

(Re)defining consumer protection in the digital age

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My views



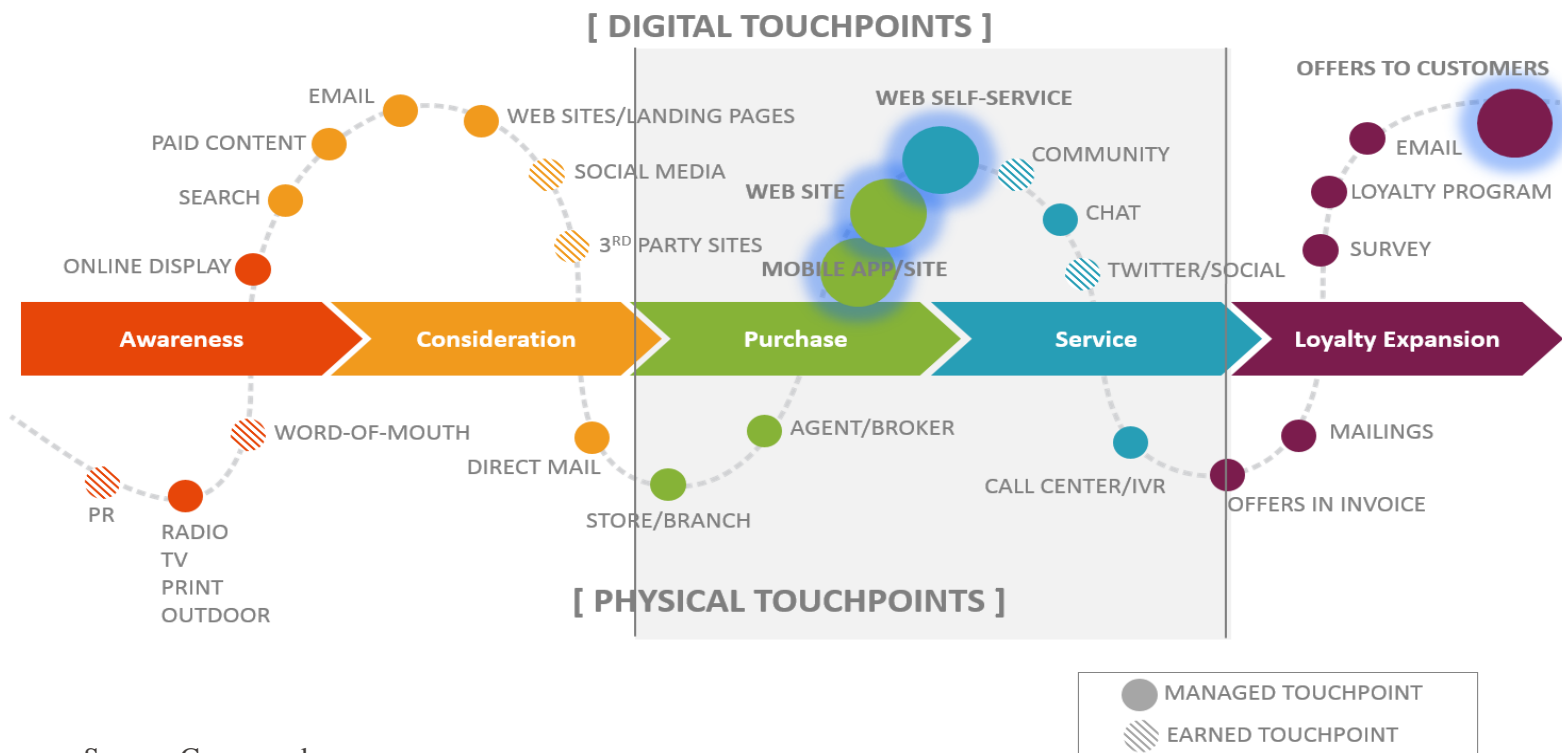
Fit for purpose

1. 2005 UCPD
2. 2016 Revised UCP Guidance Document
 - National highlights issues how the UCPD applies to new and emerging business models, specifically in the online sector
3. 2017 REFIT
 - the substantive rules set out in the Directives *are capable of addressing the existing consumer problems*
 - UCPD principles are „future-proof”
 - Possible improvements:
 - Effective enforcement of rules required
 - Strengthening individual remedies
 - Raising awareness

The „biggest lie” and the power shift

1. Consumers' limited knowledge of their rights
2. Accelerated decisionmaking → click-to-agree contracts
3. „Looking' is not ,reading', ,understanding' = privacy by design?
4. FTC: notice component is a ,fundamental principle'
5. Big data's power shift

Transactional decision – customer journey



Source: Crownpeak

Commercial practise

„any act, omission, course of conduct or representation, commercial communication including advertising and marketing, by a trader, directly connected with the promotion, sale or supply of a product to consumers” (Art. 2. (d))

1. Data-as-currency, services for ‚free’
2. Truth-in-advertising; labelling of marketing
3. Issues relating to price discrimination (personalised, dynamic, behavioural)

Conclusions

Exploiting synergies
(dual competency regimes)

In-depth examination of consumer attitudes

Targeted awareness-raising activities

Enhanced cooperation
between the competition and data protection authorities

Co-existence of public and private enforcement