

CONSUMER & ADVERTISING
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The EC sets its sights on e-comm in 2025

6 MIN READ

Consumers have adapted to the convenience and choice offered by online shopping in their millions, benefitting from the vast array of products on offer, from household staples to novelty items. E-commerce providers are subject to a myriad of regulations governing each step of the customer journey from the design of the user interface to waste obligations under 'extended producer liability'. Against this backdrop, a recent European Commission (EC) 'Communication' indicates an intention to intensify enforcement of existing laws and regulations on e-commerce, with a clear focus on online marketplaces.

It's clear from the EC Communication, '*A comprehensive EU toolbox for safe and sustainable e-commerce*', that the EC considers direct shipping models from outside the EU to be particularly problematic and that enforcement efforts need to be targeted at those business models. In this regard, while the EC identifies customs reform and the implementation of certain new laws such as the Ecodesign for Sustainable Products Regulation as part of the strategy, in the main, the legislative infrastructure is in place, and the Communication focuses on the enforcement of existing laws on consumer protection, product safety and digital services.

In this article, we highlight some of the key priorities of EU enforcement bodies which all online shopping businesses need to be aware of.

Product safety

Product safety is identified as a top priority, with the EC announcing a series of targeted actions to detect and remove dangerous, counterfeit or otherwise non-compliant products sold online and imported into the EU. In this regard, the Market Surveillance Regulation (**MSR**) and the General Product Safety Regulation (**GPSR**) provide market surveillance authorities with extensive enforcement powers. For online marketplaces, this includes a market surveillance authority issuing an order requiring the removal of content relating to a dangerous product or displaying an explicit warning; or a market surveillance authority may direct an online marketplace to notify impacted customers of a product safety recall and publish information on their platform regarding the recall.

One of the main actions planned by the EC is a 'priority control area' (**PCA**) focused on products originating outside the EU with significant regulatory non-compliance and safety hazards purchased through online marketplaces and shipped

directly to consumers in the EU. Under this time-limited action, customs authorities will intensify import controls on these products and exchange information with market surveillance and other specialised authorities, who will determine whether the products comply with all the relevant legislation and take appropriate corrective measures.

Another action announced by the EC is a special Coordinated Activity on the Safety of Products, open to all Member States, to improve structural cooperation between customs and market surveillance authorities regarding products or product categories sold online. Within the framework of the EU's 'Consumer Safety Network' (an expert group chaired by the EC and composed of national experts from all EU countries, as well as Norway, Iceland and Liechtenstein), the EC proposes conducting joint product testing activities that would also allow market surveillance authorities to sample products online. The Consumer Safety Network will also carry out its first product safety 'sweep' on the products most frequently ordered online in the second quarter of 2025.

From a sustainability perspective, the Communication notes that the Ecodesign Regulation will introduce more stringent requirements for the design and delivery of specific products. The first ESPR Working Plan is due to be published in April 2025, followed by the commencement of rules of destruction of certain products, beginning with textiles. These rules will be complemented by new extended producer liability rules relating to packaging, batteries and waste electric and electronic equipment.

Digital Services Act

Under the Digital Services Act (DSA), online marketplaces have an obligation to put in place various measures to counter the risks arising from illegal goods offered through their service and to cooperate with competent authorities and consumers. One of the key obligations for online marketplaces is the 'know your business customer' (aka 'traceability of traders') obligation which requires online marketplaces to gather and make available

information about traders before they offer their products on the platform, such as their identity and contact details, their payment account, their trade registration details, and a self-certification committing the trader to only offer products that comply with EU rules. The EC considers this obligation as a high priority and, with the deadline for gathering such information for existing traders having passed on 17 February 2025, the Communication indicates that the EC will be "*particularly attentive*" to this requirement.

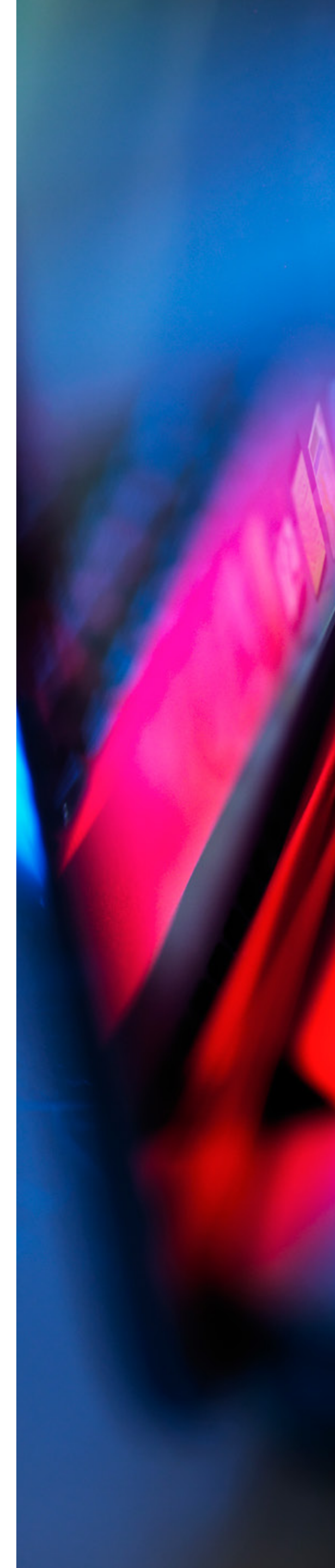
Another area of focus identified in the Communication is interface design, including the DSA's mandatory 'compliance by design' obligations, as well as other aspects of the online marketplaces' interfaces, such as the ranking of search results, recommendations, advertising, and the use of dark patterns, addictive design, and pressure selling. The EC has already launched several investigations under the DSA against online marketplaces on matters such as risk identification and mitigation measures, compliance by design and recommender systems.

The Communication also identifies the obligation to identify the risks posed by non-compliant goods, consumer protection and health risks as "high priority enforcement actions" on designated online marketplaces and that it is enhancing cooperation and coordination between national competent authorities. Swift actioning of takedown requests has also been identified as an area of focus and 'hybrid business models' where platforms act as intermediaries and also exert control over sellers.

This focus on enforcement against marketplaces is already borne out with DSA investigations and proceedings launched to date against a number of online platforms in this space, including SHEIN, Amazon, AliExpress and Temu.

Consumer protection

It's clear from the Communication that DSA and consumer protection enforcement actions will continue to go hand-in-hand, and e-commerce businesses may find themselves subject to overlapping investigations on similar subject matter under the various regimes. For example,



so-called 'dark patterns' which *"deceive or manipulate the recipients of their service or in a way that otherwise materially distorts or impairs the ability of the recipients of their service to make free and informed decisions"* are prohibited under the DSA. Such dark patterns could equally be considered 'misleading commercial practices' if they *"would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make"*. While such practices are currently regulated under these general consumer protection provisions, following on from the results of the [EC's Digital Fairness Fitness Check](#), we are likely to see these included as specific misleading commercial practices under a proposed new 'Digital Fairness Act'.

The CPC Network has carried out several recent actions against e-commerce traders under the Consumer Protection Cooperation Regulation. In this context, there is an ongoing action against Temu, and the CPC Network and the EC have also informed SHEIN about the launch of a coordinated action to investigate the compliance of the online marketplace and e-retailer with certain obligations under EU consumer laws. The EC is also reflecting on a review of the CPC Regulation, in order to further

strengthen the enforcement of EU consumer law, in particular as regards widespread illegal practices, irrespective of whether the business is established within or outside the Union, with a view to ensuring a level-playing field. This all aligns with the outcome of the Fitness Check which identified *"insufficient public and private enforcement"* as a key barrier to the effectiveness of EU consumer laws. In an Irish context, it's very possible that the CCPC will play an active part in this strategy, given their recent increase in enforcement activity and active participation in CPC Network engagements – you can read more about this in [our recent article](#).

Interestingly, the EC also states that it will evaluate by November 2025 the way that the DSA interacts with other legal acts, such as the consumer law and the product safety rules, and may propose simplification of existing rules, where appropriate.

Conclusion

E-commerce businesses should be conscious of the EC's intensified focus on their business practices, and the comprehensive and coordinated multi-agency and multi-regime approach it

intends to take to its enforcement actions. This regulatory scrutiny will be facilitated (and potentially accelerated) by the use of technology, including AI tools and 'web crawlers' to identify potential breaches of the various regimes.

Businesses should consider any potential compliance gaps, noting the priority actions outlined above in the areas of product safety, digital services and consumer protection, with a particular eye on the enforcement actions to date. Businesses should also monitor the developments of the structural reforms, such as the customs reform and the Ecodesign Regulation, as well as the new legislative proposals, such as the Digital Fairness Act and the Circular Economy Act.

Our team of specialist lawyers in our [Consumer & Advertising](#), [Product Regulation](#) and [Technology](#) groups have significant experience advising on online marketplaces and e-commerce offerings across all the areas of law relevant here and would be happy to assist your business. For further information, please contact [Denise Daly Byrne](#), [Katie O'Connor](#), [Mairead O'Brien](#), [Mark Ellis](#) or [Chris Bollard](#) who would be happy to assist with any queries.

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