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2026/0358 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on cooperation between national authorities and the Commission in the enforcement of consumer protection laws in the Union, amending Directive (EU) 2019/1937 and Regulations (EC) No 261/2004, (EC) No 1107/2006, (EC) No 1008/2008, (EU) No 1177/2010, (EU) No 181/2011, (EU) No 1024/2012, (EU) 2018/302 and (EU) 2021/782 and repealing Regulation (EU) 2017/2394

{SEC(2026) 1120 final} - {SWD(2026) 1120 final} - {SWD(2026) 1121 final} - {SWD(2026) 1122 final}

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Regulation (EU) 2017/2394 on consumer protection cooperation (CPC) ([1]) ('the CPC Regulation' or 'Regulation 2017/2394') establishes an enforcement cooperation framework for national consumer protection authorities (the 'CPC Network') to address cross-border and widespread breaches of EU consumer law. The European Commission coordinates and supports the work of the CPC Network but currently does not have direct enforcement powers in the field of consumer law ([2]).

The flagship activities of the CPC Network are the CPC coordinated actions to address Union-wide infringements of EU consumer law. Since January 2020, when the CPC Regulation became applicable, the CPC Network has carried out more than 30 CPC actions coordinated by the Commission. While they have delivered very positive results over the past years, the enforcement system under the CPC Regulation has revealed significant shortcomings. In July 2024, the Commission published a report on the application of the CPC Regulation ([3]) ('the 2024 report'), which concluded that the CPC Regulation has made a positive contribution to the detection and enforcement of cross-border infringements of Union consumer protection law. However, it also identified several deficiencies that limit the effectiveness of the existing enforcement framework. In particular, the procedures governing CPC coordinated actions have proven to be lengthy and insufficiently responsive to rapidly evolving market practices. Difficulties in coordinating the imposition and enforcement of penalties have reduced the deterrent effect of coordinated enforcement measures.

The shortcomings of the enforcement system under the CPC Regulation became particularly evident in light of the increased dynamics of digital markets, including the e-commerce sector, where illegal practices spread extremely fast. This is harmful to consumers but also puts increasing pressure on compliant businesses in the EU losing market share to competitors who do not respect EU consumer protection rules. Compliance levels remain persistently low, with half of the businesses screened by national authorities in compliance checks (sweeps) being in breach of EU consumer protection law. It is within this context that European businesses strongly call for a reform of the CPC Regulation to address the unfair competition from non-compliant competitors and to give a strong mandate to the Commission to centralise enforcement for high-impact cases in the single market.

The necessity of strengthening the enforcement of Union consumer protection rules to ensure a well-functioning single market, including by revising of Regulation 2017/2394, was highlighted by Enrico Letta in his report '*Much More Than a Market*'. Also, the e-Commerce Communication of 5 February 2025 ([4]), identified strong enforcement of Union legislation

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1 https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017R2394.

2 Since the last reform of the CPC Regulation in 2017, the Commission can however activate the network where it suspects infringements to affect two thirds of the Member States, accounting, together, for two thirds of the Union's population.

3 Report from the Commission to the European Parliament and the Council on the application of Regulation (EU) 2017/2394 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws, COM/2024/311 final.

4 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A comprehensive EU toolbox for safe and

protecting consumers online as a key priority and underlined the need to strengthen cooperation and coordination among all relevant national authorities and the Commission.

To pursue this general objective, the Commission announced in its 2030 Consumer Agenda ([5]) a legislative proposal to revise the CPC Regulation to strengthen enforcement and ensure a level-playing field for businesses, including by assessing the need for centralised investigation and enforcement powers at EU level in specific cases. The revision of the CPC Regulation is also included as a priority initiative, necessary to achieve a stronger, fairer and more integrated Single Market, in the 'One Europe, One Market Roadmap' ([6]), to be proposed in the fourth quarter of 2026.

The current proposal revising the CPC Regulation aims to meet the below specific objectives.

i) Improve coordinated enforcement actions by Member States

The CPC Regulation revision aims to enhance the speed and effectiveness of coordinated actions by introducing timelines for key procedural steps. It also aims at strengthening the ability of Member States to impose fines in a coordinated manner.

ii) Give the Commission direct enforcement powers in the area of consumer law

To further strengthen the enforcement framework established by the CPC Regulation and to ensure the effective protection of consumers' rights, including passenger rights, this proposal empowers the Commission ([7]) to investigate and enforce infringements with a significant impact on the functioning of the single market and on the collective interests of consumers.

iii) Reinforce the application of EU consumer law in relation to non-EU traders

The proposal introduces an obligation for traders from countries that are not members of the EU or the European Economic Area (EEA) to appoint a legal representative in the EU who has appropriate powers to cooperate with the relevant national authorities and the Commission.

- **Consistency with existing policy provisions in the policy area**

The proposal is consistent with the Commission's priorities for consumer protection and the overall objective to strengthen enforcement of EU consumer law.

It is aligned with the proposal for a Digital Fairness Act and the proposal for a directive amending Directive 2011/83/EU as regards simplification of Union consumer protection rules, aiming to address gaps and legal uncertainties in the consumer protection legislation affecting consumers and businesses alike and to reduce administrative burden for traders, without lowering consumer protection in the digital sphere.

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sustainable e-commerce', COM(2025) 37 final, 5.2.2025, https://digital-strategy.ec.europa.eu/fr/library/e-commerce-communication-comprehensive-eu-toolbox-safe-and-sustainable-e-commerce.

5 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2030 Consumer Agenda and action plan for consumers in the single market 'A new impulse for consumer protection, competitiveness and sustainable growth", COM(2025) 848 final, https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/2030-consumer-agenda_fr.

6 'One Europe, One Market' Roadmap of the European Parliament, the Council of the European Union and the European Commission, https://commission.europa.eu/topics/competitiveness/one-europe-one-market-roadmap_en.

7 To support cooperation and ensure close cooperation among Commission services, case-by-case working arrangements or memoranda of understanding would be agreed between the services concerned.

- **Consistency with other Union policies**

The CPC Regulation is an essential piece for the completion of the single market. It shares the same overall objectives as other key pieces of EU legislation such as the Digital Services Act ('DSA') or the Digital Markets Act ('DMA'), which aim to ensure the effective functioning of the EU Single Market through consistent enforcement of EU rules, fair competition, and protection of consumers and businesses in cross-border economic activity.

The proposed CPC Regulation enables the enforcement of EU consumer protection legislation, including the Digital Fairness Act, to safeguard the economic interests of all consumers against unlawful business-to-consumer commercial practices by businesses. The proposed CPC Regulation also enables more uniform and consistent enforcement of EU passenger rights.

The enforcement of EU consumer protection law under the proposed CPC Regulation should not duplicate the enforcement of the proposed EU KIDS Act, the DSA or other laws not listed in the Annex of the CPC Regulation. As is currently the case, sector-specific rules will complement EU consumer protection legislation. This complementary approach is already reflected in the work of the CPC Network which has carried out more than 30 coordinated actions since 2020, many of which have addressed practices and businesses outside the scope of the DSA (e.g., in areas such as retail e-commerce, travel and transport services, digital subscriptions, video games, event ticketing, the green economy).

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposal is Article 114 TFEU. The proposal aims to remove distortions of competition and eliminate obstacles to the internal market (Article 26 TFEU) and seeks to preserve and increase the effectiveness and efficiency of the cross-border enforcement system for Union consumer legislation.

- **Subsidiarity (for non-exclusive competence)**

Regulation 2017/2394 establishes the framework for cooperation between national authorities responsible for the enforcement of Union consumer protection laws, notably in situations where infringements have a cross-border dimension. That framework reflects the fact that widespread infringements and other coordinated enforcement challenges frequently affect consumers in several Member States simultaneously and cannot be effectively addressed through isolated national action.

An intervention aiming to strengthen the CPC enforcement framework by introducing more efficient procedures and enhancing its deterrent effect aligns with the subsidiarity principle of Article 5(2) TEU.

This proposal empowers the Commission to investigate and enforce infringements of EU consumer law directly at EU level. It is, however, confined to certain infringements that, due to their nature and scope, affect the Single Market in a way that enforcement action by Member States' competent authorities cannot be expected to address in an effective and consistent manner. The measure is thus in line with the subsidiarity principle of Article 5(2) TEU.

- **Proportionality**

The proposal aims to improve the effectiveness of the CPC Network in addressing infringements of Union consumer law, in particular where such infringements have a cross-

border dimension and affect the functioning of the single market. It does so by streamlining existing cooperation and enforcement procedures while preserving the core role of national authorities in enforcing Union consumer protection rules.

The conferral of direct investigation and enforcement powers on the Commission is limited specific situations where infringements have a significant impact on the single market. In such cases, action at Union level is necessary to ensure consistent, swift and effective enforcement.

For these reasons, the proposal does not go beyond what is necessary to achieve its objectives, in accordance with Article 5(4) TEU.

- **Choice of the instrument**

Similarly to Regulation 2017/2394, the only suitable instrument to achieve the above objectives is a Regulation. A directive or a framework directive would not achieve these objectives as, following transposition into national laws, jurisdictional boundaries and conflicts would persist.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex post* evaluations / fitness checks of existing legislation**

This proposal builds on the 2024 report ([8]) which showed that Regulation 2017/2394 has generally fulfilled its objectives of improving the detection of consumer law infringements, increasing the consistency of enforcement of Union consumer law and enabling Member States to address infringements committed by businesses in several Member States.

The CPC Network has facilitated the detection of cross-border infringements, with the network being considered more effective than bilateral cooperation between individual Member States. At the same time, the effectiveness of the CPC framework is increasingly challenged by developments in consumer markets, including the rapid growth of e-commerce and online activities, the emergence of new digital business models and technologies, and the increased presence of traders established outside the EU, allowing potentially illegal practices to spread rapidly across borders. CPC authorities face significant difficulties in addressing traders established outside the Union and the CPC system is not deterrent enough, as no penalties have so far been imposed in a coordinated manner under Article 21(1) of Regulation 2017/2394. Moreover, CPC coordinated actions can take several months or even years from their launch to the verification of the implementation of traders' commitments. Such lengthy procedures are considered problematic in fast-moving digital markets, where infringements can spread rapidly and consumers continue to be exposed to the harmful practices during the enforcement process.

The 2024 report points out to several areas where the CPC framework could be strengthened. These include clarifying the application of the CPC Regulation to third-country traders targeting EU consumers, assessing whether CPC procedures are sufficiently adapted to address infringements with significant impacts on the Single Market and considering additional measures to promote more consistent enforcement and strengthen deterrence, including through a possible enhanced role for the Commission.

[8] See footnote 3.

- **Stakeholder consultations**

The preparation of this proposal was supported by extensive stakeholder consultations carried out in two phases, in 2022 and 2026 aimed to give all relevant stakeholders concerned the opportunity to express their views, notably the Member States' Single Liaison Offices under the CPC Regulation and competent authorities, designated bodies, entities empowered to issue external alerts, consumer organisations, European Consumer Centres, businesses and their representatives, as well as consumers, citizens, academics and researchers.

The 2022 consultation activities included: (i) online surveys and in-depth interviews conducted in the framework of the information gathering study for assisting the Commission in complying with its obligations under Article 40 of the CPC Regulation ([9]); (ii) a backward-looking open public consultation running from 4 April to 27 June 2022 ([10]); (iii) a forward-looking open public consultation running from 28 September to 21 December 2022 ([11]); (iv) a call for evidence ([12]) launched in parallel with the latter consultation; (v) targeted consultations; and (vi) bilateral and multilateral meetings with Member States.

In 2026, these findings were complemented by the study to support the update of the Impact Assessment ([13]). This study included: (i) an online survey addressed to national competent authorities and Single Liaison Offices from the EU and the EEA; (ii) a telephone survey of businesses; and (iii) an in-depth interview programme covering national authorities, consumer organisations, European Consumer Centres, business organisations and large market players. Furthermore, bilateral and multilateral meetings were conducted with Member States in 2025 and 2026.

The consultation activities showed a broad convergence of views on several shortcomings affecting the current CPC enforcement framework. Across stakeholder groups, there was consistent support for streamlining and clarifying cooperation procedures between national authorities, and in particular the application of the CPC framework to traders not established in the EU/EEA. National authorities generally considered the CPC framework useful and, in many respects, effective, but also identified important shortcomings, pointing to the resource-intensive nature of CPC coordinated actions, the uneven capacities of national authorities, and the limited deterrent effect of the current framework, particularly as regards sanctions. They also underlined that cases involving non-EU traders are particularly difficult to investigate and pursue effectively. Consumer organisations, European Consumer Centres and other entities issuing external alerts ([14]) broadly supported stronger and more effective cross-border enforcement. While businesses and business organisations acknowledged the value of the CPC framework, they pointed to fragmented enforcement, lengthy procedures, overlapping frameworks and difficulties in tackling non-EU traders as important concerns. As regards the

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9 European Commission: Directorate-General for Justice and Consumers, VVA, Tetra Tech, IPSOS, Hausemer, P. et al., *Information gathering for assisting the European Commission in complying with its obligations under Article 40 ("reporting") of Regulation (EU) 2017/2394 on Consumer Protection Cooperation – Final report*, Publications Office of the European Union, 2024, https://data.europa.eu/doi/10.2838/569634.

10 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13417-Resolving-consumer-disputes-out-of-court-report-_en.

11 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13535-Consumer-protection-strengthened-enforcement-cooperation_en.

12 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13535-Consumer-protection-strengthened-enforcement-cooperation_en.

13 [To be added once published].

14 Article 26 of Regulation 2017/2394.

role of the Commission, the consultations revealed broad support for a stronger role at EU level. In the forward-looking Open Public Consultation, a majority of respondents agreed that the Commission should have a stronger role in investigating multinational traders and should be able to contribute more effectively to deterrence, which was confirmed by the 2026 consultations. Overall, the consultations showed broad and strong support for a targeted revision of Regulation 2017/2394. The consultation results were taken into account in the preparation of the proposal,

- **Collection and use of expertise**

The preparation of this proposal drew on a broad range of expertise, combining practical experience with the CPC Regulation, external analytical support, and stakeholder evidence. The Commission relied on a comprehensive external study ([15]) launched in November 2021 to assess the effectiveness of Regulation 2017/2394. That study provided further analytical support for the assessment of how the CPC framework operates in practice and informed the identification of the main enforcement challenges and possible policy responses.

The Commission also gathered expertise and views through targeted consultations and engagement activities with stakeholders including a panel discussion during the Consumer Summit 2025 ([16]), as well as numerous bilateral meetings and analysis of *ad hoc* position and research papers from national authorities, consumers organisations, industry representatives, European Consumers Centres and academics. The Commission also took account of the implementation dialogue ([17]) on cross-border enforcement cooperation under Regulation 2017/2394, held on 6 May 2026 in Brussels. Finally, the Commission also exchanged with and gathered the views of national authorities within the CPC Network regarding their practical experience with enforcement under Regulation 2017/2394.

- **Impact assessment**

The impact assessment identified three core problems. First, it is becoming harder to ensure compliance with consumer law in digital and cross-border markets, as widespread infringements can proliferate rapidly across sectors and Member States. Second, national authorities often lack the competences, technical tools and resources needed to detect and investigate complex infringements, including those involving third-country traders. Third, businesses are not sufficiently deterred from breaching EU consumer law because the likelihood of coordinated sanctions remains low.

Against that background, four options were assessed.

– Option A would keep enforcement primarily within the CPC Network, by allowing the network to delegate both investigation and sanctioning to one authority on a case-by-case basis, while also enabling CPC authorities to cluster similar infringements and traders within a single coordinated action. In addition, this option includes the horizontal measures that clarify the application of the CPC Regulation to third-

[15] European Commission: Directorate-General for Justice and Consumers, VVA, Tetra Tech, IPSOS, Hausemer, P. et al., *Information gathering for assisting the European Commission in complying with its obligations under Article 40 ("reporting") of Regulation (EU) 2017/2394 on Consumer Protection Cooperation* – Final report, Publications Office of the European Union, 2024, https://data.europa.eu/doi/10.2838/569634.

[16] https://commission.europa.eu/get-involved/events/european-consumer-summit-2025-better-future-consumers-and-competitiveness-2025-05-20_en.

[17] https://commission.europa.eu/get-involved/events/implementation-dialogue-cross-border-enforcement-cooperation-area-consumer-law-commissioner-michael-2026-05-06_en.

country traders, extend its material scope to relevant provisions of Regulation (EU) No 260/2012 ('SEPA Regulation') ([18]), and strengthen the e-enforcement capabilities of CPC authorities.

– Option B would also rely on the delegation of investigations to one national authority, but it would differ from Option A in that sanctioning would be carried out by the CPC Network itself after being granted legal personality. It would also allow the clustering of similar infringements and include the same horizontal measures on third-country traders, SEPA, and e-enforcement.

– Option C would give the Commission the power to investigate and sanction certain EU-wide infringements, while also empowering authorities to cluster similar infringements and traders in one coordinated action. This option would thus create an enforcement mechanism at EU-level for clearly defined, large-scale cases, while preserving the CPC framework for other situations. It also includes the same horizontal measures on third-country traders, SEPA Regulation and e-enforcement.

– Option D would set up a new EU consumer enforcement body to investigate widespread infringements, with sanctioning powers managed by the Commission.

The impact assessment concluded that option C is the preferred option, as it would best achieve the objectives of the intervention by establishing a proportionate and future-proof enforcement framework that is better suited to address emerging challenges in the fast-evolving digital consumer markets. Its assessment against the criteria of effectiveness ([19]), efficiency, coherence and proportionality, together with an assessment of its economic, social and fundamental rights impacts, showed that it would most effectively strengthen the enforcement of Union consumer law in cross-border situations.

Option C would support the proper functioning of the single market by improving enforcement against widespread infringements affecting several Member States and clarifying the application of the CPC Regulation to traders established outside the EU. By introducing centralised investigation and enforcement powers for the Commission to tackle clearly defined EU-wide infringements of consumer law, including passenger rights, and by empowering the Commission, where necessary, to sanction traders responsible for the most serious cross-border breaches, the preferred option is expected to have a positive impact on competitiveness and innovation across the single market, particularly for compliant businesses active cross-border.

The preferred option does not impose any new administrative burden on compliant businesses. Instead, compliant businesses will benefit from an enhanced level playing field that fosters competition and promotes economic growth through an increased level of consumer protection in the EU. For public authorities, the preferred option is expected to reduce costs linked to inefficiencies and duplication in the current cooperation framework.

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[18] Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, pp. 22,ELI: http://data.europa.eu/eli/reg/2012/260/oj).

[19] The effectiveness score assessed each measure's performance towards achieving its objectives, taking into account relevant impacts such as environmental ones. In this respect, it is relevant to add that the CPC Regulation is a procedural consumer-enforcement measure that does not in itself generate environmental harm, reason why it is considered to uphold the 'do no significant harm' (DNSH), while helping to prevent practices that could undermine environmental objectives (e.g., deceptive environmental practices such as greenwashing or misleading sustainability claims). At the same time, it is not expected that the CPC Regulation, including the budgetary proposal, will have an impact on the EU's climate objectives.

While Member States would incur costs in supporting the Commission's investigations, the overall efficiency gains are expected to outweigh these burdens through a reduction in the resources allocated to the CPC Network, and more streamlined procedures. At the same time, strengthened enforcement would also raise the level of consumer protection ([20]).

- **Regulatory fitness and simplification**

The proposal to revise Regulation 2017/2394 aims to make the existing cross-border consumer protection enforcement framework more effective and efficient. The initiative is consistent with the objective of simplifying and streamlining the application of Union law in areas where fragmented national enforcement creates unnecessary administrative burden and reduces effectiveness. In particular, cross-border enforcement under Regulation 2017/2394 can lead to multiple parallel national procedures and complex coordinated actions in cases of widespread infringements affecting several or most Member States. The proposed revision would address these inefficiencies by streamlining cooperation procedures of the CPC Network and by enabling more centralised handling of the most significant EU-wide cases at Commission level, thereby reducing duplication of work for national authorities, shortening procedures and improving the overall functioning of the enforcement system

According to the impact assessment, the revision would entail an additional annual cost for the Union of EUR 3.15 million for Commission investigations and power to impose sanctions, while generating annual savings for Member States of up to EUR 1.5 million. The impact assessment also indicates that consumer detriment could be reduced by between EUR 2.7 billion and EUR 3.9 billion over a 10-year period, in addition to the reduction in consumer detriment estimated in the baseline scenario. Lastly, since Regulation 2017/2394 is procedural in nature, its revision does not lay down new substantive obligations for traders.

- **Fundamental rights**

The proposal is intended to contribute to a high level of consumer protection, in line with Article 38 of the Charter of Fundamental Rights of the European Union ('the Charter'), by strengthening the effectiveness of Regulation 2017/2394 and the cross-border cooperation framework between national authorities.

In addition, the proposal takes into account the freedom to conduct a business under Article 16 of the Charter. More effective and consistent enforcement is expected to improve legal certainty, strengthen corporate governance and help restore a level playing field for compliant traders. A clearer and more coordinated approach to sanctions will reduce fragmentation and avoid concerns linked to parallel national enforcement proceedings, including in relation to the '*ne bis in idem*' principle reflected in Article 50 of the Charter.

The proposal also takes into account the right to good administration under Article 41 of the Charter. In particular, traders concerned by enforcement proceedings under the CPC Regulation will have the right to be heard before measures affecting them are adopted. This right will apply both in the context of coordinated enforcement actions carried out by national authorities and to investigations and enforcement proceedings conducted directly by the Commission.

[20] In this respect, the preferred option advances Sustainable Development Goal 12 (Ensure sustainable consumption and production patterns) by helping ensure that consumers receive accurate information and are better protected from misleading claims, unsafe products and fraudulent traders. It would also encourage companies to adopt sustainable practices and to integrate sustainability information into their reporting cycle, in line with consumer law, to avoid "greenwashing" market practices.

All measures in the proposal are fully compliant and aligned with the high standard of protection of personal data, privacy of communications and private life laid down in EU legislation.

4. BUDGETARY IMPLICATIONS

Without prejudice to the outcome of the negotiations on the 2028-2034 Multiannual Financial Framework, the budgetary impact of the proposal could be covered by the allocations foreseen in the Multiannual Financial Framework 2028-2034, under the heading 4 - 'Administration' and heading 2 – 'Single Market and Custom Programme', as detailed in the Legislative Financial and Digital Statement.

The implementation of the proposed CPC Regulation is estimated to require a total number of staff that will rise from 19 FTEs starting from 2028 to 30 FTEs in 2034.

Estimated impacts and staffing for 2028 and beyond are indicative and without prejudice to the outcome of the negotiations on the 2028-2034 Multiannual Financial Framework. The human resources required for this initiative will be covered by staff from the Directorate-Generals that are already assigned to management of the action and/or have been redeployed within the Directorate-Generals. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the 2028-2034 Multiannual Financial Framework and thereafter shall be determined through the annual budgetary procedure. Further detail is set out in the Legislative Financial and Digital Statement accompanying this proposal.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Since the proposal takes the form of a regulation, no transposition is required and no implementation plan is necessary.

Progress towards achieving the objectives of the proposed regulation will be monitored by a series of core indicators included in the impact assessment report. Also, as provided in Article 71 of the proposed regulation, the Commission will assess the application of the regulation in a report to be submitted to the European Parliament and the Council.

- **Detailed explanation of the specific provisions of the proposal**

Chapter I – Introductory provisions and competences

Chapter I sets out the scope of the regulation and defines the main terms used in it. Compared to Regulation 2017/2394, the proposed regulation clarifies that it establishes investigation and enforcement powers for the Commission in relation to certain infringements that have, or risk having, a significant impact on the functioning of the internal market (Article 1) and that the proposed regulation applies to infringements committed by traders irrespective of where they are established (Article 2).

Chapter II – Investigation and enforcement by Member States' competent authorities

Section 1 of Chapter II establishes the minimum powers of competent authorities needed to cooperate and to enforce the Union consumer acquis in a cross-border context. Compared with Regulation 2017/2394, further minimum powers have been added and the use of digital tools by Member States' authorities in their investigations is also clarified (Article 9).

Section 2 of this chapter covers the 'mutual assistance mechanism'. The proposed regulation clarifies what information should be included in the requests for mutual assistance (Article

13). It sets out a shorter time-limit for replies to requests for enforcement and clarifies that time limits for mutual assistance requests should be extended only when justified by objective reasons (Articles 11, 12 and 13). It reinforces the role of interim measures that can be applied by competent authorities (Article 12).

Section 3 of Chapter II covers coordinated investigation and enforcement mechanisms for widespread infringements and widespread infringements with a Union dimension.

The proposed regulation streamlines the procedure of a coordinated action by formalising certain procedural steps and introducing specific time limits. It provides for 'best endeavour' timelines for the most important steps of the procedure. A coordinated action should be automatically closed if no common position is adopted within 12 months from its launch. A time-limit for proposing commitments by the trader is also introduced (Article 21).

The proposed regulation sets out that the competent authorities shall designate one of them as a competent authority responsible for the imposition of penalties (Article 23). If authorities fail to designate an authority responsible for the imposition of penalties up to 60 days from the communication of the common position to the trader, the coordinated action should be considered closed (Article 23). The proposed regulation foresees an assistance mechanism in the collection of fines (Articles 24, 25 and 26).

Chapter III – Investigation and enforcement by the Commission

The proposed regulation introduces a new Chapter III establishing direct investigation and enforcement powers for the Commission to deal with specific large-scale cases that need a rapid and effective response. The Commission will be able to initiate proceedings in relation to infringements of certain regulations that affect at least two thirds of the Member States, accounting, together, for at least two thirds of the Union population, and where the trader responsible for the infringement does not qualify as SME (Articles 31 and 32). These Commission powers would be based on a shared competence system, and thus national authorities would remain competent in case the Commission decides not to initiate proceedings. Single Liaison Offices and the Commission should cooperate closely and inform each other about ongoing investigations and enforcement measures (Article 33).

In order to carry out its tasks under the proposed regulation, the Commission is vested with the following investigatory and enforcement powers: (i) to require traders or any natural or legal person that may be reasonably expected to possess information relevant to the Commission's investigation, to provide such information, evidence and data, irrespective of their form or medium in which they are stored (Article 34); (ii) to interview any natural or legal person that may be in possession of information useful for the investigation and to record statements made by any technical means (Article 35); (iii) to purchase goods or services as test purchases (Article 36); (iv) to undertake inspections on the premises of a trader or traders concerned by the infringement or any natural or legal person that may be reasonably expected to possess information relevant to the suspected infringement (Article 37); and (vi) to use digital tools, including the possibility to require the trader to enable the effective use where the trader prevents, obstructs or otherwise hinders this (Articles 38).

The proposed regulation also provides the necessary enforcement powers to the Commission. It can accept commitments, including remedial ones, offered by the trader and make them binding by a decision (Article 41). The Commission can impose interim measures (Article 40), may ask the competent authorities concerned to exercise their power to limit access to online interfaces, such as websites and applications of the trader concerned (Article 39).

The Commission can adopt non-compliance decisions (Article 42) as well as impose fines (Article 43) and periodic penalty payments (Article 44) for breaches of the proposed

regulation as well as for procedural violations (Article 42). The proposed regulation sets also a limitation period for the imposition of penalties (Article 46) and for their enforcement (Article 47).

Furthermore, the proposed regulation lays down procedural safeguards for traders in proceedings before the Commission, in particular the right to be heard and the right of access to the file (Article 48).

It also includes a provision to ensure the uniform application of Union consumer protection laws (Article 52). Finally, to enhance consumer redress, the proposed regulation includes a provision on the effects of Commission's decisions (Article 53).

Chapter IV – Horizontal measures

Chapter IV covers other activities on investigations and enforcement. The proposed regulation underscores the importance of issuing alerts timely (Article 54). The entities issuing external alerts are given a channel to raise their concerns and to receive follow-up information (Article 55).

The proposed regulation clarifies that the Commission may carry out compliance checks with EU consumer law (sweeps), and that the Commission should normally coordinate sweeps carried out by the competent authorities in the CPC Network (Article 57).

It further imposes an obligation on traders not established in any Member State but targeting their commercial activities towards consumers in the Union to designate a legal representative in the Union (Article 59). Article 62 lays down the possibility for the authorities from different fields of law and the Commission to cooperate and coordinate their enforcement activities.

Chapter V – Common arrangements

Compared with Regulation 2017/2394, the proposed regulation amends the provisions on professional and commercial secrecy for the purpose of the Commission's direct investigation and enforcement powers (Article 64).

Chapter VI – Final provisions

The proposed regulation imposes on the Commission a reporting obligation regarding the application of the regulation (Article 71). To ensure that the Commission can enforce the provisions of the regulations listed in Article 32(1), targeted amendments to these regulations are provided in Articles 73 to 79 to clarify that those acts or certain provisions thereof will also be enforced by the Commission.

Annex

The Annex containing the list of laws that protect consumers' interests determines the scope of the application of the proposed regulation *ratione materiae*. Compared with Regulation 2017/2394, the Annex is amended to include the relevant provisions of the upcoming Digital Fairness Act, Regulation (EC) 1008/2008 ([21]) and the SEPA Regulation.

[21] Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).

2026/0358 (COD)

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on cooperation between national authorities and the Commission in the enforcement of consumer protection laws in the Union, amending Directive (EU) 2019/1937 and Regulations (EC) No 261/2004, (EC) No 1107/2006, (EC) No 1008/2008, (EU) No 1177/2010, (EU) No 181/2011, (EU) No 1024/2012, (EU) 2018/302 and (EU) 2021/782 and repealing Regulation (EU) 2017/2394

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Regulation (EU) 2017/2394 of the European Parliament and of the Council ([22]) provides for harmonised rules and procedures to facilitate cooperation between the national authorities that are responsible for the cross-border enforcement of consumer protection laws. The Commission has assessed its application in a report ([23]) to the European Parliament and the Council.

(2) The ineffective enforcement in cases of cross-border infringements of Union laws that protect consumers' interests, including infringements in the digital environment, created possibilities for traders to evade enforcement by relocating within the Union. It also gave rise to a distortion of competition for law-abiding traders operating either domestically or cross-border, online or offline, and it thus directly harmed consumers and undermined consumer confidence in cross-border transactions and in the internal market.

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[22] Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1. ELI: http://data.europa.eu/eli/reg/2017/2394/oj).

[23] Report from the Commission to the European Parliament and the Council on the application of Regulation (EU) 2017/2394 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws, (COM(2024) 311 final, 25.7.2024, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0311).

(3) Since the adoption of Regulation (EU) 2017/2394, the continued expansion of the e-commerce sector and the increasing digitalisation have exposed consumers to new and evolving risks and enforcement authorities to new challenges, which coordinated actions by national competent authorities alone can no longer adequately address. To further strengthen the enforcement framework established by Regulation (EU) 2017/2394 and to ensure the effective protection of consumers' and passenger's rights, while preserving fair competition within the internal market, it is necessary to empower the Commission to investigate infringements and enforce compliance with the provisions of the laws protecting consumers in specific cases directly at Union level. It is necessary to introduce time limits for key procedural steps and specific rules for the imposition and collection of fines in cross-border situation, to make the coordinated action mechanism for widespread infringements and widespread infringements with a Union dimension under that Regulation more effective and strengthen its deterrent effect.

(4) Regulation (EU) 2017/2394 established a network of competent national authorities responsible for the enforcement of consumer protection laws throughout the Union ('competent authorities'). Effective coordination among different competent authorities participating in that network is necessary, as well as effective coordination among other public authorities at the Member State level. The coordination role of the single liaison office should be entrusted to a public authority in each Member State, which should have sufficient powers and the necessary resources to take that key role. It is also essential to ensure close cooperation between the single liaison offices, competent authorities, other public authorities, and, if applicable, designated bodies and the Commission in order to facilitate effective and coherent application of this Regulation across the Union.

(5) It is important that consumers are also protected against certain infringements that have already ceased, but the harmful effects of which may continue. Competent authorities should have the necessary minimum powers to investigate and impose penalties for past infringements or order their prohibition in the future, in order to prevent them from being repeated, and in so doing, to ensure a high level of consumer protection. Experience from the application of Regulation (EU) 2017/2394 has revealed challenges regarding enforcement in relation to traders established outside the Union targeting EU consumers. To strengthen enforcement vis-à-vis these traders and to resolve any questions regarding the scope of the application of the Regulation, it is necessary to clarify that it applies to infringements of Union laws that protect consumers' interests committed by traders irrespective of where they are established.

(6) Competent authorities should have a minimum set of investigation and enforcement powers in order to apply this Regulation, to cooperate with each other more quickly and more efficiently and to deter traders from committing infringements covered by this Regulation. Those powers should be sufficient to tackle the enforcement challenges of e-commerce and the digital environment effectively, including by enabling competent authorities to carry out technology-assisted investigations to enforce compliance with the laws protecting consumers. This minimum set of investigation and enforcement powers should also prevent non-compliant traders from exploiting gaps in the enforcement system by relocating to Member States whose competent authorities are not equipped to tackle unlawful practices and to ensure that necessary information and evidence can be efficiently exchanged among competent authorities to achieve an equal level of effective enforcement in all Member States.

(7) Each Member State should ensure that all competent authorities within its jurisdiction have all the powers that are necessary to ensure the proper application of this Regulation. However, Member States should be able to decide not to confer all the powers on every competent authority, provided that each of those powers can be exercised effectively and as necessary in relation to any infringement covered by this Regulation. Member States should also be able to assign certain tasks to designated bodies or to confer on competent authorities the power to consult consumer organisations, trader associations, designated bodies, or other persons concerned, regarding the effectiveness of the commitments proposed by a trader to cease the infringement covered by this Regulation. However, Member States should not be under any obligation to involve designated bodies in the application of this Regulation or to provide for consultations with consumer organisations, trader associations, designated bodies, or other persons concerned, regarding the effectiveness of the proposed commitments to cease the infringement covered by this Regulation.

(8) The evolution of markets presents new challenges for the enforcement of consumer law, which can be addressed more effectively through the use of digital tools. Such tools, including virtual desktops, web scraping, data analytics, evidence capture, and corporate and domain intelligence, may be essential for detecting and addressing infringements of Union laws that protect consumers' interests. To that end, competent authorities should have the possibility to use digital tools when carrying out the tasks entrusted to them under this Regulation. Where a trader prevents, obstructs or otherwise hinders the use of such digital tools, the competent authorities should have the power to require the trader to enable their effective use.

(9) Competent authorities should have access to any information that relates to the subject matter of an investigation or concerted investigations of a consumer market ('sweeps') in order to determine whether an infringement of Union laws that protect consumers' interests has occurred or is occurring, and in particular to identify the responsible trader, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the place where they are stored. Competent authorities should be able to directly request that third parties in the digital value chain provide any information in accordance with Chapter II of Regulation (EU) 2022/2065 of the European Parliament and of the Council ([24]) and in accordance with the legislation on personal data protection.

(10) Competent authorities should be able to request any relevant information from any public authority, body or agency within their Member State, or from any natural person or legal person, including, for example, payment service providers, internet service providers, telecommunication operators, domain registries and registrars, and hosting service providers, for the purpose of establishing whether an infringement covered by this Regulation has occurred or is occurring.

(11) Competent authorities should be able to carry out necessary on-site inspections, and should have the power to enter any premises, land or means of transport, that the trader concerned by the inspection uses for purposes related to his trade, business, craft or profession.

[24] 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) (OJ L 277, 27.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2065/oj).

(12) Competent authorities should be able to request any representative or member of the staff of the trader concerned by the inspection to give explanations of facts, information, data or documents relating to the subject matter of the inspection and should be able to record the answers given by that representative or staff member of the trader.

(13) Competent authorities should be able to verify compliance with Union laws that protect consumers' interests and to obtain evidence of infringements covered by this Regulation, including infringements that take place during or after the purchase of goods or services. Competent authorities should therefore have the power to purchase goods or services as test purchases, where necessary, under a cover identity, in order to detect infringements covered by this Regulation and to obtain evidence. That power should also include the power to inspect, observe, study, disassemble or test a product or service that has been purchased by the competent authority for those purposes. The power to purchase goods or services as test purchases might include the power on the part of competent authorities to ensure the return of any payment made where such return would not be disproportionate and would otherwise comply with Union and national law.

(14) In the digital environment in particular, the competent authorities should be able to stop infringements covered by this Regulation quickly and effectively, and in particular where the trader conceals his identity or relocates within the Union or to a third country in order to avoid enforcement. In cases where there is a risk of serious harm to the collective interests of consumers, the competent authorities should be able to adopt interim measures in accordance with national law, including the removal of content from an online interface or ordering the explicit display of a warning to consumers when they access an online interface. Interim measures should not go beyond what is necessary to achieve their objective. Furthermore, the competent authorities should have the power to order the explicit display of a warning to consumers when they access an online interface, or to order the removal or modification of digital content if there are no other effective means to stop an illegal practice. Such measures should not go beyond what is necessary to achieve the objective of bringing to an end or prohibiting the infringement covered by this Regulation and should not give rise to general monitoring and fact-finding obligations where Regulation (EU) 2022/2065 applies. Where competent authorities request third parties to implement an explicit warning to consumers or to remove or modify digital content, they should, where applicable, also respect the requirements for orders to act against illegal content pursuant to Regulation (EU) 2022/2065. Commitments offered by traders to bring their practices in line with Union laws protecting consumers' interests can be an efficient tool to achieve compliance and minimise lengthy procedures. Competent authorities should therefore have the possibility to accept traders' commitments containing steps and measures that a trader has to take regarding an infringement, and in particular the ceasing of an infringement. To ensure compliance with commitments and enable competent authorities, where necessary, to take appropriate enforcement measures where those commitments are not complied with, competent authorities should have the possibility to make commitments binding on the trader or traders concerned by a decision or take other appropriate measures in accordance with their national law.

(15) Penalties for infringements of Union laws that protect consumers' interests represent an important part of the enforcement system, because they have a direct impact on the degree to which public enforcement acts as a deterrent. Since national penalties

regimes do not always consider the cross-border dimension of an infringement, competent authorities should, as part of their minimum powers, have the possibility to impose penalties for infringements covered by this Regulation. Without prejudice to Directive (EU) 2019/2161 of the European Parliament and of the Council ([25]) and Union laws that protect consumers' interests, Member States should not be required to establish a new penalty regime for infringements covered by this Regulation. Instead, they should require competent authorities to apply the applicable regime for the same domestic infringement, where possible considering the actual scale and scope of the infringement concerned. In order to limit the possibility for traders to circumvent the imposition of proportionate, dissuasive and effective penalties for infringements covered by this Regulation by adjusting their operations, including by relocating within the Union or otherwise structuring their commercial activities, Member States should, when laying down in their national laws the rules on penalties for infringements covered by this Regulation, consider, to the greatest extent possible, the amount of the fines introduced by Directive (EU) 2019/2161 and the amount of fines applicable to infringements investigated by the Commission pursuant to this Regulation.

(16) To ensure that traders do not gain a competitive advantage through infringements of Union laws protecting consumers' interests and to strengthen consumers' confidence in the internal market and effective enforcement of their rights, consumers should be entitled to redress for harm caused by infringements covered by this Regulation. Competent authorities should have the power to receive from the trader, on the trader's initiative, additional remedial commitments to the benefit of consumers that have been affected by the alleged infringement of laws covered by this Regulation. Competent authorities should be able to obtain commitments from the trader to offer adequate remedies to the consumers that have been affected by the infringement covered by this Regulation. This should contribute to removing the adverse impact on consumers caused by a cross-border infringement. Appropriate remedies might include, *inter alia*, repair, replacement, price reductions, the termination of contract or the reimbursement of the price paid for the goods or services, as appropriate, to mitigate the negative consequences of the infringement covered by this Regulation on the affected consumer in accordance with the requirements of Union law. This should be without prejudice to a consumer's right to seek redress through appropriate means.

(17) To prevent consumers from bearing the adverse effects of infringements covered by this Regulation, it is important that public and private enforcement can effectively complement one another. To this end, and where applicable, competent authorities should inform, by appropriate means, the general public and consumers who claim that they have suffered harm as a consequence of an infringement covered by this Regulation about how to seek compensation under national law. Competent authorities should also have the power to make remedial commitments binding on the trader or traders concerned in order to ensure that consumers obtain redress. Making remedial commitments binding by a decision or measures with a similar effect, should enable competent authorities, where necessary, to take enforcement measures where those remedial commitments are not complied with.

[25] Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7, ELI: http://data.europa.eu/eli/dir/2019/2161/oj).

(18) The implementation and exercise of powers in application of this Regulation should be proportionate and adequate in view of the nature and the overall actual or potential harm of the infringement of Union laws that protect consumers' interests. Competent authorities should take all facts and circumstances of the case into account and should choose the most appropriate measures which are essential to address the infringement covered by this Regulation. Those measures should be proportionate, dissuasive and effective.

(19) The implementation and exercise of powers in the application of this Regulation should also comply with other Union and national law, including with applicable procedural safeguards and the fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union. Member States should remain free to set out conditions and limits for the exercise of the minimum powers in national law, in accordance with Union law. Where, for example, in accordance with national law, prior authorisation to enter the premises of natural persons and legal persons is required from the judicial authority of the Member State concerned, the power to enter such premises should be used only after such prior authorisation has been obtained.

(20) Member States should be able to choose whether the competent authorities exercise the powers in the application of this Regulation directly, under their own authority, by recourse to other competent authorities or other public authorities, by instructing designated bodies or by application to the competent courts. Member States should ensure that those powers are exercised effectively and in a timely manner.

(21) Member States should ensure that their competent authorities are able to act on requests for mutual assistance, including where the infringement of Union laws protecting consumers' interests does not affect consumers residing in their territory. While the requested authority should retain discretion to determine the most appropriate measure for obtaining the requested information or for bringing about the cessation or prohibition of the infringement, it should, in all cases, select the measure likely to be the most appropriate and effective. In determining the most appropriate and effective measure, the requested authority should take due account of the circumstances of the case, including the nature, gravity and duration of the infringement, any previous infringement in the Member States concerned or, where such information is available, in any other Member State. Where necessary to prevent serious harm to consumers, the competent authority should consider taking interim measures.

(22) When responding to requests submitted through the mutual assistance mechanism, competent authorities should, where appropriate, also make use of other powers or measures granted to them at the national level, including the power to initiate or refer matters for criminal prosecution. It is of utmost importance that courts and other public authorities, in particular those involved in criminal proceedings, have the necessary means and powers to cooperate with competent authorities effectively and in a timely manner.

(23) The effectiveness and efficiency of the mutual assistance mechanism should be improved. When making a request for information, the applicant authority should clearly and unambiguously identify the information, or type of information, necessary to establish the existence of an infringement and bring about its cessation. When making a request for enforcement, the applicant authority should, in particular and in addition to information on the infringement and the identity of the trader, provide clear and unambiguous legal reasons why enforcement measures are necessary. Competent

authorities should reply to requests for mutual assistance and provide the requested information and adopt enforcement measure within reasonable time limits. Those time limits should only be extended where this is justified by the specific circumstances of the case, for example where information is difficult to obtain due to the complexity of the case or where the adoption of enforcement measures is exceptionally complex. The obligations of the competent authority within the mutual assistance mechanism should remain intact, unless it is likely that enforcement actions and administrative decisions taken at national level outside the mutual assistance mechanism would ensure the swift and effective cessation or prohibition of the intra-Union infringement of Union laws that protect consumers' interests. Administrative decisions in that regard should be understood as decisions giving effect to the measures taken to bring about the cessation or the prohibition of the intra-Union infringement of Union laws that protect consumers' interests.

(24) This Regulation should provide for harmonised rules setting out the procedures for the coordination of investigation and enforcement measures relating to widespread infringements and widespread infringements with a Union dimension. Coordinated actions in relation to those widespread infringements and those widespread infringements with a Union dimension should ensure that competent authorities are able to choose the most appropriate and efficient tools to stop those infringements and, where appropriate, to receive or seek to obtain from the responsible traders remedial commitments for the benefit of consumers.

(25) As part of a coordinated action, the competent authorities concerned coordinate their investigation and enforcement measures in order to tackle effectively the widespread infringement or widespread infringement with a Union dimension and to bring about their cessation or prohibition. To that end, the competent authorities should exchange all necessary evidence and information and provide each other with the necessary assistance. The competent authorities should take the necessary enforcement measures in a coordinated way in order to bring about the cessation or prohibition of those infringements.

(26) The participation of each competent authority in a coordinated action, and in particular the investigation and enforcement measures that a competent authority is required to take should be sufficient in order to address the widespread infringement or widespread infringement with a Union dimension effectively. Competent authorities concerned by that infringement should be required to take only those investigation and enforcement measures which are needed to obtain all necessary evidence and information regarding the widespread infringement or widespread infringement with a Union dimension and to bring about the cessation or prohibition of the infringement. However, a lack of available resources on the part of the competent authority concerned by that infringement should not be considered to justify not taking part in a coordinated action.

(27) Where there is a reasonable suspicion of a widespread infringement or widespread infringement with a Union dimension, the competent authorities concerned by that infringement should, by agreement, launch a coordinated action. In order to establish whether a competent authority is concerned by a widespread infringement or widespread infringement with a Union dimension, the competent authority should ascertain whether it is apparent that the trader envisages offering goods or services to consumers residing in the Member State of that authority. For that purpose, all relevant aspects of that infringement should be considered, and in particular the place where the trader is established or resides, the location of the trader's assets, the

location of the consumers who were harmed by the alleged infringement, and the place of the points of sale of the trader, namely, shops and websites. The mere accessibility of the trader's website, of an email address or of other contact details, or the use of a language generally used in the Member State or third country where the trader is established or resides alone should, in principle, not be sufficient to ascertain the trader's intention to offer goods or services to consumers residing in a Member State other than the Member State or third country where the trader is established or resides. However, factors such as the use of a language or currency generally used in the Member State where consumers who are potentially affected by the alleged infringement are residing with the possibility of ordering goods or services in that other language, or the mentioning of customers or users who are in that Member State, may, by contrast, make it apparent that the trader envisages offering goods or services to consumers residing in that Member State. Competent authorities and the Commission should also take into account alerts, including external alerts, exchanged through the information system established pursuant to this Regulation, consumer complaints, including complaints received through the Network of European Consumer Centres, or any other relevant information.

(28) The Commission should cooperate more closely with Member States to prevent large-scale infringements from occurring. The Commission should therefore notify the competent authorities concerned if it suspects that an infringement covered by this Regulation has occurred or is occurring. If, for example by monitoring the alerts issued by competent authorities, the Commission has a reasonable suspicion that a widespread infringement with a Union dimension has occurred, it should notify Member States, through the competent authorities and single liaison offices concerned by that suspected infringement, stating in the notification the grounds which justify a possible coordinated action. The competent authorities concerned should conduct appropriate investigations on the basis of information that is available or easily accessible to them. They should notify the results of their investigations to the other competent authorities, to the single liaison offices concerned by that infringement and to the Commission. Where the competent authorities concerned conclude that such investigations reveal that an infringement might be taking place, they should start the coordinated action by taking the measures set out in this Regulation. A coordinated action tackling a widespread infringement with a Union dimension should always be coordinated by the Commission. If it is apparent that the Member State is concerned by that infringement, it should take part in a coordinated action in order to help to collect all necessary evidence and information related to the infringement and to bring about its cessation or prohibition. As regards the enforcement measures, criminal and judicial proceedings in Member States should not be affected by the coordinated action. The principle of ne bis in idem should be respected. However, if the same trader repeats the same act or omission that constituted an infringement covered by this Regulation which had already been addressed by enforcement proceedings that resulted in the cessation or prohibition of that infringement, it should be considered to be a new infringement and the competent authorities should address it.

(29) The competent authorities concerned should take the necessary investigation measures to establish the details of the widespread infringement or widespread infringement with a Union dimension, and in particular the identity of the trader, acts or omissions committed by the trader, and the effects of the infringement. The obligation to communicate the launch of a coordinated action to the trader concerned, should not prevent those competent authorities to use their investigation powers, including the power to carry out inspections, prior to such communication. The competent

authorities should take enforcement measures based on the outcome of the investigation. Where appropriate, the outcome of the investigation and the assessment of the widespread infringement or the widespread infringement with a Union dimension should be set out in a common position agreed among the competent authorities of the Member States concerned by the coordinated action and should be addressed to the trader responsible for that infringement. The common position should not constitute a binding decision of the competent authorities. It should, however, give the addressee the opportunity to be heard on the matters which are part of the common position. Certain time limits should be introduced to encourage the timely and efficient conduct of coordinated actions. Those time limits should, however, allow for sufficient flexibility, where necessary, to consider the complexity of the facts of the underlying practices. The closure of the coordinated action due to the fact that the competent authorities fail to agree on a common position within the relevant time limit should not prevent the competent authorities concerned from exercising their powers pursuant to this Regulation, or any additional powers granted to them under national law in relation to the same underlying facts, nor should it prevent the launch of a new coordinated action or the initiation of proceedings by the Commission pursuant to this Regulation.

(30) Where the competent authorities or the Commission have a reasonable suspicion that several traders commit a widespread infringement or a widespread infringement with a Union dimension that includes the same unlawful practice or the same interest being infringed and occur or have occurred concurrently, the competent authorities concerned by such infringements should have the possibility to address those infringements in a single coordinated action. To avoid duplication of work and ensure coherence and consistency towards all traders concerned throughout that coordinated action, the competent authorities concerned by the infringements should conduct a common assessment of the underlying practices but should address a separate common position to each trader forming part of the single coordinated action setting out the legal assessment of that trader's conduct. Commitments and enforcement measures should, where applicable, be taken in a coordinated manner but separately in relation to each trader concerned by the coordinated action.

(31) Having regard to the reply by the trader or traders concerned to the common position, the competent authorities concerned by the coordinated action should set out their final assessment of the widespread infringement or widespread infringement with a Union dimension in a final position. The final position should not constitute a binding decision of the competent authorities. It should, however, facilitate, where appropriate, the imposition of enforcement measures in a coordinated manner and inform consumers of the competent authorities' final assessment, thereby making it easier for consumers affected by the widespread infringement or widespread infringement with a Union dimension to seek redress. In order to facilitate the exercise of the power of the competent authorities concerned to make commitments binding on the trader or traders concerned, the final position should include, where applicable, commitments offered by the trader or traders concerned to cease the infringement or to provide redress to consumers affected by the widespread infringement or widespread infringement of the Union dimension as well as the agreed time limit for their implementation.

(32) In the context of widespread infringements or widespread infringements with a Union dimension, the rights of defence of the traders should be respected. This requires, in particular, giving the trader the right to be heard and to use, during the proceedings, the official language or one of the official languages used for official purposes in the

Member State in which the trader is established or resides. It is also essential that Member States ensure that their single liaison offices, competent authorities, other public authorities and, if applicable, designated bodies comply with Union law on the protection of undisclosed know-how and business information.

(33) The competent authorities concerned should take the necessary investigation and enforcement measures within their jurisdiction. However, the effects of widespread infringements or widespread infringements with a Union dimension are not limited to a single Member State. Therefore, cooperation between competent authorities is required to address those infringements and to bring about their cessation or prohibition.

(34) To ensure sufficient deterrence through public enforcement, where it is appropriate for the competent authorities to impose penalties in a coordinated action on the trader or traders responsible for the widespread infringement or the widespread infringement with a Union dimension, it is essential that such penalties are effectively imposed. For that purpose, the competent authorities should designate one of them as a competent authority responsible for the imposition of penalties Any competent authority concerned by the coordinated action can be designated as the competent authority responsible for the imposition of penalties, irrespective of whether it is the competent authority of the Member State in which the trader is established.

(35) In order to avoid infringing the *ne bis in idem* principle, the designated authority should be the only authority responsible for the imposition of penalties. The authority designated to impose penalties should exercise its power without unjustified delay and in accordance with its national law. Where the authority responsible for the imposition of penalties adopts a decision imposing penalties in a coordinated action, it may publish that decision to enable consumers to use it when seeking redress under applicable law.

(36) The competent authority responsible for the imposition of penalties could face difficulties to enforce and collect the penalties where the trader does not have sufficient assets in its territory. It is therefore important to establish rules for cooperation whereby competent authorities should be empowered in their territory and in accordance with their national law to enforce final decisions imposing penalties on behalf of the designated authority responsible for enforcement of penalties. Member States may refuse the request for the enforcement of decisions imposing penalties only where specific conditions are fulfilled.

(37) To ensure the effective performance of its investigative and enforcement tasks, the Commission should retain a margin of discretion in deciding whether to initiate proceedings pursuant to this Regulation. This Regulation should establish a system of shared competence between the Commission and the competent authorities of the Member States. Where the Commission does not initiate proceedings pursuant to this Regulation, the competent authorities of the Member States should remain competent to exercise their investigative and enforcement powers in relation to the widespread infringement with a Union dimension.

(38) Considering their generally limited market share, their reduced capacity to cause widespread harm, and in line with the principle of proportionality, the Commission should not have direct investigative and enforcement powers in relation to traders who are micro, small and medium-sized enterprises.

(39) Due to the shared competence system between the Commission and the competent authorities pursuant to this Regulation, close coordination among enforcers is essential. In the interest of efficiency, to avoid duplication and to ensure compliance with the principle of *ne bis in idem*, single liaison offices and the Commission should cooperate closely. To that end, where the Commission contemplates initiating proceedings with respect to a suspected infringement, but before the formal initiation of those proceedings, the Commission should notify the single liaison offices of all Member States of its intention. The single liaison offices should inform the Commission in a timely manner of any investigations and enforcement measures taking place in its Member State concerning the same trader and related to the facts of the infringement suspected by the Commission.

(40) When the Commission decides to initiate proceedings, single liaisons offices should provide the Commission with all relevant information on any investigative and enforcement measures undertaken by their competent authorities in relation to the alleged infringement since the Commission's notification of its intention to start proceedings. This relevant information should include all information relating to national investigations and enforcement measures that are relevant to a potential or ongoing investigation by the Commission. Accordingly, where a competent authority of a Member State has investigated or has adopted enforcement measures in relation to an infringement of Union laws that protect consumers' interests listed in the Annex of this Regulation, and the facts underlying those measures are relevant to the facts of the infringement suspected by the Commission, the single liaison office should transmit all the relevant information to the Commission. In cooperation with the Commission, single liaisons offices of all Member States should serve as points of contact for investigation and enforcement coordination. Single liaison offices should ensure effective involvement of all relevant competent authorities of their Member State in the cooperation and coordination mechanism between the Commission and Member States.

(41) Where the Commission has exhausted its powers without bringing about the cessation of the infringement, and where that infringement persists and causes, or is likely to cause, serious harm to the collective interests of consumers, it is appropriate to provide for an effective mechanism enabling the Commission to request the competent authorities concerned to exercise the power to limit access to online interfaces, such as websites and applications of the trader concerned. The Commission should make this request only where it is necessary to ensure the effective cessation of the infringement and all powers have been exhausted. When making such a request to the competent authorities concerned, the Commission should have regard to the nature, gravity, duration and scale of the infringement, the extent of the actual or potential consumer detriment and the impact of the requested measure on the legitimate rights and interests of the trader concerned and of any third parties. The requested competent authorities should exercise that power in accordance with the procedural requirements and safeguards applicable under their national law and, where applicable, in accordance with the requirements for orders to act against illegal content pursuant to Regulation (EU) 2022/2065. While competent authorities should also have the possibility to exercise their power to limit access to an online interface of the trader concerned by requesting a third party to implement such measures, the possibility to do so should not give rise to general monitoring and fact-finding obligations where Regulation (EU) 2022/2065 applies to that third party.

(42) Interim measures are an important tool to ensure that, while an investigation is ongoing, the infringement being investigated does not lead to the risk of serious damage to the collective interest of consumers. Interim measures are important to avoid developments that could be very difficult to reverse by a decision taken by the Commission at the end of the proceedings. The Commission should therefore have the power to impose interim measures in the context of proceedings opened in view of the possible adoption of a decision of non-compliance. This power should apply in cases where the Commission has made a *prima facie* finding of infringement of obligations under this Regulation by the trader or traders concerned. Such interim measures, which may include orders to terminate or remedy a given alleged infringement, should not go beyond what is necessary to ensure that serious harm is prevented from occurring, pending the final decision. A decision imposing interim measures should only apply for a specified period, either one ending with the conclusion of the proceedings by the Commission, or for a fixed period which can be renewed insofar as it is necessary and appropriate.

(43) Where, in the course of proceedings which might lead to the adoption of a non-compliance decision by the Commission, the trader concerned offers the Commission commitments such as to meet its concerns, the Commission should be able to adopt decisions which make those commitments binding on the trader concerned. Before adopting commitment decisions, the Commission should seek the views of the single liaison offices of the Member States concerned by the infringement on the effectiveness of those commitments. Commitment decisions adopted by the Commission should find that there are no longer grounds for action by the Commission without taking a final view on whether or not there has been or still is an infringement. Where, in this context, the trader concerned offers remedies to consumers affected by the infringement, such as price reductions, compensation, free repair or replacement, or other appropriate forms of redress, the Commission should have the possibility of including such additional remedial commitments in its commitment decision. Commitment decisions should be without prejudice to the powers of competent authorities and courts, other public authorities and, if applicable, designated bodies, to find whether or not there has been or still is an infringement and, as applicable, decide upon the case, take legal action, or bring the matter before an administrative authority competent to decide on complaints or to initiate appropriate legal proceedings. Without being under any obligation to involve consumer organisations, trader associations, designated bodies and other natural or legal persons, the Commission should also have the possibility to consult consumer organisations, trader associations, designated bodies and other natural or legal persons, where appropriate, on the effectiveness of the commitments proposed by the trader concerned.

(44) In order to ensure that the trader concerned is given the opportunity to be heard on the matters which are part of a Commission's non-compliance decision, the Commission should communicate its preliminary findings to the trader concerned before adopting the non-compliance decision and base its non-compliance decision solely on matters on which the trader concerned has been able to comment. When communicating its preliminary findings to the trader concerned, the Commission should also communicate them to the single liaison offices of the Member States and take their opinion into account in the reasoning underpinning the Commission's non-compliance decision.

(45) In its non-compliance decisions, the Commission should be able to impose fines in order to ensure that its enforcement acts as a deterrent. For the purpose of ensuring effective monitoring of compliance, the trader should provide the Commission with a detailed description of the measures to ensure compliance with the non-compliance decision and should keep the Commission duly informed of the progress of the implementation of these measures.

(46) Compliance with the provisions of regulations subject to enforcement by the Commission pursuant to this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should be laid down for non-compliance with those provisions and breach of the procedural rules in proceedings initiated by the Commission. Those fines and periodic penalty payments should be subject to appropriate limitation periods in accordance with the principles of proportionality and *ne bis in idem*. Where the Commission imposes penalties, it should take into account in this context, and when fixing the amount of the fine, in particular any additional remedial commitments, such as price reductions, compensation, free repair or replacement, or any other appropriate measures or forms of redress, that the trader concerned has taken or offers to mitigate or remedy the harm suffered by consumers as a consequence of the infringement.

(47) The trader concerned and other persons subject to the exercise of the Commission's powers whose interests may be affected by a Commission decision should be given the opportunity of submitting their observations before the decision is adopted. The Commission should widely publicise its decisions. While ensuring the rights of defence of the parties concerned, in particular the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that led up to the decision. The confidentiality of information exchanged between the Commission and the enforcement cooperation framework for national consumer protection authorities should likewise be safeguarded by the Commission.

(48) To ensure compliance with the principle of legal certainty and the uniform application of provisions of Union laws that protect consumers in a system of shared competence, conflicting decisions should be avoided. It is therefore necessary to ensure that competent authorities and courts have all necessary information to ensure that their decisions do not run counter to a decision adopted by the Commission under this Regulation. This is without prejudice to Article 267 TFEU.

(49) To enhance legal certainty, avoid inconsistencies in the application of provisions of the regulations subject to enforcement by the Commission pursuant to this Regulation, and to increase the effectiveness and procedural efficiency of consumer redress mechanisms, the finding of an infringement by the Commission in a final decision pursuant to this Regulation should be deemed to be irrefutably established in actions for redress brought before national courts or administrative authorities against the same trader and concerning the same infringement. The effect of the decision should be limited to the infringement established by the Commission, including the trader concerned, the relevant unlawful conduct identified in the decision, the period during which it occurred and the Member States concerned.

(50) The effective detection of infringements covered by this Regulation should be supported by the exchange of information between competent authorities and the

Commission by the means of issuing alerts if there is a reasonable suspicion of such infringements. It is essential that the Commission and the competent authorities carry out such exchanges of information through alerts carried out within set time limits. The Commission should coordinate the functioning of the information system used for the exchange of information.

(51) To ensure the correct implementation of this Regulation, Member States should confer on designated bodies, European Consumer Centres, consumer organisations, and, where appropriate, trader associations, that have the necessary expertise, the power to issue external alerts to the competent authorities of the relevant Member States and to the Commission about suspected infringements covered by this Regulation. While an external alert does not bind the competent authorities to launch a coordinated action or the Commission to initiate proceedings, the Commission may invite an entity that issued an external alert to present the content of the alert and the concerns raised therein to the competent authorities and the Commission. The Commission should inform the entity that issued an external alert whether or not, on the basis of that alert, the competent authorities launched a coordinated action, or the Commission initiated proceedings. Member States might have appropriate reasons for not conferring on such entities the power to issue external alerts. In this context, where a Member State decides not to allow one of those entities to issue external alerts, it should provide the Commission with an explanation justifying its reasons for doing so.

(52) Sweeps are another form of enforcement coordination that has proven to be an effective tool against infringements of Union laws that protect consumers' interests, and should be retained and strengthened in the future, for both online and offline sectors. In particular, sweeps should be conducted where market trends, consumer complaints or other indications suggest that infringements of Union laws that protect consumers' interests have occurred or are occurring. Sweeps conducted by the competent authorities should be coordinated by the Commission, unless those authorities agree otherwise. In light of the Commission's investigative and enforcement powers, it is also appropriate to empower the Commission to carry out sweeps.

(53) Member States and the Commission should have the possibility to coordinate and jointly organise activities to improve the detection and investigation of infringements and the enforcement of the Union laws that protect consumers' interests. Such activities may, in particular, include the development and use of digital infrastructure and tools in order to adapt the investigations and enforcement to digital business modes, training of officials, including with regards to digital technologies, or the development of common principles or understandings helping traders to better understand and comply with their obligations under Union laws that protect consumers' interests. Data related to consumer complaints might help policymakers at Union and national level to assess the functioning of consumer markets and to detect infringements. The exchange of such data at Union level should be promoted.

(54) It is essential that, in order to contribute to achieving the objective of this Regulation, Member States inform each other and the Commission about their activities in protecting consumers' interests, including about their support for the activities of consumer representatives, their support for the activities of bodies responsible for the extra-judicial settlement of consumer disputes and their support for consumers' access to justice. In cooperation with the Commission, Member States should be able to carry out joint activities with respect to the exchange of consumer policy information in those areas.

(55) To ensure effective enforcement in relation to traders not established in the Union who direct commercial activities to consumers residing in the Union, competent authorities and the Commission should be able to contact those traders. For this purpose, traders not established in the Union should designate a sufficiently mandated legal representative established in the Union. Those traders should ensure that the designated legal representative has the necessary powers and resources to cooperate with the relevant authorities. That could be the case, for example, where a trader appoints a subsidiary undertaking of the same group as the trader, or its parent undertaking, if that subsidiary or parent undertaking is established in the Union. That obligation should allow for the effective oversight and, where necessary, enforcement of the Union laws that protect consumers' interests under this Regulation in relation to the traders concerned. Traders should make information about their designated legal representative publicly available and should present it in a clear and easily accessible manner, for example in a dedicated section of the trader's website or trader's profile on an online platform so that it can be easily identified. For reasons of simplification, traders should, for the purpose of complying with their obligation to designate a legal representative pursuant to this Regulation, have the possibility to designate, where applicable, the same entity designated pursuant to other Union laws.

(56) Widespread infringements with a Union dimension subject to enforcement by the Commission may affect a very large number of consumers across the Union and may be particularly complex to detect, investigate and bring to an end, notably in the evolving digital environment. It is therefore appropriate for the Commission, in close cooperation with single liaison offices, competent authorities, other public authorities and, where applicable, designated bodies, to develop the expertise and capabilities necessary to ensure the effective and consistent enforcement of Union laws that protect consumers To that end, the Commission should be able to coordinate and rely on their expertise, experience and resources, including by identifying emerging consumer issues across the Union, and, where appropriate, through the secondment of Member States' personnel. The Commission should also be able to draw on the expertise of relevant Union bodies, offices and agencies in order to strengthen the Union's capacity to detect, investigate and address complex cross-border consumer infringements. Where appropriate, without being under any obligation to involve consumer organisations, trader associations, and other natural or legal persons, the Commission should have the possibility to consult them in this context.

(57) Complex and evolving business models, particularly in digital markets, require different enforcement authorities and, where applicable, the Commission or other entities established under Union or national law to have the possibility to work in close cooperation and, where applicable, coordinate their enforcement work insofar as the protection of consumers is concerned, in order to ensure coherent, effective and complementary enforcement of this Regulation, of the Union laws that protect consumers' interests and Regulation (EU) 2022/2065, Regulation (EU) 2022/1925 of the European Parliament and of the Council ([26]), Regulation (EU) 2024/1689 of the

[26] 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) (OJ L 265, 12.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/1925/oj).

European Parliament and of the Council ([27]), Regulation (EU) 2016/679 of the European Parliament and of the Council ([28]), Regulation (EU) 2023/988 of the European Parliament and of the Council ([29]), Regulation (EU) 2019/1020 of the European Parliament and of the Council ([30]), Regulation (EU) 2026/2108 of the European Parliament and of the Council ([31]) or [Regulation (EU) YYYY/XXXX of the European Parliament and of the Council (EU KIDS Act) ([32])]. The need to closer cooperate across enforcement domains should however not alter the allocation of competences under the relevant Union laws. To ensure that such cooperation is effective, the relevant competent authorities and the Commission and other entities that in accordance with Union or national law are responsible for enforcing the Union laws that protect consumers' interests and specific other legal acts should have the possibility to exchange information, including information relating to alerts, exploring where possible and relevant the suitability of enabling technical compatibility between the corresponding databases. At the same time, the proportionality principle, the trader's right to an effective defence in accordance with the applicable law, including under the Charter of Fundamental Rights of the European Union, and applicable procedural safeguards, must be respected. Therefore, the competent authorities, the Commission and relevant entities under Union or national law must not share information that they obtained through the exercise their powers to request information, take interviews or statements, or carry out inspections and information of the kind covered by the obligation of professional secrecy. At the same time, information obtained from publicly accessible sources, including where such information is obtained through the use of digital tools or test purchases, including under a cover identity, should, in principle, be exchangeable.

(58) The enforcement challenges that exist go beyond the frontiers of the Union, and the interests of Union consumers need to be protected from rogue traders based in third countries. Hence, international agreements with third countries regarding mutual assistance in the enforcement of Union laws that protect consumers' interests should

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[27] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: http://data.europa.eu/eli/reg/2024/1689/oj).

[28] 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) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[29] Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/988/oj).

[30] Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1020/oj).

[31] Regulation (EU) 2026/2108 of the European Parliament and of the Council of 16 September 2026 establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013 (OJ L, 2026/2108, 19.9.2026, ELI: http://data.europa.eu/eli/reg/2026/2108/oj).

[32] Proposal for a Regulation of the European Parliament and of the Council EU KIDS Act – 'EU Keeping Internet Digital Spaces Accountable and Trustworthy', COM/2026/681 final.

be negotiated. Those international agreements should include the subject matter laid down in this Regulation and should be negotiated at Union level in order to ensure the optimum protection of Union consumers and smooth cooperation with third countries.

(59) Without prejudice to the possibility of cooperating with other competent authorities and, where applicable the Commission and other relevant enforcement entities under Union or national law in accordance with this Regulation, information exchanged between competent authorities should be subject to strict rules on confidentiality and on professional and commercial secrecy, in order to ensure investigations are not compromised or that the reputations of traders are not unfairly harmed. Competent authorities should decide to disclose such information only when appropriate and necessary, in accordance with the principle of proportionality, taking into account the public interest, such as public safety, consumer protection, public health, environmental protection or proper conduct of criminal investigations, and on a case-by-case basis.

(60) In order to ensure that the enforcement under this Regulation remains effective and responsive to evolving market realities and the challenges faced by consumers, while optimising the use of available resources in the public interest, single liaison offices and the Commission should identify common priority areas. In this context, and in order to enhance the transparency of the cooperation network and raise awareness among consumers and the public in general, the Commission should regularly produce and make publicly available an overview of relevant information, statistics and developments in the area of consumer law enforcement, collected within the enforcement framework of the cooperation provided by this Regulation.

(61) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission, to confer on associations representing consumer and, where appropriate, trader, interests at Union level the power to issue external alerts, to lay down the practical and operational arrangements for the functioning of the information system and for the cooperation, coordination and exchange of information, as well as arrangements related to the traders' effective right to defence and the Commission's power to carry out inspections, and monitoring. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([33]).

(62) This Regulation should be without prejudice to sectoral Union rules providing for cooperation among sectoral regulators or to applicable sectoral Union rules on the compensation of consumers for harm resulting from infringements of those rules. This Regulation should also be without prejudice to other cooperation systems and networks set out in sectoral Union legislation. This Regulation should promote cooperation and coordination among the consumer protection network and the networks of regulatory bodies and authorities established by sectoral Union legislation. This Regulation should be without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters.

[33] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 1, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(63) This Regulation should be without prejudice to the right to claim individual or collective compensation, which is subject to the national law, and does not provide for the enforcement of those claims.

(64) This Regulation should be without prejudice to the applicable Union rules concerning the powers of national regulatory bodies established by Union sectoral legislation. Where appropriate and possible, those bodies should use the powers available to them under Union law and national law to bring about the cessation or prohibition of infringements covered by this Regulation, and to assist the competent authorities in doing so.

(65) This Regulation should be without prejudice to the role and the powers of the competent authorities and of the European Banking Authority in relation to the protection of the collective economic interests of consumers in matters concerning payment accounts services and credit agreements relating to residential immovable property under Directive 2014/17/EU of the European Parliament and of the Council ([34]) and Directive 2014/92/EU of the European Parliament and of the Council ([35]).

(66) In view of the existing cooperation mechanisms under Directives 2014/17/EU, 2014/92/EU and [Regulation (EU) [xxxx] of the European Parliament and of the Council on payment services in the internal market and amending Regulation (EU) No 1093/2010 ([36])], the mutual assistance mechanism should not apply to intra-Union infringements of those Directives.

(67) In order to ensure legal clarity and certainty, the enforcement powers of the Commission should be clearly reflected in each respective Regulation. Regulation (EC) No 261/2004 of the European Parliament and of the Council ([37]), Regulation (EC) No 1107/2006 of the European Parliament and of the Council ([38]), Regulation (EU) 2021/782 of the European Parliament and of the Council ([39]), Regulation (EC) No 1008/2008 of the European Parliament and of the Council ([40]), Regulation (EU) No

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[34] Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property (OJ L 60, 28.2.2014, p. 34, http://data.europa.eu/eli/dir/2014/17/oj).

[35] Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214, http://data.europa.eu/eli/dir/2014/92/oj).

[36] [Regulation (EU) xxxx/xxx of the European Parliament and of the Council on payment services in the internal market and amending Regulation (EU) No 1093/2010.]

[37] Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/261/oj).

[38] Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, pp 1, ELI: http://data.europa.eu/eli/reg/2006/1107/oj).

[39] Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/782/oj).

[40] Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).

1177/2010 of the European Parliament and of the Council ([41]), Regulation (EU) No 181/2011 of the European Parliament and of the Council ([42]), and Regulation (EU) 2018/302 of the European Parliament and of the Council ([43]) should therefore be amended accordingly.

(68) Whistleblowers can bring new information to the attention of competent authorities and the Commission to help them to detect breaches of this Regulation and enable them to take action. To ensure that adequate arrangements are in place to enable whistleblowers to alert the competent authorities to actual or potential breaches of this Regulation and to protect the whistleblowers from retaliation, this Regulation should provide that Directive (EU) 2019/1937 of the European Parliament and of the Council ([44]) is applicable to the reporting of breaches, insofar as they fall within the personal scope of that Directive. To enhance legal certainty, the applicability, pursuant to this Regulation and the protection of persons reporting such breaches, should be reflected in that Directive. The Annex to Directive (EU) 2019/1937 should be amended accordingly. It is for the Member States to ensure that, from the date of application of this Regulation, that amendment is reflected in the transposition measures adopted in accordance with that Directive. However, the adoption of national transposition measures is not a condition for the applicability of that Directive regarding the reporting of breaches of this Regulation or the protection of reporting persons.

(69) The Internal Market Information System ('IMI') should be used to establish and maintain an information system for all communications between competent authorities, single liaison offices and the Commission under this Regulation. Regulation (EU) No 1024/2012 of the European Parliament and of the Council ([45]) should therefore be amended accordingly.

(70) The rules on cooperation between national authorities and the Commission in the enforcement of consumer protection laws in the Union are laid down in this Regulation, Regulation (EU) 2017/2394 should therefore be repealed.

(71) Information relating to requests for mutual assistance or coordinated investigation and enforcement actions pursuant to Regulation (EU) 2017/2394 that are pending or ongoing on the date on which this Regulation enters into application should be transferred to the database set up in accordance with this Regulation.

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[41] Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1, ELI: http://data.europa.eu/eli/reg/2010/1177/oj).

[42] Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1, ELI: http://data.europa.eu/eli/reg/2011/181/oj).

[43] Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60I, 2.3.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/302/oj).

[44] Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p.17, ELI: http://data.europa.eu/eli/dir/2019/1937/2024-12-30).

[45] Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (OJ L 316, 14.11.2012, p. 1–11, ELI: http://data.europa.eu/eli/reg/2012/1024/2022-02-21).

(72) Since the objective of this Regulation, namely, cooperation between national authorities responsible for the enforcement of consumer protection laws, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(73) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ([46]) and delivered an opinion on [DATE].

HAVE ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS AND COMPETENCES

Article 1

Subject matter

1. This Regulation lays down the conditions and procedures under which competent authorities cooperate and coordinate actions with each other and with the Commission, in order to enforce compliance with the Union laws that protect consumers' interests and to ensure the smooth functioning of the internal market.

2. This Regulation also establishes investigation and enforcement powers for the Commission in relation to widespread infringements with a Union dimension and lays down the conditions and procedures under which the Commission can exercise those powers.

Article 2

Scope

1. This Regulation shall apply to intra-Union infringements, widespread infringements and widespread infringements with a Union dimension, irrespective of where the trader or traders concerned have their place of establishment, even if those infringements have ceased before enforcement starts or is completed.

[46] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39, http://data.europa.eu/eli/reg/2018/1725/oj).

2. This Regulation is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction and applicable laws.

3. This Regulation is without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters, in particular the operation of the European Judicial Network.

4. This Regulation is without prejudice to the fulfilment by the Member States of any additional obligations in relation to mutual assistance for the protection of the collective economic interests of consumers, including in criminal matters, stemming from other legal acts, including bilateral or multilateral agreements.

5. This Regulation is without prejudice to:

   (a) Directive (EU) 2020/2018 of the European Parliament and of the Council ([47]);

   (b) Regulation (EU) 2022/2065;

   (c) Regulation (EU) 2022/1925;

   (d) Union laws on the protection of personal data, in particular Regulation (EU) 2016/679 and Regulation (EU) 2025/2518 of the European Parliament and of the Council[48];

   (e) Regulation (EU) 2024/1689.

6. This Regulation is without prejudice to the possibility of bringing private enforcement actions under national law.

7. This Regulation is without prejudice to national law applicable to compensation of consumers for harm caused by infringements of Union laws that protect consumers' interests.

8. Chapter II, Section 2 of this Regulation does not apply to intra-Union infringements of Directives 2014/17/EU, 2014/92/EU, and [Regulation on payment services in the internal market and amending Regulation (EU) No 1093/2010].

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'Union laws that protect consumers' interests' means the Regulations and the Directives, as transposed into the internal legal order of the Member States, that are listed in the Annex to this Regulation;

(2) 'intra-Union infringement' means any act or omission contrary to Union laws that protect consumers' interests that has done, does or is likely to do harm to the collective interests of consumers residing in a Member State other than the Member State in which:

[47] Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1, ELI: http://data.europa.eu/eli/dir/2020/1828/oj).

[48] Regulation (EU) 2025/2518 of the European Parliament and of the Council of 26 November 2025 laying down additional procedural rules on the enforcement of Regulation (EU) 2016/679 (OJ L, 2025/2518, 12.12.2025, ELI: http://data.europa.eu/eli/reg/2025/2518/oj).

(a) the act or omission originated or took place;

(b) the trader responsible for the act or omission is established or resides; or

(c) evidence or assets of the trader pertaining to the act or omission are located;

(3) 'widespread infringement' means:

(a) any act or omission contrary to Union laws that protect consumers' interests that has done, does or is likely to do harm to the collective interests of consumers residing in at least two Member States other than the Member State or third country in which:

(i) the act or omission originated or took place;

(ii) the trader responsible for the act or omission is established or resides; or

(iii) evidence or assets of the trader pertaining to the act or omission are located; or

(b) any acts or omissions contrary to Union laws that protect consumers' interests that have done, do or are likely to do harm to the collective interests of consumers and that have common features, including the same unlawful practice, the same interest being infringed and that are occurring concurrently in at least three Member States;

(4) 'widespread infringement with a Union dimension' means a widespread infringement that has done, does or is likely to do harm to the collective interests of consumers in at least two-thirds of the Member States, accounting, together, for at least two-thirds of the population of the Union;

(5) 'infringement covered by this Regulation' means intra-Union infringements, widespread infringements and widespread infringements with a Union dimension;

(6) 'competent authority' means any public authority established either at national, regional or local level and designated by a Member State as responsible for enforcing the Union laws that protect consumers' interests;

(7) 'single liaison office' means the public authority designated by a Member State as responsible for coordinating the application of this Regulation within that Member State;

(8) 'designated body' means a body having a legitimate interest in the cessation or prohibition of infringements of the Union laws that protect consumers' interests which is designated by a Member State and instructed by a competent authority for the purpose of gathering the necessary information and to take the necessary enforcement measures available to that body under national law in order to bring about the cessation or prohibition of the infringement, and which is acting on behalf of that competent authority;

(9) 'applicant authority' means the competent authority that makes a request for mutual assistance or a request for the enforcement of a decision imposing fines or periodic penalty payments pursuant to Article 24;

(10) 'requested authority' means the competent authority that receives a request for mutual assistance or a request for the enforcement of a decision imposing fines or periodic penalty payments pursuant to Article 24;

(11) 'trader' means any natural person, or any legal person irrespective of whether it is privately or publicly owned, who is acting, including through any person acting in

his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

(12) ‘consumer’ means any natural person who acts for purposes which are outside that person’s trade, business, craft or profession;

(13) ‘harm to collective interests of consumers’ means actual or potential harm to the interests of a number of consumers that are affected by intra-Union infringements, by widespread infringements or by widespread infringements with a Union dimension;

(14) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications;

(15) ‘sweeps’ means concerted investigations of consumer markets through simultaneous coordinated control actions to check compliance with, or to detect infringements of, Union laws that protect consumers’ interests;

(16) ‘turnover’ means the amount derived by an undertaking within the meaning of Article 5(1) of Council Regulation (EC) No 139/2004 ([49]).

Article 4

Competences

1. Member States shall have the power to investigate and take enforcement measures with regards to intra-Union infringements in accordance with Chapter II, Section 2 and with regards to widespread infringements and widespread infringements with a Union dimension in accordance with Chapter II, Section 3.

2. The Commission shall have the power to investigate and take enforcement measures with regards to widespread infringements with a Union dimension in accordance with Chapter III.

3. Member States and the Commission shall apply this Regulation in close cooperation and shall coordinate their enforcement activities with to ensure the consistent, effective and coherent application of Union laws that protect consumers’ interests.

CHAPTER II

INVESTIGATION AND ENFORCEMENT BY COMPETENT AUTHORITIES

SECTION 1

Competent authorities and their powers

[49] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 12, ELI: http://data.europa.eu/eli/reg/2004/139/oj).

Article 5

Competent authorities and single liaison offices

1. Each Member State shall designate one or more competent authorities and the single liaison office that are responsible for the application of this Regulation.

2. Competent authorities shall fulfil their obligations under this Regulation as though acting on behalf of consumers in their own Member State and on their own account.

3. Within each Member State, the single liaison office shall be responsible for coordinating the investigation and enforcement activities of the competent authorities, other public authorities referred to in Article 6 and, if applicable, designated bodies, in relation to infringements covered by this Regulation.

4. Member States shall ensure that competent authorities and single liaison offices have the necessary resources for the application of this Regulation, including sufficient budgetary and other resources, expertise, procedures and other arrangements.

5. Where there is more than one competent authority in their territory, Member States shall ensure that the respective duties of those competent authorities are clearly defined and that they collaborate closely in order to discharge those duties effectively.

Article 6

Cooperation within Member States

1. Each Member State shall ensure that its competent authorities, other public authorities and, if applicable, designated bodies cooperate effectively with one another in the application of this Regulation.

2. Other public authorities referred to in paragraph 1 shall, at the request of a competent authority, take all necessary measures available to them under national law in order to bring about the cessation or prohibition of infringements covered by this Regulation.

3. Member States shall ensure that the other public authorities referred to in paragraph 1 have the means and powers necessary to cooperate effectively with the competent authorities in the application of this Regulation. Those other public authorities shall regularly inform the competent authorities about the measures taken in the application of this Regulation.

Article 7

Role of designated bodies

1. Where applicable, a competent authority (‘instructing authority’) may, in accordance with its national law, instruct a designated body to gather the necessary information regarding an infringement covered by this Regulation or to take the necessary enforcement measures available to it under national law, in order to bring about the cessation or prohibition of that infringement. The instructing authority shall only instruct a designated body if, after consulting the applicant authority or the other competent authorities concerned by the infringement covered by this Regulation, both the applicant authority and the requested authority, or all competent authorities concerned, agree that the designated body is likely to obtain the necessary

information or to bring about the cessation or the prohibition of the infringement in a manner that is at least as efficient and effective as the instructing authority would have done.

2. Where the applicant authority or the other competent authorities concerned by an infringement covered by this Regulation are of the view that the conditions set out in paragraph 1 have not been fulfilled, they shall inform the instructing authority in writing without delay, setting out the reasons justifying that view. If the instructing authority does not share that view, it may refer the matter to the Commission, which shall issue an opinion on the matter without delay.

3. The instructing authority shall continue to be obliged to gather the necessary information or to take the necessary enforcement measures if:

   (a) the designated body fails to obtain the necessary information or to bring about the cessation or prohibition of the infringement covered by this Regulation without delay; or

   (b) the competent authorities concerned by an infringement covered by this Regulation do not agree that the designated body may be instructed pursuant to paragraph 1.

4. The instructing authority shall take all necessary measures to prevent the disclosure of information which is subject to the rules on confidentiality and on professional and commercial secrecy laid down in Article 64.

Article 8

Information and lists

1. Each Member State shall, without delay, communicate to the Commission the following information and any changes thereto:

   (a) the identities and contact details of the competent authorities, of the single liaison office, of the designated bodies and of the entities issuing external alerts pursuant to Article 55; and

   (b) information about the organisation, powers and responsibilities of the competent authorities.

2. The Commission shall maintain and update on its website a publicly available list of competent authorities, single liaison offices, designated bodies and entities issuing external alerts pursuant to Article 55(1) or (2).

Article 9

Minimum powers of competent authorities

1. Each competent authority shall have the minimum investigation and enforcement powers set out in paragraphs 3, 4, 6 and 7 of this Article that are necessary for the application of this Regulation and shall exercise those powers in accordance with Article 10.

2. Notwithstanding paragraph 1, Member States may decide not to confer all the powers on every competent authority, provided that each of those powers can be exercised

effectively and as necessary in relation to any infringement covered by this Regulation in accordance with Article 10.

3. Competent authorities shall have at least the following investigation powers:

(a) to access any documents, data or information related to an infringement covered by this Regulation, in any form or format and irrespective of their storage medium, or the place where they are stored;

(b) to use digital tools, including, but not limited to software, enabling data collection by means of automated or intermediated access;

(c) to require the trader concerned to technically enable automated or intermediated access where technical obstacles prevent or otherwise obstruct the use of such tools;

(d) to require any public authority, body or agency within their Member State or any natural person or legal person to provide any information, data or documents, in any form or format and irrespective of their storage medium, or the place where they are stored, for the purposes of establishing whether an infringement covered by this Regulation has occurred or is occurring, and for the purposes of establishing the details of such infringement, including tracing financial and data flows, ascertaining the identity of persons involved in financial and data flows, and ascertaining bank account information and ownership of websites;

(e) to carry out necessary on-site inspections, including the power to enter any premises, land or means of transport that the trader or traders concerned by the inspection use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;

(f) to seize any information, data or documents for a necessary period and to the extent necessary for the inspection;

(g) to request any representative or member of the staff of the trader or traders concerned by the inspection to give explanations of facts, information, data or documents relating to the subject matter of the inspection and to record the answers;

(h) to ask any member of staff or representative of the trader or traders concerned or any other natural or legal person who consents to give explanations in respect to any information related to a suspected infringement covered by this Regulation and to record their answers;

(i) to purchase goods or services as test purchases, where necessary and notwithstanding Article 4 of Regulation (EU) 2023/1113 of the European Parliament and of the Council ([50]), under a cover identity, in order to detect infringements covered by this Regulation and to obtain evidence, including the power to inspect, observe, study, disassemble or test goods or services.

[50] Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 (OJ L 150, 9.6.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1113/oj).

4. Competent authorities shall have at least the following enforcement powers:

(a) to adopt interim measures to avoid the risk of imminent and serious harm to the collective interests of consumers;

(b) to invite the trader or traders to propose commitments to ensure compliance with the laws protecting consumers' interests and to make those commitments binding on the trader or traders concerned;

(c) to receive from the trader or traders, on the traders' initiative, additional remedial commitments for the benefit of consumers that have been affected by the alleged infringement covered by this Regulation, or, where appropriate, to seek to obtain commitments from the trader or traders to offer adequate remedies to the consumers that have been affected by that infringement and to make these commitments binding on the trader or traders concerned;

(d) where applicable, to inform, by appropriate means, consumers that claim that they have suffered harm as a consequence of an infringement covered by this Regulation about how to seek compensation;

(e) to bring about the cessation or the prohibition of infringements covered by this Regulation;

(f) to bring about the cessation or the prohibition of the infringement covered by this Regulation and in order to avoid the risk of serious harm to the collective interests of consumers, and where applicable, in accordance with Articles 8 and 9 of Regulation (EU) 2022/2065:

(i) to remove content or to restrict access to an online interface or to order the explicit display of a warning to consumers when they access an online interface;

(ii) to order a hosting service provider to remove, disable or restrict access to an online interface; or

(iii) where appropriate, to order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to register it;

(iv) to request a third party or other public authority to implement the measures set out in points (i)-(iii) of this point.

(g) to impose penalties, including fines or periodic penalty payments, for infringements covered by this Regulation and for the failure to comply with any decision, order, interim measure, traders' commitment or other measure adopted by the competent authority pursuant to this Regulation.

The penalties referred to in point (g) shall be proportionate, dissuasive and effective, in accordance with the requirements of Union laws that protect consumers' interests. In particular, due regard shall be given, as appropriate, to the nature, gravity and duration of the infringement in question.

5. The power to impose penalties, such as fines or periodic penalty payments, for infringements covered by this Regulation applies to any infringement of Union laws that protect consumers' interests, where the relevant Union legal act listed in the Annex provides for penalties. This is without prejudice to the power of competent authorities under national law to impose penalties, such as administrative or other

fines, or periodic penalty payments, in cases where the Union legal acts listed in the Annex do not provide for penalties.

6. Competent authorities shall have the power to start investigations or proceedings on their own initiative to bring about the cessation or prohibition of infringements covered by this Regulation.

7. Competent authorities may publish any final decision, traders' commitments or orders adopted pursuant to this Regulation, including the publication of the identity of the trader or traders responsible for the infringement covered by this Regulation.

8. Where applicable, competent authorities may consult consumer organisations, trader associations, designated bodies or other persons concerned, regarding the effectiveness of the proposed commitments in bringing the infringement covered by this Regulation to an end.

Article 10

Exercise of minimum powers

1. The powers set out in Article 9 shall be exercised either:

   (a) directly by competent authorities under their own authority;

   (b) where appropriate, by recourse to other competent authorities or other public authorities;

   (c) by instructing designated bodies, if applicable; or

   (d) by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

2. The implementation and the exercise of powers set out in Article 9 in application of this Regulation shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards, with the fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union and, where applicable, Articles 8 and 9 of Regulation (EU) 2022/2065. The investigation and enforcement measures adopted in application of this Regulation shall be appropriate to the nature and the overall actual or potential harm of the infringement of Union laws that protect consumers' interests.

SECTION 2

Mutual assistance mechanism

Article 11

Requests for information and investigative measures

1. At the request of an applicant authority, a requested authority shall, without delay, and at the latest 30 days from the date of receipt of the request, unless an extension of this time limit can be justified by objective reasons, provide to the applicant authority any relevant information necessary to establish whether an intra-Union

infringement has occurred or is occurring, and to bring about the cessation of that infringement.

2. The requested authority shall undertake the appropriate and necessary investigative or other measures in order to gather the required information. If necessary, the investigations shall be carried out with the assistance of other public authorities or designated bodies.

3. On request from the applicant authority, the requested authority may allow officials of the applicant authority to accompany the officials of the requested authority in the course of their investigative measures.

Article 12

Requests for enforcement measures

1. At the request of an applicant authority, a requested authority shall take all necessary and proportionate enforcement measures to bring about the cessation or prohibition of the intra-Union infringement by exercising the powers set out in Article 9 and any additional powers granted to it under national law.

2. The requested authority shall determine the appropriate enforcement measures needed to bring about the cessation or prohibition of the intra-Union infringement and shall take them without delay and not later than 4 months after receiving the request, unless it provides specific reasons that objectively justify the extension of that period. Where appropriate, the requested authority shall impose penalties, such as fines or periodic penalty payments, on the trader concerned. The requested authority may receive from the trader, on the trader's initiative, additional remedial commitments for the benefit of consumers that have been affected by the alleged intra-Union infringement, or, where appropriate, may seek to obtain commitments from the trader to offer adequate remedies to consumers that have been affected by that infringement.

3. To avoid the risk of serious harm to the collective interests of consumers, the requested authority may decide to apply interim measures without delay and not later than 4 weeks after receiving the request unless the requested authority provides specific reasons that objectively justify the extension of that period.

4. The requested authority shall regularly inform the applicant authority about the steps and measures taken and the steps and measures that it intends to take. The requested authority shall notify without delay the applicant authority, the competent authorities of other Member States and the Commission of the measures taken and the effect of those measures on the intra-Union infringement, including the following:

   (a) whether interim measures have been imposed;

   (b) whether the infringement has ceased;

   (c) which measures have been adopted, and whether those measures have been implemented;

   (d) the extent to which consumers affected by the alleged infringement have been offered remedial commitments.

Article 13

Procedure for requests for mutual assistance

1. When making a request for mutual assistance, the applicant authority shall provide the information necessary to enable the requested authority to fulfil that request, including any information which can only be obtained in the Member State of the applicant authority. It shall include, where available, the information contained in Article 54(3).

2. The applicant authority shall send such requests for mutual assistance to the single liaison office of the Member State of the requested authority and to the single liaison office of the Member State of the applicant authority for information. The single liaison office of the Member State of the requested authority shall pass the requests on to the appropriate competent authority without delay, and in any event within 14 days, unless that single liaison office requests an extension of this time limit that can be justified by objective circumstances.

3. Requests for mutual assistance and all related communications shall be made in writing and shall be communicated electronically using the standard forms in the information system provided for in Article 66.

4. The competent authorities concerned shall agree on the languages to be used for requests for mutual assistance and for all communications linked to them.

5. Where no agreement can be reached between the authorities concerned on the languages to be used, the requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant authority and replies in the official language, or one of the official languages, of the Member State of the requested authority. In that case, each competent authority shall be responsible for the necessary translations of the requests, replies and other documents that it receives from another competent authority.

6. The requested authority shall reply to requests for mutual assistance directly to the applicant authority and to the single liaison offices of the Member States of the applicant authority and of the requested authority.

Article 14

Refusal to comply with a request for mutual assistance

1. A requested authority may refuse to comply with a request for information under Article 11 if one or more of the following applies:

   (a) following a consultation with the applicant authority, it appears that the information requested is not needed by the applicant authority to establish whether an intra-Union infringement has occurred or is occurring, or to establish whether there is a reasonable suspicion that it may occur;

   (b) the applicant authority does not agree that the information is subject to the rules on confidentiality and on professional and commercial secrecy laid down in Article 64;

   (c) criminal investigations or judicial proceedings have already been initiated against the same trader in respect of the same intra-Union infringement before

the judicial authorities in the Member State of the requested authority or of the requesting authority.

2. A requested authority may refuse to comply with a request for enforcement measures under Article 12 where, having consulted with the requesting authority, one or more of the following applies:

(a) criminal investigations or judicial proceedings have already been initiated, or there is a judgment, a court settlement or a judicial order in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested authority;

(b) the exercise of the necessary enforcement powers has already been initiated, or an administrative decision has already been adopted in respect of the same intra-Union infringement and against the same trader in the Member State of the requested authority in order to bring about the swift and effective cessation or prohibition of the intra-Union infringement;

(c) following an appropriate investigation, the requested authority concludes that no intra-Union infringement has occurred;

(d) the requested authority concludes that the applicant authority has not provided the information that is necessary in accordance with Article 13(1);

(e) the requested authority has accepted commitments proposed by the trader to cease the intra-Union infringement within a set time limit and that time limit has not yet passed.

However, the requested authority shall comply with the request for enforcement measures under Article 12 where the trader fails to implement accepted commitments within the time limit referred to in the first subparagraph of this point.

3. The requested authority shall inform the applicant authority and the Commission of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.

4. In the event of a disagreement between the applicant authority and the requested authority, either the applicant authority or the requested authority may refer the matter to the Commission, which shall issue an opinion on the matter without delay. Where the matter has not been referred to the Commission, the Commission may nevertheless issue an opinion on its own initiative. For the purpose of issuing that opinion, the Commission may ask for relevant information and documents that have been exchanged between the applicant authority and the requested authority.

5. The Commission shall monitor the functioning of the mutual assistance mechanism and the compliance of competent authorities with the procedures and the time limits for handling requests for mutual assistance. The Commission shall have access to the requests for mutual assistance and to the information and documents that have been exchanged between the applicant authority and requested authority.

6. Where appropriate, the Commission may issue guidance and provide advice to the Member States to ensure the effective and efficient functioning of the mutual assistance mechanism.

SECTION 3

Coordinated investigation and enforcement mechanisms for widespread infringements and for widespread infringements with a Union dimension

Article 15

Procedure for decisions amongst Member States

For matters covered by this Section, the competent authorities concerned shall act by consensus.

Article 16

General principles of cooperation

1. Where there is a reasonable suspicion that a widespread infringement or widespread infringement with a Union dimension is taking place, competent authorities concerned by that infringement and the Commission shall inform each other and the single liaison offices concerned by that infringement without delay, by issuing alerts in accordance with Article 54.

2. The competent authorities concerned by the widespread infringement or widespread infringement with a Union dimension shall coordinate the investigation and enforcement measures that they take to address those infringements. They shall exchange all necessary evidence and information and provide each other and the Commission with any necessary assistance without delay.

3. The competent authorities concerned by the widespread infringement or widespread infringement with a Union dimension shall ensure that all necessary evidence and information are gathered, and that all necessary enforcement measures are taken to bring about the cessation or prohibition of that infringement.

4. Where appropriate, the competent authorities may invite Commission officials and other accompanying persons, who have been authorised by the Commission, to participate in the coordinated investigations, enforcement actions and other activities covered by this Section.

Article 17

Launch of a coordinated action and designation of the coordinator

1. Where there is a reasonable suspicion of a widespread infringement or widespread infringement with Union dimension, the competent authorities concerned by that infringement shall launch a coordinated action which shall be based on an agreement between them and designate one competent authority concerned by that infringement to be the coordinator. If the competent authorities concerned are unable to reach agreement on the designation of the coordinator, the Commission shall take the role of the coordinator.

2. The coordinator shall notify the launch of the coordinated action to the single liaison offices concerned by that infringement, the Commission, and the trader or traders concerned without delay.

3. Where the Commission has a reasonable suspicion of a widespread infringement with a Union dimension, it shall without delay notify the competent authorities and

the single liaison offices concerned by the suspected infringement pursuant to Article 54. The Commission shall state in the notification the grounds which justify a possible coordinated action.

4. The competent authorities concerned by the alleged widespread infringement with a Union dimension shall conduct appropriate investigations on the basis of information that is available or easily accessible to them. The competent authorities concerned by the alleged widespread infringement with a Union dimension shall notify the results of such investigations to the other competent authorities, the single liaison offices concerned by that infringement and the Commission pursuant to Article 54, within 1 month from the date of the Commission's notification. Where such investigations reveal that a widespread infringement with a Union dimension might be taking place, the competent authorities concerned by that infringement shall launch a coordinated action and shall take the measures set out in Articles 19 and 20 as well as, where appropriate, the measures set out in Articles 21 to 26.

5. Coordinated actions addressing widespread infringements with a Union dimension and coordinated actions that concern widespread infringement where several traders are involved in the same conduct simultaneously shall be coordinated by the Commission.

6. A competent authority shall join the coordinated action, if it becomes apparent during that coordinated action that the competent authority is concerned by the widespread infringement or the widespread infringement with a Union dimension.

Article 18

Reasons for refusing to take part in a coordinated action

1. A competent authority may refuse to take part in a coordinated action for any of the following reasons:

   (a) in respect of the same trader or traders, criminal investigations or judicial proceedings have already been initiated, a judgement has been given, or a court settlement has been reached, concerning the same infringement in that competent authority's Member State;

   (b) the exercise of the necessary enforcement powers has already been initiated before the issuing of an alert referred to in Article 17(3), or an administrative decision has been adopted against the same trader or traders in respect of the same infringement in that competent authority's Member State;

   (c) following an appropriate investigation, it is apparent that the actual or potential impact of the alleged widespread infringement or widespread infringement with a Union dimension in that competent authority's Member State is negligible and therefore no enforcement measures need to be adopted by that competent authority;

   (d) the relevant widespread infringement or widespread infringement with a Union dimension has not occurred in that competent authority's Member State and therefore no enforcement measures need to be adopted by that competent authority;

(e) the competent authority has accepted commitments proposed by the trader or traders concerned to cease that infringement in that competent authority's Member State and those commitments have been implemented, and therefore no enforcement measures need to be adopted by that competent authority.

2. The competent authority that refuses to take part in the coordinated action shall inform the Commission and the other competent authorities and single liaison offices concerned by the widespread infringement or widespread infringement with a Union dimension about its decision without delay, stating the reasons for its decision and providing any necessary supporting documents.

Article 19

Investigation measures in coordinated actions

1. The competent authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in an effective, efficient and coordinated manner. They shall seek, simultaneously with one another, to conduct investigations and inspections and, to the extent that national procedural law so allows, to apply interim measures.

2. The mutual assistance mechanism set out in Chapter II, Section 2 may be used if it is needed, in particular to gather necessary evidence and other information from Member States other than the Member States concerned by the coordinated action or to ensure that the trader or traders concerned do not circumvent enforcement measures.

3. The competent authorities concerned by the coordinated action shall endeavour to set out the outcome of the investigation and the assessment of the widespread infringement or widespread infringement with a Union dimension in a common position agreed upon among themselves within six months from the launch of the coordinated action pursuant to Article 17.

If the competent authorities concerned by the coordinated action do not agree on a common position within 12 months after having communicated the launch of the coordinated action pursuant to Article 17, the coordinated action shall be considered closed. The coordinator shall notify the trader or traders concerned thereof.

4. The coordinator shall communicate the common position to the trader or traders concerned without delay.

5. The trader or traders concerned shall be given the opportunity to be heard on the matters forming part of the common position that directly concern them.

6. Where appropriate, and without prejudice to Article 15 and to the rules on confidentiality and on professional and commercial secrecy laid down in Article 64, the competent authorities concerned by the coordinated action may publish the common position or parts thereof on their websites, and may seek the views of consumer organisations, trader associations and other parties concerned. The Commission may publish the common position or parts thereof on its website with the agreement of the competent authorities concerned.

Article 20

Final position

1. The competent authorities concerned by the coordinated action shall set out the outcome of the coordinated action in a final position agreed upon among themselves. The final position shall include a summary of the common position and, where applicable, the commitments proposed by the trader and the time limit for their implementation pursuant to Article 21, provide the information on enforcement measures pursuant to Articles 22 and the competent authority designated pursuant to Article 23. The competent authorities concerned by the coordinated action shall endeavour to agree on the final position no later than 12 months from the launch of coordinated action pursuant to Article 17.
2. The coordinator shall communicate the final position to the trader concerned.
3. Without prejudice to Article 15 or to the rules on confidentiality and on professional and commercial secrecy laid down in Article 64, the competent authorities concerned by the coordinated action shall publish the final position or parts thereof on their websites. The Commission shall publish the final position or parts thereof on its website, unless the competent authorities concerned by the coordinated action provide a justification for non-publication.

Article 21

Commitments in coordinated actions

1. On the basis of a common position adopted pursuant to Article 19(3), the competent authorities concerned by the coordinated action may invite the trader or traders concerned to propose commitments, within 30 days after the communication of the common position pursuant Article 19(4), unless the circumstances of the case justify an extension of that time limit, to cease that infringement. Where, within that time limit, the trader or traders do not propose commitments that are sufficient to ensure the cessation of the infringement, the competent authorities concerned shall proceed with enforcement measures in accordance with Article 22 and inform the trader or traders concerned thereof. The trader or traders concerned may also, on their own initiative, propose commitments to cease that infringement or offer additional remedial commitments to consumers that have been affected by that infringement.
2. The competent authorities concerned by the coordinated action shall assess the proposed commitments and communicate the outcome of the assessment to the trader or traders concerned in their final position adopted in accordance with Article 20, and, where applicable, if additional remedial commitments have been offered by the trader or traders, they shall inform consumers that claim that they have suffered harm as a consequence of the infringement. Where commitments are proportionate and sufficient to bring about the cessation of the widespread infringement or the widespread infringement with a Union dimension, the competent authorities shall accept those commitments and set a time limit within which the commitments shall be implemented in their final position.
3. The competent authorities concerned by the coordinated action shall monitor the implementation of the commitments. They shall in particular ensure that the trader or

traders concerned regularly report to the coordinator on the progress of the implementation of the commitments. The competent authorities concerned by the coordinated action may, where appropriate, seek the views of consumer organisations and experts to verify whether the steps taken by the trader or traders comply with the commitments.

Article 22

Enforcement measures in coordinated actions

1. The competent authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures against the trader or traders concerned to bring about the cessation or prohibition of the widespread infringement or the widespread infringement with a Union dimension.

2. The competent authorities concerned shall take enforcement measures pursuant to paragraph 1 in an effective, efficient and coordinated manner to bring about the cessation or prohibition of the widespread infringement or the widespread infringement with a Union dimension. They shall seek to take enforcement measures simultaneously in the Member States concerned by that infringement.

3. Where appropriate, they shall impose penalties, including fines or periodic penalty payments, on the trader or traders concerned in accordance with Articles 23 to 26. They may receive from the trader or traders concerned, on their initiative, additional remedial commitments for the benefit of consumers that have been affected by the infringement, or, where appropriate, may invite the trader or traders concerned to offer adequate remedies to the consumers that have been affected by that infringement.

4. Enforcement measures shall in particular be appropriate where:

   (a) an immediate enforcement action is necessary to bring about the swift and effective cessation or prohibition of the infringement;

   (b) it is unlikely that the infringement will cease as a result of the commitments proposed by the trader or traders concerned;

   (c) the trader or traders concerned have not proposed commitments before the expiry of a time limit set by the competent authorities concerned;

   (d) the commitments that the trader or traders concerned proposed are insufficient to ensure the cessation of the infringement or, where appropriate, to provide a remedy to consumers harmed by the infringement; or

   (e) the trader or traders concerned have failed to implement the commitments to cease the infringement or, where appropriate, to provide a remedy to consumers harmed by the infringement, within the time limit referred to in Article 21(2).

Article 23

Designation of the competent authority for the imposition of penalties in coordinated actions

1. After the launch of a coordinated action, and no later than 60 days after having communicated the common position to the trader or traders concerned, the competent authorities concerned by the coordinated action shall designate from among themselves one competent authority that will be responsible for adopting, in accordance with its national law, a decision imposing penalties pursuant to Article 22(3).

2. Where a coordinated action concerns several traders involved in the same conduct, the competent authorities concerned may designate different competent authorities as responsible for the adoption of a decision imposing penalties pursuant to paragraph 1 for the different traders concerned.

3. When within 60 days after having communicated the common position to the trader or traders concerned, the competent authorities concerned by a coordinated action do not reach an agreement on the designation of a competent authority responsible for the adoption of a decision imposing penalties pursuant to paragraph 1, the coordinated action shall be considered closed.

4. The designation of the competent authority responsible for the adoption of a decision imposing penalties pursuant to paragraph 1 shall relieve the other competent authorities concerned by the coordinated action from their power to impose penalties pursuant to Article 9(4), point (g).

5. The competent authority responsible for the adoption of a decision imposing penalties shall initiate proceedings leading to the adoption of a decision imposing penalties without delay and not later than six months after the competent authorities concerned by the coordinated action set out the outcome of the coordinated action in the final position agreed upon among themselves in accordance with Article 20.

6. Before adopting a decision imposing penalties on the trader or traders concerned, the competent authority responsible for the adoption of a decision imposing penalties shall consult the other competent authorities concerned on the amount of the penalty.

Article 24

Requests for the enforcement of decisions imposing penalties

1. At the request of the competent authority responsible for the adoption of a decision imposing of penalties designated in accordance with Article 23(1), the requested authority shall, in accordance with its national law, enforce or without delay initiate proceedings for the enforcement of decisions imposing fines or periodic penalty payments adopted in accordance with Article 23(5).

2. Paragraph 1 shall apply only to the extent that the applicant authority made reasonable efforts to enforce the decision in its territory and ascertained that the trader against which the fine or periodic penalty are enforceable does not have sufficient assets in the territory of its Member State to enable recovery of the fine or periodic penalty payment.

3. Notwithstanding Article 67, the requested authority may recover its full costs resulting from the collection of the fines from the payment of fines, including translation and administrative costs. Where the amount of the fine or periodic penalty payment does not cover the reasonable costs incurred, or where the requested authority is unsuccessful in collecting the fine or periodic penalty payment despite

making all reasonable efforts to do so, the requested authority may request the applicant authority to bear the costs incurred in full or in part. In such case, the applicant authority shall bear those costs.

4. The requested authority shall recover the amounts due under paragraphs 1, 2, and 3 in the currency of its Member State and in accordance with its national law and shall transmit such amounts to the applicant authority without delay.

Article 25

Requirements for requesting the enforcement of decisions imposing penalties

1. The authority responsible for the adoption of a decision imposing penalties requesting from another authority the enforcement of that decision in accordance with Article 24 shall:

   (a) state the legal basis and the purpose of the request, including the description of the infringement and the amount of the fine or periodic penalty payment as well as the exact amount for which enforcement is requested;

   (b) attach a copy of the act to be enforced;

   (c) provide information showing that the enforcement of the decision imposing penalties in its own Member State was not possible;

   (d) provide any additional relevant information necessary to enable the requested authority to fulfil the request.

2. Requests for enforcement and all related communications shall be made in writing and shall be communicated electronically through the information system provided for in Article 66.

Article 26

Refusal to comply with a request for enforcement of decisions imposing penalties

1. A requested authority may refuse to comply with the request submitted in accordance with Article 24 where:

   (a) the request does not comply with the requirements set out in Article 25;

   (b) the requested authority demonstrates that the execution of the request would be contrary to the public policy of its Member State;

   (c) the requested authority demonstrates that the costs relating to the collection of the penalty would likely exceed the amount that can be collected in its Member State.

2. A requested enforcement authority that intends to refuse a request for the enforcement of a decision imposing penalties shall inform the applicant authority thereof without delay and shall provide reasons for the refusal.

Article 27

Closure of the coordinated actions

1. The coordinated action shall be closed if the competent authorities concerned by the coordinated action conclude that the widespread infringement or widespread infringement with a Union dimension has ceased or has been prohibited in all Member States concerned, that no such infringement was committed, or there is insufficient evidence to prove the infringement.

2. The coordinator shall notify the Commission, the trader or traders concerned, and the competent authorities and the single liaison offices of the Member States concerned by the coordinated action of the closure of the coordinated action without delay.

Article 28

Role of the coordinator

1. The coordinator designated in accordance with Article 17 or Article 57 shall in particular:

   (a) ensure that all the competent authorities concerned and the Commission are duly informed, in a timely manner, of the progress of the investigation or of any enforcement measures, as applicable, and of any anticipated next steps and the measures to be adopted;

   (b) coordinate and monitor the investigation measures taken by the competent authorities concerned in accordance with this Regulation;

   (c) coordinate the preparation and sharing of all necessary documents among the competent authorities concerned and the Commission;

   (d) be the contact point for the trader or traders and other parties concerned by the investigation or enforcement measures;

   (e) where applicable, coordinate the assessment, the consultations and the monitoring by the competent authorities concerned as well as other steps necessary to process and implement commitments proposed by the trader or traders concerned;

   (f) where applicable, coordinate enforcement measures taken by the competent authorities concerned;

   (g) coordinate requests for mutual assistance submitted by the competent authorities concerned.

2. The coordinator shall not be held responsible for the actions or the omissions of the competent authorities concerned when they make use of the powers set out in Article 9.

3. Where the coordinated actions concern widespread infringements or widespread infringements with a Union dimension of the legal acts of the Union referred to in Article 2(8), the coordinator shall invite the European Banking Authority to act as an observer.

Article 29

Language arrangements for communication among competent authorities

1. The languages used by the competent authorities for notifications, and for all other communications covered by this Section which are linked to the coordinated actions and sweeps shall be agreed upon by the competent authorities concerned.

2. Where no agreement can be reached between the competent authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member State making the notification or other communication. In that case, where necessary, each competent authority concerned shall be responsible for translating the notifications, communications and other documents that it receives from other competent authorities.

Article 30

Language arrangements for communication with traders

For the procedures set out in this Section, the trader or traders concerned shall be entitled to communicate in the official language or one of the official languages used for official purposes of the Member State in which the trader or traders or, where applicable, their legal representative is established or resides.

CHAPTER III

INVESTIGATION AND ENFORCEMENT BY THE COMMISSION

Article 31

Exclusion of micro, small or medium-sized enterprises

This Chapter shall not apply to traders that qualify as micro, small or medium-sized enterprises as defined in Commission Recommendation 2003/361 ([51]).

Article 32

Initiation of proceedings by the Commission

1. The Commission may initiate proceedings in view of the possible adoption of decisions pursuant to Article 42 and Article 43 where it has a reasonable suspicion of a widespread infringement with a Union dimension which is in violation of one or several of the following legal acts or the provisions concerned:

   (a) Regulation (EC) No 261/2004;

   (b) Regulation (EC) No 1107/2006;

   (c) Regulation (EU) 2021/782;

[51] Commission Recommendation 2003/361 of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).

(d) Article 23 of Regulation (EC) No 1008/2008;

(e) Regulation (EU) No 1177/2010;

(f) Regulation (EU) No 181/2011;

(g) Regulation (EU) 2018/302;

(h) Regulation (EU) 2017/1128 of the European Parliament and of the Council ([52]);

(i) [Regulation (EU) YYYY/XXXX (Digital Fairness Act): except for Article 2(3), (4), (7) and (8) and Article 28(3).]

2. The Commission may exercise its investigatory powers pursuant to Articles 34 to 37 before deciding to initiate proceedings in accordance with paragraph 1 of this Article.

3. The Commission shall notify the trader concerned and the single liaison offices in all Member States of its decision to initiate proceedings in accordance with paragraph 1.

4. Without prejudice to Article 33(4), the initiation of proceedings by the Commission in accordance with paragraph 1 shall relieve any competent authority and any other public authority, where applicable, of their investigation and enforcement powers under Article 9 and, where applicable, any additional powers granted to them under national law with respect to the same trader, concerning the same facts as those underlying the infringement investigated by the Commission.

Article 33

Cooperation between the Commission and the single liaison offices

1. Where the Commission has a reasonable suspicion of a widespread infringement of a Union dimension, but it has not yet adopted a decision to initiate proceedings in accordance with Article 32(1), the Commission shall inform the single liaison offices in all Member States of that suspicion.

2. Without delay, and in any event within 30 days following the receipt of the information referred to in paragraph 1, the single liaison offices shall inform the Commission about any ongoing investigations or about any enforcement measures taken in their Member State with respect to the same trader and concerning the same facts as those underlying the infringement suspected by the Commission.

3. Where the Commission has decided to initiate proceedings in accordance with Article 32(1), the single liaison offices of all Member States shall, without delay and in any event within 30 days following the notification referred to in Article 32(3), share up-to-date information on any investigation or any enforcement measures taken in their Member State before the receipt of that notification with respect to the same trader and concerning the same facts as those underlying the infringement suspected by the Commission.

[52] Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market (OJ L 168, 30.6.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/1128/oj).

Upon request by the Commission, the single liaison offices shall transmit to the Commission any additional information available in their Member State about those investigations or enforcement measures without delay.

4. The Commission may request assistance from the competent authorities in the exercise of its powers provided for in this Chapter.

The single liaison offices that have received such a request shall cooperate with the Commission. The competent authorities that have received a request shall use their powers conferred on them pursuant to Article 9 and, where applicable, any other powers available to them under national law in relation to the trader concerned and with regard to information, persons or premises located within the territory of their Member State related to the request.

5. Single liaison offices shall cooperate and coordinate with their national competent authorities, other public authorities and, if applicable, designated bodies in carrying out their tasks in accordance with paragraphs 1 to 3.

Article 34

Request for information

1. The Commission may, by simple request or by decision, require any natural or legal person that may be reasonably aware of information relating to the suspected widespread infringement with a Union dimension to provide such information within a reasonable period of time. The Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time limit within which the information is to be provided.

2. When sending a simple request for information in accordance with paragraph 1, the Commission shall inform the person concerned about the fines provided for in Article 43(2), point (b) for supplying incorrect, incomplete or misleading information.

3. When requesting information by decision in accordance with paragraph 1, the Commission shall inform the person concerned about the fines provided for in Article 43(2), points (b) and (c) and indicate or impose the periodic penalty payments provided for in Article 44(1), point (e).

4. The trader concerned or other person referred to in paragraph 1 or their representatives and, in the case of legal persons, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested, on behalf of the trader concerned or other persons referred to in paragraph 1. Lawyers duly authorised to act may supply the information on behalf of their clients. The trader concerned or other person referred to in paragraph 1 shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.

5. The Commission shall, without delay after sending the simple request or the decision referred to in paragraph 1, send a copy thereof to the single liaison offices, through the information system referred to in Article 66.

Article 35

Interviews and statements

1. The Commission may interview any natural or legal person who consents to being interviewed for the purpose of collecting information relating to the suspected widespread infringement with a Union dimension. The Commission shall be entitled to record such interviews by appropriate technical means.

2. Where the interview referred to in paragraph 1 is conducted on premises other than those of the Commission, the Commission shall inform the single liaison office of the Member State in whose territory the interview takes place. Where requested by the single liaison office concerned, its officials and officials of its competent authorities may assist the officials and other accompanying persons authorised by the Commission in conducting the interview.

3. Any natural person reporting a suspected infringement in the context of the proceedings initiated in accordance with Article 32(1) of this Regulation shall, where applicable, enjoy the protection offered to persons who report breaches of Union law pursuant to Directive (EU) 2019/1937.

Article 36

Test purchases

The Commission may purchase goods or services as part of a test purchase, where necessary and notwithstanding Article 4 of Regulation (EU) 2023/1113, under a cover identity, to detect widespread infringements with a Union dimension of the legal acts listed in Article 32(1) and to obtain evidence, including the power to inspect, observe, study, disassemble or test the goods or services.

Article 37

Inspections

1. The Commission may conduct all necessary inspections at the premises of the trader concerned or of any other natural or legal person acting for purposes related to their trade, business, craft or profession that may be reasonably expected to reveal information relating to the suspected widespread infringement with a Union dimension.

2. The officials and other accompanying persons authorised by the Commission to conduct an inspection shall be empowered to:

   (a) enter any premises, land or means of transport of the trader or of the natural or legal person concerned referred to in paragraph 1;

   (b) examine the books and other records of the trader related to the suspected infringement, irrespective of the medium on which they are stored;

   (c) take or obtain in any form copies of or extracts from such books or other records;

(d) require the trader or other person concerned to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business practices and to record or document the explanations given;

(e) seal any premises used for the purposes related to the trade, business, craft or profession of the trader or other person concerned, as well as books or other records, for the period and to the extent necessary for the inspection;

(f) ask any representative or member of staff of the trader or the other person concerned for explanations on facts or documents relating to the subject-matter and purpose of the inspection and to record the answers;

(g) address questions to any such representative or member of staff relating to the subject-matter and purpose of the inspection and record answers.

3. In good time before the inspection, the Commission shall inform thereof the single liaison office of the Member State in the territory of which the inspection is to be conducted. Inspections may be carried out with the assistance of the single liaison office, competent authorities, or other public authorities, bodies or agencies of the Member State in the territory of which the inspection is conducted.

4. Where the production of required books or other records related to the suspected infringement is incomplete or where the answers to questions asked in accordance with paragraph 2 are incorrect, incomplete or misleading, the officials or other accompanying persons authorised by the Commission shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and, as the case may be, impose the fines and periodic penalty payments provided for in Articles 43(2), point (d) and 44(1), point (f).

5. During inspections, the officials and other accompanying persons authorised by the Commission, the single liaison office, competent authorities, or other public authorities, bodies or agencies of the Member State in the territory of which the inspection is conducted may require the trader or other person concerned to provide explanations on their organisation, functioning, IT system, algorithms, data-handling and business conducts, and may address questions to their personnel.

6. The trader or other person concerned shall be required to submit to an inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the inspection, set the date on which it is to begin and indicate the fines and periodic penalty payments provided for in Articles 43(2), point (d) and 44(1), point (f). The Commission shall consult the single liaison office of the Member State in the territory of which the inspection is to be conducted prior to taking that decision.

7. Officials of, and other persons authorised or appointed by, the single liaison office of the Member State on the territory of which the inspection is to be conducted shall, at the request of the single liaison office or of the Commission, actively assist the officials and other accompanying persons authorised by the Commission in relation to the inspection. To this end, they shall have the powers listed in paragraph 2.

8. Where the officials and other accompanying persons authorised by the Commission find that the trader or the other person concerned opposes an inspection ordered pursuant to this Article, the Member State in the territory of which the inspection is to be conducted shall, at the request of those officials or other accompanying persons and in accordance with the national law of that Member State, afford them necessary

assistance, including where appropriate under that national law, in the form of coercive measures taken by a competent law enforcement authority, so as to enable them to conduct the inspection.

9. Where the assistance provided for in paragraph 8 requires authorisation from a national judicial authority in accordance with the national law of the Member State concerned, such authorisation shall be applied for by the single liaison office or by the competent authorities of that Member State at the request of the officials and other accompanying persons authorised by the Commission to carry out the inspection. Such authorisation may also be applied for as a precautionary measure.

10. Where the authorisation referred to in paragraph 9 is applied for, that national judicial authority shall verify that the Commission decision ordering the inspection is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection.

11. When conducting such verification, the national judicial authority may ask the Commission, directly or through the single liaison office of the Member State concerned, for detailed explanations regarding the suspected infringement, the seriousness of the suspected infringement, and the nature of the involvement therein of the trader or any other natural or legal person. However, the national judicial authority shall not call into question the necessity for the inspection nor demand information from the case file of the Commission. The lawfulness of the Commission decision ordering the inspection shall be subject to review only by the Court of Justice of the European Union.

Article 38

The use of digital tools

1. When carrying out investigations in accordance with Article 34 to 37, the Commission may use digital tools, including, but not limited to software enabling data collection by means of automated or intermediated access.

2. Where necessary, in particular where technical obstacles prevent or otherwise obstruct the effective use of digital tools pursuant to paragraph 1, the Commission may, by simple request or by decision, require the trader or other person concerned to technically enable automated or intermediated access of such tools to their online interfaces based on the identification parameters provided by the Commission. The Commission shall state the legal basis and the purpose of the request, specify what action is required from the trader or other person concerned to technically enable automated or intermediated access to the online interface and set the time limit within which that action is to be confirmed.

3. When sending a simple request pursuant to paragraph 2, the Commission shall inform the trader or person concerned the fines provided for in Article 43(2), point (a) for obstructing the use of digital investigation tools by the Commission.

4. Where the Commission requires the trader or other person concerned to technically enable the use of digital investigation tools by decision pursuant to paragraph 2, it shall inform the trader or other person concerned the fines provided for in Article 43(2), point (a) and indicate or impose the periodic penalty payments provided for in Article 44(1), point (d).

5. The Commission shall, without delay after sending the simple request or the decision referred to in paragraph 2, send a copy thereof to the single liaison offices, through the information system database referred to in Article 66.

Article 39

Request for access restrictions and cooperation with competent authorities and national courts

1. Where all powers pursuant to this Chapter to bring about the cessation of a widespread infringement with a Union dimension in violation of the legal acts listed in Article 32(1) have been exhausted, the infringement persists and causes, or is likely to cause, serious harm to the collective interest of consumers, the Commission may request competent authorities to exercise their powers pursuant to Article 9(4), point (f) in accordance with Article 10 and, where applicable, in accordance with Articles 8 and 9 of Regulation (EU) 2022/2065.

2. Where, in accordance with Article 10(1), points (b) and (c), Member States competent authorities can exercise their power under Article 9(4), point (f) only by recourse to another public authority, including judiciary authority, or by application to courts competent to grant the necessary decision, and where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the competent judicial authority in relation to the widespread infringement with a Union dimension. With the permission of the judicial authority in question, the Commission may also make oral observations. For the preparation of its observations, the Commission may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.

Article 40

Interim measures

1. Where, in the context of the proceedings initiated in accordance with Article 32(1), there is a risk of imminent and serious harm to the collective interest of consumers, the Commission may, by decision, order interim measures against the trader concerned.

2. A decision under paragraph 1 shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.

Article 41

Commitments by the trader

1. Where, during the proceedings initiated in accordance with Article 32(1), the trader concerned offers commitments to ensure compliance with the relevant provisions of the legal acts listed in Article 32(1), the Commission may, by decision, make those commitments and the timeline for their implementation binding on that trader and declare that there are no further grounds for action.

2. If the trader concerned offers additional remedial commitments for the benefits of consumers who have been affected by the suspected infringement, the Commission may make those commitments and the timeline for their implementation binding on the trader concerned in its decision adopted in accordance with paragraph 1.

3. Before adopting the decision referred to in paragraph 1, the Commission shall seek the views of the single liaison offices and competent authorities concerned on the effectiveness of the proposed commitments to cease the infringement and, where applicable, to provide the additional remedies offered by the trader to the benefit of consumers that have been affected by the suspected widespread infringement with a Union dimension. Where appropriate, and without prejudice to the rules on confidentiality and on professional and commercial secrecy laid down in Article 64, the Commission may, in addition, also seek the views of consumer organisations and other experts.

4. The Commission may reopen the proceedings:

   (a) where there has been a material change in any of the facts on which that decision was based;

   (b) where the trader does not comply with its commitments; or

   (c) where that decision was based on incomplete, incorrect or misleading information provided by the trader concerned or other person referred to in Article 34(1).

5. Where the Commission considers that the commitments offered by the trader concerned are unable to ensure effective compliance with the legal acts listed in Article 32(1), it shall reject those commitments and provide reasons in its non-compliance decision adopted in accordance with Article 42(1).

Article 42

Non-compliance

1. The Commission shall adopt a non-compliance decision where it finds that the trader concerned did not or does not comply with one or more of the following:

   (a) the relevant provisions of the legal acts listed in Article 32(1);

   (b) interim measures ordered pursuant to Article 40;

   (c) commitments made binding pursuant to Article 41.

2. The Commission shall endeavour to adopt a non-compliance decision within 12 months from the date of the initiation of proceedings pursuant to Article 32(1).

3. Before adopting a decision in accordance with paragraph 1, the Commission shall communicate its preliminary findings to the trader concerned. In its preliminary findings, the Commission shall explain the measures that it considers taking.

4. In the decision adopted in accordance with paragraph 1, the Commission shall order the trader concerned to take the necessary measures to ensure compliance with that decision within a reasonable period specified therein.

5. The trader concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision referred to in paragraph 1.

6. Where the Commission finds that the conditions of adopting a non-compliance decision are not met, it shall close the proceedings initiated in accordance with Article 32(1) by a decision. The decision shall apply with immediate effect.

Article 43

Fines

1. In the non-compliance decision referred to in Article 42, the Commission may impose on the trader concerned fines not exceeding 6% of the trader's worldwide annual turnover where it finds that the trader, intentionally or negligently:

   (a) breached one or several provision of the legal acts listed in Article 32(1);

   (b) failed to comply with a decision ordering interim measures in accordance with Article 40; or

   (c) failed to comply with binding commitments referred to in Article 41.

2. The Commission may adopt a decision imposing on the trader concerned or other person referred to in Article 34(1) fines not exceeding 1 % of the total annual income or worldwide turnover in the preceding financial year, where they intentionally or negligently:

   (a) obstruct technology assisted investigations by the Commission following a decision taken in accordance with Article 38(2);

   (b) supply incorrect, incomplete or misleading information in response to a simple request or request by a decision made in accordance with Article 34;

   (c) fail to reply to a request for information by decision made in accordance with Article 34 within the set period;

   (d) fail to submit to or otherwise obstruct an inspection conducted in accordance with Article 37;

   (e) fail to rectify, within the period set by the Commission, incorrect, incomplete or misleading information provided by a member of staff during the proceedings, or fail or refuse to provide complete information;

   (f) fail to comply with the conditions for access to the Commission's file pursuant to Article 48.

3. Before adopting a decision pursuant to paragraph 2 of this Article, the Commission shall communicate its preliminary findings to the trader concerned or other person referred to in Article 34.

4. When fixing the amount of the fine, the Commission shall have regard in particular to the following criteria:

   (a) the nature, gravity, scale and duration of the infringement;

   (b) any action taken by the trader to mitigate or remedy the damage suffered by consumers, including, where applicable, additional remedial commitments for

the benefits of consumers that have suffered harm as result of the suspected infringement.

(c) any previous breach of this Regulation or any infringements covered by this Regulation;

(d) the financial benefits gained or losses avoided by the trader due to the infringement, if the relevant data are available;

(e) any other aggravating or mitigating factors applicable to the circumstances of the case.

Article 44

Periodic penalty payments

1. The Commission may adopt a decision, imposing on the trader concerned or other person referred to in Article 34, as applicable, periodic penalty payments not exceeding 5 % of the trader's average worldwide daily income, in order to compel them to:

(a) comply with a non-compliance decision adopted pursuant to Article 42;

(b) comply with interim measures ordered pursuant to Article 40;

(c) comply with binding commitments referred to in Article 41;

(d) provide access to the Commission for the use of digital tools in accordance with Article 38;

(e) supply correct and complete information in response to a request for information made in accordance with Article 34;

(f) submit to an inspection ordered in accordance with Article 37.

2. Where the trader concerned or natural or legal person referred to in Article 34 has complied with the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce the amount of the periodic penalty payment.

Article 45

Monitoring

To carry out the tasks assigned to it under this Chapter, the Commission may take the necessary actions to monitor that the trader concerned implements and complies with the decisions adopted by the Commission pursuant to this Regulation. Such actions may include obliging the trader concerned to retain all documents deemed to be necessary to assess the implementation of and compliance with decisions adopted in accordance with this Chapter.

Article 46

Limitation period for the imposition of penalties

1. The powers conferred on the Commission by Articles 43 and 44 shall be subject to a limitation period of 5 years.

2. The limitation period shall begin to run on the day on which the widespread infringement with a Union dimension is committed or the trader or other person concerned breach any of the obligations pursuant to this chapter. In the case of continuing or repeated widespread infringements with a Union dimension, time shall begin to run on the day on which that infringement ceases. In case of commitments made binding in accordance with Article 41, the limitation period shall begin to run on the day the trader fails to comply with those commitments.

3. Any action taken by the Commission or by the competent authorities or single liaison offices for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

   (a) requests for information by a competent authority or by the Commission in accordance with Articles 9(3)(b) or 34;

   (b) inspections conducted by the Commission or by a competent authority in accordance with Articles 9(3)(c) or 37;

   (c) the initiation of proceedings by the Commission pursuant to Article 32(1).

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period has been suspended pursuant to paragraph 5.

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

Article 47

Limitation period for the enforcement of penalties

1. The power of the Commission to enforce decisions taken pursuant to Articles 43 and 44 shall be subject to a limitation period of 5 years.

2. The limitation period shall begin to run on the day on which the decision becomes final.

3. The limitation period for the enforcement of penalties shall be interrupted:

   (a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;

   (b) by any action of the Commission or of a Member State acting at the request of the Commission designed to enforce payment of the fine or periodic penalty payment.

4. Each interruption shall start time running afresh.

5. The limitation period for the enforcement of penalties shall be suspended for as long as:

(a) time to pay is allowed;

(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union or of a national court.

Article 48

Right to be heard and access to the file

1. Before adopting a decision in accordance with Article 42, the Commission shall give the trader concerned or other person referred to in Article 34 the opportunity to be heard on:

(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections; and

(b) measures that the Commission may intend to take in view of the preliminary findings referred to in point (a).

2. The trader concerned or other natural or legal person referred to in Article 34 may submit their observations on the Commission's preliminary findings within a period set by the Commission in its preliminary findings, which may not be less than 14 days.

3. The Commission shall base its decisions only on preliminary findings on which the parties concerned have been able to comment.

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the Commission's file under the terms of disclosure, subject to the legitimate interest of the trader or other person concerned in the protection of their business secrets. The Commission shall have the power to adopt decisions setting out such terms of disclosure in case of disagreement between the parties. The right of access to the file of the Commission shall not extend to confidential information and internal documents of the Commission, competent authorities, single liaison offices, or other public authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and those authorities. Nothing in this paragraph shall prevent the Commission from using and disclosing information necessary to prove an infringement.

Article 49

Implementing acts relating to Commission intervention

1. In relation to the Commission intervention covered by this Chapter, the Commission may adopt implementing acts concerning the practical arrangements for:

(a) the power to carry out inspections in accordance with Article 37 and the monitoring conducted in accordance with Article 45;

(b) the hearings provided for in Article 48;

(c) the disclosure of information provided for in Article 48.

2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 69(2).

Article 50

Publication of decisions

1. The Commission shall publish the decisions it adopts in accordance with Articles 40 to 44. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

2. The publication shall have regard to the rights and legitimate interests of the trader concerned, in particular with regards to professional and commercial secrecy referred to in Article 64, any other person referred to in Article 34 and any third parties in the protection of their confidential information.

Article 51

Review by the Court of Justice of the European Union

The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.

Article 52

Uniform application of Union law protecting consumers that can be investigated and enforced by the Commission

1. A national court shall not take any decision which runs counter to the decision adopted by the Commission pursuant to this Regulation. National courts shall also avoid giving decisions which could conflict with a decision contemplated by the Commission in proceedings it has initiated under this Regulation. To that effect, the national court may assess whether it is necessary to stay its proceedings. This is without prejudice to Article 267 TFEU.

2. Competent authorities of the Member States shall not take decisions which would run counter to the decision adopted by the Commission pursuant to this Regulation. Competent authorities shall avoid giving decisions which would conflict with a decision contemplated by the Commission in proceedings it has initiated under this Regulation.

Article 53

Effects of decisions

Member States shall ensure that a widespread infringement with a Union dimension found by a decision adopted by the Commission in accordance with Article 42(1), is deemed to be irrefutably established in the context of any action brought before national courts or administrative authorities to seek redress measures against the same trader for the same practice, in accordance with national law.

CHAPTER IV
HORIZONTAL MEASURES

Article 54

Alerts

1. When a competent authority becomes aware of facts establishing a reasonable suspicion that an infringement covered by this Regulation that may affect consumers' interests in other Member States is taking place on its territory, it shall without delay, and in any event not later than within 15 days, notify the Commission, other competent authorities and single liaison offices thereof.

2. When the Commission becomes aware of facts establishing a reasonable suspicion that a widespread infringement or widespread infringement with a Union dimension has occurred, it shall without delay, and in any event within 15 days, notify the competent authorities and single liaison offices concerned thereof.

3. When notifying, that is to say issuing an alert under paragraphs 1 and 2 the competent authority or the Commission shall provide information about the suspected infringement covered by this Regulation, and where available, in particular the following:

   (a) a description of the act or omission that constitutes the suspected infringement;

   (b) details of the product or service concerned by the suspected infringement;

   (c) the Member States concerned or possibly concerned by the suspected infringement;

   (d) the identity of the trader or traders concerned;

   (e) the legal basis for possible actions by reference to national law and the corresponding provisions of the Union legal acts listed in the Annex;

   (f) a description of any legal proceedings, enforcement measures or other measures taken concerning the infringement and their dates and duration, as well as the status thereof;

   (g) the identities of the competent authorities bringing the legal proceedings and taking other measures.

4. When issuing an alert, the competent authority may ask other competent authorities and the relevant single liaison offices and the Commission, or the Commission may ask competent authorities and the relevant single liaison offices, to verify whether, based on information that is available or easily accessible to the relevant competent authorities or to the Commission, respectively, similar suspected infringements are taking place in the territory of those other Member States or whether any enforcement measures have already been taken against such infringements in those

Member States. Those competent authorities of other Member States and the Commission shall reply to the request without delay.

Article 55

External alerts

1. Each Member State shall, unless to do so would not be justified, confer on designated bodies, European Consumer Centres, consumer organisations and associations, and, where appropriate, trader associations, that have the necessary expertise, the power to issue an external alert to the competent authorities of the relevant Member States and the Commission of suspected infringements covered by this Regulation and to provide information set out in Article 54(3). Each Member State shall, without delay, notify the Commission of the list of those entities and of any changes to it.

2. The Commission shall confer on associations representing consumer, and, where appropriate, trader, interests at a Union level the power to issue an external alert.

3. Where one of the entities referred to in paragraphs 1 and 2 issues an external alert, the Commission may invite that entity to present the alert to the single liaison offices and competent authorities concerned and to the Commission.

4. The competent authorities shall not be bound to launch a coordinated action pursuant to Article 17 and the Commission shall not be bound to initiate proceedings pursuant to Article 32(1) or issue an alert in accordance with Article 17(3). The Commission shall inform the entity referred to in paragraph 1 or 2 of this Article whether, following an external alert by that entity, the competent authorities concerned by the alleged infringement have launched a coordinated action pursuant to Article 17 or whether the Commission has initiated proceedings pursuant to Article 32(1).

5. Entities issuing external alerts shall ensure that the information provided is correct, up to date and accurate, and shall correct the notified information without delay, or withdraw the alert as appropriate.

6. The Commission shall adopt implementing acts to confer on associations representing consumer and, where appropriate, trader, interests at a Union level the power to issue an external alert pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 69(2).

Article 56

Exchange of other information relevant for the detection of infringements

Competent authorities shall, through the information system referred to in Article 66, notify the Commission and competent authorities of Member States concerned without delay of any measure that they have taken to address an infringement covered by this Regulation within their jurisdiction if they suspect that the infringement in question may affect consumers' interests in other Member States.

Article 57

Sweeps

1. The competent authorities or the Commission may conduct sweeps to check compliance with, or to detect infringements of Union laws that protect consumers' interests.

2. When conducting sweeps, the competent authorities involved may use the investigation powers provided for in Article 9(3) and, where applicable, any other powers conferred upon them by national law. Sweeps shall be coordinated by the Commission, unless the competent authorities involved decide otherwise.

3. When conducting sweeps, the Commission may use the investigation powers provided for in Articles 34 to 37.

4. The competent authorities may invite designated bodies, Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.

Article 58

Coordination of other activities contributing to investigation and enforcement

1. Member States shall inform each other and the Commission of their activities in the following areas:

   (a) the training of their officials involved in the application of this Regulation;

   (b) the collection, classification and exchange of data on consumer complaints;

   (c) the development of sector-specific networks of officials;

   (d) the development of information and communication tools;

   (e) the development and use of digital infrastructure and tools for the detection and investigation of infringements covered by this Regulation and for the enforcement of the Union laws that protect consumers' interests; and

   (f) where applicable, the development of standards, methodologies and guidelines concerning the application of this Regulation.

2. To the extent necessary to achieve the objective of this Regulation, Member States and the Commission may coordinate and jointly organise activities in the areas referred to in paragraph 1.

Article 59

Legal representatives

1. Traders which do not have an establishment in the Union, but which target their commercial activities to consumers in one or several Member States of the Union shall designate, in writing, a legal or natural person to act as their legal representative for the purpose of this Regulation in one of those Member States. However, where a trader has already designated a legal representative in accordance with other Union legal acts, they may extend the mandate of that legal or natural person to all issues necessary for the purposes set out in paragraph 2.

2. Traders shall mandate their legal representatives designated pursuant to paragraph 1 for the purpose of being addressed in addition to or instead of such traders, by the Member States' competent authorities and the Commission, on all issues necessary for the receipt of, compliance with and enforcement of decisions issued pursuant to this Regulation and all corresponding communication. Traders shall provide their legal representative with necessary powers and sufficient resources to guarantee their efficient and timely cooperation with the Member States' competent authorities and the Commission.

3. Traders shall ensure that the name, postal address, email address and telephone number of their legal representative is publicly available, easily accessible, accurate and kept up to date. This information shall be accessible on any tool the trader uses to reach out to consumers, such as the website.

4. Where a trader fails to designate a legal representative pursuant to paragraph 1, the competent authorities and the Commission may nevertheless address that trader through any representative designated by that trader pursuant to other Union legal acts, where applicable. Any communication concerning compliance with, or enforcement of, decisions adopted pursuant to this Regulation, as well as any related correspondence, shall be deemed to have been received by the trader upon communication to that representative.

5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not constitute an establishment in the Union.

6. The legal representative shall cooperate with the competent authority or the Commission.

Article 60

Exchange of officials between competent authorities

1. The competent authorities may participate in exchange schemes for officials from other Member States to improve cooperation with respect to the application of this Regulation. The competent authorities shall take the necessary measures to enable officials from other Member States to play an effective role in the activities of the competent authority. To that end, those officials shall be authorised to carry out the duties entrusted to them by the host competent authority in accordance with the laws of its Member State.

2. During the exchange, the civil and criminal liability of the official shall be treated in the same way as that of the officials of the host competent authority. The officials from other Member States shall comply with professional standards and the appropriate internal rules of conduct of the host competent authority. Those rules of conduct shall ensure, in particular, the protection of individuals with regard to the processing of personal data, procedural fairness and the proper observance of the rules on confidentiality and on professional and commercial secrecy laid down in Article 64.

Article 61

Development of expertise and capabilities

1. The Commission, shall in cooperation with the competent authorities, develop expertise and capabilities, including, where appropriate, through the secondment of Member States' personnel.

2. The Commission may ask the competent authorities and other Union bodies, offices and agencies with relevant expertise to support the assessment, under this Regulation, of emerging consumer issues across the Union.

Article 62

Cooperation to ensure coherent, effective and complementary enforcement

1. In order to ensure coherent, effective and complementary enforcement, single liaison offices, competent authorities, other public authorities or entities, and the Commission may coordinate their enforcement actions, insofar as the protection of consumers is concerned, and, to that effect, exchange information obtained in the application of this Regulation and:

   (a) Regulation (EU) 2022/2065;

   (b) Regulation (EU) 2022/1925;

   (c) Regulation (EU) 2024/1689;

   (d) Regulation (EU) 2016/679;

   (e) Regulation (EU) 2023/988;

   (f) Regulation (EU) 2009/1020;

   (g) Regulation (EU) 2026/2108;

   (h) [Regulation (EU) YYYY/XXXX (EU KIDS Act).]

2. Information pursuant to paragraph 1 shall only be exchanged and used for the purpose of coordination of enforcement under this Regulation and the legal acts referred to in paragraph 1 in accordance with the limitations for the use of such information set out in those legal acts, in particular with regard to the information obtained when carrying out investigations and to the rules on confidentiality and professional secrecy.

3. The Commission may adopt implementing acts to lay down the practical arrangements for the cooperation, coordination and exchange of information under this Article. Practical arrangements may include, where appropriate, the necessary configurations enabling the effective, efficient and seamless exchange of information, including by automated means, between the single liaison offices, competent authorities, other public authorities or entities, and the Commission, including where the information is stored in relevant information systems developed and maintained by the Commission pursuant to Article 66 of this Regulation and the acts referred to in paragraph 1, points (a) to (h). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 69(2).

Article 63

International cooperation

1. To the extent necessary to achieve the objective of this Regulation, the Union shall cooperate with third countries and with the competent international organisations in the areas covered by this Regulation to protect consumers' interests. The Union and the third countries concerned may conclude agreements setting out arrangements for cooperation, including the establishment of mutual assistance arrangements, the exchange of confidential information and exchange of staff programmes.

2. Agreements concluded between the Union and third countries concerning cooperation and mutual assistance to protect and enhance consumers' interests shall respect the relevant data protection rules applicable to the transfer of personal data to third countries.

3. When a competent authority or the Commission receives information that is potentially of relevance for the competent authorities of other Member States or the Commission from an authority of a third country, it shall communicate the information to those competent authorities or the Commission insofar as it is permitted to do so under any applicable bilateral assistance agreements with that third country and insofar as that information is in accordance with Union law regarding the protection of individuals with regard to the processing of personal data.

4. Information communicated under this Regulation may also be communicated to an authority of a third country by a competent authority under a bilateral assistance agreement with that third country, provided that the approval of the competent authority that originally communicated the information or, where applicable, of the Commission has been obtained, and provided that it is in accordance with Union law regarding the protection of individuals with regard to the processing of personal data and any applicable confidentiality rules.

CHAPTER V
COMMON ARRANGEMENTS

Article 64

Use and disclosure of information and professional and commercial secrecy

1. Information collected by or communicated to the competent authorities and the Commission in the course of applying this Regulation shall only be used for the purposes of ensuring compliance with Union laws that protect consumers' interests and the legal acts listed in Article 62(1).

2. The information referred to in paragraph 1 shall only be used and disclosed with due regard to the commercial interests of a natural person or legal person, including trade secrets and intellectual property.

3. Nevertheless, the competent authorities and the Commission may, after consulting the competent authority which provided the information or, where applicable, the Commission, disclose such information that is necessary:

   (a) to prove infringements covered by this Regulation; or

   (b) to bring about the cessation or prohibition of infringements covered by this Regulation.

Article 65

Use of evidence and investigation findings

1. Competent authorities may use as evidence any information, documents, findings, statements, certified true copies or intelligence communicated to them in application of this Regulation, on the same basis as similar documents obtained in their own Member State, irrespective of their storage medium.

2. The Commission may use as evidence any information, documents, findings, statements, certified true copies or intelligence communicated to it in application of this Regulation, on the same basis as similar documents obtained in the performance of the tasks assigned to it under this Regulation.

Article 66

Information system

1. The Commission shall establish and maintain an information system all communications between competent authorities, single liaison offices and the Commission under this Regulation. All information exchanged through the means of the information system shall be stored and processed in that information system. That information system shall be directly accessible only to the competent authorities, single liaison offices and the Commission.

2. Information provided by entities issuing an external alert pursuant to Article 55(1) or (2) shall also be stored and processed in the information system referred to in paragraph 1 of this Article. However, those entities shall not have access to that information system.

3. Where a competent authority, a designated body or an entity issuing an external alert pursuant to Article 55(1) or (2) establishes that an alert concerning an infringement that it issued pursuant to Articles 54 or 55 has subsequently been shown to be unfounded, it shall withdraw that alert. The Commission shall remove the relevant information from the information system without delay and shall inform the parties of the reasons for that removal.

4. The data stored in the information system shall not be kept longer than is necessary for the purposes for which they were collected and processed, but shall not be stored for longer than 5 years following the day on which:

   (a) a requested authority notifies the Commission pursuant to Article 12(2) that an intra-Union infringement has ceased;

   (b) the coordinator notifies the closure of the coordinated action pursuant to Article 54(1); or

   (c) the information has been entered in the database in all other cases.

5. The Commission may adopt implementing acts laying down the technical, practical and operational arrangements for the functioning of the information system in accordance with the Internal Market Information System (‘IMI’) established by

Regulation (EU) No 1024/2012. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 69(2).

Article 67

Waiver of reimbursement of expenses

1. Member States shall waive all claims for the reimbursement of expenses incurred in applying this Regulation.

2. Notwithstanding paragraph 1, as regards requests for enforcement measures under Article 12, the Member State of the applicant authority shall remain liable to the Member State of the requested authority for any costs and any losses incurred as a result of measures that have been dismissed and held to be unfounded by a court, as far as the substance of the infringement in question is concerned.

Article 68

Enforcement priorities

1. By date of entry into application and at least every 2 years thereafter, single liaison offices and the Commission shall exchange information and agree on their enforcement priorities for the application of this Regulation.

   Such information shall include:

   (a) information concerning market trends that might affect consumers' interests in the Member State concerned and in other Member States;

   (b) an overview of actions carried out under this Regulation in the last 2 years, and in particular, investigation and enforcement measures related to widespread infringement and widespread infringement with a Union dimension;

   (c) statistics on the information exchanged by means of alerts referred to in Article 54;

   (d) the tentative priority areas, for the next 2 years, for the enforcement of the Union laws that protect consumers' interests in the Member State concerned

   (e) the proposed priority areas, for the next 2 years, for the enforcement of the Union laws that protect consumers' interests at the Union level; and

   (f) information concerning resources envisaged by the Member State concerned to carry out activities under this Regulation in the next 2 years.

2. Without prejudice to Article 64, every 2 years, the Commission shall produce an overview of the information referred to in paragraph 1, points (a), (b) and (c). It shall make the overview publicly available. The Commission shall inform the European Parliament thereof.

3. In cases involving a substantial change of circumstances or of market conditions during the 2 years after the last submission of information on their enforcement priorities, Member States shall update their enforcement priorities and shall inform other Member States and the Commission accordingly.

4. The Commission shall exchange best practices and benchmarking with the Member States, in particular to develop capacity building activities.

CHAPTER VI
OTHER AND AMENDING PROVISIONS

Article 69

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 70

Notifications

Member States shall without delay communicate to the Commission the text of any provisions of national law on matters covered by this Regulation that they adopt, as well as the text of agreements, on matters covered by this Regulation, other than agreements dealing with individual cases that they conclude.

Article 71

Reporting

1. The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation 5 years after the date of its entry into application.

2. That report shall contain an evaluation of the application of this Regulation, including an assessment of the effectiveness of enforcement of Union laws that protect consumers' interests under this Regulation, in particular with regard to the investigation and enforcement by the Commission pursuant to Chapter III, along with, in particular, an examination of how compliance by traders with Union laws that protect consumers' interests has evolved in key consumer markets concerned by cross-border trade.

   That report shall be accompanied, where necessary, by a legislative proposal.

Article 72

Application of and amendment to Directive (EU) 2019/1937

1. Directive (EU) 2019/1937 shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.

2. Directive (EU) 2019/19/32 is amended as follows:

   In point I. (Point (a)(ix) of Article 2(1) – consumer protection) of Part I of the Annex to Directive (EU) 2019/1937, the following point is added: '(x) Regulation (EU) [XXXX/20XX THIS REGULATION]'.

Article 73

Amendment to Regulation (EC) No 261/2004

In Article 16 of Regulation (EC) No 261/2004, the following paragraphs are added:

‘4. The Commission shall have powers to investigate and enforce compliance with this Regulation with regards to widespread infringements with a Union dimension as defined in Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.

5. The Commission may impose fines not exceeding 6% of the trader’s total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].’

Article 74

Amendment to Regulation (EC) No 1107/2006

Regulation (EC) No. 1107/2006 is amended as follows:

(1) the following article is inserted:

‘*Article 14a*

Enforcement by the Commission

The Commission shall have powers to investigate and enforce compliance with this Regulation with regards to widespread infringements with a Union dimension as defined in Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.’;

(2) in Article 16 the following subparagraph is added:

The Commission may impose fines not exceeding 6% of the trader’s total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].’

Article 75

Amendment to Regulation (EU) 2021/782

Regulation (EU) 2021/782 is amended as follows:

(1) the following article is inserted:

‘*Article 31a*

Enforcement by the Commission

The Commission shall have powers to investigate and enforce compliance with this Regulation with regards to widespread infringements with a Union dimension as defined in

Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.'

(2) in Article 35, the following paragraph is added:

'3. The Commission may impose fines not exceeding 6% of the trader's total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].'

Article 76

Amendment to Regulation (EC) No 1008/2008

Article 24 of Regulation (EC) No 1008/2008 is replaced by the following:

'Article 24

Penalties

1. Member States shall ensure compliance with the rules set out in this Chapter and shall lay down penalties for infringements thereof. Those penalties shall be proportionate, dissuasive and effective .
2. The Commission shall have powers to investigate and enforce compliance with Article 23 of this Regulation with regards to widespread infringements with a Union dimension as defined in Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.
3. The Commission may impose fines not exceeding 6% of the trader's total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].'

Article 77

Amendment to Regulation (EU) 1177/2010

Regulation (EU) 1177/2010 is amended as follows:

(1) the following article is inserted:

'*Article 25a*

Enforcement by the Commission

The Commission shall have powers to investigate and enforce compliance with this Regulation with regards to widespread infringements with a Union dimension as defined in Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.';

(2) Article 28 is replaced by the following:

'Article 28

Penalties

1. The Member States shall lay down rules on penalties applicable to infringements of the provisions of this Regulation and shall take all the measures necessary to ensure that they are implemented. The penalties provided for shall be proportionate, dissuasive and effective. Member States shall notify those rules and measures to the Commission by 18 December 2012 and shall notify it without delay of any subsequent amendment affecting them.

2. The Commission may impose fines not exceeding 6% of the trader's total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].'

Article 78

Amendment to Regulation (EU) 181/2011

Regulation (EU) 181/2011 is amended as follows:

(1) the following article is inserted:

'*Article 28a*

Enforcement by the Commission

The Commission shall have powers to investigate and enforce compliance with this Regulation with regards to widespread infringements with a Union dimension as defined in Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.';

(2) in Article 31, the following subparagraph is added:

'The Commission may impose fines not exceeding 6% of the trader's total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].'

Article 79

Amendment to Regulation (EU) 2018/302

Article 7 of Regulation (EU) 2018/302 is amended as follows:

(1) paragraph 2 is replaced by the following:

'2. Member States shall lay down penalties for infringements of the provisions of this Regulation and shall ensure that they are implemented. The penalties provided for shall be proportionate, dissuasive, and effective.'

(2) the following paragraphs are added:

'4. The Commission shall have powers to investigate and enforce compliance with this Regulation with regards to widespread infringements with a Union dimension as defined in Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] in accordance with Chapter III of that Regulation.

5. The Commission may impose fines not exceeding 6% of the trader's total worldwide annual turnover pursuant to Article 43 [FINES] of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION] for infringements of this Regulation investigated by the Commission in accordance with Chapter III of Regulation XXXX/YYYY [THIS (NEW CPC) REGULATION].'

Article 80

Amendment to Regulation (EU) No 1024/2012

Regulation (EU) No 1024/2012 is amended as follows:

In the Annex the following point is added: '16. Regulation (EU) No XXX/XXX of the European Parliament and of the Council of [THIS REGULATION]: Article 66'.

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

Article 81

Repeal of Regulation (EU) 2017/2934

1. Regulation (EU) 2017/2934 is repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation

   References to Article 21 of the repealed Regulation shall be construed as reference to Article 22.

Article 82

Transitional provision

Regulation (EU) 2017/2394 shall continue to apply to infringements covered by that Regulation subject to requests for mutual assistance pursuant to Chapter III or coordinated investigation and enforcement pursuant to Chapter IV of that Regulation that are pending or ongoing on the date of entry into application of this Regulation.

Article 83

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.*

It shall apply from [12 months after the entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

LEGISLATIVE FINANCIAL AND DIGITAL STATEMENT

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1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Regulation of the European Parliament and the Council on cooperation between national authorities and the Commission in the enforcement of consumer protection laws in the Union and repealing Regulation (EU) 2017/2394.

1.2. Policy area(s) concerned

Consumer protection, Single Market

1.3. Objective(s)

1.3.1. General objective(s)

General objective:

To more effectively address cross-border infringements of consumer law, which adversely impact the collective interests of EU consumers.

1.3.2. Specific objective(s)

Specific objective No 1:

Provide cost-efficient and rapid coordinated investigations procedures to tackle EU- and sector wide infringements of consumer law.

Specific objective No 2:

Strengthen the capacity and competence of the CPC Network.

Specific objective No 3:

Strengthen sanction mechanism for EU-wide infringements of consumer law.

1.3.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

Expected results:

- More effective and faster cross-border enforcement of EU consumer laws through coordinated actions by Member States' consumer protection (CPC) authorities.
- More effective and deterrent EU level enforcement against large scale infringement of EU consumer law, and strengthening the "one-stop-shop" approach under the CPC Regulation.
- More effective enforcement of EU consumer law against non-compliant traders targeting consumers in the Union, irrespective of where they are established.

Expected impact:

- Better protection of EU consumers' rights, inluding minors.
- Reduction of consumer detritment and increase of consumer trust.
- Level playing field and a more consistent application and interpretation of consumer law, resulting in greater legal certainty for compliant businesses.

1.3.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

Indicator for specific objective No 1: Number of CPC enforcement actions, and number of CPC cluster inquiries. **Indicator for specific objective No 2**: decrease of websites using dark patterns or other infringements committed online in a dedicated sweep. **Indicator for specific objective No 3**: average non compliance rate in the last three sweeps carried out at the end of 7 years.

1.4. The proposal/initiative relates to:

☐ a new action

☐ a new action following a pilot project / preparatory action[53]

☑ the extension of an existing action

☐ a merger or redirection of one or more actions towards another/a new action

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

2027 Adoption of the Regulation 2028 Adoption of implementing Regulation(s) 2028/2029 Date of application

1.5.2. Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.

Reasons for action at EU level (ex-ante) There is a strong added value of action at EU level in the context of this proposal because it aims to strengthen public enforcement and ensure the effective and consistent application of EU consumer law across the Single Market. The problems addressed are cross-border and stem from the rapid growth of e-commerce, online advertising and digital business models, as well as the increasing presence of traders established outside the EU. Member States cannot effectively address enforcement gaps, limited investigative powers or the lack of deterrence against widespread infringements acting alone. The CPC revision will strengthen the coordinated enforcement framework, enhance the effectiveness and reduce fragmentation of enforcement, provide greater legal certainty, and ensure a high level of consumer protection, including for minors. Expected generated EU added value (ex-post) The effective enforcement of consumer law is geared to boost legal certainty, increase consumer confidence and stimulate economic growth. It is expected to

[53] As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

generate EU added value by ensuring fairer digital markets for consumers, a level playing field for businesses and a more consistent application of consumer rules across the Single Market.

1.5.3. Lessons learned from similar experiences in the past

This initiative takes into account lessons learned from:

- Regulation (EU) 2017/2394:

Pursuant to Article 40 of the CPC Regulation, the Commission published in 2024 a report on the application of Regulation (EU) 2017/2394. According to this report, the application of the CPC Regulation has improved cooperation between national consumer protection authorities and enabled coordinated enforcement actions against widespread infringements. At the same time, experience with its application has highlighted several shortcomings. In particular, the procedures governing coordinated actions have proven to be lengthy and insufficiently responsive to rapidly evolving market practices. Furthermore, difficulties in coordinating the imposition and enforcement of penalties reduce the deterrent effect of coordinated enforcement measures. The report also highlighted the need to clarify the application of the CPC Regulation to traders directing their commercial activities towards consumers residing in the Union, irrespective of where such traders are established.

- Regulation (EU) 2022/2065 (Digital Services Act):

Lessons learned from the Digital Services Act have also informed this initiative, in particular regarding the need for stronger enforcement mechanisms and a more centralised approach to address large-scale digital market issues. The Digital Services Act introduced direct enforcement powers for the Commission vis-à-vis very large online platforms and very large online search engines under a system of shared competence with Member States' authorities**.**

1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments

Compatibility with the Multiannual Financial Framework.

This initiative is fully compatible with the new Multiannual Financial Framework 2028-2034 and is planned to be funded under:

- The Administration (heading 4)

- The Single Market and Customs Programme – "Competitiveness, prosperity and security" (heading 2)

https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX:52025PC0590.

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the Multiannual Financial Framework 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

Possible synergies

Changes in digital business models and the exponential growth of e-commerce in the past years pose significant challenges for consumer protection and enforcement.

These challenges are however not limited to e-commerce, but affect most sectors of the economy, both on- and off-line, directly affecting the daily lives of EU consumers in areas as diverse as event ticketing, the digital subscription economy or video games, just to name a few examples. At the same time, fragmentation and divergent interpretations of consumer protection rules across Member States create additional challenges for consistent enforcement and reduce the necessary legal certainty for businesses operating across the Single Market, pointing to the need for greater simplification and centralisation of enforcement activities.

The recent surge in goods bought online and imported directly into the EU has amplified these challenges. Moreover, harmful practices are more difficult to detect and enforce against as business models increasingly rely on intermediaries, hidden advertising or temporary websites. The difficulties on enforcement are particularly exacerbated in cross-border contexts and where traders are established outside the Union.

The proposal of the revision of the CPC Regulation is recognised as a key priority in the 'One Europe, One Market' roadmap of the European Parliament, the Council and the Commission, for the completion of the Single Market, and is one of the initiatives under the 2030 Consumer Agenda, which identifies effective enforcement, digital fairness and a high level of consumer protection as key priorities for EU consumer policy. The revised CPC Regulation will contribute to achieving these objectives by strengthening the enforcement framework and ensuring that consumer protection rules remain effective in increasingly complex digital markets.

In particular, the revised CPC Regulation will play a key role in tackling the challenges posed by e-commerce imports, hand in hand with the rules on safety of products, market surveillance and customs. At the same time, the revised CPC Regulation will ensure that the way products and services are marketed, sold and offered to consumers complies with EU consumer protection law. In this respect, the proposal will also create synergies with the upcoming Digital Fairness Act (DFA), by complementing the development of substantive rules addressing emerging digital practices with stronger enforcement mechanisms.

The revised CPC Regulation will also complement other enforcement areas, such as the Digital Services Act or the EU KIDS Act, without duplicating them. For example, breaches in areas such as retail e-commerce (non-platforms), travel and transport services, digital subscriptions, video games, event ticketing, the green economy as well as offline commercial practices, such as planned obsolescence, can be effectively addressed through strong enforcement under the CPC Regulation.

Additionally, it is important to emphasize that according to the recommendations of the Special Panel on Child Safety Online, the upcoming DFA and the revision of the CPC Regulation are a key opportunity to contribute to a fairer and more transparent digital environment for consumers and businesses in the Single Market and to embed the protection of children and adolescents at the heart of EU consumer law.

1.5.5. Assessment of the different available financing options, including scope for redeployment

The financing option for the proposal are the ones of the Multiannual Financial Framework. In particular:

- Heading 4 (Administration)

- Heading 2 (Single Market and Custom Program (SMCP)

DG JUST will need an internal case management system to support the handling of cases. DG JUST aims to use existing systems such as Case@EC currently used by several DGs (COMP, CNECT, OLAF etc.) with the necessary adaptations for CPC enforcement. The SMCP is the likely source for funding. If not available, other options would be explored as appropriate.

In addition, the Directorates-General responsible for the regulations listed in Article 32(1) ("initiation of proceedings by the Commission") of the proposed CPC Regulation and the Legal Service would need 21 additional FTEs (officials and external staff) to carry out the Commission's new tasks under the revised CPC Regulation[54]. These resources will in principle stem from internal redeployment within the DG, following a reprioritisation of existing activities. Fees were considered as a financing option but discarded as they do not appear to be a feasible option for CPC.

[54] This Legislative Financial and Digital Statement takes into account both the current 9 FTEs and the projected 21 FTEs, in view of the repeal of the existing CPC Regulation.

1.6. Duration of the proposal/initiative and of its financial impact

☐ **limited duration**

– ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☑ **unlimited duration**

– Implementation with a start-up period from 2027 to 2028,

– followed by full-scale operation.

1.7. Method(s) of budget implementation planned[55]

☑ **Direct management** by the Commission

– ☑ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated

– ☐ international organisations and their agencies (to be specified)

– ☐ the European Investment Bank and the European Investment Fund

– ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation

– ☐ public law bodies

– ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees

– ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act

– ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

Comments

[55] Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

The Commission will report every two years on enforcement priorities and produce an overwiew of the enforcement activities carried out in applicatin of the CPC Regulation. Moreover, the Commission will submit to the European Parliament and to the Council one report on the application of the CPC Regulation, including an assessment of the effectiveness of enforcement of Union laws that protect consumers' interests under the regulation.

2.2. Management and control system(s)

2.2.1. Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

This initiative builds on, and further develops, the already existing CPC electronic database, implemented by the Internal Market Information System (IMI). This proposal does not alter the management mode, funding implementation mechanism, payment modalities or control strategy already in place for the system and employed by the Commission. The governance structure for IMI aims to facilitate effective collaboration between the Commission and the Member States, and it is managed by the Commission.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

The main identified risks relate to: (a) Time and cost overruns due to unforeseen IT implementation issues with regard to the further IT development needed by the Commission to enlarge the scope of the existing electronic data base for the needs of this proposal. This risk is mitigated by the fact that IMI already exists and is mature. (b) Implementation and rollout delays on the side of Member States' respective authorities. This risk is already mitigated by established communication and by the proactive technical support to the national authorities in charge of implementation.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)

This initiative does not affect the cost-effectiveness of the existing controls.

2.3. Measures to prevent fraud and irregularities

IMI electronic database is directly managed by the Commission.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the Multiannual Financial Framework 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.[56]	from EFTA countries [57]	from candidate countries and potential candidates [58]	From other third countries	other assigned revenue
2	[XX.YY.YY.YY] Ensuring high level of consumer protection and product safety from the Single Market Program	Diff.	YES	YES	YES	YES
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue

[56] Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.
[57] EFTA: European Free Trade Association.
[58] Candidate countries and, where applicable, potential candidates from the Western Balkans.

	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☑ The proposal/initiative requires the use of operational appropriations, as explained below

3.2.1.1. Appropriations from voted budget

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	2

DG: Relevant DGs			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
Operational appropriations										
Budget line: Ensuring high level of consumer protection and product safety from the Single Market Programme	Commitments	(1a)	2.189	2.189	2.189	2.189	2.189	2.189	2.189	**15.323**
	Payments	(2a)								**0**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[59]										
Budget line		(3)	0.130	0.130	0.130	0.130	0.130	0.130	0.130	**0.910**
TOTAL appropriations	Commitments	=1a+1b+3	**2.319**	**2.319**	**2.319**	**2.319**	**2.319**	**2.319**	**2.319**	**16.233**

[59] Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

for relevant DGs	Payments	=2a+2b +3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

TOTAL			Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	**TOTAL MFF 2028-2034**
TOTAL operational appropriations	Commitments	(4)	2.189	2.189	2.189	2.189	2.189	2.189	2.189	**15.323**
	Payments	(5)	0	0	0	0	0	0	0	**0**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.130	0.130	0.130	0.130	0.130	0.130	0.130	**0.910**
TOTAL appropriations under HEADING <2.> of the multiannual financial framework	Commitments	=4+6	**2.319**	**2.319**	**2.319**	**2.319**	**2.319**	**2.319**	**2.319**	**16.233**
	Payments	=5+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Heading of multiannual financial framework	Number	

DG: <…….>	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	**TOTAL MFF 2028-2034**
Operational appropriations								

Budget line	Commitments	(1a)								**0**
	Payments	(2a)								**0**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes [60]										
Budget line		(3)								**0**
TOTAL appropriations for DG <…….>	Commitments	=1a+1b +3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=2a+2b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

DG: <…….>			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
Operational appropriations										
Budget line	Commitments	(1a)								**0**
	Payments	(2a)								**0**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[61]										

60 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

61 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

Budget line		(3)								**0**
TOTAL appropriations for DG <…….>	Commitments	=1a+1b +3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=2a+2b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
TOTAL operational appropriations	Commitments	(4)	0	0	0	0	0	0	0	**0**
	Payments	(5)	0	0	0	0	0	0	0	**0**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0	0	**0**
TOTAL appropriations under HEADING <….> of the multiannual financial framework	Payments	=4+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
		=5+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
• TOTAL operational appropriations (all operational headings)	Commitments	(4)	0	0	0	0	0	0	0	**0**
	Payments	(5)	0	0	0	0	0	0	0	**0**
• TOTAL appropriations of an		(6)	0	0	0	0	0	0	0	**0**

administrative nature financed from the envelope for specific programmes (all operational headings)										
TOTAL appropriations Under Heading 1 to 3	Commitments	=4+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
of the multiannual financial framework (Reference amount)	Payments	=5+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Heading of multiannual financial framework	4	'Administrative expenditure'[62]

DG: Relevant DGs		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
• Human resources		2.751	3.651	4.354	4.354	4.354	4.354	4.354	**28.172**
• Other administrative expenditure		0.031	0.031	0.031	0.031	0.031	0.031	0.031	**0.217**
TOTAL relevant DGs	Appropriations	**2.782**	**3.682**	**4.385**	**4.385**	**4.385**	**4.385**	**4.385**	**28.389**

DG: <SJ>	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
• Human resources	0.582	0.582	0.582	0.582	0.582	0.582	0.582	**4.074**

62 The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

• Other administrative expenditure		0	0	0	0	0	0	0	**0**
TOTAL DG <SJ>	Appropriations	0.582	0.582	0.582	0.582	0.582	0.582	0.582	**4.074**

TOTAL appropriations under HEADING 4 of the multiannual financial framework	(Total commitments = Total payments)	**3.364**	**4.264**	**4.967**	**4.967**	**4.967**	**4.967**	**4.967**	**32.463**

EUR million (to three decimal places)

		Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	**TOTAL MFF 2028-2034**
TOTAL appropriations under HEADINGS 1 to 4	Commitments	**5.683**	**6.583**	**7.286**	**7.286**	**7.286**	**7.286**	**7.286**	**48.696**
of the multiannual financial framework	Payments	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

3.2.1.2. Appropriations from external assigned revenues

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	

DG: <….>			Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	**TOTAL MFF 2028-2034**
Operational appropriations										
Budget line:	Commitments in each year (sum of countries participating to the CONTRIBUTIONS THIRD COUNTRIES - SMP (EUR)	(1a)								**0**

	Payments	(2a)								**0**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[63]										
Budget line		(3)								**0**
TOTAL appropriations for DG <…….>	Commitments in each year (sum of countries participating to the CONTRIBUTIONS THIRD COUNTRIES - SMP (EUR).	(1a)								**0**
	Payments	=2a+2b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

DG: <…….>			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
Operational appropriations										
Budget line	Commitments	(1a)								**0**
	Payments	(2a)								**0**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[64]										
Budget line		(3)								**0**

63 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

64 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

TOTAL appropriations for DG <…….>	Commitments	=1a+1b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=2a+2b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

			Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
			2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
TOTAL operational appropriations	Commitments	(4)	0	0	0	0	0	0	0	**0**
	Payments	(5)	0	0	0	0	0	0	0	**0**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0	0	**0**
TOTAL appropriations under HEADING <….> of the multiannual financial framework	Commitments	=4+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=5+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Heading of multiannual financial framework	Number	

DG: <…….>			Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
			2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
Operational appropriations										
Budget line	Commitments	(1a)								**0**
	Payments	(2a)								**0**

Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[65]										
Budget line		(3)								**0**
TOTAL appropriations for DG <…….>	Commitments	=1a+1b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=2a+2b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

DG: <…….>			Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
			2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
Operational appropriations										
Budget line	Commitments	(1a)								**0**
	Payments	(2a)								**0**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[66]										
Budget line		(3)								**0**

65 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

66 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

TOTAL appropriations for DG <…….>	Commitments	=1a+1b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=2a+2b+3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
TOTAL operational appropriations	Commitments	(4)	0	0	0	0	0	0	0	**0**
	Payments	(5)	0	0	0	0	0	0	0	**0**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0	0	**0**
TOTAL appropriations under HEADING <….> of the multiannual financial framework	Commitments	=4+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=5+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
• TOTAL operational appropriations (all operational headings)	Commitments	(4)	0	0	0	0	0	0	0	**0**
	Payments	(5)	0	0	0	0	0	0	0	**0**
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)	0	0	0	0	0	0	0	**0**

TOTAL appropriations under Headings 1 to 3 of the multiannual financial framework (Reference amount)	Commitments	=4+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Payments	=5+6	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Heading of multiannual financial framework	4	'Administrative expenditure'[67]

EUR million (to three decimal places)

DG: <…….>		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
• Human resources		0	0	0	0	0	0	0	**0**
• Other administrative expenditure		0	0	0	0	0	0	0	**0**
TOTAL DG <…….>	Appropriations	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

DG: <…….>		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2024**
• Human resources		0	0	0	0	0	0	0	**0**
• Other administrative expenditure		0	0	0	0	0	0	0	**0**
TOTAL DG <…….>	Appropriations	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

67 The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

TOTAL appropriations under HEADING 4 of the multiannual financial framework	(Total commitments = Total payments)	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

EUR million (to three decimal places)

		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
TOTAL appropriations under HEADINGS 1 to 4	Commitments	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
of the multiannual financial framework	Payments	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

3.2.2. Estimated output funded from operational appropriations (not to be completed for decentralised agencies)

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ⇩			Year **2028**		Year **2029**		Year **2030**		Year **2031**		Enter as many years as necessary to show the duration of the impact (see Section1.6)						**TOTAL**	
	OUTPUTS																	
	Type[68]	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1[69]…																		
- Output																		
- Output																		

[68] Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built, etc.).

[69] As described in Section 1.3.2. 'Specific objective(s)'

- Output																		
Subtotal for specific objective No 1																		
SPECIFIC OBJECTIVE No 2 ...																		
- Output																		
Subtotal for specific objective No 2																		
TOTALS																		

3.2.3. Summary of estimated impact on administrative appropriations

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

3.2.3.1. Appropriations from voted budget

VOTED APPROPRIATIONS	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	TOTAL 2028 - 2034
HEADING 4								
Human resources	3.333	4.233	4.936	4.936	4.936	4.936	4.936	**32.246**
Other administrative expenditure	0.031	0.031	0.031	0.031	0.031	0.031	0.031	**0.217**
Subtotal HEADING 4	**3.364**	**4.264**	**4.967**	**4.967**	**4.967**	**4.967**	**4.967**	**32.463**
Outside HEADING 4								
Human resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.130	0.130	0.130	0.130	0.130	0.130	0.130	**0.910**
Subtotal outside HEADING 4	0.130	0.130	0.130	0.130	0.130	0.130	0.130	**0.910**
TOTAL	**3.494**	**4.394**	**5.097**	**5.097**	**5.097**	**5.097**	**5.097**	**33.373**

3.2.3.2. Appropriations from external assigned revenues

EXTERNAL ASSIGNED REVENUES	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	TOTAL 2028 - 2034
HEADING 4								
Human resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Subtotal HEADING 4	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Outside HEADING 4								
Human resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Subtotal outside HEADING 4	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
TOTAL	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

3.2.3.3. Total appropriations

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	TOTAL 2028 - 2034
HEADING 4								
Human resources	3.333	4.233	4.936	4.936	4.936	4.936	4.936	**32.246**
Other administrative expenditure	0.031	0.031	0.031	0.031	0.031	0.031	0.031	**0.217**
Subtotal HEADING 4	**3.364**	**4.264**	**4.967**	**4.967**	**4.967**	**4.967**	**4.967**	**32.463**

Outside HEADING 4								
Human resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.130	0.130	0.130	0.130	0.130	0.130	0.130	**16.233**
Subtotal outside HEADING 4	0.130	0.130	0.130	0.130	0.130	0.130	0.130	**16.233**
TOTAL	**3.494**	**4.394**	**5.097**	**5.097**	**5.097**	**5.097**	**5.097**	**33.373**

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the Multiannual Financial Framework 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

3.2.4. Estimated requirements of human resources

– ☐ The proposal/initiative does not require the use of human resources

– The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. Financed from voted budget

Estimate to be expressed in full-time equivalent units (FTEs)[70]

VOTED APPROPRIATIONS		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
• Establishment plan posts (officials and temporary staff)								
20 01 02 01 (Headquarters and Commission's Representation Offices)		**15**	**18**	**20**	**20**	**20**	**20**	**20**
20 01 02 03 (EU Delegations)		0	0	0	0	0	0	0
(Indirect research)		0	0	0	0	0	0	0
(Direct research)		0	0	0	0	0	0	0
Other budget lines (specify)		0	0	0	0	0	0	0
• External staff (inFTEs)								
20 02 01 (AC, END from the 'global envelope')		4	7	10	10	10	10	10
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0	0	0	0
Admin. Support line	• at Headquarters	0	0	0	0	0	0	0
[XX.01.YY.YY]	• in EU Delegations	0	0	0	0	0	0	0
(AC, END - Indirect research)		0	0	0	0	0	0	0
(AC, END - Direct research)		0	0	0	0	0	0	0
Other budget lines (specify) - Heading 4		0	0	0	0	0	0	0

70 Please specify below the table how many FTEs within the number indicated are already assigned to the management of the action and/or can be redeployed within your DG and what are your net needs.

Other budget lines (specify) - Outside Heading 4	0	0	0	0	0	0	0
TOTAL	**19**	**25**	**30**	**30**	**30**	**30**	**30**

3.2.4.2. Financed from external assigned revenues

N/A

3.2.4.3. Total requirements of human resources

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
• Establishment plan posts (officials and temporary staff)							
20 01 02 01 (Headquarters and Commission's Representation Offices)	**15**	**18**	**20**	**20**	**20**	**20**	**20**
20 01 02 03 (EU Delegations)	0	0	0	0	0	0	0
(Indirect research)	0	0	0	0	0	0	0
(Direct research)	0	0	0	0	0	0	0
Other budget lines (specify)	0	0	0	0	0	0	0
• External staff (in full time equivalent units)							
20 02 01 (AC, END from the 'global envelope')	4	7	10	10	10	10	10
20 02 03 (AC, AL, END and JPD in the EU Delegations)	0	0	0	0	0	0	0
Admin. Support line [XX.01.YY.YY] • at Headquarters	0	0	0	0	0	0	0
Admin. Support line [XX.01.YY.YY] • in EU Delegations	0	0	0	0	0	0	0
(AC, END - Indirect research)	0	0	0	0	0	0	0
(AC, END - Direct research)	0	0	0	0	0	0	0
Other budget lines (specify) - Heading 4	0	0	0	0	0	0	0
Other budget lines (specify) - Outside Heading 4	0	0	0	0	0	0	0
TOTAL	**19**	**25**	**30**	**30**	**30**	**30**	**30**

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DGs that are already assigned to management of the action and/or have been redeployed within the DG, together, if necessary, with any additional allocation which may be granted to the managing DGs under the annual allocation procedure and in the light of budgetary constraints.

The relevant DGs and the SJ need a total of 30 FTEs to ensure the implementation of the proposal in full. This will ensure adequate management and coordination of Commission internal implementation, development of tools and guidance documents, support to Member States and monitoring of progress. In line with the stable staffing principle, the human resources required for this proposal will be covered by internal redeployment within the

Commission[71]. At this stage, of the 30 FTE posts needed, DG JUST is in the position to repurpose 12 available permanent posts in the concerned unit.

The staff required to implement the proposal (in FTEs):

	To be covered by current staff available in the Commission services	**Exceptional additional staff***		
		To be financed under Heading 4 or Research	**To be financed from BA line**	**To be financed from fees**
Establishment plan posts	20	N/A	N/A	N/A
External staff (CA, SNEs, INT)	10	N/A	N/A	N/A

Description of tasks to be carried out by:

Officials and temporary staff	• Conduct Commission investigations, including gathering evidence through the use of Commission investigation powers (requests for information, interviews, inspections and digital investigation tools). • Ensure procedural safeguards and case management, including respect for the rights of defence, access to the file, confidentiality, procedural deadlines. • Carry out drafting of Commission decisions, including the legal assessment of infringements of applicable consumer protection legislation and where appropriate, assessment of necessary enforcement measures. • Support the adoption and implementation of Commission decisions, including monitoring compliance with decisions. • Coordinate the enforcement work of consumer protection (CPC) authorities of the Member States.
External staff	• Support the enforcement work of consumer protection (CPC) authorities of the Member States. • Monitor information from Member States, consumer organisations and other sources to identify potential infringements of EU consumer law. • Provide support to case handlers conducting Commission investigations, including gathering evidence through the use of Commission investigation powers (requests for information, interviews, inspections and digital investigation tools). • Ensure procedural safeguards and case management, including respect for the rights of defence, access to the file, confidentiality, procedural deadlines. • Provide support to case handlers drafting Commission decisions, including

[71] These redeployment efforts - while fully respecting the stable staffing principle - will likely require deprioritisation of tasks within the Commission services. The Commission will revisit the needs and the scope for redeployment within the indicated number of staff, following an agreement on the 2028-2034 Multiannual Financial Framework.

	legal research applicable consumer protection legislation, and where appropriate, assessment of necessary enforcement measures. • Support the adoption and implementation of Commission decisions, including monitoring compliance with decisions. • Provide administrative support and IT expertise.

3.2.5. Overview of estimated impact on digital technology-related investments

Compulsory: the best estimate of the digital technology-related investments entailed by the proposal/initiative should be included in the table below.

Exceptionally, when required for the implementation of the proposal/initiative, the appropriations under Heading 4 should be presented in the designated line.

The appropriations under Headings 1-3 should be reflected as "Policy IT expenditure on operational programmes". This expenditure refers to the operational budget to be used to re-use/ buy/ develop IT platforms/ tools directly linked to the implementation of the initiative and their associated investments (e.g. licences, studies, data storage etc). The information provided in this table should be consistent with details presented under Section 4 "Digital dimensions".

TOTAL Digital and IT appropriations[72]	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028 - 2034**
HEADING 4								
IT expenditure (corporate)	0	0	0	0	0	0	0	**0**
Subtotal HEADING 4	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Outside HEADING 4								
Policy IT expenditure on operational programmes	2.189	2.189	2.189	2.189	2.189	2.189	2.189	**15.323**
Subtotal outside HEADING 4	2.189	2.189	2.189	2.189	2.189	2.189	2.189	**15.323**
TOTAL	2.189	2.189	2.189	2.189	2.189	2.189	2.189	**15.323**

3.2.6. Compatibility with the current multiannual financial framework

The proposal/initiative:

– ☒ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF)

[72] IT development and procurement strategy choices will be subject to pre-approval by the European Commission Information Technology and Cybersecurity Board.

– ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation

– ☐ requires a revision of the MFF

3.2.7. Third-party contributions

The proposal/initiative:

– ☒ does not provide for co-financing by third parties

– ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

– ☒ The proposal/initiative has no financial impact on revenue.

– ☐ The proposal/initiative has the following financial impact:

  – ☐ on own resources

  – ☐ on other revenue

  – ☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[73]						
		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
Article …….								

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[73] In the case of traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 10 % for collection costs, as proposed in COM(2025)574.

4. DIGITAL DIMENSIONS

4.1. Requirements of digital relevance

Reference to the requirement	Requirement description	Actor(s) affected or concerned by the requirement	High-level Processes	Categories
Articles 9 and 38	Power to use digital tools for investigation	Competent authorities, Commission, Economic operators	Investigation	Digital solutions
Articles 9 (4) (f), and 39	Power to remove content or to restrict access to an online interface	Competent authorities, Commission, Economic operators	Investigation, enforcement of EU Consumer law	Digital solutions
Articles 19 (6), 20 (3), 50	Publication of common and final positions or parts thereof on the national consumer protection authorities or the Commission websites. Publication of the Commission decisions on the Commission's websites	Competent authorities, Commission	Publication, Investigation, Enforcement of EU Consumer law	Digital solutions, Digital public service
Article 37	Power to conduct inspections includes the power to require the trader to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business practices and to record or document the explanations given	Commission, Economic operators	Investigation	Digital solutions
Article 54	Competent authority or the Commission shall provide information about the suspected infringement covered by this Regulation	Competent authorities, Commission	Investigation, enforcement of EU Consumer law	Digital solutions, Digital Public Service
Article 58	Member States shall inform each other and the Commission of their activities in the areas of development and use of digital infrastructures, data collection, development of standards.	Competent authorities, Commission	Investigation, enforcement of EU Consumer law	Digital solutions, Digital Public Service
Article 66	Use of information system to ensure communication between the Commission and Member States	Competent authorities, Commission	Investigation, enforcement of EU Consumer law	Digital solutions, Digital Public Service

4.2. Data

Type of data	Reference to the requirement(s)	Standard and/or specification (if applicable)
Data related to infringements of EU consumer law (consumer complaints, information related to the trader, information related to the trader's turnover, penalties)	Articles 9, 13, 17, 19, 20, 33, 34, 37, 38, 43, 44, 54, 55, 56, 57, 58, 62, 63, 64, 66, 68.	N/A
Data related to the mutual assistance mechanism	Articles 13, 19 (2) and63	N/A

Alignment with the European Data Strategy

The proposal promotes the use of digital tools and procedures for consumer enforcement procedures, which is in line with the European Data Strategy's objective of promoting digitalisation and data-driven innovation.

The proposal builds on the existing electronic database CPC-IMI facilitating the exchange of information and reducing administrative burdens. The proposal builds on the existing CPC-IMI infrastructure, which provides a common technical environment for the exchange of information between competent authorities, Single Liaison Offices and the Commission. This is consistent with the European Data Strategy's goal of improving data sharing.

Confirm that the once-only principle has been followed, and that the possibility to reuse existing data has been explored

The once-only principle is supported by the CPC-IMI as an information system for cross border cooperation. User identity and organisational data is collected once during registration, while information relevant to cooperation is exchanged through CPC-IMI between competent authorities, Single Liaison Offices and the Commission. Access to the information system is restricted to authorised users and authorities, in accordance with their respective roles and access rights.

Data flows

Specifically for data flows, identify the stakeholders that are to provide and receive the data, respectively, and indicate what triggers the data exchange (for example, a reporting obligation) and with what frequency.

Type of data	Reference(s) to the requirement(s)	Actor who provides the data	Actor who receives the data	Trigger for the data exchange	Frequency (if applicable)
Data related to infringements of EU consumer law, investigation powers, inspections, digital tools and penalties (documents, data or information related to an infringement covered by this Regulation, consumer complaints, information related to the trader, information related to the trader's turnover,	Articles 9, 13, 17, 19, 20, 33, 34, 37, 38, 43, 44, 54, 55, 56, 57, 58, 62, 63, 64, 66, and 68.	Member States, Commission, External entities (Consumer organisations, European Consumer Centres), Economic Operators	Member States, Commission	Notification/Alerts	Regular
Data related to the mutual assistance mechanism and monitoring (requests for mutual assistance related communications, evidence and other information from Member States)	Articles 13, 19 (2) and 63	Member States	Member States, Commission	Notification/Alerts	Regular

4.3. Digital solutions

Digital solution	Main functionalities	Responsible body	Reusability	Accessibility	Use of AI (if applicable)
CPC Internal Market Inf	IMI is an electronic database for the	Commission	CPC-IMI, eLab and	It supports multilingual	AI technologies are currently

ormation System (CPC-IMI database), EU eLab, and CPC case management IT tool (new)	communication between consumer protection enforcement authorities, single liaisons offices and the Commission. It includes alerting mechanisms of consumer law infringements, coordinated sweeps and enforcement actions. The EU eLab is AI-powered toolbox that MS use to perform coordinated enforcement sweeps. The CPC case management system will be used by EC as enforcer to manage EU wide infringements of consumer law.		CPC case managemen t system reuse the current systems.	user interfaces, is compliant with EU accessibilit y standards for digital services	deployed by the EU eLab.	

4.4. Interoperability assessment

The only digital public service solution concerned for Article 66 is the CPC Internal Market Information System (CPC-IMI). CPC-IMI does not require interaction between the separate network and information systems of Member States or EU entities. Users access a common, centralised CPC-IMI environment and exchange information directly within that system, independently of their respective national information systems. While IMI enables users from different Member States and EU entities to share data, information and knowledge across borders, this exchange takes place entirely within the common IMI environment.

Digital public service or category of digital public services	Description	Reference(s) to the requirement(s)	Other interoperability solution(s)
CPC-IMI database	Enables consistent, multilingual case-handling and data exchange between all Member States and the EC; fosters procedural alignment, streamlines urgent alerting and response across jurisdictions	Art. 66	Harmonised data models for case types, legal bases, and infringement categories. Standardised procedural templates for alerts, coordinated actions, and enforcement notifications. Multilingual interfaces

Assess the impact of the requirement(s) on cross-border interoperability

IMI

Assessment	Measure(s)	Potential remaining barriers if applicable
Alignment with existing digital and sectorial policies. Please list the applicable digital and sectorial policies identified	The CPC-IMI is aligned with existing sectorial and digital policies. The revision of Regulation (EU) 2017/2394 builds on the existing digital cooperation framework provided by the Internal Market Information System (IMI). The CPC cooperation framework already relies on CPC-IMI for the exchange of information between competent authorities, Single Liaison Offices and the Commission, as provided for by Commission Implementing Decisions (EU) 2019/2212 and 2019/2213. The proposal could build on this existing infrastructure and operational framework, ensuring continuity with the arrangements currently in place for cross-border administrative cooperation.	N/A
Organisational measures for a smooth cross border digital public services delivery. Please list the governance measures foreseen.	• Commission responsibility for establishing and maintaining the information system • Definition of access rights • Procedures for withdrawal of unfounded alerts and removal of related information • Data retention rules • Implementing acts defining technical, practical and operational arrangements	N/A
Measures taken to ensure a shared understanding of the data. Please list such measures	• All communication exchanged are stored in the information system • The entities issuing external alerts shall not have access to the system • Data retention rules • Implementing acts defining technical, practical and operational arrangements	N/A
Use of commonly agreed	The proposal could build on the	N/A

open technical specifications and standards. Please list such measures	existing CPC-IMI infrastructure, which provides a common technical environment for the exchange of information between competent authorities, Single Liaison Offices and the Commission.	

4.5. Measures to support digital implementation

The Commission will adopt an implementing act for the establishment and maintenance of the information system (Article 66), for all communication between Member States and Commission.