



# Ensuring a Level Playing Field in e-commerce in Europe

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## Agenda

1. Introduction
2. Why the need for LPF
3. Market Surveillance
4. New Legislative Framework
5. Extended Producer Responsibility
6. EU Customs Reform

# 1. Introduction



**The EU non-for-profit association representing companies selling goods and services online to consumers in Europe.**

Ecommerce Europe is the united voice of the European Digital Commerce sector, representing the interests of companies selling goods and services online to consumers in Europe. Our mission is to act at EU level by engaging with policymakers to create a better regulatory framework for all e-merchants. Ecommerce Europe is a platform where our members can stay informed, exchange best practices, and define common positions on EU legislation impacting the sector.



# 1. Introduction



## Organisation



## 2. Why the need for LPF



### Current situation

- 1.2 billion LVCs in 2022 → 2.6 billion in 2023 → 4.6 billion in 2024
- Up to 65% of such parcels entering the EU are currently undervalued or split in multiple consignments (then consolidated after passing EU border)
- Estimation of parcels entering the EU in Q1 2025: +30% from Q1 2024
- US measures pushed non-EU players to focus even more on EU

## 2. Why the need for LPF



### Ecommerce Europe's suggestions to achieve a Level Playing Field

- Speed up **ongoing investigations** on Temu and Shein under consumer protection framework (CPC) and online safety of services (DSA) + AliExpress under DSA
- Focus on **implementing and evaluating existing laws** (e.g., optimisation of market surveillance instruments and targeted changes to product-related and environmental rules)
- Enhanced **cooperation between competent authorities** at the EU and national levels by creating a permanent taskforce on LPF and national authorities
- Ensure **consistent enforcement** of multiple legislations, e.g. customs, market surveillance, product safety, product liability, consumer protection, online safety

# 3. Market Surveillance Regulation



## State of Play

- MSR is mostly an implementation and enforcement tool for MSAs (harmonisation of measures, cooperation, etc.)
- However, MSAs must be able to contact and require cooperation from businesses → **responsibility of the entire supply chain**
- Contact and enforcement is more difficult/impossible with non-EU economic operators (e.g., on-site inspections impossible)
- For this reason, introduction of **Art. 4 MSR (EU Responsible EO)**
- Evaluation of Art. 4 MSR reveals significant non-compliance and lack of enforcement (EU REO missing, “mailbox” company, impossibility for MSAs to check products offered online etc.)

# 3. Market Surveillance Regulation



## Upcoming revision

- Strengthening market surveillance is pivotal to ensure product safety and level playing field
- Improvement of options include:
  - More cooperation between MSAs and customs and among Member States
  - More digitalisation to optimise checks and administrative tasks
  - More EU governance (possible establishment of EU MSA)
  - More accountability for OMPs
- **Ecommerce Europe's take:**
  - Rationalise and prioritise **product requirements for all involved actors**
  - Harmonise enforcement action with a focus on EU REO

## 4. New Legislative Framework



### Upcoming revision

- NLF (2008) is not adapted to e-commerce or the circular economy
- The revision of the NLF is an opportunity to shift compliance as **an incentive for businesses** and a tool to **facilitate authorities' enforcement** → key tool for achieving an LPF.
- Suggestions to improve the framework:
  - Clarify the responsibilities for the online content referring to a product
  - Better track/check the obligations associated with product compliance for online sales → adapt the concept of placing/making available on the market to e-commerce
  - Identify a set of requirements to ensure that a **product offer has minimum traceability & safety requirements**

# 5. Extended Producer Responsibility



## State of play

- EPR is mostly regulated nationally and differently per waste stream
- Fragmentation makes the landscape difficult to navigate for all producers, regardless where they are based
- Free-riding seems widespread, especially in certain product categories (and associated with e-commerce)
- EPR improvements in Batteries and Waste Batteries Regulation, PPWR, WFD - textile products (harmonisation elements, e.g., registration, product categorisation)
- On PPWR, upcoming Implementing Act on the **format for registration in and reporting to Register** of producers (Art. 44.14)

# 5. Extended Producer Responsibility



Ongoing discussions to improve EPR compliance

- Possible solutions → **more cooperation and involvement**
  1. Digitalisation of EPR information, registration, reporting, notably via a **digital EU-wide One-Stop Shop for EPR**
  2. Continuous push for **harmonisation** (registration, reporting)
  3. Promote “**comply-on behalf**” model, where OMPs can take over EPR requirements of their sellers
- Advocacy effort as part of Environmental Omnibus, Circular Economy Act, PPWR implementation
- Shortcomings:
  1. Comply-on behalf model not compatible with EPR rules in many MSs (also not facilitated by current Art. 45.5 PPWR which only allows pay-on behalf)
  2. IA Art. 44.14 will allow MS to diverge in terms of data requirements

## 6. EU Customs Reform



Three pillars of the proposed UCC reform

1. Harmonised and concerted approach to risk management and inspections via **EU Customs Authority**
2. Streamlined customs formalities and data sharing via **EU Customs Data Hub**
3. Modern approach to **e-commerce**

## 6. EU Customs Reform



Modern approach to e-commerce

- Removal of the **customs threshold** of €150 for low-value consignments
- Introduction of a **handling fee** on e-commerce: initially envisioned by the Council as a fee for direct B2C shipments from third countries (€2), with a discount rate for goods departing from warehouses in Europe (€0,5) – as of 11/2026.
  - Now a fragmented pool of EU MSs (FR, DE, BE, NL, Nordics, RO, EL) want to introduce a similar fee (€2 or €5 or €7) before the Union handling fee enters into force
- Introduction of **deemed importer** provision: all traders will be considered importers, including OMPs and online retailers. They will need to comply with compliance verification process for their sellers/products/clients, submitting data throughout supply chain process to the EU Data Hub

# 6. EU Customs Reform

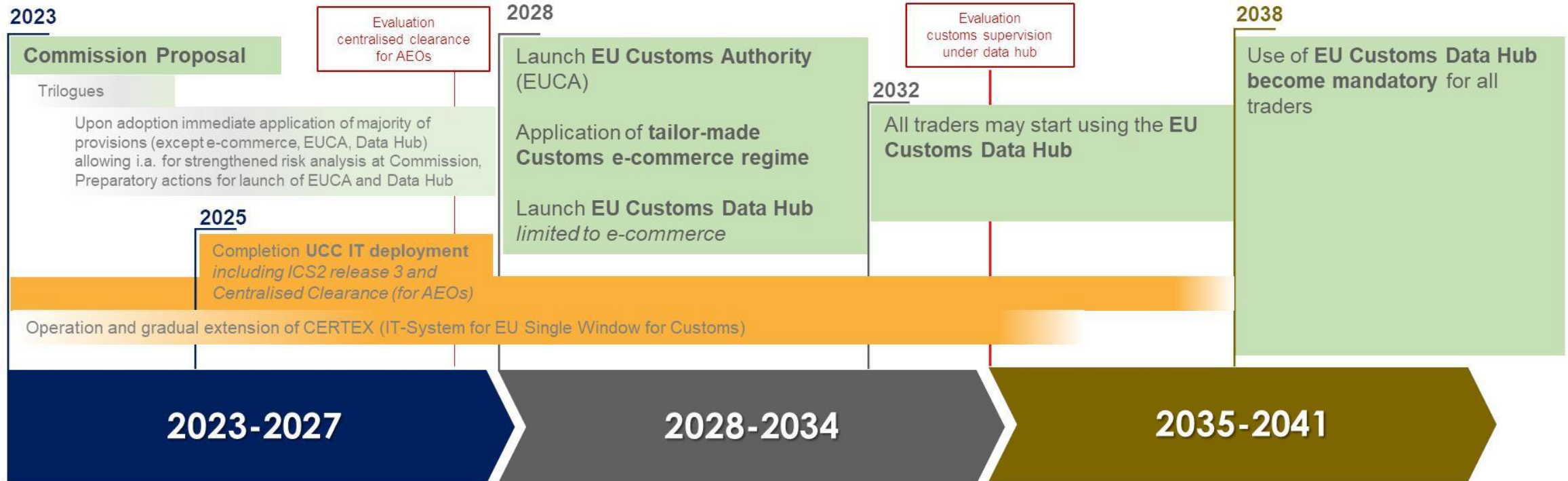


## Timeline

2023 Customs Reform

Ongoing IT deployment of previous, steppingstone reforms

### Customs Reform – integrated timeline





# Thank you

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