

**Comments to the Public Consultation launched by the European Commission
in the context of the Consumer Agenda 2025-2030 and action plan on
consumers in the Single Market**



SUBMITTED BY CONSUMER ASSOCIATION IUS OMNIBUS

I. IUS OMNIBUS

Ius Omnibus ("Ius"), with registered office at Second Home Lisboa, Mercado da Ribeira, Av. 24 de Julho, 1200-479 Lisbon, Portugal, is a non-profit association, created in March 2020, with the purpose of promoting and defending the rights and interests of consumers in the European Union. It is a consumer protection association registered with and recognized by the Portuguese Government, and by the European Commission as a Qualified Entity pursuant to Directive (EU) 2020/1828, having filed several class actions within the scope of consumer protection.

Ius' interest in participating in this public consultation stems from its commitment to the effective defense of consumer rights. As an association that promotes fair competition and the collective protection of consumer interests, Ius considers it essential that consumer protection policies and actions not only address traditional aspects such as safety and transparency, but also tackle current challenges related to digital transformation, sustainability, and equal access. In an environment marked by increasing digitalization and the constant evolution of commercial practices, it is crucial to adapt protection strategies and tools to ensure that consumers do not suffer unfair discrimination, maintain their rights when purchasing cross-border goods and services, and have effective mechanisms to enforce their rights. Ius therefore considers it a priority to strengthen actions that promote a fair, innovative, sustainable, and resilient single market, ensuring that consumer protection evolves in line with new market dynamics and safeguards the well-being and trust of all consumers.



II. The public consultation

In the context of the public consultation launched by the European Commission in May 2025 on the Consumer Agenda 2025–2030 and the action plan for consumers in the single market, the comments below focus in particular on aspects relating to digitalization and innovation, areas considered particularly sensitive from a consumer protection perspective and of growing importance in shaping a fairer, safer, and more competitive single market.

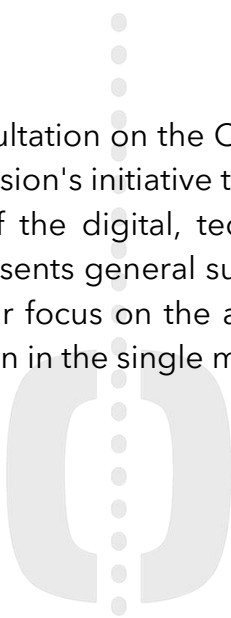
All areas present specific challenges that cannot always be effectively addressed through traditional consumer protection instruments. In the digital sphere, new forms of vulnerability emerging linked to the intensive use of personal data, algorithmic opacity, manipulative online commercial practices (such as addictive design or misleading interfaces), and the growing dependence on digital platforms. In this regard, the Commission's approach towards a future Digital Fairness Act is welcomed, as is the interest in strengthening the enforcement of existing rules against unfair practices, even when operators are not established in the EU.

With regard to innovation, the need for consumer policy to anticipate emerging risks associated with new business models, digital services, artificial intelligence-based products, and new technologies still in development is highlighted. Effective consumer protection requires flexible and preventive regulatory frameworks that ensure both safety and transparency in the use of these technologies, without hindering their development when they are beneficial to citizens.

The observations presented are inspired by the principles set out in the reports "Much more than a market" (Letta) and "The future of European competitiveness" (Draghi). In particular, the Draghi Report stresses the importance of competitiveness based on digital sovereignty, social cohesion, and an economy focused on responsible innovation, reinforcing the need for a Consumer Agenda to act as a guarantor of these strategic objectives.

III. Comments

In the context of the public consultation on the Consumer Agenda 2025–2030, IUS welcomes the European Commission's initiative to gather input to adapt consumer policy to the new challenges of the digital, technological, and socio-economic environment. This document presents general suggestions on key issues raised in the consultation, with a particular focus on the areas of digitalization, innovation, and effective consumer protection in the single market.



1. HARMONIZE AND SIMPLIFY CONSUMER PROTECTION REGULATIONS

To strengthen consumer protection in the single market, it is essential to move towards greater regulatory harmonization by promoting the transition from directives to regulations, as provided for in **Article 114 of the Treaty on the Functioning of the European Union (TFEU)**. This approach is in line with the well-known "Delors method" and responds to the warnings in Enrico Letta's report "*Much More than a Market*," which highlights the ineffectiveness of voluntary convergence in the current context of regulatory fragmentation.

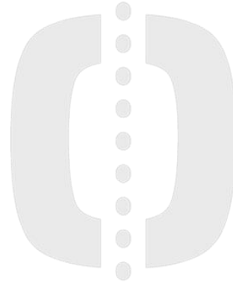
The preferential adoption of regulations maximizes uniformity in the application of consumer protection rules across all Member States, reducing regulatory barriers and facilitating a more coherent and accessible market for citizens.

At the same time, it is essential to review and strengthen the existing framework to prevent "*gold plating*," whereby Member States, when transposing directives, incorporate additional and stricter requirements than those provided for at the European level, creating new fragmentation and regulatory overheads. It would also avoid problems arising from the late transposition of directives by Member States, which sometimes take years before European Union law is incorporated into the legal system of the Member State for reasons of national policy unrelated to consumer welfare.

The EU has taken adequate measures that can help save harmonization and bring consumers closer to the various remedies available to them in the event of non-compliance or damage suffered in any EU member state. These measures have implemented protection for consumers who are not residents of the country in which they are located, such as tourists, temporary workers, or exchange students, etc., who usually face greater difficulties in asserting their rights in a place other than their country of origin.

The New Consumer Agenda already emphasized that "facilitating individual redress will remain a priority with continued EU funding and modernization of European Consumer Centers." However, the ECC Net tool and the assistance that can be provided by the national centers (ECCs) are still unknown to European consumers. Therefore, despite the existence of a useful tool capable of offering practical solutions to foreign consumers, it is not being used by them and is thus useless, as it has not achieved sufficient visibility or awareness among EU citizens.

It is therefore necessary to raise awareness of the ECC Net so that it becomes a point of reference and a source of legal certainty for all consumers, who will then know that issues related to harmonization and complaint handling can be reduced by contacting these contact points.



Improvement could be achieved accompanying regulatory initiatives with communication and information campaigns at the European and national levels, giving greater publicity and visibility to the possibility of complaining and asserting individual's rights through the respective national centers.

In short, before considering new regulatory developments and protection instruments, it is necessary to strengthen existing ones, ensuring that consumers are aware of and use the tools that the European Union has made available to them to guarantee protection.

This option has a great potential, but it is largely unknown to European consumers. Once its visibility and publicity are implemented, it will serve as a valuable support tool for consumers affected in a foreign country, which ultimately reflects in the construction of a single market where consumers are aware of the European scope.

2. REVIEW OF THE REGULATION ON GEOBLOCKING AND GUARANTEE OF NON-DISCRIMINATION ACROSS BORDERS

It is a priority to properly review and update **Regulation (EU) 2018/302 on unjustified geo-blocking** as the Commission announced in February 2025, in order to eliminate national exceptions that currently allow discriminatory practices in access to and payment for cross-border goods and services, in particular digital services. This review should focus on ensuring that the free movement of goods and services, especially digital goods and services, is effective throughout the single market, removing legal and technical barriers that negatively affect both consumers and the competitiveness of European companies.

As warned in Mario Draghi's report "*The Future of European Competitiveness*," the existence of geographical restrictions and unjustified national exceptions in relation to geo-blocking is a structural obstacle to the development of an integrated digital economy, reducing the choice available to consumers and fragmenting the potential of the European single market. Regulatory updates should therefore focus on:

- **Removing national exceptions that allow cross-border access to goods and services to be restricted**, except where there are clearly justified objective reasons linked to the protection of the general interest, with a consumer impact in mind.
- **Ensuring a level playing field in payment methods and digital procurement processes**, avoiding practices that marginalize consumers based on nationality, residence, or place of establishment.

- **Strengthening surveillance and cooperation between competent national authorities to ensure consistent enforcement of the new rules**, supported by agile dispute resolution mechanisms and effective sanctions.
- **Assess the impact on cultural sectors**, especially the audiovisual industry, exploring ways to expand cross-border access for consumers without jeopardizing the linguistic and cultural diversity that characterizes the European audiovisual ecosystem. Restrictions can reduce cultural well-being and become another form of discrimination.

The review of the Regulation must therefore take into account both the interests of consumers and the stability and sustainability of specific cultural sectors.

Consumers deserve to benefit equally from the availability of products and services across the Union. In this way, the revision of the Regulation would not only advance towards a more integrated and competitive digital single market, but also preserve the principles of cultural diversity and economic sustainability that are fundamental to consumers and European identity as a whole.

The implementation of the Geo-blocking Regulation has shown some progress, but its effectiveness remains limited. The 2020 report and the draft parliamentary report point out and confirm that significant obstacles remain, which have not yet been addressed. It is essential that the Commission act on shortcomings such as uneven enforcement, limited scope, and lack of awareness among Member States.

Nevertheless, any further overcoming of geo-blocking should not lead to a race-to-the-bottom in terms of consumer protection. Cross-border liberalization should not result in a reduction in consumer rights or a weakening of the guarantees they currently enjoy. Such liberalization should not be achieved by reducing acquired rights, but by consolidating a high level of protection throughout the European Union. In other words, it should not lead to price increases in those States where, as a result of the opening up of the market, consumers from different countries are allowed access. Consumers in the host State of these new users must not be disadvantaged by their entry, and their rights and guarantees, including prices existing before the opening up of the market, must be preserved.

3. STRENGTHENING CONSUMER PROTECTION IN THE DIGITAL ENVIRONMENT

- **Extend the scope of the Digital Services Regulation** to explicitly include retailers and marketplaces, as well as to cover new forms of risks arising from online gaming and sales without intermediaries as well as artificial intelligence. Many digital markets and emerging practices, such as online

video games, direct sales between individuals, and the emergence of specialized micro-platforms, are outside the system of supervision and clear obligations, exposing consumers to unsafe content, fraud, lack of transparency, and the absence of effective redress mechanisms.

- **Review and update Directive 2005/29/EC on unfair commercial practices**, incorporating harmonized minimum penalties to ensure the effectiveness of the law against serious infringements, especially in the digital environment. The growing use of manipulative techniques, covert advertising, and misleading interfaces (such as the use of "dark patterns"), together with the data economy, has exceeded the scope and sanctioning capacity provided for in the original directive. Both Enrico Letta's Report and the Draghi Report on European competitiveness highlight the need to harmonize sanctioning regimes and strengthen the response to unfair practices that affect consumer confidence and well-being in the digital environment.

Traditional consumer protection instruments, such as the Unfair Commercial Practices Directive (UCPD), have become inadequate when confronted with the sophistication of contemporary techniques. Businesses increasingly resort to unfair digital practices that move beyond misleading advertising or omissions of information, such as *dark patterns*, or exploit cognitive biases through algorithmic personalization, and deploy covert behavioral nudges. Such strategies create a context in which consumer vulnerability is no longer an exception but a structural condition, affecting not only the economic sphere but also the psychological and emotional autonomy that underpins genuine freedom of choice.

The economic and social consequences of these practices are profound. Within a digital ecosystem where manipulation is embedded, consumers progressively lose trust in markets, undermining both fair competition and the legitimacy of economic actors. This erosion of trust produces a race to the bottom in market standards: consumers, perceiving themselves as unprotected, withdraw from exercising full autonomy, while honest businesses are disadvantaged against competitors who capitalize on manipulative tactics. The outcome is a cycle of increasing inequality and systemic distortion, which not only weakens market integrity but also threatens democratic values by corroding the principles of fairness and transparency that should govern economic life¹.

¹ For a more nuanced explanation: Namystowska, M. (2025). The Silent Death of EU Consumer Law and Its Resilient Revival: Reinventing Consumer Protection Against Unfair Digital Commercial Practices. *Journal of Consumer Policy*, 1-20.

An illustrative example of dark patterns is the case of Uber in the United States, where the Federal Trade Commission (FTC) has sued the company for using dark patterns in the subscription to Uber One services, designing interfaces that misled users to make cancellation difficult and perpetuate the subscription. The Commission should closely monitor such international cases to mitigate future regulatory risks faced by European consumers in increasingly globalized digital markets.

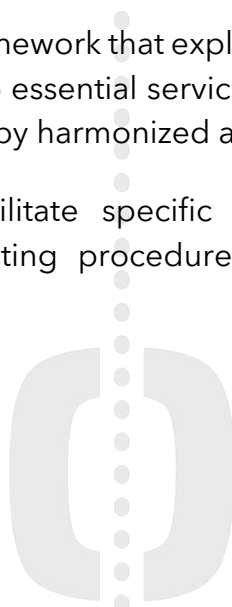
It is also necessary to strengthen procedural guarantees in relation to complaints about unfair practices, since in some Member States, such as Spain, there are obstacles to bringing multiple actions, which leads to partial claims or even the total exclusion of rulings on the unfairness of the conduct.

Although the DMA and DSA introduce tools to protect against certain conduct that may be considered unfair, their limited scope leaves out a large number of companies active in digital environments, given the asymmetric application of these regulations. This may result in a lack of consumer protection if the applicable rules on unfair competition are not correctly enforced, or if legal practice tends to underestimate the relevance of this mechanism.

4. ENSURING ACCESS AND EQUALITY FOR VULNERABLE CONSUMERS

In line with **Article 21 of the Charter of Fundamental Rights of the European Union**, it is proposed to extend the scope of the **Digital Accessibility Directive (2019/882)** to cover new essential digital products and services, ensuring that they are fully usable by persons with disabilities, older people, persons with reduced mobility, and other vulnerable groups:

- Extend the scope to include emerging digital products and services (e.g., fintech, digital health, transportation) and essential services in general, ensuring binding compliance with accessibility criteria.
- Introduce a regulatory framework that explicitly prohibits all direct or indirect discrimination in access to essential services under Article 21 of the Charter of Rights, complemented by harmonized and effective sanctions.
- Create structures to facilitate specific complaints and monitoring for vulnerable groups, adjusting procedures to ensure that rights can be effectively exercised.



Furthermore, given that the Digital Accessibility Directive (2019/882) is not included in the Annex to the Representative Actions Directive (2020/1828), we consider it appropriate to propose its inclusion. This would ensure that consumer associations, such as Ius Omnibus, have sufficient standing to bring actions in defense of consumer rights in the areas covered by the Digital Accessibility Directive (2019/882).

5. STRENGTHEN ENFORCEMENT AND GOVERNANCE FOR EFFECTIVE CONSUMER PROTECTION IN THE EU

Currently, **Regulation (EU) 2017/2394 establishes cooperation between national authorities for consumer protection**, but faces limitations in terms of resources, powers, and capacity to respond to increasingly complex cross-border challenges, such as digital fraud, large-scale unfair commercial practices, and systemic violations of regulations in the online environment.

In line with the Draghi Report's proposal, it is essential to provide the Regulation with:

- **Independent and strengthened powers for coordination, investigation, and direct sanctioning in cases of mass infringements**, which do not depend exclusively on the initiative or resources of Member States, "avoiding disparities in protection and allowing centralized action when the scale of the case so requires."
- **An early intervention mechanism** that allows action to be taken at European level in the event of early detection of collective threats or systemic infringements of consumer rights, particularly in the digital environment and in relation to non-EU actors.
- **Independence for pan-European investigations and sanctions**, ensuring the impartiality and effectiveness of actions even against large multinational companies or digital platforms, "by granting the Commission or the relevant European body real enforcement and sanctioning powers, similar to those of the competition authority."

An illustrative example of the need to strengthen these cooperation mechanisms is the case of the surcharges paid for hand luggage required by various airlines. The Court of Justice of the European Union, in its judgment of July 9, 2020 (C-487/12, Vueling Airlines, S.A. - ECLI:EU:C:2014:2232), expressly ruled against the possibility of charging a supplement for hand luggage (paragraph 40). For its part, the European Commission, in its Communication of February 23, 2024 (C/2024/1182),

also reiterated that hand luggage is an essential item that cannot be subject to a surcharge on the ticket price.

Despite this, no common response has been given to put an end to these abusive practices in the European Union, which creates legal uncertainty and unequal treatment among consumers. The lack of a strong and uniform response at the European Union level made it necessary to activate the EU Pilot mechanism with the Kingdom of Spain following the fine imposed on various low-cost airlines for applying such overcharges. However, this mechanism is insufficient to curb such behavior, which has already been sufficiently demonstrated.

There is a need for a rapid and effective mechanism to protect consumers from obvious harm, especially when the behavior is notorious and tolerated with impunity. In these cases, the European Commission should act more swiftly and establish a dialogue that can lead to a uniform solution agreed with the consumer authorities of other Member States, imposing immediate measures to cease and penalties.

Similarly, Ius Omnibus, as an association with experience in different jurisdictions, highlights the need for consumer decisions issued by other Member States to be applicable in claims in another Member State if the sanctioned conduct is repeated in different jurisdictions.

Although this is common in competition law, the coordination and binding nature of consumer administrative procedures remains largely unexplored. In this regard, it is worth highlighting the possibilities that already exist in actions for damages arising from competition law infringements. Thus, Article 9 of the Damages Directive (2014/104) grants at least *prima facie* evidentiary value to decisions of other Member States. In particular, it provides that Member States shall ensure that a finding of an infringement of competition law made in a final decision by a national competition authority or a competent court is considered irrefutable for an action for damages brought before a national court in accordance with Articles 101 or 102 TFEU or national competition law. They shall also ensure that any final decision issued in another Member State may be submitted, in accordance with national law, to their national courts at least as evidence of the existence of an infringement of competition law. Where appropriate, such a decision may be assessed together with other evidence submitted by the parties. All this shall be without prejudice to the rights and obligations of national courts under Article 267 TFEU.

Similarly, Article 16 of Regulation 1/2003 could serve as a reference model for the administrative sphere. This provision, aimed at ensuring the uniform application of EU competition law, establishes that neither national courts nor national competition authorities may adopt decisions that are incompatible with those

adopted by the Commission and should avoid adopting decisions that may conflict with a decision envisaged by the Commission in proceedings already initiated.

Nevertheless, although this provision exists in law, its practical application remains limited. This highlights the need to strengthen coordination mechanisms and to ensure that such provisions are more effective in practice.

The 2020 New Consumer Agenda already pointed to the need to strengthen international cooperation between authorities and all actors in the supply chain to ensure effective consumer protection. However, while cooperation at the administrative level has seen progress, there is still considerable room for improvement in terms of this cooperation being reflected in the judicial sphere, where consumers assert their rights.

Improving enforcement and governance for the benefit of consumers must necessarily go hand in hand with an effective mechanism for collective redress throughout the Union. Collective actions as established in Directive 2020/1828 are still in their infancy in those jurisdictions where this mechanism has been newly implemented. If we take as an example states with extensive experience in collective redress, such as Portugal, and the Netherlands it is clear that beyond the judicial remedies that may be determined by court rulings, the existence of an effective collective mechanism also has a deterrent effect and makes it possible to prevent widespread abuse of consumer rights and promote a culture of consumer empowerment. Lastly, from the point of view of economic operators, competition on merit that does not undermine consumer rights in order to better position themselves in the market.

6. REDUCING THE ADMINISTRATIVE BURDEN FOR BUSINESSES (especially SMEs)

A single market needs unified remedies and answers. Creating a pan-European one-stop shop for complaints and administrative procedures, based on **Article 114 of the TFEU**, which guarantees quick, transparent, and unified access could fill the current enforcement gap. In this regard, we suggest that the European Commission should be responsible for managing this. However, it could delegate this function to the authority it considers most appropriate.

This single point of contact should have standardized digital support, allowing for the application of *the "once-only" principle* (single submission of information), avoiding repetitive and unnecessary bureaucratic burdens, and facilitating electronic processing for both businesses and consumers in all Member States. This

will remove fragmented barriers and redundant processes that currently hinder the operation and growth of SMEs in the internal market.

This measure responds directly to the conclusions of the reports we have been mentioning, which agree that excessive administrative burdens and regulatory fragmentation are key obstacles to the development of a competitive single market and to the rapid uptake of business innovations. As Enrico Letta's report points out, *"simplification and reduction of administrative burdens are key elements in unlocking the potential of European businesses, especially SMEs, whose capacity is limited by complex and divergent bureaucratic processes."* (Letta, p.130)

In Europe, SMEs make up most of the businesses, so consumers depend largely on their participation in the market and on their readiness to offer the highest level of consumer protection.

As a consumer association, we reckon that companies need to be able to deal with consumer complaints efficiently and without hindering their normal activity. The solution to a potential consumer infringement must rely on the resources invested in tackling the harmful practice, not on the bureaucracy to manage and respond claims.

Reducing bureaucratic burdens and administrative procedures would significantly lower management costs and times (for consumer organisation, administration and traders), enabling companies to focus their resources on innovation, products and services improvement, and strengthening their competitiveness. For consumers, the implementation of this mechanism would guarantee a higher quality experience, eliminating unnecessary delays, procedural burdens, and inequalities arising from different national regulations. In short, administrative simplification would not only provide operational relief for businesses but also translate into greater confidence and better results for consumers in the member states of the European Union.

7. APPLY THE NON-REGRESSION PRINCIPLE AND MAKE USE OF EXPERIMENTAL LEGISLATION SPACES

It is proposed that the Consumer Agenda 2025-2030 incorporates **the principle of non-regression** into interinstitutional agreements and throughout the European legislative process, with the aim of protecting the achievements made in consumer rights and protection standards. The aim should be to prevent any rollback in protection levels in the event of future reforms, shielding consumer rights from pressure from sectoral or short-term interests. To reinforce the practical impact of this principle, the Commission should consider withdrawing a proposal if

amendments threaten the single market and play the role of honest broker between co-legislators after the first reading.

Ius also considers a priority to explore regulatory innovation instruments, such as *regulatory sandboxes* with a direct participation of consumer associations, to ensure that European legislation can respond quickly to the challenges of technological and social transformation, allowing for controlled legal experimentation without lowering the standards of protection already achieved.

For Ius Omnibus,



Lena Hornkohl, President of Ius Omnibus

