



24.11.2014

B8-0286/2014

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on supporting consumer rights in the digital single market
(2014/2973(RSP))

Andreas Schwab, Róza Gräfin von Thun und Hohenstein, Burkhard Balz, Krišjānis Kariņš, Michal Boni, Sabine Verheyen, Ivo Belet, Davor Ivo Stier, Ildikó Gáll-Pelcz, Siegfried Mureşan, Tomáš Zdechovský, Michaela Šojdrová, Stanislav Polčák, Jiří Pospíšil, Lara Comi
on behalf of the PPE Group

Evelyne Gebhardt, Petra Kammerevert, Dan Nica, Evelyn Regner, Birgit Sippel, José Blanco López, Miriam Dalli, Miroslav Poche, Patrizia Toia, Flavio Zanonato, Alessandra Moretti, Marlene Mizzi, Liisa Jaakonsaari, Nicola Danti, Catherine Stihler, Lucy Anderson, Jutta Steinruck, Biljana Borzan, Maria Grapini, Hugues Bayet, Nicola Caputo, Vilija Blinkevičiūtė, Caterina Chinnici, Olga Sehnalová, Brando Benifei, Alessia Maria Mosca, Claudiu Ciprian Tănăsescu, Marc Tarabella, Sergio Gutiérrez Prieto, Christel Schaldemose, Theresa Griffin, Victor Negrescu
on behalf of the S&D Group

B8-0286/2014

**European Parliament resolution on supporting consumer rights in the digital single market
(2014/2973(RSP))**

The European Parliament,

- having regard to Articles 3(3) and 6 of the Treaty on European Union,
- having regard to Articles 9, 10, 12, 14, 16, 26, 114(3) and 169(1) of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular to Articles 8, 11, 21 and 38 thereof,
- having regard to codecision procedure 2013/0309 on a proposal for a regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent (COM(2013)0627),
- having regard to the Commission staff working document of 23 April 2013 entitled ‘E-commerce Action Plan 2012-2015 – State of play 2013’ (SWD(2013)0153),
- having regard to the Commission’s Internal Market Scoreboard 26 of 18 February 2013,
- having regard to the Commission’s 2014 Digital Agenda Scoreboard reports,
- having regard to the Commission communication of 11 January 2012 entitled ‘A coherent framework for building trust in the digital single market for e-commerce and online services’ (COM(2011)0942),
- having regard to its resolution of 11 June 2013 on a new agenda for European consumer policy¹,
- having regard to its resolution of 4 February 2014 on the implementation of the Unfair Commercial Practices Directive 2005/29/EC²,
- having regard to its resolution of 10 December 2013 on unleashing the potential of cloud computing in Europe³,
- having regard to its resolution of 4 July 2013 on completing the digital single market⁴,

¹ Texts adopted, P7_TA(2013)0239.

² Texts adopted, P7_TA(2014)0063.

³ Texts adopted, P7_TA(2013)0535.

⁴ Texts adopted, P7_TA(2013)0327.

- having regard to its resolution of 11 December 2012 on completing the digital single market¹,
 - having regard to its resolution of 22 May 2012 on a strategy for strengthening the rights of vulnerable consumers²,
 - having regard to its resolution of 20 April 2012 on ‘A competitive digital single market – eGovernment as a spearhead’³,
 - having regard to its resolution of 15 November 2011 on a new strategy for consumer policy⁴,
 - having regard to the 2013 study by its Policy Department A on how to build a ubiquitous EU digital society,
 - having regard to the 2013 study by its Policy Department A entitled ‘Entertainment x.0 to boost broadband deployment’,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the digital single market is one of the area of progress which, though entailing challenges, offers potential for high-efficiency gains that could amount to EUR 260 billion per year, thereby contributing to Europe’s recovery from the crisis;
 - B. whereas the digital single market is one of the most innovative sectors of the economy and is therefore playing a major role in the competitiveness of the European economy and contributing to economic growth through the development of e-commerce, while also facilitating the administrative and financial compliance of businesses and presenting consumers with a wider choice of goods and services;
 - C. whereas the digital single market not only offers economic benefits but also has a profound impact on the daily political, social and cultural life of EU consumers and citizens;
 - D. whereas a competitive digital single market cannot exist without fast, higher-capacity broadband and telecommunications networks across all EU regions, including remote areas;
 - E. whereas the existing and steadily widening digital divide is having a direct negative impact on the development of the digital single market, in terms of both access to the internet and e-skills;
 - F. whereas the protection of personal data and of privacy and the security of electronic communications and networks are a priority in the digital single market, as these are

¹ Texts adopted, P7_TA(2012)0468.

² OJ C 264 E, 13.9.2013, p. 11.

³ OJ C 258 E, 7.9.2013, p. 64.

⁴ OJ C 153 E, 31.5.2013, p. 25.

fundamental prerequisites for its functioning and the securing of citizens' and consumers' trust in it;

- G. whereas online markets need to be both flexible and consumer-friendly if they are to grow and expand;
 - H. whereas e-commerce is an important complement to offline trade and a major driver of consumer choice, competition and technological innovation, and thus contributes to the European Union's convergence into a knowledge-driven economy;
 - I. whereas unfettered competition and a level playing field for companies, which will foster investment, are vital to this sector of the economy as they will ensure its long-term sustainable development to the benefit of end-users; whereas effective competition is a good driver of efficient investment and can provide benefits for consumers in terms of choice, price and quality;
 - J. whereas in some areas of the digital single market there are vulnerabilities brought about by excessive market concentration and dominant operators;
 - K. whereas the challenge of market fragmentation and lack of interoperability in the European Union is an obstacle to the rapid development of the digital single market;
 - L. whereas employment created through the digital single market is, on average, highly skilled and remunerated and, as such, is an important contribution to the creation of quality and sustainable employment;
1. Calls on the Member States and the Commission, through sustained efforts of implementation of existing rules and enforcement of these rules, as part of an overarching strategy, to address all existing barriers that are hindering the development of the digital single market; believes that these efforts need to be at the heart of the EU's efforts to generate economic growth and employment and strengthen its competitiveness and resilience within the global economy;
 2. Stresses that any legislative proposal related to the digital single market must comply with the EU Charter of Fundamental Rights, so that rights enshrined therein are fully protected in the digital domain;
 3. Stresses the need to tackle and combat the digital divide in order to fully grasp the potential of the digital single market and to guarantee the inclusion of all citizens, regardless of their income, social situation, geographical location, health or age, in society in the digital era;
 4. Calls on the Commission to ensure the swift implementation of the single market for services and to ensure the implementation and enforcement of rules such as the Consumer Rights Directive, alternative dispute resolution and online dispute resolution, while ensuring the reduction of administrative burdens;
 5. Calls for the swift adoption of the new modernised Data Protection Package in order to provide an appropriate balance between a high level of protection of personal data, user

- safety and control over one's personal data and a stable, predictable legislative environment in which businesses can flourish in an enhanced single market for the benefit of end-users, a level playing field fostering investment, and an environment contributing to the attractiveness of the EU as a destination for businesses; calls on the Commission and the Member States to allocate the necessary resources to fight cybercrime by means of legislative measures and law enforcement cooperation, at both national and EU level;
6. Stresses the need to ensure a level playing field for companies operating in the digital single market in order for them to be able to compete; calls, therefore, on the Commission to properly enforce EU competition rules in order to prevent excessive market concentration and abuse of dominant position and to monitor competition with regard to bundled content and services;
 7. Notes that a level playing field for companies in the digital single market must be ensured in order to guarantee a vibrant digital economy in the EU; stresses that a thorough enforcement of EU competition rules in the digital single market will be determinant for the growth of the market, consumer access and choice and competitiveness in the long term;
 8. Urges the Council to make swift progress and open negotiations with Parliament on the proposal for a regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, as this would, concretely, put an end to roaming charges inside the EU, provide more legal certainty as regards net neutrality, and improve consumer protection inside the digital single market; believes that this regulation could constitute a crucial step towards realising a single European mobile market;
 9. Stresses that all internet traffic should be treated equally, without discrimination, restriction or interference, irrespective of its sender, receiver, type, content, device, service or application;
 10. Notes that the online search market is of particular importance in ensuring competitive conditions within the digital single market, given the potential development of search engines into gatekeepers and the possibility they have of commercialising secondary exploitation of information obtained; calls, therefore, on the Commission to enforce EU competition rules decisively, based on input from all relevant stakeholders and taking into account the entire structure of the digital single market in order to ensure remedies that truly benefit consumers, internet users and online businesses; calls, furthermore, on the Commission to consider proposals aimed at unbundling search engines from other commercial services as one potential long-term means of achieving the aforementioned aims;
 11. Stresses that, when using search engines, the search process and results should be unbiased in order to keep internet searches non-discriminatory, to ensure more competition and choice for users and consumers and to maintain the diversity of sources of information; notes, therefore, that indexation, evaluation, presentation and ranking by search engines must be unbiased and transparent, and that, for interlinked services, search engines must guarantee full transparency when showing search results; calls on

- the Commission to prevent any abuse in the marketing of interlinked services by search engine operators;
12. Welcomes the announcement of further investigations by the Commission into search engine practices and the digital market in general;
 13. Calls on the Commission to come up with the long overdue copyright reform, in particular with regard to measures which would enhance the potential of the digital single market, particularly concerning access to content, dissemination of knowledge and viable models for cross-border services; considers, in this connection, that the review of Directive 2001/29/EC is fundamental for the future reform, which should take into account new technologies and consumer and user behaviour;
 14. Stresses the importance of ensuring an efficient and balanced framework for the protection of copyright and intellectual property rights, geared to the reality of the digital economy, while guaranteeing the interests of consumers and internet users;
 15. Encourages swift adoption and enactment of international provisions facilitating access of disabled users to digital content and to printed works through their digitisation;
 16. Calls on the Commission and the Member States to further develop and implement EU and national regulatory frameworks in order to allow an integrated and secure online and mobile payments market, while ensuring the protection of consumers and customer data; underlines, in this connection, the need for clear and predictable rules, set out in legislation;
 17. Recalls that cloud computing can become a powerful instrument for the development of the digital single market, and can offer economic benefits, particularly for SMEs, by reducing IT infrastructure and other costs; highlights in this connection the fact that, if cloud services are provided only by a limited number of large providers, an increasing amount of information will be aggregated in the hands of those providers; recalls, furthermore, that cloud computing also entails risks for users, in particular as regards sensitive data; calls for proper implementation of the European strategy to guarantee competitive and secure cloud computing;
 18. Calls on the Commission to take the lead in promoting international standards and specifications for cloud computing, which enable privacy-friendly, reliable, highly interoperable, secure and energy-efficient cloud services as an integral part of a future Union industrial policy; stresses that reliability, security and protection of data are needed for consumer confidence and competitiveness;
 19. Instructs its President to forward this resolution to the Council and the Commission.