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E-002043/2024

Answer given by Executive Vice-President Virkkunen

On behalf of the Commission

(6.1.2025)

The Commission shares the concerns of the Honourable Member about the risks of unsafe and illegal products sold online and is taking measures to address the issue through effective implementation and co-ordinated enforcement by the EU and national authorities of existing EU legislation.

There are rules on the exemption of liability of online intermediaries since 2000 in EU law that have been interpreted by the Courts, as applying equally to social networks and online marketplaces. The Digital Services Act (DSA)¹ is aligned with these rules and has supplemented them with some specific conditions for online marketplaces (articles 29-32 DSA). Furthermore, it accompanies the exemption of liability with specific due diligence obligations, where it tackles the specific challenges posed by online marketplaces distinctively.

For very large online platforms and very large search engines, the DSA refers to ‘a high-level of consumer protection enshrined in Article 38 of the Charter’ and to ‘the person’s physical [...] well-being’ under the specific systemic risks that designated services should diligently identify, analyze and assess. This is intended to cover, in particular, the specific risks represented to consumers in the context of transactions facilitated by online marketplaces that are designated as very large online platforms, such as the sale of illegal products.

The new General Product Safety Regulation² introduced further product safety obligations for providers of online marketplaces and reinforced product traceability requirements.

The new Product Liability Directive³ clarifies the liability of online marketplaces in case of damage caused by defective products when the manufacturer is not established in the EU and will be applicable from December 2026.

¹ 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).

² 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.

³ Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products and repealing Council Directive 85/374/EEC, OJ L, 2024/2835, 18.11.2024.