CHAMBER OF DIGITAL ECONOMY

WHITE PAPER
Ensuring a Level Playing Field in European E-commerce: From Regulation to Effective Enforcement

Conclusions and Policy Recommendations following the European E-commerce Summit, Brussels 2026
Chamber of Digital Economy | "The Same Start" Campaign

Executive Summary

The European Digital Single Market is facing a structural challenge to its competitiveness. While the European Union has established one of the most comprehensive regulatory frameworks for e-commerce globally, its effectiveness is undermined by persistent enforcement gaps. Operators established outside the European Union-particularly large-scale platforms based in third countries continue to benefit from inconsistencies in enforcement, preferential customs treatment, and asymmetries in regulatory obligations compared to EU-based businesses. The European E-commerce Summit (Brussels, 2026) highlighted a broad stakeholder consensus: the priority is no longer the development of additional regulatory instruments, but the consistent, coordinated, and resource-backed enforcement of existing rules across the Union.

1. Problem Definition and Scale

In 2024, approximately 4.6 billion low-value consignments entered the European Union, with more than 90% originating from China. Low-value shipments account for 97% of total import volumes, posing a systemic challenge to traditional customs control mechanisms.
Available data indicates that enforcement remains critically limited: in 2024, customs authorities detained on average only 13 non-compliant or high-risk products per one million cleared consignments.
An EU-wide coordinated enforcement action conducted between April and June 2025, involving 27 customs authorities and 108 market surveillance authorities, confirmed the scale of the issue. Inspections of toys and small electronic goods shipped directly to EU consumers revealed that more than 50% of the products assessed were non-compliant with EU requirements.
The economic impact is already significant at Member State level. In Poland, estimates suggest that the effect on the domestic economy ranges between PLN 6.5 billion and PLN 8.8 billion annually.

2. Structural Challenges

Fragmented Enforcement Architecture

The EU regulatory framework governing e-commerce covering VAT, GDPR, DSA, DMA, GPSR, the Omnibus Directive, DAC7, EAA, the Data Act, and the Artificial Intelligence Act is extensive and largely comprehensive. However, enforcement remains fragmented across 27 national systems. This fragmentation creates regulatory arbitrage opportunities, enabling non-EU operators to exploit inconsistencies and enforcement gaps. Divergent enforcement practices among Member States further risk undermining the integrity of the internal market.

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Limitations of the Customs Framework for Low-Value Consignments

Simplified procedures applicable to consignments below EUR 150 limit the capacity to effectively enforce VAT obligations, product safety requirements, and compliance standards. The planned removal of the de minimis exemption (as of 1 July 2026) constitutes an important step. However, without complementary enforcement measures and operational capacity, its impact is likely to remain limited.

Cumulative Regulatory Burden on EU Businesses

EU-based companies have faced a rapid accumulation of regulatory obligations, often requiring the simultaneous implementation of multiple complex legislative instruments.
In addition, instances of "gold-plating" at Member State level have introduced additional compliance requirements beyond EU minimum standards, generating disproportionate costs and potentially distorting competition. One of the recent examples is the transposition of the Consumer Credit Directive ((EU) 2023/2225 / CCD2). National implementation of CCD2 is proving difficult, primarily because the Directive interferes significantly with long-established national and European payment systems as well as with existing business models. This is placing well-functioning European solutions at a disadvantage and distorts the level playing field.

Capacity Constraints of Enforcement Authorities

Market surveillance authorities, customs administrations, and consumer protection bodies continue to face significant resource constraints.
Emerging technologies, including artificial intelligence and distributed ledger solutions, offer potential to enhance risk assessment and automate compliance verification. However, their deployment remains limited in the absence of coordinated investment strategies and political prioritisation.

3. Policy Recommendations

Strengthening the Customs and Enforcement Framework

- Enhance structured involvement of economic operators in the design and implementation of customs and enforcement systems, including within the EU Customs Data Hub.
- Establish dedicated working groups at both EU and national levels to ensure operational alignment and practical applicability of new tools.
- Develop clear and harmonised guidelines for the removal of the EUR 150 de minimis threshold, ensuring legal certainty and uniform implementation.
- Reinforce enforcement capacity through targeted investment in digital tools (including AI-based risk analysis) and increased staffing of customs authorities.

Introduction of a Packaging Footprint Contribution

- Introduce a harmonised fee (indicative level: EUR 3 per consignment) applicable to non-EU sellers shipping goods to EU consumers.
- Ensure that such a mechanism contributes to financing packaging waste management systems and supports environmental objectives while addressing competitive distortions.

Improving Regulatory Quality and Reducing Administrative Burden

- Systematically apply comprehensive impact assessments, including cumulative burden analysis, prior to the adoption of new regulatory measures.
- Prioritise clear, precise, and enforceable provisions over broad or ambiguous clauses.

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- Promote EU-wide certification and standardisation mechanisms to facilitate compliance and reduce administrative fragmentation.
- Extend the application of the CCD2 by at least one year, to 20 November 2027.

Reinforcing Enforcement Capacity at EU and National Level

- Ensure that enforcement authorities are equipped with adequate human, financial, and technological resources.
- Address implementation delays at Member State level and remove procedural barriers that limit effective enforcement.
- Strengthen coordination mechanisms between national authorities to ensure consistent application of EU law.

4. Conclusions

The European E-commerce Summit 2026 confirmed that both the EU's digital sovereignty and the competitiveness of its e-commerce sector are at risk.
Ensuring a level playing field is no longer solely a policy objective; it constitutes a strategic imperative for the Union.
Failure to address current enforcement gaps risks further weakening EU businesses, particularly SMEs, while exacerbating unfair competition and undermining consumer trust in the Digital Single Market.
A shift towards consistent, data-driven, and adequately resourced enforcement is essential to restore market balance and secure the long-term competitiveness of European e-commerce.

KARTA PODPISÓW

poświadczenie złożenia podpisów i pieczęci elektronicznych

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