ANACOM AUTORIDADE NACIONAL DE COMUNICAÇÕES

Smarter regulation: using behavioural insights for better regulation





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What makes regulation truly smarter?

Reflections:

- Understanding real consumer behaviour
- Behavioural insights can contribute to more effective and proportionate regulation
- Artificial intelligence and the future of consumer protection

Conclusions and challenges ahead

What makes regulation truly smarter?

Smarter regulation is not about regulating more. Nor is it about regulating less. It is about regulating better.



Image Source (https://www.cieh.org/news/blog/2023/smarter-regulation-or-simply-deregulation-in-disguise/)

- Artificial intelligence is changing how services are designed and delivered.
- Digital platforms increasingly mediate our interactions with markets.
- Business models are becoming more data-driven, automated and personalised.
- Consumers benefit from more innovative, more accessible and more personalised services than ever before.

Complex Environments require → Evidence, data and market analysis + Understanding how users actually behave → Regulation
- Outcome-based
- Adaptive
- Behaviour based

First reflection: understanding real consumer behaviour



Source: https://blog.chatbotslife.com/behavioralfinance-series-the-curious-case-of-framing-bias-67e96cdb45ff (original image from https://ethicsunwrapped.utexas.edu/video/framing)

People do not typically act like rational automata, who choose the optimal product mix that perfectly maximizes their utility.

Do consumers use information in the way we expect?

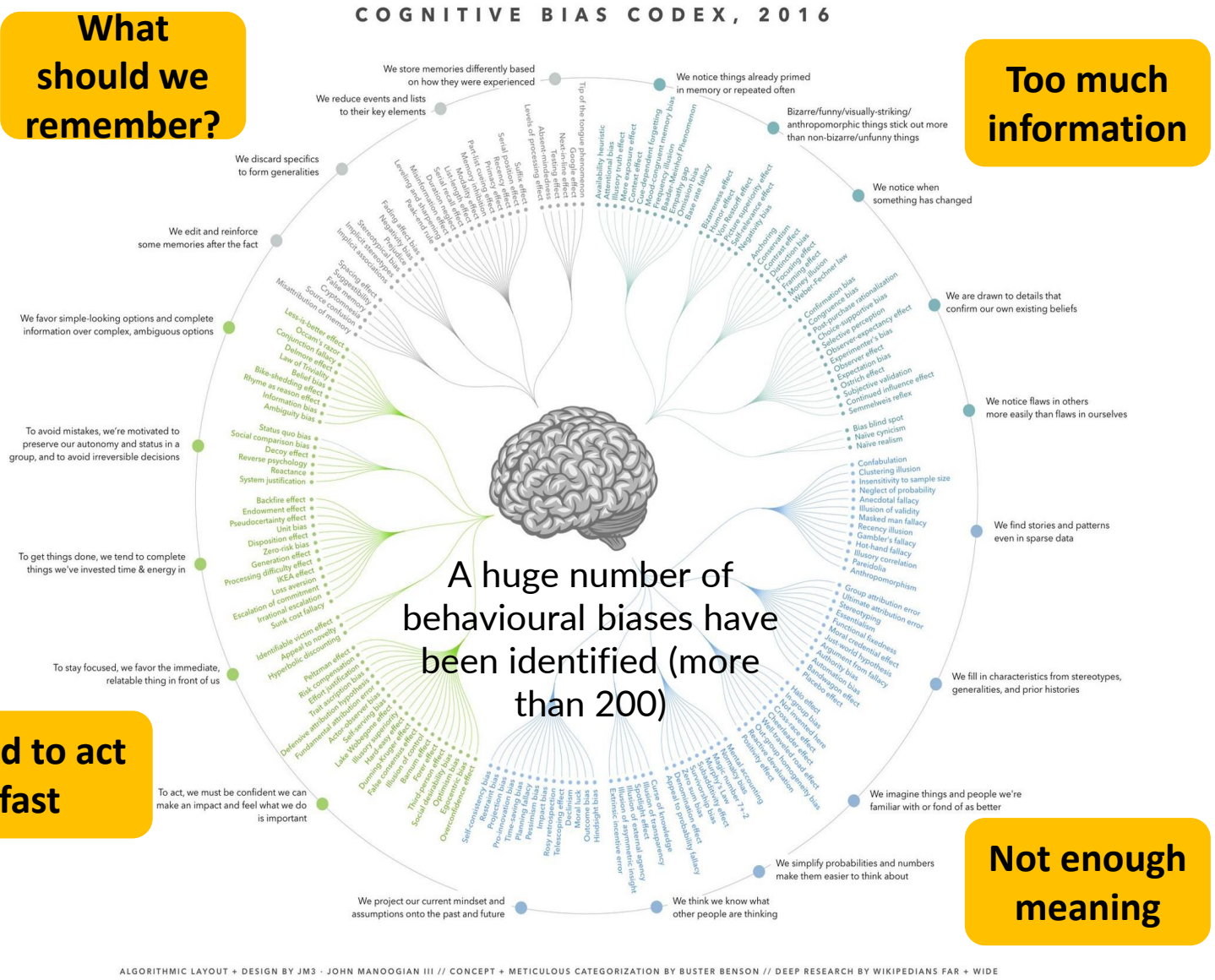
Behavioural economics seeks to understand - and make use of - the many rules of thumb and mental shortcuts that influence the way in which human make decisions.

First reflection: understanding real consumer behaviour

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What should we remember?

Too much information



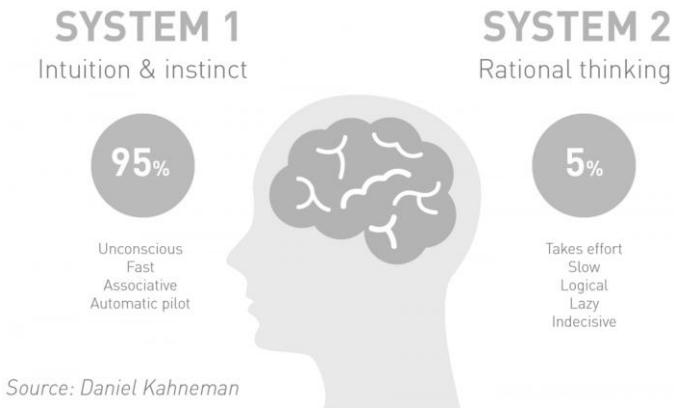
Need to act fast

Not enough meaning

Decision-making can be a mental burden

↓

Cut corners using heuristics (rules of thumb)

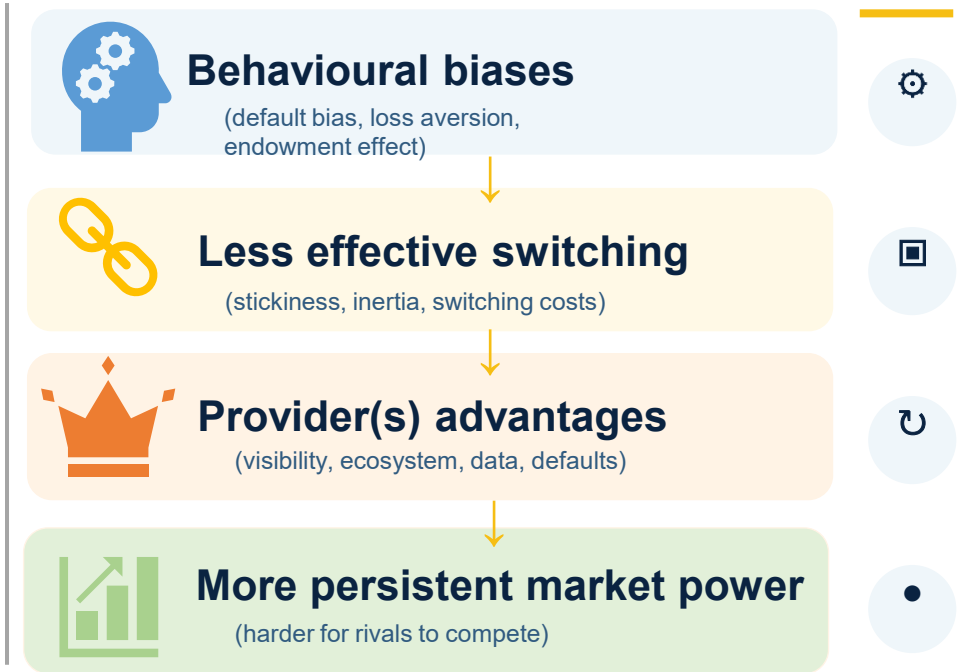


Consumers tend to:

- focus on headline prices.
- postpone choices.
- accept default options.
- overlook long-term implications
- And more!

Second reflection: behavioural insights can contribute to more effective and proportionate regulation

Why understanding behavioural economics is important?



EXAMPLES

Complex offers

Competition exists, but consumers may choose a more expensive or less suitable offer due to complexity or lack of time.

Dark patterns / defaults

Pre-selected options or interface design can impact consumers perception, making alternatives less visible.

Bundling & automatic renewal

Consumers may be less likely to switch, reducing the ability of competitors to win customers.

Inertia & perceived loss

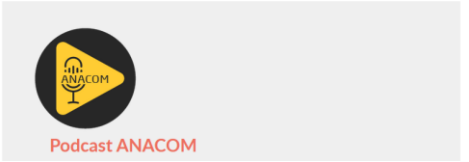
Consumers may stay with the current provider even when better offers exist, due to perceived loss or accumulated benefits.

Second reflection: behavioural insights can contribute to more effective and proportionate regulation

ANACOM's decision: to cease or adapt the practice of automatically activating additional communications allowances without the prior request or consent of the end-user

Adressing specific practices involving behavioural aspects

ANACOM's site: Area "ANACOM explains" dedicated to complex themes explained in a simple way + PODCAST

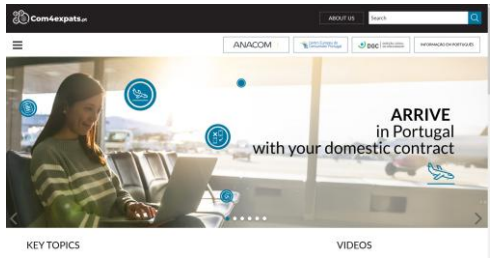


Short videos: ANACOM's tips 1 minute vídeos partnership with the public service broadcaster RTP



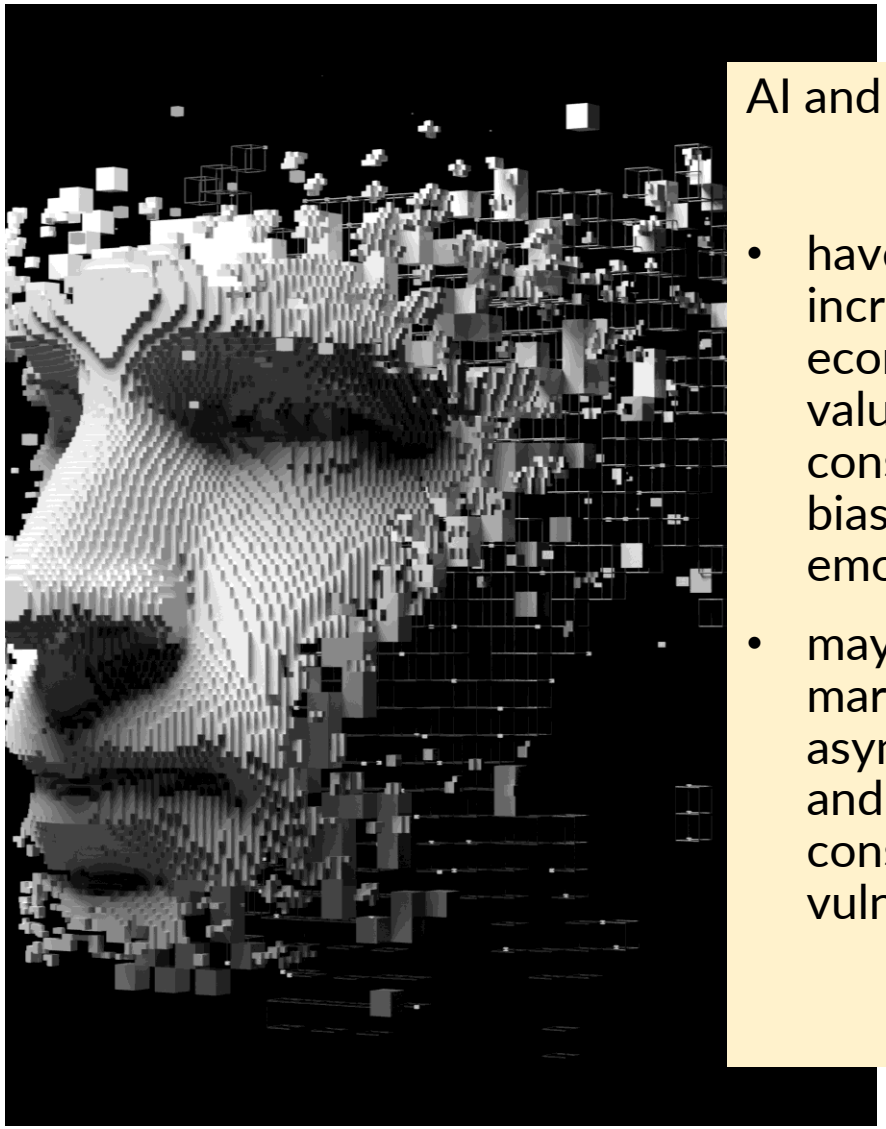
Simplification
Digital literacy

Communications 4 Expats portal: initiative by ANACOM, the Directorate-General for Consumer Affairs (DGC), and the European Consumer Centre (CEC) to help foreigners use telecommunications services in Portugal.



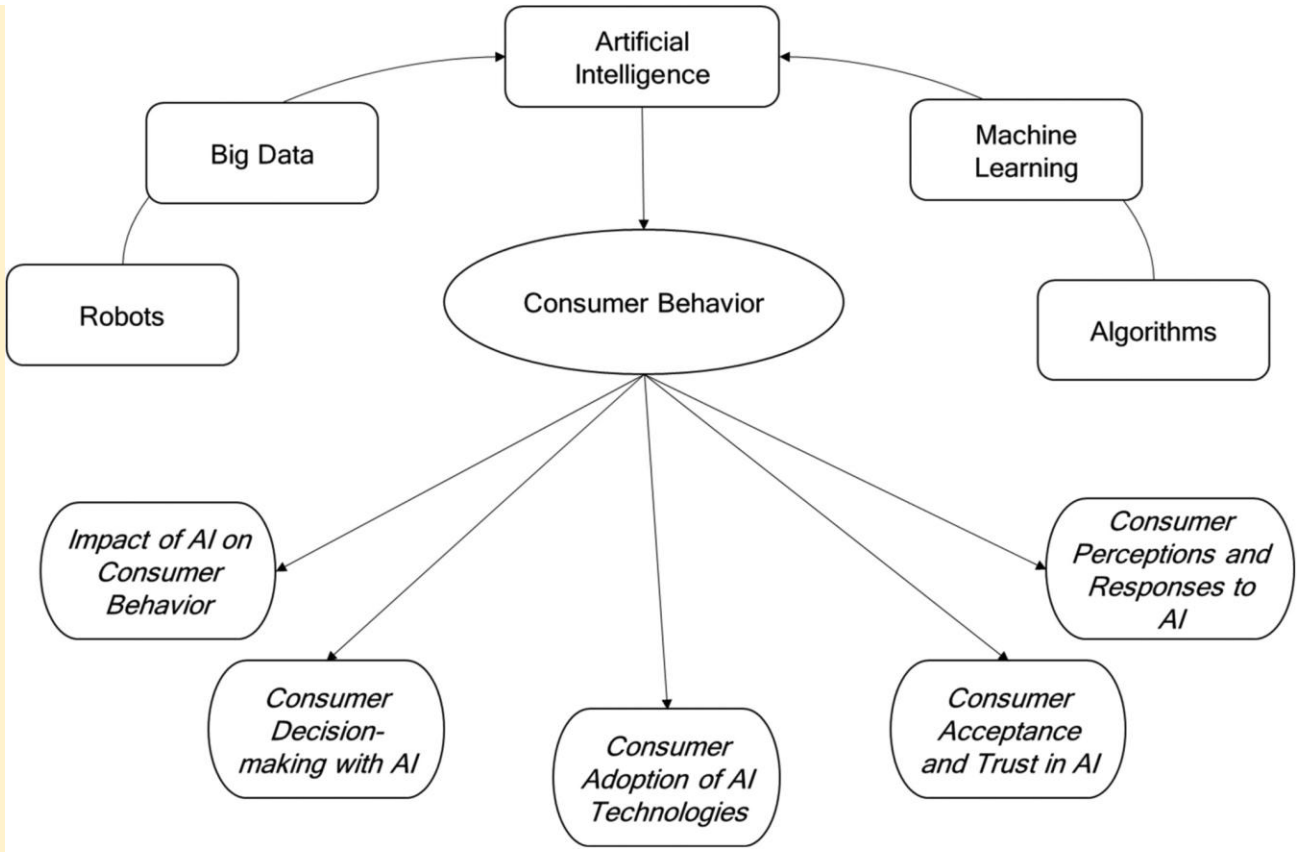
Adressing specific communities (expats)

Third reflection:
Artificial intelligence and the future of consumer protection



AI and big data:

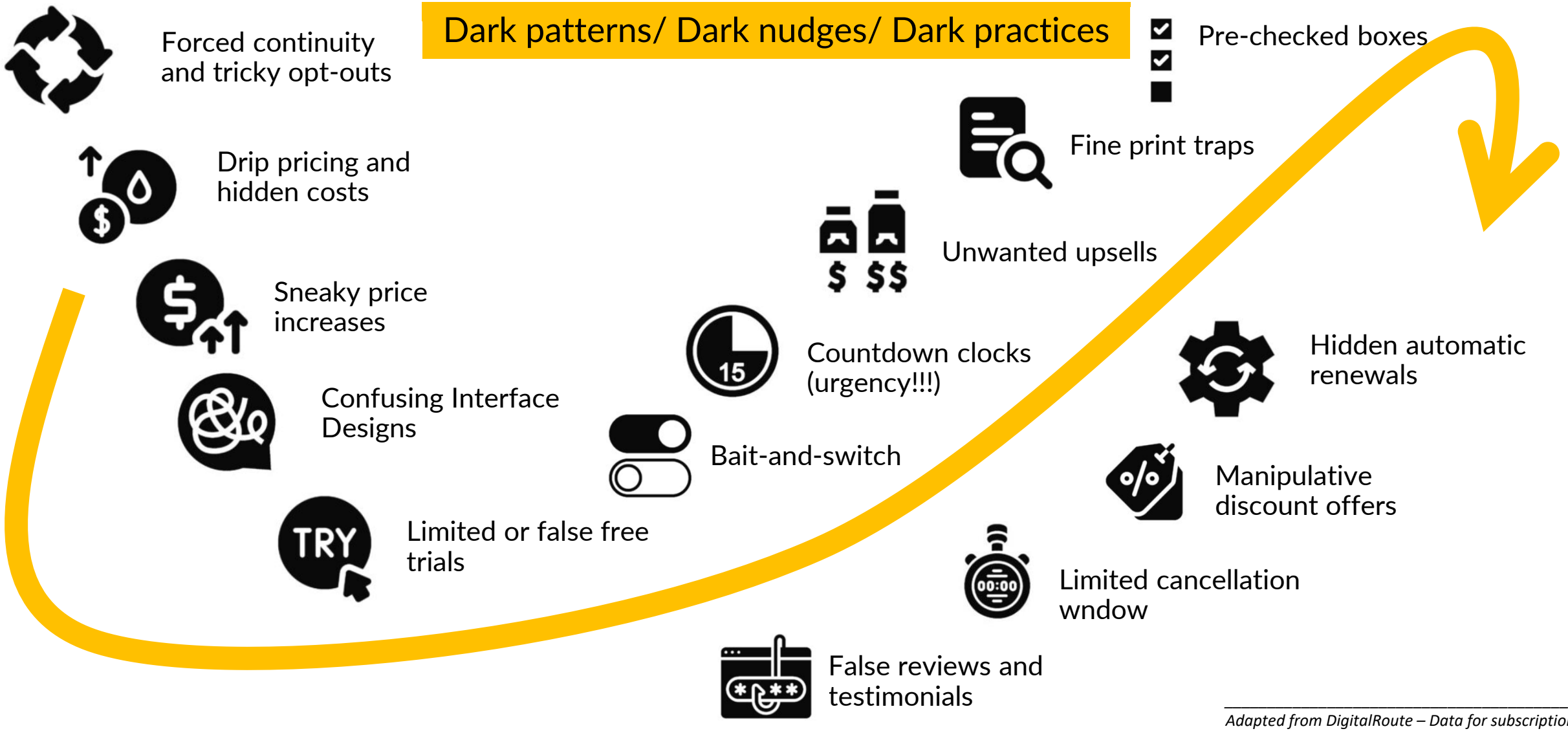
- have increased the economic value of consumer biases and emotions
- may enhance market asymmetries and consumer vulnerabilities



Source: Jain, V., Wadhwani, K., & Eastman, J. K. (2024). Artificial intelligence consumer behavior: A hybrid review and research agenda. *Journal of Consumer Behaviour*, 23(2), 676–697.

Third reflection:
Artificial intelligence and the future of consumer protection

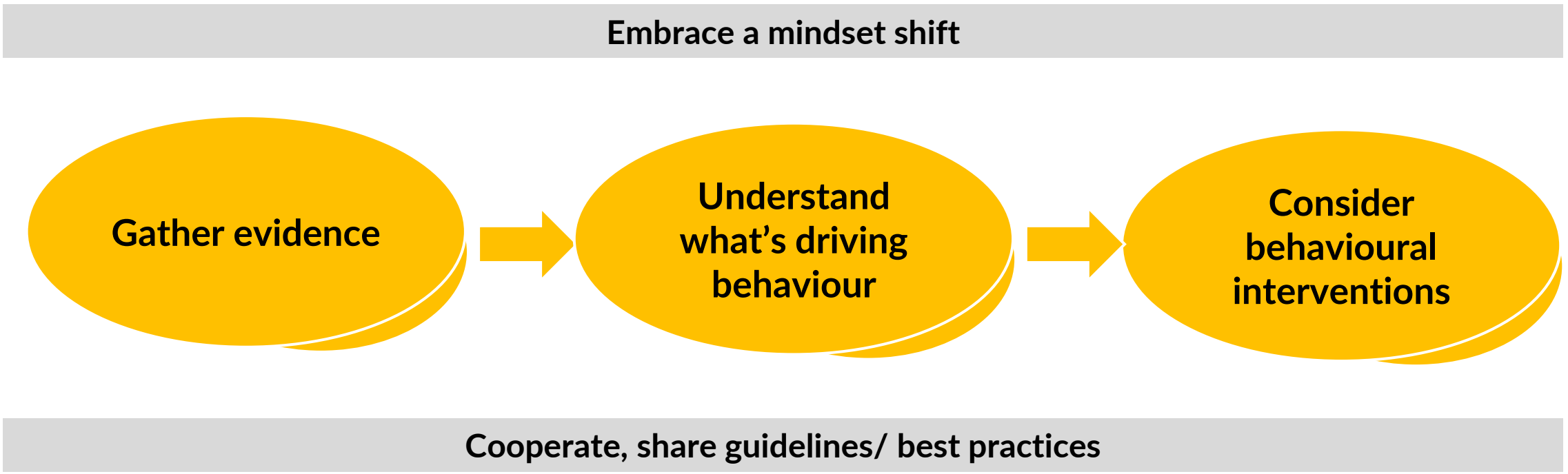
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Adapted from DigitalRoute – Data for subscriptions

Conclusions and challenges ahead

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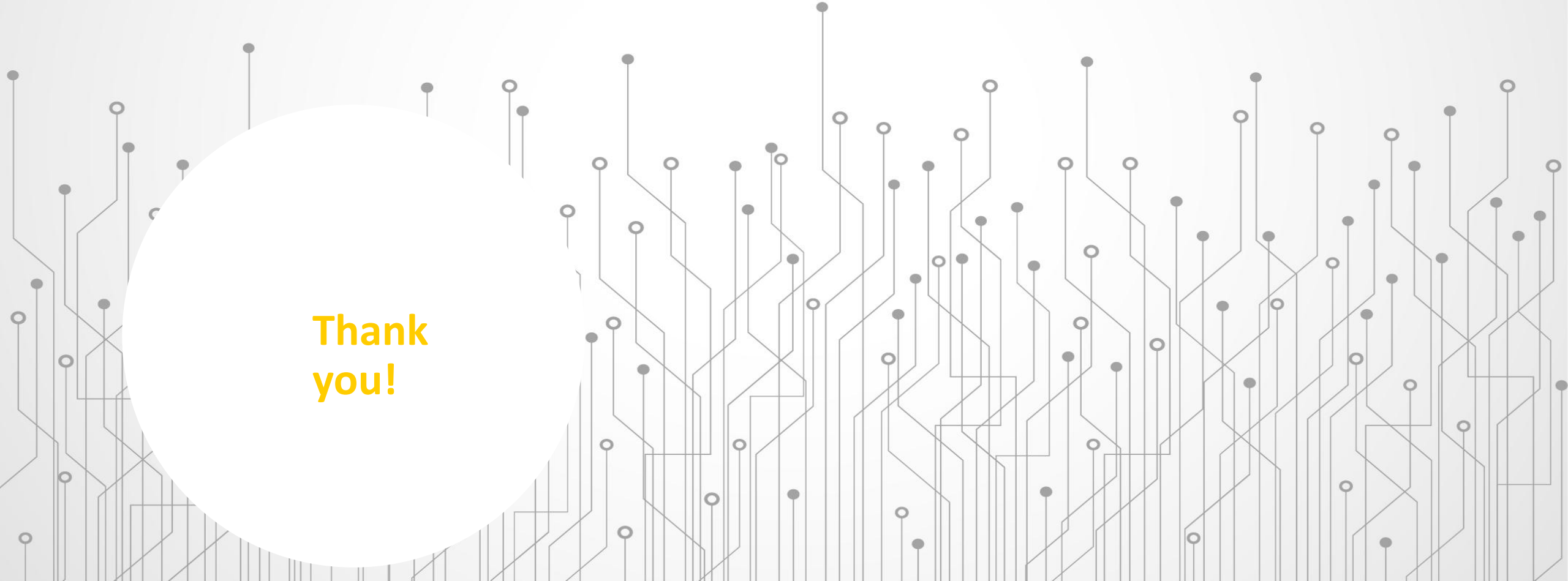
Conclusions and challenges ahead

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Good regulation has always sought to understand markets.

Smarter regulation must understand both markets and people.




Thank
you!