CME The voice of European second-hand marketplaces

Adevinta OLX Vend Vinted CustoJusto.pt wallapop

Classifieds Marketplaces Europe (CME) feedback

Market surveillance and compliance of products – evaluation and possible revision of Regulation (EU) 2019/1020

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Classifieds Marketplaces Europe (CME) brings together European online platforms - Adevinta, OLX, Vend, Vinted, Wallapop, and CustoJusto - **dedicated to second-hand and consumer-to-consumer** (C2C) trade, enabling millions of Europeans to participate in local and circular commerce. We are committed to building a safe, sustainable, and accessible digital environment for Europeans.

CME welcomes the opportunity to provide feedback on the possible revision of the Market Surveillance Regulation. Our input focuses on the consultation option of **strengthening online marketplace responsibilities** under the Market Surveillance Regulation, beyond existing obligations in the Digital Services Act, the General Product Safety Regulation, and the ongoing EU Customs reform, and explains **our concerns with this approach**.

Accordingly, our key recommendations:

- **Preserve the balanced regulatory framework,** established by the Digital Services Act and the General Product Safety Regulation, and avoid expanding marketplace responsibilities under the MSR, as this would duplicate existing obligations, increase legal uncertainty, and reopen issues only recently settled.
- **Safeguard second-hand and C2C trade as core contributors to the EU's circular economy**, ensuring that predominantly local and non-professional transactions are not treated as large-scale B2C or importer activities.
- **Prioritise effective and consistent enforcement of existing rules** to address safety risks and ensure a level playing field.

CME submits this contribution in a constructive spirit to issue an early warning on the high risks of this approach, including **unintended negative impacts on Europe's circular economy, EU players, and regulatory effectiveness**.

Expanding marketplace responsibility under the MSR would undermine a recently established balanced framework

Online marketplaces are not all alike, and business models vary significantly. CME members act solely as intermediaries, differing materially from typical e-commerce platforms: they do not take possession of goods, set prices, or control product descriptions. They primarily **facilitate second-hand and C2C exchanges, making circularity accessible, affordable, and local**.

CME members are already **covered by a broad and comprehensive EU regulatory framework that governs their role and responsibility**, including the Digital Services Act (DSA) the General Product Safety Regulation (GPSR).

The DSA and the GPSR were adopted following extensive impact assessments, consultations, and throughout legislative procedures. Together, they establish a carefully calibrated framework that reflects the diversity of online services and clearly allocates responsibilities across the value chain. They impose meaningful obligations on marketplaces to act diligently, ensure traceability, remove unsafe products, and inform consumers, while preserving the principle of limited intermediary liability. This balance is essential for legal certainty and for ensuring that obligations are proportionate to the role played by each actor.

This framework is further reinforced by recently adopted measures such as the Product Liability Directive, Ecodesign for Sustainable Products Regulation, Right to Repair rules, Packaging and Packaging Waste Regulation, Toy Safety Regulation, European Accessibility Act, and the Directive on Empowering Consumers for the Green Transition. It will soon be complemented by the EU Customs Code Reform, strengthening controls on products entering the EU.

Expanding marketplace responsibility under the Market Surveillance Regulation, in parallel to these instruments, would therefore risk reopening fundamental questions that have only recently been concluded. With the framework set by DSA and GPSR now entering enforcement, the challenge lies not in the absence of rules but in their effective application. **The EU has already set a balanced, modernised legal framework - the focus should now shift to proper implementation and enforcement.**

Furthermore, **making platforms broadly liable for products sold by third-party sellers would increase legal risk and compliance costs**, particularly for consumer-to-consumer and reuse-based marketplaces. In practice, this would **incentivise platforms to limit listings, exclude certain types of goods, or withdraw from the market altogether** - undermining the availability and growth of the EU second-hand market.

This outcome would be **contradictory to the core EU policy objectives of promoting EU competitiveness and circular business models** - objectives that are clearly set out in President von der Leyen's Political Guidelines for the 2024–2029 mandate, and more recently detailed in the 2030 Consumer Agenda (COM(2025) 848 final), which highlights **the need to ensure consumer access to affordable and sustainable products**.

Lastly, while **general platform liability is often justified as a way to address unfair competition from non-compliant actors**, including those based outside the EU, this approach is neither proportionate nor effective. It would primarily **penalise compliant EU-based marketplaces and risk eliminating legitimate second-hand European platforms,** rather than targeting bad actors. More appropriate solutions exist, including **strengthened enforcement of existing rules, enhanced market surveillance, and improved cross-border and customs controls** - currently being strengthened with the reform of the Union Customs Code.

Safeguarding the crucial role of second-hand and C2C trade in Europe's circular economy

Second-hand trade delivers significant environmental and societal benefits across Europe. **By extending product lifecycles and reducing demand for new goods, second-hand trade limits the exploitation of resources and emissions.** Moreover, it enables households to give their items a second, third, or even fourth life, **earn money by decluttering, and access quality**

goods at a lower price, supporting purchasing power at a time when affordability and inflation remain significant concerns for Europeans. For example, in the case of electronics - now widely embedded in Europeans' daily life - an OLX survey in Poland found that 76% of respondents cited lower prices as the primary motivation for purchasing second-hand electronic products. The dual affordability effect of selling/buying second-hand goods in a C2C context is also visible in OLX 2025 Sustainability Report, which estimates that in 2024, users selling second-hand electronics on OLX earned 365 million euros, while buyers saved 419 million euros by choosing second-hand electronics over new ones.

Second-hand marketplaces are central to enabling these benefits. They make circular consumption accessible, affordable and convenient, connecting millions of buyers and sellers who might otherwise not engage in reuse. This is reflected in user behaviour across Europe. For example, 81% of Vinted members say they would not have resold items without the platform. Comparable trends are observed in Norway, with a survey by FINN indicating that 60% of Norwegians made their most recent second-hand purchase online.

When considering possible approaches for MSR revision, **it is therefore essential to avoid any unintended consequences for second-hand trade, which is fundamentally different from large-scale, professional import and distribution models for new products.**

Calls to extend general platform or intermediary liability are mostly driven by concerns around non-compliant imports and unfair competition, in particular from high-volume B2C or M2C platforms, often based outside the EU. These concerns are legitimate, and we share them. However, the solution proposed by some - to qualify online marketplaces as "economic operators" - fails to take into account two key factors.

- First, **many of the existing rules designed to address these risks have only recently entered into force, are not yet being fully or consistently enforced**, and Customs Code reform is still being negotiated.

- Second, it **risks capturing C2C second-hand marketplaces within a framework designed for fundamentally different business models**, even though CME members simply facilitate exchanges between private individuals and do not own or handle products.

Treating second-hand online marketplaces as "economic operators" comparable to large-scale importers would not address non-compliant imports and would impose obligations incompatible with the C2C model. **In practice, this would risk forcing platforms to severely restrict or discontinue second-hand C2C services altogether, undermining reuse and the circular economy.**

A more effective and proportionate response lies in strengthening enforcement against non-compliant actors and improving cooperation between authorities, rather than extending general platform liability in a way that would cause significant collateral damage while not providing a solution.

Enforcement should be the priority

Current challenges linked to certain non-compliant platforms do not stem from a lack of EU rules, but from inconsistent or insufficient enforcement. Many of these rules have recently entered into force and should be given sufficient time to be fully implemented and to demonstrate their effectiveness in practice.

It is important to note in this context that even key enforcement structures, such as the Digital Services Coordinators, are still missing. Digital services coordinators have not yet been officially designated or empowered in all EU Member States.

We welcome the fact that **prioritising enforcement is also the direction clearly set out in the Commission's e-commerce Communication**, recently agreed across DGs and Cabinets, which does not foresee an expansion of marketplace liability rules but instead identifies improved enforcement, enhanced cooperation between authorities and the reform of the Union Customs Code as the most coherent and proportionate policy response.

Recent developments suggest only timid signs that enforcement is beginning to materialise. These include DSA investigations into SHEIN, Temu, AliExpress and other very large online platforms (VLOPs), coordinated actions through the Consumer Protection Cooperation (CPC) Network, and the use of GPSR powers by market surveillance authorities to remove unsafe products. **While these steps show that the EU's legislative framework can address non-compliance, they also underline that enforcement remains limited.** Against this backdrop, CME urges the Commission to continue investing in and supporting national authorities to ensure coordinated, timely and effective enforcement across the EU.

CME supports an enforcement-first approach based on stronger coordination at EU level and clearer, common guidance for national authorities. Enhanced cooperation across relevant Commission services and Member States would support more consistent, effective and timely enforcement of existing EU rules, including towards third-country platforms.

Conclusion

CME shares the EU's commitment to strong consumer protection, effective market surveillance, and a well-functioning circular economy. **As the Commission reflects on the future of the MSR, any changes must build on – rather than duplicate or undermine – the comprehensive framework already in place.** A proportionate and coherent approach will ensure that **enforcement efforts remain focused where they are most needed while preserving the accessibility, affordability, and sustainability benefits delivered by Europe's second-hand marketplaces.**

CME remains available to engage further with the Commission and other stakeholders to support effective and proportionate solutions that enhance product safety while safeguarding the benefits of Europe's circular economy.

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