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Digital Fairness Act falls short on addictive design

The European Commission just presented the Digital Fairness Act, aimed at bringing consumer protection into the digital age and addressing challenges posed by new technologies.

The law was also supposed to put an end to addictive design online, but instead just proposes ‘opt-out’ options for features such as endless scrolling, autoplay videos, fake notifications, and the humanisation of chatbots.

MEP **Kim van Sparrentak**, Greens/EFA negotiator for the Digital Fairness Act, comments:

“*This is a historic mistake, both for our health and for our democracy. The Commission could have stood up for people, but chose to bow for the Tech Bros instead. The Commission has caved and is now legitimising Big Tech’s addictive business models by putting in a law that addictive design is automatically on. Fair and safe online services should be the default. Instead, the Commission is actually making addictive services the standard and legitimising it. And Big Tech’s dangerous algorithms are even fully exempted from the law. Big Tech sure is having the time of their lives this mandate.*”

More:

Nevertheless, the Digital Fairness Act finally addresses transparency for influencer marketing and includes rules for customer services, where customers should always upon request be able to speak to a human.

“*The Digital Fairness attempts to give users more control on other issues. We welcome efforts to rein in AI agents, introduce long-overdue rules for influencer marketing and tackle manipulative dark patterns*”, says MEP **van Sparrentak**.

The law also improves protection for online subscriptions with an ‘unsubscribe’ button, making it easy to cancel contracts and provides protection against automatic contract renewal when your contract or trial subscription expires.

Another new feature is consumer protection when an AI agent enters into contracts on your behalf. The Greens/EFA welcome these digital updates to consumer law and consider these big steps forward. We will continue to push for a Digital Fairness Act that offers better protection against unfair, dangerous and addictive online environments.

However, the Greens/EFA Group also expected strong action to limit ‘dynamic pricing’, for example for football, concerts or trains. Ultimately, the Commission only proposed transparency, without tackling these unfair practices. Further, addictive lootboxes in games are not excluded by default, while some Member States proposed to ban them.

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