



Implementation Dialogue on consumer protection in the digital environment:

Input Testaankoop/Testachats and OCU

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“Empower people, improve the market”: why a competitive Europe needs strong consumers

Consumers favour innovation and as a modern, open and future-proof consumer organisation we see it as our duty to deliver this to them. Therefore, any call for innovation or European competitiveness will find an ally, supporter and partner in Testaankoop/Testachats, OCU and the Euroconsumers group they are part of.

Euroconsumers' core mission is to 'Empower people and improve the market'. It starts from the firm belief that people are not only a vital part of our society, but also of our economy. They are not merely in need of protection, they also need empowerment. Because together they are many: they can and should push the market towards innovations and opportunities that match their needs.

Testaankoop/Testachats and OCU are convinced that a strong and competitive Europe needs empowered consumers to challenge the market and trigger it to be more innovative and competitive. And European citizens need an improved European market to deliver these innovative and competitive products and services to them.

Consumer protection as an industrial asset for a competitive Europe

In short, consumers deserve a seat at the table. Yet, it is striking to see that exactly this hunt for competitiveness is also used as alibi to pushback on consumer rights. As Testachats and OCU we want to be very clear: thinking that cutting back on consumer protection will lead to a stronger and more competitive European market is an illusion. Consumer protection is not a barrier to a competitive Europe, if anything it is an industrial asset.



Consumer policy boosts competition and vibrant markets: if consumers don't have the right information on what's available or have barriers to act on it, it will only lead to inefficient firms getting away with lower quality goods and prices at the expense of the better ones.



Consumer policy boosts innovation: innovative businesses that want to invest, need to know they'll have consumers to buy their products. This will only happen with well-informed and well-protected consumers making good decisions without being ripped off.

Simplification versus deregulation

While simplification and deregulation are the new Brussels' buzz words, the name itself is not important, rather the meaning it covers.

- If it means getting rid of numerous, complex or overlapping rules that create bureaucratic compliance burdens without genuinely enhancing safeguards, Testaankoop and OCU will support it.
- If it means focusing on clear, enforceable, and outcome-oriented frameworks, that improves the protection of people's rights and promote the development of innovative consumer-focused products, you'll have us on our side.
- But if the aim or implication is to take away real consumer protection and empowerment that is needed to have a balanced and competitive economy, then we have a problem.

A competitive Europe is not about strong businesses alone. It is about a strong internal market and a strong internal market needs strong consumers.

Is there enough consumer protection and empowerment?

Yes and No

This brings us to the key question: are consumers sufficiently protected to be fully empowered in the digital world? The answer is double: yes and no. Yes, there is no denying Europe has a strong consumer acquis, including some new regulations that were much needed and long awaited. But is this enough to ensure a strong consumer protection fit for the next digital decade? Not entirely.

First off all because of the lack of enforcement. And secondly because of some regulatory loopholes or unclarities.

The enforcement gap in practice

We might have lots of wonderful rules, but without proper enforcement they risk remaining just another piece of paper. At Testaankoop/Testachats, OCU and the fellow Euroconsumers' organisations we have experienced this enforcement gap first-hand. To illustrate, two concrete examples:

Fake reviews

A couple of years ago OCU screened almost 6.5 million reviews of almost 50.000 commercial products on Amazon Italy and Spain, and hotels on TripAdvisor and Booking.com. 8,5% of the reviews on Amazon, 6 % of the reviews on Tripadvisor and 2 % of the reviews on Booking.com turned out to be fake. OCU reported these findings to the Spanish authority, it has been silent since.

Euroconsumers' Italian organisation Altroconsumo dived into the world of the “fake reviews harvesters” – matchmakers between sellers in search of good reviews and buyers willing to give these for free goods or money - and easily identified 9 websites, 8 Telegram channels, and 7 Facebook groups. AC filed criminal proceedings in Bologna, Milan and Rome. In one case there was a concrete investigation, but the website was closed before concluding it. In the two other cases the prosecutor decided to dismiss the case.

Despite the Omnibus Directive and DSA putting clear responsibilities on platforms and marketplaces to detect fake reviews and take them off, they are still wielding. Fake reviews are not an innocent ‘fait divers’, they make consumers choose for lower quality products and generate a concrete welfare loss.

Influencer marketing

Testaankoop/Testachats and OCU's sister organisation in Italy Altroconsumo spotted a lot of non-transparent or hidden advertising by influencers that promoted dietary supplements such as pills, capsules, drinks, meal replacements, teas and herbal teas. Not only misleading but also detrimental for people's health. Here as well complaints were filed, yet this kind of misleading influencer promo is still common on different social media platforms.

The clear enforcement gap aptly illustrates the need for a quantum leap on enforcement, i.a. with more investment and more powers for the European Commission to address widespread infringements with a Union dimension and by taking down the remaining real barriers to cross-border private enforcement.

New reality, new challenges

Next to the lack of enforcement, there is no ignoring that the extremely rapid way the digital ecosystem is changing comes with new challenges that unveil regulatory loopholes. Loopholes that - just like the enforcement gap - require our attention to ensure consumers are fully covered and empowered to drive digital innovation.

Although digitization has brought and is bringing so many benefits for consumers, we also need to acknowledge that with the digital evolution also the status of consumers and their problems have shifted.

Being membership-based consumer organisations both Testaankoop/Testachats and OCU have direct indications of what problems consumers encounter. While during the previous fitness check of consumer law in 2017 we were still discussing door-to-door selling, the consumer experience today has evolved significantly.



Today consumers reach out because they get credit bills of in-game purchases done by ignorant minors; they contact us because they do not know how to unsubscribe from a digital contract; or because they get personalised commercial offers that strangely seem to address some vulnerable state.



Nowadays being tricked by influencer marketing, addictive design in games, and the particular delicate position of minors in the digital landscape is a real thing.

It is the new reality. Ignoring this is ignoring that consumers behave different online, that online businesses have more effective means to influence them and that the problems they face are amplified by technological developments. Based on this acknowledgement Testaankoop/Testachats and OCU are convinced and dedicated to working together on concrete solutions with all stakeholders involved.

Three concrete focus points

While it is the merit of the Digital Fitness Check to have made a detailed mapping of the sore spots and loopholes, Testaankoop/Testachats and OCU would like to point out three specific areas of concern.

Influencer marketing

E-commerce is no longer a thing of online marketplaces, it has expanded to social media and to content creators. The new social media is not just a social network, it is a shop, where the social experience meets the commercial experience. It might be fun and profitable to promote all kinds of products and services. But what if something actually goes wrong? What if the product is low quality, unsafe or even a scam? Who is responsible?

Already in 2022 Euroconsumers explored the possible pitfalls of influencer marketing for consumers and how can we can secure a safe environment for them by a combination of enforcement of already existing law and clearer regulation on i.e. the role of platforms, disclosure standards or joint liability: <https://youtu.be/7AsZQmpLDOo>

Dynamic pricing

In Europe we are still at the very beginning of something that probably will become more widespread. But we already had the first experiences with i.e. the Oasis tickets, where prices even went up when consumers were already in the booking/checking out/payment process. And just recently it was unveiled FIFA is considering dynamic pricing for the World Cup 2026 football tickets: https://www.euroconsumers.org/wp-content/uploads/2025/07/Dynamic-Pricing_FIFA-letter.pdf

In light of the recent consumer experiences and the agile development of the technology powering this trend, dynamic pricing needs our immediate attention to ensure a fair market. In its position paper Euroconsumers together with its Belgian and Spanish organisation already mapped out the existing applicable legislation that requires proper enforcement, but also pointed out some concrete element where regulation can be clarified and reinforced: <https://www.euroconsumers.org/wp-content/uploads/2024/11/Dynamic-Pricing-Definitely-Maybe.pdf>

Digital Minors

And let's not forget the many practices that glue minors to their screens, keep them scrolling and put them in a particularly vulnerable position. While minors are currently the focus of many heated debates, they are often overlooked when discussing solutions.

Euroconsumers is currently running an in-depth survey in Belgium, Italy, Spain, Portugal and Poland targeting directly minors. Aim is to get a detailed overview of their behaviour and experiences, but even more of what they need to be fully protected and empowered in the digital reality. It is our goal to elevate their voice and increase the success rate of possible tools and solutions. With results expected for September, Testaankoop/Testachats and OCU will use them to feed the DFA public consultation.

Enforcement, regulation and collaboration

Testaankoop and OCU are fully committed to help build solutions that work for all stakeholders involved, solutions that target the bad practices without harming the good or legitimate ones. For example:

- Registration: Euroconsumers and its national organisations are spearheading the work to safeguard consumers from ubiquitous scams. To that regard, it has to be noted that 'know your customer' is a very efficient way to protect them better. This incites a reflection on whether forced registration is then a dark pattern by default or just good business behaviour?

- Subscriptions: there is no doubt that the cancellation of subscriptions should be easy. At the same time we acknowledge the importance for industry and other players to keep the relation with their customers or members, at least to hear their feedback.
- Personalisation: personalised offers are not always detrimental by default but if done well it can also benefit consumers with more quality for less money.

Part of the solution indeed lays in more and better enforcement. But if it is unclear what exactly is expected from market players big and small, or it turns out it is too complicated to enforce, or it takes ages to get jurisprudence on how to apply the principle based UCPD to the new digital reality, then Testaankoop/Testachats and OCU believe we shouldn't shy away from looking at the regulation as well.

Not to regulate for the sake of it, but to make it clearer where needed, to fill in the loopholes, and to update it to new realities.



It's good for **consumers** that need more security and empowerment.



It's good for **traders** that are equally asking for reassurance that what they are doing is enough to ensure compliance. I.e. some content creators have been reaching out to us because they feel lost and want to have a clear legal framework they can uphold.



It's good for **enforcement authorities** that are asking for clearer rules for speedy enforcement.



And of course it's good to ensure the **trust** that makes our digital economy thrive.

About Euroconsumers: gathering five national consumer organisations and giving voice to a total of more than 6 million people in Italy (Altroconsumo), Belgium (Testaankoop/Testachats), Spain (OCU), Portugal (Deco Proteste) and Brazil (Proteste), Euroconsumers is the world's leading consumer cluster in innovative information, personalised services and the defence of consumer rights. Our European member organisations are part of the umbrella network of BEUC, the European Consumer Organisation. Together we advocate for EU policies that benefit consumers in their daily lives.