



## JOINT PRESS RELEASE

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### **Broad alliance urges EU Parliament to protect consumers from dangerous or illegal products sold via online marketplaces of Amazon, AliExpress & Co.**

- Potentially life threatening and environmentally dangerous products are illegally imported massively through online marketplaces
- New regulation entering into force on July 16<sup>th</sup> 2021 and current legislative proposals of the EU Commission will not succeed in ending illegal imports
- Open letter written by European environmental and industry organisations requests EU parliamentarians to set comprehensive due diligence obligations for online marketplaces

Brussels, 15.7.2021: Online marketplaces shall be liable when no other actor located in the EU is responsible for products sold to European consumers. This is the demand of a broad alliance of environmental and industry organisations in an open letter to the European Parliament, which is just drafting its position on several legislative proposals regulating digital markets and product safety. Background to this request is the boom of products sold via online marketplaces in the wake of the corona crisis. Often, these products are non-compliant to law and pose huge health and environmental risks. Since the responsible sellers are located outside of the EU, it is not possible to take effective legal action in case the rights of consumers, competitors or of the environment are infringed.

*„Digital markets have to stop being the gateway for fake products or such that are unsafe, potentially life threatening or environmentally damaging. That’s why we urge the European Parliament to make Amazon, AliExpress and other online marketplaces responsible for the products offered on their websites, if there is no other actor in the EU who is responsible. They must compensate for the damage caused by products offered on their platforms, when no one else does“,* the organisations demand. The open letter was signed by the European Environmental Bureau (EEB), Environmental Coalition on Standards (ECOS), Zero Waste Europe, the European

Waste Management Association (FEAD), Deutsche Umwelthilfe (DUH), Deutscher Naturschutzring (DNR), Naturschutzbund Deutschland (NABU), Bundesverband der Deutschen Entsorgungs-, Wasser- und Rohstoffwirtschaft (BDE), Germanwatch as well as the Dirk Rossmann GmbH.

Furthermore, the signatories demand that online marketplaces and fulfilment service providers must be subject to comprehensive due diligence obligations for the products of which they enable the sale. This includes, for example, checking that manufacturer, distributor and collector obligations are met. They should also be legally required to provide the full contact information of the actor in the EU liable to consumers and in the case of products subject to extended producer responsibility, such as electrical appliances, batteries and packaging, the manufacturer's registration number, so that consumers can be sure that they are buying legal and safe products.

Counterfeits, as well as products that do not comply with EU legislation, such as electronic appliances, children's toys, cosmetics or car parts, pose a major safety risk and are potentially life-threatening. Moreover, batteries, electrical appliances and packaging offered on online markets regularly fail to comply with legal requirements for take-back, registration or environmentally sound disposal. By this unfair competition, sellers avoid paying for disposal fees, jeopardize the financing of existing disposal schemes, and increase costs for companies complying with EU obligations. Another problem in this regard is that online marketplaces often sell low-quality products with safety flaws or high levels of harmful substances.

The new EU Market Surveillance Regulation that enters into force on July 16<sup>th</sup> as well as the proposals of the European Commission for the Digital Services Act, the Digital Markets Act and the Regulation on General Product Safety, are expected to improve consumer protection, transparency as well as fair competition. However, these aspects fall short with the specific issue of online marketplaces and fulfilment service providers facilitating illegal imports in the EU, as they merely take a 'notice and action' approach. Hereby, online marketplaces and fulfilment service providers only have to act on request, but not on their own initiative, in order to stop products that do not comply with European law from entering the EU. Compared to the huge volume of products offered on online marketplaces and through fulfilment service providers, this surveillance concept is clearly not sufficient, as national market surveillance authorities are limited in terms of their options for action, technical equipment and staff.

In addition, these regulations only foresee cooperation with market surveillance authorities, but they do not guarantee that defrauded consumers and injured competitors can direct their claims for damages at a responsible actor in the EU. Moreover, these proposals do not include an obligation for online marketplaces and fulfilment service providers to verify the proper registration of manufacturers subject to extended producer responsibility, the offer of return options by distributors subject to take-back obligations or the proper identification of a responsible person on the packaging of cosmetic products.

#### **Links:**

Open letter to the European Parliament: <http://l.duh.de/p210715>

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