**Polish Confederation Lewiatan position paper on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A comprehensive EU toolbox for safe and sustainable e-commerce", COM(2025) 37 final**

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***Fast end effective enforcement***

We believe Commission comprehensive plan to drive smart enforcement based on existing regulations is a step in the right direction. We support harmonized enforcement across Member States to reduce complexity and strengthen the single market. This approach ensures consumers are well protected regardless of how or with whom they shop. We advocate for a European Single Market with consistent consumer protection rules for all players, whether online or offline.

We are committed to working with authorities to ensure the legal framework is fit for purpose, fosters innovation, and delivers the full potential of the EU Single Market. While the current regulatory environment includes numerous recent legislative initiatives (DSA, DMA, Omnibus Directive) that need time to show impact, we believe in focusing on effective enforcement of existing rules before introducing new ones.

We recommend the following measures:

- **Establishing a clear and time-bound enforcement process**, similar to the Digital Markets Act (DMA), to ensure that investigations **under the Digital Services Act (DSA)** are concluded within a defined timeframe. This will provide **regulatory certainty** and accountability.
- To ensure effective enforcement and a level playing field, we recommend **strengthening the enforcement of** the Digital Services Act (DSA) provisions that require non-EU platforms to designate a **legal representative** with sufficient resources within the EU, as per Article 13.
- **Deploying the full range of enforcement tools** when necessary - including interim and last resort measures - to guarantee that compliance obligations are not merely theoretical but are effectively upheld.
    - This includes, for example, Digital Services Act (DSA) Article 51(3) and Market Surveillance Regulation (MSR) Article 14(k). These measures, including restricting access to non-compliant platforms, while extreme, can foster additional compliance.

**Strengthening coordination between national authorities**, expediting the activation of the **Consumer Protection Cooperation** Network to ensure timely and effective enforcement across the EU.

***On the DSA***

The Digital Services Act (DSA) is the mechanism regulating the obligations of digital services, including marketplaces, that act as intermediaries in their role of connecting consumers with goods, services, and content. Online B2C marketplaces have a specific obligation to put in place a system to check the identity of traders on their service. If traders are able to repeatedly return to a service after they have been removed for offering illegal products, then that points to a systemic question about the functioning of

KYBC programme of the service. The KYBC programme should include reasonable and proportionate steps to identify attempts to return and to prevent them. Over time therefore, traders selling non-compliant offers should be weeded out from the services and the absolute volumes of non-compliant products should therefore decrease. This is reflected in the ECommerce Communication and its focus on enforcement under the various rules by various enforcers then being used to feed enforcement of systemic obligations like KYBC under the DSA.

***Liability exemption for online marketplaces***

We strongly **support a balanced approach to liability exemptions for online marketplaces**, as outlined in Article 6 of the Digital Services Act (DSA) and further clarified in Article 22 of the General Product Safety Regulation (GPSR). The liability exemption underpins a balanced regulatory framework that allows platforms to innovate while ensuring a good level of consumer protection. Preserving this framework is **essential to sustaining a healthy e-commerce ecosystem, supporting the growth of connected merchants**, and promoting a competitive online marketplace.

***Addressing the systemic risks posed by non-EU marketplaces***

We welcome the European Commission's identification of the primary challenges in the e-commerce sector, particularly the influx of unsafe, counterfeit, and non-compliant products entering Europe via e-commerce imports.

**It is imperative that the EU takes decisive and immediate action to address these issues**, as the current situation not only poses significant risks to consumer safety and well-being but also creates an unfair competitive environment. **Platforms that invest in compliance and adhere to EU regulations are being outcompeted by those that do not**, undermining the integrity of the e-commerce ecosystem. A robust and proportionate response is urgently needed to level the playing field and ensure a safe and trustworthy online marketplace.

The most pressing concern is the **rapid growth of a number of systemically non-compliant online marketplaces operating from outside the EU**. These platforms often introduce systemic risks, as they are not subject to the same regulatory scrutiny as EU-based operators. To level the playing field and protect consumers, regulatory efforts should be focused on ensuring compliance from these non-European entities.

***On a strengthened EU-based Responsible Economic Operator***

We support a strengthened EU-based Responsible Economic Operator (RSP) system. This includes advocating for a professional accreditation program for RSPs, implementing clear verification mechanisms, enhancing compliance information collection and monitoring, and establishing structured cooperation with market surveillance authorities. These measures aim to improve accountability and streamline compliance processes.

***UE customs reforms and deemed importer obligations***

We support **the removal of the €150 de minimis customs threshold** and aim to ensure that the customs system operates efficiently, even when customs procedures apply to a higher volume of shipments,

**provided that customs simplification and other solutions provided for by the EU Customs Data Hub are introduced at the same time**.

That is why digitizing procedures through the **establishment of the EU Customs Data Hub** is so crucial. We see it as a **key element of the reform**.

We suggest the creation of a dedicated **EU task force to engage with industry stakeholders** in shaping the practical implementation of the Customs Data Hub, as proposed in the UCC revision. A collaborative approach will enhance the effectiveness of customs controls while ensuring minimal disruption to compliant e-commerce trade. At the same time we call for swift processing of the EU customs code revision

The deemed importer concept under the proposed EU customs reforms and the responsible person concept under product compliance legislation share a common goal: ensuring compliance and accountability for products entering the EU market. We fully support these common goals of driving compliance and accountability. We believe this should be achieved by strengthening the responsible person concept, establishing a database of these operators for up-to-date cross-checking, combined with enhanced due diligence and data sharing by all market actors, not only marketplaces. This approach would increase transparency and drive accountability across the e-commerce imports supply and value chain and across all sales and fulfillment models.

***On Customs data sharing mechanism***

We support implementing proportionate data sharing obligations that can be effectively enforced across all marketplaces, regardless of their size or location. Our vision is for a robust framework within the EU Customs Data Hub that ensures transparency while protecting sensitive business information. Actors involved in the B2C imports into EU should be prepared to share meaningful data with customs authorities to protect European consumers and reduce fraud, but this must be done in a structured and efficient manner.

For the system to work effectively, we believe marketplace/deemed importer data submission should be focused on the core elements required for smooth border entry - specifically safety and security data, building on existing product safety frameworks, IOSS numbers, and unique consignment references. While we support comprehensive data sharing, information beyond these core elements can be provided through different channels, and by different operators. This approach ensures efficient border processing while maintaining complete data availability.

We advocate for establishing a true partnership between marketplaces and authorities, characterized by reciprocal data sharing and clear guidelines. This partnership should include appropriate protections for collaborating businesses and tangible benefits for compliant operators (such as flagging bad actors and allowing marketplaces to remove them from the platforms). We believe this approach will encourage broader participation and create a more effective system overall.

Data security must be a cornerstone of the new framework, with robust safeguards in place to protect sensitive business information. Equally important is the full harmonization of data sharing mechanisms and documentation requirements across all EU member states. This harmonization is crucial for eliminating the complexity and inefficiency of dealing with multiple national systems.

We support a phased implementation of the data sharing mechanism in the EUCR, providing adequate time for all parties to develop and test their systems. An extended timeline allows for proper preparation while ensuring the framework is implemented correctly. We are committed to working collaboratively with authorities during this period to refine and optimize the system.

Through these measures, we believe we can create an effective data sharing framework that supports both regulatory compliance and efficient trade operations. Our goal is to be a constructive partner in developing and implementing these solutions, while ensuring they remain practical and effective for all stakeholders involved.

***On the import handling fee***

In reference to the import handling fee announced in the Communication, while we welcome the suggested EU-wide approach rather than unilateral customs measures, we must express significant concerns about its implementation and impact. The introduction of such a fee would likely result in increased costs being passed directly to consumers - a particularly problematic outcome during the current period of high inflation. The lack of detail in the current proposal raises additional concerns, especially regarding its potential to disproportionately affect compliant operators. We strongly believe this issue should be considered within the broader framework of trusted trader facilitation measures, where compliant operators could benefit from reduced fees, possible exclusions, and simplified procedures.

That said, we remain committed to working with authorities to develop a balanced approach that supports both effective customs control and sustainable e-commerce growth, while protecting consumer interests and recognizing operator compliance efforts. We emphasize the importance of regular consultation with the business community and pilot testing of new measures to ensure smooth implementation. Engaging stakeholders in the development and testing phases of the EU Central Data Hub will help identify potential issues early on and facilitate a more effective rollout of the reforms.

***On EPR fee schemes***

We endorse the simplification and harmonization of EPR schemes across the EU. This includes support for 'Pay on Behalf' models to assist SMEs, advocacy for the implementation of the SEED (Simplify Eco-modulated EPR delivery) Platform, and a push for EU-level guidelines and multilingual support. Our focus is on reducing administrative burden while maintaining compliance, particularly for cross-border operations.

A balanced approach to marketplace regulation is essential, focusing on consumer protection while maintaining business efficiency and supporting SME growth in the EU market. This requires careful consideration of existing successful systems while implementing necessary improvements to ensure safety and compliance. By addressing these key areas, we can create a more robust, fair, and efficient e-commerce ecosystem that benefits consumers, businesses, and regulatory bodies alike.