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From: General Secretariat of the Council
To: Delegations
Subject: AOB for the meeting of the Council (Environment) on 16 December 2025
Strengthening market surveillance and product compliance in the
European Union market
- Information from Belgium, supported by Finland, France, Poland and
Portugal

The e-commerce market within the European Union continues to grow at an unprecedented pace. In 2024, an estimated 4.6 billion low-value shipments (under €150) were imported — nearly double compared to 2023. A significant share of these shipments originates from third countries, notably China, which accounted for approximately 91% of low-value consignments in 2024. This rapid growth presents new challenges for national authorities, faced with an increasing volume of shipments. The growing volume of online purchases imported directly into the EU by consumers has intensified these challenges and poses risks to consumers (e.g. harmful substances in toys or cosmetics, unauthorized levels of chemicals in clothes or furniture), the environment (e.g. by generating waste problems and destruction of products containing e.g. carcinogenic substances), and fair competition (e.g. in the EU the clothing industry lost close to EUR 12 billion in annual sales (Economic impact of counterfeiting in the clothing, cosmetics, and toy sectors in the EU - EUIPO (europa.eu))). Given the high volume of e-commerce imports, these flows may also represent an additional potential channel through which illicit products can enter the EU market.

In Belgium, around one billion low-value e-commerce shipments entered the country last year. Similar to the neighboring Netherlands, we are therefore significantly impacted and face considerable challenges in the effective monitoring and control of these flows. The European Commission has rightfully recognized these trends and implications. In the context of the Customs Code reform and its recent Communication on e-commerce (February 2025), various measures are proposed to strengthen enforcement and improve the efficiency of controls.

We also strongly welcome the Commission's initiative to revise the Market Surveillance Regulation, the New Legislative Framework, and the Standardisation regulation, possibly by means of a European Product Act (EPA). We consider those upcoming revisions an important step towards addressing the challenges surrounding market surveillance and product compliance.

In light of the rapid growth of e-commerce and the increasing volume of low-value shipments entering the EU, we wish to stress the need for strong and coordinated EU-level measures to support market surveillance authorities, ensure compliance with product safety, environmental protection, and consumer protection, and prevent unfair competition across all Member States. In this context, we would like to highlight following issues and subsequent remedial actions:

- 1. Absence or limited effectiveness of a responsible operator established in the EU for products imported through the e-commerce, rendering administrative measures or sanctions unenforceable**

- Make it mandatory, for all EU product legislation, for any non-EU operator placing products on our market to designate an easily identifiable EU-based operator responsible for the conformity of products while ensuring coherence with the upcoming reform of the Customs Code (the Commission may consider in this regard to ensure the harmonization of the terminology used by its various Directorates-General when referring to the importer and the responsible person).
- Explore the possibility of addressing incorrectly or fraudulently designated responsible operators to enhance the effectiveness of enforcement.

2. **Difficulties in verifying product compliance due to high cost of testing, the lack of available laboratories, the absence of harmonised testing methods, and legal uncertainties regarding the interpretation of results**

- Ensure that regulatory requirements take into account the enforceability and actual capacity of control authorities.
- Further develop harmonised testing methods.
- Encourage the EU Commission to further develop a network of Union testing laboratories designated by the Commission to strengthen testing capacity in priority areas.

3. **The explosion of imports through e-commerce makes it virtually impossible for customs and inspection authorities to manage control**

- Support facilitating market surveillance through the ongoing custom reform.
- Strengthen online controls on e-commerce platforms.
- Develop targeted EU-wide risk profiles to guide controls.
- Evaluate the use of the Single Window Environment for Customs to check key requirements of product regulations.
- Continue efforts for the development of common digital tools to effectively monitor online trade, and for the training of market surveillance authorities to use these. The current availability of tools remains limited and Member States often develop separate systems independently. The ICSMS system is underutilized and primarily product-focused, limiting systematic monitoring of businesses of platforms. It should be enhanced to better support systematic monitoring of businesses and platforms, and to distinguish between online marketplaces and webshops, thereby enabling more comprehensive analysis of e-commerce activities. Promote the Digital Product Passport (DPP) as a valuable tool for monitoring products at the borders through instant access to data on a product's compliance, origin, and sustainability features, which greatly enhances the ability to identify non-compliant or unsafe products.

4. Limited cross-border cooperation and enforcement of sanctions

- Make an analysis, based on ICSMS data, of the implementation of the existing mutual assistance mechanisms within the framework of the MSR and of the follow-up granted by the Member States to requests for enforcement measures, and envisage actions for improvement if necessary.
- Explore the creation of a European mechanism to facilitate the enforcement of financial (administrative) penalties in other Member States.
- Within the CPC Network, perform a mapping exercise of the key platforms operating in the internal market and, where necessary, initiate CPC-coordinated enforcement actions.
- Encourage the Commission to continue to take action against major platforms, notably in cases of repeated and large-scale infringements, relying in particular on the Digital Services Act.
- Dialogue with major platforms and other e-commerce actors can improve mutual understanding and compliance and promote coordinated solutions across the EU market.
- Establish a working group on product quality and safety supervision to further enhance cooperation and communication between China and Europe.

5. An outdated framework for conformity assessment procedures which creates difficulties in addressing emerging technologies and reduces trust among consumers and businesses

- Reinforce accreditation as the primary mechanism to demonstrate the competence of conformity assessment bodies applying for notification, thereby ensuring high and consistent performance standards among notified bodies and promoting a level playing field.
- Support improvements in the rules on the subcontracting practices of notified bodies and their overall oversight, in order to ensure accountability, maintain trust towards conformity assessment, and prevent any dilution of responsibility or misleading and inconsistent practices such as letter-box notified bodies.
- Strengthen synergies between the European Commission, European co-operation for Accreditation, national authorities, and notified bodies.

6. Stagnating competitiveness, innovation and inclusiveness

- Modernize the European standardisation process to deliver timely, relevant, and high-quality standards, ensuring it can rapidly respond to technological and market developments while engaging all relevant stakeholders.
- Increase the openness and transparency of standards, making them more accessible and better aligned with EU policy objectives, thereby enhancing legal clarity and predictability for businesses and citizens.
- Explore strengthening the EU's role in shaping international standards, promoting global influence, supporting competitiveness, and safeguarding strategic interests.

Despite the existing European legal framework, numerous practical and legal obstacles limit the effectiveness of controls and sanctions as well as the rules on product compliance. These shortcomings undermine the credibility and effectiveness of our internal market, hinder the work of national authorities, and create unfair competition. It is essential to address this unfair competition in order to protect companies that comply with EU standards and contribute to value creation in Europe

We invite the Commission to take these proposals into consideration for the upcoming revision while also ensuring the coherence with the provisions of the GPSR in a way that the applicability of new rules can be guaranteed for both economic operators and market surveillance authorities. These proposals are intended to strengthen our joint action and to ensure the effectiveness of controls. We consider that these measures are essential to guarantee a level playing field for compliant operators, and to ensure consumer and environmental protection alike. Any measures proposed by the Commission should be designed so as not to create additional administrative burdens for our companies.

We emphasize the importance of coordinated action by the Commission to address these pressing challenges and strengthen the internal market.