

CONNECTED, BUT UNFAIRLY TREATED

Consumer survey results on the
fairness of the online environment



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Executive summary

Digital markets have undergone **rapid change** in the last two decades. However, legislation has struggled to keep pace with technology. Valid questions have arisen about how to keep consumers safe online and ensure the digital world is a fair environment.

With the European Commission embarking on an analysis of consumer law in order to identify potential gaps and need for updates, the European Consumer Organisation (BEUC) commissioned a **survey of consumer attitudes across eight EU countries¹** to feed into the Commission's analysis. Areas tackled in the survey include how protected consumers feel in the online world, specific problems they face, the role of influencers or the level of protection for children.

The results are telling:

1 Consumers do not feel sufficiently in control or protected

Consumers generally do **not feel fully in control** of the online content they are shown and the decisions they make online. Less than half (43%) of respondents reported that they feel in full control. This is a concern given that more and more of our activities are taking place online.

Many consumers have at least once **stopped using a website or app** because they felt unsafe (60%), while more than half (55%) of consumers have lost trust in a company because they felt they were manipulated or deceived by its website or app.

Almost half of the respondents (46%) suspected a company had **violated their rights** as consumers at least once. Among those, less than half (45%) had considered filing a complaint against the company. The main reasons consumers gave for not complaining were the perceived low chance of success (61%) and the length of time needed for doing so (35%).

Less than one in four (22%) said they feel **satisfied** with how they are protected by authorities against unfair practices online.

2 Consumers find tracking and commercial surveillance unfair

Consumers disapprove of companies **monitoring and tracking** their activities online. Less than one in five consumers (19%) consider it fair that people are targeted with ads and content that are based on information about their lives, weaknesses and vulnerabilities. With 31% undecided, half of all respondents in fact declared it unfair (50%).

A majority of consumers (60%) consider **personal data analysis and monetisation unfair**. Consumers hate it when, to use a website or app, they must let it access information about them and monetise their behaviour. Strikingly, only 16% consider this practice fair.

¹ The survey of 4,929 participants took place in France, Germany, Italy, Lithuania, Poland, Romania, Spain and Sweden during February and March 2023.

3 Consumers experience problems when making online purchases

Consumers report feeling **under pressure** at least sometimes to buy products or services online (61%). Nearly half (40%) ended up buying products or services they didn't mean to. Most people (54%) said they also had been forced to create an online account to make a purchase, although they did not want to.

A substantial share of people also experience difficulties when trying to **cancel their online subscriptions** (27%).

4 Consumers feel that influencers are causing problems

Consumers report they spend more time on social media than they intended (83% say it happens to them at least sometimes). Most of them come across **influencers** who are pitching products on their channels to their followers (73%).

In addition, almost half (44%) of the consumers who come across influencers on social media have seen them promoting possible **scams** or **potentially dangerous products** (e.g. posing health risks) and crypto products, which are a notoriously risky investment (42%).

Over half of consumers (53%) who experience influencer marketing buy products or services after having seen an influencer promote them. Almost three quarters of people (74%) think **platforms should be held responsible** for the influencers they host.

5 Consumers want to choose how much data smart devices collect on them

Most consumers (76%) want to be able to **choose** how much data smart devices collect on them. Only 7% do not want that choice.

6 Consumers want to be able to use connected devices offline

Almost eight in ten people (77%) prefer to be able to **turn off** the internet connection on a device if it is not essential for the functioning of the product.

7 Consumers want more protection of gamers

Online games are popular and so are in-game payments. More than half of consumers (59%) say they play online games or visit other websites where they can purchase virtual items in exchange for real money. A clear majority, with almost seven in ten people (69%), say they want **more regulation** around the exchange of real-world money for virtual items in games.

8 Children are insufficiently protected, say consumers

Children are particularly vulnerable and influenceable. A vast majority of consumers (75%) agree that children need **more protection** from online tracking and from being influenced by digital services.

In view of these findings, BEUC makes recommendations to policy-makers to better protect consumers online.

Key BEUC recommendations²

- The online environment must be **fair by design and by default** by supporting free choice and protecting consumers from known decision-making biases.
- Consumers should have a **right to be free of all online tracking**. The EU should ban the use of profiling to exert psychological pressure or individual vulnerabilities.
- **Influencer marketing** must be more strictly regulated at EU level.
- Consumers should have a say in how much data their **smart devices** collect, as well as a right to use the device without the internet connection where it is not required for its main functionality.
- A clear and comprehensive horizontal prohibition on **deceptive design** (dark patterns) must be introduced for all digital services.
- **Gambling** elements in video games (such as loot boxes) must be strictly regulated.
- We need a robust European framework for **protecting children online**.
- The EU must make it easier and quicker to **enforce data protection and consumer law**. Authorities must cooperate and be equipped with the necessary resources and expertise to protect consumers effectively.



² This is a summary of BEUC recommendations for the review of the consumer acquis which are relevant to the survey results and presented throughout this paper. For the full recommendations related to digital fairness, see https://www.beuc.eu/sites/default/files/publications/BEUC-X-2023-020_Consultation_paper_REFIT_consumer_law_digital_fairness.pdf.

Introduction

Many consumers shop online for shoes, insurance contracts and flights, use instant messaging to stay in touch with people, and increasingly rely on relationships with chatbots based on artificial intelligence (AI) systems. While the roll-out of new digital technologies on a mass scale has made it possible for this to happen, it has also bred new problems which our societies are still coming to terms with. For instance, while consumers all see the same item and the same price when entering a bricks-and-mortar shop, the same cannot be said online. Consumers are often tracked by companies far beyond what they do on a specific website, giving these businesses a window into what consumers like, eat, or are thinking about. This data has given businesses a leg up on consumers, increasingly making it possible for companies to present consumers with products and services that are based on assumptions according to data they gathered and influencing their behaviour.

Consumers are now spending more time in front of screens and being bombarded by content, advertisements and messages from influencers, which are driven by clever design and the use of psychological pressure points. This is particularly worrying for the most vulnerable in our society – the young.

The EU has been grappling with these and other challenges associated with the digital world, but is yet to recognise that additional legislative action is now needed to rebalance the digital environment to better protect consumers. Despite recent EU regulations for digital markets such as the Digital Services Act³ and the Digital Markets Act,⁴ basic consumer protection and rights as such have not been updated comprehensively.

A survey of consumers in eight different EU member states, commissioned by BEUC,⁵ provides the consumer perspective on specific concerns in the digital world which will need changing to create a fairer digital environment. We hope these results and recommendations will inform the European Commission's Digital Fairness Fitness Check of consumer law which is currently being carried out.⁶

These survey results explore consumers' experiences and perceptions on topics related to digital fairness, including personalisation practices, monetisation of attention and behavioural data, tracking and behavioural surveillance, and perceived efficiency of existing means of protection.

“Consumers are now spending more time in front of screens and being bombarded by content, advertisements and messages from influencers, which are driven by clever design and the use of psychological pressure points.”

³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act, 'DSA').

⁴ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act, 'DMA').

⁵ The survey of 4,929 participants took place in France, Germany, Italy, Lithuania, Poland, Romania, Spain and Sweden during February and March 2023.

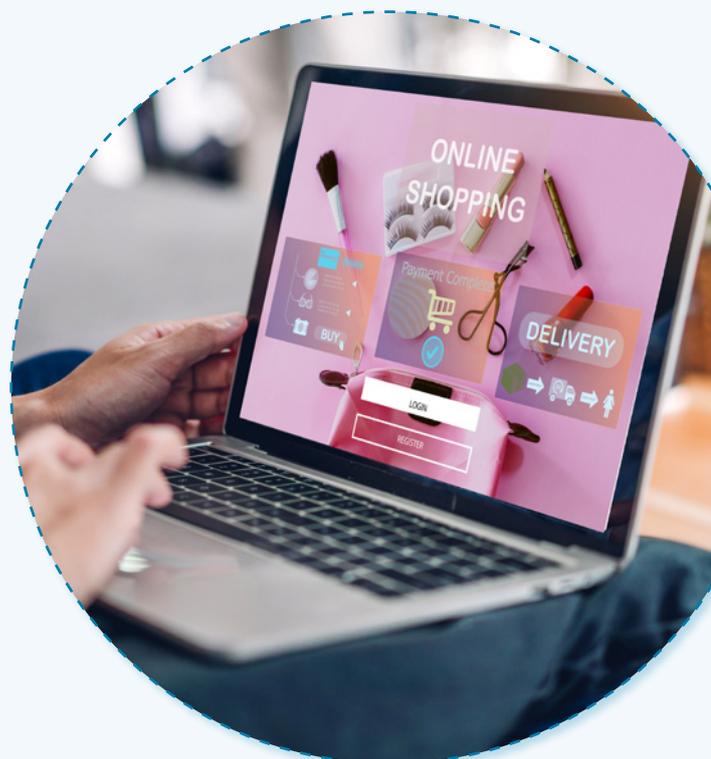
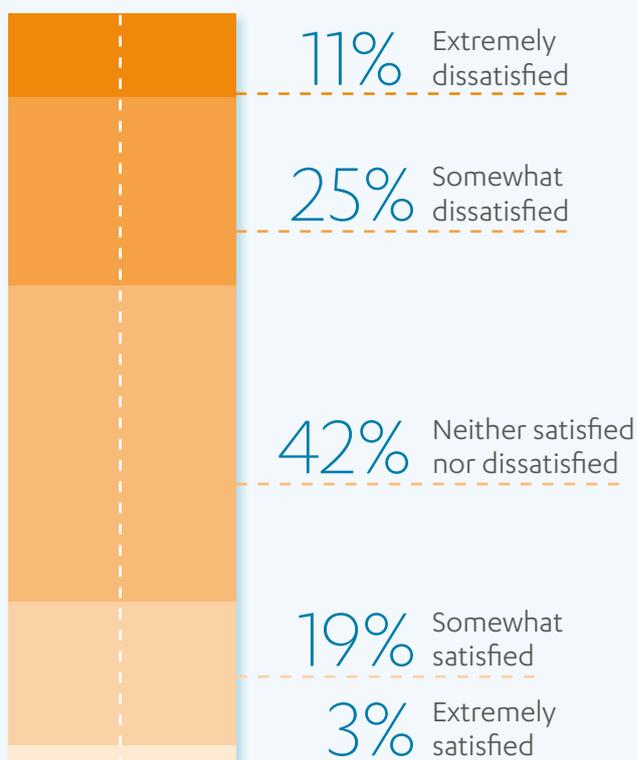
⁶ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13413-Digital-fairness-fitness-check-on-EU-consumer-law_en

Survey results

1. Consumers do not feel sufficiently in control or protected

- We spend a lot of time online. Over half of respondents (52%) said they spend **three hours per day or more** on the internet. This includes responses declaring they spent between three and six hours per day online (32%) and those saying they spent more than six hours online (20%).
- Our respondents also declared that they are regular online shoppers. 97% said they order products or use services online at least once a week, including 29% who do this two to three times per week and 25% who make four or more purchases weekly.
- However, the level of control that consumers feel they have online is shaky. Less than half (43%) of respondents reported that they feel **in full control** of the content shown and the decisions that they make online.
- Only 19% of consumers feel 'somewhat' satisfied with how they are **protected by authorities** against unfair practices in the online environment, with the 'extremely satisfied' response chosen by just 3%.
- Across EU Member States, there was some variation in the levels of satisfaction/dissatisfaction regarding how authorities perform in protecting consumers' interests. The dissatisfaction level was highest in Romania (46%) and France (40%) and lowest in Sweden (26%) and Italy (28%).

How satisfied or dissatisfied are you with the way authorities protect your interests against unfair practices of digital companies?



“ 60% of respondents report they have stopped using a website or an app because they felt unsafe using it. ”

- Many consumers have faced digital services that did not feel safe to use. 60% of respondents report they have stopped using a website or an app because they felt unsafe using it.
- More than half (55%) of consumers (rising to two thirds in the 25–34 age group) have **lost trust** in a company because they felt they were manipulated or deceived by its website or app. Across the age spectrum, younger consumers tended to experience lower levels of trust.
- Almost half of the respondents (46%) believed that a company had violated their rights as consumers. However, among those who suspected a violation, less than half (45%) considered **filing a complaint** against the company. The main reasons for this were the perceived low chance of success (61%) and the length of time needed for doing so (35%).



BEUC's recommendations

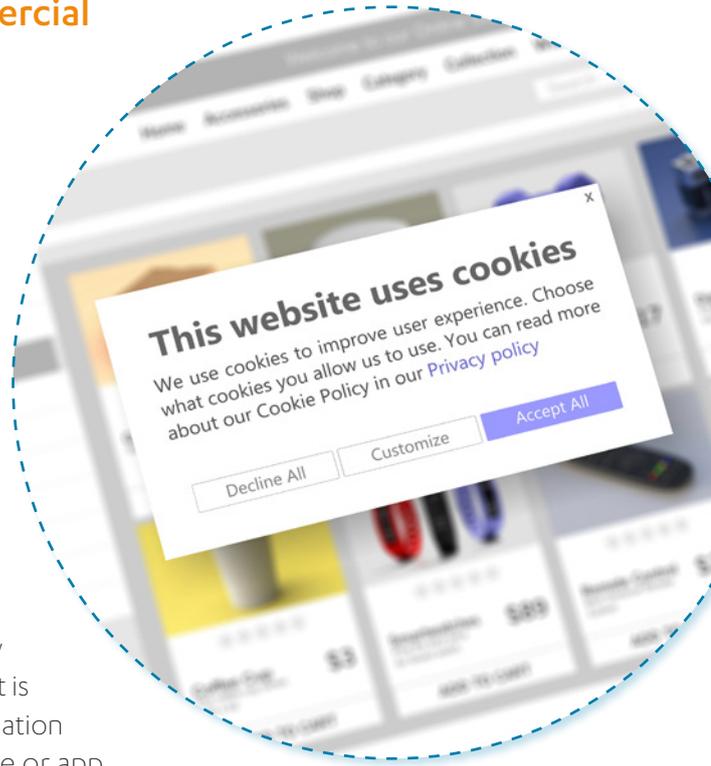
- BEUC calls for strengthening the **European enforcement of consumer law**, particularly in cross-border situations and cooperation between authorities in different fields of law.⁷
- The **Consumer Protection Cooperation model** should be revised and strengthened, with a pronounced and active role for the European Commission in handling transnational cases.⁸
- The EU must make it easier to **enforce the General Data Protection Regulation (GDPR)**. The disparity, complexity and imbalance between the consumer and the business and the inefficiency of some national legal procedures is making it very hard for consumers, and the organisations defending them, to exercise their rights under the GDPR in an effective way or to get companies to comply with the law. This is leaving consumers exposed to companies who profit from exploiting their personal data across Europe.

⁷ BEUC (2023) Strengthening the coordinated enforcement of consumer protection rules. The revision of the Consumer Protection Coordination (CPC) https://www.beuc.eu/sites/default/files/publications/BEUC-X-2022-135_Strengthening_the_coordinated_enforcement_of_consumer_protection_rules.pdf

⁸ Ibid.

2. Consumers find tracking and commercial surveillance unfair

- Consumers have a negative perception of **online tracking and surveillance for commercial purposes**. Less than one in five consumers (19%) considers it fair that people are targeted with ads and content based on information about their **lives, weaknesses and vulnerabilities**. Half of consumers declared it to be unfair (50%). Still, nearly a third (31%) could not give a decisive answer, suggesting that many consumers still have a limited understanding of how data-driven services operate.
- In many cases the consumer has no real choice because data processing consent is made mandatory to start using a device or enter a website even if that is illegal under the EU's General Data Protection Regulation (GDPR)⁹. Only 16% considered it **fair** that a website or app would allow a consumer to use its services only if it could access information about them and monetise their behaviour.
- Consumers generally do not welcome **AI technologies** that seek to evoke their emotional responses (an example would be recommender systems suggesting disturbing content to capture attention). Almost six in ten people (59%) find it unfair for apps and websites to use artificial intelligence to trigger strong emotional responses from users, such as fear or anger. Only 15% of people consider this practice to be fair.
- When asked about overall perception of personal data analysis and monetisation, the acceptance rate was just as low at 16% and 60% consumers spoke against it.



BEUC's recommendations

- Consumers should have a clear and straightforward **right not to be tracked** to complement existing privacy and data protection legislation.¹⁰
- Practices involving profiling consumers to exert **personalised pressure** preying on e.g. individual vulnerabilities or weaknesses, should be banned.¹¹

⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation. ,GDPR')

¹⁰ <https://www.beuc.eu/position-papers/towards-european-digital-fairness-response-paper-refit-consultation>

¹¹ https://www.beuc.eu/sites/default/files/publications/beuc-x-2022-015_protecting_fairness_and_consumer_choice_in_a_digital_economy.pdf On price personalisation, see https://www.beuc.eu/sites/default/files/publications/BEUC-X-2023-097_Price_personalisation.pdf

3. Consumers experience problems when they make online purchases

- Consumers are familiar with companies pressuring them to make a purchase. As many as 61% of respondents sometimes felt pressured by a website or app to make a purchase. For almost one third of the respondents (29%), this happens half of the time or more frequently.
- Problems with **cancelling subscriptions** are quite common. Only 10% said it was very easy to cancel an online subscription. Close to a third of people (27%) claimed it was at least somewhat difficult to do so.

“ As many as 61% of respondents sometimes felt pressured by a website or app to make a purchase. ”

- Many consumers report they have fallen victim to **confusing service design**. More than four in ten people (41%) have at least once made a choice online (e.g. bought a product or service) they did not want because the website or app had confused them.
- Buying online can also require unwelcome steps like setting up a user account: the majority of respondents (54%) reported that they had to **create an account** for a purchase even though they would have preferred not to do so.

Have you ever had to create an account to use an app or website even though you would have preferred not to?



No
46%



Yes
54%



BEUC's recommendations

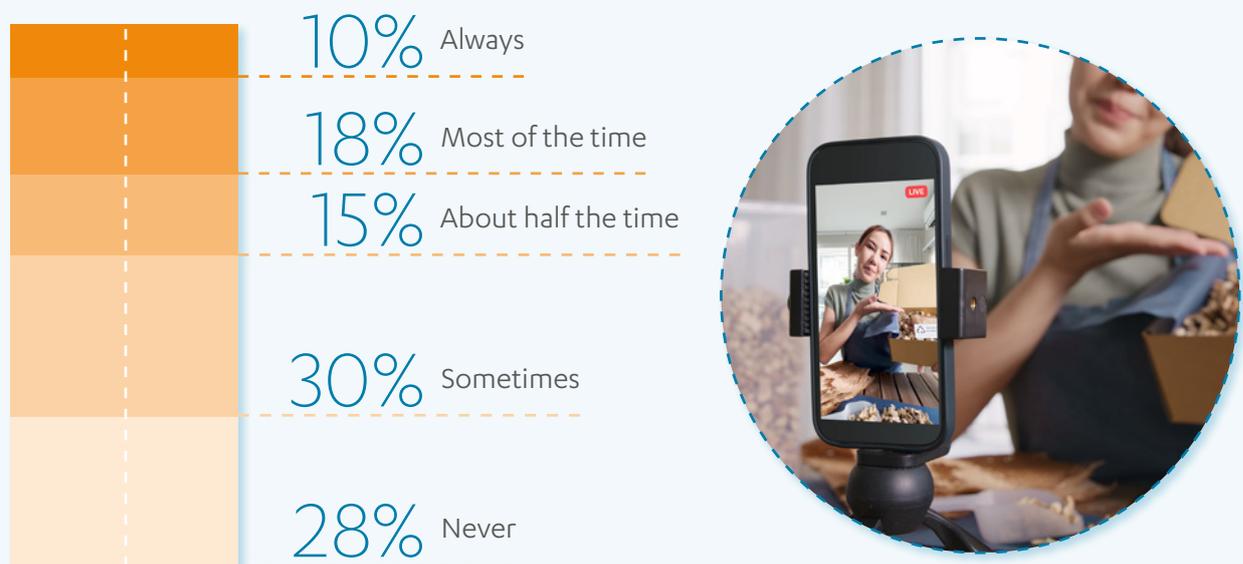
- The digital environment should be fair to consumers **by design and by default**, without forcing them to always be on the lookout for traps and other tricks. This should include neutrality of choice, a clear and comprehensive prohibition of the deceptive design practices (commonly called 'dark patterns') and prevention of known decision-making biases.¹²

¹² On fairness by design, see https://www.beuc.eu/sites/default/files/publications/BEUC-X-2023-020_Consultation_paper_REFIT_consumer_law_digital_fairness.pdf

4. Consumers feel that influencers are causing problems

- Harmful practices on social media are becoming increasingly common. Consumers use social media a lot – and the vast majority tend to spend more time on social media than they intended. 83% of them say this happens to them at least sometimes, with 50% of respondents saying it was the case at least half the time.
- More than seven in ten respondents (73%) said they come across **influencers** promoting products on social media.¹³

I see **influencers** promoting products on social media.

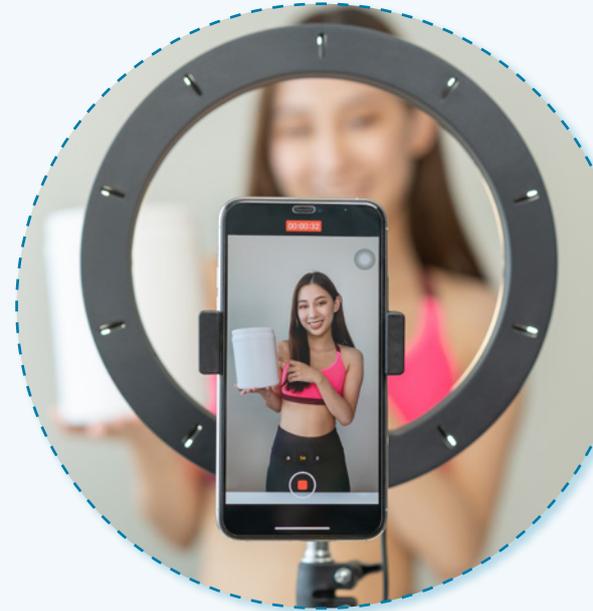
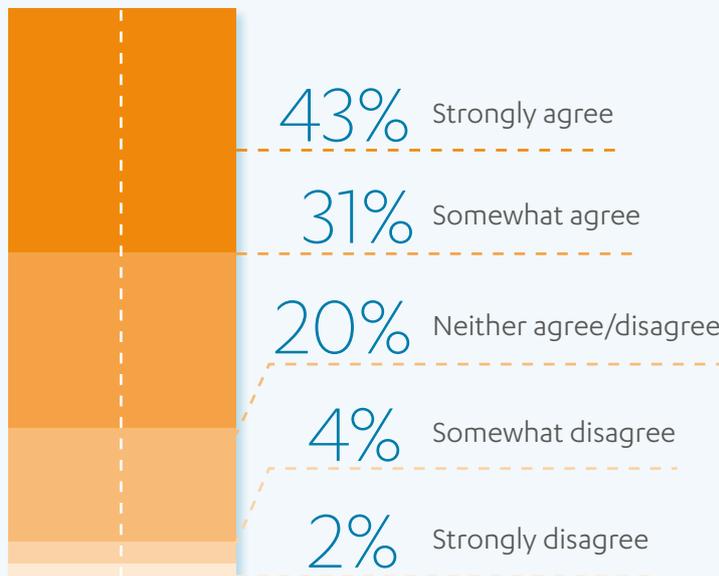


- Almost half (44%) of the consumers who come across influencers on social media have seen them promoting **possible scams and dangerous products**. This number is slightly higher (51%) among respondents who are ‘highly familiar’ with the internet.
- Also, more than four in ten people (42%) who notice influencers see them promoting cryptocurrency products, which are a notoriously risky investment due to the numerous scams and Ponzi schemes associated with them.¹⁴
- Despite obvious risks associated with influencer marketing, over half (53%) of the respondents who noticed influencer marketing **bought products or used services influencers recommended**.
- A large majority of consumers (74%) in fact believe that **platforms** should be responsible for the influencers they host.

¹³ The percentages in this survey have been rounded to the nearest whole number to enhance clarity and ease of comprehension. However, due to the inherent nature of rounding, the cumulative total appears as 101%. The original unrounded percentages are as follows: Never 28.12%, Sometimes 29.64%, About half of the time 14.57%, Most of the time 17.85%, and Always 9.82%.

¹⁴ See BEUC’s action against social media platforms for facilitating misleading crypto asset promotion <https://www.beuc.eu/press-releases/beuc-acts-against-social-media-platforms-facilitating-misleading-crypto-asset>

Online platforms should be responsible for the **influencers** they host (e.g. in case of harmful content or unsafe products).



BEUC recommendations¹⁵

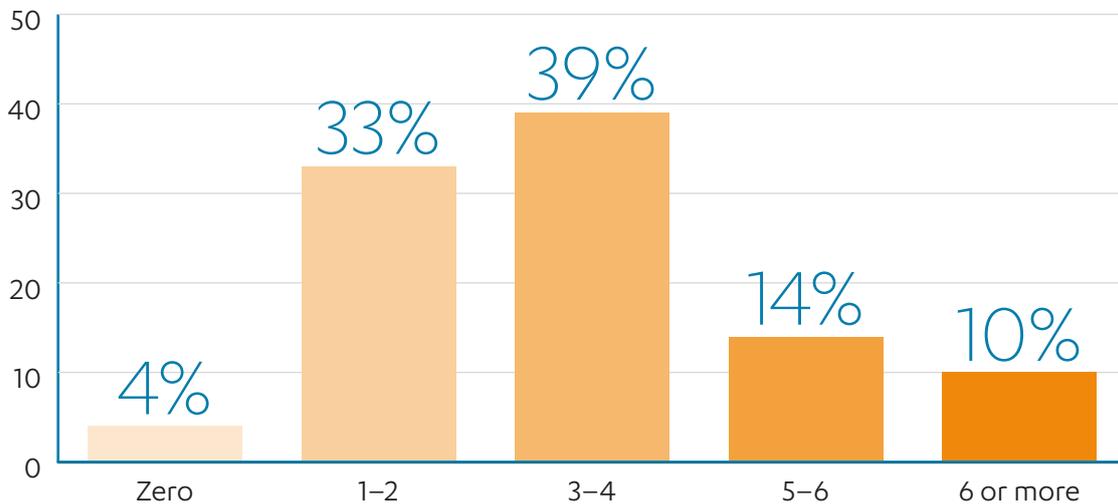
- The Unfair Commercial Practices Directive¹⁶ (UCPD) must provide a definition of “influencer marketing”.
- **EU-wide disclosure standards** implemented in harmonised platform functionalities should guide disclosures by influencers.
- **Joint and several liability must be introduced** between influencers, their agencies and brands in case of breach of consumer law requirements.
- **Influencer marketing for certain types of products** which pose particular risks to consumers should be banned (e.g. aesthetic surgery, nicotine-based products, promotion of all financial services, gambling, unhealthy food to children etc.).
- **Platforms should have a more proactive role** in combatting unfair influencer marketing practices, including by consistently enforcing their terms and conditions and promptly removing content which has been confirmed as hidden advertising or illegal.

¹⁵ For a full version of these recommendations, see <https://www.beuc.eu/position-papers/influence-responsibility-time-regulate-influencer-marketing>.

¹⁶ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

5. Consumers want to choose how much data smart devices collect on them

How many products connected to the internet do you have?



- Connected products are everywhere: only 4% respondents say they do not have any such devices, 39% declare they have between three and four, while 24% have five or more. Moreover, 61% respondents are considering purchasing smart devices in the near future.
- Connected products collect data on their users which companies can use for all kinds of purposes. However, a large majority of consumers (76%) want to be able to **choose** how much data smart devices collect on them. Only 7% do not want that choice.



BEUC's recommendations

- Authorities should undertake **more enforcement actions** to deal with violations of the ePrivacy Directive and the GDPR such as non-compliance of the principle of data protection by design and by default.
- New legislation is necessary to ensure that consumers have a **right not to lose functionality of products** if they try to make choices to protect their rights.
- Consumers should have a right to **turn off the connectivity features** that are not essential for a product to work without the core functionality of the product being compromised.

“A large majority of consumers (76%) want to be able to choose how much data smart devices collect on them.”

6. Consumers want to be able to use connected devices offline

- Not all connected devices need to be online at all times. For example, smart fridges, robot vacuums, connected cars, fitness trackers do not need small internet access to maintain their core functionality.
- Consumers feel strongly about being able to disable the connection if it is not needed. Nearly eight out of ten (77%) want to be able to **turn off the internet connection** on a device if it is not essential for the functioning of the product.



BEUC's recommendations

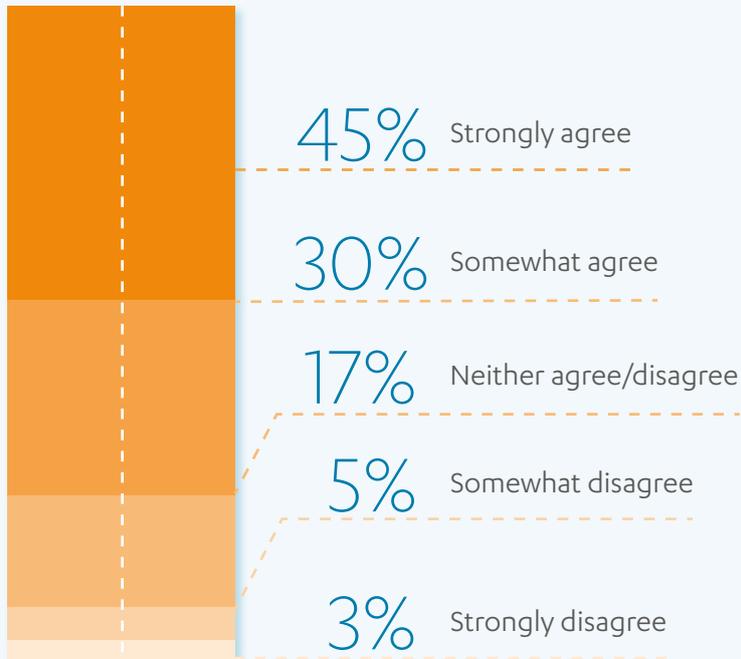
- Consumers should have a **right to turn off the connectivity features** that are not essential for a product to work without the core functionality of the product being compromised.

“ Nearly eight out of ten (77%) want to be able to turn off the internet connection on a device if it is not essential for the functioning of the product. ”



7. Children are insufficiently protected, say consumers

Children are not sufficiently protected from being monitored and influenced by digital services e.g. through behavioural tracking or targeting.

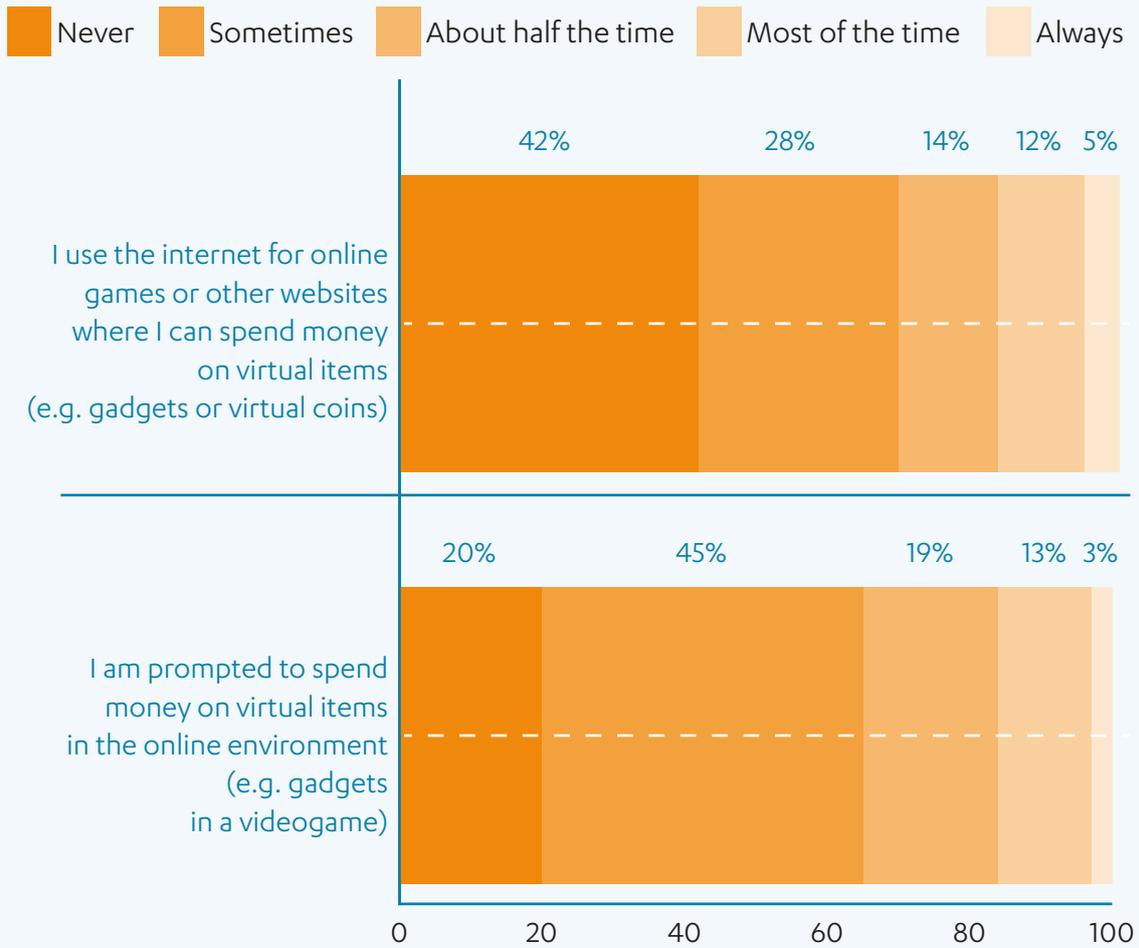


- As one of the most vulnerable and influenceable groups in society, children spend a large amount of time in online environments, from playing games to engaging on social media. Their high susceptibility to harm makes them easy targets for unfair practices but also increases the risk of long-term adverse effects on their lives and further development.
- A vast majority of consumers agree that **children need more protection** from online tracking and from being influenced by digital services. Three quarters of respondents said that more needs to be done while only 8% felt enough was being done to protect children.

“Three quarters of respondents said that more needs to be done while only 8% felt enough was being done to protect children.”

8. Many people are gamers and they want more protection

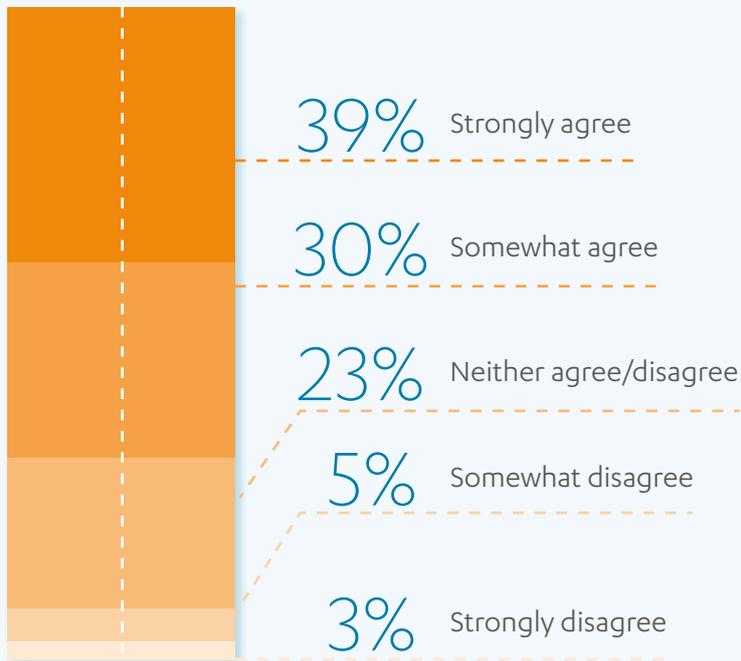
- Online games are popular. More than half of consumers (59%) say they use **online games or other websites** where people can purchase virtual items in exchange for real money. Eight in ten of those people (80%) said they get prompted to spend money on virtual items.



- A clear majority, with almost seven in ten people (69%), say they want more regulation around the **exchange of real-world money for virtual items in games**.

“ More than half of consumers (58%) say they use online games or other websites where people can purchase virtual items in exchange for real money. ”

The exchange of real-world money for virtual items e.g. in online games, should be more regulated.



BEUC's recommendations¹⁷

- The EU should introduce a **ban on deceptive design** in digital services.
- **A prohibition of in-game and in-app currencies** should be considered. At the very least, the 'real money' price should be stated next to the amounts denominated in virtual currencies.
- **Offering loot boxes** or other randomised content for real money in games likely to be accessed by minors should be banned.
- Consumer protection authorities should engage in **deterrent enforcement actions** if consumer law is not respected by the gaming industry.
- The European Commission's fitness check of consumer law should consider additional legal provisions to **protect children from commercial surveillance** in the digital world that go beyond existing legislation such as the Digital Services Act and the current Unfair Commercial Practices Directive. This is needed because commercial surveillance creates a risk of commercial exploitation and has a negative impact on the development and mental health of children.

¹⁷ This section contains BEUC's main recommendations for manipulative design in games. For a full version of these recommendations, see https://sites/default/files/publications/BEUC-X-2023-020_Consultation_paper_REFIT_consumer_law_digital_fairness.pdf

Methodology

The European Consumer Organisation (BEUC) commissioned this survey, which was carried out and analysed by the independent research and consulting firm Open Evidence. It collected the opinions of 4,929 respondents simultaneously by means of an online questionnaire across eight EU countries (France, Germany, Italy, Lithuania, Poland, Romania, Spain and Sweden) throughout February and March 2023.

The questionnaire comprised more than 20 questions and had slightly over 600 respondents per country. Samples mimicked the proportion of gender and age in each country in order to be considered representative of the general population. The survey was limited to adult respondents (older than 18 years old).

The study aimed to assess the following aspects:

- Internet usage habits and preferences;
- Consumer experience and challenges with social media and other services;
- Consumer awareness of personalisation and behavioural surveillance practices;
- Consumer attitudes towards risks of manipulation;
- Attitudes and actions taken by consumers to address unfair practices;
- Perceived efficiency of existing means of protection.

The study also collected basic parameters about the respondents to enable additional analysis on the basis of group characteristics such as age.

All numbers presented in this report have been rounded up to the nearest whole number for the sake of simplicity and clarity in communication. Rounding can lead to minor variations when calculating totals or percentages.

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