

Platform's liability

Executive summary

SEPTEMBER 2026

Europe's digital economy is built on a strong platform intermediation system, connecting independent businesses with consumers - as well as consumers with each other - while lowering barriers to trade and innovation. European tech companies, members of the European Tech Alliance ([EUTA](#)), enable millions of interactions every day, from ordering food, ride-hailing and micro-mobility, finding employment and trusted local services, buying and selling second-hand goods, booking accommodation and experiences, comparing travel options, and sharing consumer reviews.

This intermediation model relies on a liability regime that is an essential prerequisite for its functioning. This framework matches obligations with each actor's actual role in the supply chain. It allows online platforms across many sectors to facilitate economic activity while ensuring that responsibility remains with those best placed to ensure compliance. It enables platforms to facilitate transactions without replacing the responsible economic operators. Preserving this regime is essential to protect consumers while supporting competition, SME growth and the competitiveness of the European digital economy. The Digital Services Act¹ (DSA) strikes a balance between intermediary liability with due-diligence and transparency obligations, providing legal clarity for both companies and consumers.

This liability regime underpins a wide range of diverse digital platform services. Placing additional liability on intermediaries will have unintended consequences across Europe's broader platform economy. The current debate has been triggered by concerns around unsafe products sold through online marketplaces, but its implications extend far beyond this specific issue. The framework should remain coherent, technology-neutral and predictable across different business models. Sector-specific challenges should not lead to horizontal changes affecting the wider European digital ecosystem. Expanding the liability burden on intermediaries would not meaningfully improve product and service safety. It would instead result in reduced consumer choice, threats to the economic viability of many European platforms, increased compliance costs, and further erode Europe's ability to compete on the global stage.

For online marketplaces, the real challenge lies elsewhere: the influx of unsafe products from third-country sellers towards Europe has been relentless, and measures such as the Union Customs Code reform and the European Product Act aim to respond to this issue. EUTA supports the goals behind these initiatives, but warns that reopening the liability framework will not tackle the root cause of unsafe products. It would impact European platforms and SMEs the most, while doing little to improve the protection of consumers or building a more trustworthy online environment. It will neither close the competitive gap between European businesses and non-EU operators where compliance with EU rules is not effectively ensured. The European Product Act should reflect this vision: it should not introduce general monitoring obligations for intermediaries in line with the DSA, and new tools should be

¹ 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 (Digital Services Act) [2022] OJ L277/1.

approached based on evidence. The Digital Product Passport, for instance, should be fully operational before any obligations relying on it are imposed.

Rules on paper protect no one, consistent enforcement does. European platforms are already investing heavily in compliance, trusted seller programmes, notice-and-action systems and cooperation with authorities². Prioritising consistent enforcement of the DSA and General Product Safety Regulation³ (GPSR) and stronger cooperation between authorities at national and European level will bring immediate relief to consumers and ensure a more trustworthy online environment, while going a long way to create a level playing field for all companies operating in Europe. It is time to consistently enforce European rules to all actors operating in Europe, finally delivering on the promise of a Single Market - rather than reopening the horizontal liability regime that supports Europe's wider digital platform economy.

² 63% of the individuals who bought or ordered goods or services in 2025 reported no issue while purchasing online. [Ecommerce statistics for individuals](#), Eurostat.

³ Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC [2023] OJ L135/1.

Platform liability

Enforce, don't reopen: tackling emerging platform issues without dismantling a framework that works

SEPTEMBER 2026

Every day, millions of European consumers⁴ rely on online platforms to order food, find jobs, buy and sell goods, book travel, and compare offers and reviews. These platforms also help thousands of European SMEs and independent entrepreneurs reach customers across all 27 Member States. This ecosystem depends on a clear legal framework that assigns responsibilities to the actors best placed to meet them. The Digital Services Act contains strong obligations to ensure consumers are protected and the online environment remains safe and trustworthy⁵.

Today, multiple parallel legislative initiatives risk reopening and fragmenting this carefully balanced regime, creating legal uncertainty for platforms and the SMEs that depend on them. Because these rules apply horizontally across the digital economy, changes to their core liability provisions would have far and unintended consequences.

The European Commission should focus on enforcing existing rules consistently and safeguarding Europe's tech ecosystem and the SMEs that rely on it, rather than revisiting a recently adopted framework.

Uphold a balanced and robust European liability framework

Platform intermediation has become a cornerstone of the modern economy by connecting independent businesses and private individuals with consumers, reducing barriers to market access for all. Online platforms provide a varied set of services, including discovery and search, trust and reputation mechanisms, matching, secure payment, and, in many cases, logistics and cross-border reach, that individual providers could not build or sustain on their own. Countless flourishing European online platforms, including many EUTA members, are prime examples of this intermediation model, including:

- Online marketplaces provide the digital infrastructure, trust mechanisms and transactional services that enable both independent sellers and private individuals to reach millions of consumers, while sellers remain responsible for the products they

⁴ In 2024, 73% of the European population aged 16–74 made online purchases, up from 71% in 2023: EuroCommerce, *European E-commerce Report 2025* (2025) <https://www.eurocommerce.eu/app/uploads/2025/10/final-corrigendum-executive-summary-european-e-commerce-report-2025.pdf> accessed 3 September 2026.

⁵ 70% of consumers agreed that retailers and service providers respect consumer rights, and 68% felt confident about the safety of the products they buy: European Commission, Directorate-General for Justice and Consumers, *Consumer Conditions Scoreboard 2025 Edition* (Consumer Conditions Survey, fielded November 2024) https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/key-consumer-data_en accessed 3 September 2026.

place on the market.

- Second-hand and circular-economy platforms offer the same set of tools for consumer to consumer transactions, giving private individuals a low-barrier route to sell directly to one another. By providing the tools to transact safely, they extend product use and advance the EU's circular-economy objectives, with the individual seller responsible for the item offered.
- Mobility and delivery platforms connect consumers with independent drivers, couriers, flower shops or restaurants, enabling them to find and access service and products efficiently. Platforms facilitate the matching, booking and, where relevant, payment, while the underlying service provider remains responsible for providing the product and service in accordance with applicable rules.
- Recruitment platforms provide digital tools that connect employers and jobseekers, making it easier to identify opportunities, match skills and access employment across borders. Employers remain responsible for the employment relationship and for complying with the rules applicable to their recruitment and employment practices.
- Travel, accommodation and experience platforms⁶ enable consumers to discover, compare and book different forms of accommodations, travel options or tickets for a show from independent providers, while providing tools such as search, reviews, booking and payment. The accommodation provider or merchant remains responsible for the underlying service and for meeting the applicable health, safety and consumer protection requirements.

Intermediary liability is comprehensively addressed under the Digital Services Act (DSA)⁷. It reinforced and modernised the liability regime for intermediaries, first established under the e-Commerce Directive⁸, and balances this regime with additional due-diligence, transparency and compliance obligations for online platforms.

The DSA provides legal clarity along the value chain, for companies and consumers alike, as recognised in recent Council conclusions⁹. The result is a balanced approach: intermediaries can operate and innovate, yet must take meaningful action against illegal content and unsafe content once these are identified.

This framework supports competition, innovation and cross-border trade. As a result, consumers benefit from greater choice and competitive prices¹⁰, while businesses, particularly SMEs and private individuals, gain efficient access to the Single Market, including for cross-border purchases¹¹.

Matching obligations to the actual role of each actor is what makes this framework effective. Holding intermediaries more liable for content, listings or supply conditions that are not under their direct control would not address the root causes of the issues Europe is facing

⁶ In the 'Accommodation and food service activities' sector, 99.05% of enterprises making e-sales received orders via websites or apps, and the sector recorded the highest share of turnover from web sales (20.4%): Eurostat, 'E-commerce statistics' (*Statistics Explained*, data extracted February 2026). https://ec.europa.eu/eurostat/statistics-explained/index.php?title=E-commerce_statistics accessed 3 September 2026.

⁷ 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 (Digital Services Act) [2022] OJ L277/1.

⁸ Directive 2000/31/EC ('Directive on electronic commerce'), *OJ L 178, 17.7.2000*.

⁹ Council of the European Union, Council conclusions on the 2030 Consumer Agenda, 6634/26, 26 February 2026.

¹⁰ The overall share of online consumers rose from 71% in 2022 to 76% in 2024: European Commission, *Consumer Conditions Scoreboard 2025 Edition* (n 2).

¹¹ In 2024, 35% of consumers purchased from another EU country and 27% from outside the EU: European Commission, *Consumer Conditions Scoreboard 2025 Edition* (n 2).

today.

Undermining these principles would therefore have consequences across a wide range of businesses enabling European SMEs to reach their customers. It would create legal uncertainty for the wider ecosystem of European digital platforms that rely on the same intermediary liability framework.

Protect the homegrown champions powering Europe's SMEs

Revisiting established liability principles to address the issues linked to a handful of rogue actors would undermine the coherence and stability of the framework for all intermediaries. In effect, the impact would be especially felt by the wider ecosystem of European businesses, including European online platforms and the actors that rely on them as intermediaries, such as SMEs and independent sellers, and businesses relying on circular economy models.

Additionally, it risks leading to the very outcome these reforms aim to prevent: a market concentrated around a handful of global players, with fewer European competitors and less choice for consumers. Such a step would discourage investment, limit the diversity of viable business models by rendering some unsustainable, and raise compliance costs for all companies involved.

Europe needs a predictable, simplified and coherent regulatory environment that supports innovation, competitiveness and growth, and the European Product Act should be a prime example of this vision.

Europe's product-safety rules at a crossroads

The flow of unsafe products from third-country sellers within Europe has been steadily rising over the past few years¹², prompting a renewed focus on how to tackle this issue - including through the compromise in the Union Customs Code¹³ (UCC) reform and the upcoming European Product Act. EUTA shares the goals behind these initiatives: safer products, fairer competition and a level playing field. Taken together and without coordination, these developments risk eroding the very stability the framework was built to provide for compliant online platforms. Those objectives should be pursued without reopening horizontal liability rules that support a much broader range of digital services than online marketplaces alone.

The influx of unsafe products points not to inadequate rules, but to rules that are not yet applied consistently or backed by sufficient enforcement capacity: the marketplace model itself is not the problem; concerns stem from its misuse by a number of operators. Reopening the liability framework would not close that gap, and would disproportionately impact European tech platforms and the SMEs they partner with. This would likely result in increased costs, slower growth, and less choice for European consumers, without fixing the issue of influx of unsafe products.

For European tech companies, a safer, more competitive Digital Single Market is better served by consistently enforcing the rules we already have and by addressing the overlaps that will

¹² [Large scale EU customs control action shows most third-country e-commerce goods do not follow standards](#), European Commission, 7 January 2026

¹³ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code [2013] OJ L 269/1 (Union Customs Code).

be identified in the Digital Fitness Check, than by reopening a liability framework that is working.

Getting the European Product Act right

Ensuring an online world that is safe for consumers is a shared goal and a common priority. In that spirit, we strongly support the objective of improving product safety and welcome the European Commission's efforts to modernise EU-level tools.

Future initiatives in this area such as the European Product Act should build on that shared goal. They must closely align with the principles set out above, including the carefully balanced intermediary framework that underpins the Digital Single Market.

That framework is deliberately technology- and sector-neutral, allowing different types of intermediary services to operate under consistent legal principles while tailoring obligations according to their actual role.

In that context, the European Product Act should preserve the fundamental principles of the Digital Services Act, in particular the prohibition of general monitoring obligations and the allocation of responsibilities according to each actor's role in the value chain.

However, preserving these principles does not mean that marketplaces are not open to discuss further improving product safety: trusted European marketplaces have a strong commercial and reputational interest in providing consumers with a safe shopping environment and are willing to discuss additional responsibilities where these are consistent with their role and capabilities.

Any new obligations should therefore build on what marketplaces are realistically able to do as intermediaries. Unlike manufacturers, importers or distributors, marketplaces do not design, manufacture or physically handle the products they facilitate. Their contribution should focus on the areas where they can genuinely add value (such as seller due diligence, cooperation with authorities, risk mitigation and the use of trusted compliance mechanisms) rather than requiring them to verify product conformity in place of the responsible economic operators established by EU law. Such verification requirement would even be operationally unfeasible for platforms managing dynamic, unpredictable inventories or surplus goods.

More generally, future obligations should be guided by a principle of feasibility. The diversity of platform business models, including second-hand, consumer-to-consumer, artisanal and other non-standard transactions, requires sufficient flexibility to ensure that compliance remains practicable across the ecosystem. Likewise, while digital tools, automation and AI can significantly strengthen product safety, legislators should avoid designing obligations that can only be fulfilled through highly sophisticated technological infrastructures.

Such an approach would disproportionately favour the largest global competitors with the greatest engineering resources, raising barriers to entry and accelerating market concentration to the detriment of European competition and innovation.

Rules on paper protect no one, consistent enforcement does

To ensure consumers feel empowered and confident in their online experiences, addressing enforcement shortcomings will deliver far greater benefits than any reopening of the liability principles. Delays in the appointment of some Digital Services Coordinators (DSCs)¹⁴, for instance, have lengthened the DSA's implementation phase and postponed its full operational effectiveness.

Enhanced cooperation between national and European authorities, alongside the consistent application of EU law, is therefore critical. The upcoming review of the CPC Regulation is a step in the right direction. Furthermore, this reinforced cooperation should happen at multiple levels: between authorities within a Member State, between authorities from different Member States, and among the various European boards of regulators (EDPB, ECN, CPC Network, European Board for Digital Services). The next step should be to strengthen enforcement against those that systematically circumvent EU rules, rather than redefining the role of intermediaries.

Overall, consistent enforcement should be a clear priority and a prerequisite to any conversation about reviewing or adding to the European rulebook. Without a level playing field for all companies operating in Europe, the liability regime remains incomplete and its benefits unrealised. The risk-based approach enshrined in the DSA and GPSR should also guide how these rules are enforced, so that measures remain targeted, evidence-based and proportionate¹⁵.

European tech companies urge the Commission to ensure that the fight against unsafe products and illegal listings is primarily tackled through a consistent enforcement of the existing rulebook, including through the CPC Network. Europe's framework for platform liability is already robust, carefully balanced and fit for purpose. Policy efforts should prioritise its consistent application and enforcement across all Member States, rather than reopening established liability principles. Closing implementation gaps by strengthening coordination between national and EU authorities will deliver tangible benefits for consumers and businesses alike. It's time to live up to the promises of the Single Market, and deliver a predictable and stable legal environment that supports investment, innovation, competitiveness and the resilience of Europe's digital ecosystem, in line with the EU's Competitiveness Compass¹⁶.

¹⁴ European Commission, "[Commission decides to refer Czechia, Spain, Cyprus, Poland and Portugal to the Court of Justice of the European Union due to lack of effective implementation of the Digital Services Act](#)", Brussels, 7 May 2025

¹⁵ For more, see [Supervision of Digital Services: Large Online Platforms versus Smaller Services — A Risk Assessment Framework for Intermediary Services under the DSA](#), Council for Media Services (Digital Services Supervision), Bratislava, August 2026

¹⁶ European Commission, *A Competitiveness Compass for the EU*, COM(2025) 30 final, 29 January 2025.

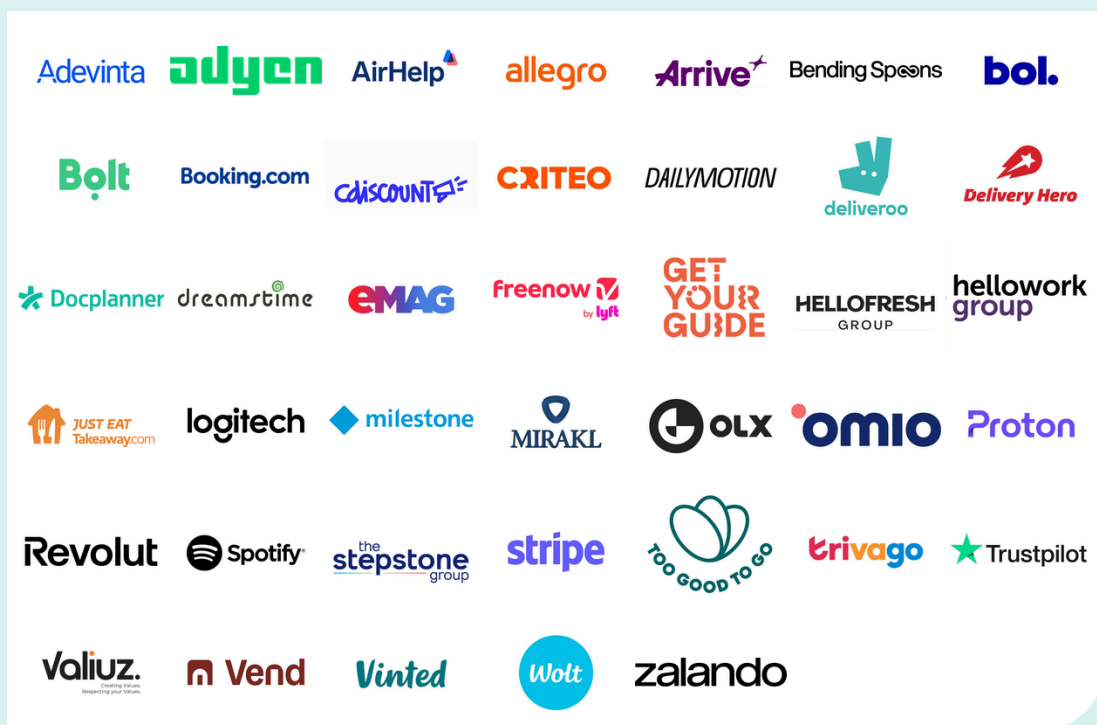
About the European Tech Alliance

EUTA represents leading European tech companies that provide innovative products and services to more than one billion users¹⁷. Our 40 EUTA member companies from European countries are popular and have earned the trust of consumers. As companies born and bred in Europe, for whom the EU is a crucial market, we have a deep commitment to European citizens and values.

With the right conditions, our companies can strengthen Europe's resilience and technological autonomy, protect and empower users online, and promote Europe's values of transparency, rule of law and innovation to the rest of the world.

The EUTA calls for boosting Europe's tech competitiveness by having an ambitious EU tech strategy to overcome growth obstacles, making a political commitment to clear, targeted and risk-based rules, and enforcing rules consistently to match the globalised market we are in.

Our members



¹⁷ It reflects users, consumers and business customers from EUTA member companies, per year. It includes overlaps but illustrates the reach and impact of our services.