

To: (JUST); (JUST); (JUST);
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Subject: Flash report: meeting with BEUC to discuss consumer protection issues concerning online platforms (24.2.2021)

BEUC: [Redacted]

DG JUST: [Redacted]

BEUC requested a meeting to discuss consumer protection issues concerning online platforms. The discussions focused on the following points:

1) **out of scope**

[Redacted]

2) **out of scope**

[Redacted]

3) **out of scope**

[Redacted]

[Redacted text block]

4) out of scope

[Redacted text block]

5) Regulation of targeted advertising

BEUC asked for COM views on the further regulation of targeted advertising in light of current discussions at the EP, EDPS and among stakeholders who are calling for the ban or phasing out of targeted advertising. COM noted that discussions are ongoing in the context of the DSA/DMA and we therefore have to reserve our opinion on the matter. However, at least some of the concerns related to targeted advertising will be addressed in the UCPD Guidance, albeit limited to the interpretation of existing EU consumer law. BEUC is in favour of further legislative interventions to address these problems, lamenting the limited provisions in the DSA/DMA and the limited effects of non-binding interpretations in a guidance. BEUC would prefer not to wait several years to address these concerns.

6) DSA enforcement architecture

BEUC enquired about the DSA's enforcement architecture and in particular its interplay with the CPC system for the public enforcement of consumer law.

COM explained that the DSA as proposed by COM provides for an enforcement architecture that is distinct and separate from that under the CPC Regulation, with no direct interfaces between the two enforcement systems established at EU level. This follows from the fact that the DSA proposal does not provide that (some of) its provisions be added to the annex to the CPC Regulation. As a consequence, CPC authorities will not be able to enforce DSA provisions under the CPC Regulation, even in cases where the enforcement of platform obligations under the DSA has an enabling function for enforcing consumer law [NB: e.g. the obligation for non-EU platforms to designate a legal representative (Art. 11 DSA proposal) or the KYBC principle (Art. 22 DSA proposal)]. While no direct interfaces between the two enforcement systems are designed at EU level, the DSA preserves a (limited) possibility for Member States to mesh the two systems at national level: Member States may designate CPC authorities as enforcement authorities under the DSA (cp. recital 75 to the DSA proposal) and provide for regular exchanges between CPC authorities and Digital Services Coordinators (cp. Art. 38[2], 2nd subpara. DSA proposal).

COM highlighted that while the DSA's provisions cannot be enforced under the CPC system, they are open to enforcement also under the representative action mechanism established by RAD (Art. 72 DSA proposal).



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