

Restoring the level playing field in retail

Key recommendations

1.	Establish EU framework for enforcement authorities to collaborate and coordinate activities across enforcement domains at national and EU level.
2.	Create a permanent Commission Task Force against Unfair Competition from third country operators with a clear mandate, which is transparent, involves all relevant DGs and stakeholders.
3.	Include Enforceability in EU Impact Assessments. Ensure that enforceability of new EU rules is systematically assessed during legislative impact assessments, especially regarding non-EU traders and marketplaces.
4.	Expand the Commission investigative powers across different legislation to initiate or take over investigations when certain criteria are met for example multiple Member States are affected , and develop digital enforcement tools and data-sharing mechanisms.
5.	Swiftly start the review of the CPC Regulation strengthening the CPC framework to improve cross-border enforcement, transparency, and collaboration, and leverage technology for efficient action against rogue traders. (see Joint Statement by BEUC, BusinessEurope and EuroCommerce).
6.	Introduce EU instrument to limit or restrict Union market access , especially for third-country traders and marketplaces in cases of persistent and serious non-compliance.
7.	Create a system of certified Authorised Representatives to ensure accountability, traceability, and enforceability, especially for non-EU products & explore extending their obligations .
8.	Swiftly finalise the review of the EU Customs Reform Package .
9.	Streamline Extended Producer Responsibility (EPR) schemes across the EU via a digital one-stop shop to reduce administrative burdens and ensure fair contributions.
10.	Deploy the Digital Product Passport (DPP) increasing product compliance , supporting enforcement, ensuring interoperability with EU systems, and facilitate automatic compliance checks, while avoiding burdens on SMEs.

Enforcement and regulatory change are both needed

In October 2024 EuroCommerce launched the **campaign Compliance4All**¹ against unfair competition from third country marketplaces and traders in the EU market. To deal with the massive increase of individual shipments entering the EU (see figure 1), EuroCommerce called for a holistic approach that covers a wide range of relevant enforcement domains, and uses all the tools available under existing legislation.

We asked for stepping up coordination and collaboration between different enforcement domains at national level and EU level, but also between the national and EU level (see visual below). The type of non-compliance when assessing the products and how the products are offered to consumers was very diverse and cannot be solved by a single enforcement domain. Improving enforcement now would provide immediate relief to our members who are suffering from unfair competition and help ensure that consumers are well-protected.

However, **we also need to look at legal solutions to bolster the EU legal framework and to strengthen enforcement**. Therefore, in this paper, we present a number of legal proposals that will improve enforcement and enforceability of EU law as well as help restore a level playing field in retail in Europe. At the same time, we recognise that more may be needed, especially in light of ongoing developments.

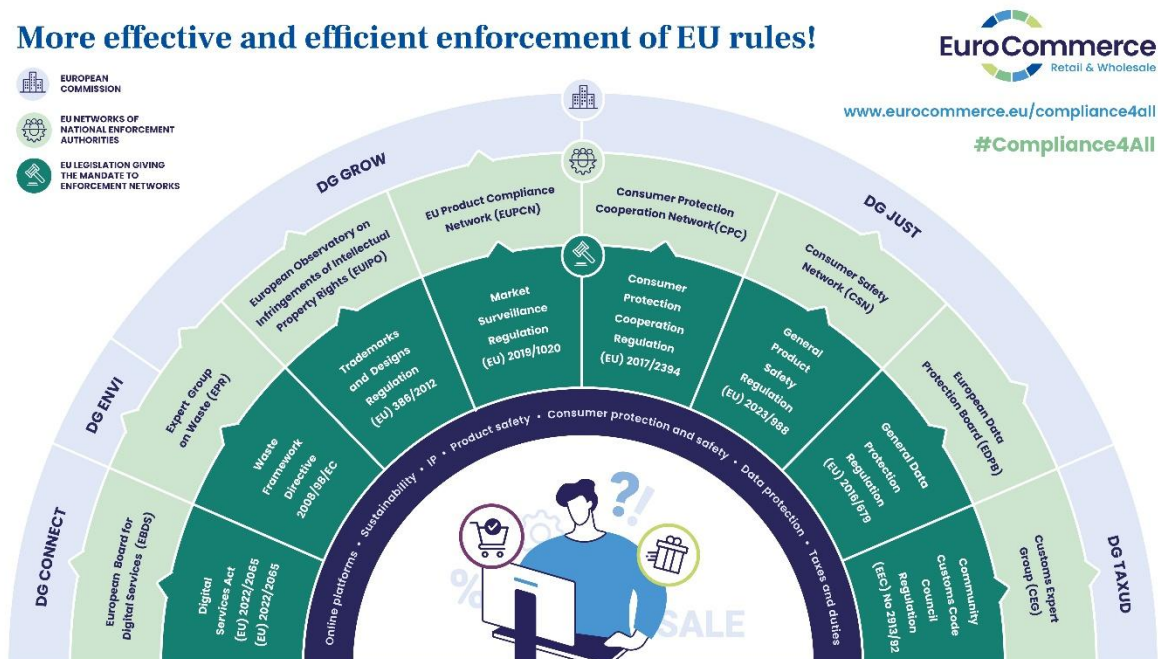


Figure 1, EuroCommerce (2025)

Our campaign and similar voices resonated at EU level and in the capitals. National authorities intensified or prioritised activities,² and the European Commission initiated actions under the Digital Services Act³ and the CPC Network.⁴ The Commission also laid out a strategy against unfair competition in the Ecommerce Communication,⁵ focusing on improving enforcement, announcing joint actions and

¹ www.eurocommerce.eu/compliance4all

² Austria [announced](#) more controls on non-European online trade (April 2025), Germany [adopted](#) an e-commerce action plan (January 2025)

³ Case against [Temu](#), request for information to [Shein](#), [Preliminary finding](#) against Temu

⁴ Case against [Temu](#) and case against [Shein](#)

⁵ [E-commerce communication: A comprehensive EU toolbox for safe and sustainable e-commerce](#)

listing regulatory reviews. Our members and other stakeholders published several studies and test results⁶ providing relevant data to support regulators and authorities.

EuroCommerce welcomed these actions. However, with the ongoing growth of B2C individual shipments entering the EU market in the first half of 2025, it is essential that EU authorities continue focusing on enforcement and swiftly address any regulatory gaps. Especially, considering the changing global trade context where Chinese players have shifted focus from the USA to Europe.

1. Provide a framework for enforcement authorities to work together at EU and national level, and between EU and national level

In the past months we have been speaking with authorities across different enforcement domains about what is hampering them from effectively enforce the rules. There is a clear acknowledgment from authorities that they cannot solve the problem alone but need to work together at national and EU level. One very obvious problem for the authorities is the enormous growth and sheer volume of low value shipments entering the EU (see figure 2).

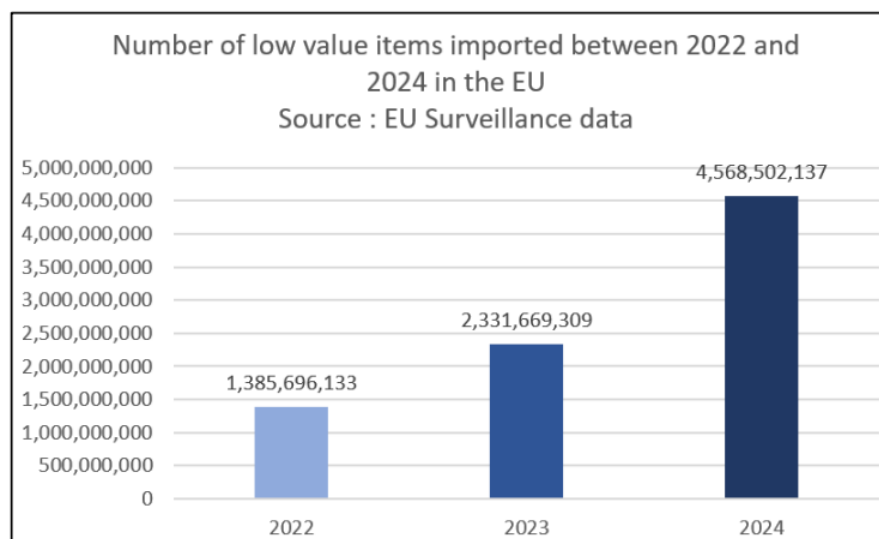


Figure 2, Commission Ecommerce Communication 2025

Additionally, national authorities often find it challenging to collaborate with other national authorities. The rules of engagement are not clear. The situation varies across Member States e.g. in Denmark an Ecommerce Task Force was created, in the Netherlands the Authority for Consumers and Markets is the national coordinator for digital enforcement authorities⁷ and a central contact point to report non-compliant products for consumers and businesses was created.⁸ However, a clear framework for cooperation at national, cross-border and at EU level is missing.

⁶ [Study on compliance by Swedish Commerce](#) (2025), letter by 70 Belgian CEOs (November 2024), study by HDE (September 2024), study by Kaupan Liitto (September 2024)

⁷ [Samenwerkingsplatform Digitale Toezichthouders](#)

⁸ <https://productenmeldwijzer.nl/>

This raises several questions for authorities: Who is in the lead? When do you need to respond to a request? What do you do in case of conflict? How do you share confidential data? How can we understand and match each other's data?

This leads us to urge the European Commission and the other co-legislators to **assess the merits of a holistic EU enforcement collaboration and coordination framework tackling the growing problems of non-compliant products and product offerings from outside the EU directly to EU consumers**. This framework should not create new obligations for authorities but provide the basis for authorities to collaborate at national and EU level, and between national and EU level.

This should include an assessment of how to improve the functioning and align the mandate and instruments of the various EU enforcement coordination bodies e.g. the Union Product Compliance Network, Consumer Safety Network, Consumer Protection Cooperation Network, European Board for Digital Services, Expert Group on Waste, Customs Expert Group, European Data Protection Board, etc. The framework should then contain a harmonised approach and rules on how this is to be achieved. It should enable collaboration across the key enforcement domains (see figure 1).

The framework should have clear rules of engagement to make it easier for authorities to find each other, to initiate joint projects or actions and help pooling resources to tackle the growing problems of non-compliant products and online product offerings from outside the EU directly to EU consumers.

Considering the dire situation, developing such a framework should not delay any national initiatives that would fit within the future framework.

Finally, we would like to highlight the importance of consistent enforcement. In practice, authorities often interpret EU legislation differently. This creates legal uncertainty and confusion among businesses and consumers and allows border shopping by rogue traders.

We urge the European Commission and the Member States **to create and regularly update guidance supporting more harmonised interpretation, implementation and enforcement across the EU**. Preferably from an early stage in the case of new rules.

2. Creation of a Commission Level Playing Field Task Force

Following the point above, it is clear that there is a lot to gain from improving the coordination of enforcement activities across policy domains. Not only at national level but also at EU level. We found that enforcement is often still organised in silos, spread over different Commission services. Enforcement at the EU's external borders covers more than 350 different pieces of EU legislation. This hampers an effective enforcement approach which is vital to restore a level playing field in retail, as no single authority or enforcement domain can address the wide variety of infringements by third-country marketplaces and traders.

We understand that the Commission has created an internal group to coordinate matters. **This group should be elevated to a structural task force, which is fully transparent, has a clear mandate and involves stakeholders in its work**, tackling the growing problems with non-compliant products and product offerings from outside the EU directly to EU consumers. To ensure a consistent approach all relevant DGs should be included e.g. DG CONNECT, ENVI, JUST, GROW, TAXUD, etc.

3. Ensure new rules are enforceable

When proposals for new EU rules are discussed, we are very much focused on the content. Enforcement of the proposed rules often receives limited attention and is often settled in an article obliging Member States to appoint an authority, the Commission to create a group where national authorities can discuss implementation and penalties are often left to be filled in by Member States.

This has led to a situation where the enforceability of our rules has not always properly been assessed. There is often a common understanding of how the rules should be enforced where businesses are established in the EU, but not in the case of non-EU businesses. This leads to a situation where the existing enforcement instruments are not sufficiently effective and many third-country traders and marketplaces are able to ignore the rules and get away with it. This is deeply unfair to EU-based operators who invest in compliance and contribute to the digital and green transition.

We recommend that the enforceability of new rules becomes part of the Commission's future Impact Assessment. This assessment should include an evaluation of the current situation with regard to enforcement - answering questions such as what has worked well so far and what has not, and how the situation could be improved - as well as a risk-based assessment/study of how the new rules can be efficiently and clearly implemented and enforced on all businesses active on the Union market.

If effective and efficient enforcement of the rules cannot be ensured, including against third-country traders or online marketplaces this will undermine the competitiveness of EU-based operators in comparison to non-EU operators and harm consumers. In that event, the Commission should go back to the drawing table before proposing new rules.

4. Expanding the Commission's investigative powers

Unfair competition online is inherently borderless. Consumers across multiple Member States are easily exposed to unfair practices. This makes it very difficult for national authorities to effectively address the issue alone. Strong measures in only one Member State often lead to border shopping where non-compliant operators simply shift their operations to another Member State. Operators relocate their product offerings, misleading practices or the shipping of products to other Member States. Therefore, only coordinated action at EU level where all relevant Member States' authorities are involved can really be effective.

With this in mind, we call upon the Commission to come forward with proposals in relevant legislation (e.g. consumer protection, product safety, customs, packaging & waste) that:

- **provide the Commission a clear mandate to initiate an investigation** (with the help of Member States) **when certain conditions are met** (e.g. two or more Member States are affected, number of consumers exposed, impact on the market, persistent and serious non-compliance, percentage of non-compliant products etc.);
- **make it easier to initiate joint actions involving all Member States to prevent border shopping;**
- **give the Commission a clear mandate to take over an investigation by one or multiple Member States** to ensure effective and efficient enforcement of EU law. Such mandate should be subject to clear conditions, also including a lack of enforcement by a Member State.

In addition, we encourage the Commission to **develop more (digital) enforcement tools** that are available to national authorities and develop possibilities for pooling of resources. Some suggestions are:

- A connection to relevant registers or databases (e.g. EU Safety Gate) is urgently needed to improve compliance. This connection will make it easier for operators to perform bulk checks, which expediting the detection of non-compliant products;
- Tools or algorithms that can detect B2C misleading practices by traders or online marketplaces;
- Tools or algorithms that can monitor commitments made by operators in the context of an enforcement investigation;
- Tools for efficient, confidential and safe data sharing mechanisms between competent authorities and businesses should be developed. The future EU Customs Data Hub represents a promising model, intending to interact with various national and EU-level systems (incl. the digital product passport). Such mechanisms need to be based on the 'only once' principle, where economic operators submit information only once and where data collection is limited to what is strictly necessary for enforcement purposes.

5. Start reviewing Consumer Protection Cooperation Regulation

In the context of the above, a test case for improving enforcement could be the revision of the Consumer Protection Cooperation Regulation. In the CPC Network, Member States' consumer protection authorities work together on improving enforcement and joint actions under the coordination of DG JUST.

Various product reviews and similar tests show⁷ that third country players currently often mislead consumers in the way they market products - which is also confirmed by joint actions taken by the CPC network against certain players.⁹

In a joint statement with BEUC and BusinessEurope we have urged the Commission to swiftly review the CPC regulation,¹⁰ which should include:

- Giving a strong and clearer mandate to the European Commission for addressing EU-wide infringements affecting millions of Europeans, especially when traders are based outside the EU;
- Modernising CPC procedural rules to increase transparency and speed up cases;
- Setting up a clearer framework at the EU level to further improve collaboration and coordination between authorities and across enforcement domains (e.g. consumer, data protection, safety, competition, etc.);
- Leveraging new technologies and data sharing capabilities (e.g. on rogue traders, emerging trends, learnings from legitimate companies etc.) for more efficient enforcement;

⁹ E.g. [Commission and national authorities urge SHEIN to respect EU consumer protection laws; CPC and EU consumer authorities inform Temu that they are under scrutiny for potential breaches of consumer protection law](#)

¹⁰ [Stepping up enforcement of consumer rules will ensure a level playing field in Europe - EuroCommerce](#)

- Enhancing its role in providing guidance and recommendations for businesses and national enforcement authorities;
- Launching a dialogue with all stakeholders and national authorities (including business and consumer representatives) to discuss systemic infringements and problematic enforcement areas, and to coordinate awareness campaigns for consumers and traders.

6. EU wide option to limit or suspend access to the EU market

EuroCommerce encourages the Commission to introduce an EU-level mechanism that can temporarily restrict or suspend access to the EU market, in cases of persistent and serious infringement of EU law, especially concerning third-country marketplaces and traders.

We believe this could address the current problems of EU competent authorities where they are not able to take effective action against third-country traders and online marketplaces. Now, retailers that are established in the EU are subject to regular enforcement activities, and in case of persistent and serious non-compliance, authorities can temporarily close business activities. However, this is nearly impossible for third country marketplaces and traders. Therefore, we believe that it should be possible to temporarily limit or suspend access to the EU market in cases of persistent and serious infringements of EU law.

The period of limited or suspended access could depend on the repetitive character of the infringement, the severity of the infringement, the number of products or product offerings, the number of consumers exposed, the number of Member States affected, etc.

The possibility to take such actions currently exists under EU law, but these are rarely used, difficult to impose, very specific or the bar is very high, e.g. via the Consumer Protection Cooperation Regulation, Digital Services Act or the Market Surveillance for Products Regulation.

7. Ensure authorised representative is up to the task

EU product law¹¹ defines that for every product placed on the Union market there is an economic operator established in the EU tasked with providing compliance information, responding to requests and cooperating with authorities. In practice, this system works relatively well if the product is marketed by a trader established in the EU.

In cases where products are not produced in the EU, the importer is the responsible person or an authorised representative should be mandated as responsible person to be the point of contact for authorities. Especially, in case of authorised representatives this leads to problems when products not produced in the EU are marketed by third-country traders: sometimes the traders cannot be contacted, regularly the authorised representative cannot be reached or is not responsive, the authorised representative does not exist (e.g. a shell company) or has no relationship with the non-EU manufacturer and has been fictitiously designated, the authorised representative does not have the means to fulfil its legal obligations or comply with imposed penalties, etc.¹²

In addition, the authorised representative does not have the obligation to ensure compliance of products and packaging. And cannot be sanctioned for product non-compliance as such but only for

¹¹ [Market Surveillance of Products Regulation](#), [General Product Safety Regulation](#) and [Decision No 768/2008/EC](#)

¹² [Report from the Commission on the implementation of Article 4 of Regulation \(EU\) 2019/1020, COM\(2025\) 63 final](#)

not fulfilling the legally prescribed tasks on the manufacturer's behalf. This undermines effective and efficient enforcement of product compliance, especially considering the huge amount of non-compliant products that are being shipped to the EU every day. Analysis of the European Commission shows this is further exacerbated, because market surveillance authorities inspect products offered via traders established in the EU relatively more often than products from traders established outside the EU.¹³ This creates a highly undesirable situation where compliant traders are inspected more often than non-compliant traders because it is easier while the risks might be elsewhere.

Therefore, we believe that in the upcoming review of the New Legislative Framework EU legislators need to:

1. **Explore expanding the obligations of Authorised Representatives in cases where there is no EU-based importer or manufacturer.** This should ensure that in the absence of an EU economic operator, the AR has a more meaningful role both in safeguarding that compliant products are placed on the EU market, and that the correct corrective actions are taken in when required.
2. **Ensure that the system of authorised representatives is enforceable;**
 - a. By **creating a certification scheme of certified authorised representatives** (e.g. via notified bodies) that are easily searchable by authorities and others (including online marketplaces) in a public database. Certification should only be granted to authorised representatives who meet the minimum requirements necessary to fulfil all their obligations and comply with any penalty imposed.
 - b. In the **database**:
 - i. authorised representatives should be registered and assigned a **unique operator identifier** (aligned with the standards being drafted for the Digital Product Passport unique identifier);
 - ii. authorised representatives should **provide information about the non-EU manufacturers and products they are responsible for**. This should make it possible for authorities and third parties to easily cross-check if the authorised representative indicated on a product is certified and has a mandate for the product;
 - iii. **Include compliance performance information** from market surveillance and customs authorities of the certified responsible persons in the public database. This will ensure that all authorities have access to compliance information and this may reduce the risk of border shopping;
 - iv. The data base should be automatically **linked to the Digital Product Passport (DPP)** and its registry if relevant and the future EU Customs Data Hub. This should ensure that a simple scan of the DPP at the EU border will reveal whether a certified authorised representative for that product has been designated;
 - c. Oblige non-EU manufacturers to **only appoint certified authorised representatives** and regularly check performance and compliance of the responsible person;
 - d. In principle **online marketplaces should be able to ensure compliance by design** only allowing the use of the unique authorised representative identifier by traders and obliging the trader to upload all relevant product compliance information before the product can be offered on the platform. Therefore, it is important that an online marketplace is able to easily cross-check with the data base whether the authorised representative exists and has accepted to be responsible for the non-EU manufacturer and products offered by the trader on their platform;

¹³ [Evaluation study on the implementation of Article 4 of Regulation \(EU\) 2019/1020 on market surveillance and compliance of products](#)

- e. **Block Union market access** of all products of a specific manufacturer in case of persistent and serious infringements.
3. Ensure that in case of persistent or serious non-compliance with EU law, enforcement authorities have the power to temporarily revoke the certification of the authorised representative. This should, together with the checks from online marketplaces, prevent that a responsible person continues to provide its services to non-EU manufacturers that continue to place non-compliant product on the Union market. However, this should not lead to a situation where no responsible person exists for products already marketed on the Union market. Such a decision should be based on at least the following criteria: high volumes, and/or high value, and/or number of Member States involved, type of non-compliance, the number of consumers that are affected.

Following the above, we believe that the concept of legal representatives of non-EU operators that also exist in various forms in other EU law e.g. DSA, GDPR, Union Customs Code, PPWR, WFD may need to be aligned or revised where we see serious and systemic infringements by third country traders and marketplaces.

8. Swift conclusion of Union Customs Code negotiations

EuroCommerce urges a swift conclusion to the Union Customs Code (UCC) reform to address the growing influx of individual shipments, ensure consumer safety, and restore a level playing field between EU-based and third-country traders. The reform must harmonise customs procedures, reduce administrative burdens for compliant businesses, and align with broader EU legislation, including the Digital Services Act and product safety regulations.

Key recommendations include:

- **Clarifying the “deemed importer” concept** and its interaction with other EU law;
- **Removing the de minimis threshold** to combat unfair competition;
- **Introducing a harmonised EU-wide handling fee**, with safeguards to prevent consumer cost burdens and market fragmentation;
- Establishing a strong European Customs Authority to ensure uniform implementation, provide operational guidance, and engage stakeholders;
- Piloting the EU Customs Data Hub with industry involvement to ensure smooth digital transition;
- Ensuring equal rights for EFTA-based entities and maintaining the AEO status alongside the new Trust and Check programme, particularly to support SMEs.

EuroCommerce supports a collaborative approach to implementation, with clear guidance, realistic timelines, and stakeholder engagement to ensure the reform delivers a modern, fair, and efficient EU customs system.

You can find more information in our [position paper contributing to the customs trilogue negotiations](#).

9. Step up compliance with EPR schemes via EPR one-stop shop

Extended Producer Responsibility (EPR) is a fundamental part of waste management in the EU and a key tool for the transition to a more sustainable and circular economy. It is therefore crucial to ensure the efficiency of such systems. Diverging legal frameworks and approaches to EPR across Member States, but also within Member States, across regions and product categories, have led to layers of complexity that are today heavily impacting companies operating in the EU. The fragmentation and complexity of EPR represent significant administrative costs, diverting resources away from companies’ sustainability objectives.

On top of that, we see third-country traders and marketplaces are not always taking their responsibility and often do not contribute to EPR schemes where they are legally obliged to do so, partly because of the administrative complexity. This leads to a triple negative competitive disadvantage for EU businesses: 1) EU businesses pay the EPR fee while their non-EU competitors do not, making their products less competitive; 2) EU businesses have to pay more EPR fees because they also need to process the waste of those not paying of the market; 3) EU businesses have to bear the costs of all the complex administrative burden.

Therefore, we strongly welcome the European Commission's commitment to **create an EPR digital one-stop shop** and greater harmonisation,¹⁴ as announced in the Commission's Single Market Strategy.¹⁵ This will make it easier for businesses to comply with their EPR obligations and also easier for marketplaces to take responsibility for EPR scheme fees to be paid by the traders active on their platform.

10. Instrumentalising the Digital Product Passport for compliance

EuroCommerce supports the introduction of the Digital Product Passport. It is an important innovation, but its design and deployment must reflect business realities, be proportionate and avoid adding costs or administrative burdens, especially on SMEs. In the remit of enforcement, the DPP could improve compliance, exchange of data, including information on responsible persons. Currently, the DPP is still under discussion and it is unclear how it will look like. The first DPP is foreseen for batteries not earlier than 2027. We believe it is important to clarify issues regarding business secrets, differentiated user access, responsibility for compliance with DPP requirements, updates, serialization, information requirements, back-up copies, security, etc.

It should be accompanied by regulatory enforcement efforts to ensure that the information contained in the DPP is accurate. Given the globalization of supply chains, consistent information-sharing across all tiers is essential to create a level playing field and reduce unnecessary burdens on European operators and importers, safeguarding the DPP's relevance and the competitiveness of EU businesses. **The DPP should also be populated with the relevant fields that can help authorities ensure compliance, especially to facilitate the verification of the EU responsible person in an automatic way.** The DPP should also be interoperable and enable automatic linkage between the product information (including compliance information) and the relevant platforms (e.g. ICSMS, Safety Gate, Customs Single Windows, DPP Registry) so that issues with compliance are automatically flagged and when appropriate not released for free circulation.¹⁶

Concluding

We need to step up enforcement now if we still want to have a competitive and thriving EU retail ecosystem in 2030. However, the current enforcement framework of key pieces of EU legislation cannot fully address the problem now, because authorities cannot enforce the rules on all players active in the Union market. In this paper, we have set out a number of ideas of which we believe, combined, can make a real difference. This will be crucial to establish a level playing field and ensure products offered to consumers are safe and compliant, and consumers' rights are well-protected and enforced.

¹⁴ [Industry calls for the simplification, digitalisation & harmonisation of Extended Producer Responsibility and an EPR Digital One-Stop Shop - EuroCommerce](#)

¹⁵ [Single market strategy](#)

¹⁶ For more information see our [position paper on the digital product passport](#)

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EuroCommerce is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 27 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector.