, adjusting regulations as needed to protect consumer interests
- Ensure key laws affecting the digital sphere are thoroughly and swiftly enforced.
- Ensure AI Liability Directive to be concluded and implemented soon so consumers can successfully claim compensation when suffering harm from AI systems.

Transport and tourism sector

Providing help and information for passengers are among ECC-Net's most frequent tasks, and our expertise on passenger issues is often required by various consultants and stakeholders. ECC-Net had the chance to prove its value to consumers during the COVID-19 pandemic and its aftermath. The pandemic caused many issues in consumer markets, with the most affected sectors linked to international travel and leisure.

During the pandemic, the Network experienced significant strain, with a 30% increase in complaints. However, we successfully managed to maintain uninterrupted service and meet our established goals. Consumers widely appreciated our reliability in providing knowledge and assistance during this challenging time. The ECC-Net received over 94 thousand queries related to pandemic-related issues, handling approximately 17 thousand complaints. We achieved satisfactory results in nearly 65% of cases, consistent with our usual resolution rate.

TOP 3 - PROBLEMATIC SECTORS due to the pandemic



However, the pandemic highlighted legal gaps needing to be addressed to protect consumers effectively, especially regarding booking platforms and online intermediaries handling transport ticket sales.

Our recommendations

We strongly recommend a comprehensive simplification and clarification of all passenger rights regulations to ensure better understanding and enforcement by European Consumer Centres (ECCs) and enforcement officers. Simplifying these regulations is essential for

ensuring that consumers are well-informed about their rights and to minimise disputes among involved parties.

For an effective application of passenger rights attention should be paid to the following:

- Establishing a regulatory framework for **airline insolvency**. It is crucial to develop legislation that provides clear procedures for passenger compensation, rebooking, and repatriation in cases of airline insolvency, thereby enhancing consumer confidence and safeguarding their interests.
- Standardising voucher policies (including validity periods, bonuses, etc.) is crucial to prevent confusion like what occurred due to airline practices during the COVID-19 pandemic. This standardisation should apply to package travel and to individual transport ticket purchases.

Air Passenger Rights

- Enhancing air passenger rights to ensure timely and fair compensation in the event of delays, cancellations, and other service disruptions.
- Increase the information given by airlines and sellers (intermediaries or travel agencies) about airport taxes (by clearly stating in the booking confirmation/ticket what costs concern the actual transport and what costs concern taxes) and make them refundable free of charge. Airport taxes are only due when a passenger effectively boards the flight, so consumers should be entitled to a refund of the amount corresponding to these taxes if they do not board the plane without having to pay for it. Such a system has been in place in France since 2016 and has proven very effective.
- Require airlines to offer rerouting not only on their own fleet but on other airlines or other transport modes as well, if it allows the consumer to reach the destination earlier and in comparable transport conditions.
- Define the notion of extraordinary circumstances in line with the case law already developed by the ECJ and list the events that may justify non-payment of compensation by airlines.
- Implementation of rules and responsibilities for booking platforms and online intermediaries handling transport ticket sales.
- Even if a reservation for a flight is made via an intermediary, airlines should allow consumers to manage their reservation directly and submit a refund request directly to the airline instead of referring them to the intermediary.
- Establishing clear, accessible mechanisms for complaints and redress for passengers.

As consumers increasingly opt for multimodal travel options, there is a pressing need to address the complexities of such journeys thus, the EU Passenger Mobility Package is of great importance for ECC-Net. For the detailed position of ECC-Net on the Passenger Mobility Package read here: <https://www.eccnet.eu/publication/passenger-mobility-package-feedback-ecc-net>

TOP 3 SECTORS (2019-2024)


1
Transport
& tourism



2
Purchase
of goods



3
Services



Secure Digital Wallets: Enhancing Digital Payment Safety

Digital Payment Safety is pivotal for consumer protection as it addresses the vulnerabilities in digital transactions, which are increasingly common in our digital economy. With cyber threats on the rise, ensuring the security of digital payments is crucial to protect consumers' financial data and prevent fraud. The EU Parliament's focus on this area can lead to the development of robust regulatory frameworks that safeguard digital transactions, building consumer trust in digital markets and supporting the growth of secure, innovative payment solutions.

While ECC-Net welcomes the set of legislative proposals known as the "Payments Package", aimed at promoting innovation and competition in the payment industry, insists that attention must be paid on an improved liability regime which is paired with better enforcement mechanisms.

Fair treatment of consumers in case of payment fraud would increase trust in digital payments and provide clear incentives for banks to invest in fraud prevention. The European Parliament's vote on payment services³ on the 14th of February 2024 is very positive and towards the right way for protecting consumers.

Our recommendations

- **Strong Encryption and Security Standards:** Ensuring all digital payment platforms adhere to the highest encryption and cybersecurity standards to protect consumer data.
- **Consumer Authentication Improvements:** Implementing more secure, user-friendly authentication methods to prevent unauthorised access to digital wallets and payment accounts.
- **Transparency and Consent:** Mandating clear communication to consumers about how their payment data is used and stored, with strict consent protocols.
- **Fraud Monitoring and Reporting:** Requiring payment service providers to implement advanced fraud detection technologies and facilitate easy, efficient reporting of suspicious activities by consumers.
- **Reimburse consumers more systematically for fraudulent payments via chargeback mechanism, all kind of payment methods.**

3. 2023/0210(COD) Payment services in the internal market

ECC-Net moto: Think enforcement first!

It is the general opinion within the ECC-Net that applicable laws will only ever be partially effective because enforcement is lacking, it is the one essential aspect that needs to be improved. Without clear sanctions, penalties, and concrete consequences to breaches of consumer rights, there is no incentive for traders to fulfil all their obligations.

While EU consumer laws provide a fundamentally useful foundation for addressing many problematic practices in the digital environment, there can be regulatory gaps, particularly when it comes to emerging and rapidly evolving digital practices. These gaps may arise due to the difficulty of keeping pace with technological advancements and innovative business models. It is essential to rely on effective enforcement mechanisms in order to ensure that consumer protection laws remain effective and adaptable to new challenges. Traders should also play an active role and strengthen their respect of already existing basic consumers' rights when they design and implement their services.

ECC-Net is seeing a rise in complaints from consumers who receive unsafe and poor-quality products from third countries, primarily Asia, notably China, often ordered through platforms like Amazon, Aliexpress or Temu. These products frequently do not match the order and pose safety risks. Under the current Product Liability Directive, platforms like Temu or Amazon (Marketplace) are not liable as importers since they typically do not import products themselves but provide a platform for direct purchasing. The EU Customs Code⁴ reform is more than welcome by ECC-Net. We are looking forward to platforms being regulated more closely as well as goods entering the EU from third countries. We expect the New Parliament will continue the work on the biggest EU customs reform since 1968 to fully take into consideration the rights and protection of the European consumers.

Our recommendations

- Extending law enforcement to third countries
- Extending liability to platforms if they offer warehousing, packaging, addressing or dispatching services. ECC-Net supports the EU Commission's proposal for a new product liability directive in this context, which suggests holding fulfilment service providers liable alongside importers.

4. 2023/0156(COD) Establishing the Union Customs Code and the European Union Customs Authority

→ A true Single Market: persisting issues

Consumers still face digital barriers when trying to access or use online audio-visual content across the EU, despite the efforts to create a Digital Single Market. The EU must ensure the right for consumers to access online content and services without any unjustified restrictions. This entails ensuring that consumers have control over their devices, for example in terms of which apps they want to install or uninstall. It also means creating a Digital Single Market for online audio-visual content so that consumers can easily access audio-visual services across borders within the EU. EU rules on geo-blocking need to be better enforced and updated to strengthen the digital single market and better respond to consumer expectations as barriers remain even if rules have been in force for 4 years. Geo-blocking rules should cover all the audio-visual services such as, music, software, online games and audio books. Consumers should be also able to access content from broadcasters based in another EU country while they are in their home country, a neighbouring country or a country they are visiting.

Additionally, consumers should be able to pay for services provided via SEPA directly using their bank accounts in their countries of residence. ECC-Net still sees private and public operators not accepting direct debits from bank accounts in other SEPA countries even if they are Euro accounts.

Also, ECCs have seen many times in consumer complaints that Article 8 of Regulation 2015/751⁵, on interchange fees for card-based payment transactions, is not applied and consumers do not have the choice of difference payment brands. Consumers should be able to benefit from charge-back procedures as they have a right to choose the card network they wish to use and which grants them further security. Chargeback might be the only solution left to be reimbursed out-of-court and acceptance of it needs to be broaden up.

EU Member States have not heeded the push to abolish high charges for intra-EU communications, despite a legislative proposal aiming to eliminate these surcharges. There is a big financial burden and confusion these charges cause for consumers. With roaming charges already banned, the continuation of surcharges for calls and texts taking place from a home EU/EAA country across the EU contradicts the Single Market's principles and consumer expectations. The European Parliament's stance on eradicating these fees remains a critical issue for consumer interests.

5. [REGULATION \(EU\) 2015/751 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 29 April 2015 - on interchange fees for card-based payment transactions \(europa.eu\)](#)



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