Press Release

Digital Fairness Act: retailers call for effective enforcement and proportionate rules

Brussels, 12 November 2026 – **Following the publication of the European Commission's proposal for a Digital Fairness Act (DFA) and revision of the Consumer Protection Cooperation Regulation (CPC), Ecommerce Europe, EuroCommerce and Independent Retail Europe call on the co-legislators to focus on effective enforcement and genuine regulatory gaps, while avoiding unnecessary new burdens for compliant businesses.**

The three organisations support the objective of a fair, transparent and competitive digital Single Market. While the communication around the DFA proposal is focussing on gaming, influencers and social media, a significant part of the proposal will actually overburden retailers with complex and far-reaching rules and high compliance burdens. This seems to undermine the simplification agenda of the European Commission in other policy areas, according to the associations.

Christel Delberghe, Director General of EuroCommerce, said: "Consumer trust is essential to a thriving Single Market. Consumers need to be able to rely on fair and transparent practices, while businesses need clear, simple and consistently enforced rules, that ensure fair competition. Yet the proposed DFA risks overburdening retailers at a time when they are already grappling with unfair competition from third-country operators and the need for substantial investments in digitalisation and sustainability."

The organisations have consistently stressed that **effective enforcement should be at the centre of the EU's approach to digital fairness**. Their 2024 study, *Digital Fairness in Online Retail*, concluded that the existing framework is largely fit for purpose in addressing concerns around "dark patterns" and called for stronger enforcement and targeted adjustments rather than a major overhaul.

The Digital Fairness Act proposal, however, marks a significant shift in EU consumer law contradicting the earlier statements of the Commission to focus on targeted and limited measures to improve consumer protection online. New rules should target demonstrated problems and avoid unnecessary complexity, in line with the EU's wider simplification and competitiveness objectives.

The organisations regret that the proposal does not address long-standing difficulties with the price reduction rules under Article 6a of the Price Indication Directive, which fragment the Single Market and limit businesses' ability to offer price reductions that benefit consumers. The organisations also regret the highly restrictive approach proposed for price comparisons which creates an uneven playing field and undermines widespread legitimate business models.

Luca Cassetti, Secretary General of Ecommerce Europe, said**:** We are committed to finding solutions to the ongoing challenges, but we must also avoid adding layers of complexity for compliant businesses, particularly when the EU is committed to simplification and strengthening competitiveness."

Effective enforcement is essential to ensuring a level playing field in the Single Market. European retailers face unfair competition from non-EU based actors that do not comply with EU rules. The CPC revision therefore provides an opportunity to strengthen cross-border enforcement. A stronger role for the European Commission in cases of widespread infringements with a Union dimension can contribute to this objective, provided that its powers are clearly defined and proportionate.

Alexis Waravka, Deputy Director General of Independent Retail Europe, said: "A level playing field requires the same rules to be effectively enforced for everyone selling to European consumers and that rules do not discriminate between types of business models. Strengthening enforcement against

non-EU based actors flooding the market with non-compliant goods is essential, while any new obligations must remain proportionate. We do not believe the current proposal aligns with the Commission simplification agenda, and will mostly add disproportionate compliance costs on trustworthy retailers."

The three organisations will now carefully assess the proposals and their implications for European retailers. The ultimate test will be whether the reforms strengthen consumer trust and enforcement while allowing European businesses to innovate, compete and continue offering consumers choice and value.

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About Ecommerce Europe:
Ecommerce Europe is the united voice of the European Digital Commerce sector, representing the interests of companies selling goods and services online to consumers in Europe. Our mission is to act at EU level by engaging with policymakers to create a better regulatory framework for all e-merchants. Ecommerce Europe is a platform where our members can stay informed, exchange best practices, and define common positions on EU legislation impacting the sector.

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About EuroCommerce:
EuroCommerce is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 28 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of businesses and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector.

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About Independent Retail Europe:
Independent Retail Europe is the European association that represents the independent retail sector. Our members are groups of independent retailers and associations of such groups or of independent retailers. Independent Retail Europe represents 24 groups and their over 479.000 independent retailers, who manage more than 708.000 sales outlets, with a combined retail turnover of more than 1,446 billion euros and generating a combined wholesale turnover of 657 billion euros. This represents a total employment of more than 6.306.000 persons.