

Denmark's response to the Consumer Agenda 2025-2030 and action plan on consumers in the Single Market

The Danish Government welcomes the European Commission's decision to update the current Consumer Agenda, which expires in 2025. We agree that a revision is both timely and necessary in view of recent geopolitical developments and the broader objective of strengthening European competitiveness. Empowered consumers are essential drivers of economic growth and play a key role in achieving a fully integrated Single Market. The Danish Government also places strong emphasis on the effective enforcement of consumer rights, the promotion of sustainable consumption, and robust consumer protection in the digital environment – with particular attention to minors and other vulnerable groups.

Consumer protection in the online environment

In recent years, we have taken major regulatory steps to protect our citizens against the negative consequences of the digital transformation and to shape the digital environment in line with our values and principles. However, many challenges remain, especially when it comes to protecting minors and ensuring that the safety net for consumer protection is up to date and without gaps. In this light, we are very supportive of the Commission's priority to develop a Digital Fairness Act to tackle unethical techniques and commercial practices online.

In particular, we are strongly concerned with the protection of minors. Minors spend an increasing amount of their time on social media and gaming. They are held captive by retention mechanisms, designed to catch and keep their attention. Minors are particularly vulnerable and more easily manipulated which calls for better and more targeted protection. The exploitation of their limited cognitive skills gives rise to the need for additional protection when minors engage with digital services. Tackling these problems will be of utmost importance to the Danish Government when drafting the upcoming Digital Fairness Act.

While we generally need stronger efforts to simplify the existing legislation and reduce the regulatory burden to ensure that Europe is both competitive and innovation-friendly, there is an exceptional need to protect our minors online.

To this end, we find it important that we

- **Address addictive designs, dark patterns and data-driven business models**, as these may exploit vulnerabilities and manipulate behaviours. Therefore, we need to specify and potentially expand the prohibitions in the UCPD and establish a fairness-by-design obligation in order to address these practices as well as to update our framework to take into account that many online business models are based on the consumer and other users' engagement – not their purchases.
- **Address extensive data harvesting and ban targeted advertising based on profiling**. While targeted advertising based on profiling of personal data can offer certain benefits for businesses and consumers, its severe consequences have become increasingly evident over time. Most evidently, the economic benefits incentivize digital services to amass extensive user information and to utilise various and often problematic and privacy intruding practices to this end.
- **Ensure effective and privacy-preserving age verification** in order to mitigate the adverse impact of illegal and harmful content, harmful commercial practices, addictive designs and excessive data harvesting on digital services targeting minors.

- **Protect minors in terms of influencer marketing** in order to mitigate the increasingly blurred lines between commercial content and entertainment as well as to address aggressive and problematic marketing.
- **Strengthen the protection in digital subscription markets** in order to help consumers actively decide to continue or to cancel their subscriptions.

The Danish Government will elaborate on our positions in more detail in the coming public consultation on the Digital Fairness Act.

Protecting vulnerable consumers

The digitalization of markets has fundamentally changed the nature of the relationship between traders and consumers. Today, traders have access to extensive and detailed consumer data, enabling them to test and refine their choice architecture at high pace and low costs. Moreover, they are able to reach consumers across platforms at any time of the day. This calls for a fundamental reassessment of concepts such as “vulnerable” and “average” consumers.

The current definition of the average consumer, who is reasonably well-informed, observant and circumspect, is no longer sufficient in a digital context. Even well-informed consumers may be subject to permanent profiling, complex manipulation and automated transactions. Traders’ access to the consumer’s detailed personal profile including decision-making biases and pressure points can be used in a commercial context.

In light of this, the Danish Government recommends that the European Commission re-examine the current definition of the average consumer to better reflect the actual decision-making processes, including the biases and heuristics that frequently lead to non-rational behaviour.

Likewise, the concept of consumer vulnerability should evolve beyond static socio-economic categories, and instead recognize that vulnerability can be cognitive, emotional, or situational - affecting any consumer regardless of age, income, or education. It is of particular importance that the definition of the average consumer is applied consistently across all EU consumer legislation.

Finally, businesses should be expected to design digital interfaces and purchasing environments in a way that does not mislead or unduly influence consumers, especially in light of the above considerations.

Completing the Single Market for consumers

Removing barriers that prevent consumers from buying goods and services across borders in the EU is central to achieving a fully integrated Single Market. In this regard, the Danish Government welcomes the Single Market Strategy and urges the Commission to move swiftly in implementing it. In line with the visions set out in the Single Market Strategy regarding harmonized rules and consistent implementation and enforcement of existing horizontal legal framework, the Danish Government welcomes looking specifically at the consumer protection rules.

EU-wide uniform consumer protection rules have made significant contributions to the functioning of the Single Market by reducing fragmentation, creating a level playing field, thereby reducing expansion barriers across Member States. However, challenges continue to hinder the full potential of the Digital Single Market. Regulatory fragmentation still occurs due to diverging national implementations and enforcement gaps. In particular, some Member States have introduced national

rules – such as targeted legislation on loot boxes or influencer marketing – to respond to the emergence of new digital business models. While often well-intentioned, these national initiatives risk undermining harmonisation, creating legal uncertainty for cross-border traders, and increasing compliance burdens. SMEs are especially impacted, as they often lack the resources to navigate varying national requirements.

Against this background, the Danish Government urges the European Commission to enhance legal clarity and consistency by updating the EU consumer acquis to reflect the realities of the digital environment. In particular, reflections set out in the Commission's Guidelines to the Unfair Commercial Practices Directive should be codified within the Directive itself. This would provide greater legal certainty for businesses and consumers alike, while also making the rules more effective and operational for enforcement authorities across the EU.

Administrative burden and simplification

The Danish Government supports the European Commission's ongoing efforts to simplify existing EU regulation - including consumer protection - in order to reduce burdens and strengthen EU's competitiveness. Simplification and further harmonisation of consumer protection rules can both reduce administrative burdens on companies as well as strengthening consumer protection.

Despite progress toward harmonized consumer protection, significant challenges persist that hinder the effective functioning of the Digital Single Market. A key issue is regulatory fragmentation as varying national interpretations and supplementary rules create inconsistencies across Member States. This fragmentation contributes to legal uncertainty. Traders struggle to interpret and apply existing consumer law provisions - originally designed for offline contexts - to novel digital practices such as personalization, dark patterns, and influencer marketing. The lack of clear legal provisions combined with uneven enforcement and evolving jurisprudence, leaves businesses - especially SMEs - uncertain about their obligations and vulnerable to compliance risks.

As a result, many traders face elevated administrative costs. Key cost drivers include frequent internal compliance reviews, reliance on external legal services, and the need to adapt business practices to multiple legal regimes. These burdens are particularly pronounced for cross-border traders, who must navigate a patchwork of national requirements.

These challenges underscore the need for targeted simplification, clear legal provisions in a digital context, and stronger legal coherence at the EU level.

Enforcement of consumer-protection rules and e-commerce

To ensure a level playing field and maintain a high standard of consumer protection across Europe, it is essential to maintain an effective and robust enforcement framework. Effective enforcement will reduce uncertainty and administrative burdens on businesses and at the same time strengthen consumers' confidence in that their rights will be upheld.

The success of EU consumer law fundamentally depends on compliance by traders, who are typically responsible for designing and operating the digital environments in which consumer rights are exercised. However, findings from the Consumer Protection Cooperation Network's (CPC) annual sweeps demonstrates that this compliance cannot be taken for granted. The 2022 sweep, for example, revealed that certain online retailers used dark patterns and concealed important information from consumers – such as the availability of lower-priced alternatives or delivery costs.

These findings underscore the ongoing need to safeguard consumer trust and safety. Moreover, the recent Fitness Check highlights that the effectiveness of European consumer legislation is significantly undermined by fragmented and insufficient enforcement.

In this context, the Danish Government supports a targeted reform of the Consumer Protection Cooperation Regulation aimed at strengthening cooperation among national enforcement authorities and streamlining procedures to enhance their efficiency and effectiveness. In order to ensure clarity, it should be specified in the regulation that non-EU traders that direct their commercial activities towards consumers within the EU/EEA are covered by the regulation. Furthermore, we welcome a discussion on the potential reinforcement of the European Commission's enforcement powers – particularly in instances where breaches of consumer protection rules occur at the EU level.

E-commerce has revolutionized the way that consumers can purchase goods from all over the world and has brought numerous benefits. However, enforcement of EU legislation is massively challenged by 1) the large and growing number of packages and products shipped to consumers in the EU from non-EU countries and 2) by the fact that there is often no economic operator within the EU that can effectively be held responsible for the compliance of products within the current legal framework for products.

Ensuring strong cooperation and effective enforcement of product safety legislation and consumer protection legislation is essential to protect consumers and ensure a level playing field for businesses. Although steps to address the challenges have already been taken through the Digital Services Act, the General Product Safety Regulation and the Ecodesign Regulation, enforcement in practice remains highly complex and resource-intensive and yielding only limited impact for certain products. This means that strengthened enforcement and cooperation alone will not solve the growing challenges. Online marketplaces must be given obligations that reflects the role they play in the market.

Sustainable consumption

The Danish Government supports sustainable consumption as a focus point in the Consumer Agenda. Consumers continue to play an integral role in the turn towards more sustainable consumption, and we must make sure that affordable sustainable choices are always readily available for consumers. Businesses' incentive to innovate and develop more sustainable goods and services requires that information about products' environmental characteristics is reliable and transparent in order for consumers to make informed choices.

The recent revision of the UCPD in order to empower consumers in the green transition as a part of the European Green Deal is an important step in the right direction as it ensures a level playing field for traders using green claims. Further, it contributes to consumers being able to trust information by traders in order to make sustainable choices and contribute to the green transition.

However, the increase in e-commerce products from non-EU countries remains a persistent challenge to sustainable consumption. Many of the products shipped to consumers in the EU from non-EU countries do not comply with EU regulations, and the companies behind these products avoid the associated compliance costs. This contributes to very low prices that distort competition with compliant EU companies and contributes to unsustainable consumption. Ensuring effective enforcement of EU regulation will not only protect consumers and ensure a level playing field for businesses but also address unsustainable consumption.