ANALYSIS

Consumer-Imports via Online Platforms

Consequences for trade and the internal market

November 2026

Executive summary

A well-functioning e-commerce market can be a powerful driver of economic development and inclusive growth. It lowers barriers for small businesses and entrepreneurs, gives exporters from low- and middle-income countries direct access to global markets, and thereby helps broaden trade flows, strengthen competitiveness, and advance wider development and trade policy objectives.

E-commerce involving direct-to-consumer imports of goods via online platforms has rapidly become a large-scale phenomenon in the EU. An estimated 5.8 billion low-value consignments were imported in 2025, equivalent to around 16 million a day, with 93 per cent of them originating from China. Inspections repeatedly reveal systematic shortcomings: in the European Commission's November 2024 review, 88 per cent of the products inspected did not meet EU requirements. At the same time, inspections cover only a vanishingly small proportion of total imports. This points to a growing problem of illegal goods entering the market.

This analysis examines how the problem arises from the implementation gap between existing rules and a new reality. EU product legislation presupposes an identifiable economic operator within the Union that can be held responsible for a product's compliance with applicable requirements. Such an operator is often absent in platform-based direct imports. The Digital Services Act (DSA) imposes procedural obligations on online marketplaces but does not make them responsible economic operators within the meaning of product legislation. As a result, the operator that facilitates and controls the transaction does not bear responsibility for the product, while the party formally responsible is rarely accessible to consumers and authorities.

The consequences are tangible. Consumers face health and safety risks. Enforcement authorities are forced to conduct resource-intensive, reactive checks on individual consignments, in a flow that has increased market surveillance authorities' caseload tenfold since 2020. Businesses that comply with EU rules compete with operators that avoid the corresponding costs. The shortcomings span product safety, chemical content, consumer law, data protection, intellectual property rights, and customs and VAT compliance; a single product may engage several of these regulatory areas at once.

Yet regulation, governance, enforcement, and responsibility for this issue are divided among numerous actors without clear coordination. In Sweden, responsibility is spread across several authorities reporting to different ministries, with no single actor having comprehensive responsibility. At EU level, the issues fall across several directorates-general, Council configurations, and parallel enforcement structures. The same platform may simultaneously be subject to oversight by the European Commission, a national Digital Services Coordinator, the Consumer Protection Cooperation (CPC) network, and national market surveillance authorities, each with distinct mandates and information flows. When common EU measures are delayed, pressure grows for national approaches that, in turn, risk fragmenting the single market.

The National Board of Trade concludes that the problem requires a structural response rather than treatment as a series of individual infringements. The main challenge is not a lack of rules, but that existing regulatory frameworks and enforcement structures are not designed for the volume, speed, and business models characteristic of platform-based direct imports. Coordinated regulation, governance, enforcement, and allocation of responsibility are needed, both nationally and at EU level, with measures that have a real impact before goods reach consumers.

Recommendations at a glance

At national level, the Swedish Government should consider:

- establishing cross-sectoral coordination that brings together authorities, businesses, and consumer organisations;
- developing digital tools to support national market surveillance authorities;
- conducting consumer information campaigns on purchases via online platforms; and
- providing authorities with sufficient resources and support to pursue legal proceedings where necessary.

At EU level, Sweden should seek to:

- narrow the accountability gap between platform regulation and product legislation ahead of the 2027 DSA evaluation;
- strengthen cross-sectoral coordination at EU level;
- encourage the European Commission to pursue enforcement cases against platforms more swiftly and systematically;
- introduce harmonised minimum requirements for market surveillance of e-commerce; and
- establish structured coordination between Member States' national e-commerce steering groups and the European Commission.

Note: This is an English translation of the Swedish report published in March 2026. The original report was written for Swedish policymakers, and this translation should be read in that context.

Relevant legislation and other circumstances may have changed since then. The findings should therefore be interpreted in light of any subsequent developments that may affect the assessment presented.

The original analysis, figures, dates and legal references have been retained and have not been updated or independently verified.

Non-English source titles have been translated for readability.

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1 Introduction

Direct-to-consumer imports via online platforms have rapidly changed how goods reach the EU single market. Business models based on large volumes of small consignments sent directly from sellers in third countries to individual consumers challenge the checkpoints and allocation of responsibility on which the EU regulatory framework rests. In many cases, there is no identifiable economic operator established in the EU that can be held responsible. In others, such an operator exists but the scope for effective oversight is limited. This creates an implementation gap in which rules exist but are not fully effective in practice. Non-compliance affects not only trade and the functioning of the single market, but also the conditions for sustainable development. It therefore falls within the National Board of Trade's core statutory remit to promote free trade, free movement within the single market and Sweden's overall economic interests - that is, the interests of businesses and consumers.[1]

Where compliance is ineffective, Member States may respond with national approaches that could fragment the single market and, at the same time, be perceived as protectionist measures that weaken the EU's position in international trade negotiations.

This analysis examines how these developments affect regulatory compliance and competitive conditions from a trade policy and single-market perspective. Its purpose is to provide a coherent account of the issues and identify measures that strengthen compliance and responsibility throughout the chain, thereby supporting the functioning of the single market, sustainable development and the EU's trade relations with third countries, without creating unnecessary barriers to trade or disproportionate costs for lawful trade flows. It is intended to provide a fact-based, cross-sectoral foundation for further work in the EU and Sweden.

The report is not a comprehensive legal review of all relevant regulatory frameworks. Instead, it focuses on the areas where the gap between regulation and market developments is particularly evident, above all in small-parcel flows generated by sales through online platforms. The platform economy is evolving rapidly: new hybrids of social media, marketplaces and payment services are emerging, while AI-driven recommendation and ranking systems are changing consumer behaviour. The analysis therefore addresses structural challenges rather than individual platforms or technologies.

1.1 Scale of the problem

The European Commission notes that the sharp increase in e-commerce consignments delivered directly to consumers has created a rapidly growing and unsustainable workload for customs and market surveillance authorities. It also highlights increasing

[1] Section 1 of Ordinance 2012:990 containing instructions for the National Board of Trade.

risks relating to product safety and regulatory compliance, as well as strong links to other aspects of sustainability.[2]

In 2024, approximately 4.6 billion low-value consignments (valued at less than EUR 150) were imported into the EU, equivalent to as many as 12 million consignments a day. This was almost twice the number in 2023 (2.3 billion) and more than three times the figure for 2022 (1.4 billion). China accounted for 91 per cent of consignments,[3] and its share of the volume rose to 93 per cent in 2025.[4] Total volume increased further in 2025 to 5.8 billion consignments, a rise of 26 per cent, equivalent to around 16 million consignments a day.[5] In Sweden, e-commerce via online platforms has become part of everyday life. According to Statistics Sweden, three in four people aged 16 or over had bought or ordered something online during the first quarter of 2024, an increase of 15 percentage points since 2018.[6] The Swedish Commerce Federation estimates that a purchase from Temu or Shein is made in Sweden every four seconds.[7] A 2025 report by the Federation states that 18 per cent of Swedes aged 20-69 made at least one purchase from Temu or Shein in an average month during 2024.[8]

This rapid growth in volume is placing considerable pressure on traditional inspection and revenue-collection models. Checks on goods flowing through online platforms reveal recurring and systematic shortcomings. The National Market Surveillance Strategy 2026-2029 refers to European Commission inspections in November 2024, which found that 88.1 per cent of the products inspected on three online platforms did not meet EU requirements. German authorities reported 100 per cent non-compliance in the same exercise.[9] The shortcomings span product safety, consumer protection, environmental and chemicals requirements, and producer responsibility.

The Swedish Chemicals Agency reports a similar pattern. Prohibited levels of restricted substances were found in 72 per cent of the products analysed from drop-shipping stores and 64 per cent from online platforms, compared with 26 per cent from conventional online retailers. Non-compliance was highest in electronics, where 85 per cent of products contained excessive levels of chemicals. This was followed by jewellery and accessories (51 per cent), sports and leisure products (43 per cent) and toys (37 per cent).[10]

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2 European Commission, Communication from the Commission: A comprehensive EU toolbox for safe and sustainable e-commerce, COM(2025) 37 final, 5 February 2025, pp. 2–3.

3 See footnote 2.

4 European Commission (DG Taxation and Customs Union), 'Goods bought online', 6 February 2026.

5 See footnote 4. Daily consignment volume is calculated by the authors (5.8 billion / 365 = approximately 15.9 million).

6 Statistics Sweden, 'ICT usage among individuals 2024 – E-commerce' (2024), p. 3. Note that from 2024 the data cover persons aged 16 or over; previously they covered ages 16–85.

7 Swedish Trade Federation, 'E-commerce Indicator, November 2024' (2024), p. 2.

8 Swedish Trade Federation, 'The State of Trade 2025' (2025), pp. 44–45.

9 Swedish Government, 'National Market Surveillance Strategy 2026–2029', 2026, pp. 12–13.

10 Swedish Chemicals Agency, Enforcement of e-commerce goods 2025, Enforcement Report 1/26 (2026), pp. 17–20.

At the same time, the reach of inspections is severely limited relative to consignment volumes. Low-value consignments account for approximately 98 per cent of all individual goods imported into the EU, but only around 2 per cent of the total import value.[11] The European Commission's report on customs controls and product compliance shows that, in 2024, customs refused entry to an average of 13 products per million released, equivalent to 0.0013 per cent of the total. The report notes that the growth in e-commerce volumes has outpaced the expansion of control measures.[12]

The fact that the vast majority of inspected products fail checks, while inspections cover only a vanishingly small proportion of total flows, underlines the scale of the implementation gap. The National Board of Trade considers that these developments point to a widening gap: regulatory frameworks exist, but their practical impact is weak when imports take the form of large flows of small parcels via online platforms. This risks undermining consumer protection, creating an influx of illegal products and distorting competition in the single market.

At the same time, e-commerce can create substantial value. For consumers, it brings lower transaction costs, a wider choice and lower prices as a result of increased competition. For small and medium-sized enterprises, online platforms can provide faster market access without the need for a physical presence. For businesses in low- and middle-income countries, digital channels can open up export opportunities that would otherwise be out of reach. This potential, however, depends on consumers being able to trust that products sold via online platforms meet EU requirements. Non-compliance risks reducing acceptance of cross-border e-commerce. The National Board of Trade therefore considers that measures to strengthen compliance must be designed so that they do not unnecessarily exclude legitimate exporters, including those from low- and middle-income countries, that meet EU requirements.

The large influx of non-compliant products is also a serious obstacle to achieving our sustainability objectives. Products that fail to meet EU environmental and chemicals requirements undermine sustainability regulation and distort competition to the detriment of compliant businesses. This risks contributing to carbon leakage, whereby emissions and environmental impacts are effectively shifted beyond the reach of EU rules and controls.

[11] European Commission, 'Goods bought online', webpage accessed 18 February 2026.

[12] European Commission, 'Report on controls on products entering the EU market with regard to product compliance in 2024' (2025).

2 The EU regulatory framework and the implementation gap

The EU's rules on product safety, consumer protection and fair competition have been substantially developed and updated in recent years, including through the DSA, the General Product Safety Regulation (GPSR) and the proposed customs reform package. The main challenge is not the absence of rules, but that key parts of the regulatory frameworks are designed for traditional import structures with identifiable economic operators within the EU. In today's platform-based e-commerce, characterised by large volumes of low-value consignments in which consumers effectively act as importers, these rules face particular enforcement challenges. The frameworks are also difficult to apply to operators outside the EU, where the scope for oversight is limited.

2.1 Platform and service regulation

2.1.1 The Digital Services Act and illegal goods

The Digital Services Act (DSA)[13] regulates, among other things, how digital intermediary services, including online platforms and marketplaces, must address risks and illegality within their systems. It is a horizontal regulation that complements existing sectoral legislation on matters such as product safety and consumer law, with specific and more extensive obligations for the largest platforms, known as Very Large Online Platforms (VLOPs). The DSA is one of the most relevant frameworks for understanding the conditions for compliance in direct imports via online platforms. It is not, however, an instrument for regulating goods: it regulates the platform service itself. The DSA centres on procedural requirements, traceability and system governance, rather than the technical conformity of products.

Under the DSA, illegal goods are, in practice, addressed as part of the handling of 'illegal content', since a product listing may be illegal if it concerns a good or service that does not meet requirements under other EU or national law. The DSA thus creates a horizontal framework for how platforms must act when illegality arises or is identified, but does not itself determine what is illegal or which product requirements apply. This is particularly significant in a trading environment where illegality is often difficult to establish solely from the information in a listing, and where shortcomings in product safety or chemical content are frequently discovered only through testing, document checks or regulatory oversight.[14]

The DSA imposes a number of specific obligations on marketplaces.[15] A platform must ensure traceability by obtaining information about sellers and assessing its

[13] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (DSA).

[14] Geraci, M., et al., 'Market surveillance for effective consumer protection in the EU: The role of Market Surveillance Authorities and their cross-border cooperation', IMCO, European Parliament (2023).

[15] Articles 30–32 of Regulation (EU) 2022/2065 (DSA).

reliability before sales may take place.[16] If information is missing or is not corrected in time, the seller's ability to offer goods must be suspended.[17]

The interface must be designed to enable sellers to provide the information required under the relevant EU rules, including product safety information, details of the economic operator,[18] and labelling and product identification.[19]

Marketplaces must have a mechanism for reporting illegal content and must handle notices expeditiously.[20] A sufficiently precise notice may give rise to actual knowledge, triggering an obligation to act in order to rely on the exemption from liability for hosting services.[21] In addition, marketplaces must carry out random checks in official databases to establish whether products on offer have been identified as illegal,[22] and inform consumers who purchased a product within the six months before the platform became aware that it was illegal.[23]

The DSA also contains important limitations. An online platform cannot rely on the hosting liability exemption if it presents or structures the transaction in a way that would lead the average consumer to believe that the product is provided by the platform itself or by an operator under its control.[24]

However, the Regulation prohibits the imposition on intermediary services of a general monitoring obligation or a duty actively to seek out illegal activity.[25] In practice, this may limit the scope for sectoral legislation to impose general requirements on platforms to check proactively the goods sold through their services.

Overall, the National Board of Trade considers that the DSA strengthens the conditions for traceability and accountability in the platform economy, but that its notice-and-action model is fundamentally reactive. Obligations to act arise only following a notice or other actual knowledge of illegality. Even marketplaces' random checks against official databases do not constitute systematic prior checks against sector-specific product requirements.

These limitations become particularly evident in small-parcel flows, where imports are dispersed from traditional checkpoints into numerous direct deliveries and the responsible economic operator is often located outside the EU. In practice, this means that non-compliant products from third countries may continue to be made available on the single market until they are detected through testing, regulatory oversight or a notice. This is an inherent limitation of any system without prior approval, amplified

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16 Article 30(1)-(2) of Regulation (EU) 2022/2065 (DSA).
17 Article 30(2) and (3) of Regulation (EU) 2022/2065 (DSA).
18 Article 31(1) of Regulation (EU) 2022/2065 (DSA).
19 Article 31(2) of Regulation (EU) 2022/2065 (DSA).
20 Article 16(1) and (6) of Regulation (EU) 2022/2065 (DSA).
21 Article 16(3), read in conjunction with Article 6(1)(b), of Regulation (EU) 2022/2065 (DSA).
22 Article 31(3) of Regulation (EU) 2022/2065 (DSA).
23 Article 32(1) of Regulation (EU) 2022/2065 (DSA).
24 Article 6(3) of Regulation (EU) 2022/2065 (DSA).
25 Article 8 of Regulation (EU) 2022/2065 (DSA); see also recital 30.

by the scale effects of digitalisation. Where compliance cannot be assessed from the information in a listing, a gap emerges between regulatory requirements and actual compliance. The fact that the DSA's prohibition on general monitoring limits the scope for sectoral legislation to impose proactive inspection duties on platforms further widens the implementation gap.

2.1.2 Consumer law and enforcement against misleading interfaces

The EU's response to consumer-law problems relating to online platforms rests on a combination of regulations, including the DSA and EU consumer law. Together, they address how platforms design their services and interfaces, how consumers are informed and influenced when making purchases, and how enforcement and sanctions can be used to secure compliance.

The DSA expressly prohibits 'dark patterns':[26] interfaces and technical design features that mislead or manipulate users into making decisions they would not otherwise have made. However, this prohibition is subsidiary to consumer and data protection law and does not apply to practices already covered by those frameworks.[27] In practice, EU consumer law - particularly the rules on unfair commercial practices and information requirements for distance contracts - therefore addresses much of the actual marketing and selling practices that consumers encounter on online platforms. These include prohibitions on misleading advertising and aggressive commercial practices, as well as requirements for clear pre-contractual information on matters such as price, the seller's identity and the right of withdrawal.[28]

Reviews of platform-based e-commerce by the network of national consumer protection authorities (Consumer Protection Cooperation, CPC)[29] have identified recurring shortcomings, including unclear or hard-to-find contact details, inadequate information on the right of withdrawal, and uncertainty as to whether the seller is acting as a trader or a private individual. Such gaps are particularly concerning because they directly affect consumer protection and make it harder to hold the relevant parties accountable in practice.

In autumn 2024, formal concerns were raised with Temu regarding, among other things, misleading price advertising, fake discounts, aggressive commercial practices, hidden contact details and inadequate information on the right of withdrawal.[30] Similar concerns were raised with Shein in May 2025, highlighting fake discounts, green-washing, misleading product labelling and aggressive commercial practices.[31]

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[26] Article 25 of Regulation (EU) 2022/2065 (DSA); see also recital 67.

[27] Article 25(4) of Regulation (EU) 2022/2065 (DSA).

[28] Articles 5–9 of Directive 2005/29/EC (Unfair Commercial Practices Directive) and Article 6 of Directive 2011/83/EU (Consumer Rights Directive).

[29] Chapters III-IV of Regulation (EU) 2017/2394 (CPC Regulation).

[30] European Commission, 'Commission and national authorities urge Temu to respect EU consumer protection laws', 8 November 2024.

[31] European Commission, 'Commission and national authorities urge SHEIN to respect EU consumer protection laws', 26 May 2025.

In parallel, the European Commission is using the DSA's system-focused enforcement tools against very large platforms. On 31 October 2024, it opened formal DSA proceedings against Temu.[32] On 28 July 2025, it announced a preliminary finding that Temu had failed to meet its obligation to assess properly the risks of illegal products being disseminated through the marketplace.[33] If confirmed, these findings could lead to fines of up to 6 per cent of the platform's worldwide annual turnover in the preceding financial year.[34]

The availability of sanctions does not, however, guarantee that the dissemination of illegal products will stop. Rather, it is intended to create incentives for lasting compliance with the DSA's systemic requirements, such as improved risk assessments and risk mitigation measures. The European Commission has also used the DSA's enforcement tools in other contexts, for example in relation to TikTok's addictive interface design.[35]

In practice, EU regulation of the platform economy therefore operates through two complementary tracks: consumer law addresses specific unfair sales and information practices, while the DSA enables broader oversight of systemic risks and interface design, particularly for the largest platforms. Effective enforcement consequently depends on coordination. For example, consumer authorities that identify misleading practices need to be connected with DSA enforcement, which can address the underlying systems, and vice versa.

2.2 Product, data and liability regulation

2.2.1 Data protection (GDPR) and data transfers

In platform-based e-commerce, data is central both to the business model and to the possibilities for control and traceability. Several of the measures discussed in this report, such as increased data sharing, data-driven risk management and improved traceability throughout the supply chain, involve the processing of personal data and must therefore be designed in accordance with EU data protection rules.

Data protection in the EU is governed primarily by the General Data Protection Regulation (GDPR).[36] It may also apply to operators established outside the EU if they target individuals in the Union or monitor their behaviour.[37] The GDPR lays down requirements concerning, among other things, a lawful basis for processing, transparency and data subjects' rights, as well as the protection of personal data

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[32] European Commission, 'Commission opens formal proceedings against Temu under the Digital Services Act', press release, 31 October 2024.

[33] European Commission, 'Commission preliminarily finds Temu in breach of the Digital Services Act in relation to illegal products', press release, 28 July 2025.

[34] Article 74(1) of Regulation (EU) 2022/2065 (DSA).

[35] European Commission, 'Commission preliminarily finds TikTok in breach of the Digital Services Act for its addictive design', 6 February 2026.

[36] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR).

[37] Article 3(2) of Regulation (EU) 2016/679 (GDPR).

through appropriate technical and organisational measures.[38] Special rules apply to transfers of personal data to third countries. Such transfers are permitted only under certain conditions, for example on the basis of an adequacy decision or appropriate safeguards.[39] Requirements to exchange data and information as part of compliance efforts must be combined with clear purposes, data minimisation and robust protection of personal data.[40]

These requirements have direct implications for the major online platforms. Their global data infrastructure and complex supply chains can make it difficult for both users and supervisory authorities to obtain a clear picture of which data is processed, for what purposes, and where it is stored or transferred. According to NOYB - European Center for Digital Rights, six platforms state in their privacy policies that personal data may be transferred to China.[41] China is not covered by an EU adequacy decision,[42] meaning that platforms must rely on other transfer mechanisms, typically standard contractual clauses (SCCs).[43] They must also be able to demonstrate that, in practice, the transfer ensures a level of protection essentially equivalent to that in the EU,[44] including through supplementary measures where necessary.[45]

The problem proved to be more than theoretical in May 2025, when the Irish Data Protection Commission fined TikTok EUR 530 million for transferring personal data to China without sufficient safeguards and for a lack of transparency towards users.[46] TikTok appealed the decision to an Irish court, and the legal proceedings had not concluded at the time this analysis was written.[47] The complaints filed by NOYB concerning the other platforms' transfers of data to China also remained pending before the relevant data protection authorities.[48]

Data protection issues are relevant to this report in three respects. They form part of the wider challenge posed by platforms whose operations span multiple jurisdictions and regulatory frameworks. The GDPR also sets the parameters for the practical design of the data-driven enforcement and control mechanisms proposed, for example,

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38 Article 6, Chapter III and Article 32 of Regulation (EU) 2016/679 (GDPR).

39 Articles 44–46 of Regulation (EU) 2016/679 (GDPR).

40 Articles 5(1), 25 and 32 of Regulation (EU) 2016/679 (GDPR).

41 noyb – European Center for Digital Rights, 'TikTok, AliExpress, SHEIN & Co surrender Europeans' data to authoritarian China', 16 January 2025.

42 European Commission, Adequacy decisions (Data protection adequacy for non-EU countries), webpage (updated on an ongoing basis), accessed 6 February 2026.

43 Article 46(2)(c) of Regulation (EU) 2016/679 (GDPR).

44 See footnote 42; judgment of the Court of Justice of the European Union of 16 July 2020 in Case C-311/18, Data Protection Commissioner v Facebook Ireland and Schrems (Schrems II).

45 European Data Protection Board, 'Recommendations 01/2020 on measures that supplement transfer tools to ensure compliance with the EU level of protection of personal data', 18 June 2021.

46 Irish Data Protection Commission, decision of 2 May 2025 concerning TikTok Technology Limited, case IN-22-10-2.

47 TikTok Technology Limited, ‘Update on Irish GDPR decision about TikTok’s “transfers of EEA User Data to China”’, updated November 2025.

48 See footnote 41. In July 2025, noyb supplemented its complaints with further complaints against TikTok, AliExpress and WeChat concerning failures to provide access to personal data under Article 15 GDPR; see noyb, 'How TikTok, AliExpress & WeChat ignore your GDPR rights', 17 July 2025.

in the customs reform (Section 2.3.2). At the same time, these issues illustrate how platforms are becoming important actors in the implementation of EU security policy.

2.2.2 Product safety and market surveillance

Both the Market Surveillance Regulation (MSR)[49] and the General Product Safety Regulation (GPSR)[50] require that products covered by the requirement have an economic operator established in the EU that can fulfil the compliance tasks laid down in the legislation and act as a contact point for authorities. The GPSR expressly provides that a product may not be placed on the market unless an economic operator established in the EU is responsible for the specified tasks.

A joint action within the EU Product Compliance Network, reported by the European Commission, in which market surveillance authorities checked 215 online offers from third countries, found that only 14 per cent met the requirement for an economic operator established in the Union.[51] The Swedish Chemicals Agency's enforcement results also illustrate problems with false claims of compliance. Although inspections show that the amount of labelling on products sold through platforms has increased, the information is often incorrect: the manufacturer's representative may not exist, or identification markings may be untraceable. Contacting the manufacturer's representative resulted in action in only 31 per cent of cases. In the remaining cases, no reply was received or the information proved to be false.[52]

Several enforcement exercises show that the shortcomings are not isolated, but span electrical safety, chemical content and basic traceability. Tests by the Swedish National Electrical Safety Board on USB chargers from Wish found that all ten products tested were outright dangerous: six caught fire during fire testing and none met the requirements for insulation distances.[53] A 2025 Nordic Council of Ministers enforcement project found that 71 per cent of 210 products tested, sold through e-commerce operators, did not comply with the EU's various chemicals laws. The highest rate of non-compliance, 81 per cent, was found among dropshipping operators, which arrange direct sales to consumers without holding their own stock.[54] A review by Euroconsumers found, among other things, that a necklace purchased through Shein contained more than 85 per cent cadmium,[55] over 8,500 times the limit permitted under REACH.[56]

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[49] Article 4(1) of Regulation (EU) 2019/1020 of 20 June 2019 on market surveillance and compliance of products (MSR).

[50] Article 16(1) of Regulation (EU) 2023/988 of 10 May 2023 on general product safety (GPSR).

[51] European Commission, 'Report on the implementation of Article 4 of Regulation (EU) 2019/1020', COM(2025) 63 final, 3 March 2025, p. 7.

[52] Swedish Chemicals Agency, Enforcement of e-commerce goods 2025, Enforcement Report 1/26, 2025, pp. 22–23 and 28–29.

[53] Swedish Consumers' Association and Swedish National Electrical Safety Board, The dangers of private imports, report, 2020, p. 6, referring to the Board's product tests in April 2018.

[54] Nordic Enforcement Group, 'Joint Nordic Control of Dropshopping and other E-commerce', TemaNord 2025:510 (2025).

[55] Euroconsumers, 'Systemic failures in product compliance on TEMU and Shein', 3 November 2025.

[56] The limit for cadmium in metal parts of jewellery is 0.01 per cent by weight under Annex XVII, entry 23.10, to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18

The European Commission has indicated that the market surveillance framework may be reviewed in the near future. Its 2026 work programme announced an update to the rules on market surveillance and product compliance as a legislative initiative, with a proposal scheduled for the third quarter of 2026.[57]

2.2.3 Product liability and subsidiary platform liability

The revised Product Liability Directive provides that online platform providers may be liable in damages for harm caused by defective products in two types of situations.[58] First, a platform may be liable where, in the transaction concerned, it actually acts as a responsible economic operator in the supply chain, for example as an importer or fulfilment service provider. Second, liability may also extend to a platform that formally acts only as an intermediary. This is conditional on the platform presenting the product in a way that leads the consumer to believe that it is provided by the platform itself or by a trader under its control, a condition drawn from Article 6(3) of the DSA.[59] Liability arises, however, only if the platform fails, within one month, to identify a relevant economic operator established in the EU or its own supplier that supplied the product.[60] Member States must transpose the Directive by 9 December 2026, and it applies to products placed on the market or put into service after that date.[61]

2.2.4 Sustainability and chemicals

EU chemicals and environmental rules are extensive but often depend on there being a clearly responsible operator that can be identified and reached within the EU. In direct imports via online platforms, this condition can be difficult to maintain in practice, creating a risk that rules which are strong on paper have little practical effect.

The REACH Regulation restricts hazardous substances such as cadmium, lead and phthalates in articles,[62] while the CLP Regulation governs the classification, labelling and packaging of substances and mixtures.[63] A 2024 review by the Swedish Chemicals Agency found that 62 per cent of the products tested from online platforms contained restricted substances above the permitted limits. It also identified major labelling deficiencies and the absence of an identifiable responsible economic operator in the EU.[64]

December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

57 European Commission, 'Commission work programme 2026 – Europe's Independence Moment', COM(2025) 870 final, 21 October 2025.

58 Article 8(1), read in conjunction with Article 8(3)-(4), of Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products and repealing Council Directive 85/374/EEC (Product Liability Directive).

59 Article 8.4.1 of Directive (EU) 2024/2853 (Product Liability Directive).

60 Article 8(3)(b) of Directive (EU) 2024/2853 (Product Liability Directive).

61 Article 22(1) of Directive (EU) 2024/2853 (Product Liability Directive).

62 Annex XVII (list of restrictions) to Regulation (EC) No 1907/2006 (REACH).

63 Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (CLP Regulation).

64 Swedish Chemicals Agency, 'Enforcement of e-commerce goods 2024', 25 March 2025.

A key complication is that, under the REACH and CLP frameworks, a person bringing a substance or mixture into the EU may be regarded as an importer. In direct imports via online platforms, this creates a practical risk that responsibility for compliance shifts from professional operators to individual consumers.[65] This makes both compliance and effective large-scale enforcement more difficult.

In the revised CLP Regulation, the EU has sought to address this accountability gap by requiring a supplier established in the EU to be identified on the label and to be responsible for compliance with the requirements applicable to the substances and mixtures covered by the Regulation.[66] Several key changes introduced by the revision, including requirements for distance sales and advertising, have been postponed until 1 January 2028.[67]

A revision of the REACH Regulation is also under way, but no complete legislative proposal had been presented at the time of writing. This means that, at that point, there were no specific provisions regulating online platforms' responsibility for the chemical content of goods brought in from third countries.[68]

At the same time, EU sustainability and circularity requirements are being strengthened through extended producer responsibility (EPR) for, among other things, electronics,[69] batteries,[70] and textiles and footwear.[71] Extended producer responsibility is based on the polluter-pays principle and requires the operator placing a product on the single market to finance waste management in each Member State in which the product is sold.[72] The revised Waste Directive requires Member States to introduce EPR schemes for textiles and footwear by 17 April 2028,[73] with fees differentiated according to products' environmental performance (eco-modulation), so that less durable products bear higher costs.[74] The Directive on the repair of goods[75] likewise depends on the existence of identifiable operators in the EU.

A fundamental condition for these frameworks to work is that operators subject to the obligations can be identified and reached. Given that a large share of sales through online platforms is made by sellers based in third countries with no establishment in the EU, considerable challenges arise. Without a stable presence and traceability

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65 Article 3(11) of Regulation (EC) No 1907/2006 (REACH). Article 2(17) (see also Article 2(16)) of Regulation (EC) No 1272/2008 (CLP). See also recital 1 of Regulation (EU) 2024/2865 amending Regulation (EC) No 1272/2008 (CLP).

66 Regulation (EU) 2024/2865 amending Regulation (EC) No 1272/2008 (CLP).

67 Regulation (EU) 2025/2439 (amendment of application dates and transitional provisions).

68 European Commission, Chemicals Strategy for Sustainability: Towards a Toxic-Free Environment (COM(2020)667).

69 Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE).

70 Regulation (EU) 2023/1542 of the European Parliament and of the Council concerning batteries and waste batteries.

71 Directive (EU) 2025/1892 amending Directive 2008/98/EC on waste (revised Waste Directive).

72 Article 8a of Directive 2008/98/EC (Waste Framework Directive).

73 Article 22a of Directive (EU) 2025/1892 amending Directive 2008/98/EC (Waste Directive).

74 Article 8a(4)(b) of Directive 2008/98/EC; see also recital 39 of Directive (EU) 2025/1892.

75 Article 5 of Directive (EU) 2024/1799 (Repair Directive).

within the Union, producer responsibility for waste management, eco-modulation, and long-term requirements for spare parts and repair information are difficult to monitor and enforce. The National Board of Trade is concerned that this could result in costs being borne disproportionately by operators established and registered in the EU, competitive advantages arising from non-compliance with sustainability requirements, greater risks to consumer safety, and reduced access to effective redress. Non-compliance with environmental requirements can also contribute to increased pollution and waste, undermining efforts to reduce the environmental impact of products.

2.2.5 Intellectual property rights and counterfeiting

Infringements of intellectual property rights, particularly through counterfeit goods, are a recurring form of illegal supply in platform-based trade. The European Union Intellectual Property Office (EUIPO), together with the Organisation for Economic Co-operation and Development (OECD), estimates that imports of counterfeit goods into the EU in 2021 amounted to as much as EUR 99 billion, equivalent to 4.7 per cent of total EU imports.[76]

Small-parcel flows are central in this context. A substantial proportion of seizures of counterfeit goods involve small consignments – parcels containing fewer than ten items. Seizure data for 2020-2021 show that these accounted for 79 per cent of all seizures worldwide.[77] The same data show that China, followed by Hong Kong (China), is the dominant origin of counterfeit goods. Globally, the two accounted for three quarters of the value seized: 47 and 27 per cent respectively.[78] These figures illustrate that small consignments from a few specific third countries account for a substantial share of the seized flow.

Counterfeiting is not merely an intellectual property issue or an economic loss for the rights holder; it is often also a safety and environmental issue.[79] A single product may mislead the consumer about its origin and quality while also failing to meet requirements under EU product and chemicals legislation. EUIPO found that 15 per cent of consumers reported having unintentionally purchased counterfeit goods in the previous 12 months as a result of being misled.[80]

Counterfeiting causes significant losses to the legitimate economy. EUIPO estimates that, on average over 2018-2021, the clothing, cosmetics and toy sectors together lost more than EUR 16 billion in annual sales and almost 200,000 jobs. For Sweden, the estimated average losses exceed EUR 500 million in annual sales and 3,000 jobs.

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76 OECD/EUIPO, 'Mapping Global Trade in Fakes 2025' (2025), p. 39, Figure 4.5.

77 OECD/EUIPO, 'Mapping Global Trade in Fakes 2025' (2025), p. 23, Figure 2.6.

78 OECD/EUIPO, 'Mapping Global Trade in Fakes 2025' (2025), p. 16, Figure 2.1.

79 OECD/EUIPO, 'Mapping Global Trade in Fakes 2025' (2025), pp. 7 and 20.

80 EUIPO, 'European Citizens and Intellectual Property: Perception, Awareness and Behaviour' (2023), p. 10.

Relative to annual turnover in the industries studied, EUIPO estimates that losses from counterfeiting are highest in the toy industry.[81]

Customs authorities may act against goods suspected of infringing intellectual property rights under the EU's customs enforcement framework for IPR, including through simplified procedures for small consignments.[82] The practical impact may be limited in small-parcel flows. The OECD and EUIPO emphasise that rapidly growing trade in small consignments presents major challenges for customs risk analysis and controls, partly because traditional trade information is often missing and advance information on consignments is uneven or inadequate.[83]

2.3 Customs duties and VAT on low-value imports

2.3.1 VAT and the EU's Import One Stop Shop

In small-parcel flows, VAT collection becomes a systemic issue. If it is not collected correctly, competition may be distorted and revenue losses may be substantial. The EU has therefore changed the VAT system for imports of low-value goods by abolishing the VAT exemption for import consignments below EUR 22 and introducing the Import One Stop Shop (IOSS) as part of the VAT e-commerce package.[84] The reform aimed to strengthen competitive neutrality between EU-based and third-country sellers and to address VAT revenue losses.[85] An experimental study found, for example, that VAT and customs duties were not paid on more than half of e-commerce consignments sent through the postal channel, with estimated annual revenue losses of up to EUR 1.3 billion.[86]

Through the IOSS, sellers and online platforms that choose to register can collect VAT at the point of sale and report it centrally in a single Member State through monthly returns. In certain cases, platforms facilitating sales are automatically treated for VAT purposes as though they had themselves acquired and sold the goods ('deemed supplier'), shifting responsibility for collection to the electronic interface where Article 14a applies.[87] Where sellers or platforms do not register, VAT is instead collected at the border, which may reduce authorities' ability to carry out checks and increase transaction-related costs for businesses and consumers.

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[81] EUIPO, 'Economic impact of counterfeiting in the clothing, cosmetics, and toy sectors in the EU' (2024), Tables 3, 5 and 7.

[82] Articles 17–18 and 26 of Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003.

[83] OECD/EUIPO, 'Misuse of Small Parcels for Trade in Counterfeit Goods: Facts and Trends' (2018), pp. 11, 48 and 77–78.

[84] Articles 369l-369x of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax.

[85] European Commission, COM(2016) 757 final, 'Proposal for a Council Directive amending Directive 2006/112/EC and Directive 2009/132/EC as regards certain value added tax obligations for supplies of services and distance sales of goods'.

[86] Copenhagen Economics, 'E-commerce imports into Europe: VAT and customs treatment' (2016).

[87] Article 14a of Directive 2006/112/EC, inserted by Directive (EU) 2017/2455.

The European Commission's 2024 compilation shows that EUR 6.3 billion in VAT was declared through the IOSS, an increase of 62 per cent compared with 2023.[88] The increase shows that the system is having an effect, but does not in itself indicate what share of actual trade it captures. The European Court of Auditors has concluded that the EU's financial interests are not sufficiently protected under the IOSS and other simplified import procedures. Among the shortcomings, it highlights that customs authorities cannot systematically verify whether IOSS numbers are being used by the correct operator and that declared values are rarely checked against independent information.[89]

The IOSS predates the similar logic underlying the 'deemed importer' model proposed in the customs reform (see Section 2.3.2), and the experience is relevant to that discussion. It shows that the principle of placing collection responsibility on platforms can work and, in this instance, substantially increase revenue. However, a voluntary system based on operators' own declarations cannot be expected to be fully effective without complementary independent checks.

2.3.2 The proposed customs reform

In May 2023, the European Commission presented a reform package to modernise EU customs legislation, including an EU-wide Customs Data Hub and a new EU Customs Authority.[90] Among its aims are better management of large volumes of e-commerce consignments, stronger compliance, and more uniform application across the EU. The European Parliament adopted its position in March 2024[91] and the Council its partial negotiating mandate in June 2025.[92] Interinstitutional negotiations were ongoing at the time of writing.

Parts of the reform package have already been adopted separately. The existing EUR 150 customs duty relief threshold for consignments of negligible value is being abolished and replaced, from 1 July 2026, by a temporary fixed duty of EUR 3 per item in the consignment.[93]

The package also proposes, among other things, that online platforms should, under certain conditions, be treated as importers ('deemed importers') and accordingly bear

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88 European Commission, 'Report on the application of the VAT e-commerce package for 2024', 23 July 2025.

89 European Court of Auditors, Special Report 08/2025: 'VAT fraud on imports – The EU's financial interests are not sufficiently protected under simplified import customs procedures', 21 March 2025.

90 European Commission, proposal for a Regulation establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013, COM(2023) 258 final, 17 May 2023.

91 European Parliament position of 13 March 2024, P9_TA(2024)0151.

92 Council of the European Union, 'EU customs: Council agrees position on key features for a more modern, efficient and secure framework', press release, 27 June 2025.

93 Council of the European Union, 'Council gives final green light to new customs duty rules for small parcels', press release, 11 February 2026. The abolished duty relief threshold was set out in Article 23 of Regulation (EC) No 1186/2009 (customs duty relief system); its abolition was proposed in COM(2023) 259 final.

customs and information obligations,[94] and that an EU-wide handling fee should be charged per consignment.[95]

From a trade perspective, the National Board of Trade considers that the reform involves clear trade-offs. More advance data, the removal of customs relief for low-value flows, and stricter control requirements increase costs and lead times, including for lawful flows. At the same time, the reform could help improve competitive neutrality between different business models. To minimise adverse trade effects, fees and control requirements should be general and non-discriminatory, with a clear link to legitimate revenue-collection and enforcement objectives.

2.3.3 A transitional arrangement pending adoption of the customs reform

As a transitional arrangement pending the customs reform, the Council of the EU has decided to introduce a temporary flat-rate customs duty of EUR 3 on small consignments below EUR 150 from IOSS-registered sellers, from 1 July 2026. The duty is charged per HS subheading represented in the consignment. Thus, a consignment containing two woollen jumpers incurs a flat-rate duty of EUR 3, whereas one containing a silk blouse and two woollen jumpers incurs EUR 6. The flat-rate duty is separate from the proposed EU-wide handling fee discussed above.[96] It is to remain in force until 1 July 2028. The permanent arrangements under the customs reform are then expected to begin applying, with normal product-specific tariff rates.[97]

The flat-rate duty is charged regardless of the value of the goods. Consequently, the percentage increase in cost is greatest for the cheapest products. The National Board of Trade considers that this design may create incentives to group goods under the same subheading through misclassification or strategic grouping to reduce the charge. In a control system already under severe pressure from volumes, this could further undermine targeting and compliance.[98]

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94 Chapter 2 of Title II of COM(2023) 258 final.

95 European Commission, 'A comprehensive EU toolbox for safe and sustainable e-commerce', COM(2025) 37 final, 5 February 2025. The handling fee is included in the Council's partial negotiating mandate of 27 June 2025. Its exact amount has not yet been finally decided.

96 Council of the European Union, 'Council gives final green light to new customs duty rules for small parcels', press release, 11 February 2026.

97 Council of the European Union, 'Customs: Council agrees to levy customs duty on small parcels as of 1 July 2026', press release, 12 December 2025.

98 European Commission, Impact Assessment Report – Customs Union Reform, SWD(2023) 140 final.

3 Challenges and shortcomings in the current regulatory system

The review in Chapter 2 shows that EU regulation broadly covers the issues raised by platform-based direct imports, but falls short at three systemic points: responsibility for the product falls between regulatory frameworks; consumers and society bear risks and costs that the system was not intended to place on them; and enforcement is fragmented and insufficiently resourced relative to the volume of flows.

3.1 The accountability gap between product rules and platform business models

EU product regulation is based on the existence of an identifiable economic operator established within the EU that can fulfil compliance tasks and act as a contact point for authorities. In platform-based direct sales, this requirement is often difficult to uphold in practice.

Online platforms are regulated by the DSA, which governs services rather than products. The DSA does not impose product responsibility on platforms equivalent to that imposed on distributors of goods under the GPSR and MSR. The GPSR does, however, place specific product safety obligations on marketplaces, including registration with the Safety Gate portal and certain checks against its information, internal procedures for handling unsafe products, and a duty to act in the event of recalls.[99]

The problem is compounded by the fact that a single product often engages several regulatory areas at once, including product safety and market surveillance, consumer law, data protection, customs, VAT, producer responsibility, and environmental protection. The DSA is a horizontal framework that primarily regulates platforms' systems and processes, while the substantive meaning of 'illegality' is determined by sectoral legislation. In practice, a product advertised on a platform may therefore simultaneously present a product safety risk, a consumer-law infringement, a breach of service regulation, a data protection issue, and a customs and VAT problem. This calls for cross-sectoral coordination to avoid accountability gaps and fragmented interventions, particularly where enforcement against operators without an establishment in the EU is difficult.

The Swedish Government’s National Market Surveillance Strategy 2026–2029 prioritises market surveillance for safer e-commerce.[100] In addition to the strategy, the Government has given the responsible authorities a specific assignment to increase cooperation within the Market Surveillance Council on the challenges associated with growing e-commerce, both nationally and at EU level. The assignment requires the authorities, as appropriate, to participate in the Council’s work on e-commerce, seek

[99] Article 22 of Regulation (EU) 2023/988 (GPSR). This provision should be read together with the DSA’s general and horizontal framework; see recital 47 of the GPSR.

[100] Swedish Government, 'National Market Surveillance Strategy 2026–2029', 2026.

input from other relevant authorities and stakeholders – such as the Swedish Agency for the Media, the Swedish Competition Authority, and the Agency for Digital Government, as well as relevant trade associations and businesses – and prioritise joint EU projects that can contribute to more effective market surveillance of e-commerce.[101] The National Board of Trade welcomes this and considers that it creates conditions for authorities to develop a shared risk assessment and increase information exchange.

3.1.1 Consumers as de facto importers and bearers of risk

EU consumers formally enjoy strong rights under, among other instruments, the Sale of Goods Directive.[102] These rights, however, presuppose that the consumer can identify and reach a counterparty capable of fulfilling its obligations. When the seller is established in a third country and there are no effective means of contact or enforcement, the consumer is left in an accountability vacuum. The costs of non-compliance then fall on parties that did not cause it: consumers bear health and safety risks; enforcement authorities are forced to conduct resource-intensive, reactive checks on individual consignments; and the public sector bears the costs of waste management, market surveillance, and ultimately healthcare and emergency response. At the same time, it must be recognised that measures to strengthen compliance may increase trade friction, for example through longer delivery times, higher prices, or more administrative steps when making purchases.

3.2 Fragmented and under-resourced enforcement

In Sweden, responsibility for regulating online platforms is divided among several authorities. The Swedish Post and Telecom Authority is the Digital Services Coordinator, and the Swedish Consumer Agency and the Swedish Agency for the Media are competent authorities under the DSA.[103] In addition, national market surveillance authorities,[104] Swedish Customs, the Swedish Authority for Privacy Protection, and the Swedish Police Authority have important roles. These authorities, in turn, report to different ministries. This dispersed allocation of responsibility creates difficulties when several regulatory areas need to be brought together in a single operation. For example, market surveillance, customs and VAT controls, and the enforcement of consumer protection, data protection, and service regulation may need to work together in a joint intervention targeting a product listing or a platform.

Both business and consumer representatives have highlighted what they regard as inadequate coordination. The Swedish Trade Federation has called for a national working group to address the wide-ranging problems associated with imports from

[101] Government Offices of Sweden, 'New National Market Surveillance Strategy', 19 January 2026.

[102] Directive (EU) 2019/771 (Sale of Goods Directive).

[103] Swedish Government, 'Assignment to the Swedish Post and Telecom Authority, the Swedish Consumer Agency and the Swedish Agency for the Media to act as competent authorities, and to the Swedish Post and Telecom Authority to act as Digital Services Coordinator under the EU Digital Services Act', Fi2024/00301, 9 February 2024.

[104] Market Surveillance Council, 'About us', webpage (updated on an ongoing basis).

foreign e-commerce platforms,[105] while the Swedish Consumers' Association has urged the establishment of a commission bringing together authorities, businesses, and consumer organisations.[106]

The Government's National Market Surveillance Strategy 2026–2029 provides a common direction and gives national market surveillance authorities a clear mandate to prioritise the issue. This is necessary, but the National Board of Trade also considers that the strategy does not in itself alter the fact that no single actor or forum has a sufficiently broad mandate to cover the issue in its entirety. There is currently no inter-agency structure with the remit and powers to coordinate action across regulatory areas – from product safety and chemicals to customs, VAT, consumer protection, and platform regulation – on the basis of a comprehensive assessment of risks and impacts. Without such a structure, interventions may be optimised within individual regulatory areas rather than directed where they can do the most good, limiting their overall effectiveness.

Consignment volumes create a challenge in matching the scale of market surveillance activity to the task. Recorded cases have increased almost tenfold since 2020.[107] The national strategy also stresses that market surveillance cannot provide the whole solution and that additional tools are needed to assign responsibility, particularly to third-country operators. This should primarily be addressed at EU level to safeguard a harmonised single market and avoid fragmentation.[108]

The Swedish Chemicals Agency shares this position in a 2021 report.[109] That report specifically identifies boundary issues in market surveillance arising from e-commerce and platform sales: it can be difficult to establish who the responsible economic operator is, and responsibility often has to be assessed case by case in light of the platform's role and business arrangements.

The report also highlights difficulties in Sweden's application of the Market Surveillance Regulation regarding authorities' powers to act against online interfaces.[110] Where no other effective means are available to eliminate a serious risk, the Regulation empowers authorities to require content relating to the product to be removed from an online interface or an explicit warning to be displayed and, as a last resort, to request restrictions on access.[111] Under Swedish law, however, this power is

[105] Swedish Trade Federation, 'Platform companies such as Temu and Shein must comply with European law', 2025.

[106] Swedish Consumers' Association, 'Following the statement on Temu: Open letter to Romina Pourmokhtari', December 2024. See also Swedish Trade Federation and Swedish Consumers' Association, 'Stop the influx of harmful goods', joint opinion article, 2025.

[107] Swedish Government, 'National Market Surveillance Strategy 2026–2029', 2026, p. 14.

[108] Swedish Government, 'National Market Surveillance Strategy 2026–2029', 2026, pp. 2–3.

[109] Swedish Chemicals Agency, 'Increased e-commerce – increased chemical risks?', Report 3/21 (2021), pp. 37–43.

[110] Swedish Chemicals Agency, 'Increased e-commerce – increased chemical risks?', Report 3/21 (2021), pp. 35 and 61–62.

[111] Article 14(4)(k) of Regulation (EU) 2019/1020 (MSR).

limited in relation to databases protected by the Fundamental Law on Freedom of Expression.[112]

The MSR also empowers authorities to acquire product samples, including under a cover identity.[113] Several market surveillance authorities have nevertheless stated that they lack a legal basis for conducting undercover purchases online and that platforms have blocked their attempts to buy products.[114]

There is also a fundamental capacity issue. The European Commission's assessment of the application of the Market Surveillance Regulation shows that authorities were rarely allocated additional resources despite taking on new tasks, and that attempts to identify responsible economic operators in enforcement work were unsuccessful in most cases.[115] The Commission further notes that e-commerce has grown much faster than the corresponding development of control and enforcement measures.[116]

The resources available for market surveillance must also be considered in light of the fact that the platforms under investigation often possess financial and legal resources far exceeding those of national authorities. This can make protracted legal proceedings financially risky and, in practice, deter authorities from pursuing cases of wider significance.

These uncertainties and limitations may lead to inconsistent application between market surveillance authorities, weakening the prospects for effective enforcement. The problem is compounded by the Commission's finding that Member States interpret their powers under the Market Surveillance Regulation differently, including the right to conduct undercover purchases online. Enforcement is therefore fragmented not only between regulatory areas and authorities, but also between Member States.[117]

3.3 Distorted competition and risks of fragmentation

The analysis shows that businesses operate under an extensive regulatory framework when selling to consumers in the EU. These requirements entail significant costs and must be proportionate and predictable. At the same time, they contribute to trust, safety, the protection of consumers' health and the environment, and a level playing field in the market.

The European Commission notes that operators failing to comply with EU requirements avoid costs borne by law-abiding businesses, undermining competition

[112] As provided in the provisions supplementing the Market Surveillance Regulation in the respective sectoral acts; see Government Bill 2020/21:238.

[113] Article 14(4)(j) of Regulation (EU) 2019/1020 (MSR).

[114] Swedish Chemicals Agency, 'Increased e-commerce – increased chemical risks?', Report 3/21 (2021), p. 57.

[115] European Commission, report on the implementation of Article 4 of Regulation (EU) 2019/1020, COM(2025) 63 final, 3 March 2025, Section 2.2.2.

[116] European Commission, Report on controls on products entering the EU market with regard to product compliance in 2024, Publications Office of the European Union, 2025.

[117] European Commission, notice on the market surveillance of products sold online (2017/C 250/01), 1 August 2017, point iv.

in the single market.[118] Operators that breach or circumvent the rules can offer goods at lower prices.[119]

This is a central issue from a broader single-market and trade policy perspective. If non-compliance becomes a structural cost advantage, it may influence which operators succeed in the market and thus how the market functions over time.

3.3.1 National approaches as a source of fragmentation

Once goods have been cleared by customs and released for free circulation in one EU Member State, they may circulate freely throughout the EU single market.[120] This is an important founding principle of the single market. It also means, however, that national differences at the import stage – such as fees, the intensity of checks, or enforcement methods – can influence import flows. Goods may be routed through Member States with weaker points of entry and then distributed further within the EU.[121] The National Market Surveillance Strategy 2026–2029 highlights the risk that Sweden could become an 'entry country' for non-compliant products if other countries unilaterally introduce stricter controls or national fees that divert import flows.[122]

When EU-level action to address the problems is delayed, some Member States choose to move ahead with national solutions. One example is Italy, which introduced a national fee of EUR 2 on low-value consignments from outside the EU on 1 January 2026.[123] Media reports citing the Italian customs authority state that incoming volumes fell by 36 per cent between 1 and 20 January 2026 compared with the same period in 2025, and that a large share of air freight was redirected to other points of entry in the EU.[124] This illustrates how a national measure intended to address a common problem can affect flows elsewhere in the Union.

Similar discussions and measures have also emerged in other Member States. France has adopted a EUR 2 fee on low-value consignments from third countries, which entered into force on 1 March 2026.[125] Romania has adopted a fee of 25 lei, equivalent to approximately EUR 5, per low-value consignment, which entered into force on 1 January 2026.[126]

Although these measures are motivated by legitimate concerns, they risk creating a fragmented system in which flows are optimised around differences in fees rather than

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[118] European Commission, A Comprehensive EU Toolbox for Safe and Sustainable E-commerce, COM(2025) 37 final, 5 February 2025, particularly Sections 1.3 and 2.1.1.

[119] Swedish Government, 'National Market Surveillance Strategy 2026–2029', 2026, pp. 3 and 10–12.

[120] Article 201(3) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast). Articles 29 and 34 of the Treaty on the Functioning of the European Union (TFEU).

[121] European Commission, 'Taking the Customs Union to the Next Level: a Plan for Action', COM(2020) 581 final, 28 September 2020.

[122] Swedish Government, 'National Market Surveillance Strategy 2026–2029', 2026, p. 3.

[123] Legge 30 dicembre 2025, n. 199, Article 1, paragraphs 126–128 (GU No 302, 31 December 2025).

[124] Financial Times, 'Italy's EUR 2 tax on small parcels misfires', 26 January 2026.

[125] Loi de finances pour 2026, Article 22; DGDDI, implementation information, 12 February 2026.

[126] Legea nr. 239/2025 (Monitorul Oficial No 1160, 15 December 2025), Articles XXII-XXIII.

efficient logistics, with consequences for planning, delivery times, return flows, and environmental outcomes.

Overall, the National Board of Trade considers that measures are needed to address illegal and competition-distorting low-value flows more effectively. They must, however, be harmonised at EU level so that responsibility, costs, and risks are not shifted between Member States in ways that fragment the single market.

4 Trade policy context and WTO risks

4.1 Low-value flows from China: the macroeconomic context

More than 90 per cent of low-value consignments entering the EU come from China (see Section 1.1). These flows need to be understood in a macroeconomic context.

The EU's trade deficit in goods with China amounted to approximately EUR 359 billion in 2025, an increase of around EUR 47 billion compared with 2024, when the deficit was approximately EUR 312 billion.[127] China's share of total extra-EU imports rose to around 22 per cent in 2025, compared with just over 21 per cent in 2024.[128] Manufactured goods accounted for 96.7 per cent of EU imports from China in 2024.[129]

For China, cross-border e-commerce exports – 97.5 per cent of which consist of consumer goods, according to state sources – are an important component of exports.[130] According to the Chinese authorities, these exports accounted for approximately 7.7 per cent of the country's goods exports in 2023,[131] rising to around 8.5 per cent in 2024.[132]

The share of Chinese goods flows directed towards the EU may also be influenced by conditions in other markets. Sharply higher US tariffs on goods from China could create incentives for Chinese online platforms to direct an even greater share of their consumer-goods exports towards the EU. In April 2025, the United States announced that the USD 800 de minimis exemption would be abolished entirely for goods originating in China and Hong Kong, meaning that low-value consignments would also be subject to applicable tariffs.[133] The EU's Autumn 2025 Economic Forecast warns that Chinese exports may consequently be diverted to the EU.[134] In August, the measure was extended and the United States removed the de minimis exemption for imports from all countries.[135]

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[127] Eurostat Comext database, bilateral EU-China trade in goods, extracted 18 February 2026.

[128] Authors' calculation based on Eurostat Comext. Imports from China of EUR 558.8 billion out of total extra-EU imports of EUR 2,511.5 billion in 2025. The corresponding share in 2024 was 21.3 per cent according to Eurostat, 'Slight decline in imports and exports from China in 2024', 4 March 2025.

[129] European Commission, DG Trade, 'EU trade relations with China', updated 8 May 2025.

[130] Xinhua News Agency, 'China's cross-border e-commerce exports reach new high in 2024', 17 June 2025.

[131] State Council Information Office (People's Republic of China), 'SCIO briefing on China's imports and exports in 2023', 19 January 2024; The State Council of the People's Republic of China, 'China's foreign trade up 0.2 pct in 2023', 12 January 2024. (Share calculated by the authors: 1.83 / 23.77 = approximately 7.70 per cent.)

[132] Xinhua News Agency, 'China's cross-border e-commerce exports reach new high in 2024', 17 June 2025; The State Council of the People's Republic of China, 'China's exports to over 160 countries, regions achieve growth in 2024', 30 January 2025. (Share calculated by the authors: 2.15 / 25.45 = approximately 8.45 per cent.)

[133] Executive Order 14256, Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China as Applied to Low-Value Imports, 2 April 2025. The exemption was abolished on 2 May 2025.

[134] European Commission, 'Autumn 2025 Economic Forecast', November 2025.

[135] The White House, Executive Order 14324, Suspending Duty-Free De Minimis Treatment for All Countries, 30 July 2025.

Since several factors affecting low-value consignment imports have changed simultaneously, it is difficult to determine to what extent any increase in EU-bound flows is attributable to changes in US rules or to increased demand from EU consumers.

At the global level, fragmented trade measures aimed at addressing the challenges posed by low-value imports could also increase the risk of trade diversion. Without greater international coordination, such measures may redirect trade flows and shift the associated risks to other markets rather than resolve the underlying problems. This underscores the importance of a more coordinated response on EU-level.

4.2 WTO risks associated with the EU's proposed fees and duties

Both the proposed handling fee of EUR 2 per consignment (see Section 2.3.2) and the temporary flat-rate customs duty of EUR 3 per HS subheading (see Section 2.3.3) could help harmonise the treatment of low-value consignments and counter fragmentation. Both, however, raise questions about compatibility with WTO rules.

The handling fee engages Article VIII:1(a) of GATT, which lays down three cumulative conditions for fees charged in connection with imports: they must be limited to the approximate cost of the service rendered; they must not constitute indirect protection for domestic products; and they must not serve a fiscal purpose.[136]

In the WTO dispute 'Argentina – Textiles and Apparel', the Panel found that Argentina's 3 per cent ad valorem statistical tax on imports breached these conditions. The tax, calculated as a proportion of import value, was not considered to be limited to the approximate cost of the service rendered. The Appellate Body upheld that finding and emphasised in particular that the tax's fiscal character was contrary to Article VIII's unconditional prohibition on taxing imports for fiscal purposes.[137]

An illustrative calculation using the proposed handling fee and the 2024 volume of 4.6 billion low-value consignments (see Section 1.1) suggests that the fee could generate as much as EUR 9.2 billion if levied on the entire volume. This amount could be challenged if it could not be regarded as pure cost recovery.[138] The fee could also be perceived as protecting EU businesses against external competition, since its cost is likely to be passed on to consumers, potentially reducing demand for low-value imports from outside the EU.[139]

To avoid potential WTO challenges relating to the proposed fee, the National Board of Trade considers that the European Commission needs to ensure that the calculation

[136] GATT 1994, Article VIII:1(a).

[137] WTO Panel Report, Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items, WT/DS56/R, 25 November 1997, paragraphs 6.77–6.80; upheld by Appellate Body Report, WT/DS56/AB/R, 27 March 1998. Adopted by the DSB on 22 April 1998.

[138] Authors' calculation based on COM(2025) 37 final.

[139] FratiniVergano/Lexology, 'The EU Customs reform package advances', 14 July 2025.

methodology is transparent, non-discriminatory, and proportionate to actual administrative costs.

Like the handling fee, the temporary flat-rate duty (see Section 2.3.3) raises questions about WTO compatibility. Its stated rationale is the EU's need to protect against distorted competition, minimise health and safety risks, and tackle fraud and environmental problems.[140]

Under GATT 1994, the EU has bound its tariffs, meaning that it has undertaken not to impose duties exceeding those bindings.[141] Since many of the goods affected by the flat-rate duty are of low value, a fixed duty of EUR 3 may amount to a very high percentage of that value and exceed the EU's bound tariffs for the corresponding goods.

For example, the EU has committed to a bound tariff of 12 per cent for a cotton T-shirt under GATT 1994.[142] For a fixed duty of EUR 3 to be equivalent to 12 per cent, the T-shirt would need to be worth at least EUR 25 – an implausibly high value for a T-shirt bought on these types of online platforms. In January 2026, the average T-shirt on Shein cost approximately EUR 7.20.[143] The risk is even greater for products with lower bound tariffs, such as IT products including computers and smartphones, for which the EU's bound tariff is zero.[144]

In the same dispute cited above, the Panel found that a specific duty which, in ad valorem terms, exceeds bound tariffs at low import values is contrary to Article II:1(b) of GATT 1994. It therefore cannot be ruled out that such a duty could be challenged by other WTO Members through the dispute settlement system.

Measures that would otherwise be inconsistent with the GATT may be justified under Article XX, provided that they satisfy the requirements of a relevant exception and are not applied in a manner that constitutes arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade. A separate analysis is required to determine whether the customs duty and the charges in question meet these conditions.

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[140] Council of the European Union, 'Customs: Council agrees to levy customs duty on small parcels as of 1 July 2026', press release, 12 December 2025.

[141] GATT 1994, Article II (Schedules of Concessions).

[142] The EU's Schedule CXL at the WTO (bound rate of 12 per cent ad valorem for CN 6109 10 00); see also Implementing Regulation (EU) 2024/2522, Annex I, Chapter 61, CN 6109 10 00 (Common Customs Tariff applicable from 1 January 2025).

[143] National Board of Trade, own price survey on Shein, January 2026.

[144] WTO Ministerial Declaration on Trade in Information Technology Products, Singapore, 13 December 1996, and Ministerial Declaration on the Expansion of Trade in Information Technology Products, Nairobi, 16 December 2015. The EU's zero-tariff bindings form part of its WTO Schedule of Concessions (Schedule CXL) and apply on an MFN basis.

5 Coordination at national and EU level

5.1 National e-commerce steering groups

Enforcement and regulatory development are usually handled sector by sector within the relevant policy area. Direct imports via online platforms, however, cut across several regulatory areas simultaneously. This has prompted a number of Member States to seek more integrated approaches spanning, for example, product safety, customs, consumer law, and data protection. In practice, sectoral structures are being complemented by cross-sectoral forums that coordinate priorities, information exchange, and follow-up between ministries, authorities, and other stakeholders.

Denmark has established a dedicated e-commerce steering group, with the Danish Safety Technology Authority (Sikkerhedsstyrelsen), responsible for product and market surveillance, acting as coordinator alongside other authorities and private-sector stakeholders. The structure covers not only product safety but also consumer law, customs, environmental protection, intellectual property rights, competitiveness, and digital issues.[145] Finland set up a similar working group in November 2025, which submitted its report on 9 March 2026.[146] The group concluded that national measures can help, but that more comprehensive solutions require coordinated efforts to influence EU policy. It recommended action on customs rules, market surveillance, and producer responsibility. Its conclusions should also be examined further from a Swedish perspective.[147]

A common feature of these initiatives is that a designated actor has been tasked with bringing the relevant parties together across sectors, allowing more consistent follow-up and a higher level of ambition than fragmented enforcement.

In the National Board of Trade's assessment, Sweden lacks cross-sectoral coordination with a comprehensive mandate comparable to the Danish or Finnish models: one that brings together the entire chain – product and market surveillance, customs and VAT, consumer protection, data protection, and platform regulation under the DSA – and has a clear operational mandate. A clearer cross-sectoral structure could also facilitate more effective dialogue with businesses and consumers and reduce the risk of overlapping requirements and parallel enforcement processes.

In connection with the approval of the new National Market Surveillance Strategy 2026–2029, the Swedish Government gave the responsible authorities a specific assignment to increase cooperation on the challenges associated with growing

[145] Ministry of Industry, Business and Financial Affairs (Denmark), 'Terms of reference for the task force on online marketplaces' (2024).

[146] Ministry of Economic Affairs and Employment and Ministry of the Environment (Finland), 'Report: Addressing the problems of low-cost imports – long-term solutions also require EU-level action', 9 March 2026.

[147] Ministry of Economic Affairs and Employment (Finland), 'Minister Marttinen has appointed a working group to find solutions to problems concerning imports and online sales of low-cost foreign products', 10 November 2025.

e-commerce.[148] This is welcome and may reduce the governance gap within market surveillance. In the National Board of Trade's view, however, it does not replace the need for a broader cross-sectoral structure with an operational mandate.

The European Commission's February 2025 e-commerce communication called on Member States to establish national e-commerce steering groups. The Danish and Finnish models are consistent with that call.[149] The National Board of Trade sees clear added value in establishing such coordinating bodies in every Member State and in ensuring that they work with one another and with the European Commission to address the issues.

5.2 Coordination among the EU institutions

The national steering-group models are some Member States' response to the cross-sectoral nature of the problems posed by direct imports via online platforms. A similar coordination challenge remains at EU level, where the issue is pursued through parallel tracks in all three institutions involved in legislation.

Within the European Commission, key components fall within the remit of different directorates-general, making a comprehensive approach dependent on effective internal coordination across several DGs. Research and audit findings have also suggested that the Commission's structure can reinforce silo tendencies and that horizontal coordination on cross-sectoral issues therefore requires active governance and coordination.[150] The Commission's communication on a European toolbox for safe and sustainable e-commerce demonstrates an ambition to address the issues in a more integrated way, but the operational tools remain embedded in separate processes.[151]

Within the Council, the issue is addressed in at least five configurations – Competitiveness (COMPET), Transport, Telecommunications and Energy (TTE), Economic and Financial Affairs (ECOFIN), Environment, and Justice and Home Affairs (JHA).[152] In the European Parliament, responsibility is divided among several committees, with the Committee on the Internal Market and Consumer Protection (IMCO) central but far from solely responsible.

The enforcement structures reinforce this picture. Under the DSA, the European Commission is directly responsible for supervising very large online platforms (VLOPs), while other intermediary services are supervised by national Digital

[148] Government Offices of Sweden, 'New National Market Surveillance Strategy', press release, 19 January 2026.

[149] European Commission, A Comprehensive EU Toolbox for Safe and Sustainable E-commerce, COM(2025) 37 final, p. 18.

[150] European Court of Auditors (2016), 'Governance at the European Commission – best practice?', Special Report No 27/2016, p. 9; Chatzopoulou, S., 'Resilience of the Silo Organizational Structure in the European Commission', Journal of Common Market Studies, vol. 61(2), 2023, pp. 545–562.

[151] European Commission, 'A Comprehensive EU Toolbox for Safe and Sustainable E-commerce', COM(2025) 37 final, 5 February 2025.

[152] Council of the European Union (accessed 9 February 2026), 'Council configurations'.

Services Coordinators (DSCs).[153] Since several major platforms are established in Ireland, the Irish regulator Coimisiún na Meán acts as the primary DSC for a significant share of the European market – a concentration that has also become evident under the GDPR.[154] Alongside DSA oversight, consumer-law enforcement is carried out through the CPC network of national consumer protection authorities,[155] while market surveillance is undertaken by a further set of national authorities under the MSR.[156]

The same platform may therefore simultaneously be subject to oversight by the European Commission (DSA/VLOP), an Irish authority (DSC), a network of consumer protection authorities (CPC), and thirteen Swedish national market surveillance authorities, all with distinct mandates, tools, and information flows.

The National Board of Trade considers that the issue's complexity, market impact, and cross-cutting nature require more coordinated responsibility at EU level. Without such a comprehensive approach, individual interventions risk remaining isolated, even when each is well targeted, and failing to address the problems adequately.

[153] Articles 56 and 49 of Regulation (EU) 2022/2065 (DSA).

[154] Coimisiún na Meán, 'Online Safety and Media Regulation Act 2022', Part 4A (Ireland).

[155] Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

[156] Article 3 and Chapter VI of Regulation (EU) 2019/1020 (MSR).

6 Conclusions

The National Board of Trade concludes that the problem requires a structural response rather than treatment as a series of individual infringements. The main challenge is not a lack of rules. Rather, the EU's existing regulatory frameworks and enforcement structures are based on concentrated import flows and an identifiable responsible party within the Union – conditions that are often absent in platform-based small-parcel flows. As a result, the operator that facilitates and controls the transaction, and which consumers often perceive as their counterparty, does not bear responsibility for the product, while the party formally responsible is rarely accessible to either consumers or authorities. When responsibility and traceability do not follow the goods, compliance efforts shift towards reactive measures that cannot be scaled to the volumes involved.

The National Board of Trade therefore considers that the EU and Sweden cannot rely solely on more market surveillance, important though it is. Methods are needed to ensure compliance before goods reach consumers, and responsibility must be linked more clearly to operators that authorities within the EU can reach. Differences in enforcement resources and methods between Member States create risks of fragmentation. When common EU measures are delayed, pressure grows for national approaches that may further deepen that fragmentation.

The National Board of Trade concludes that the issue requires a strategically coherent response, both nationally and at EU level, with measures that deliver real results. The policy recommendations that follow set out what this entails.

7 Policy recommendations

As the analysis has shown, the main challenge is not primarily a lack of rules, but that EU regulation is based on a model of trade with identifiable intermediaries and oversight of a limited number of operators. Platform-mediated direct imports put this model under pressure, creating accountability gaps, fragmented enforcement, and distorted competition. The conclusion is that the emphasis should be on making common rules more effective through coordinated regulation, governance, enforcement, and allocation of responsibility that work in a digital trading environment. This work needs to be held together strategically at both national and EU level.

The following sections set out principles that the National Board of Trade considers essential to further work on this issue, together with measures that it believes could contribute to a solution. It is important, however, to recognise that the situation is complex and evolving rapidly. Bringing the relevant actors together to analyse the issue jointly before final solutions can be developed is itself a key measure.

7.1 Guiding principles for analysis and policy design

As trade shifts from large import shipments towards millions of small parcels delivered directly to consumers, the checkpoints traditionally provided by importers risk being weakened. In practice, the costs and risks of ensuring compliance may be shifted to authorities, consumers, and legitimate businesses.[157]

The way forward is therefore not simply a matter of new rules. Responsibility and controls must be adapted to how trade actually operates, and non-compliance must be prevented before goods reach the market. This argues for linking responsibility more clearly to operators that EU authorities can reach and hold accountable, such as online platforms and logistics operators established in the EU, insofar as their services enable products to reach the single market.

The National Board of Trade considers that measures addressing the identified challenges of platform-based e-commerce should be proportionate, legally certain, and fit for purpose. They should target non-compliant operators and high-risk flows without creating unjustified barriers to trade. Against this background, the response should be based on the following guiding principles:

i. **Clear responsibility throughout the chain.** It must be clear which operator is responsible for ensuring that goods and services meet EU requirements at every stage, regardless of the sales model.
ii. **Effective consumer protection.** Consumer protection rules must have the same practical effect in platform-based e-commerce as in other forms of trade.

[157] Swedish Trade Federation, '64 organisations join an appeal against Temu and Shein' (2024).

iv. **Risk-based enforcement.** Enforcement resources should be concentrated where the greatest harm to society is most likely. Rapidly growing platform-based
e-commerce should therefore receive priority commensurate with its share of identified risks to consumers and to the functioning of the single market.

v. **Targeting.** Measures should focus on the systemic flows and business models that account for the largest share of identified infringements, so that their impact is proportionate to the actual scale of the problem.

vi. **Non-discrimination and technological neutrality.** Measures must apply equally to all operators, irrespective of technology, business model, or geographical origin.

vii. **Policy coherence.** Measures should be consistent with the EU's sustainability objectives.

viii. **Transparency, predictability and feasibility.** Measures must be open to scrutiny and review, practically implementable, and cost-effective, including for smaller operators.

These principles are rooted in the Treaty principles of proportionality, non-discrimination, and free movement, and in the sectoral legislation already governing digital services and product safety.

7.2 Measures at national level

- **Establish a national e-commerce steering group.** It should build on the direction set by the Swedish Government's National Market Surveillance Strategy 2026–2029 and complement both the Market Surveillance Council's expanded coordination and DSA coordination. As in the Danish and Finnish models, the aim is to bring together all relevant perspectives without transferring the sectoral authorities' enforcement responsibilities. Coordination could be organised as a national forum involving both public and private actors, with thematic working groups and outputs including a shared risk assessment, priorities for action and joint interventions, and coordinated input to inform efforts to influence EU policy.
- **Develop digital tools, such as web crawlers and AI-based technologies,** to scan platforms continuously for illegal products, advertising, algorithmic systems, and other patterns of infringement, enabling takedown requests and supporting the work of national market surveillance authorities.
- **Conduct consumer information campaigns** on the risks of buying through online platforms, including AI-driven marketing, recommendation systems, manipulative interfaces ('dark patterns'), and illegal chemical content and its associated health risks. The aim should be to increase consumers' awareness of their rights and obligations when purchasing through online platforms.
- **Strengthen authorities' capacity to take action against online platforms before goods reach consumers,** including through financial and operational support to ensure that a lack of resources does not deter them from taking legal action.

7.3 Priorities for Sweden to pursue at EU level

- **Narrow the accountability gap between platform regulation and product legislation** ahead of the 2027 DSA evaluation, through clearer obligations and more effective routes for sanctions and enforcement when risk assessments and mitigation measures fail to deliver sufficient results. Sweden's position should draw on experience from national cross-sectoral coordination and on concrete cases in which the current DSA tools are insufficient.
- **Press for swifter and more binding commitments** in the European Commission's ongoing enforcement cases against platforms, including a clear escalation of sanctions in the event of continued non-compliance.
- **Press for the customs reform negotiations to be concluded** and, where possible, for key elements to be introduced earlier, including early development of and connection to the EU Customs Data Hub.
- **Promote a more horizontal EU approach** to the supervision and enforcement of key regulatory frameworks for online platforms within the EU.
- **Promote harmonised minimum requirements for market surveillance** to reduce enforcement gaps and avoid divergent national approaches and entry-point shopping within the single market.
- **Ensure clear implementation of the Product Liability Directive** so that subsidiary platform liability has practical impact.
- **Develop a strategic plan for Sweden's advocacy work** on forthcoming EU initiatives concerning online platforms, coordinated through the cross-sectoral structure proposed above.
- **Promote coordination between national e-commerce steering groups and between those groups and the European Commission,** including a channel for information exchange, common priorities, and joint enforcement campaigns.

7.4 Trade-offs and possible unintended effects

In the National Board of Trade's view, measures to reduce imports of illegal and dangerous products and to clarify responsibility throughout the chain are justified, but require explicit trade-offs. Measures must be designed to be proportionate, technologically neutral, and non-discriminatory. Fees or control measures that in practice target particular origins or business models risk being perceived as indirect protection and attracting criticism in a WTO context. Moreover, general increases in customs duties, especially percentage-based charges, may paradoxically hit products already bearing the costs of compliance harder. The choice of policy instruments therefore requires an economic assessment of how costs are distributed between compliant and non-compliant trade.

Stricter controls and more demanding obligations may also affect consumers through longer delivery times, higher prices, and more limited choice. At the same time, it is largely the same consumer groups, particularly low-income households, that are currently most exposed to health and safety risks from cheap products that fail to meet

EU requirements, for example on chemical content. Stricter controls therefore have a protective dimension that must be weighed against their short-term cost effects.

If compliance and reporting requirements entail high fixed costs, they may in practice favour larger online platforms and logistics operators. Smaller operators may find it harder to bear these costs, potentially strengthening the market position of larger players.

There are also issues of legal certainty. Automated removal of products or sellers may result in erroneous takedowns and disproportionate interventions unless transparent procedures exist for giving reasons, handling complaints, and conducting reviews. Measures targeting a particular channel or logistics arrangement may also shift activity towards other forms of distribution if the rules are not technologically neutral and sufficiently comprehensive.

A particular implementation risk is fragmentation of the single market if measures are implemented differently or at different times. If EU solutions are delayed, or recommendations are implemented through national fees, inspection requirements, or bans that vary between Member States, divergent requirements and enforcement may create barriers even to lawful cross-border e-commerce within the EU. The National Board of Trade therefore considers that policy instruments addressing these problems should be designed and introduced swiftly, effectively, and in a harmonised manner across the EU to counter fragmentation.

Finally, global repercussions should be taken into account. Requirements that are difficult to meet may exclude legitimate exporters, including those from low- and middle-income countries, reducing e-commerce’s potential as a driver of development and working against broader development and trade objectives.

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Appendix 1: List of relevant legislation

Platform regulation and digital services

Legal Act	Reference	Relevance to this report
Digital Services Act (DSA)	(EU) 2022/2065	Core regulation of online platforms.
E-Commerce Directive	2000/31/EG	Basic rules for information society services, including conditional exemptions from liability for hosting services.
Platform-to-Business Regulation (P2B)	(EU) 2019/1150	Transparency requirements towards business users of online platforms (sellers).
Digital Fairness Act (DFA)	Proposal expected in 2026	Forthcoming regulation of dark patterns, addictive design, manipulative personalisation and influencer marketing. Complements the DSA with a broader scope.

Artificial intelligence and digital regulation

Legal Act	Reference	Relevance to this report
AI Act	(EU) 2024/1689	Risk-based regulation of AI systems. Transparency requirements for AI-driven recommendation systems. Prohibition of manipulative AI practices. Phased entry into force through August 2027.

General product safety and market surveillance

Legal Act	Reference	Relevance to this report
General Product Safety Regulation (GPSR)	(EU) 2023/988	Basic safety requirements for non-harmonised consumer products. Requirement for an economic operator in the EU. Specific obligations for marketplaces.
Market Surveillance Regulation (MSR)	(EU) 2019/1020	Rules governing authorities' market surveillance of harmonised products. Requirement for an economic operator in the EU for products from third countries.

Sector-specific product legislation

Legal Act	Reference	Relevance to this report
Toy Safety Directive	2009/48/EG	Safety requirements for toys concerning mechanical safety, flammability and chemical content.
Toy Safety Regulation (TSR)	(EU) 2025/2509	Replaces the Directive with stricter chemicals requirements and a digital product passport.
Low Voltage Directive (LVD)	2014/35/EU	Electrical safety requirements for electrical equipment, such as USB chargers.
EMC Directive	2014/30/EU	Electromagnetic compatibility requirements.
Radio Equipment Directive (RED)	2014/53/EU	Requirements for wireless equipment, such as Bluetooth products and wireless chargers.
Personal Protective Equipment Regulation (PPE)	(EU) 2016/425	Requirements for products such as bicycle helmets and high-visibility vests.
Cosmetics Regulation	(EG) 1223/2009	Requirements for safety assessment, ingredient lists and a responsible person in the EU.
Cyber Resilience Act (CRA)	(EU) 2024/2847	Cybersecurity requirements for products with digital elements. Applies from December 2027.

Chemicals legislation

Legal Act	Reference	Relevance to this report
REACH Regulation	(EG) 1907/2006	Restrictions on hazardous substances such as cadmium, lead and phthalates in products.
RoHS Directive	2011/65/EU	Restrictions on hazardous substances in electrical and electronic equipment.
CLP Regulation	(EU) 2024/2865	Classification, labelling and packaging of chemical substances and mixtures.

Consumer protection legislation

Legal Act	Reference	Relevance to this report
Consumer Rights Directive (CRD)	2011/83/EU	Requirements for pre-contractual information, the right of withdrawal and information on contractual terms.
Sale of Goods Directive	(EU) 2019/771	Harmonises remedies for lack of conformity of goods, such as repair, replacement, price reduction and termination of the contract. In practice, presupposes a responsible seller or importer within the EU, which is often absent in purchases via online platforms.
Unfair Commercial Practices Directive (UCPD)	2005/29/EG	Prohibits misleading and aggressive commercial practices, such as fake discounts and pressure selling.
Omnibus Directive	(EU) 2019/2161	Modernises consumer protection, including transparency requirements for personalised pricing.
CPC Regulation	(EU) 2017/2394	Framework for cross-border enforcement cooperation between consumer authorities.
Representative Actions Directive	(EU) 2020/1828	Enables collective claims for damages against businesses that systematically breach consumer rules.
ADR Directive	2013/11/EU	Promotes alternative dispute resolution (ADR) for consumer disputes with traders in the EU. Relies on businesses participating in national ADR bodies, which is often not the case for sellers on online platforms.
ODR Regulation	(EU) 524/2013	Establishes the EU ODR platform for online dispute resolution in cross-border e-commerce. Offers limited protection where the seller is established outside the EU and does not participate in the schemes.

Data protection and data flows

Legal Act	Reference	Relevance to this report
General Data Protection Regulation (GDPR)	(EU) 2016/679	Requirements concerning consent, transparency and safeguards for transfers to third countries.
ePrivacy Directive	2002/58/EG	Consent requirements for cookies and electronic communications.
Data Act	(EU) 2023/2854	Protects non-personal data against access by third-country authorities. Applies from September 2025.

Relevant case law: The Court of Justice's judgment in Schrems II (C-311/18) on the requirement to assess the effectiveness of safeguards for transfers to third countries.

Customs and trade rules

Legal Act	Reference	Relevance to this report
Union Customs Code	(EU) 952/2013	Basic customs rules, including the obligation to submit accurate and complete customs declarations and responsibility for the accuracy of the information.
Import Control System 2 (ICS2)	Implementing acts under the Customs Code	System for advance information and risk analysis of postal and express consignments, particularly those carried by air.
Customs Duty Relief Regulation	(EG) 1186/2009	Legal basis for relief from customs duty, including the EUR 150 duty relief threshold for certain low-value consignments.
Council agreement on a flat-rate duty for small consignments (transitional arrangement)	Council agreement, 12 December 2025	Temporary EUR 3 duty on consignments below EUR 150 from 1 July 2026. Charged per type of goods and linked to flows through the IOSS. Transitional arrangement pending the permanent system under the customs reform.
VAT e-commerce reforms (VAT e-commerce package)	Directives (EU) 2017/2455 and (EU) 2019/1995, among others	Abolished the VAT exemption for low-value consignments from 1 July 2021 and introduced, among other things, the IOSS framework for VAT.
Proposed customs reform	COM(2023) 258	Proposes, among other things, treating online platforms as ‘deemed importers’, new digital infrastructure (EU Customs Data Hub), and permanent abolition of the EUR 150 duty relief threshold. Also includes an EU-wide handling fee of approximately EUR 2 per consignment.
GATT 1994		Conditions governing bound tariffs and fees connected with imports. Relevant to assessing the WTO compatibility of the EU’s proposed handling fee and flat-rate duty.

Product liability

Legal Act	Reference	Relevance to this report
Product Liability Directive	85/374/EEG	Strict liability of manufacturers and importers for damage caused by defective products.
New Product Liability Directive	(EU) 2024/2853	Extends liability to online platforms under certain conditions. Must be transposed by December 2026.

Environmental legislation and extended producer responsibility

Legal Act	Reference	Relevance to this report
WEEE Directive	2012/19/EU	Producer responsibility for electrical and electronic equipment.
Batteries Regulation	(EU) 2023/1542	Comprehensive requirements for the battery life cycle, due diligence and a digital battery passport.
PPWR	(EU) 2025/40	Producer responsibility for packaging.
Revised Waste Framework Directive	(EU) 2025/1892	Mandatory EPR for textiles. Eco-modulated fees with particular attention to fast fashion. EPR schemes must be in place by April 2028. In force since October 2025..
Directive on the repair of goods ('Right to repair')	(EU) 2024/1799	Strengthens the right to repair and requires economic operators to offer repairs, spare parts and repair information.

Ecodesign and sustainable products

Legal Act	Reference	Relevance to this report
Ecodesign for Sustainable Products Regulation (ESPR)	(EU) 2024/1781	Requirements for durability, repairability and digital product passports. The first product passports are expected from 2027.

Sustainable value chains and due diligence

Legal Act	Reference	Relevance to this report
Deforestation Regulation	(EU) 2023/1115	Prohibits products that have contributed to deforestation. Requirements for due diligence and proof of origin.
Forced Labour Regulation	(EU) 2024/3015	Prohibits products made with forced labour on the EU market.
Corporate Sustainability Due Diligence Directive (CSDDD)	(EU) 2024/1760	Requires large companies to identify and address human rights and environmental risks in their supply chains.

Intellectual property rights

Legal act	Reference	Relevance to this report
EU Trade Mark Regulation	(EU) 2017/1001	Protection of EU trade marks. Right to prevent imports of counterfeit goods (Article 9(4)).
Trade Marks Directive	(EU) 2015/2436	Harmonisation of national trade mark laws.
Design Regulation	(EG) 6/2002	Protection of registered Community designs.
Designs Directive	98/71/EG	Harmonisation of national design protection.
IPRED (Intellectual Property Rights Enforcement Directive)	2004/48/EG	Harmonised civil-law measures for the enforcement of intellectual property rights.
Customs IPR Regulation	(EU) 608/2013	Customs authorities' powers to intervene against infringing goods at the border.

Note: This list covers the main legal acts identified by the National Board of Trade as relevant to direct-to-consumer e-commerce via online platforms. It should not be regarded as exhaustive. For full information on each legal act, see EUR-Lex (eur-lex.europa.eu). Please note that some legal acts have not yet entered into force or are still under negotiation.

The National Board of Trade Sweden is the government agency for international trade, the EU internal market and trade policy. Our mission is to facilitate free and open trade with transparent rules as well as free movement in the EU internal market.

Our goal is a well-functioning internal market, an external EU trade policy based on free trade and an open and strong multilateral trading system.

We provide the Swedish Government with analyses, reports and policy recommendations. We also participate in international meetings and negotiations.

The National Board of Trade, via SOLVIT, helps businesses and citizens encountering obstacles to free movement. We also host several networks with business organisations and authorities which aim to facilitate trade.

As an expert agency in trade policy issues, we also provide assistance to developing countries through trade-related development cooperation. One example is Open Trade Gate Sweden, a one-stop information centre assisting exporters from developing countries in their trade with Sweden and the EU.

Our analyses and reports aim to increase the knowledge on the importance of trade for the international economy and for the global sustainable development. Publications issued by the National Board of Trade only reflect the views of the Board.

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