

31 October 2025

ACCIS CONTRIBUTION TO THE PUBLIC CONSULTATION ON THE DIGITAL FAIRNESS ACT

SUBTITLE



QUESTIONNAIRE EXTRACT

ACCIS RESPONSES

SECTIONS 8 & 9 ONLY

ACCIS only submitted input via questions in Sections 8 & 9, which were the only 2 areas of the public questionnaire survey that had relevance for credit information suppliers.

Section 8: Simplification measures

Any possible legislative change proposed in any of the areas above should contribute to enhanced consumer protection and simplification of the regulatory environment. In addition, the Digital Fairness Act could also address other issues with a view to further reducing compliance costs while improving effective consumer protection. The Digital Fairness Fitness Check has identified potential for targeted simplification and burden reduction for traders, specifically in the area of information requirements and the right of withdrawal.

*** 1 *In your view, are there any concrete measures to simplify consumer laws that could reduce the burden for businesses while maintaining the same level of consumer protection?***

- Yes
- No
- No opinion / Don't know

2 *Please select the simplification measures you deem appropriate: (Multiple answers possible)*

- Re-balancing the right of withdrawal from digital media subscription services (such as audio and video streaming) to make it more sustainable for the suppliers, whilst upholding the consumers' right to change their mind

- Reducing the consumer information requirements under the Consumer Rights Directive (CRD) in respect of repetitive transactions with the same supplier (such as in-app purchases) and in automated contracts concluded by consumers using a digital (AI) assistant
- Ending the current fragmentation of national rules on price reductions for perishable goods under the Price Indication Directive by fully exempting all food products regardless of their characteristics
- Other: please specify any additional or more specific actions you support

3 Additional or more specific actions you support:

See answer to Question 8

4 Do you think certain types of information should be provided to consumers solely in digital form?

- Yes. Please describe concretely which information No.

Please explain

- No opinion / Don't know

5 Please describe:

6 Please explain:

7 In your view, in which of the following areas would EU actions reduce single market fragmentation that may currently exist due to diverging national laws or interpretations by national courts or authorities? (Multiple answers possible)

- Online interface design (dark patterns, such as presenting choices in a leading manner)
- Addictive design (features that make consumers spend more time and money online than intended, e.g. infinite scrolling)
- Features in certain digital products, such as video games (e.g. loot boxes or pay-to-progress or pay-to-win mechanisms)
- Personalised commercial practices (such as advertising and pricing based on personal data/profiling)

- ❑ Commercial practices by social media influencers (e.g. lack of disclosure of the commercial intent, harmful claims about certain products or services)
- ❑ Pricing practices (e.g. adding unavoidable fees during the ordering process which makes the final price differ from the headline price initially advertised)
- ❑ Digital contracts (e.g. difficult exercise of the right to cancel subscriptions)

8 Do you have specific suggestions, requests for clarification or concerns with regard to the interaction of cross-cutting EU consumer protection legislation with other existing EU legislation, including the Audiovisual Media Services Directive, the Digital Services Act, the Digital Markets Act, the Artificial Intelligence Act, or the EU Digital Identity Framework? Please be specific and provide evidence to support your views.

ACCIS is supportive of measures that are aimed at simplifying the current regulatory environment, specifically as it concerns credit scoring.:

- *According to the Consumer Credit Directive (CCD), and the Mortgage Credit Directive (MCD), lenders are required to carry out a creditworthiness assessment (CWA) and “should also consult credit databases” (Recital 57 of CCD2) before granting credit. To comply, lenders generally use credit scores in creditworthiness assessment.*
- *Further, according to the CCD, when the CWA is based on automated processing, consumers have the right to request and obtain a meaningful explanation of this assessment by the creditor, and they should also be able to express their point of view and contest the assessment.*
- *Furthermore, the EU AI Act has classified AI system-generated credit scoring as a High Risk application, due to its potential to significantly affect individuals’ access to and enjoyment of financial services.*
- *So, on the one hand, CWAs are in effect mandatory according to financial services-specific legislation. On the other hand, according to the horizontal legislation AI-based credit scoring is high risk. This is even though it is likely the organisation calculating a credit score is not the same as the one granting a loan.*
- *Here, ACCIS would also refer to the 23 October Council meeting conclusions, as well as the recently issued Annual Report on Simplification, Implementation and Enforcement, which both carry a message of simplification and burden reduction as being of paramount importance in this legislative cycle.*
- *One specific area that would help achieve simplification is in the EU AI Act, whereby the European Commission’s EU AI Office and the EU AI Board could reaffirm the Commission’s position to EU Member States explaining that Logistic Regression is not an AI system, in line with the legal text and Guidelines. This reaffirmation would be vital to ensuring regulatory coherence and supporting effective implementation of the AI Act that would not disproportionately burden SMEs and other smaller lenders, for example.*
- *As the AI Act enters its implementation phase—with certain provisions already in force*

and key obligations approaching in 2026—clear and consistent guidance on what constitutes an “AI system” is critical. While the Commission has helpfully clarified that logistic regression falls outside the scope of the Act, we are aware that some national authorities continue to raise questions.

- *Reaffirming this exclusion is essential to avoid legal uncertainty and maintain industry confidence. Without consistent interpretation, the credibility of the EU regulatory environment could be undermined—potentially deterring investment, slowing AI development in Europe, and placing disproportionate burdens particularly on SMEs. This would ultimately reduce competitiveness, market diversity, and consumer choice.*

Section 9: Horizontal issues

*** 1 In addition to the above, do you think that any further EU actions should be taken to improve the protection of consumers and the functioning of the Single Market in the digital environment in a more general way? (Multiple answers possible.)**

- No actions are needed
- Yes, non-regulatory measures are needed (e.g. guidance)
- Yes, more effective enforcement by public authorities of existing rules is needed
- Yes, new binding rules are needed
- No opinion / Don't know

2 Please select the actions you support: (Multiple answers possible)

- Digital products accessible to minors that contain certain commercial practices should be subject to the mandatory use of age verification/age estimation tools
- Traders should ensure ‘fairness by design’ (i.e. take technical and organisational measures to incorporate consumer protection considerations at all stages of the product or service development)

- With a view to strengthening the enforcement of consumer protection law, the burden of proof should be reversed in cases where consumers/interested parties or authorities have disproportionate difficulty in obtaining information to prove a trader's wrongdoing
- The current definition of a consumer as someone who is reasonably well- informed, observant and circumspect should be amended to better reflect the reality of consumer behaviour in the digital environment (e.g. most people not reading Terms & Conditions or understanding how their personal data is used)
- Legislation should prevent commercial practices from targeting consumers' possible vulnerabilities of a temporary or permanent nature (e.g. socio- demographic, behavioural, financial or personal characteristics)
- Other: please specify any additional or more specific actions you support

3 Additional or more specific actions you support:

- To prevent *free-riding* by non-compliant traders benefiting from existing consumer protection laws without bearing compliance costs, the Digital Fairness Act should strengthen enforcement coordination and ensure proportionate penalties for systematic non-compliance, thereby safeguarding fair competition within the Single Market.

4 Do you have further suggestions for improving consumer protection and enforcement in the digital sphere and contributing to a level playing field for traders in the EU?

Do you have specific suggestions concerning the protection of minors?

- ACCIS makes the assessment that the **existing consumer law acquis provides a wide and robust set of protection measures.**
- **Further, ACCIS sees that the primary risk of further legislation being introduced in the Digital Policy acquis is the potential for fragmentation and duplication.**
- Here ACCIS refers to MEP Arba Kokalari's INI Report on the impact of artificial intelligence on the financial sector, which identifies that there are: challenges arising from having **multiple supervisory agencies** with competences regarding the application of the [Digital Policy] acquis' ; as well as 'challenges arising from **differing legal interpretations and expectations** of the various supervisory agencies, which could lead to the fragmentation of the single market'. This sort of situation should be avoided as much as possible in any further intervention.
- Lastly, any new DFA rules on personalisation that would be relevant to credit scoring must be consistent with the **High-Risk classification criteria** under the AI Act to avoid creating a second, parallel compliance regime for the same systems.



ACCIS

ACCIS represents the largest group of credit reference agencies in the world. ACCIS brings together 40 members across 28 European countries and 11 associate and affiliate members from all other continents.

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