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What Could the EU's Digital Fairness Act Mean for Your Business?

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In this series on the Digital Fairness Act, we'll break down the proposed changes to the EU consumer rulebook, what companies should be watching, and the practical implications for businesses operating in or reaching consumers across Europe.

Sign up to our Consumer Retail alerts to receive future updates and practical guidance as the proposals develop.

On 11 November 2026, the European Commission published its proposal for a regulation on promoting fair business-to-consumer commercial practices in the offline and digital single market (Digital Fairness Act). It is still a proposal and now goes to the European Parliament and the Council of the European Union. Even so, it is already clear that it will reshape how consumer-facing businesses design, price and sell digital products in the EU.

Why now?

For 20 years, the Unfair Commercial Practices Directive (UCPD) has been the EU's general safety net for fair dealing between businesses and consumers. It covers not just advertising and marketing but every stage of the customer relationship – before, during and after a transaction, from how a product is presented and priced, through the sales process, to after-sales service and how easily consumers can exercise their rights. However, as the European Commission itself acknowledges, the framework "**was however conceived in a market that pre-dated the data and attention economy, influencer marketing, personalisation, subscription-based digital services, or in-app purchases**". The Digital Fairness Act is meant to close that gap.

Two big shifts

1. **From directive to regulation.** The existing rules on unfair commercial practices, covering the full customer journey, become directly applicable law. This will replace 27 transposing regimes of the member states. It also opens the door to enforcement in Brussels: For the first time, the European Commission would be empowered to investigate and fine businesses up 6% of the trader's worldwide annual turnover for widespread, EU-wide infringements.
2. **A new digital fairness rulebook.** The proposal introduces targeted and highly prescriptive rules on dark patterns, influencer marketing, unfair personalisation and spending-maximising practices, addictive design, unfair marketing practices related to prices, and fairness in contracts.

What's in it, at a glance

- **Dark patterns:** A general ban on interfaces likely to deceive or manipulate consumers, backed by a blacklist of practices that are always prohibited, such as persistently displaying availability or popularity messages throughout the ordering process to create an impression of scarcity.
- **Pricing, reviews and rankings:** Headline prices must include all foreseeable fees, taxes and charges the consumer will unavoidably incur. Traders must disclose how they check that reviews are genuine and the main parameters determining the ranking of products.
- **Influencers:** Posts must be labelled "advertisement" or "commercial collaboration", and brands must ensure, by contract or otherwise, that their influencers comply.
- **Personalisation:** No profiling-based ad targeting of minors or targeting based on sensitive data, and no harmful personalised pricing aimed at minors or vulnerable consumers.

- **Gaming and in-app spending:** Real-money price equivalents for virtual currencies, disclosure of loot box odds, and no paid loot boxes or pay-to-progress and pay-to-win mechanisms for minors.
- **Addictive design:** Users must be able to switch off features such as autoplay, unsolicited notifications and engagement streaks.
- **Subscriptions:** If the reminder before a free trial converts to a paid contract is not sent, or the consumer does not expressly agree, the consumer is not bound by the contract. Traders must also provide a "terminate the contract here" button.

The timeline: What happens next?

Stage	Timing	What to expect
Consultation	2025	The public consultation ran from 17 July 2025 to 24 October 2025 and received 3,341 responses.
European Commission proposal	11 November 2026	Published as COM(2026) 1100 final, 2026/0356 (COD), together with a proposal to simplify the Consumer Rights Directive and a revision of the Consumer Protection Cooperation (CPC) Regulation
Parliament and Council negotiations	2026 – 2028 (**our estimate**)	Both institutions will adopt their positions and then negotiate a final text in trilogues under the ordinary legislative procedure. Given the scope of the proposal and its links to the CPC revision and the proposed EU KIDS Act, we expect these negotiations to take until about 2028.
Entry into force	2028 (**our estimate**)	On the 20th day following publication in the Official Journal of the European Union
Application	2028 – 2029 (**our estimate**)	The proposal provides that the regulation will apply from [12 months after entry into force], as a single date. Parliament and Council may decide to phase in some obligations, so a staggered application is possible. The UCPD is repealed when the regulation starts to apply.

The timings marked "our estimate" are our own projections, based on the usual length of EU legislative negotiations. They are not dates set in the proposal.

Three points stand out:

- **No national implementation step.** As a regulation, the Digital Fairness Act needs no transposition. The rules will apply directly and at the same time in every member state. There will be no national rollout to buy extra time.
- **The transition period is still open.** The 12-month period is in square brackets, which means it may be lengthened, shortened or split into phases during negotiations. This is one of the key points to watch.
- **Enforcement depends on a second file.** The European Commission's direct enforcement powers and the 6% fines rely on the parallel CPC revision. How quickly that file moves will matter as much as the timing of the Digital Fairness Act itself.

Why businesses should pay attention now

This is as much a product-design regulation as a marketing one. Courts and authorities will be able to order traders to disclose evidence on the design, operation and impact on the behaviour of consumers of their online practices. Design decisions will need to be documented and defensible.

Even if the rules are unlikely to apply before 2028, the window is shorter than it looks. Redesigning interfaces, subscription journeys and monetisation models takes time, and the text could end up with as little as 12 months between entry into force and application. Mapping your exposure while the text is still being negotiated is the prudent course, and it also leaves room to contribute to the debate.

Who is most exposed? Online marketplaces and ecommerce platforms, gaming and app developers, social media and streaming services, subscription businesses, adtech, ticketing, and any brand that relies on influencer marketing. In practice, almost any business selling to EU consumers online will need to review its customer journey.

Three takeaways you can't ignore

- **A major overhaul of EU consumer law.** This is not a niche rule for tech companies. The Digital Fairness Act replaces the UCPD and rewrites the rulebook for every business dealing with consumers – online and offline.
- **Today's business models and product designs are in the firing line.** Many of the proposed rules go to the heart of how products are built, priced and monetised. What is standard practice today may be prohibited tomorrow, so expect to rethink interfaces, sales funnels and revenue models, not just your terms and conditions.
- **Wherever you are based, if you sell to EU consumers, this applies to you.** EU consumer law already applies to any trader targeting consumers in the EU, including traders established outside the EU, and the Digital Fairness Act keeps that reach. A head office in the US, UK or Asia offers no protection.

Coming up in this series

In the coming weeks, we will look at each pillar in more depth:

- Dark patterns: what the new "blacklist" means for your interface
- Online marketplaces: dark patterns, reviews and pricing
- Influencer marketing: new obligations for brands and agencies
- Loot boxes, virtual currencies and pay to win: the gaming chapter
- Addictive design and the protection of minors
- Subscriptions, cancellation buttons and AI shopping agents
- Enforcement: the European Commission, 6% fines and new evidence rules

If you would like to discuss how the Digital Fairness Act may affect your business, please get in touch with our team.

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Key Contacts

Patrick Van Eecke Brussels	pvaneecke@cooley.com +32 2 486 7501
Claire Temple	ctemple@cooley.com +44 (0) 20 7556 4170
Emma Bichet Brussels	ebichet@cooley.com +32 2 486 7543
Caroline Hobson London	chobson@cooley.com +44 20 7556 4522
Leo Spicer-Phelps London	lspicerphelps@cooley.com +44 (0) 20 7556 4334
Enrique Gallego Capdevila Brussels	ecapdevila@cooley.com +32 2 486 7534
Tristan Lockwood London	tlockwood@cooley.com +44 20 7556 4115
Amy Collins London	acollins@cooley.com +44 (0) 20 7556 4375
Ondrej Hajda London	ohajda@cooley.com +44 (0) 20 7556 4411

David O'Connor London	doconnor@cooley.com +44 20 7556 4137
Jack Eastwood London	jeastwood@cooley.com +44 (0) 20 7556 4372
Bartholomäus Regenhardt Brussels	bregenhardt@cooley.com +32 2 486 7542

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