

## Consultation response

# Public consultation on the Consumer Agenda 2025–2030



AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €4 trillion in 2023, directly supports more than 4.6 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

## Executive summary

To strengthen consumer protection and ensure more consistent rules across the Single Market, the Commission should use its upcoming Consumer Agenda 2025-2030 to simplify and streamline existing legislation rather than introducing new regulations that risk additional complexity. The Agenda should:

- build on existing legislation;
- promote the digitalisation of product information;
- enhance legal certainty through guidance;
- reduce fragmentation in enforcement;
- promote maximum harmonisation; and
- protect consumers from counterfeiting.

## Introduction

The Commission has identified the need for coordinated EU action on key consumer affairs challenges in the coming years. In addressing these challenges, the Commission should prioritise the simplification and streamlining of EU regulation. Regulatory resources should ensure coherent, consistent and effective implementation and enforcement of existing laws. Many consumer protection laws are new and still in the early phases of implementation and enforcement. Rather than introducing additional layers of burdensome regulation, the Commission should consider targeted amendments to address potential gaps in existing legislation.

This focus on simplification is essential to support competitiveness and innovation, reduce administrative burdens and avoid regulatory fragmentation – all while maintaining high levels of consumer protection. As noted in the Draghi report on European competitiveness, excessive regulatory complexity and fragmentation are major obstacles to growth and innovation in the EU. The report calls for a more coherent, principle-based and harmonised regulatory framework. It emphasises that regulatory simplification is a prerequisite for realising the full potential of the Single Market and ensuring Europe's global competitiveness.

In addition to regulatory considerations, the Commission should also take into account the role of digital companies in empowering consumers. Compared to analogue industries, low switching barriers in the digital sector mean that companies are strongly incentivised to maintain and enhance consumer satisfaction. In addition, digital companies provide tools for managing screen time, focusing on tasks and setting social boundaries. Additionally, the digital economy offers users diverse choices at competitive prices, providing free apps, as well as trial subscriptions and services. Digital trust ecosystems like app marketplaces give users confidence in engaging with unfamiliar sources, and transparency through ratings and reviews ensures informed decision-making. Continuous innovation by digital companies in privacy options and effective labelling empowers consumers with knowledge, which should be exemplified in legislative considerations.

This consultation response outlines practical and proportionate approaches to address existing challenges while maintaining regulatory coherence.

## Build on existing legislation to avoid overlap

**Key recommendation: Enhance regulatory coherence in existing legislation. This will allow the EU to maintain strong consumer protection while reducing regulatory complexity, thereby supporting innovation and competitiveness.**

In recent years, the EU has made significant progress in consumer protection, particularly through the General Product Safety Regulation (GPSR), the Digital Services Act (DSA) and the Unfair Commercial Practices Directive (UCPD). These instruments address a range of known risks, including the sale of unsafe products by non-EU traders and various online commercial practices that may undermine consumer autonomy and decision-making. For example, the GPSR, effective since December 2024, requires an EU-based representative responsible for product safety, while the DSA and the UCPD collectively address unfair practices by online platforms and retailers, such as manipulative online practices and addictive design. In addition, the EU has recently adopted sustainability-focused legislation, such as the Ecodesign for Sustainable Products Regulation (ESPR) and the Directive on Empowering Consumers for the Green Transition, which require clear information on product durability, reparability and environmental claims and aims to make sustainable products more accessible and affordable for consumers.

Rather than introducing new regulation, the priority should be to effectively implement all recently adopted legislation, as well as to review and update existing rules to ensure they are effective and relevant. Where gaps or excessive complexity are identified – such as those highlighted in recent assessments of digital fairness or the increasing use of artificial intelligence – the Commission should consider targeted amendments and simplify the current legal framework, as it did with the 2019 modernisation of core consumer protection laws. An example of a gap warranting targeted amendments by the Commission is the flexibility in the Representative Actions Directive concerning third-party litigation funding. This flexibility has resulted in inconsistent national approaches, as highlighted by [ECIPE's study](#) on the impact of increased mass litigation in Europe.

The Commission's [EU Startup and Scaleup Strategy](#), published in May 2025, bolsters the argument against introducing more regulation. The Strategy identifies regulatory obstacles and administrative burdens as the second biggest challenge faced by European companies, a concern shared by small and medium-sized enterprises as well as larger firms. It highlights that, rather than fostering innovation, excessive or fragmented regulation often creates barriers that hinder growth and push companies to seek opportunities outside the EU.

Accordingly, when considering new initiatives – including proposals like the Digital Fairness Act – policymakers should carefully assess whether they add to regulatory complexity. The focus should be on ensuring that legislation remains technology neutral and adaptable to evolving market practices and emerging technologies. This would help maintain a balanced, coherent and future-proof framework that supports both consumer protection and business compliance.

Similarly, for consumer legislation designed to enhance demand for sustainable products, it is crucial to evaluate how such laws influence companies' incentives to decarbonise and invest in climate initiatives. This assessment should ensure alignment with the EU's values, priorities and environmental roadmap, facilitating progress towards sustainability goals.

## Promote digital product information to support innovation, consumer access and sustainability

**Key recommendation: Accelerate the digitalisation of product information and improve coherence across existing rules. This will enhance consumer access to essential product data, reduce environmental impacts and ease compliance for businesses – without adding unnecessary regulatory burdens.**

The EU has made important strides in enabling the digital provision of product information, notably through the GPSR, the ESPR, the Cyber Resilience Act and the AI Act. For example, the GPSR allows product information to be provided digitally as a complement to printed documentation. The AI Act supports this transition by introducing provisions for digital CE marking for high-risk AI systems.

However, the continued requirement for physical documentation often leads to duplication, unnecessary costs and considerable environmental impacts – particularly in sectors like electronics and machinery, where documentation can be extensive. For example, EU product safety laws require manufacturers to provide consumer information in three locations: (i) on the product; (ii) within printed documentation inside the packaging, in each national language; and (iii) on the packaging itself, also in each national language. This reliance on printed materials, such as instructions and labels, is a well-known contributor to waste, undermining the EU's sustainability objectives.

In this context, digitisation supports the Commission's aims to reduce administrative barriers for companies while advancing climate objectives. Digitalisation of product information supports innovation by enabling faster adaptation to regulatory changes and reducing market-entry barriers. It also delivers clear advantages for consumers: it is easily updated, accessible in multiple languages and formats, searchable and better suited to users with specific accessibility needs, such as people with visual impairments. This enables consumers to engage more effectively with the information while also unlocking environmental benefits. For example, digitalisation not only prevents paper waste but also conserves resources used for producing paper and ink, reduces transportation emissions associated with moving documentation between supplier sites and consumers and enables less resource-intensive product packaging. Digitalising product information provides an effective way for consumers, market surveillance authorities and other stakeholders to access relevant information, enhancing accessibility and indelibility while promoting the Single Market.

Flagship initiatives such as the Digital Product Passport (DPP) under the ESPR are necessary and will fundamentally reshape how product information is shared across the value chain. The DPP will enable easy digital access to detailed data on product sustainability, reparability and regulatory compliance, benefiting both consumers and businesses.

However, in the short term, the priority should be moving towards voluntary paperless documentation, independent of full DPP deployment. This means products would primarily offer

information digitally, for example, via QR codes on packaging linking to online manuals, specifications and sustainability data (eg reparability score and estimated carbon footprint), rather than relying on printed leaflets or lengthy physical labels. This approach would respond to immediate simplification objectives and allow producers to leverage their existing digital repositories while reducing environmental costs. Additionally, it would make it possible to cover more product categories than those currently covered by the DPP framework and allow manufacturers to incrementally prepare for a shift to digital documentation and labelling. Overall, this approach would ensure strong consumer protection and support the EU's sustainability and innovation goals – all while easing unnecessary regulatory burdens for businesses. Similarly, ongoing discussions around the digitalisation of CE marking offer opportunities to further streamline compliance and reporting, lower administrative costs and improve traceability.

## Enhance legal certainty through guidance

**Key recommendation: Empower the Commission to provide clear, centralised guidance on consumer protection issues, rather than leaving this task to national authorities.**

The Commission has played a key role in supporting compliance and legal certainty by issuing practical, EU-level guidance on consumer protection. Notable examples include the Commission's guidance on influencer marketing as well as the comprehensive 2021 guidance clarifying the application of core consumer protection legislation. Although not legally binding, this guidance carries significant persuasive weight. It shapes the decisions of enforcement authorities and courts across the EU and helps businesses and regulators apply rules consistently – especially in response to new business models and digital practices. Given the persistent divergence in enforcement and legal interpretation among Member States, as identified in recent Commission assessments and the [2024 report on the Consumer Protection Cooperation Regulation](#), continued EU-level guidance is essential to ensure harmonised and effective consumer protection across the Single Market.

## Reduce fragmentation in enforcement practices

**Key recommendation: Adopt a harmonised approach to enforcement. This would enhance legal clarity and predictability, supporting both consumer trust and regulatory compliance within the Single Market.**

Fragmentation in the enforcement of consumer protection rules across the EU remains a significant concern for businesses. Despite recent improvements in transparency and information-sharing, such as the introduction of public databases under the GPSR and the Product Liability Directive (PLD), businesses continue to face challenges due to divergent enforcement approaches among Member States. While the Enforcement and Modernisation Directive and the Consumer Protection Cooperation (CPC) Regulation, including the CPC Network, represent attempts at coordinated enforcement, they have not fully succeeded in overcoming these inconsistencies. As a result, legal uncertainty and increased compliance complexity persist, particularly for companies operating across borders.

Initiatives that promote greater consistency and coordination in enforcement throughout the EU are necessary and broadly supported by the business community. To simplify legislation, policymakers should review existing enforcement rules to identify opportunities for enhancing their effectiveness. Facilitating cooperation and information exchange among national authorities, clarifying procedures

and ensuring that enforcement tools are accessible and user-friendly would help reduce fragmentation.

## Promote maximum harmonisation for key consumer protection rules

**Key recommendation: Transform the UCPD into a regulation and issue EU-level guidance on specific unfair or borderline commercial practices.**

Divergence in the interpretation and application of key consumer protection instruments, such as the UCPD, continues to create challenges for businesses operating across the EU. While divergence remains under the UCPD, other frameworks such as the Consumer Rights Directive and the new PLD have introduced important harmonisation measures, and the GPSR, as a regulation, ensures direct applicability across the EU. Together, these developments have helped reduce fragmentation and promote greater legal certainty for consumers and businesses. These developments have prevented divergent national rules and contributed to a more predictable legal environment for both consumers and businesses.

Building on these examples, the EU should move towards maximum harmonisation for the UCPD while simultaneously reviewing unfair commercial practices to ensure they address emerging challenges. Key issues include the increasing number of consumers purchasing from third-country sellers via e-commerce and the growing use of artificial intelligence in consumers' daily lives. Accompanying EU-level guidance on specific unfair or borderline practices would also support consistent interpretation and application of consumer protection law, benefiting all stakeholders in the Single Market.

## Protect consumers from counterfeiting

**Key recommendations: Strengthen the enforcement of existing EU rules against counterfeiting by targeting third-country traders, enhance cooperation among enforcement bodies, modernise the EU intellectual property rights (IPRs) enforcement framework to address emerging challenges and introduce a horizontal Know Your Business Customer (KYBC) requirement to all intermediaries that facilitate counterfeit sales.**

Counterfeiting infringes intellectual property rights such as trademarks, designs and copyrights, posing serious risks to consumer safety and causing significant harm to EU businesses, the environment and labour conditions. Fake goods – often toys, electronics and pharmaceuticals aimed at children – are mainly sold via e-commerce platforms and social media (as mentioned in [EUIPO's 2019 Qualitative Study on Risks Posed by Counterfeits to Consumers](#)). Social media 'dupes' – which are essentially counterfeit products put under a catchier name – and influencers glamorising such products exacerbate the normalisation and spread of unsafe goods and undermine the brand value of legitimate European businesses.

The European Union has built a strong framework for enforcing IPRs, anchored in Directive 2004/48/EC (IPRED), which obliges Member States to apply effective, proportionate and dissuasive remedies against counterfeiting and piracy. This has been reinforced by recent measures such as the DSA, requiring online platforms to verify sellers, swiftly remove illegal goods and suspend repeat offenders, and Regulation (EU) 2024/2822, which empowers design holders to block counterfeit goods

transiting through the EU, even if not destined for its market. These developments strengthen EU border controls and aim to disrupt global counterfeit supply chains.

Yet enforcement remains fragmented due to differing interpretations, resource gaps and the complexity of cross-border infringements. Customs procedures under the Union Customs Code often lack the speed and coordination needed to intercept counterfeit imports effectively. In its [2024 Recommendation](#), the Commission urged closer cooperation among enforcement bodies and modernisation of the IPR framework to match the pace of the digital economy. Priorities for the next five years should include greater harmonisation, modernisation of the IPRED, and expanded KYBC obligations – covering not only sellers and online platforms but also intermediaries such as influencers – to ensure broader accountability in tackling counterfeiting.

## Conclusion

The EU has made substantial progress in strengthening consumer protection through recent legislative initiatives and improved guidance. To build on this foundation, the focus should now be on reviewing and updating existing rules, promoting simplification and avoiding unnecessary regulatory overlap. One vital aspect among ongoing efforts should be to protect consumers from counterfeiting, ensuring that the integrity and safety of consumer products are upheld across the Single Market. Where new challenges arise – such as those related to digital fairness and artificial intelligence – targeted amendments and technology-neutral solutions should ensure that the framework remains relevant and adaptable.

EU-level guidance is essential to support consistent interpretation and application of consumer protection rules, fostering legal certainty and compliance across the Single Market. Reducing fragmentation in enforcement practices and moving towards maximum harmonisation for key instruments such as the UCPD could further enhance predictability and trust for businesses and consumers. By prioritising these objectives, the EU can maintain a balanced, coherent and future-proofed consumer protection framework that supports innovation, competitiveness and high standards for all stakeholders.