

Eurochambres Input to public consultation on EU Consumer Agenda 2025 – 2030 and action plan on consumers in the Single Market

Eurochambres is pleased to contribute to the European Commission’s public consultation on the upcoming Consumer Agenda for 2025-2030. Through this supporting document, we provide further input on issues of key importance to businesses, highlighting areas that require careful consideration by EU lawmakers to ensure that consumer policy supports competitiveness, innovation, and growth alongside strong consumer protection.

1. Priority areas

EU companies are increasingly grappling with the growing legal complexity, particularly when arising from initiatives such as the “New Deal for Consumers” and the “European Green Deal.” These regulatory burdens have expanded significantly across multiple legal domains, including consumer protection, in sharp contrast with non-EU markets.

The recent push towards regulatory simplification must be expanded to consumer law as the current approach places heavy compliance obligations on businesses, while structurally underestimating consumers’ capacity to act responsibly. A shift toward simplification, proportionality, and clarity is essential.

Consumer policy should be guided by a more flexible, pragmatic approach, prioritising clear, proportionate rules that protect consumers without stifling innovation or placing unnecessary burdens on businesses. At the core, consumer policy should be anchored around the established concept of “average consumer” as articulated in Case C-646/22 from the CJEU i.e. the normally informed, reasonably observant, and circumspect consumer. This must remain the benchmark for both legislation and regulatory strategy. Within the European Union, a high-level of consumer protection has already been provided.

Eurochambres also wishes to stress that the overall premise of this questionnaire, namely the perceived need to further strengthening consumer protection, is flawed. It seems more than questionable whether there is a need for more and new regulations to protect consumers. Instead, priority should be given to the effective implementation and thorough evaluation of existing rules, assessing their impact on both consumers and businesses, including SMEs. Many existing rules can and should be simplified. Furthermore, most businesses do not share a perceived need for new rules regarding so-called “vulnerable consumers”, a discussion which, in our view, still remains to be properly addressed.

2. Completing the Single Market for consumers

Lack of confidence in safety of consumer products from third countries sold in the single market is a serious problem for national authorities yet the flood of parcels from outside Europe does not suggest that a lack of trust is preventing customers from making

purchases.

Analyses show that consumer goods shipped, for instance, from China to consumers in the EU often do not comply with EU product safety regulations. Therefore, enhanced measures for market surveillance and product safety should be implemented for products delivered directly from third countries to consumers in the EU.

3. Enforcement of consumer-protection rules and e-commerce

Eurochambres supports the introduction of measures to address issues of non-compliance of products imported into the EU from third countries.

On the other hand, EU businesses operating in the single market make a genuine effort to comply with the strict regulatory framework as no company wants to risk administrative penalties or legal action. Yet with EU consumer rules changing frequently and scattered across multiple legal acts, staying compliant has become increasingly difficult, especially when rules are vague, incoherent or based on general clauses open to interpretation. This challenge is even more acute for SMEs, which often lack in-house legal expertise. It's essential that enforcement is preceded by practical advice, giving companies a fair chance to adapt.

The principle of “guidance before penalties” should be embedded in every piece of legislation. Consumer law is just one of many complex legal areas that businesses must navigate, and smaller companies deserve a level playing field. Notably, large companies involved in coordinated enforcement actions often benefit from extended dialogues with the Consumer Protection Cooperation authorities before being asked to take corrective action. This constructive, advisory approach should also be available to SMEs, rather than confronting them immediately with fines or lawsuits.

Information obligations are also too extensive. Despite decades of imposing extensive information obligations on businesses, information asymmetry remains. Simply increasing these requirements has proven ineffective as consumers often do not engage with the information provided. Continuing to shift this burden onto companies, especially SMEs, is not a sustainable solution. Instead, alternative approaches should be explored that do not place the entire responsibility on businesses. Consumer education and awareness-raising are important but should remain primarily under public responsibilities.

Simplification of existing rules is key. The regulatory consumer law framework has become overly complex and inconsistent. The continuous stream of new regulations from the EU across consumer law, product safety, corporate governance, and environmental rules has become increasingly difficult to manage. A smarter, more focused regulatory approach that prioritises essentials would be far more effective.

Embedding the principle of “guidance before penalties” would also help. Most companies genuinely strive to comply, but the volume and pace of legal changes make it challenging, even for legal experts, to stay fully up to date. The high regulatory intensity as such might lead to both over- and undercompliance and often results in a negative perception both by companies and consumer alike.

4. Consumer protection in the online environment

The line between acceptable and prohibited design features is rather difficult to draw, making regulation in this area particularly complex. There is a real risk that overly restrictive rules within the EU could drive consumers toward offers from third-country providers who are not subject to the same standards. To avoid this regulatory imbalance and maintain a high level of consumer protection, policy actions should extend more consistently to third-country operators. This would help ensure a level playing field and prevent the circumvention of EU rules by foreign digital services providers.

Denying consumers any self-responsibility is a misguided form of consumer protection. A reasonably attentive and informed average consumer can certainly be trusted to manage their subscriptions independently themselves. Consumers are, in any case, capable of cancelling a contract via email or letter, especially since companies are already required under various EU directives to provide appropriate contact options. The termination of long-term contractual obligations does not require the creation of special rules or provisions to make terminations easier.

An unwanted automatic contract renewal is practically inconceivable under some member states legislation, e.g. Austria, due to the strict requirements of the Consumer Protection Act (KSchG) and the corresponding strict case law of the courts.

In principle, various commercial practices that indicate prices incorrectly, incompletely, or in a misleading way for consumers are already considered deceptive under EU law. If further clarification is needed, the Commission could elaborate on this in additional guidelines. A flexible approach seems appropriate here, as pricing and labelling practices are evolving rapidly in the context of digitalisation. At the legislative level, no further legal act is necessary.

Finally, the DSA intends to strengthen action against so-called “illegal” content. The DSA remains the hallmark of consumer protection in the online world. However, illegal is – not even on the national level – defined in a consistent way. Hence, legal insecurity grew which is detrimental to European competitiveness.

5. Sustainable consumption

It is doubtful in how far the promotion of “sustainable” consumption as such should lie within the EU remit. The definition of sustainability varies and should not be left to administrative procedures. Product regulation and consumer guidance beyond product safety is widely perceived by companies as overreach by the EU. Instead, in the interest of contractual freedom and the free choice of distribution systems, entrepreneurs should not be forced to offer specific goods or a rental option.

Low-cost products underscore two key challenges: the EU’s struggle to remain globally competitive and the reality that many consumers still prioritise price over sustainability. This trend is concerning and must be taken seriously in upcoming policy debates to ensure that sustainability goals are balanced with market realities.

Regarding the perceived “unsustainable models that encourage overconsumption”, this is eminently an enforcement issue which has already been addressed through an

increase in regulatory standards under Directive (EU) 2024/825. It will soon be complemented by the extremely bureaucratic Green Claims Directive. This Directive is expected to lead to a substantial decline in the use of environmental claims in marketing and thus reducing sustainable choices.

There is a variety of factors that influence whether consumers decide to repair a product. “Reparability” has become a key focus at the EU level as part of efforts to promote the circular economy. This is supported through thoughtful product design and construction. Under the Ecodesign framework, which has recently been extended to cover almost all products and led partly to what companies perceived as a “steering economy”, specific requirements for certain product categories are already enhancing repair conditions by ensuring the availability of spare parts and access to maintenance information. These measures help prevent repair decisions from being hindered by a lack of necessary parts.

At the same time, consumers highly value the freedom to choose whether to repair a product based on personal preferences, tastes, or financial circumstances. Social considerations are also an important part of this equation and must be taken into account.

6. Protecting vulnerable consumers

As mentioned above, most businesses do not perceive a need for additional rules concerning so-called 'vulnerable consumers', a discussion which, in our view, still requires proper consideration and further exchanges of view between lawmakers and stakeholders.

Consumer knowledge remains limited despite decades of extensive information obligations imposed on businesses by the EU. Consumers have yet to fully grasp how these requirements also represent a burden to them.

Regarding limited access to digital services, it is important to note that the EU has already comprehensively addressed accessibility through Directive (EU) 2019/882. Starting June 28, 2025, all digital services—including e-commerce platforms, apps, and online shops—must be accessible to people with disabilities.

The wording of the questionnaire is highly misleading, as it conflates two distinct aspects: limited financial literacy on the one hand and limited access to financial services on the other into a single question.

Eurochambres believes that there is no such thing as a generally 'limited' access to financial services – unless such restrictions are explicitly imposed by EU regulations themselves, particularly in the area of consumer protection. For example, prohibitions on granting credit under the EU Mortgage Credit Directive or, in the future, under the revised Consumer Credit Directive, are cases where access is deliberately restricted by law.

With regard to 'limited financial literacy', the question must be answered in the affirmative. This continues to represent a challenge across numerous member states, and Eurochambres members underline the importance of giving greater prominence to financial education within national policy agendas.

In recent years, it has unfortunately become apparent that an increasing number of

consumers are showing a rather careless attitude toward their personal finances. This worrying trend must not be further fuelled by unnecessary protective provisions that reward negligence.

We welcome the European Commission's initiative to develop a new EU Strategy on Financial Literacy. In our view, the strategy should take into account the following key aspects:

- Inclusion of best-practice solutions from the private sector, not just from the public sector;
- Continuation of dialogue with experts from the credit industry, as was the case in the development of the EU/OECD Financial Competence Framework;
- Review of the Council Recommendation on Key Competences for Lifelong Learning (2018/C 189/01) with the aim of upgrading financial literacy to a standalone key competence;
- Encouragement for Member States to more strongly integrate financial education into school curricula.

To improve access to financial services, the new EU Consumer Agenda could propose the following measures:

- Ensure that planned EU legislation does not unintentionally hinder initiatives in the field of social banking;
- Designing the EU legal framework in a proportionate manner, so that activities in the area of social banking are supported rather than obstructed by regulation.

7. Administrative burden and simplification

Eurochambres welcomes EU measures to improve the coherence and the enforcement of consumer protection rules. Furthermore, it is important to review all consumer protection directives and especially the extensive information obligations if they are coherent and if they are still necessary. Simplification of existing rules is needed.

Providing affected entrepreneurs an opportunity to offer critical feedback as well as innovative solutions to the Commission would be very valuable. However, it is crucial to consider cautionary voices from the business community before initiating new regulations, to prevent unnecessary burdens from the outset rather than relying on corrective measures later. Experience shows that warnings from the business community about excessive regulation are frequently underestimated.

Stronger cross-border cooperation between national authorities would be beneficial for businesses across the EU, especially when addressing the challenges posted by third countries with low-cost production systems.

Whilst simplification in the entire consumer law areas is important, it does not suffice. A focus solely on simplifications in the digital sphere falls short of the challenges. Eurochambres has repeatedly called for simplifications and submitted concrete proposals - <https://www.eurochambres.eu/wp-content/uploads/2024/12/241210-60-regulatory-burden-reduction-proposals.pdf>. Some of these should be included in the Consumer Agenda as well.

The growing complexity and weight of the EU legal framework across consumer policy,

labour matters, product safety, corporate law, and environmental aspects risks becoming overwhelming despite the use of detailed guidelines. While they can provide clarity for legal professionals, it may create additional challenges for businesses.

Recent trends of assigning broader “socio-political” or public responsibilities to businesses, such as informing consumers about existing legal rights or supporting human rights initiatives, are unwarranted. In fact, they appear as a new element of a “steered economy”, where European institutions try to enforce soft or unclear moral concepts.

This approach may be feasible for some businesses. However, most individual entrepreneurs and the majority of SMEs often lack the time and financial resources to implement such measures.

Given the current legal environment and the particularly stringent case law in some member states it is already extremely difficult for businesses, even with legal support, to draft general terms and conditions (GTCs) that can withstand court scrutiny.

Efforts toward better regulation should be guided by the following principles:

- Legal regulations should be introduced only when there is a clear and genuine need, rather than to fulfill predetermined agendas.
- The legal framework should be designed so that sole proprietors, micro, and small enterprises can understand and comply with requirements without needing specialised legal advice.

Eurochambres would also like to highlight:

- Civil law sanctions can be particularly disproportionate when applied to breaches of obligations that, according to EU law, assign responsibilities to businesses that arguably go beyond their role. For example, requiring companies to inform consumers about legal rights that are already mandatory, such as the right of withdrawal under the Consumer Rights Directive.
- If, in the case of an off-premises contract, the information on the right of withdrawal is not fully or in parts correctly provided, this can result in a trader, such as a painter, losing the entire payment, while the consumer retains the benefit of the service (a freshly painted apartment).
- It is also possible, for example, that a car dealer may have to take back a vehicle without any claim for compensation for depreciation, even if the customer has driven it e.g. for 40,000 kilometers only to decide after 12 months to declare his withdrawal. This was ultimately possible in a specific case because the courts assumed that the purchase contract had already been concluded through email communication and not only later at the premises of the seller.

These examples show European action going beyond the core intent of consumer protection. If subject to public consultation, even the average, reasonable consumer might view such measures as disproportionate under current EU law.

Developments in case law under the Unfair Terms Directive raise concerns about its punitive approach, proportionality and legal certainty. The inability to replace unfair clauses with default legal provisions creates rigid outcomes, and the limitation period tied to a consumer's awareness of unfairness can lead to extended legal exposure, posing significant challenges for businesses, particularly in long-term contractual relationships or mass transactions. Furthermore:

- Case law developments in member states diverge from the approach set out in the Modernisation Directive (Directive 2019/2161), which gives Member States discretion over sanctions (Art. 8b(1) Unfair Terms Directive). Sanctions can be limited to cases where a final decision confirms a clause is unfair and the trader continues to use it, yet assessing whether a clause is actually unlawful can be very complex.
- The Directive also introduced criteria (e.g. nature, gravity and scope of the infringement) that should guide sanctions. These are often overlooked in current jurisprudence. Clarification at the EU level, either through amendments or Commission input in preliminary rulings, would help ensure consistency.
- Case law-based civil sanctions do not ensure a level playing field. The Unfair Terms Directive allows for minimum harmonisation, and national courts assess unfairness within the context of their own legal systems, which differ widely across member states. As a result, harmonising sanctions through case law is ineffective and may even create disparities, placing businesses in stricter jurisdictions, such as Austria, at a disadvantage compared to those in more lenient systems.

Lastly, the new Product Liability Directive is broadly applicable and intends to facilitate access to justice by reducing the evidentiary hurdles for injured parties by establishing a presumption of defectiveness and a causal link for claimants in complex cases, in addition to first steps to establish discovery procedures in the EU. However, this approach is misguided. Companies strongly oppose such one-sided and unbalanced procedures, especially in light of the growing prevalence of collective redress actions in consumer matters, which risk creating an uneven playing field.

Further information: Mr. Frederico Martins, Tel. +32 2 282 08 54, martins@eurochambres.eu
Press contact: Mrs. Karen Albuquerque, Tel. +32 2 282 08 72, albuquerque@eurochambres.eu
All statements are available [here](#)