

Ms. Henna Virkkunen  
European Commission Executive Vice President for Tech Sovereignty, Security and  
Democracy

Mr. Michael McGrath  
Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection

Brussels, 16 March 2026

**Subject: Digital Fairness Act - Resetting the trajectory for effective consumer protection, in line with simplification and Better Regulation principles**

Dear Executive Vice-President Virkkunen,  
Dear Commissioner McGrath,

The undersigned associations, representing European and international businesses across sectors, write to express serious and growing concern about the current direction of the Digital Fairness Act (DFA). Despite clear contradictions with the political commitments to simplification and competitiveness, the course of this initiative has not changed.

The DFA is presented as part of the Commission's simplification agenda. However, the preparatory work points towards additional layers of regulation in areas already extensively covered by EU law, possibly leading to legislative overlap, legal uncertainty and increased compliance costs for businesses. We are also concerned by the possible introduction of prescriptive design requirements, expanded blacklist of practices or the extension of DSA-style obligations to all online actors, duplicating rules and creating a risk of divergent interpretations. This disconnect between political intent and regulatory delivery is deeply concerning, as it risks undermining the credibility of the EU's broader competitiveness agenda and Better Regulation principles.

The rationale for the DFA relies heavily on the 2024 Fitness Check of EU consumer law on digital fairness. However, this report did not take into account several revisions and transpositions of the consumer protection rulebook, and predates the full implementation of landmark legislations such the Digital Services Act, the Digital Markets Act and the AI Act. It therefore fails to present, even by the Commission's own account<sup>1</sup>, a comprehensive picture of the consumer protection rules in force today.

Additionally, the Commission's Regulatory Scrutiny Board<sup>2</sup> itself concluded that the evidence base for the DFA was not sufficiently robust. Member States have also been calling<sup>3</sup> for the

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<sup>1</sup> European Commission, *Commission Staff Working Document: Fitness Check of EU consumer law on digital fairness*, SWD(2024) 231 final, 4 October 2024, available [here](#)

<sup>2</sup> European Commission, *Regulatory Scrutiny Board Opinion, Fitness check on Consumer Law of Digital Fairness*, SEC(2024) 245 final, 3 October 2024, available [here](#)

<sup>3</sup> Consult *inter alia* the following: [Letter](#) issued to H.E. Antonio Costa on 20 October from 20 EU Member States (Germany, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Greece, Italy, Latvia,

European Commission to “ensure that [...] new initiatives are aligned with the Union’s overarching objective of simplification and do not result in unnecessary administrative burden”<sup>4</sup>.

**At a time when Europe must focus on growth and competitiveness, we urge the Commission to pause and reset the DFA’s trajectory, ensuring that political commitments are translated into regulatory practice.**

**A refocused approach would allow the DFA to deliver real value by concentrating on two priorities:**

**1. Stronger and more consistent enforcement**

Many of the concerns identified in the Fitness Check of EU consumer law on digital fairness are already addressed in recently adopted legislation. If certain actors are not complying with the existing rulebook, adding new rules is unlikely to change that.

The focus should be on effective and consistent enforcement, with stronger coordination within and between Member States, and at EU level when relevant. In this regard, the revision of the CPC Regulation is a necessary first step to address the enforcement and implementation deficits, before resorting to a DFA.

**2. Greater clarity and coherence of the EU digital rulebook**

Consumer protection laws interact closely with other EU frameworks, including data protection, AI and digital services legislation. Clarifying how these regimes fit together, ensuring consistency and avoiding duplication would reduce compliance costs, strengthen the Single Market and ultimately increase consumer trust. Considering a DFA prior to the completion of the Digital Fitness Check would be a premature exercise.

We urge you, as the leading Executive Vice President and Commissioner on digital fairness, to ensure that the Digital Fairness Act is guided by simplification and Better Regulation principles at all stages of the process.

**Europe is not short on rules in the digital sphere. The real challenge lies in making sure that existing rules work together and ensuring they are consistently enforced. Layering new rules onto an already complex system risks undermining enforcement rather than improving it.**

We would welcome the opportunity to engage with the European Commission on these issues, ensuring the European political priorities are accurately reflected at all levels on this file.

Yours sincerely,

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Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Sweden and Ireland); [European Council Conclusions](#), October 2025; German [CDU Mainzer Erklärung](#), January 2026 and the [Protocol on a German-Italian Plan of Action for strategic bilateral and EU cooperation](#), January 2026.

<sup>4</sup> Council of the European Union, *Council conclusions on the 2030 Consumer Agenda*, ST 6634/26, 26 February 2026, available [here](#)

