

## Seldia Contribution to Public Consultation on Consumer Agenda 2025-2030 and Action Plan on Consumers in the Single Market

Seldia welcomes the opportunity to contribute to the Public consultation on Consumer Agenda 2025–2030 and action plan on consumers in the Single Market. We share the Commission’s ambition to strengthen consumer protection and are particularly aligned with its priority to enhance the enforcement of consumer protection legislation.

This position paper complements Seldia’s response to the public consultation questionnaire by offering a more detailed explanation of our views.

### Enforcement of consumer protection rules

We agree with the Commission’s statement that robust enforcement of consumer protection and product safety is essential to protect consumers and ensure a level playing field. We believe that **the key to increasing consumer protection lies not in introducing additional legislation, but in ensuring effective enforcement and harmonisation of the existing rules.**

Despite the importance of consumer protection, several challenges hinder effective enforcement within the EU. Different Member States have varying levels of commitment to consumer protection, leading to fragmented enforcement. Many regulatory bodies lack the resources to enforce consumer protection effectively. The complexity of consumer protection laws can make them difficult to enforce, resulting in confusion and inconsistent application. To address these challenges, Seldia proposes the following recommendations:

- **Harmonise enforcement standards:** establish clear and uniform enforcement standards for consumer protection across all Member States to create regulatory consistency and improve consumer confidence.
- **Enhanced enforcement tools:** provide regulatory bodies with stronger tools to investigate and penalise violations of consumer protection laws.
- **Increase resources for regulatory bodies:** allocate more resources to National Regulatory Bodies and the European Commission to ensure their capacity for effective enforcement.
- **Cross border collaboration:** encourage collaboration among Member States to share best practices and conduct joint enforcement actions where necessary.

In addition, the **Consumer Protection Cooperation Regulation** is a key instrument for ensuring the effective enforcement of EU consumer protection rules. The Commission should **prioritise its revision to address existing enforcement challenges.**

### Consumer protection in the online environment

Digitalisation has created numerous opportunities for businesses and consumers. Consumers now have access to a wide range of products and services, while businesses can reach a broader audience. The COVID-19 pandemic accelerated the digital transformation of direct selling companies. For example, direct sellers not only conduct product demonstrations in people’s homes but also through online gatherings and social media interactions. The role of consumers has also evolved. Today, they play a more active role in their interactions with direct selling companies and direct sellers.

The public consultation mentions that the Digital Fairness Fitness Check identified significant shortcomings and problematic practises requiring action at EU level to fill the gaps in consumer protection, reduce legal uncertainty for business, avoid overlaps and regulatory fragmentation, and facilitate enforcement. However, the Digital Fairness Fitness Check has also confirmed that EU consumer law is still relevant in today's digital environment, but its effectiveness is undermined by fragmentation and lack of enforcement.

In addition, in question 4.1 of the questionnaire, several practises currently adequately regulated by existing EU legislation, are pointed out as issues. That is the case of influencer marketing.

Influencer marketing is covered by a compressive legal framework, including the Unfair Commercial Practices Directive, the Audiovisual Media Services Directive, and the Digital Services Act, which contain provisions on the disclosure of commercial communications and transparency requirements. In addition, to existing legislation:

- The European Commission Influencer Legal Hub and the European Commission Guidance on the interpretation and application of the Unfair Commercial Practices Directive are great resources providing clarity on applicable rules.
- There are industry self-regulation initiatives, training and certification that complement the law (e.g., [the ICC Advertising and Marketing Communications Code](#), [EASA's Best Practice Recommendation on Influencer Marketing](#), [Seldia's Guidance on Marketing via Social Media](#)<sup>1</sup>, [IADSA Guidelines on Influencer Marketing of Food Supplements](#), and [adEthics](#)<sup>2</sup>), which should be considered to support compliance with consumer protection rules.

In case the European Commission decides that the role of influencers requires further clarification, we recommend developing **specific guidelines on influencer marketing**. We also urge the Commission not to put all influencers in the same box. **Not all influencers have the same audience size or resources, and therefore it cannot be expected that they comply with the same obligations.** We suggest that, for the dedicated guidelines on influencer marketing, the Commission follows the example of Spain<sup>3</sup> and Italy<sup>4</sup>, whose specific legislation, guidelines and code of conduct on influencers add/clarify **requirements to influencers of particular relevance**.

At Seldia, we plan to provide more input on this subject as part of the Call for evidence/Public consultation on the Digital Fairness Act.

### **Sustainable consumption**

Our corporate members are committed to sustainable production and consumption. However, we also need support from the Commission to achieve a successful green transition. We call for **harmonised**

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<sup>1</sup> We plan to integrate Seldia's Guidance on Marketing via Social Media on our Code of Conduct.

<sup>2</sup> EASA and its network of self-regulatory organisations have developed adEthics. It is a comprehensive programme consisting of two complementary pillars: training and certification to ensure influencers understand the rules and principles of responsible advertising.

<sup>3</sup> The Spanish Law on influencers which establishes the requirements to be considered an influencer with significant online presence includes criteria on income (more than 300.000 euros), audience (1 million followers on one platform or 2 million total in several platforms) and number of content (more than 24 videos in the previous year).

<sup>4</sup> The Italian Guidelines and Code of Conduct on influencers apply to influencers who have at least 500,000 subscribers on at least one of the social media or video sharing platforms used, or average of one million monthly views on at least one of the social media or video platforms used.

**rules on labelling and greater clarity on the implementation of the Digital Product Passport and digital labelling**, which we believe offer effective solutions to promote more sustainable consumption habits.

### Protecting vulnerable consumers

The public consultation includes a section on the protection of vulnerable consumers. However, we consider that **the current consumer protection legal framework already provides sufficient protection to vulnerable consumers**. Better enforcement of the Unfair Commercial Practices Directive and the General Data Protection Regulation are the only measures we consider necessary to address exploitative practices targeting vulnerable consumers.

### Administrative burden and simplification

We support the Commission's prioritisation of simplification in the new legislative term. But we believe **more can be done to reduce unnecessary reporting obligations for companies and to simplify consumer policies**. For example, under the Consumer Rights Directive, for off-premises contracts traders are required to provide both pre-contractual and contractual information. The obligation to provide the same information twice is burdensome, especially considering that it is a repetition.

### Conclusion

At Seldia, we are committed to supporting the EU's consumer policy objectives. However, we firmly believe that **the key to improving consumer protection lies in the robust enforcement of existing legislation, which should be achieved through the revision of the Consumer Protection Cooperation Regulation**. Additional rules should only regulate gaps or unaddressed issues that are clearly necessary and proportionate.

We also urge the Commission to continue **prioritising simplification and the reduction of administrative burdens**, particularly where obligations are duplicative. In addition, the success of the green transition depends on **harmonised rules on labelling and coherent implementation of digital tools** such as the Digital Product Passport.

We look forward to continuing our collaboration, including during the Call for evidence/Public consultation on the Digital Fairness Act, and remain available to answer any questions.

### About Seldia

Seldia advocates for a responsible and ethical consumer-driven Direct Selling industry in the EU, representing almost 200 European companies that are members of our National Direct Selling Association network. We have been the leading association representing the European Direct Selling sector towards EU institutions since 1968, encompassing 13 leading companies, 25 National Direct Selling Associations, 10 service providers, and 5.3 million independent entrepreneurs across Europe.