Brussels, 16 July 2025

Enhancing the enforcement of EU rules online: addressing challenges in the DSA, NLF and MSR

Our Message

Non-compliant products sold online are flooding the EU market. The lack of clear liability for online marketplaces is a key determinant to this trend. Neither the Digital Services Act (DSA), the General Product Safety Regulation (GPSR), nor the Green Deal framework have effectively addressed this gap in legislation.

We ask to:

- **establish liability for online marketplaces** in cases where no economic operator is based in the EU.
- **impose clear obligations on online marketplaces** to ensure accurate verification of trader-provided information.

Challenges for Industry

Online non-compliance is a growing concern, with serious implications for consumer safety, environmental protection, and the competitiveness of European manufacturers.

The volume of consumers direct imports from third countries continues to rise with 4.6 billion small parcels (meaning under the threshold of €150) entering the EU market, as stated by the European Commission in the February 2025 "E-commerce communication: A comprehensive EU toolbox for safe and sustainable e-commerce"[1]. With this number rising, so will the number of non-compliant products be entering the EU market through online marketplaces. Various studies have increasingly confirmed that most non-compliant products enter the European market through e-commerce channels. Market Surveillance Authorities and Customs face significant challenges in keeping pace with the volume of direct imports[2] sold online.

LightingEurope conducts[3] online mystery shopper exercises every year. The 2024 results reveal alarmingly high rates of non-compliance among lighting products sold on online marketplaces in the EU. Of the 275 products surveyed (G4 lamps on mains, LED strips and Children's Night lamps) 100% of those inspected online were found to be non-

[1] E-commerce communication: A comprehensive EU toolbox for safe and sustainable e-commerce | Shaping Europe's digital future
[2] Czechia, Denmark, Slovakia and France, raised a public point on online marketplaces and non-compliance with extended producer responsibility obligations. Austria also requested an item under other business on very large online marketplaces and their non-compliance with extended producer responsibility.
[3] https://www.lightingeurope.org/our-initiatives/online-mystery-shopper-exercises

compliant. In addition, 20 products, only including children's night lights and LED strips, were selected and tested against the relevant safety standards in an accredited laboratory and all were found to be non-compliant.

Non-compliant products harm consumers by putting their health and finances at risk. Faulty products often need to be replaced, leading to additional costs. They may also fail to meet energy efficiency claims, resulting in higher long-term expenses for consumers. Worse, if they do not meet EU safety standards, they can pose significant safety hazards[4]. The environmental impact is also considerable. Non-compliant products often disregard Ecodesign requirements, making them less energy efficient. Many products are also sold by suppliers who are not registered under WEEE (Waste Electrical and Electronic Equipment) obligations[5], further undermining environmental goals.

From an economic perspective, non-compliant products distort the Internal Market and place law-abiding European manufacturers at a disadvantage. By ignoring EU rules, rogue traders create an unfair playing field, undercutting businesses that invest in compliance - up to 25% of annual turnover for some of our members - and trust in the EU regulatory framework. The investment of companies illustrates how much resource, financial and manpower, are allocated to place a compliant product on the market.

Finally, the credibility and effectiveness of EU legislation are at stake. When enforcement is weak, rules lose their authority, which risks a broader decline in compliance, particularly among third-country manufacturers. This is already evident in areas like traditional product and chemical legislation and could soon extend to the Green Deal[6] if enforcement gaps persist.

Our recommendations

To address this issue, LightingEurope has developed a set of proposals to strengthen online product compliance. We call for:

- **Liability for all EU product requirements:** In the absence of an EU-based economic operator, online marketplaces should be held liable and assume responsibilities equivalent to those of importers. Just as with products sold in physical stores, every product sold online must have a clearly identifiable and legally liable party for all EU product requirements. The liability regime under the Digital Services Act (DSA) should be amended; the New Legislative Framework (NLF) together with the Market Surveillance Regulation (MSR) should be revised to include online marketplaces as economic operators.
- **Clearer obligations for online marketplaces:** Online marketplaces should have a clear obligation to verify the accuracy of information provided by sellers on their platform and to identify fraudulent traders under the next revision of the Digital

[4] Safety standards are imposed by the Low Voltage Directive (LVD), Radio Equipement Directive (RED), Electro Magnetic Compatibility (EMC) legislation.

[5] https://www.lightingeurope.org/images/initiatives/LE_--_Results_online_mystery_shopper_exercise_2024_FINAL_-_20250206.pdf

[6] 95% of products sold via online marketplaces are **non-compliant with chemicals** laws (REACH, CLP and BPR). *The recommendations of the report note that "the main recommendations of the project are for the European Commission to make marketplaces responsible and liable for enforcement of illegal products/offers".* ECHA, 2021 enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold online; 90% of **chemicals non-compliant** with REACH come from outside the EU. CEFIC, 2021; The "EEPLIANT3 Project" showed that the non-compliance with **EU requirements remains worryingly high**. For example, for household tumble dryers, 94 web shops were checked and 91% (249) of the 279 products were not compliant. On light sources, 83 e-shops were examined. 96% (239) of the 249 models checked on these websites did not comply with the EU requirements on display of the energy label and/or the Product Information Sheet. Testing was even more shocking as 71 out 80 (89%) light sources failed the verification testing.

Services Act (DSA). This is particularly important as many platforms also act as traders or fulfilment service providers for the same product categories.

- **Stronger enforcement:** Enforcement must be stepped up and meaningful penalties for non-compliant products sold online should be imposed.

Contact

For further information on this topic, please contact Marion Ebel, Director of Policy & Corporate Affairs, through marion.ebel@lightingeurope.org or Alfredo Menghini, Policy Officer, through alfredo.menghini@lightingeurope.org

LightingEurope is the voice of the lighting industry, based in Brussels and representing 32 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and wellbeing, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at www.lightingeurope.org