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

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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 n the Commission 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 children's rights.