

Procedure file

Basic information		
INI - Own-initiative procedure	2023/2043(INI)	Procedure completed
Addictive design of online services and consumer protection in the EU single market		
Subject 4.60 Consumers' protection in general		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Internal Market and Consumer Protection	 VAN SPARRENTAK Kim Shadow rapporteur	01/06/2023
European Commission	Commission DG Internal Market, Industry, Entrepreneurship and SMEs	 ŠTEFANEK Ivan	
		 AGIUS SALIBA Alex	
		 YON-COURTIN Stéphanie	
		 BOURGEOIS Geert	
		 KONEČNÁ Kateřina	
	Commissioner		
	BRETON Thierry		

Key events			
20/04/2023	Committee referral announced in Parliament		
25/10/2023	Vote in committee		
08/11/2023	Committee report tabled for plenary	A9-0340/2023	Summary
12/12/2023	Results of vote in Parliament		
12/12/2023	Decision by Parliament	T9-0459/2023	Summary

Technical information	
Procedure reference	2023/2043(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54-p4
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/9/11755

Documentation gateway					
Committee draft report		PE750.069	19/07/2023	EP	
Amendments tabled in committee		PE752.950	22/09/2023	EP	
Committee report tabled for plenary, single reading		A9-0340/2023	08/11/2023	EP	Summary
Text adopted by Parliament, single reading		T9-0459/2023	12/12/2023	EP	Summary

Addictive design of online services and consumer protection in the EU single market

The Committee on the Internal Market and Consumer Protection has adopted an own-initiative report by Kim VAN SPARRENTAK (Greens/EFA, NL) on addictive design of online services and consumer protection in the EU single market.

Addictive design of online services

In today's attention economy, some technology companies use the design and functionality of systems to take advantage of the vulnerabilities of users and consumers, with the aim of capturing their attention and maximising the time they spend on digital platforms and the money they spend there.

Young people aged 16 to 24 spend an average of more than seven hours a day on the internet. In addition, one in four children and young people have 'problematic' or 'dysfunctional' use of their smartphones, i.e. their behavioural patterns are indicative of addiction.

Against this backdrop, Members believe that digital addiction and persuasive technologies are issues that require a comprehensive EU regulatory response, accompanied by a range of supporting policy initiatives, to combat digital addiction in a tangible way.

Given that addictive design can cause material harm to consumers and be detrimental to their physical and psychological health, the report called on the Commission to urgently assess and, where necessary, fill existing regulatory gaps with regard to consumer vulnerabilities, dark patterns and addictive features of digital services. If the subject is not addressed, Parliament should take the lead and make use of its right of legislative initiative.

The Commission is invited to:

- examine the necessary policy initiatives and propose, where appropriate and necessary, legislation against addictive design;
- ensure a high level of protection in the digital environment by ensuring that the growing problems of addictive, behavioural and manipulative design of online services are tackled as part of its review of the Unfair Commercial Practices Directive, the Consumer Rights Directive and the Unfair Contract Terms Directive;
- urgently assess the need to prohibit the most harmful practices not yet included in the blacklist of misleading commercial practices in Annex I to the Unfair Commercial Practices Directive or in other EU legislation;
- assess and prohibit harmful addictive techniques that are not covered by existing legislation.

The Commission is called on to consider reversing the burden of proof for practices that the Commission or national authorities have found to or presume to be addictive. Undertakings should have an obligation to develop ethical and fair digital products and services that are free from dark patterns and misleading or addictive design. This constitutes reasonable professional diligence.

The Commission should carry out an assessment of the addictive and mental-health effects of interaction-based recommender systems, in particular hyper-personalised systems, that keep users on the platform as long as possible rather than serve them information in a more neutral manner.

Ethical design of online services

The report demanded that, in its review of existing EU legislation on addictive design, the Commission puts forward a digital right not to be disturbed to empower consumers by turning all attention-seeking features off by design and allowing users to choose to activate these features by simple and easily accessible means, possibly with an attached mandatory warning of the potential dangers of activating these opt-in features.

The Commission is called on to:

- foster ethical design of online services by default;
- create a list of good practices of design features that are not addictive or manipulative and ensure users are fully in control and can take conscious and informed actions online without facing an information overload or being subject to subconscious influences.

Members believe that any response at the EU level should aim to create meaningful consultation, cooperation, and collaboration with and between stakeholders, and involve in particular lawmakers, public health bodies, healthcare professionals, industry, in particular SMEs, as well as media regulators, consumer organisations and NGOs. The Commission is called on to facilitate a meaningful dialogue between all relevant stakeholders.

Lastly, the Commission is called on to make additional international efforts to promote regulation of addictive design online in this regard and the need to promote and implement policy initiatives and industry standards on safety by design in digital services and products for children that can foster compliance with childrens rights.

Addictive design of online services and consumer protection in the EU single market

The European Parliament adopted by 545 votes to 12, with 61 abstentions, a resolution on addictive design of online services and consumer protection in the EU single market.

Addictive design of online services

Members are alarmed that certain platforms and other tech companies exploit psychological vulnerabilities to design digital interfaces for commercial interests that maximise the frequency and duration of user visits, so as to prolong the use of online services and to create engagement with the platform. The Commission is called on to urgently assess and, where appropriate, close existing regulatory gaps with regard to consumer vulnerabilities, dark patterns and addictive features of digital services.

If the issue of addictive design is not sufficiently covered in existing EU legislation, this could lead to further deterioration in the area of public health, especially affecting minors. If the topic remains unaddressed, Parliament should take the lead and use its right of legislative initiative.

The Commission is invited to:

- examine the necessary policy initiatives and propose, where appropriate and necessary, legislation against addictive design;
- ensure a high level of protection in the digital environment by ensuring that the growing problems of addictive, behavioural and manipulative design of online services are tackled as part of its review of the Unfair Commercial Practices Directive, the Consumer Rights Directive and the Unfair Contract Terms Directive;
- urgently assess the need to prohibit the most harmful practices not yet blacklisted as misleading commercial practices in Annex I of the Unfair Commercial Practices Directive or in other EU legislation, including infinite scrolling and default auto-play, constant push notifications or receive or read receipts.

Undertaking should have an obligation to develop ethical and fair digital products and services that are free from dark patterns and misleading or addictive design. This constitutes reasonable professional diligence. In addition, the Commission should assess the addictive and mental-health effects of interaction-based recommender systems, in particular hyper-personalised systems, that keep users on the platform as long as possible rather than serve them information in a more neutral manner.

Ethical design of online services

Parliament demanded that, in its review of existing EU legislation on addictive design, the Commission puts forward a digital right not to be disturbed to empower consumers by turning all attention-seeking features off by design and allowing users to choose to activate these features by simple and easily accessible means, possibly with an attached mandatory warning of the potential dangers of activating these opt-in features.

The Commission is urged to foster ethical design of online services by default and to create a list of good practices of design features that are not addictive or manipulative and ensure users are fully in control, such as think before you share, disabling all notifications by default, making more neutral online recommendations, choosing from the outset between colour and greyscale applications, or issuing warnings when users have spent more than 15 or 30 minutes on a specific service, or automatically locking certain services after a preset time of use, particularly for minors.

Furthermore, the broad use of educational guidelines and prevention plans as well as awareness-raising campaigns should promote self-control strategies to help individuals develop safer online behaviours and new healthy habit.

Lastly, Members underlined the need to promote regulation of addictive design online in this regard and the need to promote and implement policy initiatives and industry standards on safety by design in digital services and products for children that can foster compliance with childrens rights.

Transparency				
KONE?NÁ Kate?ina	Shadow rapporteur	IMCO	30/08/2023	5Rights Foundation
VAN SPARRENTAK Kim	Rapporteur	IMCO	19/07/2023	ACM