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Temu and the Missing Importer

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The European Commission fined Temu €200 million. Here's the question its decision doesn't answer: what can you actually do about the unsafe charger already in your drawer?

On 28 May 2026, the European Commission fined Temu €200 million for breaching the Digital Services Act (DSA). The Commission's mystery shoppers had done the legwork: a very high share of the chargers they tested failed basic safety checks, and a significant number of baby toys carried medium-to-high risks, from chemicals over legal limits to loose parts that could choke a child. The message to the market was unambiguous – regulators are done treating the flood of unsafe goods through large online marketplaces as an acceptable cost of cheap, fast shopping.

Yet the fine, however large, leaves untouched a much smaller and much more personal problem. DSA enforcement operates at the level of the platform – risk assessments, transparency, systemic safeguards. It does nothing for the consumer who has already unboxed a defective product. This article is not about the Temu fine, or about the DSA more broadly. It is about something narrower and more immediate: what you, as a consumer, can actually do once a non-compliant or unsafe product bought through an online marketplace is already in your hands.

A Model Built Around Someone Who Isn't There

The Commission opened its investigation into Temu in October 2024, and consumer testing since has been unflattering: lava lamps with a real risk of electrocution, children's helmets that fail to protect against a fall of the kind they're designed for.

These are not marketing claims taken out of context; independent testing has shown these products physically reaching EU consumers through the platform (see BEUC's 2025 product-testing report). The goods are not merely advertised online – they are delivered.

EU product law was not built for this. Its architecture assumes a specific, territorially anchored compliance model: before goods reach the Union market, an identifiable economic operator established in the EU takes responsibility for conformity, labelling, documentation and traceability. Across the relevant legislation, that operator is the importer – the linchpin of the entire system and the first point of contact for enforcement. The model works only if that person exists.

Temu's Escape Hatch

Platform-mediated, direct-to-consumer trade quietly removes that person from the picture. When goods are sold through an online marketplace and shipped straight from a third country to an EU consumer, no EU-based operator ever verifies compliance or takes on importer-level responsibility. The law still assumes someone is standing at the border, checking the goods. Increasingly, no one is.

Temu is the clearest illustration. It positions itself, legally, as a marketplace rather than a trader or importer. The sale is formally struck between a third-country seller and an EU consumer; Temu supplies the digital infrastructure, the payment rails and the logistics that make the sale possible; but not, on its own account, the goods. That framing carries real legal weight: as "merely" a platform, Temu escapes the obligations EU product law places on importers.

What it cannot escape is the DSA. Article 30 requires online marketplaces to collect trader-traceability information before letting a trader list goods: identification data, plus the trader's self-declaration that it complies with EU product and consumer law. That is a meaningful transparency measure. It is also, deliberately, a shallow one: platforms are not required to verify whether those compliance declarations are true, or whether the products actually meet EU safety standards. Temu runs no conformity assessments, controls no manufacturing, and takes on no responsibility for whether a product is safe. It opens the door to the EU market without picking up any of the liability that has traditionally come with doing so.

Three Doors, and All Three Are Locked

On paper, a consumer who receives a dangerous product has three lines of defence:

1. customs authorities intercepting the goods before they enter free circulation;
2. national market surveillance authorities acting once the goods are already on the market; and
3. private-law claims brought directly against the trader.

In platform-mediated, direct-to-consumer trade, each of these turns out to be far weaker than it looks.

Customs is the first checkpoint, and it can suspend release where non-compliance is suspected – in theory. In practice, the sheer volume of low-value e-commerce parcels makes systematic inspection impossible. Controls are largely documentary and risk-based; the overwhelming majority of parcels clear without ever being opened. And once goods enter free circulation, customs' job is over. It is a purely ex ante check, and against this trading model it routinely misses its target.

After that point, responsibility passes to national market surveillance authorities under Regulation (EU) 2019/1020, which can block a non-compliant product from the market, order its withdrawal, restrict its use, or require its destruction. In Croatia, this falls to the State Inspectorate's sanitary inspectors for general-use items. But these powers are exercised entirely ex officio: the authority decides, at its own discretion, whether to act. The consumer has no procedural standing - no right to compel action, to participate as a party, or to challenge a decision to do nothing.

Private enforcement is weaker still. Traders selling through platforms are typically based in third countries, supply incomplete identification details, or simply stop responding once the money has cleared. Even where a trader can be identified, chasing a cross-border claim over a €9 charger is not a realistic proposition for almost anyone. In practice, there is usually no one left to sue.

Visible, But Unaccountable

Put the three together and the consumer is left in a genuine dead end. Customs has already had its one shot and missed. Market surveillance authorities may act, but owe the consumer nothing if they choose not to. Private enforcement assumes a trader who can be found and is worth pursuing, which is precisely what this trading model tends not to produce. The system protects the public interest in the abstract, while offering the individual consumer no lever to pull once the product is already on their kitchen table.

None of this is for lack of regulatory attention. The Commission's escalating proceedings against Temu show real appetite for tackling the systemic risks large marketplaces create, and enforcement is visibly tightening. But tightening platform-level obligations does not, by itself, relocate responsibility for whether any single product is safe.

For a Croatian consumer, that leaves one practical option: reporting the product to the State Inspectorate, and doing so again if the same risk keeps recurring. It can be done through a straightforward online form – via gov.hr's e-service for reporting irregularities to the State Inspectorate. A report like this can feed into wider enforcement action, but it creates no individual right to a remedy, an investigation, or even a reply. Consumer protection remains, formally, a matter of public enforcement - and functionally, a matter of administrative discretion. For now, raising the alarm is the one thing every consumer can reliably do. Getting their money back, or the product fixed, is still down to luck.

Contact:

Mislav Bradvica
+385 (0)91 203 6678
m.bradvica@wahl.hr

Stjepan Gvozdić
+385 (0)95 207 0005
s.gvozdic@wahl.hr

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