

# Digital Fairness Act

Key themes of the public  
consultation at a glance



# #1

# Dark Patterns

**Issue:** Design choices on digital interfaces that may steer or unduly influence consumer behavior.

**Examples:** Countdown timers, emphasizing pre-selected options or misleading buttons.

**Question:** Is the current legislation sufficient or should (certain types of) dark patterns be tackled more specifically?



# #2

## Addictive Design

**Issue:** Features that make consumers spend more time and money online than intended.

**Examples:** Infinite scrolling, autoplay of content or penalties for disengagement.

**Question:** Should these features be optional, disabled by default, or even prohibited for minors?



#3

# Features in Digital Products

**Issue:** Certain features in digital products – particularly those common in video games.

**Examples:** In-app purchases involving uncertainty-based rewards (e.g. loot boxes), pay-to-progress or pay-to-win mechanisms, and the use of in-game currency.

**Question:** Are new EU measures – such as mandating the disclosure of probabilities for uncertainty-based rewards or requiring real-money prices to be shown when obtaining in-game items with in-game currency – necessary to enhance consumer protection?



# #4

## Personalisation

**Issue:** Use of sensitive data for personalised advertising and requirements for personalised pricing.

**Examples:** Targeted offers based on personal problems or financial challenges; personalised advertising targeting minors.

**Question:** Should personalised advertising and personalised pricing be restricted or further controlled by consumers?



#5

# Social Media Influencers

**Issue:** Problematic commercial practices in social media.

**Examples:** Hidden marketing and the promotion and sale of potentially harmful products such as tobacco/vaping or the promotion of unrealistic beauty standards.

**Question:** Should there be more disclosure, more responsibility for brands/agencies or even restrictions for certain types of claims to protect minors?



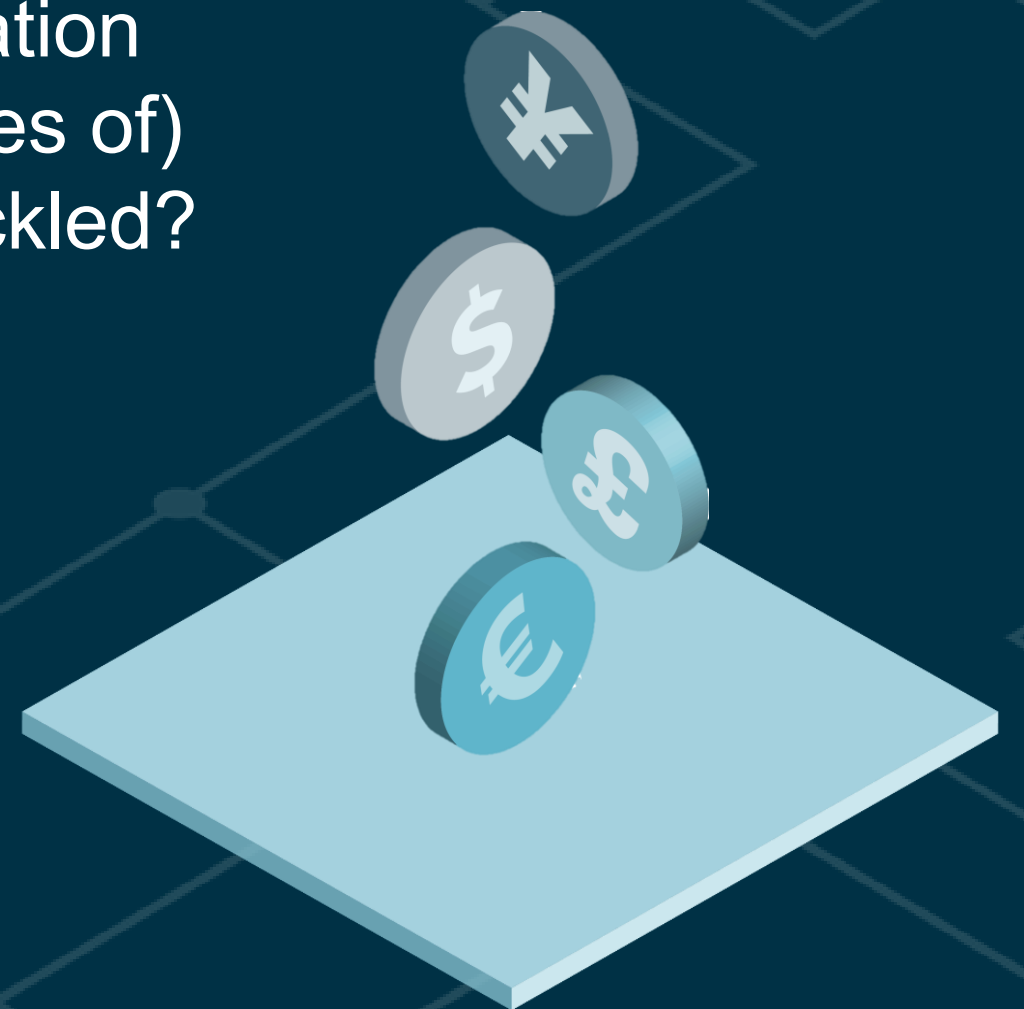
#6

# Pricing

**Issue:** Unfair practices related to the marketing of the price.

**Examples:** Drip pricing, subsequent dynamic price increases or vague reference prices.

**Question:** Is the current legislation sufficient or should (certain types of) unfair pricing be specifically tackled?



# #7

# Digital Contracts

**Issue:** Managing digital contracts can be challenging – especially around cancellation, renewals of subscription or other automated processes often proceeding without human assistance readily available.

**Examples:** Links or buttons for easy cancellation, explicit approval for contract renewals, or conversion to paid subscriptions.

**Question:** Are (additional) measures needed to ensure consumers have sufficient transparency and control over their digital contracts, e. g. in automated contracting?





#8

# Simplification Measures

**Issue:** Regulatory requirements for businesses should be simplified without weakening consumer protection.

**Examples:** Changing the right of withdrawal for streaming services and reduced information obligations for in-app purchases.

**Question:** Could these and other areas be simplified while maintaining a high level of consumer protection?

#9

# Horizontal Issues

**Issue:** Consumer protection in the digital environment must be comprehensive and contemporary.

**Examples:** Age verification for minors and adjustment of the definition of “consumer” in the digital age.

**Question:** What does consumer protection in the digital environment mean and how can it be ensured more comprehensively?

