

## Țuca Zbârcea & Asociații Secures Landmark Court Victory in E-Commerce and Digital Services Liability Case



**Țuca Zbârcea & Asociații's dispute resolution team won a major victory in a high-stakes dispute concerning liability in the digital services and e-commerce sectors, setting an important precedent regarding the legal distinction between the obligations of online marketplace providers and those of merchants conducting sales through such platforms.**

The firm's litigation team successfully represented a key player in the field of digital services and e-commerce in a case that challenged a contravention report issued for alleged unfair commercial practices. The Bucharest Tribunal confirmed the initial ruling of the Sector 6 District Court, annulling the report and clarifying the distinct legal responsibilities of platform operators versus sellers using online marketplaces to offer goods and services.

Both courts reaffirmed the principle that marketplace providers are not contravenitionally liable for the actions of individual merchants, particularly in relation to product presentation or consumer rights, such as withdrawal from distance contracts.

The Tribunal held that: "In cases where it is not acting as a seller, the provider cannot be held liable for the actions of third-party sellers, given the personal nature of contraventional liability."

Moreover, the final ruling from the 2nd Division for Administrative and Tax Disputes further endorsed this interpretation, highlighting that:

"The court can impose a contravention only on the person who committed the act defined by law. Even though the principle of personal liability is not expressly stated in the contraventional regime, it flows from the jurisprudence of the European Court of Human Rights and the punitive-preventive nature of administrative sanctions."

The judgment reflects a robust and accurate application of both national and EU legislation, including Regulation (EU) 2022/2065 on a Single Market for Digital Services (the Digital Services Act), Law No. 365/2002 on e-commerce, and Emergency Ordinance No. 34/2014 regarding consumer protection in contracts with professionals.

A team of dispute resolution lawyers from Țuca Zbârcea & Asociații led by **Alina Ungureanu**, *Partner*, and **Catalina Ionescu**, *Senior Associate*, acted on this high-profile case.

"As e-commerce marketplaces are rapidly evolving nowadays, this decision reinforces the fundamental principle of personal liability in administrative offences and delineates the limited scope of responsibility held by digital

platform providers. The implications of this case extend well beyond the Romanian legal landscape, especially in the context of the Digital Services Act, offering much-needed clarity for online marketplace operators, regulators, and consumers alike,” said **Alina Ungureanu**.

Țuca Zbârcea & Asociații is widely recognised as a market leader in litigation and arbitration, consistently ranked in Band 1 by Chambers & Partners, Legal 500, and other international legal directories for its excellence in dispute resolution.