Transatlantic Consumer Dialogue

Unsafe and Online

Enforcement and International Cooperation in E-Commerce Product Safety

November 2026

TACD.org

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Executive Summary

This report, an update to TACD's May 2025 Unsafe and Online publication, examines the persistence of unsafe and non-compliant products sold through online retailers and marketplaces in the EU, UK and US. It highlights, yet again, the risk posed to consumers by the sale of unsafe products on online marketplaces and the inadequacy of current regulatory frameworks and enforcement activity to tackle them. Online marketplaces are among some of the largest tech companies globally, but they are persistently failing to prioritize product safety, leaving consumers on both sides of the Atlantic at serious risk.

Scale of the problem

Online retail, and consumers use of online marketplaces, continues to grow rapidly, and regulators across jurisdictions continue to initiate numerous product safety warnings and notifications. However, recalled, or banned or otherwise noncompliant products remain available on online marketplaces, reflecting a persistent 'whack-a-mole' pattern of relisting across all three jurisdictions.

Evidence from TACD members and examples

The 2025 TACD report was published only a year ago; however, TACD members have continued to lead with their research and investigation into this topic since the last publication. Examples include:



US PIRG (Public Interest Research Group): Trouble in Toyland report on toys featuring AI chatbots.



A joint project testing 162 products on Temu and Shein found that approximately 70% failed to meet EU safety standards to some degree.



Which?'s In Plain Sight investigation found hundreds of unsafe products for sale on online marketplaces in the UK, using reverse image search technology to examine online marketplaces to see if unsafe products that had been subject to OPSS safety alerts were freely available for consumers to buy.

Regulatory and enforcement landscape

The US and UK have not enacted any new legislation since the 2025 TACD report; however, as noted in the 2025 report the UK's Product Regulation and Metrology (PRAM) Act 2025 now defines marketplaces as regulated entities, though obligations await secondary legislation.

The EU has:

- Published GPSR (General Product Safety Regulation) guidance.
- Completed a product safety sweep in 2026.
- Fined Temu (€200m) and AliExpress (€550m) under the DSA (Digital Services Act).
- Adopted a reform of its Customs Union, which aims to enable Customs Authorities to better detect unsafe products. It also removed the exemption of customs duties for parcels below the €150 threshold.
- Begun preparing the European Product Act (EPA), which includes a review of two initiatives: the New Legislative Framework (NLF) and the Market Surveillance Regulation (Regulation (EU) 2019/1020, MSR).

Enforcement

While there are enforcement updates and changes, particularly in the EU, there remain substantial gaps in enforcement. TACD completed a small survey of market surveillance experts and explored the status of enforcement in the EU, UK and US. While the survey was not statistically significant, its findings were consistent with the documentary evidence gathered for this report. Respondents provided insights into key enforcement challenges, including barriers to removing unsafe products online, high-risk product categories, online marketplace responses, cooperation between authorities and consumer groups, and opportunities for greater EU-UK-US cooperation. Every respondent identified resource constraints as a central challenge and considered the current legislative framework inadequate for regulating product safety on online marketplaces.

International cooperation

Continued formal and informal collaboration between the EU, UK, and US is vital in addressing the challenges. This is not only at governmental level, but between consumer organizations, product safety experts and other safety professionals. Unfortunately, while there are positive steps in international cooperation on product safety, there are troubling setbacks, such as the US Consumer Product Safety Commission's (CPSC) refusal to participate in regularly scheduled trilateral regulatory discussions with its EU and Chinese counterparts and the US voting against the UN Principles for Consumer Product Safety.

In 2021, 21 OECD (Organisation for Economic Co-operation and Development) countries and partner economies conducted a coordinated product safety sweep, which demonstrates progress at the international level. As regulatory landscapes continue to evolve, a robust collaborative approach will remain the strongest safeguard for consumer protection. In December 2025, the United Nations (UN) adopted a resolution establishing the first ever UN Principles for Consumer Product Safety.

Conclusions

The first report, published in May 2025, summarized the scale and nature of unsafe and non-compliant products circulating on online marketplaces and identified gaps in the regulatory frameworks. More than a year on, those gaps persist and unsafe products remain readily available on the same online marketplaces. It is crucial that the regulatory frameworks in all three jurisdictions are updated so that there is legal clarity that online marketplaces must take responsibility for the safety of the products listed on their sites and that regulators have robust enforcement powers that act as an effective deterrent.

About TACD

The Transatlantic Consumer Dialogue (TACD) is a forum of European and US consumer organizations that develops and agrees on joint consumer policy recommendations for both the EU and US government. Launched in September 1998, TACD's inaugural meeting in Washington, DC brought together over 60 consumer representatives from the EU and US. Today, 78 organizations participate in TACD, representing the consumers' interests on both sides of the Atlantic.

TACD brings together consumer, digital rights and other public interest organizations across the EU, the UK and the US. TACD provides a platform to enable these groups to take joint action to protect consumers. TACD facilitates a dialogue between consumer groups, policymakers and regulators with a view to develop a better environment and living conditions for people on both sides of the Atlantic.

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Definitions

The increase of e-commerce over the years has created multiple models that vary mostly in relation to the level of control and responsibility for product quality and consumer experience. The two main models are:

1. online retailers (or online shops) and
2. online marketplaces.

The varying e-commerce models create different levels of responsibility for ensuring product quality, consumer protection, and safety, which is critical to understand the regulatory and legal challenges associated with online shopping. The distinction between these models is central to questions of liability and regulatory responsibility, the core issues this report addresses. For the purpose of this report the following definitions will be used:

Economic Operator: *"means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products or making them available on the market."*[1]

De minimis: *"A legal term meaning too small to be meaningful or taken into consideration; immaterial."*[2]

A *de minimis* exemption: is a customs threshold below which imported goods are exempt from customs duties and, in some jurisdictions, import taxes, reflecting the principle that collecting revenue on very low-value shipments may cost more than the revenue generated.[3, 4]

Hybrid Platforms: Some platforms operate as both online retailers and online marketplaces depending on the product. In this model, the platform sells some products directly to consumers like an online retailer, while also offering a marketplace for third-party sellers. For example, Amazon operates as both a direct retailer and a marketplace for third-party sellers.

Online Retailers or Online Shops: Online retailers or online shops operate under a distinct business model where they sell products directly to consumers, following a more traditional order fulfilment

model. These platforms are typically responsible for the entire product lifecycle and maintain control over product quality, pricing, and shipping.

Online Marketplaces: Online marketplaces act as intermediaries between buyers and third-party sellers. These platforms provide a venue for multiple independent sellers to list and sell their products to consumers. The marketplace generally manages the platform's infrastructure, including website design, payment processing and sometimes shipping or customer service.

Third-party Sellers: Third-party sellers are vendors or businesses that use online marketplaces to sell their products. These sellers are not employed by the marketplace platform but instead use the platform to reach an audience. The marketplace model relies on attracting third-party sellers and expanding the selection of products.

Abbreviations

ACCC	Australian Competition and Consumer Commission
AdCos	Administrative Cooperation Groups (EU)
BEUC	European Consumer Organisation
CFA	Consumer Federation of America
CPSA	Consumer Product Safety Act (US)
CSN	Consumer Safety Network (EU)
CPSA	Consumer Product Safety Act (US)
CPSC	Consumer Product Safety Commission (US)
DPP	Digital Product Passport (EU)
DSA	Digital Services Act (EU)
EDX	Energy-Dispersive X-ray Spectroscopy (testing procedure)
EEA	European Economic Area (includes Iceland, Liechtenstein and Norway)
EFTA	European Free Trade Association (intergovernmental organisation of EEA countries)
EU	The European Union
e-SAFE	eCommerce, Surveillance, Analysis, Field, and Enforcement (US)
ESF	Electrical Safety First (UK)
EPA	European Product Act
EUCPN	EU Product Compliance Network
EUCA	EU Customs Authority
FTC	Federal Trade Commission (US)
GPSR	General Product Safety Regulation (EU)
JACOP	Joint Actions on Compliance of Products in EU and EFTA countries
NICHD	National Institute of Child Health and Human Development (US)
NVWA	Netherlands Food and Consumer Product Safety Authority
MSR	Market Surveillance Regulation (Regulation 2019/1020)
OECD	Organization for Economic Co-operation and Development
OLAF	EU Anti-Fraud Office
OPSS	Office for Product Safety and Standards (UK)
PIRG	Public Interest Research Group (US)
PPE	Personal Protective Equipment
PRAM	UK Product Regulation and Metrology Act 2025
SEM	Scanning Electron Microscopy (testing procedure)
TACD	Transatlantic Consumer Dialogue
UK	The United Kingdom
US	The United States
UNCTAD	United Nations Trade and Development
VLOPs	Very Large Online Platforms (noted under DSA)
vzbv	Federation of German Consumer Organisations

Introduction and Methodology

Background

This report is an update to the Transatlantic Consumer Dialogue (TACD) Unsafe and Online report, published in 2025. TACD is a forum of leading European and US consumer organizations that develops joint consumer policy recommendations for the EU (European Union) and US (United States). The first report, published in May 2025, compiled extensive evidence of unsafe products on major online marketplaces across the EU, UK (United Kingdom), and US and identified critical gaps in regulatory frameworks and enforcement.[5]

Building on that foundation of the 2025 report, this edition focuses on:

1. The scale and nature of unsafe and non-compliant products online (Part I of this report).
2. Evidence from TACD Members' product tests (Between May 2025 and July 2026) (Part II).
3. Regulatory and legal landscape in the EU, UK, and US (Part III).
4. Enforcement of product safety rules (Part IV).
5. International cooperation (Part V).

This report covers the same geographic scope as the 2025 version:

- Europe,
- the UK, and
- the US.

Where relevant, the report covers OECD and UNCTAD (United Nations Trade and Development), whose work has also focused on the growing importance of addressing unsafe and non-compliant products available online.

Methodology

This report was completed by desktop research, surveys, and meetings with groups or individuals who are experts in product safety, legal or market surveillance.

It compiles information from the following sources:

- Published investigations and product tests conducted by TACD member organizations and other recognized consumer groups and research bodies between May 2025 (date of previous report) and 31 July 2026. These investigations include the purchase and laboratory testing of consumer products from major online marketplaces.
- The EU Safety Gate rapid alert system, the US Consumer Product Safety Commission (CPSC), OECD, BEUC (European Consumer Organisation) and national market surveillance authorities.
- Discussions with market surveillance and enforcement.
- Legislative texts, official guidance, and regulatory decisions.

Part I: Scale and Nature of Unsafe and Non-Compliant Products Online

The growth of e-commerce has improved product accessibility but also led to the growth of business models that allow unsafe products to slip through national regulatory systems. Across the three jurisdictions, gaps remain in the legal frameworks governing online marketplaces. The liability of online marketplaces for enabling non-compliant and unsafe goods to reach consumers remains ambiguous, increasing the risk of unsafe purchases and consumer harm.

Increase in online sales

The European Union

According to Eurostat (EU)[6] in 2025 *"mail order and internet sales"* were the leading method for retail trade. In comparison, there was a significant gap between mail order and brick and mortar trade in 2015, with mail order and internet being significantly lower. While online retail has grown, EU Safety Gate annual notifications have also grown, especially since 2022.

The United States

According to a Consumer Reports survey *"most consumers (95%) had used a digital platform to make a purchase in the past year* [2025 data]"[7] and there are a growing number of third-party sellers. An estimate noted that sales from these third parties are expected to make up *"59% of global e-commerce sales"* by 2027.

According to the Census Bureau of the Department of Commerce, e-commerce retail sales in the US for the second quarter of 2026 were $340.2 billion. This was an increase of 3.8% from the first quarter of 2026. Since 2025 (second quarter) there has been an estimated increase of 12.2%, with e-commerce sales accounting for 17.1% of total sales in the second quarter of 2026[8], see Table 1.

Table 1: US E-commerce Sales

Metric	Value
E-commerce sales Q2 2026	$340.2 billion
Increase Q2 2026 versus Q1 2026	+3.8%
Increase Q2 2026 versus Q2 2025	+12.2%
% of e-commerce sales in Q2 of 2026	17.1% of total sales

The United Kingdom

According to a Which? survey[9] *"90% of consumers have made purchases on platforms like eBay, Amazon Marketplace, Etsy, and AliExpress within the last two years"* [report issued in 2025] and *"24 million consumers are regular users."* Which? also found that *"78% of UK adults were confident these sites ensure products are safe"* and that trust has increased over the last two years.

According to the Office of National Statistics[10] (UK) *"online spending values"* rose by 2.5% when comparing Quarter one (Q1) in 2026 to Quarter four (Q4) of 2025. It rose by 11.7% when comparing Q1 of 2025 to Q1 in 2026 see Table 2.

Table 2: UK Online Spending Growth

Metric	Value
Q1 2026 versus Q4 2025	+2.5%
Q1 2026 versus Q1 2025	+11.7%

EU: Safety Gate Alert Levels in 2025

Numerous tests conducted and published by European consumer groups and authorities have highlighted significant safety risks associated with products purchased from online marketplaces. The annual report of Safety Gate in 2025 supports these findings.

In 2025, the Safety Gate system recorded a total of 4,671 notifications, *"the highest recorded number since the system was launched in 2003,"* representing a 13% increase since 2024. The number of follow-up actions including product withdrawals, recalls, and removal of online listings increased by 35%.[11] The rising Safety Gate notification numbers do not directly indicate the total volume of unsafe products in the EU; however, it provides the number of measures taken against dangerous products (non-food) in the EU, which is an interesting comparison.

> *"In 2025, 4,671 alerts were notified in the Safety Gate system,* ***the highest recorded*** *number since the system was launched in 2003."*[12]

GPSR in relation to the Safety Gate

The General Product Safety Regulation (GPSR, Regulation (EU) 2023/988), which has been in force since 13 December 2024, introduced an online marketplace registration module for marketplaces active in the EU. The module facilitates the compulsory registration of providers of online marketplaces.[13]

Article 22 of the GPSR notes specific obligations for providers of online marketplaces including:

- Registering with Safety Gate Portal.
- Designating a single point of contact allowing for direct communication with market surveillance authorities.
- Cooperation with those market surveillance authorities on product safety issues.
- Internal processes to comply with the GPSR.

> *"By the end of 2025,* ***more than 1,200 online marketplaces*** *had registered with the Safety Gate portal."*[14]

Article 22 also notes that Member States should empower their market surveillance authorities to order online marketplace providers to remove, disable access to, or add a warning to listings for dangerous products, with providers required to act within two working days and report back to the authority electronically. This requirement refers to Article 14 of the Market Surveillance Regulation (Regulation 2019/1020)[15] and Article 9(2) of the Digital Services Act (DSA) (Regulation (EU) 2022/2065).[16]

eSurveillance – Product Safety webcrawler

Since 2022, the eSurveillance product safety webcrawler tool has been assisting market surveillance authorities by identifying online listings for dangerous products that have already been notified on the Safety Gate. The tool performs daily scans of the internet across all official EU/EEA languages, searching for reported dangerous products where they are being offered for sale. Any listings it detects are passed automatically to the relevant market surveillance authorities, allowing them to trace the sellers and order the removal of the listings.[17]

> *"In the past year, the eSurveillance webcrawler has processed nearly 4000 Safety Gate alerts, analysed almost 1.6 million websites, and identified about 5300 web shops potentially offering reported products"*[18]

This resource represents a step in tackling the 'whack-a-mole' problem (persistence of recalled products reappearing online) which is documented across all three jurisdictions (UK, EU and US); however, it also represents a challenge with current enforcement models.

US: Escalating Recalls and Enforcement Activity

Activities

In the US, the CPSC continues to initiate frequent recalls and product safety warnings in connection with unsafe and non-compliant products sold on online marketplaces. In January 2026, CPSC's Acting Chairman Feldman issued a statement[19] noting a record number (88,250) of takedown notices of recalled and non-compliant products from online marketplaces, approximately 50% more than 2024, amounting to almost 26 million products recalled from the market. Although the number of

CPSC-initiated recalls and product safety warnings is an imperfect metric, as it does not indicate whether the prevalence of unsafe products is increasing or decreasing, it provides insight into the magnitude of the challenges facing both consumers and regulators.

For the first time in CPSC history, the CPSC (with the Department of Justice) issued criminal sentences against executives of a China-based electronics firm for violating the Consumer Product Safety Act (CPSA). The charges were related to the failure to report dangerous portable air conditioners associated with more than 40 fires and one death and levied $38.4 million in civil penalties. Although not related to an online marketplace, the case demonstrated the agency's ability to refer cases to the Department of Justice for criminal prosecution, an important enforcement tool according to consumer advocates in the US.

Under the CPSA, CPSC requires manufacturers and importers to certify that their products meet applicable US safety standards before those products can be sold in the United States, to the extent a safety rule applies. Most products, however, are not subject to mandatory standards. Children's products, though, are required to have testing completed by a CPSC-accepted third-party laboratory.

In January 2026, after discovering unreliable test results, the CPSC withdrew accreditation from four testing laboratories based in China and investigated the matter further.

In addition to the above, in September 2024, two CPSC Commissioners called on CPSC staff to evaluate how online marketplaces, such as Shein, Temu, and others that rely on overseas suppliers meet their obligations under CPSA.[20] The statement issued noted that "***Shein and Temu raise specific concerns***" highlighting two recent media reports:

- Ann Gehan (August 2024) *On Shein and Temu, Deadly Baby and Toddler Goods Are Easy to Find* in the TheInformation.com.[21]
- Yoko Kubota et al., (January 2024) *Behind Cheap Stuff from Shein and Temu: A Hard Bargain with Suppliers.*[22]

The CPSC's eCommerce, Surveillance, Analysis, Field, and Enforcement (e-SAFE) team issued its 100,000th takedown notice for recalled or banned products listed on online marketplaces, a record for the agency.[23]

Unfortunately, the CPSC terminated trilateral regulatory discussions with China and the EU, with the CPSC Acting Chair noting that the discussions *"risked advancing external agendas while weakening U.S. consumer protections and diluting American safety standards."*[24]

The CPSC

- Issued a record number (88,250) of takedown notices (50% more than 2024)
- Referred violations of the Consumer Product Safety Act from criminal prosecution
- Withdrew accreditation from four testing laboratories based in China
- Discussed investigations into Chinese e-commerce platforms Shein, Temu and others
- The CPSC's e-SAFE team issued its 100,000th takedown notice for recalled or banned products listed on online marketplaces, a record for the agency

Research from industry groups in the US provides further evidence of the challenges facing consumers in connection with unsafe products on online marketplaces. A 2025 study by the Toy Association™ (New York, USA) found that 89% of toys purchased from Shein and Temu presented safety concerns related to safety testing and/or labelling, advertising or other safety information. Another key finding was that 65% of the Temu and Shein toys provided misleading or incorrect safety information at the point of sale and/or packaging without warnings or incorrect information.[25]

The Persistence of Recalled Products Online: 'Whack-a-mole' problem

There is global evidence of persistent online availability of products that have been formally recalled or banned. Even when online marketplaces remove a listing in response to an enforcement action or a consumer product safety alert, sellers routinely relist the same or a nearly identical product under a different name, account, or online marketplace.

This 'whack-a-mole' problem is documented across all three jurisdictions (UK, EU and US). It highlights how the regulatory frameworks are failing to act as a sufficient deterrent to online marketplaces and represents a challenge with current enforcement models. Examples include:

- A 2026 study (by Restrepo, P and Abrahams, A)[26] in which reverse-image searches were used to track 79 toys recalled in the EU and US, finding that 73% had been relisted for sale online after their recall, many of them cross-border, in different jurisdictions than where the recall was issued.
- Which?'s 2025 policy report 'In Plain Sight'[27] on online marketplaces used an automated web browser to collect OPSS product safety alerts between August 2024 and 2025. For each product image Which? used a reverse image search platform Google Lens to find matching images. In total, approximately 800 products were found that were similar or identical to the products published on the OPSS safety alerts and available for immediate purchase by UK consumers, that were highly similar or identical to products appearing on the OPSS' safety register in the last year. For more than 200 of these, Which? was able to verify from the listing that they posed an immediate safety risk to UK consumers.
- A 2025 investigation by Which? (UK) illustrated limitations of online marketplace checks. The consumer organization went undercover as a seller on Amazon, eBay, Tik Tok Shop and Etsy and was able to list a plug-in electrical heater that appeared identical to one officially recalled on all the online marketplaces. Which? then took a series of steps to make it more identifiable to see if it would be removed. The amount of time it remained listed varied from two weeks to three months depending on the platform. Which? repeated the exercise with the same heater two months later and was again able to list it.[28]
- The OECD product safety sweep (2021) of e-commerce websites in 21 OECD countries found 87% of banned or recalled products inspected were available for purchase, and around one-third of goods were non-compliant with safety standards.[29]

Counterfeit Products

In May 2026 the CPSC issued a request for public information[30] to address a rising problem of counterfeit and the unauthorized use of safety certification marks. Bad actors use these fake labels to avoid US safety rules, deceive shoppers and gain an unfair edge over compliant US companies.

"Fake safety labels are being used to push dangerous products into American homes while evading U.S. law and undercutting honest businesses .... We will hold accountable those who cheat the system and put American families at risk."
(CPSC Acting Chairman Peter A. Feldman)[31]

The problem also extends to counterfeit medical devices. In July 2026, the EU Anti-Fraud Office (OLAF) announced it had traced and disrupted a cross-border trafficking route used to distribute more than 200,000 counterfeit condoms within the EU and neighboring countries. The products, sold under the name and logo of a well-known brand, originated from a common source in China and were falsely declared as toys in customs documentation, a deliberate misclassification designed to evade health and safety controls.

Condoms are classified as medical devices under EU law and must carry CE certification and comply with ISO 4074 testing requirements covering leak resistance, biocompatibility and microbial contamination; the counterfeit products met none of these standards. OLAF noted that their use would have exposed consumers to sexually transmitted infections, unplanned pregnancies and unsafe chemicals.[32]

Part II: Evidence from TACD Members' Product Tests

The following section summarizes key findings from investigations conducted by TACD member organizations and other recognized consumer groups in Europe and the US between May 2025 and July 2026. These investigations include the purchase and laboratory testing of consumer products from major online marketplaces. The findings presented update the evidence documented in the 2025 TACD report with available information on investigations conducted since June 2025.

Section A: The General Picture, Cross Platform and Policy Analyses

The sources in this section take a broad view of online marketplace product safety, examining the structural conditions that enable unsafe products to reach consumers, the regulatory and enforcement frameworks applicable in the EU, UK, and US, and the policy reforms proposed by consumer organizations. These publications draw on aggregated data and cross-category evidence to identify the problem.



Consumer Reports (October 2025). 'These Aren't Statistics. These Are Babies.' Why Online Misinformation About Infant Sleep Is More Dangerous Than Ever.[33]

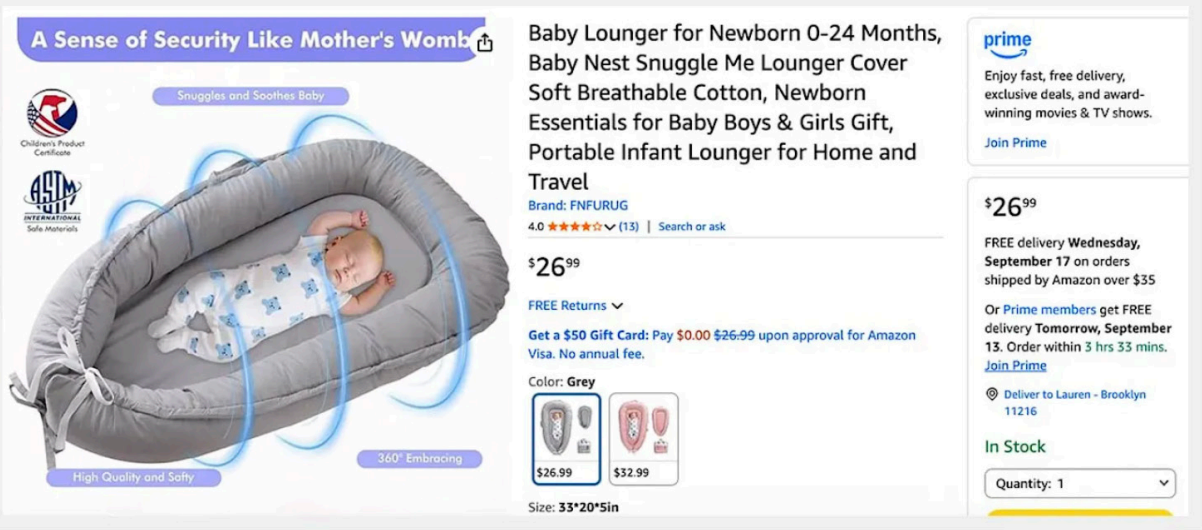
This Consumer Reports article examines the prevalence of inaccurate, incomplete, or misleading safety information about infant sleep products. The article also notes that there have been cuts to a number of federal data collection projects in addition to staff cuts at the CPSC, which is expected to have a negative effect on consumer protection.

The article explores the discussions from the Baby Safety Alliance's Workshop for *"mom influencers"* hosted by Dani Morin who is a social media content creator. She came into the world of baby safety content after her son died at 18 months old after being strangled by his amber teething necklace.

The article also explains that on 1 April 2025, the entire office at the Office of Communications of the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD) was eliminated along with the Safe to Sleep public health message campaign, meaning a vital resource for consumer education was no longer available.

Specific examples of online listings were noted including:

- An Amazon listing for a baby lounger with photos of sleeping babies next to the description stating that it is not a sleeping device.



Amazon regularly takes down misleading, dangerous listings like the FNFURUG baby lounger when CR points them out, and that is what happened with this one as well.

Source: Amazon

- An Instagram post where a mom influencer "*unboxes*" and then talks about a lounger by Rahoo Baby stating *"Ergonomic design for lounging, tummy time. For baby's awake time, not for sleep." "The wink emoji, combined with the video of her baby sleeping on the lounger, would seem to suggest using the lounger for infant sleep."*
- TikTok examples for baby loungers where influencers are saying they are *"great for co-sleeping…with your newborn."*

The report also explores the algorithm of social media and the ubiquity of AI chat programs.

Consumer Reports (February 2026). Marketplace Safety by Design: Accountability in a Digital World[34]

This report documents the findings from Consumer Reports' evaluation of the online marketplaces Amazon, Target,[35] Temu, and Walmart. It focuses on the product categories cribs, children's pajamas, and pacifiers. Consumer Reports evaluated each platform in the area of helpful information, safety information, banned and restricted products, recalled products, seller contact and policy information, endorsement and designations.

Consumer Reports identified five key areas where platforms need to improve:

1. Provide more complete and accurate product information about products.
2. Prevent misleading or false claims about safety.
3. Remove images that contradict established safety guidance.
4. Make recall notices, banned/prohibited product status, and seller information easier to find.
5. Strengthen how platforms handle recall notices, remedies, and timely communication with consumers.

Verbraucherzentrale Bundesverband (May 2026). Dangerous Products Despite EU Warning[36]

The Federation of German Consumer Organisations (vzbv) conducted an investigation evaluating the five most visited online marketplaces in Germany (Amazon, eBay, Temu, Otto and AliExpress) and their notifications to the DSA Transparency Database about the removal of unsafe products. The online marketplaces removed 70 million products in total between 1 November until 30 November 2025. Thirty million products removed were unsafe or illegal, and 40 million products were removed because they violated the platform rules. The investigation further documents specific cases in which products notified in Safety Gate and subject to official EU safety alerts continued to be sold on major platforms operating in the German market, often by the same or similar sellers as those who originally supplied the notified product. This highlights the gap between Safety Gate notifications and actual product removal in the online marketplace context.

The report discusses its findings within the GPSR and DSA frameworks and analyzes what obligations platforms currently bear to act on official Safety Gate notifications and where the gap between formal obligation and actual practice lies. It provides a German enforcement perspective to the European evidence base and identifies specific legislative gaps that the GPSR guidance and implementing measures should address.

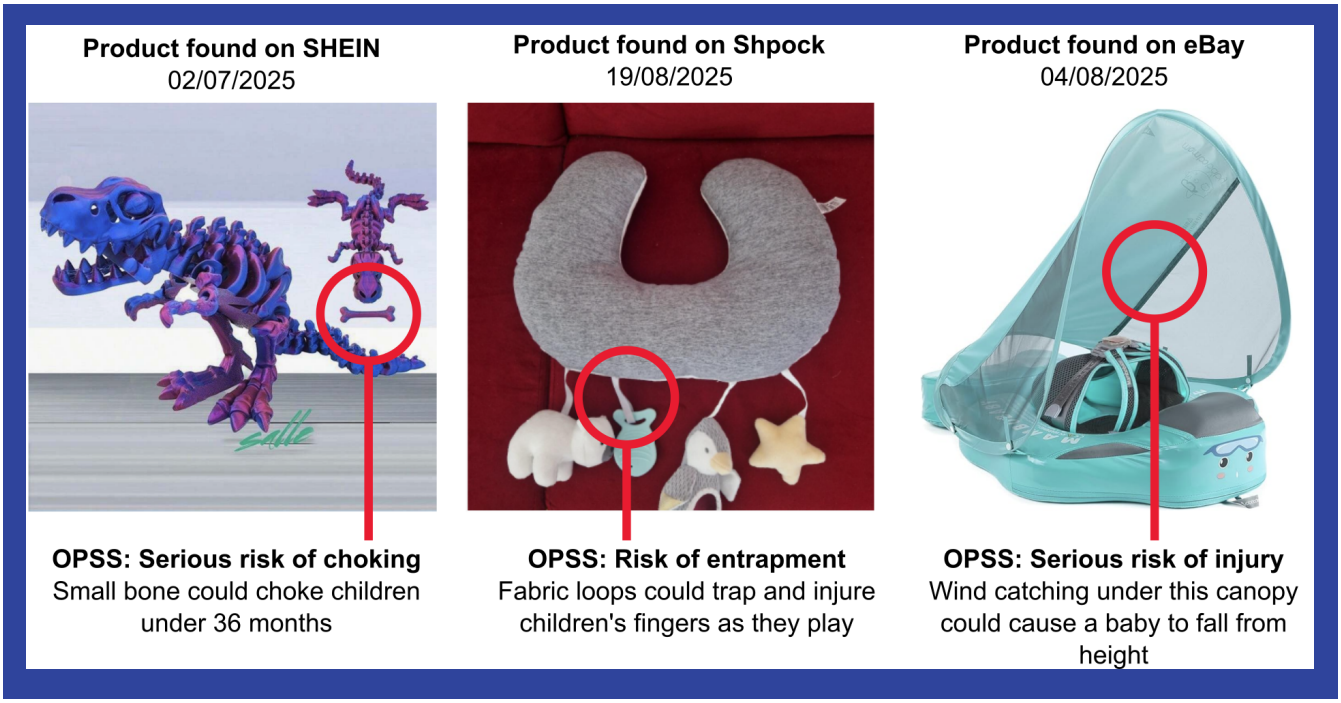
Based on the investigation, vzbv demands that unsafe products should not be listed on online marketplaces in the first place, and platforms should check EU safety alerts before listing a product.

Which? (November 2025) In Plain Sight: Dangerous Products on Online Marketplaces[37]

Which?'s 2025 policy report on online marketplaces investigates 702 safety alerts (from OPSS) published between August 2024 and August 2025. Using the reverse search platform, Google Lens, Which? found nearly 800 products that were similar or identical to the products published on the OPSS safety alerts. For more than 200 of these, Which? was able to verify from the listing that they posed an immediate safety risk to UK consumers. The remaining products were all highly similar or identical to products flagged by the OPSS as safety risks but did not have a fault which could be verified through the listing. When Which? tested 15 of these products all but one posed serious safety risks, and the remaining products failed to meet UK regulations due to a labelling issue.



The report highlights that *"online marketplaces currently operate without a clear legal requirement to ensure the products listed on their sites are safe."* However, there is a "***golden opportunity to act***" due to the Product Regulation and Metrology Act (PRAM), which enables the Secretary of State to impose product safety requirements on online marketplaces via secondary legislation. The report called on the UK government to urgently use these powers to ensure dangerous products are prevented from reaching people in the UK.



Which? (November 2025) Potentially Deadly Items on Online Marketplaces[38]

This Which? investigation documents the availability of *"potentially deadly"* items across major online marketplaces in the UK, using mystery shopping and laboratory testing to identify products in multiple categories that pose serious risks but remain listed. The report contributes contextual evidence to Which?'s broader campaign for stronger statutory obligations on online platforms and is part of the evidentiary foundation for the November 2025 policy report.

Consumer Federation of America (November 2025) Holiday Shoppers Beware: Unsafe Products Online [39]

This Consumer Federation of America (CFA) report targets the seasonal peak in online consumer purchases, highlighting findings in the 2025 TACD report. Additional safety concerns highlighted in the report included:

- State attorneys general from 21 states (August 2024) identified concerns with Temu and alleged that the company was failing to adequately warn consumers of dangers and recalls associated with their products.
- Attorneys general in Nebraska (June 2025) and Kentucky (July 2025) also identified concerns with Temu, filing complaints against Temu and its parent company claiming that the platform is *"awash in products infringing copyrights and other intellectual property," including "counterfeit*

versions of major brands including Nike, Disney, and Microsoft, as well as local brands like the University of Nebraska and Louisville Slugger."

Other specific examples included:

- Youth ATV (all-terrain vehicle) safety warnings in October 2025, which highlighted a trend for 'safety warnings' when a seller refused to initiate a recall.
- In September 2025, the Federal Trade Commission (FTC) completed its first enforcement under the INFORM Act requiring Temu to pay $2 million for violating the act.
- The FTC also reached a $2.5 million settlement with Amazon for non-consensual enrollment of Prime subscriptions.

Consumer Federation of America (September 2025) Fueling the American Product Safety Crisis[40]

This CFA blog recognizes and celebrates the work completed by CPSC, but questions why non-compliant products are entering US households in the first place. The article highlights the product safety crisis associated with online marketplaces, noting that 92% of CPSC initiated recalls and warnings were associated with major online marketplaces such as Amazon, Walmart, Temu, Shein, and AliExpress.

The "whack-a-mole" challenge was highlighted with a specific example: *"In October 2024, CPSC warned consumers to stop using a specific cordless drill due to the risk of explosion, fire, and death. When Amazon removed the listing following the CPSC warning, Temu continued to list a nearly identical drill, bearing the same branding, sold by a different reseller six months later."*

Threats to the CPSC were noted, including the firing of three Democratic commissioners in May 2025, the budget proposal, which called for the elimination of the Commission, a potentially catastrophic mistake according to consumer advocates. The blog provides suggestions on how to solve the product safety crisis, including strengthening the CPSC's statutory authorities and enforcement capabilities, enhancing the agency's ability to prevent dangerous products from reaching US homes in the first place, and expanding CPSC's oversight of online marketplaces, including through mandatory platform accountability requirements.

Section B: Product Specific Investigations

The sources in this section of the report identify the results of product-specific investigations from consumer organizations and market surveillance authorities who have purchased specific products from online marketplaces and subjected them to laboratory analysis.

The investigations cover a wide range of product categories and span three jurisdictions, but their conclusions are consistent: dangerous and non-compliant products are routinely available on major online marketplaces, and existing removal mechanisms, both voluntary and mandatory, have not been adequate to address their presence.

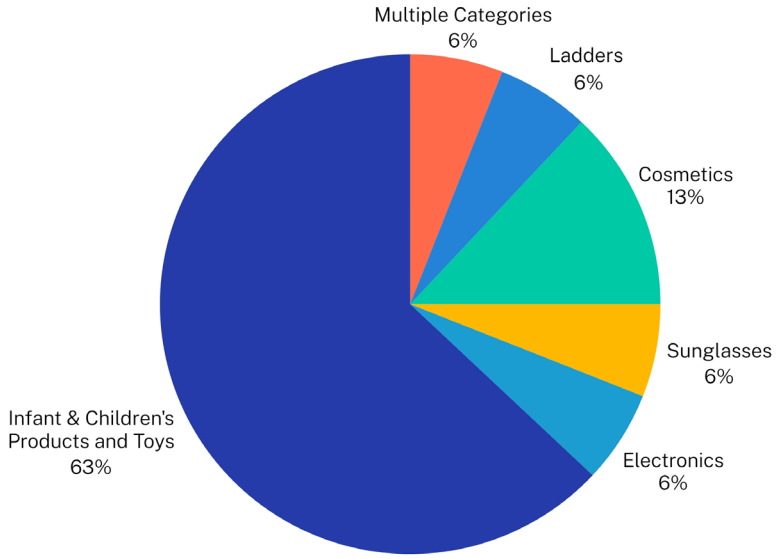
The investigations are organized into the following categories (similar to the 2025 TACD report with the addition of balloons (under toys), sunglasses and ladders):

- Electronics
- Infant & Children's Products & Toys

- Cosmetics [41]
- Ladders
- Sunglasses
- Multiple categories

The percentage of each is shown in Figure 1.

Figure 1: Split of Product Specific Investigations by Product Category



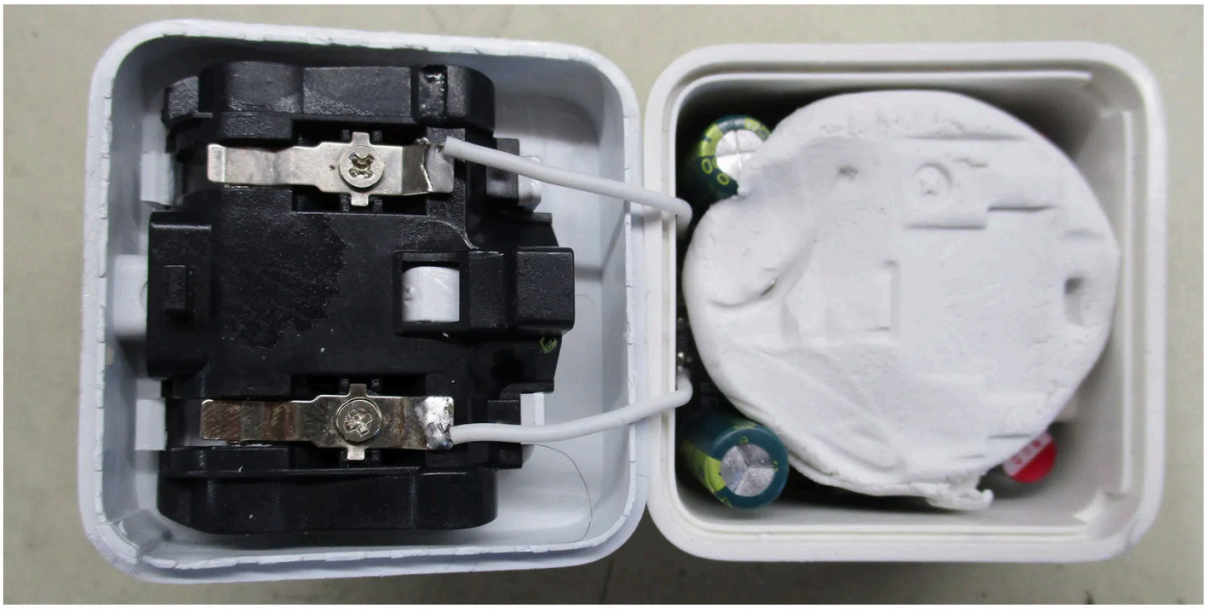
Electronics

Electrical appliances and equipment represent a persistent high-risk category across all three jurisdictions, combining physical/mechanical risk, fire and electric shock, in addition to falsified safety certification and a high volume of cross border online sales.

Which? (June 2026) Dangerous Phone Chargers for sale on Online Marketplaces[42]

Which? investigated 15 USB phone chargers purchased from major online marketplaces. The findings included:

- Nine chargers bought from Amazon (including Amazon Haul), AliExpress, B&Q Marketplace, and Debenhams posed an electric shock risk. Eight of these chargers also posed a fire and explosion risk.
- All were missing key information.
- Counterfeit 'Apple' and 'Samsung' chargers were found on eBay.
- A charger from Amazon Haul could lead to a fire or electric shock.
- B&Q and Debenhams marketplace also had chargers that failed Which?'s testing.
- Two chargers bought from AliExpress were also considered to be unsafe.



Modelling clay fills the fake 'Apple' charger to make it feel more substantial.

The persistence of this pattern across multiple investigations demonstrates that the problem has not been resolved by voluntary platform safety commitments or by existing enforcement mechanisms. The investigation provides current (2026) evidence that the structural conditions enabling dangerous electrical products to reach consumers remain unchanged and supports the case for mandatory pre-listing verification requirements for electrical products sold through online marketplaces and other enforceable statutory duties to ensure that these products do not reach consumers in the UK.

Infant Products, Children's Products & Toys

Toys represent the second most notified product category in the 2025 Safety Gate annual report, accounting for 16% of all notifications.[43] Member investigations conducted in 2025 and 2026 confirm that both independent platform sellers and major platforms continue to list these products presenting serious safety risks and that official recall actions have only a limited effect on their availability online.

Consumer Reports (June 2026). Despite Updated Safety Rules, Baby Loungers Are Still Putting Babies at Risk[44]

Consumer Reports investigated the continued availability of baby loungers on online marketplaces following the enactment of the updated federal safety rule on such products in the US in May 2025.[45] The investigation documented three infant deaths linked to baby loungers in 2025 and a further death in February 2026. Non-compliant loungers, misleadingly marketed alternatives, and secondhand products with no updated safety information all remained available on major online marketplaces. This article demonstrates how regulatory reform is being outpaced by marketplace dynamics.



1 / 4 : These Sweetie Baby and Style Life Eleven Baby Loungers sold online by HappyGira.com were recalled in April 2026.

Source: CPSC

Consumer Reports (November 2025) Analysis of 20 pacifiers[46, 47]

Consumer Reports tested pacifiers purchased from online marketplaces and identified products failing to meet applicable safety standards, including requirements relating to shield size (which prevents a pacifier from fully entering an infant's mouth), attachment strength, and material composition. The investigation found that non-compliant products were readily available alongside compliant ones, with no consistent platform mechanism to distinguish between them or alerting the consumers.

The investigation adds to a pattern documented across multiple Consumer Reports investigations in which products primarily used by infants and young children, the most vulnerable consumer group, show elevated rates of non-compliance among products sold through online marketplace channels.

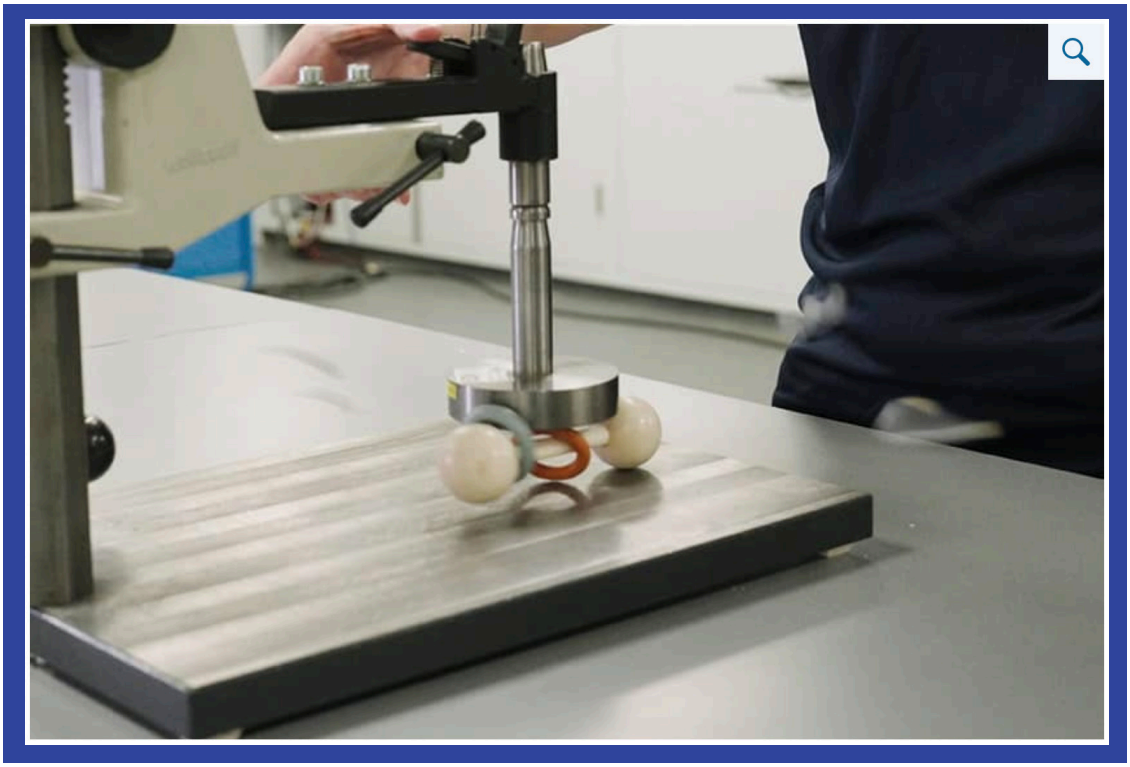
Consumer Reports (February 2026) Why Third-party Sellers Make Baby Gear Shopping Confusing and Potentially Risky[48]

Consumer Reports analyzed more than 100 product listings for baby products on four major online marketplaces: Amazon, Target, Temu, and Walmart. The study focused on the product categories of cribs, pacifiers, and pajamas and found differences across the evaluated criteria with Amazon and Target scoring higher than Walmart and Temu. The most significant findings were:

- Banned and restricted products were still available online.
- Missing or Inconsistent critical safety information.
- It's unclear who is selling the products. Recall information is *"hard to come by."*

NVWA (Netherlands Food and Consumer Product Safety Authority) (November 2025) Danger of suffocation in half of tested toys on foreign websites[49]

The NVWA conducted laboratory testing of 66 toys purchased from four non-EU online marketplaces: AliExpress, Shein, Temu, and Wish. More than half (35 products) were found to present a serious safety risk. The predominant hazard category was associated with small parts, magnets, loose balls, and long cords that may pose a choking or strangulation concern for young children. Twenty-seven pieces of toys were assessed for bacterial and fungal contamination, and contamination was found in the liquid of nine of the 27 (33%) squeeze toys tested, posing a health risk in the event of rupture.



US PIRG Education Fund (November 2025) Trouble in Toyland 2025: AI bots and toxics represent hidden dangers[50]

The 40th annual Trouble in Toyland report focused on:

- Artificial intelligence (AI) and the testing of four toys that contain an AI chat bot.
- Toys can contain toxics such as lead and phthalates.
- Counterfeit toys.
- Water beads.
- Purchasing recalled toys ('whack-a-mole' problem).
- Toys that contain button cell batteries.

The report found that the AI-enabled toys would engage children in sexually explicit conversations, offer advice on obtaining dangerous implements, and actively discourage children from ending conversations.

Choking and chemical hazards remain a concern and the report documented continued sales of recalled toys and counterfeit products online, including counterfeit toys confiscated by US Customs, and toys found to contain lead and phthalates above permissible limits. Another demonstration of the 'whack-a-mole' problem.

Which? (August 2025) Unsafe Baby Sleeping Bags Sold Online[51]

Which? identified 35 baby sleeping bags for sale by third-party sellers across multiple online marketplaces, 12 on Amazon, 11 on eBay, five on Etsy, and further products on Alibaba, Gumtree, Manomano, Shein, and Wish, all presenting a serious risk of suffocation.

All the sleeping bags either lacked arm holes, included a hood, or both (lacked arm holes and included a hood), which is a non-compliance of the safety standards that exist to prevent infants from slipping inside the bag or having the hood cover their face during sleep. All appeared identical, or similar to, products subject to OPSS recall notices issued in March 2025.

The investigation is similar to the 2020 Which? investigation on sleeping bags where the marketplaces were alerted, however two of the products found were very similar to a baby sleeping bag (shark shaped) reported in 2020.



Which? (September 2025) Children's Car Seats: Online Safety Investigation[52]

Which? investigated the availability of recalled children's car seats on online marketplaces and found seats subject to OPSS recall notices still listed for sale. The investigation forms part of a recurring series spanning several years of Which? car seat research, reaching the same finding: official recall actions have consistently failed to eliminate dangerous products from major platforms.

The persistence of recalled car seats on online marketplaces, despite repeated investigations and official recall notices, is another documented example of the gap that persists.

Which? (May 2026) Asbestos Found in Children's Sand Kits Sold Online[53]

Which? tested nine children's sand kits (using SEM/EDX analysis) purchased from online marketplaces and found that two contained tremolite asbestos (a carcinogenic substance banned from sale in the UK). One product, marketed as a Montessori sand art tray and purchased from TikTok Shop, was also

listed by three separate Amazon sellers; it had been the subject of an OPSS recall in March 2026 for the same contamination, yet remained available on both platforms months later. A second asbestos containing product, purchased from ASDA, was also found for sale on eBay.

Which? (July 2026) Baby Products[54]

Which? uncovered 150 dangerous baby products listed on online marketplaces. They found:

- 37 (25%) baby sleep pillows that could lead to overheating or suffocation, both linked to SIDS.
- 54 (36%) self-feeding products that carry a risk of choking or aspiration pneumonia.
- 59 (39%) baby sleeping bags that fail safety standards and could cause suffocation.

All these product categories have been subject to OPSS alerts or product safety notices and should not be on sale.

Which? (December 2025) Dangerous balloons found for sale on online marketplaces[55]

Which? purchased 21 balloons from seven online marketplaces testing them for nitrosamine nitrosatable substances content. Findings included:

- Eight (35%) out of the 21 balloons contained concentrations of potentially carcinogenic chemicals, above the UK permitted limit.
- One ballon purchased from AliExpress contained more than six times the legal limit for nitrosamines.
- A balloon available on eBay and one from The Range (also available at Wilko) were found to contain more than four times the safe level of nitrosamines.
- A balloon bought from Debenhams contained more than twice the legal amount of nitrosatable substances.
- A customer who purchased some balloons from Shein found *"The strong chemical smell from a pack of superhero themed balloons was really noticeable. As I blew them up my lips went numb, all I could taste were chemicals and I became dizzy. At that point my partner came into the room and couldn't believe the smell of chemicals."*[42] Which? tested the balloons bought by this consumer and found they contained more than twice the legal limit for nitrosamines.
- Balloons purchased from the Range contained four times the limit for nitrosamines.

Cosmetics

Cosmetics represent the largest category of notifications in the 2025 Safety Gate annual report, accounting for 36% of all notifications, 53% of those identifying a chemical risk. Investigations published in 2025 provide examples of counterfeit and/or unsafe cosmetic products circulating on online platforms.

Which? (July 2025) Counterfeit Cosmetics on Online Marketplaces[56]

Which? purchased 34 skincare and makeup products claimed to be from eight well-known brands, including CeraVe, Charlotte Tilbury, La Roche-Posay, Maybelline, and The Ordinary, through third-party sellers on Amazon, eBay, TikTok Shop, and Vinted.

At least two thirds appeared to be counterfeit on visual and tactile comparison with genuine products purchased from authorized retailers. The following number for each platform appeared to be counterfeit:

- Four of 11 (36%) from Amazon.
- Eight of 11 (73%) from eBay.
- Five of six (83%) from TikTok Shop.
- All six (100%) from Vinted.

The implicated sellers had collectively made over 272,000 sales across all product types on those platforms (not all items were cosmetics).

Counterfeit cosmetics may contain heavy metals, arsenic, and animal excrement. A dermatologist consulted by Which? noted risks associated with counterfeit cosmetics include chemical burns, skin infection, and irritation. In one documented case, a Vinted buyer who reported receiving a fake moisturizer was told by the platform the seller had not violated community standards, yet the same seller relisted the identical product within weeks. UK Border Force data show 1,654 counterfeit cosmetics seized at UK borders between February and November 2024.



Forbrugerrådet Tænk (July 2025) Sunscreens from online marketplaces contain – almost – no sun protection[57]

Forbrugerrådet Tænk, the Danish Consumer Council, was involved in testing suncreams from online marketplaces. This article focuses on 10 sunscreens purchased by the French consumer organization Que Choisir Ensemble from online marketplaces such as Temu, AliExpress and Shein.

The results showed:

- Four of the sunscreens did not protect against the sun's UVB rays at all.
- Two of the sunscreens provide protection from the sun, but significantly lower than stated. One had an SPF of 20, even though the packaging stated an SPF 50. The other protects against UVB rays as promised, while it protects far less than recommended against UVA rays.
- One sunscreen protected as promised.
- Three sunscreens had not been tested for sun protection as they contained an ingredient that is a suspected endocrine disruptor.

Ladders



Which? (March 2026) Dangerous Ladders Sold on Online Marketplaces[58]

Which? identified 100 telescopic ladders for sale via online marketplaces, including AliExpress, Amazon, eBay, Shein, and Temu that appeared identical or similar in design to products subject to official safety recall notices. Multiple buyer reviews on AliExpress and Amazon described the ladders flexing, bending, or collapsing during normal use.

Independent laboratory testing by the Ladder Association of 14 ladders purchased from Amazon, B&Q Marketplace, and eBay found that every single product failed safety tests; 86% were falsely marked or marketed as conforming with EN 131, the applicable safety standard. Ladders purchased directly from B&Q (not via its marketplace) passed the tests.

The human cost of non-compliance is documented in the case of an electrician who fell 4.5 meters when a telescopic ladder purchased from an Amazon Marketplace seller snapped while he was working at height. He sustained broken ribs, pelvis, wrist, and ankle, lost eight weeks of earnings, and

continued to experience physical and financial consequences. Neither the seller nor Amazon accepted liability; the seller remains active on the platform with similar products listed.

Sunglasses



Which? (June 2026) Kids' sunglasses bought on online marketplaces unsafe and Illegal in the UK[59]

This investigation notes that *"A third of the kids' sunglasses bought from online marketplaces including Amazon, AliExpress, eBay and Temu can't provide the eye protection required and are unsafe for children to wear."* Which? tested 20 sunglasses and found:

- Five pairs of lenses with differences in the level of protection when comparing one lens to the other. Compliant glasses should have the same level of protection in both lenses. One had a dangerously low level of UV protection.
- All the children's sunglasses were missing key information.

The article provides specific examples highlighting that every pair of sunglasses purchased failed some part of the assessment including missing the UKCA or CE mark which is required for sunglasses (as they are category I Personal Protection Equipment (PPE)).

Multiple Categories

Multiple category investigations are valuable for identifying systemic patterns that cannot be attributed to the characteristics of any single product type. This supports the challenge that the problem lies not with specific supply chains or manufacturers but with the structural conditions of online marketplace retail.



Joint test conducted by consumer organizations (October 2025) Risky Bargains at Temu and SHEIN[60]

A joint initiative testing 162 products purchased from Temu and Shein was conducted by French, Dutch and Danish consumer groups. Product categories included: jewelry, toys, and USB chargers.

Temu had a failure rate of 65% and Shein 73%. The worst failure rates were seen with toys:

- All 27 toy products purchased from Shien contravened EU standards.
- 26 out of the 27 toy products purchased from Temu failed EU standards.



Others

Not all product safety failures documented by member organizations fall within the primary categories of this report. Household products, DIY equipment, and other general consumer goods sold through online marketplaces are subject to the same structural conditions, such as anonymous sellers, falsified certification marks, and inadequate platform verification, that drive non-compliance in more frequently investigated categories. These products can be equally dangerous: falls from defective ladders, for example, are a leading cause of serious workplace and domestic injury across the EU, UK and US. The fact that the product category has received less sustained regulatory or investigative attention does not mean that the risk it poses is lower; in some cases, it may mean the opposite.

Part III: Regulatory, Legal and Enforcement Landscape in the EU, UK, and US

The EU, UK, and US have recognized the need for robust frameworks to ensure that products meet established safety requirements and do not pose risks to public health. However, the rapid expansion of online marketplaces has made it difficult to keep pace with the scale and complexity of the challenge, and efforts to update the respective product safety regimes have been subject to worrying delays given the severity of the issue. Although proposals have been published in both the UK and the EU, these have yet to translate into sufficiently robust requirements that provide the necessary incentive for online marketplaces to prioritize product safety.

There have been updates in the UK and EU, since the 2025 TACD report. These include, among others:

- EU: **GPSR** guidance on the application of the GPSR.
- EU: **Delegated Regulation 2024/3173**, supplementing the GPSR.
- EU: **Toy Safety Regulation 2025/2509**.
- EU: Enforcement actions under the **EU Digital Services Act (DSA)** targeting unsafe products on major online platforms.
- EU: **Customs Reform.**
- EU: Upcoming **Product Act.**
- UK **Product Regulation and Metrology Act 2025.**

This section provides a summary of the developments since the previous edition.

EU Framework

One of the key challenges, globally and in the EU, is that the obligations of economic operators vary between the types of economic operators (manufacturer, authorized representative, importer, fulfilment service provider, distributor and online marketplaces) and the product they are dealing with.

Tukes[61] (the Finnish Safety and Chemicals Agency) illustrates this challenge in their table on the obligations of economic operators**,** highlighting the obligations of manufacturer, authorized representative, importer, fulfilment service provider and distributor. Depending on what legislation is being referred to, online marketplaces may not be identified.

However, the updated union customs code[62] clarifies that non-EU e-commerce platforms will be considered the goods' importer when selling into the EU and are therefore responsible for ensuring that all customs formalities and duty payments are handled, rather than the final EU consumer.

The GPSR aimed to address this gap by specifically identifying obligations for online marketplaces, however, the Regulation only applies if there isn't already another EU law covering the same safety issue for that product. If a more specific EU law already deals with the same safety concern, that law takes precedence, but there are other obligations in the GPSR that would still apply (explained with the scope of the GPSR).

General Product Safety Regulation (GPSR)

The General Product Safety Regulation (Regulation (EU) 2023/988) entered into force on 13 December 2024, replacing the General Product Safety Directive. The GPSR is one of the most significant updates to EU product safety law in two decades, imposing specific, directly applicable obligations on online marketplace providers.

The European Commission published guidance on the application of the GPSR on 19 November 2025, providing practical tools for compliance and enforcement by both economic operators and authorities. The guidance has a specific section (3.3) for providers of online marketplaces that notes, *"providers of online marketplaces are encouraged to check products with the Safety Gate Portal before placing them on their interface"* and includes check lists for economic operators including a checklist for fulfilment service providers and providers of online marketplaces.[63] The checklists are summarized in Table 3 (refer to the guidance for the full list and further information).

Table 3: Summary of Checklists noted in GPSR Guidance

Fulfilment service providers	Providers of online marketplaces
Set up internal processes for product safety	Set up internal processes for product safety
If you notice any safety issue or product non-compliance inform the manufacturer and authorities	Designate a single point of contact
Cooperate with market surveillance authorities when requested	Ensure you can receive and process orders issued by national authorities
Don't forget that you can automatically be a responsible person in the EU for certain products you handle! Verify it and if yes, make sure that you have capacity to perform these tasks	Ensure you can receive notices about product safety issues from third parties and process these without undue delay and in any event within three working days
	Take into account information on dangerous products from the Safety Gate Portal in your existing tracking or due diligence mechanisms
	Register with the Safety Gate Portal
	Cooperate with market surveillance authorities, with traders and with relevant economic operators
Additional obligations for medium or large enterprises and micro/small enterprises where these micro and small enterprises have been designated as a 'very large online platform or search engine' within the meaning of the DSA:	
	Use the Safety Gate Portal information for the required ex post random checks
	Suspend, for a reasonable period of time and after having issued a prior warning, the provision of services to traders that frequently offer unsafe products
	Design and organize your online interface to enable traders to provide at least the following information for each product offered and that ensures that the information is displayed or made easily accessible by consumers on the product listing

Delegated Regulation 2024/3173, supplementing the GPSR

Commission Delegated Regulation (EU) 2024/3173[64] supplements the GPSR by setting out a risk assessment methodology that EU authorities can use when deciding whether a product poses a "serious risk" for Safety Gate notification purposes, combining and updating older RAPEX risk assessment guidelines (Decision 2019/417,[65] which is no longer in force).

It is not primarily aimed at online marketplaces, however the *"presumption of serious risk"* provisions, specifically call out "***online marketplaces"*** and that a serious risk can be presumed where:

- *"The economic operator having placed or made available the product on the market or the provider of an online marketplace having listed it on its online interface has indicated that the product poses a serious risk.*
- *The product has been subject to a recall, withdrawal, or removal of online content based on voluntary measures of economic operators or providers of online marketplaces."* (4.1 (b) & (C) of Delegated Regulation 2024/3173).

These presumptions are in addition to other presumptions of serious risk which do not explicitly mention "online marketplaces" but may be applicable to products made available through their platforms such as *"small parts detaching from or present in toys or childcare products for children under 36 months"* (4.1 (e) (i) of Delegated Regulation 2024/3173). The classification of serious risk has implications for reporting obligations.

Toy Safety Regulation

The EU has adopted a new Toy Safety Regulation (EU) 2025/2509 (Toy Regulation),[66] which replaces the current Toy Safety Directive 2009/48/EC. The Toy Regulation entered into force on 1 January 2026 and will apply completely from 1 August 2030 after a transition period. The Toy Regulation aims to ensure a high level of safety for children when interacting with toys, strengthen market surveillance through digital tools, and establish uniform rules across the EU.

The Toy Regulation introduces the ban of certain chemicals and endocrine disruptors. Further, some requirements are specifically addressed to online marketplaces to improve transparency and product traceability, such as the mandatory Digital Product Passport. In addition, online marketplaces should ensure that important safety information, including warnings, CE marking and details of the responsible economic operator, is available to consumers before purchase.

Market Surveillance Regulation

The Market Surveillance Regulation (Regulation 2019/1020) aimed to improve and modernize market surveillance, applying to approximately 70 regulations and directives that harmonized EU requirements for non-food consumer products. It is known as the MSR or Regulation 1020 and it replaced the market surveillance provision of Regulation 765/2008[67] which sets out the requirements for accreditation and market surveillance relating to the marketing of products.[68]

The EUCPN (EU Product Compliance Network) was established by the Market Surveillance Regulation (Regulation 2019/1020) and aims to structure the coordination and cooperation between market surveillance practices and facilitate the implementation of Administrative Cooperation Groups (AdCos)[69] joint enforcement activities, training and promoting best practice.

The challenges of online VLOPs are discussed by this network, specifically noting JACOP (Joint Actions on Compliance of Products in the EU and EFTA countries) 2027 which will focus on *"online sampling of high-risk products (e.g. toys, cosmetics, low-voltage equipment, winter tyres), combining checks and testing, and potentially integrating Digital Services Act methodologies."*[70]

The Upcoming European Product Act (EPA) (further information provided later in this report) includes a review of the MSR in addition to other initiatives.

EU Digital Services Act (DSA)

The Digital Services Act (DSA) (Regulation (EU) 2022/2065) has been applicable to all online platforms since February 2024, imposing due diligence obligations on online marketplaces regarding activities on their platform.

There are five online platforms designated under DSA as Very Large Online Platforms (VLOPs):

1. AliExpress
2. Amazon
3. Shein
4. Temu
5. Zalando

Online platforms that surpass 45 million monthly active users in the EU qualify as VLOPs and must abide by additional rules. These include properly identifying, assessing, and mitigating systemic risks posed by their services, including those linked to the dissemination of illegal products. Amazon and Zalando challenged the designation as a VLOP, further information provided below.

Challenging the designation on VLOP

The EU General Court upheld the European Commission's designation of Amazon and Zalando as a VLOP under the DSA, dismissing the challenges by Amazon and Zalando.[71, 72] The ruling confirms that Amazon and Zalando must identify and mitigate systemic risks, ensure advertising transparency and give consumers the ability to turn off personalized recommendations (among other requirements in the DSA).

DSA fines

The European Commission issued the first DSA fine against Temu on 28 May 2026,[73] for €200 million, sanctioning the platform for failing to adequately assess the systemic risks its marketplace poses to consumers, including the circulation of unsafe and illegal products.

BEUC welcomed the fine, highlighting (in May 2024) consumer tests carried out in France, Denmark and Germany that found dangerous substances or materials in 65% (53 out of 81) of Temu products in the categories of children's toys, jewelry and electronics. Part of BEUC's complaint against Temu, including concerns related to addictive design features and trader transparency, remain under active investigation.[74] The *"Taming Temu"*[75] 2024 report by BEUC provides further information and highlights how Temu fails to comply with obligations in the DSA.

The European Commission fined AliExpress €550 million[76] (July 2026) for breaching DSA obligations to properly assess and mitigate the risks of illegal, unsafe, or counterfeit products being sold on its

platform. The European Commission found that AliExpress failed in several ways to diligently assess this risk and did not take effective measures to reduce the spread of illegal products and has now ordered the platform to take corrective action. If AliExpress fails to comply with the decision, it could face periodic penalty payments, and the European Commission says it will continue engaging with the company to ensure both compliance with this decision and with the DSA more broadly.

The European Parliament adopted a resolution on 9 July 2025[77] on product safety and regulatory compliance in e-commerce and non-EU imports. It is a resolution, not a legally binding document; however, it demonstrates the focus to strengthen enforcement of existing EU rules, calling for stronger accountability obligations for online platforms and improved coordination among member states.

EU Customs Reform

On 26 March 2026, EU Member States and the European Parliament agreed on the overhaul of the EU customs framework.[78] The European Commission have produced an EU Customs reform factsheet.[79] The following is summarized from this factsheet including the main pressures and pillars of the reform.

The reform is driven by four main pressures.

1. The huge growth in trade and e-commerce, with 5.9 billion low-value items entering the EU in 2025 alone.
2. Geopolitical pressure, including sanctions, the aftereffects of events like the COVID-19 pandemic and other emergencies.
3. The complexity of existing customs procedures, which creates a heavy burden for both traders and customs authorities.
4. Fragmentation across the EU, with 27 separate national customs authorities running 111 different IT systems between them.

There are three pillars of the Customs reform:

1. A new EU Customs Authority (EUCA), becomes operational in 2027 based in Lille, France.
2. An EU Customs data hub becomes mandatory for e-commerce businesses from 1 July 2028, and for all traders by 1 March 2034.
3. A stronger partnership with businesses.

This reform also includes the:

- Removal of the €150 customs duty exemption threshold. A (temporary) €3 customs duty per item for low-value parcels applies (since 1 July 2026 until 1 July 2028).[80]
- Online platforms become 'importers for distance sales', ensuring compliance with EU rules and standards.
- As of 1 November 2026,[81] a handling fee of €2 to cover rising costs for customs authorities.

This aims to facilitate global trade, improve the collection of customs duties and prevent non-compliant, dangerous or unsafe goods from entering the EU.

The removal of the €150 customs duty exemption threshold is a significant development since the 2025 TACD report. The European Council agreed, in November 2025, to remove the €150 threshold and impose a temporary customs duty of €3 per different item (for example, three similar shirts are subject to €3 but three different products equals €9) from 1 July 2026.[82] Under the reform's full implementation expected when the EU customs data hub becomes operational, around 2028, online marketplaces

facilitating distance sales from non-EU countries will be classified as importers, making them responsible for customs data, applicable duties, and for ensuring compliance with EU safety law.[83]

This reform addresses one of the enforcement gaps identified in the 2025 TACD report: the exploitation of low value parcel exemptions to introduce non-compliant products into the EU without safety checks. If properly implemented and enforced, it may create strong incentives for platforms to refrain from sending millions of small parcels to the EU.

Upcoming European Product Act (EPA)[84]

The European Commission is preparing the EPA, which includes a review of two initiatives:

1. The New Legislative Framework (NLF).
2. Market Surveillance Regulation (Regulation (EU) 2019/1020, MSR).

These two initiatives are grouped together under the banner of the 'European Product Act.' The work program sets a target adoption date for the two legislative proposals in the third quarter of 2026.[85]

In June 2026, BEUC published a checklist[86] summarizing the following six recommendations on the EPA:

1. Extend responsibility of economic actors to all products.
2. Extend liability to online marketplaces.
3. Enable circularity and digitalization.
4. Enhance enforcement at the EU level.
5. Make national market surveillance more effective.
6. Strengthen cooperation with consumer organizations.

In this checklist BEUC calls for:

- Harmonized definitions covering circular economy actors such as refurbishers, remanufacturers and repairers alongside an expanded Digital Product Passport (while keeping physical safety information on products themselves).
- EU level powers for the European Commission to run cross border inspections and impose penalties in cases of common interest.
- More resources for national surveillance authorities.
- A structured role for consumer organizations to feed alerts into enforcement without replacing official surveillance.
- The upcoming EPA offers an important opportunity to complement the DSA by stepping up accountability for online marketplaces while respecting the overarching framework it sets up.

In July 2026 BEUC published a Joint letter to European Commission's Executive Vice-President Stéphane Séjourné on the European Product Act[87] signed by 88 organizations, including BEUC and a mix of industry, consumer, and environmental groups.

The letter highlights that the surge in e-commerce imports, has created an escalating accountability gap in the European Single Market, with a significant share of these imports failing to meet EU rules on safety, environmental standards, energy labelling, intellectual property and producer responsibility.

In addition to this, national authorities lack the resources to enforce compliance, and, in many cases, there is no identifiable EU-based operator who can be held responsible.

To close this gap, the signatories urge that the forthcoming EPA:

- Require every product placed on the EU market to have a clearly identified, legally responsible economic operator established in the EU or EEA.
- That online platforms are required to verify such an operator exists before listing a product (becoming the responsible operator themselves if they cannot).
- That platforms are recognized as placing products on the market under EU law where relevant DSA conditions apply.
- That platforms take on default responsibility whenever no other EU-based operator is liable.

The Market Surveillance Regulation revision and the European Product Act is a critical opportunity to finally close these long-standing enforcement gaps.

UK Framework

The UK Product Regulation and Metrology Act 2025 (PRAM) received Royal Assent on 21 July 2025, paving the way for a potential overhaul of UK product safety law. The PRAM Act gives the UK government the powers to modernize the legislative framework through secondary legislation. The Act is expected to enable the government to respond to emerging risks, level the playing field between online sales and brick and mortar sales, simplify existing powers and introduce *"provisions to enable enforcement of proposed new requirements on online marketplaces."*[88]

UK product safety protections are based on cross-cutting requirements under the General Product Safety Regulations 2005,[89] which predate the UK's departure from the EU and have not been updated to reflect subsequent revisions to the EU's general product safety framework. These requirements are supplemented by more specific regulations for governing product categories such as toys, cosmetics and electrical products. Economic operator responsibilities are outlined, including producers, importers and distributors, but not specifically for online marketplaces. According to Which? the *"OPSS considers that in some circumstances, online marketplaces may be subject to the obligations of importers or distributors depending on their business model."*[90]

Consultation on revisions to the product safety regime

In March 2026, the OPSS consulted on a new product safety framework for the UK[91] as well as updating the market surveillance and enforcement framework.[92] This aimed to gain views on how online marketplaces should be regulated and proposed that the new framework placed duties on three categories of supply chain actor: producers, onward suppliers and online marketplaces. It recognized that businesses may perform multiple supply chain roles dependent on their activities.

The March consultation suggested specific obligations for online marketplaces, including a duty to act with due care to prevent, identify and remove dangerous products being sold through their platforms. It was proposed that this duty should include:

- Putting processes in place to proactively identify non-compliant products, including before they are made available to consumers, and taking action
- Putting in place processes to prevent non-compliant products being listed on their sites before they are made available to purchase by UK consumers

- Developing a product safety plan that assures themselves and relevant authorities that they have implemented sufficient measures to be compliant

A duty was also proposed on online marketplaces to practice due diligence to identify and take action against 'bad actors,' such as those that repeatedly sell dangerous products or sellers who do not comply with other obligations in product safety legislation.

In its response to the consultation, Which? strongly supported *"placing a statutory due care requirement on online platforms, but cautioned that a flexible, outcomes-based approach must not allow marketplaces to hide behind ineffective internal policies and paper compliance."* Which? emphasized how its extensive testing, as set out above, shows that voluntary measures consistently fail to protect the public. To ensure true accountability, a general duty must be underpinned by explicit, non-negotiable, baseline statutory requirements. These must include: *"robust trader verification, the mandatory appointment of strictly vetted, UK-based legal representatives for overseas platforms, proactive cross-referencing against global recall databases, and guaranteed, permanent takedowns coupled with a strict legal duty to directly notify consumers who have purchased unsafe or recalled goods."* [93]

The proposals on strengthening market surveillance and enforcement included proposals for stronger powers and for civil sanctions including monetary penalties, as well as the ability to use online interface orders or equivalent powers to enforce against online actors where other means have been exhausted to remove online content or access. Which? strongly supported these measures to complement a new duty on online marketplaces. Which? also stressed that, for these new enforcement provisions to truly transform the UK's safety regime, the OPSS must be reconstituted as a fully independent, standalone regulator with an uncompromising statutory mandate to put public safety first.

Other consumer organizations have raised similar issues and are working as part of a coalition with Which?. This includes Electrical Safety First (ESF),[94] whose published response highlights similar challenges noted in the evidence from TACD members (part II of this report) and suggestions include clarifying and future proofing the definition of online marketplaces, having a national database for recording incidents, third party certification and mandatory registration for high-risk products.

These groups have been calling on the UK government to urgently publish its response to the consultation and move forward with secondary legislation that will impose a robust duty on online marketplaces. Every day that there is a delay, lives are put at risk.

UK de minimis threshold

The UK government has also announced[95] that the duty-free threshold for small parcels, which is currently £135, will be removed.

US Framework

There hasn't been any new product safety legislation enacted in the US since the 2025 TACD report. The *Amazon v. CPSC* case, which Amazon filed in March 2025 against the CPSC, remains ongoing. The suit comes after CPSC orders in 2024 and 2025 determining that Amazon is a *"distributor"* under the CPSA for certain products sold on its platform, over which it controls the management and distribution to consumers.

Additionally, the US eliminated its $800 de minimis exemption.

Independence of the CPSC

On 29 August 2025 CFA issued a press release[96] announcing that CFA had joined other leading consumer protection groups in filing a brief with the US Court of Appeals for the Fourth Circuit in *Boyle v. Trump*, supporting the independence of the CPSC.

The case concerns three CPSC Commissioners, who were removed from office without cause before the Commissioners' terms expired, in contravention of the CPSA. The amicus brief[97] itself urges the court to protect the CPSC's independence as designed by Congress and argues that product safety decisions shouldn't be subject to political interference. In June 2026, the US Supreme Court held in *Trump v. Slaughter* that laws limiting the President's authority to remove the heads of independent agencies, other than the Federal Reserve Board, were unconstitutional. Currently, the CPSC is led by three Commissioners from the same party as President Trump, all of whom he may remove at will.

de minimis exemption

The US has taken steps to address the challenges posed by the de minimis exemption, which allowed low-value shipments valued at $800 or less to enter with limited customs processing. Effective August 2025, the US suspended duty-free de minimis treatment for shipments from all countries. These shipments are now subject to applicable duties, taxes, and fees.

e-Filing

As of July 2026, CPSC requires importers of most regulated consumer products to electronically file certificates of compliance through US Customs and Border Protection. This system should provide the agency with product information before imports enter US commerce and support the targeting of potentially unsafe imported products.

Part IV: Enforcement Gap of Product Safety and Related Rules

The Enforcement Gap

As well as gaps in the regulatory frameworks across the EU, UK and US, enforcement of product safety rules remains a weak link in the chain of consumer protection:

- Products known to be unsafe continue to circulate on online platforms.
- Recalled items reappear within hours under new names.
- Cross-border enforcement is impeded by jurisdictional limits and inadequate resources.
- Enforcement actions, when they do occur, often come too late or are insufficient to prevent future harm.

The persistence of recalled products online ('whack-a-mole' problem) is a persistent challenge across all three jurisdictions. This occurs because sellers can create new accounts, change product names or images, or migrate to a different platform.

The pattern has been documented repeatedly since the 2021 OECD product safety sweep, most recently by Which? (2025)[98] and a study completed by Restrepo, P and Abrahams, A[99] in 2026. This is evident across product categories and jurisdictions. Its persistence in the face of existing enforcement mechanisms demonstrates that reactive, complaint-driven takedown systems are structurally insufficient.

The Limits of Voluntary Commitments

As noted in the 2025 TACD report, several major online marketplaces have signed Product Safety Pledges, in various jurisdictions, committing to detect and remove unsafe products, cooperate with authorities, and educate sellers. The evidence reviewed in this report demonstrates that voluntary commitments cannot solve the problem. Research, such as the Which? In Plain Sight investigation, highlight that online marketplaces lack sufficient incentive to prioritize product safety when measures are purely voluntary.

EU: Expanding Capacity

The European Commission has stepped up DSA enforcement against VLOPs. Since the publication of the 2025 TACD Report, both Temu and AliExpress received fines for failing to comply with their obligations to properly identify and assess the risk of dissemination of illegal products on their services.

Shein has received the following fines:

- France (June 2026) fined Shein €22 million over challenges with returns, product information and confirmations of orders.[100]
- Italy (August 2025) fined Shein €1 million for misleading green claims.[101]

In May 2026[102] the European Commission and national authorities urged Shien to respect EU consumer protection laws.

Consumer groups, such as BEUC and their member organizations, play an important role in these cases as they provide valuable evidence. Examples include:

- Complaints from members brought forward to relevant national and EU authorities and the 2024 BEUC report *"Taming Temu: Why the fast-growing online marketplace fails to comply with the EU Digital Services Act."*[103]
- The 2026 BEUC report *"Under the Microscope: Tests of Temu Products by Consumer Groups,"*[104] which highlighted the widespread presence of dangerous products on the marketplace.

Under the GPSR, authorities have strengthened powers to order online marketplaces to remove dangerous product listings, require recalls, and impose penalties on non-compliant economic operators. Marketplaces are required to establish a single point of contact for authorities and proactively check whether products already listed on Safety Gate are available on their platforms.

The European Commission's AI-based Proactive Web Crawler (launched in 2025) performs automated searches for potentially unsafe or non-compliant products and detects safety trends at an early stage. More than 1,200 online marketplaces had registered with the Safety Gate portal by the end of 2025, hopefully supporting faster takedown requests.

The Consumer Safety Network (CSN) has now conducted two coordinated product safety sweeps (in 2025 and 2026) showing an improvement in compliance with some GPSR requirements. Despite these advances, critical gaps remain including legal frameworks that can adapt, matching the pace of online marketplaces.

Product Safety Sweeps

Article 32 of the GPSR allows *"Simultaneous coordinated control actions of market surveillance authorities ('Sweeps')."* In the second quarter of 2025, national market surveillance authorities within the Consumer Safety Network (CSN) took part in the first coordinated sweep organized by the European Commission.[105] The sweep focused on childcare articles, as well as how well online marketplaces were meeting their general obligations under the GPSR.

The CSN's first coordinated product safety sweep examined 1,741 childcare article listings across 47 online marketplaces to check compliance with the GPSR. This included smaller marketplaces and the five providers of online marketplaces designated under DSA as VLOPs:

1. AliExpress
2. Amazon
3. Shein
4. Temu
5. Zalando

It found significant gaps in safety and traceability information:

- 52% (912) were compliant with the requirements of the GPSR and provided the manufacturer information.
- 68% (1,182) were compliant with responsible person details.
- Product listing on VLOP had higher compliance than smaller platforms.
- 53% of marketplaces registered with the Safety Gate Portal and 64% having a consumer contact point in place.

Product identification information was strong overall, at 95%; however, authorities issued 252 enforcement orders, including 16 cases involving products already flagged as dangerous on the Safety Gate.

The CSN's second sweep, between May and July 2026, examined 1,681 product offers across 35 online marketplaces, this time focusing on both childcare articles (1,071 listings) and gym equipment (610 listings). The sweep found improved but still uneven compliance with GPSR information requirements:

- Manufacturer information compliance rose to 81% (up from 52% in 2025).
- EU responsible person information to 82% (up from 68%).

Only 58% of listings met all three information requirements together and VLOPs consistently outperformed smaller marketplaces throughout. A new feature was an in-depth check of 727 listed EU responsible persons under Article 16 (Responsible person for products placed on the Union market) of the GPSR, which found:

- 41% failed to respond to authorities' orders within 10 days.
- Of those who confirmed their status, only 22% fully complied with their documentation and traceability obligations, prompting enforcement measures in 143 cases.

Authorities also issued 560 orders to marketplaces (up from 252 in 2025) with similar response rates to before, while registration with the Safety Gate Portal increased to 91% compliance (from 53%).

All the VLOPs complied with the obligation to register with the Safety Gate portal. Next steps noted that there will be a focus on continued monitoring, further enforcement, and sharing findings with Product Safety Pledge+ signatories.

UK: New Powers, Pending Obligations

The Product Regulation and Metrology Act 2025 grants UK Ministers powers to bring in stronger enforcement against online marketplaces through secondary legislation. As discussed above, these powers have been subject to consultation, and the outcome is now awaited. In specific circumstances, the OPSS and Trading Standards can compel marketplaces to remove product listings, issue recalls, and cooperate with investigations when the content is illegal or where the online marketplace is considered a distributor.[106] However, the substantive obligations to be imposed on online marketplaces remain to be specified in secondary legislation.

US: CPSC Enforcement

In 2026, the CPSC continued its enforcement activity, and the e-SAFE team issued its 100,000th takedown notice.[107] The team screens over three million platform listings annually. The CPSC also conducts targeted operations with US Customs and Border Protection at express carrier facilities handling large volumes of e-commerce shipments.

Additionally, the CPSC May 2026 anti-counterfeit initiative suggests the agency is targeting the laboratory certification ecosystem itself, withdrawing accreditation from testing entities that falsify results. This approach could address non-compliant supply chains at an earlier stage than traditional takedown focused enforcement.

The pending *Amazon v. CPSC* case will be a test of platform accountability in the US. The CPSC's determination that Amazon is a 'distributor' under the CPSA is contested by Amazon, whose suit argues for a narrower interpretation of platform responsibility.

Perspectives from Market Surveillance

To complement the research, a small survey was conducted with selected market surveillance experts. The survey was either completed during a meeting with the individuals or independently, consisting of 10 questions, provided in Annex A.

The survey is not statistically representative: it was designed to collect qualitative insight from a small group of professionals who agreed to share their views.

The first question asked the location of the respondents. Eight responses were received from experts based in:

- The UK (four participants)
- The EU (three participants)
- The US (one participant)

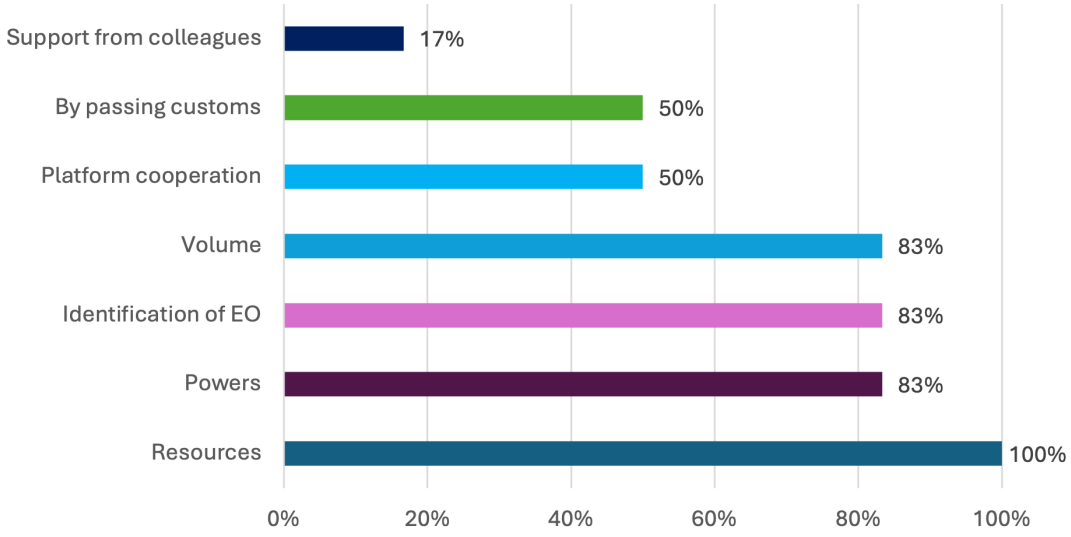
The last question (question 10) asked if respondents consented to their responses being shared anonymously. Six respondents consented to their responses being shared anonymously therefore, the analysis below draws on these six responses to the six remaining questions. The findings are used to illustrate and contextualize concepts identified in this report. They do not constitute a representative assessment of enforcement capacity across any jurisdiction.

Enforcement challenges

The second question was "What are the main challenges you face when enforcing product safety rules for products sold on online marketplaces?" Participants could pick multiple reasons from seven options. Results (based on the percentage of respondents selected) are provided in Figure 2.

- All respondents selected *"Resources."*
- 54% of all the allocated responses were attributed to:
  - *"Insufficient legal powers"* (18%)
  - *"Difficulty identifying the responsible economic operator (EO)"* (18%)
  - *"Volume"* (18%)
- *"By passing customs and platform cooperation"* received 18% each.
- *"Support from colleagues"* was selected once, accounting for 4% of all the options selected.
- Other free text responses included:
  - *"Modern digital surveillance tools are insufficient"*
  - *"Definition of EO treated under law differently... it's a long process"*
  - *"Third-Party sellers from overseas are often shipping goods direct to consumers in single packages, which leaves no oversight from enforcement authorities"*
  - *"Marketplaces across the board do not have adequate controls in place to prevent and remove unsafe product listings. Some Trading Standards departments who have formal relationships with marketplaces (known as Primary Authority) are completely failing to get a grip of the situation and not doing enough proactive market surveillance at the expense of the marketplaces."*
  - *"Legal ambiguity"*

Figure 2: Enforcement Challenges (% of respondents the choices selected)



Barriers encountered in removing notified products

The third question, with a free text answer, focused on barriers encountered in securing the removal of notified products across platforms. The most common answer related to reappearance, also known as the "whack-a-mole" pattern discussed throughout this report. Examples are provided below.

> *"Reappearance in other platforms, or even in the same one with small amendments in name or picture due to lack of OMP's* obligation to follow-up measures."*

*OMP's = Online marketplaces

> *"Marketplaces will remove specific listings that are reported to them but they rely on the line that visually similar products are different so they cannot assume they are unsafe. However, research from Which? and BTHA** has shown that 100% of visually similar unsafe products they bought and tested were unsafe in exactly the same way as the original."*

**BTHA = British Toy & Hobby Association

> *"Current legislative framework was developed before online sales existed."*

Enforcement gap

Question four related to the enforcement gap. All six respondents stated that the current legislative framework is not adequate for the task of ensuring product safety in online markets. Three expanded to explain that:

- Online marketplaces should have more proactive duties (respondent from EU)
- There are not enough penalties (US)
- *"Current legislative framework was developed before online sales"* (UK)

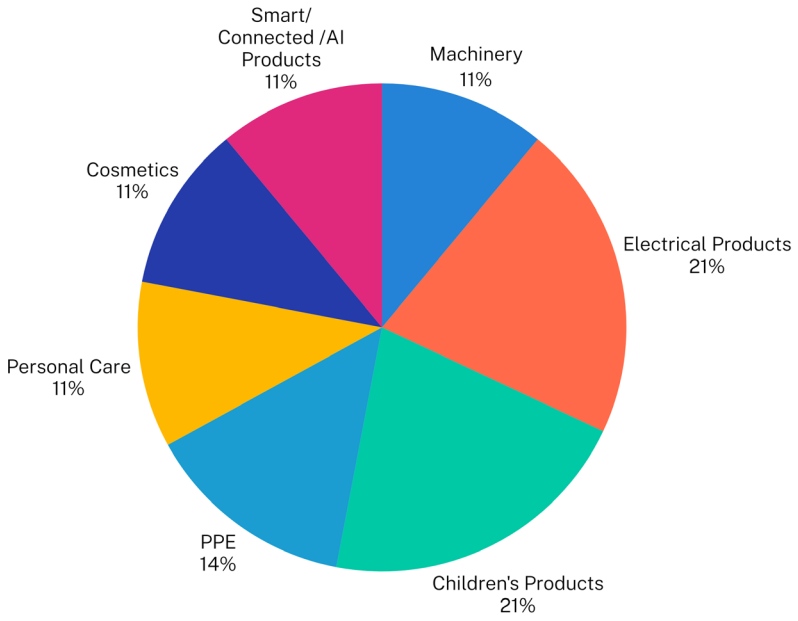
Highest risk product categories

Question five asked which product sectors do the respondents feel present the greatest risk. Seven options were made available to select from in addition to a free text option of 'other'. The results are shown in Figure 3. Other products mentioned were:

- Co2 detectors
- *"All consumer products - particularly ones that become rapidly popularised"*

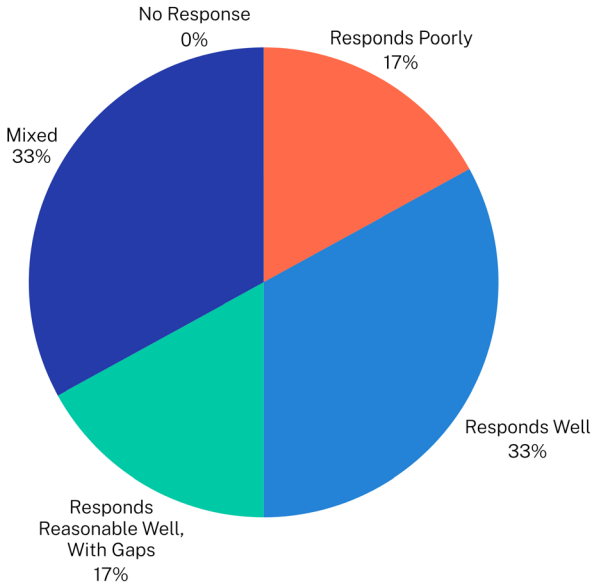
Figure 3: Highest risk Product Categories

Response from Marketplaces



The next two questions focused on response from marketplaces when a safety issue is raised. The respondents were given five options to select from "*responds well*" to "*no response.*" The results are shown in Figure 4.

Figure 4: Responses from Online Marketplaces



Respondents were then asked if they noticed a difference in response between platforms.

- Three said, *"Yes"* and expanded.
- Two said, *"No"* with the following caveat:
  - they don't have experience with social media platforms
  - *"No from VLOPs, but from small and medium online shops"*
- One said, *"Depends."*

Further information is provided below:

- *"Depends on type, distributer, manufacturer. They are not proactive, when flagged pretty good. Generally more establisher [SIC] better (reputational risk)."*
- *"Yes - there is no consistent approach at all here. We believe this is because there is a lack of accountability on the platform itself to remove unsafe products and therefore what is the true incentive? If the PRAM Act can introduce a clear level of accountability for OMPs for all products sold on their platforms then I think this would change. This would need to involve big financial penalties so they could see their profits being affected."*
- *"TikTok Shop completely ignore emails from product safety professionals. Amazon no longer accept reports from me and direct me to their Primary Authority Trading Standards. Some act more quickly than others."*
- *"Yes those with primary authority [UK specific] and those without."*

Cooperation between Authorities and Consumer Organizations

Question 8 referred to cooperation between their authority and consumer organizations, and if it could be strengthened.

- One respondent stated that this was n/a (they were not an authority); another said no comment and one said "no need to."
- Two answered Yes and one answered "could be."

EU-UK-US Cooperation

The last question asked: "Could closer EU-UK-US cooperation support your enforcement work?" All but one respondent said "yes," their response was *"perhaps, not all products are distributed globally, some risks may be local in nature."* Other points mentioned are included in the box below:

"Cooperative activities like UNCTAD are extremely important. There are limits on exports on violative product. Joint recalls with Canada and Mexico better protect all consumers."

"The EU and the UK are currently working to two different regulatory frameworks, which is very unhelpful when trying to apply a consistent approach."

"Yes, for example if data about unsafe products, brands, importers and exporters were shared digitally to allow more unsafe products to be detected at the border and on listings."

Part V: International Cooperation and Gaps

Continued, formal and informal, collaboration between the EU, UK and US is vital in addressing the challenges. This collaboration must extend beyond regulatory and legal authorities to include consumer organizations, product safety experts, and other safety professionals working together. As regulatory landscapes continue to evolve at different paces, this collaborative approach will remain a critical safeguard for consumer protection, while recognizing the distinct roles and responsibilities of different actors and the essential role that clear legislation and regulatory frameworks play.

The Cross-Border Challenge

Online marketplaces are inherently cross-border in their operation. A product listed by a seller in China, sold to a consumer in Germany, shipped through a Polish fulfilment centre, and carried by a Luxembourg registered parcel carrier implicates the regulatory frameworks of multiple jurisdictions simultaneously. When that product is found to be unsafe, determining which authority has jurisdiction and how to effectively remedy the harm, requires cooperation that existing enforcement frameworks are not designed to deliver.

As documented in the 2025 TACD report, products from third countries frequently bypass local safety rules. A product removed from an EU platform may continue to be sold in the US or UK. A seller banned in one jurisdiction may continue to operate freely in others. Information about unsafe products is rarely shared systematically across the Atlantic. This undermines the effectiveness of safety rules in any individual jurisdiction.

UK and ACCC

In July 2026 the OPSS signed and Expression of Intention with the ACCC (Australian Competition and Consumer Commission). The aim is to strengthen international cooperation on consumer product safety. This voluntary agreement will support the sharing of information regarding unsafe and non-compliant products, emerging risks, and challenges linked to online marketplaces.

This builds upon an international collaboration program, where OPSS have a including a similar arrangement with Health Canada (which was signed in 2025).[108]

EU Bilateral and Multilateral Cooperation

The EU has established bilateral product safety cooperation arrangements with international partners, including the US, China, Canada, and Japan.[109]

EU and Canada have signed an administrative arrangement to cooperate on product safety. It enables Health Canada and the European Commission to exchange information. The consumer product safety work plan item is jointly led by Health Canada and the European Commission's Directorate-General for Justice and Consumers (DG JUST). Information is exchanged on the Safety Gate system and Canada's RADAR system, allowing prompt on *"potentially dangerous products in each jurisdiction".* [110]

Examples of specific work include the project on children's highchairs. *"In Canada, 18% of tested products were recalled. In the EU, corrective actions, including recalls, market withdrawals, and bans, were taken for 20% of tested products. By sharing sampling information and test results, regulators are better equipped to identify unsafe products in both marketplaces, with a view to increasing the overall efficiency of compliance efforts."* [111]

Further information and another example are provided in the box below.

> "Officials from Canada and the EU regularly exchange information on how safety issues are identified and addressed in each jurisdiction. In December 2025, for example, Health Canada shared with the EU its experience in using Xray fluorescence technology in inspections. This technology allows inspectors to quickly detect hazardous substances, such as lead or cadmium, without damaging a product, reducing the need for laboratory testing and enabling faster enforcement action. EU officials expressed interest in the approach and saw the potential value of this equipment. These types of exchanges support mutual learning and help regulators identify best practices and practical tools." [112]

The EU and UNCTAD[113] have also jointly organized workshops to support countries wishing to develop or strengthen their product safety frameworks, contributing to global capacity building.

US International Engagement on Product Safety

The US has historically been an important participant in international product safety cooperation, including through the CPSC's Office of International Programs, which served as a channel for cooperation with foreign regulators, international organizations, and overseas manufacturers. Recently, however, US engagement in international product safety cooperation has declined. In 2026, the Acting Chair of the CPSC announced that the US would not participate in its trilateral regulatory discussions with China and the EU. Further, CPSC ended its Office of International Programs, reducing the opportunities to address unsafe products before the products enter the global supply chain and US market. This represents a significant change from the CPSC's previous emphasis on international regulatory cooperation and coordinating approaches to product safety.

The UN Principles for Consumer Product Safety

On 15 December 2025, the UN General Assembly adopted (by consensus) the United Nations Principles for Consumer Product Safety (A/RES/80/119).[114] The US voted against the UN Resolution. This is the first ever global framework specifically addressing consumer product safety, a landmark achievement reflecting years of advocacy by consumer organizations worldwide, including TACD members and Consumers International.

The principles affirm the right of all consumers to safe products, sold online and offline, and establish that businesses bear the primary responsibility for product safety throughout the product lifecycle. They empower public authorities to conduct risk assessments, order recalls, remove unsafe listings from online marketplaces, and share safety alerts across borders. Crucially, the Principles specifically address e-commerce and cross border trade, recognizing that the global nature of online marketplaces requires coordinated international action.[115]

To help put the United Nations Principles for Consumer Product Safety into practice, the European Commission and UNCTAD are jointly developing UNCTAD's first Handbook on Consumer Product Safety, a practical resource intended to help policymakers and regulators strengthen their national systems and bring their approaches more in line with international best practices. In addition to the Handbook, training and dissemination activities are planned to support countries in putting it into practice at a national level.

Conclusion

The 2025 TACD report summarized the scale and nature of unsafe and non-compliant products circulating on online platforms and identified gaps in the regulatory frameworks. More than a year on, those gaps persist and unsafe products remain readily available on the same platforms.

The scale of the problem has not narrowed

E-commerce continued to expand across all three jurisdictions through the period covered by this report, while product safety notifications, warnings, and enforcement actions also increased. The EU Safety Gate system recorded 4,671 notifications in 2025, the highest number since the system launched in 2003. The CPSC also noted a record number of takedown notices. Increased enforcement reflects authorities working harder to identify and address unsafe products. These figures point to a product safety problem that is growing in scale and complexity.

Independent testing continues to find widespread failures

Every product testing investigation across the EU, UK and US found that a substantial proportion of tested products failed basic safety requirements. This consistency across product categories, testing and jurisdictions points to a weakness in how products reach online marketplaces, rather than a series of isolated incidents.

The 'whack-a-mole' pattern remains

The 'whack-a-mole' pattern remains a problem in all jurisdictions. This was confirmed by TACD's survey of market surveillance experts who identified relisting as the most common barrier to securing lasting removal of notified products. Yet research from Which? and other consumer groups demonstrate that it is possible and easy to identify unsafe products for removal. Online marketplaces, with all their technical expertise and resources, are not properly incentivized to prioritize consumer health and safety.

Regulation and enforcement

The GPSR, DSA enforcement action, and the EU's CSN product safety sweeps produced improvement in compliance. Marketplaces registration with the Safety Gate Portal rose from 53% to 91% between the 2025 and 2026 sweeps and manufacturer information compliance rose from 52% to 81%. However, by the second sweep only 58% of listings met all three information requirements assessed together and VLOPs consistently outperforming smaller marketplaces throughout.

In the UK, the Product Regulation and Metrology Act 2025 received Royal Assent in July 2025, but more than a year later the obligations it will place on online marketplaces still await secondary legislation.

In the US, no new product safety legislation was enacted over the reporting period; enforcement activity intensified under existing law, but the independence of the CPSC itself remains contested, and the CPSC ended trilateral product safety discussions with the EU and China.

The enforcement gap identified in 2025 persists

TACD's survey of market surveillance experts, while small and not statistically representative, is consistent with the documentary evidence gathered for this report. Every respondent cited resource constraints as a challenge and considered the current legislative framework inadequate for regulating product safety on online marketplaces.

International cooperation is growing but challenges remain

The adoption of the UN Principles for Consumer Product Safety in December 2025, the first global framework of its kind, and the UNCTAD Handbook now in development, demonstrate progress at the international level.

However, almost all surveyed market surveillance experts said that closer EU-UK-US cooperation would support their enforcement work, and this report did not identify a formal, routine, systematic mechanism through which the three jurisdictions currently share information.

Taken together, this confirms that more than a year on from the 2025 TACD report, the gaps identified have not closed. The evidence gathered across the three jurisdictions demonstrates that closing these gaps will require obligations on online marketplaces that are proactive, rather than reactive, consistently enforced, and coordinated across borders.

Annex A

Questions posed to Market Surveillance Experts

1. Where are you based? (the below choices were provided)
    - UK
    - EU
    - USA
    - Canada Other
2. What are the main challenges you face when enforcing product safety rules for products sold on online marketplaces? (the below choices were provided)
    - Support from colleagues
    - Powers
    - Resources
    - Identification of economic operator (person responsible)
    - Volume
    - Platform cooperation
    - By passing customs
    - Other ...
3. What barriers do you encounter in securing the removal of notified products across platforms? (Free text answer)
4. Do you consider the current legislative framework adequate? (Yes/No/ Other)
5. Which products and sectors present the greatest risks?
    - Electrical
    - Children's products
    - Personal Protective Equipment
    - Smart/ Connect/ AI products
    - Cosmetics/ Personal care
    - Machinery
    - Other
6. How do online marketplaces respond when you flag a safety issue?
    - Responds well
    - Reasonably well, with gaps
    - Mixed
    - Responds poorly
    - No response
7. Do you notice differences in responsiveness between platforms? (Yes/No please expand)
8. Could cooperation between your authority and consumer organizations be strengthened? (Yes/No please expand)
9. Could closer EU-UK-US cooperation support your enforcement work? (Yes/No please expand)
10. Do you agree to have your views anonymously shared in the TACD report (if appropriate)? (Yes/No please expand)

Endnotes

1. European Union (May 2023) Regulation 2023/988 on GPSR. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2023.135.01.0001.01.ENG&toc=OJ%3AL%3A2023%3A135%3ATOC (Accessed 15 July 2026)
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