Digital Fairness Act – New rules for consumer protection in the digital environment

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The proposed Digital Fairness Act (DFA), announced in the Consumer Agenda, was presented by the European Commission on 11 November 2026 (COM(2026) 1100). The proposal seeks to reshape the rules governing business-to-consumer commercial practices and to replace Directive 2005/29/EC on unfair commercial practices with a directly applicable regulation, thereby strengthening harmonisation across the European Union and protection in the digital environment.

The proposal should also be read alongside two other proposals presented on 11 November (see below) and in conjunction with the Digital Services Act (DSA), the AI Act and the proposed EU KIDS Act.

I. Key features of the proposal:

- Manipulative interfaces and addictive design: the proposal seeks to tackle dark patterns, meaning interfaces designed to deceive or manipulate consumers, and provides for a list of prohibited practices that the Commission could update. It would also enable consumers to disable features such as autoplay and unsolicited notifications.

- Minors and monetisation: the proposal would prohibit loot boxes and pay-to-win mechanisms in relation to minors, strengthening protection against certain video game monetisation models. The scope of these prohibitions and their conditions will need to be assessed against the legislative text ultimately adopted.

- Personalisation and influencer marketing: the proposal would prohibit profiling-based advertising directed at minors and restrict personalised pricing liable to harm minors or vulnerable consumers. The commercial nature of influencer content would need to be clearly disclosed, with brands required to ensure compliance with the rules applicable to their campaigns.

- Commercial transparency: the proposal introduces specific price-transparency rules, including for virtual currencies and dynamically priced tickets, and businesses are advised to undertake a preventive review of price presentation, promotional messaging and the information provided throughout the purchasing journey, paying particular attention to practices liable to influence consumers' decisions.

- Contracts, subscriptions and AI agents: the proposal provides for reminders before free trial periods end and subscriptions renew automatically, an online cancellation function and access to human customer support. It also envisages a framework for contracting through artificial intelligence agents acting on behalf of consumers.

- Stronger enforcement: the Commission would be able to investigate and directly sanction widespread infringements of the DFA with a Union dimension under the new Consumer Protection Cooperation (CPC) Regulation (see below).
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II. Legislative proposals accompanying the DFA

- Revision of the CPC Regulation: The proposed new Regulation on consumer protection cooperation (COM(2026) 1120) would give the Commission direct investigative and sanctioning powers in respect of widespread infringements with a Union dimension, namely those affecting at least two thirds of the Member States and of the Union's population.

- Simplification directive: The proposed Directive (COM(2026) 1110) would amend the Consumer Rights Directive and the ePrivacy Directive to reduce burdens without lowering the level of protection.

III. Next steps

The text of the proposal will still go through the European legislative process and will be reviewed by the European Parliament and the Council, and may therefore be amended. The final content and the application timeline will depend on the legislative process.

Abreu Advogados' Information Technology team will monitor these initiatives and is available to help businesses assess their impact on business models and commercial practices.

Thinking about tomorrow? Let's talk today.



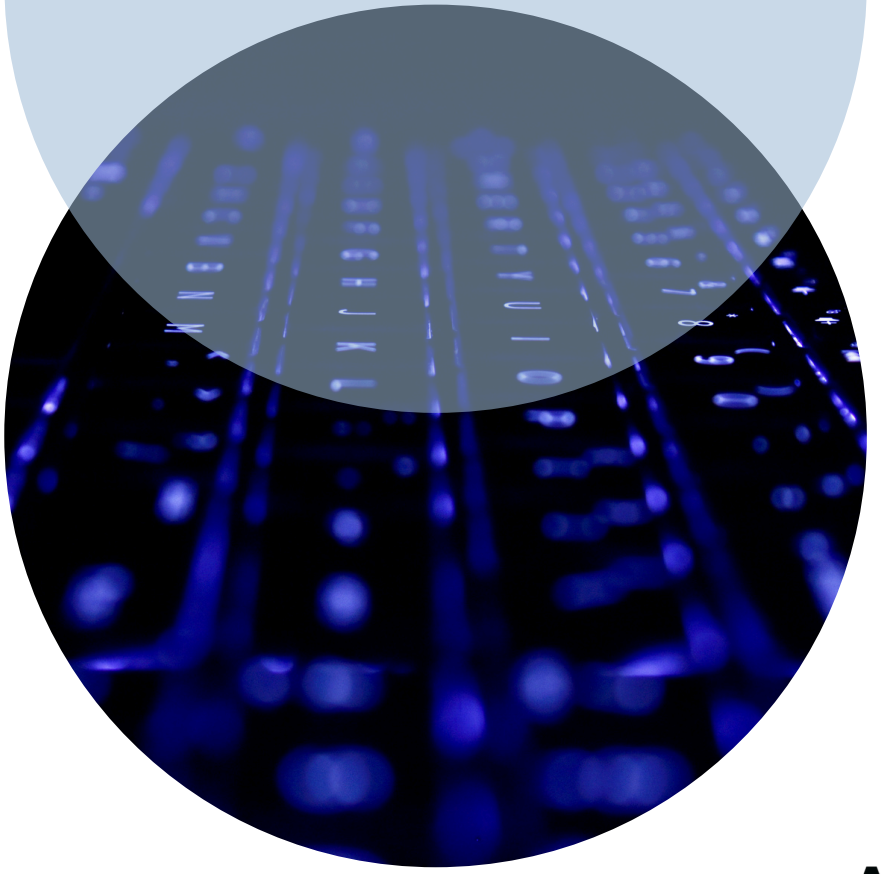
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