



LIGHTINGEUROPE
THE VOICE OF THE LIGHTING INDUSTRY

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EU policymakers miss the opportunity to close the loophole on liability and to ensure that what is illegal offline is illegal online

The European Parliament, Council and European Commission reached an agreement on the Digital Services Act (DSA) in June. Today, the European Parliament endorsed the provisional agreement in its plenary session.

LightingEurope is disappointed to see that what will serve as the key framework to regulate digital services for the years to come fails to ensure that what is illegal offline is also illegal online, by choosing not to clearly allocate liability for all forms of non-compliance online when there is no economic operator in the EU.

“The Digital Services Act was the key opportunity to adapt the EU rules for digital services to today’s market reality. Our 2021 mystery shopping exercise showed that out of the 30 products proposed by the platform’s algorithms and delivered to us, 77% did not comply with EU mandatory requirements. This undermines both the world-wide credibility and impact of EU rules and the competitiveness of EU-based economic operators. What is the value of creating legislation on product safety, sustainability, or quality if online there’s no obligation to have an economic actor within the EU jurisdiction who can be held liable?” said Ourania Georgoutsakou, Secretary General of LightingEurope.

The DSA must hold accountable online platforms that facilitate transactions between traders and end-users via a strong liability regime.

LightingEurope had proposed that these platforms should not be exempt from liability when:

- they are aware of an illegal activity on their interfaces and do not take immediate action; or
- they exert a decisive influence on the trader or the transaction; or
- there is no party based in the EU that can be held liable for an illegal activity online on their platform; or
- they do not comply with their own DSA due diligence obligations, such as the know-your-business customer obligation.

Full results of the LightingEurope online mystery shopper exercise are available [on our website](#).

Contact

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About LightingEurope

LightingEurope is the voice of the lighting industry, based in Brussels and representing 30 companies and national associations. Together these members account for over 1,100 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.