

Overview of EU Consumer Framework covered under the Fitness Check of EU consumer law on digital fairness

The study launched by the European Commission aims at assessing the fitness for purpose of three key EU consumer Directives in ensuring digital fairness and high levels of consumer protection:

1. Unfair Commercial Practices Directive 2005/29/EC (UCPD)

The objective of the [EU Directive on unfair commercial practices](#) from 2005 was to boost consumer confidence and make it easier for businesses, especially small and medium-sized enterprises, to trade across borders. EU rules on unfair commercial practices enable national enforcers to curb a broad range of unfair business practices, including untruthful information to consumers or aggressive marketing techniques to influence their choices. The Directive has been amended in 2019 within the "Review of EU consumer law – New Deal for Consumers". On 17 December 2021, the European Commission adopted a new Commission Notice on the interpretation and application of the Unfair Commercial Practices Directive (the [UCPD Guidance](#)), as announced in the New Consumer Agenda.

2. Consumer Rights Directive 2011/83/EU (CRD)

The [Consumer Rights Directive](#) harmonizes national consumer rules, for example on the information consumers need to be given before they purchase goods, services, or digital content, and on their right to cancel online purchases, wherever they shop in the EU. The directive applies to all contracts concluded between a "consumer" and a "trader". Member States may not diverge from the directive by imposing more or less stringent provisions unless a specific possibility to deviate from its rules is provided in the directive itself. The Directive has been amended in 2019 within the "Review of EU consumer law – New Deal for Consumers".

3. Unfair Contract Terms Directive 93/13/EEC (UCTD)

The [Unfair Contract Terms Directive](#) (93/13/EEC) protects consumers against unfair standard contract terms imposed by traders. It applies to all kinds of contracts on the purchase of

goods and services, for instance online or offline purchases of consumer goods, gym subscriptions or contracts on financial services, such as loans. The Directive has been amended in 2019 within the "Review of EU consumer law – New Deal for Consumers", introducing an obligation for Member States to provide for effective penalties in case of infringements.

4. Modernisation Directive (EU) 2019/2161

The Directive on Better Enforcement and Modernisation of EU consumer protection rules sought to amend four EU consumer directives: the Unfair Commercial Practices Directive, the Consumer Rights Directive, the Unfair Contract Terms Directive and the Price Indication Directive. A new article, inserted into all four of them, would require Member States to introduce fines for widespread cross-border infringements whose maximum would be at least 4 % of a trader's turnover.

Other changes included:

a right to individual remedies for consumers harmed by unfair commercial practices;

more transparency for consumers when buying from online platforms;

- expanded protection for consumers regarding digital services which are not paid with money, but for which consumers provide personal data;
- removing burdens for businesses;
- expanding the right of Member States to adopt rules to protect legitimate interest of consumers;
- clarifying the rules on 'dual quality of products'.
