

(English version)

**Question for written answer E-002518/24
to the Commission
Bruno Tobback (S&D)
(13 November 2024)**

Subject: Responsibility of online market platforms

In many instances, products from third-country sellers, purchased directly via online platforms, fail to meet European safety standards. That also emerged from a recent market survey by the toy industry. ⁽¹⁾

As a result, there are unsafe products for consumers and unfair competition for European firms that do meet the standards.

European consumers must always be certain that products placed on the European market are safe and comply with all European standards, regardless of whether they have been purchased in a shop or via a European or foreign online platform.

A first step is to make online platforms responsible — if no other economic operator is responsible — for ensuring that products offered comply with European rules. That is currently not the case.

This could change, starting with an evaluation of Regulation (EU) 2019/1020 on market surveillance and compliance of products.

The Commission was required to prepare an evaluation report on Article 4 by 16 July 2023. That report has still not been delivered.

1. When will the evaluation report be delivered, and will it be accompanied by a legislative proposal?
2. Is the Commission planning in this way (or in any other way) to make online platforms responsible for ensuring that the products they offer comply with European standards?

Submitted: 13.11.2024

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(14 February 2025)**

The report on the implementation of Article 4 of Regulation 2019/1020 ⁽¹⁾ is being finalised. It is expected to be delivered in quarter 1 2025 ⁽²⁾ and will not be accompanied by a legislative proposal. A comprehensive evaluation report of the regulation shall be published by 31 December 2026.

Online marketplaces carry out a different role than the traders they host, since they are normally not defining the kind and characteristics of products sold, nor have necessarily access to the goods, their packaging and other kind of information held by the economic operator.

For this reason, Regulation (EU) 2022/2065 ⁽³⁾, the Digital Service Act (DSA), confirms the basic principle that online marketplaces are not responsible, under certain conditions, for the products sold on their platforms by third parties.

Nevertheless, online marketplaces are subject to several due diligence obligations stemming from the DSA (e.g. traceability of traders, compliance by design and, for very large online platform, proactive assessment of risks and tailored mitigation measures) and from the General Product Safety Regulation ⁽⁴⁾, which became applicable as of 13 December 2024. It is therefore of key importance that these different requirements are now enforced in a coordinated manner.

Under Article 34 and 35 of the DSA, providers of very large online marketplaces are required to assess and effectively mitigate systemic risks that their services pose to consumer protection. These obligations address risks stemming from illegal and dangerous products.

¹ <https://www.toyindustries.eu/80-of-toys-bought-from-third-party-traders-on-online-marketplaces-fail-eu-safety-standards-and-could-be-a-danger-to-children>

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R1020>

⁽²⁾ Due to data limitations, the report was not made available at the date foreseen in the regulation.

⁽³⁾ 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)

⁽⁴⁾ 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

The Commission is committed to addressing the challenges of e-commerce platforms to ensure safety and security, EU sustainable standards and a level playing field within the single market and adopted a communication on 5 February 2025 ⁽⁵⁾.

⁽⁵⁾ Commission Communication on a comprehensive EU toolbox for safe and sustainable e-commerce (COM(2025) 37 final of 5.2.2025).