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Ensuring Compliance in the Digital Age: Towards a Data-Driven EU Consumer Contract Law

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21

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The European Union's consumer contract law has long sought to balance market integration with a high level of consumer protection. Over the last three decades, it has evolved from a fragmented set of minimum harmonisation measures into a more coherent framework. As commerce increasingly migrates to digital environments, this *acquis* faces a new challenge: how can compliance and enforcement mechanisms adapt to an era of constant technological change and algorithmic transactions?

My recent chapter, *Ensuring Compliance in the Digital Age: A Data-Driven Approach to EU Consumer Contract Law*, argues that the future of effective consumer protection lies in embracing data-driven and evidence-based law-making and enforcement. The EU's traditional model, rooted in assumptions of rational consumers and *ex ante* regulation, has become ill-suited to the pace of the digital world. Instead, legislators and regulators must integrate empirical methods and technological tools into every stage of the law and policy cycle, from design and implementation to enforcement and evaluation.

The Criteria for Good Evidence

The chapter sets out criteria for what constitutes 'good evidence'. Evidence should be scientifically credible, impartial, and derived from data that accurately reflects real-world behaviour. It should be gathered both before and after legislation is adopted, allowing for ongoing evaluation. Above all, evidence collection should be interdisciplinary, combining legal, economic, and behavioural perspectives, and participatory, involving diverse stakeholders and researchers across Member States. Crucially, evidence-based regulation must move beyond static, one-off studies. The digital economy operates and evolves around the clock, producing vast data that could be used to inform and refine consumer protection rules and enforcement practices.

From Doctrinal Tradition to Empirical Foundations

Over the past thirty years, EU consumer law has evolved from the [Unfair Terms Directive 93/13](#), which is grounded largely in national legal traditions, towards more harmonised and digitally responsive frameworks such as the [Digital Content and Services Directive 2019/770](#) and the [Sale of Goods Directive 2019/771](#). This evolution reflects a growing awareness that consumer protection cannot rely solely on abstract principles or assumptions of consumer rationality.

Despite this progress, for instance through the Better Regulation agenda, empirical foundations for many legislative choices remain weak. Too often, the policy process relies on ex ante impact assessments that are limited in scope, leading to what some describe as policy-based evidence rather than evidence-based policy. True evidence-based regulation requires continuous data collection, hypothesis testing, and interdisciplinary scrutiny. Otherwise, EU consumer contract law fails to ensure that laws evolve in tandem with actual consumer behaviour and market practice.

The Case for Real-Time Data and Enforcement

Drawing inspiration from EU financial law, the chapter explores how real-time data and algorithmic monitoring could transform law-making and enforcement in the field of EU consumer protection. Financial regulation increasingly relies on data-driven tools to monitor compliance and detect breaches as they occur. Translating this model into EU consumer contract law would allow regulators to identify illegal practices more rapidly, assess enforcement gaps, and adapt interventions accordingly.

Such an '[enforcement-evidence loop](#)' would turn compliance data into a direct input for law- and policy-making. It would also allow EU and national regulators to address underenforcement and asymmetries between Member States more effectively. Tools such as [CLAUDETTE](#), an AI system detecting unfair terms in online contracts, illustrate the potential of real-time evidence collection to support future legislative and enforcement efforts.

Safeguarding Accountability in Data-Driven Governance

The integration of algorithmic systems into legal oversight inevitably raises questions of transparency, accountability, and legitimacy. Delegating regulatory functions to code risks creating a form of 'automated law-making' that operates beyond traditional checks and balances. For this reason, the chapter argues that any move towards real-time or AI-assisted enforcement must preserve human agency and the normative role of law. Access to data should be accompanied by rigorous confidentiality safeguards, interdisciplinary audits, and mechanisms for scrutiny.

Towards an Evidence-Based Future

The future of EU consumer contract law lies in building institutional frameworks capable of integrating real-time evidence and enforcement outcomes into the legislative and policy process. Enforcement actions should feed directly into data repositories that can be analysed to identify systemic patterns of non-compliance, underenforcement, or regulatory failure. By learning from the experience of EU financial regulation, EU consumer law can move towards a model of compliance that is proactive rather than reactive, dynamic rather than static.

The author's chapter is available [here](#).

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