

(English version)

**Question for written answer E-002044/24
to the Commission
Christel Schaldemose (S&D)
(14 October 2024)**

Subject: Liability of online marketplaces

Temu is classified as a very large online platform under the Digital Services Act. What checks has the Commission carried out to make sure that Temu is genuinely an online marketplace (such marketplaces being ‘providers of online platforms allowing consumers to conclude distance contracts with producers’) and does not itself buy and resell the products sold on the platform?

It is important to clarify this question, given that Temu, which is established in Ireland, would be regarded as an economic operator (importer or producer) under product and environmental legislation if it actually bought, owned and resold the products ‘intermediated’ via its own website.

Submitted: 14.10.2024

**Question for written answer E-002045/24
to the Commission
Christel Schaldemose (S&D)
(14 October 2024)**

Subject: Liability of online marketplaces

Has the Commission checked whether the names of sellers appearing in Temu's sales adverts are the names of real firms which can be contacted and communicated with and which are aware that they are listed as sellers of products on Temu?

Submitted: 14.10.2024

**Joint answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(31 January 2025)**

The Commission shares the Honourable Member’s concerns regarding the risk of non-compliant sellers selling unsafe and illegal products online and is taking measures to address the issue both through effective implementation and enforcement of existing EU regulation.

At this stage and based on the evidence gathered, the Commission does not have indication that Temu resells products and operates as a producer or importer.

Under the Digital Services Act (DSA) ⁽¹⁾, the Commission designated Temu as a very large online platform ⁽²⁾. On 31 October 2024, the Commission opened formal proceedings ⁽³⁾ against Temu following the suspicion that it may have breached the DSA, notably in the areas linked to the sale of illegal products.

The opening of formal proceedings in the context of the DSA is based on evidence collected to date, including findings obtained through requests for information sent to Temu ⁽⁴⁾ and the risk assessment report received by the Commission from the online marketplace.

Depending on the findings and the investigation’s outcome, the Commission will take the appropriate actions. The Commission cannot disclose further details on the investigation at this stage.

As mentioned in the replies to written questions E-002041/2024, E-002042/2024 and E-002043/2024, providers of online marketplaces are liable under the DSA for the compliance with the due diligence obligations of the DSA.

Moreover, in case of damage caused by defective products, the new Product Liability Directive ⁽⁵⁾ clarifies the apportionment of liability when the manufacturer is not established in the EU.

⁽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), OJ L 277, 27.10.2022, p. 1-102.

⁽²⁾ Commission Decision of 31 May 2024 designating TEMU as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council, C(2024) 3757 final, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_3047

⁽³⁾ <https://digital-strategy.ec.europa.eu/en/news/commission-opens-formal-proceedings-against-temu-under-digital-services-act>

⁽⁴⁾ <https://digital-strategy.ec.europa.eu/en/news/commission-requests-information-online-marketplaces-temu-and-shein-compliance-digital-services-act> and <https://digital-strategy.ec.europa.eu/en/news/commission-requests-information-under-digital-services-act-temu-traders-selling-illegal-products>

⁽⁵⁾ 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.