



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2009/2225(INI)

11.2.2010

AMENDMENTS

1 - 27

Draft opinion
Róza Thun Und Hohenstein
(PE438.276v01-00)

on Defining a New Digital Agenda for Europe: from i2010 to digital.eu
(2009/2225(INI))

AM_Com_NonLegOpinion

Amendment 1
Zuzana Roithová

Draft opinion
Citation 1 (new)

Draft opinion

Amendment

- having regard to its resolution of 21 June 2007 on consumer confidence in the digital environment¹,

Or. en

Amendment 2
Alan Kelly

Draft opinion
Paragraph 1

Draft opinion

Amendment

1. Notes that Information and Communication Technologies (ICT) ***permeate*** all sectors of our society ***and are drivers for productivity; stresses that ICT*** will be an important element in consolidating further an Online Single Market, ***and that*** in order to ensure its success, consumers and citizens must be at the core of the development of a Digital Agenda ***for Europe***;

1. Notes that Information and Communication Technologies (ICT) ***must be made available to*** all sectors of our society, ***while also recognising that ICT will be a key driver of productivity and economic competitiveness in the future and*** will be an important element in consolidating further an Online Single Market. ***Considers that,*** in order to ensure its success, consumers and citizens must be at the core of the development of a Digital Agenda ***that must aim to make Europe a leading global player in the field of ICT;***

Or. en

¹ Texts Adopted, P6_TA(2007)0287.

Amendment 3
Róza Thun Und Hohenstein

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses the importance of the creative content industries to the Information Society, as a fast-growing and dynamic sector, contributing to growth and employment;

Or. en

Amendment 4
Róza Thun Und Hohenstein, Alan Kelly

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Calls on the Commission to publish an annual review of the progress in the implementation of specific policy tools such as broadband, eInclusion, eHealth, eLearning and eBusiness in the individual Member States, showing how these tools have been innovatively modified to provide consumers with a service reflecting the state of the art in the ICT sector;

2. Calls on the Commission to publish an annual review of the progress in the implementation of specific policy tools such as broadband, eInclusion, eHealth, eLearning and eBusiness in the individual Member States, showing how these tools have been innovatively modified to provide consumers with a service reflecting the state of the art in the ICT sector ***and to work towards making as many government services as possible available to the consumer online, but also recognising the need to educate citizens across the EU in order to fully exploit the benefits of ICT;***

Or. en

Amendment 5
Cornelis de Jong

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Welcomes the position stated by Commissioner Kroes that the Digital Agenda is only legitimate if full access is guaranteed both for private individuals and for small businesses, and calls on the Commission to make specific proposals for combating the digital divide;

Or. nl

Justification

As Commissioner Kroes has stated, the Digital Agenda is an agenda for all. As not everybody in Europe is, or can be, digitally active, it is important to guard against a digital divide which would place certain categories of people - both private individuals and small businesses - at a disadvantage, or would aggravate that which they are already suffering.

Amendment 6
Konstantinos Poupakis

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

Calls on the Commission, in cooperation with Member States, to expand its policy for promoting digital literacy so that all citizens are able to use online technologies in their daily lives with the objective of developing new social, economic and entrepreneurial opportunities;

Or. el

Amendment 7
Zuzana Roithová

Draft opinion
Paragraph 3

Draft opinion

3. Welcomes the rapid implementation of the legislation on roaming; considers, ***however, that the imposition of a minimal tariff cap prevents roaming fees from being more competitive;***

Amendment

3. Welcomes the rapid implementation of the legislation on roaming, ***since roaming fees did not reflect underlying costs; deplores the fact that the imposition of a minimal tariff cap on roaming fees was needed;*** considers ***that these caps should be lifted once the roaming fees reflect the underlying cost structure as is the case in a competitive market;***

Or. en

Justification

The intervention in the roaming market is based on a lack of competition as reflected in the difference between the roaming fees and the costs to provide these services. Furthermore, national regulatory authorities were unable to intervene because of the cross-border nature of roaming. Nevertheless, once the market has become competitive, the minimum tariff caps should be lifted.

Amendment 8
Róza Thun Und Hohenstein, Alan Kelly

Draft opinion
Paragraph 3

Draft opinion

3. Welcomes the rapid implementation of the legislation on roaming; ***considers, however, that the imposition of a minimal tariff cap prevents roaming fees from being more competitive;***

Amendment

3. Welcomes the rapid implementation of the legislation on roaming; ***underlines the further need for constant monitoring of EU mobile roaming prices, including those of data roaming, in order to ensure a well-functioning, consumer-oriented and competitive internal market;***

Or. en

Amendment 9
Cornelis de Jong

Draft opinion
Paragraph 3

Draft opinion

3. Welcomes the rapid implementation of the legislation on roaming; ***considers, however, that the imposition of a minimal tariff cap prevents roaming fees from being more competitive;***

Amendment

3. Welcomes the rapid implementation of the legislation on roaming, ***which has tackled excessive charging;***

Or. nl

Amendment 10
Konstantinos Poupakis

Draft opinion
Paragraph 3 a (new)

Draft opinion

Stresses that the Commission and Member States should continue to take action to improve digital security with the aim of informing citizens about ways of preventing digital hazards and boosting their confidence about the new technological resources;

Amendment

Or. el

Amendment 11
Alan Kelly, Cornelis de Jong

Draft opinion
Paragraph 4

Draft opinion

4. Underlines the need to overcome barriers to cross-border e-commerce and

Amendment

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boost consumer confidence through the development of an effective policy for a Digital Single Market for Europe by making online services in Europe more accessible and transparent (such as, amongst other online services, music downloads);

boost consumer confidence through the development of a *safe, secure and* effective policy for a Digital Single Market for Europe by making online services in Europe more accessible and transparent *while providing the highest possible level of consumer protection* (such as, amongst other online services, music downloads);

Or. en

Amendment 12 **Zuzana Roithová**

Draft opinion **Paragraph 4**

Draft opinion

4. Underlines the need to overcome barriers to cross-border e-commerce and boost consumer confidence through the development of an effective policy for a Digital Single Market for Europe by making online services in Europe more accessible and transparent (such as, amongst other online services, music downloads);

Amendment

4. Underlines the need to overcome barriers to cross-border e-commerce and boost consumer confidence through the development of an effective policy for a Digital Single Market for Europe by making online services in Europe more *competitive*, accessible, *cross-border* and transparent (such as, amongst other online services, music downloads) *and putting an end to territorial discrimination (e.g. based on the country of residence or where the credit card has been issued)*;

Or. en

Justification

Despite the borderless character of the Internet, consumers find that some e-commerce businesses have actually re-introduced territorial barriers through technology. Businesses may either refuse access to consumers depending on their country of residence or apply dissimilar conditions for the same type of services in different Member States. According to the results of the Euro barometer survey 298 (2008), on average for all sales channels, in 2008, 8% of consumers who had made a cross border purchase were prevented from purchasing cross-border because they lived in a country other than where the trader was located. country of residence of the consumer. Cases of refusal to sell, where the internet is the selling method, represent between 1% and 2% of cross-border complaints cases handled by the European Consumer Centres, according to the European Commission's report on cross-border e-commerce SEC(2009) 283 final.

Amendment 13
Róza Thun Und Hohenstein

Draft opinion
Paragraph 4

Draft opinion

4. Underlines the need to overcome barriers to cross-border e-commerce and boost consumer confidence through the development of an effective policy for a Digital Single Market for Europe by making online services in Europe more accessible and transparent (such as, amongst other online services, *music downloads*);

Amendment

4. Underlines the need to overcome barriers to cross-border e-commerce and boost consumer confidence through the development of an effective policy for a Digital Single Market for Europe by making online services in Europe more *competitive*, accessible, *cross-border* and transparent *in compliance with copyright rules while providing the highest possible level of consumer protection* (such as, amongst other online services, *books, audiovisual and music content services*) and *putting an end to territorial discrimination (e.g. based on the country of residence or where the credit card has been issued)*;

Or. en

Amendment 14
Morten Løkkegaard

Draft opinion
Paragraph 4 a (new)

Draft opinion

4a. Stresses the need for initiatives in the Member States to improve e-skills in the general public, since the lack of e-skills constitutes a clear obstacle to cross-border e-commerce;

Amendment

Or. en

Amendment 15
Konstantinos Poupakis

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

Stresses that Member States must promote the use Of Information And Communication Technologies (ICT) and use high-speed internet connections at all levels of education;

Or. en

Amendment 16
Morten Løkkegaard

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Recognises the importance of a European charter of users' rights that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public administrations) and standards, especially regarding the protection of privacy and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also cover the intellectual property of authors, publishers and content providers.

5. Recognises the importance of a European charter of users' rights that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public administrations) and standards, especially regarding the protection of privacy and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also cover the intellectual property of authors, publishers and content providers, ***without compromising citizens' access to creative content online.***

Or. en

Amendment 17
Zuzana Roithová

Draft opinion
Paragraph 5

Draft opinion

5. *Recognises the importance of* a European charter of users' rights that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public administrations) and standards, especially regarding ***the protection of privacy*** and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also ***cover the intellectual property of authors, publishers and content providers.***

Amendment

5. *Calls on the Commission, after consulting consumers' organisations, to present a European charter of users' rights in the Information Society* that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public administrations) and standards, especially regarding ***data protection and privacy*** and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also ***integrate consumers rights' into the current copyright framework and achieve a fair balance between the authors' rights and the general public's access to content and knowledge.***

Or. en

Justification

It is important to refer to both data protection and privacy as both are now fundamental rights since the entry into force of the Lisbon Treaty. When it comes to Intellectual Property, the notion of consumers' rights is absent from the current copyright framework. A number of permitted uses are only allowed as exceptions and limitations to authors' exclusive rights. Striking a balance between the competing interests requires exceptions and limitations to become mandatory and not be overridden by contractual terms. A clear set of users' rights needs to be recognised, including those current limitations that are of direct interest to consumers, namely the private copying exceptions.

Amendment 18
Róza Thun Und Hohenstein

Draft opinion
Paragraph 5

Draft opinion

5. Recognises the importance of a European charter of users' rights that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public administrations) and standards, especially regarding *the* protection *of* privacy and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also *cover the intellectual property of authors, publishers and content providers*.

Amendment

5. Recognises the importance of a European charter of users' rights that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public administrations) and standards, especially regarding *data* protection, privacy and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also *integrate the current copyright framework and achieve a fair balance between the right-holders' rights and the general public's access to content and knowledge*.

Or. en

Amendment 19
Alan Kelly, Cornelis de Jong

Draft opinion
Paragraph 5

Draft opinion

5. Recognises the importance of a European charter of users' rights that would clarify the rights and obligations of information society consumers; considers that this should include in particular users' rights relating to digital content and should guarantee basic interoperability performance (particularly among public

Amendment

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administrations) and standards, especially regarding the protection of privacy and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also cover the intellectual property of authors, publishers and content providers.

administrations) and standards, especially regarding the protection of privacy and the rights of vulnerable users (such as improving the accessibility of internet pages for disabled persons); emphasises that a European charter of users' rights should also cover the intellectual property of authors, publishers and content providers, ***but notes that sanctions in the field of copyright must be targeted at commercial exploiters before individual citizens as a point of principle.***

Or. en

Amendment 20
Malcolm Harbour

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Notes the importance of equipping EU citizens with digital skills in order to help them fully exploit the benefits of being online and participating in the digital society; emphasises the potential this will have for shopping cross-border and accessing digital services.

Or. en

Amendment 21
Morten Løkkegaard

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Underlines that a global approach is essential when addressing challenges such as data protection and piracy; encourages in this regard close

cooperation between the EU and the Internet Governance Forum.

Or. en

Amendment 22
Malcolm Harbour

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Underlines the importance which will attach to a strong digital agenda in the completion of the internal market, both in the removal of administrative and regulatory barriers to cross-border trade and also in improving confidence and trust in online services; notes the fragmentation in the single market for digital services and products; therefore calls on the Commission to address this digital gap, including increasing the effectiveness of cross-border enforcement and redress;

Or. en

Amendment 23
Malcolm Harbour

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Notes that the legal framework under which Member States can subsidise universal service is now completely out of date; calls on the Commission to produce its long awaited review of universal service without delay, so that new initiatives to stimulate broadband and

mobile access at high data speed are not held back;

Or. en

Amendment 24
Malcolm Harbour

Draft opinion
Paragraph 5 d (new)

Draft opinion

Amendment

5d. Notes that there are some ambiguities in the State Aid rules that may affect community-supported broadband services, particularly in the ability of public authorities to consolidate their own network demands as the basis for new investment; requests the Commission to deal with these problems urgently;

Or. en

Amendment 25
Malcolm Harbour

Draft opinion
Article 5 e (new)

Draft opinion

Amendment

5e. Highlights the importance of guaranteeing equivalent access to disabled end-users to the level available to other end-users, as promoted by the European Parliament in its review of the Universal Service and Users' Rights Directive; requests the Commission to take the utmost account of disabled users' needs in the '2015.eu agenda'.

Or. en

Amendment 26
Matteo Salvini

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Stresses the importance of achieving broadband for all by 2013 to close the digital divide and create a more democratic, open and inclusive society; emphasises that this goal can best be achieved through market mechanisms as far as possible, without burdensome sectoral taxation; considers that, while reinforcing competition in services to boost affordability, targeted State aid is necessary to extend the reach of open new fibre networks and wireless technologies also in regions where higher-speed fixed networks cannot be supported in the medium term.

Or. en

Amendment 27
Matteo Salvini

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7a. Stresses the need to fully implement the new electronic communications regulatory framework in order to achieve competitive markets for electronic communications networks, products and services, a sound environment for investments in new technologies and an enhanced single market for the information society; recalls that pro-competitive economic regulation can only be removed once fully competitive markets are achieved.

