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Keyword "electronic commerce"

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Creation date: 23-02-2020
Modernisation of EU consumer protection rules: A new deal for consumers
Publication type Briefing
Date 15-04-2019
Author Nikolina SAJN
Policy area Consumer Protection | Adoption of Legislation by EP and Council
Keyword single market | injunction | consumer protection | advertising malpractice | infringement of EU law | indemnification | collective interest | penalty | impact study | electronic commerce | motor vehicle industry | consumer policy | proposal (EU)
Summary On 11 April 2018, the European Commission adopted a proposal for a directive on better enforcement and modernisation of EU consumer protection rules, as part of its 'new deal for consumers' package of measures. The proposal followed a fitness check of consumer legislation and an evaluation of the Consumer Rights Directive showed that the EU consumer legislation is fit for purpose, but could benefit from certain aspects being clarified and brought into line with the reality of the digital economy. The proposal, which would amend four consumer protection directives, focuses on various consumer issues, including penalties for infringements, transparency online marketplaces, protection for consumers of 'free' digital services, the right of withdrawal and dual quality of products. On 21 March 2019, Parliament and the Council reached provisional agreement on the proposal. The agreement rejects the proposed changes that would weaken the right of withdrawal. It bans several unfair commercial practices in all circumstances, and allows dual quality of products to be declared as misleading on a case-by-case basis. Parliament is expected to vote on the provisional agreement during the April II plenary session. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

Briefing EN
Multimedia EN

Fairness and transparency for business users of online services
Publication type Briefing
Date 12-04-2019
Author Tambiama André MADIEGA
Policy area Consumer Protection
Keyword electronic commerce | digital single market | Internet | unfair terms of contract | consumer protection | national parliament | goods and services | provision of services | commercial contract | trade intermediary | proposal (EU)
Summary The European Parliament and the Council reached an agreement on the proposed regulation on promoting fairness and transparency for business users of online intermediation services in February 2019. Providers of online intermediation services (e.g. Amazon and eBay) and online search engines (e.g. Google search) will be required to implement a set of measures to ensure transparency and fairness in the contractual relations they have with online businesses (e.g. online retailers, hotels and restaurants businesses, app stores), which use such online platforms to sell and provide their services to customers in the EU. The regulation, which, inter alia, harmonises transparency rules applicable to contractual terms and conditions, ranking of goods and services and access to data, is considered to be the first regulatory attempt in the world to establish a fair, trusted and innovation-driven ecosystem in the online platform economy. Now that Member States’ and Parliament’s negotiators have endorsed the compromise text, the political agreement must be voted in plenary by the European Parliament and formally adopted by the Council to complete the legislative procedure.

Briefing EN

Contracts for the supply of digital content and digital services
Publication type Briefing
Date 21-03-2019
Author Nikolina SAJN
Keyword electronic commerce | digital single market | consumer protection | supply | digital technology
Summary On 29 January 2019, the European Parliament and the Council reached a provisional agreement on the European Commission's proposal for a directive regulating the private-law aspects of contracts for the supply of digital content and digital services in the internal market. The directive would, for the first time, harmonise some aspects of such contracts at EU level. The co-legislators agreed that embedded digital content would not be regulated by this directive, but rather by that on sale of goods. They also agreed that the duration of legal guarantees for digital content and services would not be fully harmonised but that national laws should not limit it to less than two years; that for the first year from delivery the burden of proof should be on the supplier; and that traders would be required to provide updates. The directive would also establish what remedies consumers are entitled to and the order in which they can be used. Parliament is expected to vote on the provisional agreement during the March II plenary session. Fifth edition of a briefing originally drafted by Rafał Mańko. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous editions of this briefing, please see: PE 614.707 (February 2018).

Briefing EN
Consumer sale of goods

Publication type Briefing
Date 19-03-2019
Author Nikolina SAJN
Policy area Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council
Keyword electronic commerce | digital single market | consumer protection | approximation of laws | consumer goods | digital technology | commercial contract
Summary On 29 January 2019, the European Parliament and the Council reached a provisional agreement on the Commission proposal for a new directive on the consumer sale of goods. The Commission's original proposal, from 2015, which was intended to lay down rules on online and other distance sales of goods only, was replaced on 31 October 2017 by an amended version. This sought to replace entirely the existing Consumer Sales Directive dating from 1999, and regulate contracts concluded both online and offline. The provisional agreement on the proposal reached between the Parliament and Council would allow Member States to decide on a legal guarantee of longer than two years and extend the period during which it is presumed that the goods were faulty from the start. Parliament is due to vote on the agreement during the March II 2019 plenary. Fourth edition, based on a briefing originally drafted by Rafał Marko. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous versions of this briefing, please see: PE 614.744 (March 2018).

Consumer Choice and Fair Competition on the Digital Single Market in the Areas of Air Transportation and Accommodation

Publication type Study
Date 16-10-2018
External author Giorgio Monti
Keyword electronic commerce | digital single market | price formation | consumer protection | travel agency | competition law | EU law | air transport | hotel industry | service
Summary This document was requested by the European Parliament's Committee on the Internal Market. Through a series of case studies it provides an overview of measures implemented by states and firms that may harm competition and consumer choice. It explores the extent to which EU Law may apply to prevent such restrictive practices.

VAT Fraud: Economic Impact, Challenges and Policy Issues

Publication type Study
Date 15-10-2018
External author Marie LAMENSCH, Emanuele CECI
Policy area Taxation
Keyword electronic commerce | public prosecution | VAT | European Anti-fraud Office | Europol | Eurojust | fraud | administrative transparency | EU statistics
Summary Each year, the EU Member States lose billions of euros in VAT revenues on account of fraud. As the EU VAT system is undergoing profound modernisation, this study seeks (i) to take stock of the current state of play, (ii) to assess the current regulatory framework and the proposals under discussion, and (iii) to offer a selection of recommendations. An initial conclusion is that, while the European Commission has put a considerable amount of work into the modernisation of the EU VAT system, remaining risks of fraud cannot be ignored. A second substantial conclusion is that a different approach and the use of new technologies would allow the Member States to remove significant obstacles that currently impede an effective fight against VAT fraud. This study was provided by Policy Department A at the request of the TAX3 Committee.

Research for TRAN Committee - Overtourism: impact and possible policy responses

Publication type Study
Date 15-10-2018
External author Paul PEETERS, Stefan GÖSSLING, Jeroen KLUS, Claudio MILANO, Marina NOVELLI, Corné DIJKMANS, Eke EIJGELAAR, Stefan HARTMAN, Jasper HESLINGA, Rami ISAAC, Ondrej MITAS, Simone MORETTI, Jeroen NAWIJN, Bernadett PAPP and Albert POSTMA
Policy area Evaluation of Law and Policy in Practice | Tourism
Keyword electronic commerce | Internet site | data collection | EU Member State | mass tourism | air transport | hotel industry | tourism statistics
Summary This study addresses the complex phenomenon of overtourism in the EU. By focusing on a set of case studies, the study reports on overtourism indicators, discusses management approaches implemented within different destinations and assesses policy responses. It concludes that a common set of indicators cannot be defined because of the complex causes and effects of overtourism. Avoiding overtourism requires custom-made policies in cooperation between destinations' stakeholders and policymakers.

Executive summary ES, DE, EN, FR, IT
Prospects for EU-Asia connectivity - The 'European way to connectivity'

Publication type: Briefing
Date: 12-10-2018
Author: Enrico D’AMBROGIO

Summary: Asia matters to Europe: home to the world’s largest population and fastest-growing economies. Asia is a major trade partner of the EU. Recognising this, the EU has promoted the Asia-Europe Meeting (ASEM), established strategic partnerships with four Asian countries, intensified cooperation with the Association of South-East Asia Nations (ASEAN), and negotiated or concluded free trade agreements with 17 countries. As an implementation of its 2016 Global Strategy, the EU has carried out a mapping exercise on Euro-Asian connectivity, followed by the adoption of a joint communication on ‘Connecting Europe and Asia – Building blocks for an EU strategy’ on 19 September 2018. The strategy proposes that the EU engage with its Asian partners through a sustainable, comprehensive and rules-based approach to connectivity, exploiting existing and planned EU networks. It acknowledges a significant investment gap in connectivity and recognises the need to mobilise and strengthen cooperation with private investors, national and international institutions, and multilateral development banks. The strategy is part of the EU's contribution to the ASEM12 Summit, which is to take place in Brussels on 18-19 October 2018. Presented by Vice President/High Representative, Federica Mogherini, as the 'European way to connectivity', the strategy was immediately perceived as the EU response to China’s Belt and Road Initiative (BRI). This initiative is currently raising concerns in the EU and in several participating countries, some of which are worried about possible ‘debt traps’.

Promoting fairness and transparency in the online platform environment

Publication type: Briefing
Date: 21-09-2018
Author: Katharina EISELE

Summary: How to promote fairness and transparency in the online platform environment? The Commission’s answer to this question can be found in its recent legislative proposal. It stipulates that providers of online intermediation services (e.g. Amazon) and online search engines (e.g. Google search) have to implement certain measures to ensure transparency and fairness in the contractual relations they have with online businesses which use such platforms to provide their services to customers in the EU. This briefing provides you with an appraisal of the quality of the impact assessment, which accompanies the Commission’s proposal.

Cyber violence and hate speech online against women

Publication type: Study
Date: 16-08-2018
External author: Adriane VAN DER WILK, Monika NATTER, ÖSB Consulting GmbH

Summary: This study, commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the FEMM Committee, looks into the phenomenon of cyber violence and hate speech online against women in the European Union. After reviewing existing definitions of the different forms of cyber violence, the study assesses the root causes and impact of online violence on women. It continues by analysing and mapping the prevalence, victims and perpetrators. The document ends with an outline of the existing legal framework and recommendations for action within the EU remit.

Latest on the digital economy [What Think Tanks are thinking]

Publication type: Briefing
Date: 20-07-2018
Author: Marcin CESLUK-GRAJEWSKI

Summary: The digital revolution, which is reshaping the global economy and societies, offers numerous opportunities, but also poses many challenges, thereby putting governments in a dilemma on how to shape it. While empowering individuals in many ways and spurring impressive inventions, it poses threats of cyber-attacks and privacy abuse. It also raises concern about the future of the labour and social security markets. This note offers links to commentaries and studies on the digital economy by major international think tanks. Earlier papers on the same topic can be found in a previous edition of 'What Think Tanks are Thinking', published in May 2017.
How to include 'Mode 5' services commitments in bilateral free trade agreements and at multilateral stage?

Publication type Study
Date 11-07-2018
External author Ms Marina FOLTEA
Policy area International Trade
Keyword common commercial policy | free-trade agreement | liberalisation of trade | goods and services | customs valuation | World Trade Organisation | electronic commerce | economic consequence | tertiary sector | tariff negotiations | GATS | provision of services | Internet of Things | new technology
Summary Mode 5 refers to services which are incorporated into goods which are then traded across international borders. Unlike traditional services, Mode 5 services are not subject to the existing international trade regime under the WTO General Agreement on Trade in Services (GATS). Rather, they are subject to trade rules under the framework that governs trade in goods. As a consequence, trade in Mode 5 services is not fully liberalised, even though liberalisation would be in the best interest of international trade and the European Union. This report explores different avenues for including Mode 5 service commitments in multilateral trade agreements and free trade agreements, analyzing benefits and associated challenges. The broad conclusion is that while it may be possible to pursue Mode 5 options at the multilateral level, the most viable immediate strategy would consist in including such commitments in free trade agreements between the EU and its trading partners.

Study EN

EU consumer protection rules

Publication type Briefing
Date 10-07-2018
Author Claudio COLLOVA
Policy area Consumer Protection
Keyword single market | injunction | consumer protection | advertising malpractice | infringement of EU law | indemnification | administrative transparency | collective interest | penalty | Italy | electronic commerce | Poland | motor vehicle industry | consumer policy | proposal (EU)
Summary The IA is aimed at underpinning new legislation in the field of consumer protection, as called for in various European Parliament resolutions. It represents a considerable body of work, based on extensive evaluation and consultation. Methodological weaknesses include the narrow range of options to calibrate the evaluation findings. Secondly, there are some presentation issues, which do not facilitate consideration of the Commission’s choices. For instance, the large space devoted to consultation comes at the expense of useful and more sound information.

Briefing EN

Cross-border parcel delivery services

Publication type Briefing
Date 05-07-2018
Author Nikolina SAJN
Policy area Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council
Keyword regulation (EU) | single market | delivery | digital single market | freight rate | impact study | carriage of goods | electronic commerce | internal border of the EU | consumer information | universal service | postal service | provision of services | EU statistics
Summary High prices and the inconvenience of cross-border parcel delivery have been identified as being among the main obstacles to greater uptake of e-commerce among European consumers and retailers. Research shows that current cross-border parcel delivery prices charged by universal service providers can be almost five times higher than domestic parcel delivery prices. To remedy the situation, the European Commission presented a legislative proposal on cross-border parcel delivery services as part of its May 2016 e-commerce package. The proposal’s aim was to contribute to a reduction in delivery prices through increased price transparency and improved regulatory oversight. The final act was signed in April 2018, following a compromise agreement between Parliament and the Council reached in December 2017. The new regulation will enable consumers and businesses to compare parcel delivery prices on a dedicated website, while national regulatory authorities will be provided with greater powers to monitor cross-border tariffs and assess those they consider to be unreasonably high. Fourth edition, based on an original briefing by Jana Valant. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.

Briefing EN
**Cross-border parcel delivery**

Publication type: At a Glance  
Date: 06-03-2018  
Author: Nikolina SAJN

Policy area: Internal Market and Customs Union | Consumer Protection

Keyword: single market | electronic commerce | carriage of goods | delivery | consumer information | freight rate | universal service | postal service | cross-border dimension | provision of services | proposal (EU)

Summary: As part of efforts to boost e-commerce and to make online shopping easier for consumers, the European Commission has proposed a regulation on cross-border parcel delivery services. It aims to improve transparency and increase regulatory oversight of the cross-border parcel delivery sector, in order to foster competition and reduce delivery prices. Trilogue negotiations led to a provisional agreement on the proposal in December 2017, which needs to be confirmed in a vote during the March plenary session.

At a Glance: ES, DE, EN, FR, IT, PL

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**Consumer sale of goods**

Publication type: Briefing  
Date: 12-03-2018  
Author: Rafał MAŃKO

Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council

Keyword: single market | digital single market | consumer protection | approximation of laws | digital contract | commercial contract | contract | electronic commerce | information society | impact of information technology | consumer goods | digital technology | EC conformity marking | proposal (EU)

Summary: On 22 February 2018, the European Parliament's Committee for the Internal Market and Consumer Protection (IMCO) adopted its report on the Commission proposal for a new directive on the consumer sale of goods. The Commission's original proposal, dating from 2015, was replaced on 31 October 2017 by an amended one which intends to replace the existing Consumer Sales Directive dating from 1999 entirely, instead of regulating only online and other distance contracts as had originally been planned. By contrast to the 1999 Consumer Sales Directive, the Commission's proposal would introduce a maximum-harmonisation approach, meaning that EU Member States could no longer introduce a higher level of consumer protection than set in the directive. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous versions of this briefing, please see: PE 599.286 (February 2017).

Briefing: EN

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**Regulation 98/2013 on the marketing and use of explosives precursors: Implementation Appraisal**

Publication type: Briefing  
Date: 29-05-2018  
Author: IVANA KIENDL KRISTO

Policy area: Area of Freedom, Security and Justice | Transposition and Implementation of Law | Evaluation of Law and Policy in Practice | Internal Market and Customs Union | Industry

Keyword: electronic commerce | civil defence | trade restriction | dangerous substance | EU Member State | illicit trade | marketing standard | exchange of information | chemical product | labelling | explosive | proposal (EU)

Summary: Explosives precursors are chemical substances that can be (and have been) misused to manufacture homemade explosives (HMEs). Regulation 98/2013 on the marketing and use of explosives precursors, applicable since September 2014, has two general aims: to increase public security through a reduced risk of misuse of explosives precursors for the manufacture of HMEs and, at the same time, to enable the free movement of explosives precursor substances in the EU internal market, given their many legitimate uses. The regulation establishes a system of restrictions and controls on a number of explosives precursors with the aim of limiting the general public's access to these substances. The regulation also establishes an obligation for economic operators to report suspicious transactions, disappearances and thefts of explosives precursors. Evidence collected through the Commission's evaluation and stakeholder consultation confirms the existence of significant challenges related to the application of the regulation. These include a fragmented landscape of restrictions and controls across Member States (which apply an outright ban, a licensing or a registration regime, or a combination of these); insufficient awareness along the supply chain about rules and obligations arising from the regulation; and a lack of clarity about certain provisions that focus particularly on the identification of products that fall within the scope of the regulation and the identification of legitimate/professional users. Lack of clarity as to the application of the regulation to online marketplaces is yet another problem, given the absence of an explicit reference to e-commerce in the regulation. Non-inclusion of all threat substances in the list of restricted explosives precursors is seen as yet another important challenge, and so is the perceived inflexibility of the procedure for adding new threat substances to the list, especially in view of the need to react quickly to new and evolving threats. In light of the above, in April 2018 the European Commission put forward a proposal for a new regulation, accompanied by an impact assessment and an evaluation.

Briefing: EN

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Contracts for the supply of digital content and digital services

On 21 November 2017, the European Parliament's Internal Market and Consumer Committee (IMCO) and Legal Affairs Committee (JURI) adopted their joint report on the European Commission's proposal for a directive regulating the private-law aspects of contracts for the supply of digital content and digital services in the internal market. The Council of the EU agreed on a general approach in June 2017. Trilogue meetings began on 5 December 2017 and are still on-going. The main changes proposed by the joint report of the two Parliament committees are concerned with the duration of legal guarantees for digital content and services, liability for hidden defects and the short-term right to reject defective digital content. An issue which is still being discussed is the relationship between the directive and EU public law rules on the protection of personal data.

Fourth edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous editions of this briefing, please see: PE 608.748 (October 2017).

Consumer Protection Cooperation

The Commission estimates that the detriment to consumers caused by non-compliance with basic EU consumer rules in certain cross-border online markets and also by inefficient cross-border enforcement amounts to €770 million per year. To remedy this, in May 2016 the Commission presented a legislative proposal to review the existing rules on consumer protection cooperation between enforcement authorities as part of its e-commerce package. The aim was to clarify the rules, give more powers to national enforcement authorities and improve their coordination, primarily to enable them to address unlawful online practices. Parliament and Council reached agreement on the proposal in June 2017, and formally adopted it in November. The new regulation covers ongoing infringements and those that have already ended, and lays down procedures for cooperation in cases of widespread infringements of consumer rights that affect consumers in multiple Member States. It entered into force on 16 January 2018 and applies from 17 January 2020. Fifth edition, based on an original briefing by Jana Valant. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

Amending VAT rules on distance sales

Since 1 January 2015, for some mobile transactions linked to telecommunications, broadcasting and electronically supplied services to non-taxable persons (business-to-consumer, B2C), the destination principle is applicable for value added tax – i.e. the VAT should be paid to the Member State where the consumer is located, via the mini-one-stop-shop (MOSS) portal. In its VAT digital single market package, published on 1 December 2016, the Commission proposed to extend payment possibilities through MOSS to online supply of goods and cross-border services to final consumers. The portal would also be extended to include payment for imports of small consignments of a value not exceeding €150. The directive, significantly amended, was adopted by the Council – after consulting the European Parliament – on 5 December 2017. It is accompanied by Council Regulation 2017/2454. See also our separate briefing on the parallel dossier on improving administrative cooperation on VAT issues: 2016/0371(CNS). Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.
Geo-Blocking

Publication type: Briefing  
Date: 06-02-2018  
Author: Mariusz MACIEJEWSKI  
Keyword: single market | digital single market | consumer protection | digital literacy | intra-EU trade | discrimination on the basis of nationality | copyright | impact study | electronic commerce | telecommunications | data protection | digital technology | proposal (EU)  
Summary: This leaflet provides abstracts of selection of latest publications prepared by the European Parliament’s Policy Department on Economic and Scientific Policy at the request of the IMCO Committee in relation to the geo-blocking phenomenon.

Geo-blocking and discrimination among customers in the EU

Publication type: Briefing  
Date: 02-02-2018  
Author: Tambiama André MADIEGA  
Policy area: Intellectual Property Law | Internal Market and Customs Union | Adoption of Legislation by EP and Council  
Keyword: electronic commerce | freedom to provide services | digital single market | consumer protection | payment system | free movement of goods | goods and services | discrimination on the basis of nationality | copyright  
Summary: Geo-blocking practices commonly restrict cross-border sales of tangible goods as well as of electronically supplied services and electronically delivered content services in the EU. In May 2016, the European Commission proposed a new regulation that prohibits online sellers of tangible goods, and of some types of electronically supplied services, from discriminating among customers based on their nationality or place of residence within the European Union. In November 2017, after protracted negotiations, the co-legislators agreed to ban some types of unjustified geo-blocking practices. However, the ban will not apply initially to content and services protected under copyright (for instance, e-books and downloads of music and audiovisual content). At the request of the Parliament, a review clause has been introduced which requires the Commission to re-examine the situation two years after the entry into force of the regulation.

E-commerce: Ban on unjustified geo-blocking and discrimination practices among customers

Publication type: At a Glance  
Date: 31-01-2018  
Author: Tambiama André MADIEGA  
Keyword: single market | electronic commerce | residence | freedom to provide services | geo-blocking | consumer protection | equal treatment | establishment | free movement of goods | goods and services | discrimination on the basis of nationality | proposal (EU)  
Summary: In May 2016, the European Commission proposed a new regulation that prohibits online sellers of physical goods and of some types of electronically supplied services and content from discriminating among customers based on their nationality or place of residence within the European Union. The Parliament is expected to vote on the proposal during the February I plenary session.

Liability of Online Service Providers for Copyrighted Content – Regulatory Action Needed?

Publication type: In-Depth Analysis  
Date: 21-12-2017  
External author: Prof. Dr Jan Nordemann  
Keyword: single market | electronic commerce | freedom to provide services | Internet | information society | information industry | literary and artistic property | copyright | audiovisual piracy  
Summary: This paper looks at liability of online providers for copyright infringements. The liability privileges in Articles 12 to 15 E-Commerce Directive can remain unchanged; they seem to be sufficiently flexible to adopt to new business models, which also make them in general future proof. These privileges do not, however, establish liability. With regard to injunction claims, Article 8(3) Copyright Directive provides for a satisfactory solution. EU rules establishing liability beyond injunction (e.g. damages) should be harmonised following the requirements (1) sufficient intervention by the internet provider and (2) breach of an adequate duty of care by the internet provider.
RESEARCH FOR CULT COMMITTEE - E-LENDING: CHALLENGES AND OPPORTUNITIES

Publication type Study
Date 13-12-2017
External author Dan MOUNT
Policy area Culture | Transposition and Implementation of Law | Education
Keyword electronic commerce | information society | approximation of laws | electronic publishing | public library | hiring | digital technology | copyright
Summary This briefing identifies key challenges and opportunities in the evolving field of e-lending via public libraries based on an analysis of 18 different e-lending models in Europe and North America. It concludes that on-going dialogue between libraries and publishers, alongside better comparative data on e-lending and e-book purchasing across all EU Member States, will be among the key enabling factors for e-lending in the future.

Study EN

Consumer Protection Cooperation Regulation

Publication type At a Glance
Date 08-11-2017
Author Nikolina SAJN
Policy area Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council
Keyword single market | electronic commerce | consumer protection | supervisory body | competence of the institution | business morals | infringement of EU law | exchange of information | administrative cooperation | powers of the institutions (EU) | European Commission
Summary The European Commission has proposed the revision of the Consumer Protection Cooperation (CPC) Regulation, to broaden its scope and strengthen the powers of the national authorities cooperating on cross-border EU consumer-law infringements. Three rounds of trilogue negotiations produced a provisional agreement in June 2017, now awaiting a first-reading vote in plenary in November.

At a Glance ES, DE, EN, FR, IT, PL

Introduction of a lifespan guarantee in the proposed online sales and digital content directives

Publication type Study
Date 26-10-2017
External author EPRS, DG
Policy area Internal Market and Customs Union
Keyword single market | electronic commerce | consumer information | approximation of laws | domestic market | digital literacy | consumer goods | data protection | contract
Summary This study was requested by the European Parliament’s Committee on Internal Market and Consumer Protection (IMCO) as part of the Parliament’s general commitment to improving the quality of EU legislation, and in particular in undertaking to carry out impact assessments of its own substantial amendments when it considers it appropriate and necessary for the legislative process. The aim of this study is to conduct an ex-ante impact assessment of proposed substantial amendments from the IMCO and JURI Committees which would introduce a commercial lifespan guarantee. The impacts of these amendments have been analysed through the development of specific policy options. Two non-legislative options, implying that none of the amendments are implemented, are first assessed: an Option zero and a soft law approach (Option 1). Three distinct legislative options are also defined, by integrating specific aspects of the amendments: Option 2 (Subjective duration of lifespan), Option 3 (Normal duration of lifespan) and Option 4 (Binding technical standards for the determination of the lifespan) For each legislative option, two sub-options are developed by considering liability solely on the manufacturer (2a, 3a and 4a), or joint liability with the trader (2b, 3b and 4b). The key findings of the impact assessment reveal that the preferred options are Options 2 and 4. The former is certainly less ambitious than the latter and would result in less benefit overall, but it would also involve less cost and, contrary to Option 4, could be implemented within a relatively short period of time.

Study EN
Contracts for supply of digital content

Publication type: Briefing
Date: 09-10-2017
Author: Rafał MAŃKO
Keyword: single market | digital single market | consumer protection | approximation of laws | personal data | commercial contract | contract | ordinary legislative procedure | electronic commerce | information society | cloud computing | digital technology | report | data protection
Summary: The digital content directive was proposed by the European Commission as part of a legislative package, alongside the online sales directive, to facilitate the development of the internal market for such content. The Council agreed on a general approach on the proposal on 8 June 2017. This seeks to clarify the relationship between the proposed contract law rules and the personal data protection regime – an issue which has been hotly debated. Furthermore, it strengthens the position of consumers with regard to conformity and remedies. As for the Parliament, a draft report was published in November 2016 by the two co-rapporteurs, who proposed to expand the directive’s scope to include digital content supplied against data that consumers provide passively, while also strengthening the position of consumers as regards criteria of conformity. Objective criteria would become the default rule, with a possibility to depart from them only if the consumer's attention were explicitly drawn to the shortcomings of the digital content. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous editions of this briefing, please see: PE 599.310 (March 2017). "A more recent edition of this document is available. Find it by searching by the document title at this address: http://www.europarl.europa.eu/thinktank/en/home.html"

Current and Emerging Trends in Disruptive Technologies: Implications for the Present and Future of EU’s Trade Policy

Publication type: Study
Date: 20-09-2017
External author: Mira BURRI, senior lecturer, University of Lucerne, Switzerland
Keyword: common commercial policy | digitisation | trade restriction | trade relations | technological change | data processing | electronic commerce | World Trade Organisation | Internet | impact of information technology | trade agreement (EU) | cross-frontier data flow | digital technology | provision of services | globalisation
Summary: Digital technologies, taken as a broad generic category of technological inventions and applications, fall under a rare kind of 'disruptive technologies' that can radically change existing economic sectors, enable new modes of work, production and consumption and trigger broader societal transformations. To make apt policy decisions, there is a distinct need to understand what these technologies and their effects actually are and how they may develop over time. This study attends to this need in particular with regard to the implications of digital technologies for EU’s external trade policies. It accentuates the critical importance of data and cross-border data flows for the emergent digital economy and underscores the need to appropriately address them with a calibrated and more proactive positioning of the EU in international trade venues.


Publication type: Study
Date: 20-09-2017
External author: Ms. Chloe Grondin
Keyword: single market | electronic commerce | impact study | digital single market | consumer protection | digital literacy | telecommunications | digital technology | data protection | discrimination on the basis of nationality | copyright | proposal (EU)
Summary: This report summarizes the discussion during the 10th Meeting of the IMCO Working Group on the Digital Single Market. It summarizes the exchange of views between MEPs, independent academic experts and the European Commission on the topic of geo-blocking in the Digital Single Market. The proceedings were prepared by Policy Department A for the Internal Market and Consumer Protection Committee.
Providers Liability: From the eCommerce Directive to the future

Publication type In-Depth Analysis
Date 15-09-2017
External author Prof. Dr Giovanni Sartor


Keyword single market | electronic commerce | freedom to provide services | Internet | information society | information industry | application of EU law | data processing

Summary The study addresses the secondary liability of Internet intermediaries, namely, the issue of whether and to what extent, intermediaries—who bring together or facilitate transactions between third parties on the Internet—should be liable for, or in dependence of, illegal activities by their users. The report discusses the main issues related to the application of the Directive, and makes some suggestions for future improvements. It argues that the exemption should be maintained, since it is needed to ensure the diverse provision of intermediation services and the freedoms of the users of such services. Some updates to the current regulation may provide better guidance to Internet intermediaries, their users, and legal professionals.

In-Depth Analysis EN

European Accessibility Act

Publication type At a Glance
Date 05-09-2017
Author Marie LECERF

Policy area Social Policy | Gender Issues, Equality and Diversity | Internal Market and Customs Union

Keyword single market | telephone | television | product design | computer equipment | facilities for the disabled | electronic commerce | care of the disabled | UN convention | EU strategy | electronic banking | carriage of passengers | harmonisation of standards | provision of services

Summary To ensure the full participation of people with disabilities in society and to reduce the fragmentation of legislation governing their access to products and services, the Commission has adopted a proposal for a directive – often referred to as the European Accessibility Act. This would provide a common EU definition of, and implementation framework for, accessibility requirements for certain products and services in the internal market. Parliament is due to vote on the proposal in the September plenary.

At a Glance ES, DE, EN, FR, IT, PL

Online and other distance sales of goods

Publication type Study
Date 14-07-2017

Policy area Ex-ante Impact Assessment | Internal Market and Customs Union | Consumer Protection

Keyword single market | electronic commerce | impact study | digital single market | information society | consumer protection | approximation of laws | impact of information technology | consumer goods | commercial contract | contract

Summary This study was requested by the European Parliament’s Committee for Internal Market and Consumer Protection as part of the Parliament’s general commitment to improving the quality of EU legislation, and in particular in undertaking to carry out impact assessments of its own substantial amendments when it considers it appropriate and necessary for the legislative process. The aim of this ex-ante impact assessment is to evaluate two substantial amendments being proposed to the Commission proposal for a directive on certain aspects concerning contracts for the online and other distance sales of goods. The amendments would extend the scope of the proposed directive to any sale contract concluded between the consumer and the seller, and would repeal the Consumer Sales Directive. The findings of the study indicate that the harmonisation of rules across Member States and sales channels would reduce the fragmentation of the legal framework and enhance the clarity and transparency of applicable rules to the benefit of both consumers and businesses. Most importantly, one single regime for online and face-to-face transactions could contribute to increased consumers’ and traders’ awareness and confidence in purchasing/selling online and offline, domestically and across borders. There would be a general increase in consumer protection throughout the EU, with the exception of some Member States where consumers’ rights would be weakened. This could, however, translate into increased costs for businesses in relation to remedies provided to consumers. The importance of having a single regime for online and offline sales has been strongly supported by all stakeholders consulted for this study. Nonetheless, consumer and business organisations have different views with regard to the aspects of consumer protection under examination. Finding a balance between the interests of consumers and businesses remains, thus, crucial.

Study EN
An assessment of the Commission's proposal on privacy and electronic communications

Publication type Study
Date 01-06-2017
External author Dr. Frederik ZUIDERVEEN BORGESIUS (project leader and editor), Dr. Joris VAN HOBOKEN, Ronan FAHY and Dr. Kristina IRION Max ROZENDAAL
Policy area Area of Freedom, Security and Justice | Adoption of Legislation by EP and Council
Keyword regulation (EU) | digital single market | protection of privacy | transmission network | regulation of telecommunications | approximation of laws | data collection | personal data | systems interconnection | electronic commerce | Internet | data transmission | EU Charter of Fundamental Rights | electronic equipment | data protection
Summary This study, commissioned by the European Parliament's Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the LIBE Committee, appraises the European Commission’s proposal for an ePrivacy Regulation. The study assesses whether the proposal would ensure that the right to the protection of personal data, the right to respect for private life and communications, and related rights enjoy a high standard of protection. The study also highlights the proposal’s potential benefits and drawbacks more generally.

Workshop: Facilitating external trade via border management

Publication type Study
Date 24-05-2017
External author Andrew GRAINGER, Juha HINTSA
Keyword common commercial policy | customs inspection | export monitoring | France | liberalisation of trade | Finland | simplification of formalities | Netherlands | Kenya | electronic commerce | surveillance concerning imports | Germany | Albania | foreign trade | trade agreement (EU) | Switzerland | customs cooperation
Summary The subject of trade facilitation and border management lies at the heart of EU trade policy, which seeks to take advantage of global value chains for the benefit of workers, consumers and businesses. This demands that goods may flow smoothly across borders without jeopardising EU values and standards. Trade facilitation principles help reduce the cost of cross-border trade in goods while safeguarding regulatory control objectives. Good border management practice is integral to trade facilitation. In this study many ideas and examples about how borders management can be improved are shown. The key is coordination, cooperation and integration within the respective border agencies (intra-agency), between the many border agencies (inter-agency) and international (with colleagues across the border and EU trade partners). Despite considerable policy interest, research is still in its infancy. There is much demand for further enquiry. This paper discusses relevant principles, ideas and concepts and concludes with a list of recommendations. This includes the recommendation to develop suitable EU institutions in aid of trade facilitation as well as for research.

Cross-border portability of online content

Publication type At a Glance
Date 10-05-2017
Author Tambiama André MADIEGA
Policy area Intellectual Property Law | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword electronic commerce | residence | digital single market | Internet | contract terms | consumer protection | audiovisual industry | free service | cross-border data flow | personal data | data protection | copyright
Summary The European Parliament is to vote in plenary in May on new rules on cross-border portability, which would enable consumers to access their online subscriptions for content services when they travel across the EU and are temporarily outside their Member State of residence.

At a Glance ES, DE, EN, FR, IT, PL
Multimedia EN
Cross-border portability of online content services

In February 2017, negotiators from the European Parliament, the Council and Commission reached a compromise on the proposal for a regulation on cross-border portability of online content services. The EP must now formally approve the new rules, enabling consumers to access their online subscriptions for content services when they travel across the EU — and the temporarily outside their Member State of residence. The compromise text amends the Commission’s proposal in various ways. It clarifies that providers of free-of-charge online content services can also offer portability services to their subscribers. The notion of temporary presence in other Member States has been tightened and refers to a limited period of time. The concept of Member State of residence and its verification mechanism are also more explicitly defined. At the EP’s request, some safeguards have been added to ensure data protection and privacy are respected (especially for IP address checks), and a waiver clause has been introduced which allows content providers to avoid verifying the residence of their customers when all the holders of copyright, related rights, or other rights in the content agree.

Towards new rules on sales and digital content: Analysis of the key issues

In 2015, the Commission presented two proposals for directives: on the online sale of goods to consumers, and on the supply of digital content to consumers. The two proposals need to be analysed in the context of the existing Consumer Sales Directive from 1999, which is currently under revision as part of the REFIT exercise. The two proposals enter into force, consumer sales transactions will be regulated by three instruments: with regard to tangible goods sold face to face – by the Consumer Sales Directive, with regard to tangible goods sold at a distance – the Online Sales Directive, and with regard to the sale of digital content – the Digital Content Directive. Not surprisingly, the three texts have much in common as regards their structure and subject matter. They all deal with such issues as conformity (lack of conformity), the consumer's remedies in cases of defects, the time limits for bringing such remedies and the burden of proof. They also have the two other systemic issues in common: the choice between minimum and maximum harmonisation, on the one hand, and between mandatory and default rules, on the other. The existing Consumer Rights Directive is a minimum harmonisation instrument, and allows Member States to grant consumers a higher level of protection, especially when it comes to the period of seller’s liability or the freedom of choice of remedies to be pursued in the event of defects. Similarly, the absence of any EU legislation specifically addressing contracts regarding the sale or rental of digital content or the provision of digital services means that Member States have been free to do that on the basis of consumer protection, and the question of the exact extent of consumer rights and the way they should be exercised is crucial.

Contracts for supply of digital content

In November 2016 the co-rapporteurs delivered their draft report on the Commission’s proposal for a directive on contracts for supply of digital content. They propose to expand the directive’s scope to include digital content supplied against data that consumers provide passively, while also strengthening the position of consumers as regards criteria of conformity. Objective criteria would become the default rule, with a possibility to depart from them only if the consumer’s attention were explicitly drawn to the shortcomings of the digital content. The Digital Content Directive was proposed as part of a legislative package, alongside the Online Sales Directive. The Council has favoured a fast-track for the digital content proposal, while seeking to reflect for longer on the proposed Online Sales Directive. Nonetheless, the Commission is keen not to dismantle the legislative package, and likewise the Parliament has been working on the two texts in parallel, seeking to coordinate amendments to the two proposals. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view the previous edition of this briefing, please see: PE 581.980, April 2016.

*A more recent edition of this document is available. Find it by searching by the document title at this address: http://www.europarl.europa.eu/thinktank/en/home.html*
Contracts for online and other distance sales of goods

Publication type: Briefing  
Date: 20-02-2017  
Author: Rafał MANKO  
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council  
Keyword: single market | electronic commerce | digital single market | information society | consumer protection | approximation of laws | impact of information technology | consumer goods | commercial contract | contract  
Summary: The Commission proposal for a directive on contracts for online and other distance sales of goods, part of the digital single market strategy, would partly replace the existing Consumer Sales Directive. The Parliament’s rapporteur believes this would create a fragmented legal framework, and that there is a need to introduce uniform rules for both online and face-to-face consumer sales. Unlike the existing Consumer Sales Directive, the proposed Online Sale of Goods Directive would provide for maximum harmonisation, thereby prohibiting Member States from introducing a higher level of consumer protection within the scope of the directive. The rapporteur agrees with this approach and suggests moving to maximum harmonisation for both online and offline consumer sales. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous versions of this briefing, please see: PE 577.962, 15 February 2016.

Briefing EN


Publication type: In-Depth Analysis  
Date: 18-01-2017  
Author: Jana VALANT  
Policy area: International Trade | Contract Law, Commercial Law and Company Law | Consumer Protection  
Keyword: trade information | single market | electronic commerce | unfair terms of contract | consumer protection | advertising | commercial law | advertising malpractice | application of EU law | trade policy  
Summary: Consumers may find it difficult to identify potentially harmful or unfair practices when entering into a transactional relationship with traders. Similarly, businesses and enforcement authorities may sometimes have problems applying and interpreting EU legislation in relation to commercial practices. While it is the Court of Justice that has competence to interpret EU legislation, the European Commission published legally non-binding guidance on the implementation/application of the Directive on Unfair Commercial Practices in May 2016, which aims to clarify some of the issues that have arisen since the adoption of the directive.

In-Depth Analysis DE, EN, FR

Extending the Scope of the Geo-Blocking Prohibition: An Economic Assessment

Publication type: In-Depth Analysis  
Date: 16-01-2017  
External author: J. Scott MARCUS (Bruegel) and Georgios PETROPOULOS (Bruegel)  
Keyword: single market | electronic commerce | digital single market | consumer protection | digital literacy | telecommunications | digital technology | data protection | discrimination on the basis of nationality | copyright | proposal (EU)  
Summary: On 25 May 2016, the European Commission presented a proposal for a regulation addressing unjustified geo-blocking. This paper illustrates the prevalence of geo-blocking in e-commerce and summarizes available relevant evidence. It also discusses the economic impact of lifting geo-blocking restrictions in online goods and copyrighted digital content services. This document was prepared for Policy Department A at the request of the Committee on Internal Market and Consumer Protection.

In-Depth Analysis EN

The Geo-Blocking Proposal: Internal Market, Competition Law and Regulatory Aspects

Publication type: Study  
Date: 16-01-2017  
External author: Miguel POIARES MADURO (European University Institute), Giorgio MONTI (European University Institute) and Gonçalo COELHO (World Bank / Luís Morais, Associados)  
Keyword: single market | digital single market | broadcasting | consumer protection | literary and artistic property | sport | discrimination on the basis of nationality | copyright | electronic commerce | telecommunications | data protection | digital technology | Treaty on the Functioning of the EU | proposal (EU)  
Summary: This Study analyses the Commission's May 2016 Proposal for a Regulation addressing geo-blocking and other forms of customer discrimination based on customers' nationality, place of residence or place of establishment within the internal market. The study assesses the Commission's proposal under the Internal Market, Competition law and sector-specific rules and provides for policy recommendations and specific amendments to the proposal. This document was prepared for Policy Department A at the request of the Committee on Internal Market and Consumer Protection.

Study EN
### Critical Assessment of European Agenda for the Collaborative Economy

**Publication type**: In-Depth Analysis  
**Date**: 15-12-2016  
**External author**: Guido Smorto  
**Keyword**: digital single market | data collection | fraud | payment system | regulatory policy | personal data | electronic commerce | consumer | information technology | economic growth | tertiary sector | entrepreneur | innovation | digital technology  
**Summary**: The research paper describes the main legal challenges for regulating the collaborative economy and evaluates the definition of, and elucidates how the existing body of EU law applies to collaborative economy business models. In the last part, the paper elaborates on how a regulatory framework for non-professional provision of services and prosumers should look like and makes a few concrete proposals for future policies. This paper was commissioned by the Policy Department A for Economic, Scientific and Quality of Life Policies upon request of the European Parliament’s Committee on the Internal Market and Consumer Protection.

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### EU Trade Policy and the Wildlife Trade

**Publication type**: Study  
**Date**: 06-12-2016  
**External author**: Rosaleen Duffy (University of Sheffield, the United Kingdom)  
**Policy area**: Environment | International Trade | Internal Market and Customs Union | Development and Humanitarian Aid  
**Keyword**: common commercial policy | environmental offence | trade statistics | organised crime | corporate social responsibility | wildlife | the EU’s international role | customs regulations | sustainable development | exchange of information | UNO | electronic commerce | World Trade Organisation | OECD | supply and demand | illicit trade | trade agreement (EU) | international convention  
**Summary**: The wildlife trade is one of the most lucrative trades in the world. The legal trade into the EU alone is worth EUR 100 billion annually, while the global illegal wildlife trade is estimated to be worth between EUR 8 and 20 billion annually. The trade is highly complex and its legal and illegal forms are often connected. The illegal wildlife trade cannot be tackled via the use of trade policy alone; instead trade instruments need to be used in conjunction with broader means of addressing the wide range of reasons why wildlife is traded illegally first place. This includes the need to reduce poverty and inequality in source countries, demand reduction in consumer countries and tackling corruption, organised crime, poor enforcement, and low penalties in many source, transit, and end-user markets. The EU is also facing some new challenges in the legal and illegal wildlife trade, emanating from the growth of e-commerce, expansion of private mailing centres and the growth of containerisation. The EU already has a strong track record in promoting a legal and sustainable trade, while also attempting to tackle the illegal wildlife trade. The EU already has a legal framework (EUWTR) which sets out stricter arrangements than CITES for trading in wildlife products. It has played an active role at CITES since it joined as a member in 2015, and all 20 EU proposals were accepted at CITES CoP17 in 2016. It now has an opportunity to use trade policy to embed and develop this track record further.

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### The Situation of Workers in the Collaborative Economy

**Publication type**: In-Depth Analysis  
**Date**: 04-10-2016  
**Author**: Marion Schmid-Drüner  
**Policy area**: Social Policy | Employment  
**Keyword**: electronic commerce | workers’ representation | sexual discrimination | collaborative economy | occupational status | Internet site | racial discrimination | social security legislation | working conditions | data protection | tax on income | professional qualifications  
**Summary**: The collaborative economy (or “platform economy”), encompassing work-on-demand via apps like Uber and crowdwork like Amazon Mechanical Turk, has grown exponentially in recent years, thanks to the development of high-speed networks, the exploitation of big data and the availability of mobile devices, which have cut down transaction costs and allow for real-time effective matching of supply and demand. While creating many new opportunities for digital and physical services, which have, thanks to lower costs as compared to established operators, rather expanded the market for services instead of crowding out the incumbents, this new digitally based economy has also raised questions on the situation of workers. As this literature review shows, their legal status (either as employees or self-employed) is often unclear, and negative effects on the labour market can be witnessed (such as missing social protection, low remuneration of work, questionable work-life balance and more). Many of these effects are due to the functioning of the digital economy, which relies on micro-tasks, trust-inducing mechanisms as ratings and - at times opaque - algorithms. The literature review also presents policy solutions as discussed in recent literature.
Boosting e-Commerce in the Digital Single Market: A Foundation for European Growth and Competitiveness

Publication type | In-Depth Analysis
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Date | 15-09-2016
External author | Anthony D. Williams
Keyword | single market | electronic commerce | freedom to provide services | digital single market | Internet | information society | information industry | entrepreneur | innovation | small and medium-sized enterprises | electronic government | discrimination on the basis of nationality
Summary | This paper reviews global trends in e-commerce and provides an analysis of the opportunities a Digital Single Market (DSM) would create for European entrepreneurs. The paper argues that the economic impact of the DSM could be enhanced by placing greater attention on the enabling conditions for entrepreneurial success, particularly by ensuring entrepreneurs have access to anchor customers, an ample supply of growth capital, sophisticated management talent and well-coordinated supports for scale-ups and internationalization. This document was prepared by Policy Department A at the request of the European Parliament’s Committee on Internal Market and Consumer Protection.

In-Depth Analysis | EN

Completing the Internal Market for Parcel Delivery and e-Commerce - State of Play and Possible Reforms

Publication type | In-Depth Analysis
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Date | 15-09-2016
External author | Alex Kalevi DIEKE
Keyword | single market | electronic commerce | carriage of goods | impact study | digital single market | delivery | consumer information | freight rate | universal service | postal service | provision of services | EU statistics
Summary | Effective and affordable parcel delivery is a pre-condition for cross-border trade in physical goods. At present, consumers and shippers in different Member States face very different prices, service levels, and volumes of e-commerce parcels differ hugely by Member State. These shortcomings represent a major impediment to cross-border e-commerce, and thus the Digital Single Market. This in-depth analysis reviews the performance of EU markets for parcel delivery, and discusses concerns and policy options in light of the Digital Single Market. The paper evaluates the Commission’s recent proposal for a Regulation on cross-border parcel delivery services, and presents recommendations for to improving and aligning the proposed regulation. This document was provided by Policy Department A at the request of the Committee on Internal Market and Consumer Protection.

In-Depth Analysis | EN

Application of the Postal Services Directive

Publication type | At a Glance
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Date | 06-09-2016
Author | Damiano SCORDAMAGLIA
Policy area | Transport | Evaluation of Law and Policy in Practice
Keyword | electronic commerce | regulation (EU) | economic consequence | economic and social cohesion | open market | postal service | electronic mail | European Commission
Summary | A traditional sector, postal services continue to play a vital role in contributing to EU territorial, social and economic cohesion. Since the EU introduced full market opening of postal services in 2008, the sector has experienced far-reaching changes such as a decline in letters sent, rapid development of e-communication and e-commerce and the emergence of new customer needs. A European Parliament own-initiative report scheduled for debate in September’s plenary session, assesses these developments against the backdrop of the EU’s regulatory framework for postal services.

At a Glance | ES, DE, EN, FR, IT, PL


Publication type: Study
Date: 25-08-2016
Author: LOUIS DANCOURT | ALESSIA MIGLIACCIO | Mariusz MACIEJEWSKI
Policy area: Public international law | International Trade | Private international law and judicial cooperation in civil matters | Global Governance | Internal Market and Customs Union | Consumer Protection
Keyword: freedom to provide services | digital single market | information industry | consumer protection | payment system | competition law | discrimination on the basis of nationality | electronic commerce | Internet | information society | entrepreneurship | innovation | electronic government
Summary: This report summarizes the discussion during the 8th Meeting of the IMCO Working Group on the Digital Single Market. It explains an exchange of views between MEPs, the European Commission and experts on the topic of boosting e-commerce and combating consumer discrimination in the Digital Single Market.

EU Portability Regulation: In-Depth Analysis of the Proposal

Publication type: In-Depth Analysis
Date: 15-08-2016
External author: Tatiana Eleni SYNODINIOU (University of Cyprus, Cyprus)
Keyword: electronic commerce | digital single market | consumer protection | harmonisation law | EU Member State | telecommunications | literary and artistic property | digital technology | data protection | copyright
Summary: Upon request by the JURI Committee, this In-depth-Analysis identifies and analyses the recent proposal of the European Commission concerning a regulation on ensuring the cross-border portability of online content, COM(2015)627.

Combatting Consumer Discrimination in the Digital Single Market: Preventing Geo-Blocking and other Forms of Geo-Discrimination

Publication type: Study
Date: 15-08-2016
External author: Felice SIMONELLI
Keyword: single market | electronic commerce | impact study | digital single market | consumer protection | digital literacy | telecommunications | digital technology | data protection | discrimination on the basis of nationality | copyright | proposal (EU)
Summary: The paper conducts a stocktaking exercise of the state of play in the DSM and offers a critical assessment of the most relevant initiatives to combat consumer discrimination. It gives an overview of discriminatory practices in the online environment and assesses the magnitude of the problem. Differences between justified and unjustified geo-blocking are discussed. An in-depth analysis of the EC proposals on geo-blocking, portability and parcel delivery and the DG COMP investigation into the distribution of audiovisual content is then performed.

Perspectives on transatlantic cooperation: Digital Economy

Publication type: Briefing
Date: 11-07-2016
Author: Risto NIEMINEN
Policy area: Economics and Monetary Issues | Foreign Affairs
Keyword: automation | digital single market | consumer protection | patents licence | personal data | motor vehicle | discrimination on the basis of nationality | copyright | electronic commerce | multinational enterprise | cross-frontier data flow | investment promotion | digital technology | start-up | audiovisual communications policy
Summary: Digitalisation is transforming our societies – new types of business activity are emerging and consumer habits are rapidly evolving. The internet, broadband networks, mobile applications, IT services and hardware form the basis of the digital economy which has a dynamic that is fundamentally different to that of more traditional sectors: it strengthens cooperation, enables a higher volume of cross-border activity and is a major factor in increasing prosperity and growth overall. In this context, regulators and legislators are faced with a dilemma: How to legislate at national or at regional level on issues which are truly global? How to avoid unhealthy regulatory and taxation competition between the US and the EU? How to ensure that the US and the EU join forces regarding the development of a global digital economy? Will a joint approach of leading global economies lead to global impacts? These are just a few of the questions to which the EU and the US must find answers in order to allow the smooth and fair development of the digital economy and digital transatlantic and global markets. This briefing forms part of a broader research project on the perspectives on transatlantic cooperation in the US election year, requested by the Chair of the European Parliament’s delegation for relations with the United States.
Transatlantic Digital Economy and Data Protection: State-of-Play and Future Implications for the EU's External Policies

Publication type: Study
Date: 01-07-2016
External author: Peter CHASE, Sudha DAVID-WILP and Tim RIDOUT
Policy area: Public international law | International Trade | Private international law and judicial cooperation in civil matters | Global Governance | Employment | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Economics and Monetary Issues | Foreign Affairs | Industry
Keyword: electronic commerce | Internet | United States | protection of privacy | impact of information technology | free-trade agreement | cross-frontier data flow | trade relations | personal data | data protection | agreement (EU)
Summary: The internet has created a new global nervous system affecting all aspects of European society, politics and business; this will accelerate as we enter the era of the digitisation of everything. This digital transformation has enormous implications for the transatlantic relationship, especially in light of the trends that have developed concerning the appropriate balance between personal data protection, economic growth and national security. This study details how digital and data issues will be handled in the Transatlantic Trade and Investment Partnership; explains how this intersects with the new EU-US Privacy Shield Agreement and the broader implications of the judgment on Safe Harbour; and explores key issues in transatlantic law enforcement cooperation before highlighting a few broader foreign policy issues and laying forth some recommendations for the EU institutions.

Study EN

Tax Challenges in the Digital Economy

Publication type: Study
Date: 29-06-2016
External author: Eli Hadzhieva
Policy area: European Added Value | Public international law | European Semester | Private international law and judicial cooperation in civil matters | Economics and Monetary Issues | Financial and Banking Issues
Keyword: electronic commerce | VAT | banking secrecy | OECD | multinational enterprise | fraud | tax evasion | territorial jurisdiction | research and development | European Commission | tax avoidance
Summary: This paper analyses direct and indirect tax challenges in the digital economy in light of the conclusions of the OECD’s BEPS (Base Erosion and Profit Shifting) Project. While assessing the recent reforms in the area of taxation within the EU and third countries, it revisits the question of whether or not specific measures are needed for the digital sector. Taking into account the recent scandals involving big digital companies and their aggressive tax planning practices in the EU, the specificities of the digital sector and the legal landscape in the 28 Member States, the paper makes policy recommendations for further tax reforms in order to tackle tax avoidance and harmful competition.

Study EN

Audiovisual Media Services Directive: Implementation Appraisal

Publication type: Briefing
Date: 16-06-2016
Author: Milan REMAC | ROXANA OSIAC
Policy area: Culture | Intellectual Property Law | Evaluation of Law and Policy in Practice
Keyword: programmes industry | electronic commerce | control of communications | advertising | audiovisual industry | application of EU law | child protection | directive (EU) | free movement of programmes | proposal (EU)
Summary: Since its entry into force, the regulatory framework established by the Audiovisual Media Services Directive proved to be rather effective in achieving its goal of enabling the development and free circulation of audiovisual media services in the European Union. However, given the technological developments that led to a convergent audiovisual environment, it needs to be further adapted in order to better respond to market developments and new viewing patterns and habits. The European Parliament, the Council, the European Economic and Social Committee and the European Committee of the Regions have asked for adaptations of the current regulatory framework in order to better reflect the implications of the new convergent media context. In particular, they called on the Commission to assess the current distinction of the regulatory framework between linear and non-linear services, to enforce the provisions related to minors and consumer protection, to ensure the respect of the freedom of media, to enforce the promotion of European works and to assess the implementation of self and co regulation arrangements. Implementation reports, evaluations and studies confirmed the need to address AVMSD related issues at EU level and pointed out that some of the rules are no longer fit for purpose in a changed digital context. The new proposal adopted by the Commission in May 2016, addresses several concerns raised by the Parliament including protection of minors, promotion of European audiovisual works and commercial communications.

Briefing DE, EN, FR

The Portability of Online Services as Part of the Modernisation of Copyright in the European Union

Publication type: In-Depth Analysis
Date: 15-06-2016
Policy area: Intellectual Property Law
Keyword: electronic commerce | digital single market | consumer protection | telecommunications | literary and artistic property | EU law | digital technology | data protection | copyright | proposal (EU)
Summary: Upon request by the JURI Committee, this In-depth-Analysis identifies and analyses the recent proposal of the European Commission concerning a regulation on ensuring the cross-border portability of online content in the internal market, COM(2015)627 in the context of the modernisation of EU-Copyright rules.

In-Depth Analysis EN, FR
The Satellite and Cable Directive

Publication type: Briefing
Date: 26-05-2016
Author: Milan REMAC

Keyword: programmes industry | electronic commerce | application of EU law | European audiovisual area | cable distribution | free movement of programmes | EC Directive | copyright

Summary: Since 1995, when the Satellite and Cable Directive 93/83 was supposed to be transposed into the national laws of the Member States, the broadcasting landscape has been through various changes. While cable retransmission and satellite broadcasting still play their roles, new forms of broadcasting have found a stable place in the broadcasting landscape. The paper focuses on current EU innovation initiatives and comments on the development of an EU innovation policy. The EU innovation policy mix comprises, on the one hand, key policies targeting the actors of the innovation process (research and development, industrial, education and regional policy); on the other, it includes key framework conditions like policies and instruments shaping the interactions and organising the flows of knowledge, skills and funds between the innovation players (funding, taxation, single market and competition, regulation, standards, intellectual property rights, etc.). Most measures taken at EU level aim to address the fragmentation of the European innovation landscape resulting from the diversity of national and regional policies. Although progress has been made in addressing the barriers created by fragmentation, there is a need to renew the governance of innovation policies in order for innovation to reach its full potential in Europe.

EU Innovation Policy – Part II: EU policies and instruments supporting innovation

Publication type: In-Depth Analysis
Date: 24-05-2016
Author: Vincent REILLON

Policy area: Research Policy | Economics and Monetary Issues | Industry
Keyword: single market | multi-level governance | EU financing | EU industrial policy | small and medium-sized enterprises | electronic commerce | economic and social cohesion | energy policy | entrepreneurship | EU research policy | company research | research and development | innovation | intellectual property

Summary: This publication aims to provide an overview of the measures and instruments that make up the EU's innovation policy mix. The paper focuses on current EU innovation initiatives and comments on the development of an EU innovation policy. The EU innovation policy mix comprises, on the one hand, key policies targeting the actors of the innovation process (research and development, industrial, education and regional policy); on the other, it includes key framework conditions like policies and instruments shaping the interactions and organising the flows of knowledge, skills and funds between the innovation players (funding, taxation, single market and competition, regulation, standards, intellectual property rights, etc.). Most measures taken at EU level aim to address the fragmentation of the European innovation landscape resulting from the diversity of national and regional policies. Although progress has been made in addressing the barriers created by fragmentation, there is a need to renew the governance of innovation policies in order for innovation to reach its full potential in Europe.

Contracts for supply of digital content: A legal analysis of the Commission's proposal for a new directive

Publication type: In-Depth Analysis
Date: 23-05-2016
Author: Rafał MAŃKO

Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: single market | digitisation | consumer protection | supply | personal data | contract | EC Directive | EU law - national law | electronic commerce | data protection | digital technology | intellectual property | supplier

Summary: The proposed directive on supply of digital content contains rules on the contractual aspects of the relationship between suppliers and consumers of digital content. The scope ratione materiae of the directive includes not only the supply of digital content to consumers in the strict sense, i.e. the supply of software, digital music, e-books, films and images, but also digital services, in particular rental of on-line computer programs, cloud computing and social media platforms. However, sale of digital content embedded in tangible goods is excluded from its scope. The scope ratione personae extends only to consumer contracts. The directive extends only to contracts concluded for consideration, which can also take the form of digital data, including personal data, provided by the consumer. Regarding criteria for evaluating the conformity of the digital content, the directive ostensibly gives precedence to the contract, before any objective measure of conformity. Subsidiary criteria for evaluating conformity include objective fitness for purpose, international technical standards, as well as public statements. The proposal takes over from the existing acquis the idea of a hierarchy of remedies, meaning that in the case of non-conformity, consumers are barred from terminating or claiming a price reduction, but must first ask the trader to bring the digital content to conformity. However, in case of non-supply, consumers have the right to terminate immediately. They also enjoy the right to terminate regardless of conformity, in cases where the trader modifies the digital content, as well as in long-term contracts. The proposal contains detailed rules on the consequences of termination, in particular with regard to the further use of the consumer's personal data by the trader, and the further use of digital content by the consumer.
The Juncker Commission's ten priorities: State of play in mid-2016

Publication type: In-Depth Analysis  
Date: 23-05-2016  
Author: Etienne BASSOT | WOLFGANG HILLER  
Policy area: EU Democracy, Institutional and Parliamentary Law  
Keyword: single market | United States | Economic and Monetary Union | the EU's international role | area of freedom, security and justice | sustainable development | EU industrial policy | European Commission | electronic commerce | simplification of legislation | climate change policy | energy policy | EU migration policy | trade agreement (EU) | economic priority | EU employment policy

Summary: This publication provides an overview of the work done by the European Commission under the first two work programmes of Jean-Claude Juncker's presidency, and more specifically of the initiatives it has taken in the framework of its ten priority areas for actions. It draws on a wide range of publications by EPRS, and builds, in particular, on the briefing 'The ten priorities of the Juncker Commission: State of play a year on', by Ariane Debyser. It has been compiled by Desislava Boyadjieva with contributions from authors across EPRS – Piotr Bakowski, Angelos Delivorias, Gregor Erbach, Stephan Huber, Elena Lazarou, Anita Orav, Eva-Maria Poptcheva, Laura Puccio, Christian Scheinert, Andrej Stuchlik, Marcin Szczepanski, Laura Tilindyte, Sofija Voronova and Astrid Worum – as well as colleagues from the Office of the Deputy Secretary-General. Graphics are by Eulalia Claros, Christian Dietrich and Giulio Sabbati. As the European Commission under its President Jean-Claude Juncker begins the preparation of its 2017 work programme, this publication seeks to provide an overview of the work already done since the Commission took office in each of its 10 priority areas. Moreover, as this Commission approaches the midway point of its second annual work programme, it is of growing interest to assess progress towards the targets that the Commission has set itself, and to identify areas in which difficulties in making progress have been encountered.

In-Depth Analysis DE, EN, FR

EYE 2016 – Patents, pirates and fair play

Publication type: At a Glance  
Date: 28-04-2016  
Author: Tambiama André MADIEGA  
Policy area: Intellectual Property Law  
Keyword: electronic commerce | fight against crime | patent | cultural exception | artistic creation | impact of information technology | literary and artistic property | software | open access publishing | diffusion of innovations | copyright | audiovisual piracy

Summary: Today the internet is at the heart of the new digital society. It is a communication tool but it can also be used to offer and to access online a vast range of commercial and cultural services or content. Policy-makers are trying to clarify the respective rights and obligations of consumers, creators of content and intermediaries who interact on the internet, and to make sure that innovation and fair competition can flourish. This note has been prepared for the European Youth Event, taking place in Strasbourg in May 2016. Please click here for the full publication in PDF format

At a Glance EN

Contracts for supply of digital content to consumers

Publication type: Briefing  
Date: 25-04-2016  
Author: Rafał MAŃKO  
Keyword: single market | France | proof | United Kingdom | consumer protection | drafting of EU law | jurisdiction | business morals | personal data | Ireland | contract | electronic commerce | Poland | Germany | national law

Summary: On 9 December 2015, the Commission tabled a proposal for a directive on contracts for supply of digital content to consumers. The proposal would cover, with a single set of rules, contracts for the sale of digital content (e.g. when consumers buy music, films, e-books or applications), for rental of digital content (e.g. when consumers watch a movie online, but do not download a copy), as well as contracts for digital services, such as cloud computing and social media. The proposal envisages a maximum level of harmonisation, meaning that it will be prohibited for Member States to enact or retain more consumer-friendly rules within the directive’s scope. Currently, only the UK has enacted rules designed specifically for contracts for supply of digital content. A similar legislative bill was recently discussed in Ireland. Other Member States, such as Germany and the Netherlands, have extended the scope of existing contract rules, especially on consumer sales, to include sale of digital content. Yet in other Member States, such as Poland, there are no explicit rules on supply of digital content, which leads to legal uncertainty and practical difficulties regarding the rights and remedies available to consumers in case of non-conformity.

Briefing EN
Reducing Costs and Barriers for Businesses in the Single Market

Publication type: Study
Date: 11-04-2016

External author: Moritz Immanuel GODEL, Annette HARMS, Siôn JONES and Iris MANTOVANI (LE Europe)

Policy area: Forward Planning | International Trade | Global Governance | Internal Market and Customs Union | Consumer Protection

Keyword: single market | electronic commerce | VAT | public contract | consumer protection | simplification of formalities | administrative formalities | non-tariff barrier | public consultation | intra-EU trade | cost-benefit analysis | electronic government

Summary: The study points out that reducing business costs and regulatory and market barriers is necessary to complete the Single Market. However, monitoring of barriers and costs in the EU is poor and unsystematic. Thus, quantification and clear identification of barriers and costs is lacking, which makes prioritisation of policy actions difficult. Resulting costs of slow reform process and vague initiatives with uncertain time horizons in the area of e-commerce alone amount to €748 billion. As indicated by examples of Estonia and South Korea, ICT and e-government can be particularly efficient in reducing these costs and barriers.

The study was prepared for Policy Department A at the request of the Internal Market and Consumer Protection Committee.

Study: EN

Contract rules for online purchase of digital content and tangible goods (Part of Digital Single Market): Implementation Appraisal

Publication type: Briefing
Date: 08-04-2016

Author: Milan REMAC

Policy area: Transposition and Implementation of Law | Evaluation of Law and Policy in Practice | Internal Market and Customs Union

Keyword: single market | electronic commerce | impact study | consumer protection | drafting of EU law | application of EU law | contract

Summary: The 2015 Commission proposals on contract rules for online purchase of digital content and tangible goods intend to simplify and harmonise the contract rules on the cross-border online purchases in Europe. The proposals introduce various rules with a goal to fully harmonise provisions applicable to online and cross-border. However, full harmonisation would introduce the same rules applicable throughout the whole EU. This harmonisation will in general, simplify and increase customer protection in contract relations conducted online and cross-border. However, full harmonisation might have some negative impact on those MS that already have existing national legislation going beyond the text of the proposals.

Briefing: DE, EN, FR

Regulation 2006/2004 on consumer protection cooperation: Implementation Appraisal

Publication type: Briefing
Date: 08-04-2016

Author: Lorna SCHREFLER

Policy area: Transposition and Implementation of Law | Evaluation of Law and Policy in Practice | Internal Market and Customs Union

Keyword: electronic commerce | EC Regulation | consumer protection | application of EU law | supervisory body | administrative cooperation | public consultation

Summary: The CPC Regulation and its objectives (i.e. facilitating cooperation between enforcement authorities; improving the quality and consistency of enforcement; and monitoring and enhancing the protection of consumers' economic interests) remain relevant and valid today. However, the landscape in which consumer protection authorities operate has significantly changed since the adoption of the Regulation in 2004. In particular, and despite its considerable economic and societal benefits, the advent of digitalisation poses new challenges to detect and tackle infringements of consumer protection rules in a timely, effective and efficient manner. For instance, infringements committed simultaneously in several Member States by the same trader cannot be fully addressed under the current CPC Regulation. In addition, a recent external evaluation (2012) and Commission reports (from 2009 to 2014) on the functioning of the CPC Regulation indicate that the original objectives of the Regulation have not been entirely achieved. This is in spite of some very positive developments such as the creation of the CPC Network and a tangible increase in enforcement cooperation between national authorities, as testified by joint initiatives such as the 'sweeps'. Indeed, legal and procedural barriers to effective cross-border cooperation remain in place and, as noted also by the EP, downward pressure on resources allocated to enforcement authorities at MS level hampers the correct and effective implementation of the Regulation. In view of the forthcoming review of the Regulation in 2016, options to include additional minimum investigative and enforcement powers, such as the ability to request penalty payments to recover illicitly obtained gains; an explicit power – under certain conditions – to name infringing traders; and the possibility to carry out 'mystery shopping' exercises, received wide support by stakeholders consulted. Other possible modifications to the CPC Regulation, such as the establishment of common standards to handle infringements and a potential revision of the Commission's role in the CPC Network, raise more complex questions. The various policy options outlined in the Roadmap announcing the revision of the Regulation were still being assessed by the Commission at the time of writing this briefing.

Briefing: DE, EN, FR
Cross-border portability of online content services in the internal market: Initial Appraisal of a European Commission Impact Assessment

Publication type: Briefing
Date: 17-03-2016
Author: Katharina EISELE
Policy area: Ex-ante Impact Assessment | Internal Market and Customs Union
Keyword: programmes industry | single market | electronic commerce | impact study | freedom to provide services | audiovisual industry | drafting of EU law | cross-frontier data flow | free movement of programmes | copyright

Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment accompanying the above proposal, adopted on 9 December 2015. This proposal is one of the first legislative initiatives proposed under the umbrella of the Digital Single Market (DSM) Strategy. The DSM Strategy is in itself one of the ten political priorities of the Juncker Commission. The portability proposal aims to contribute to the key objectives of the DSM allowing for better online access to digital goods and services across the EU Member States when travelling. Further legislative proposals in the field of copyright are expected in 2016. Overall, the impression is that this IA has made a reasonable attempt to analyse the current situation, substantiating the need for EU action to solve the issue. The IA draws upon a wide range of research from different sources and disciplines, both external and internal, and the stakeholder consultation appears to be broad. However, the objective of the present initiative (to ensure cross-border portability) is formulated in such a way that it can in fact only conceivably be achieved by a legislative solution that prescribes portability on a mandatory basis (meaning Option 3, which is the Commission's preferred option). This could cast some doubt as to whether the alternatives presented were really considered as viable options. Also, some of the assumptions upon which the IA is based might merit some further examination. For example, this might be the case concerning the current and potential future consumer demand for portability based on Eurobarometer data. Finally, the IA could perhaps have been clearer from the start that the real issue at hand concerns almost exclusively limited portability of online content services in the AV sector and sport premium content services, but that for reasons of legal certainty, all sectors are technically covered by the initiative (IA, p. 21).

Crowdsourcing and crowdfunding in the cultural and creative sectors

Publication type: At a Glance
Date: 23-02-2016
Author: Magdalena PASIKOWSKA-SCHNASS
Policy area: Culture
Keyword: electronic commerce | artistic creation | impact of information technology | culture industry | voluntary work | non-standard employment | financing method | copyright | corporate finance

Summary: The internet offers digital spaces that can connect creators and service or content providers with consumers, and with new work, business or financing possibilities. In the sphere of arts and culture, this offers new opportunities for fundraising for events and projects, and for developing collaborative projects among artists, sometimes with public participation.

Contracts for the supply of digital content and for the online and other distance sales of goods: Initial Appraisal of a European Commission Impact Assessment

Publication type: Briefing
Date: 17-02-2016
Author: HUBERT DALLI
Policy area: Ex-ante Impact Assessment | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law
Keyword: single market | electronic commerce | impact study | digitisation | consumer protection | supply | personal data | harmonisation of standards | digital technology | data protection | contract | supplier

Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the above two Commission proposals (the proposals), submitted on 9 December 2015 and referred to Parliament's Committee on Internal Market and Consumer Protection. In 2011 the Commission published a proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law (CESL). The European Parliament adopted its first reading legislative resolution on the proposal in February 2014, proposing substantial amendments. It did not receive Council's backing, however. In its Work Programme for 2015, the Commission stated that it would be modifying the CESL proposal and the two proposals under examination are the result of that process. The 2015 Work Programme had announced that the Commission was preparing a strategy to identify and tackle the major challenges towards a digital single market, undertaking, amongst other things, to simplify the rules for consumers making online and digital purchases and to facilitate e-commerce. Please click here for the full publication in PDF format.
New EU-wide online dispute resolution platform

Publication type At a Glance
Date 16-02-2016
Author Jana VALANT
Policy area Internal Market and Customs Union | Consumer Protection
Keyword single market | electronic commerce | consumer protection | Internet site | business morals | alternative dispute resolution
Summary A new web-based platform, which became available on 15 February 2016 in all EU languages, will provide an easy, fast and inexpensive way to assist in resolving disputes between online buyers and traders. The platform is managed by the European Commission. Please click here for the full publication in PDF format

E-Books: Evolving markets and new challenges

Publication type Briefing
Date 10-02-2016
Author Ivana KATSAROVA
Policy area Culture | Intellectual Property Law | Internal Market and Customs Union | Consumer Protection
Keyword corporation tax | fixing of prices | digitisation | restriction on competition | VAT rate | case law (EU) | copyright | virtual library | book trade | infringement procedure (EU) | electronic commerce | electronic publishing | computer piracy
Summary With an estimated value of US$151 billion, book publishing gradually evolved into a truly global business early in the 21st century. As yet, however, e-books are nevertheless significant only in a relatively small number of markets. These are led by the United States (13% of the book market) and the United Kingdom (11.5%), with Germany (5%) developing more recently. The e-book market in the EU has taken off only in recent years, and in 2014 it still represented only 1.6% of the total book market in the leading EU markets.

The advent of e-books transformed the usual linear supply chain into a global network, with competing distribution channels and retail outlets, pushing publishers and booksellers to establish a digital strategy. Indeed, e-books face specific challenges with regard to protection from piracy, lending, and copyright issues. More importantly, multinational digital companies choose to set up European headquarters in specific Member States due to their favourable tax regimes and/or lower value added tax (VAT) rates. To partly offset this phenomenon, the EU introduced new rules from 1 January 2015, according to which VAT on electronic services is levied where the customer is based, rather than where the supplier is located.

In contrast to print books, e-books cannot enjoy reduced VAT rates, since they are classified as 'software'. While the average VAT rate for print books across the EU is 7.6%, the corresponding rate for e-books stands at 19.9%, thus placing them at a disadvantage. The European Commission has already begun a reflection on the VAT regime, including considering the application of reduced VAT rates and is to announce its conclusions by the end of 2016.

The Cost of Non-Europe in the Sharing Economy: Economic, Social and Legal Challenges and Opportunities

Publication type Study
Date 25-01-2016
Author Pierre GOUDIN
Policy area European Added Value | Internal Market and Customs Union
Keyword single market | freedom to provide services | labour law | application of EU law | restriction on competition | transport market | cost-benefit analysis | social security | impact study | social impact | electronic commerce | new type of employment | tax collection | impact of information technology
Summary This ‘Cost of Non-Europe’ study examines the current economic, social and legal state of play regarding the sharing economy in the European Union, and identifies the cost of the lack of further European action in this field. The assessment of existing EU and national legislation confirms that there are still significant implementation gaps and areas of poor economic performance. The subsequent examination of areas where it was believed that an economic potential exists highlighted that substantial barriers remain, hindering the achievement of the goals set out in the existing legislation. Moreover, some issues are not or are insufficiently addressed (e.g. status of workers employed by sharing economy service providers). Consequently, more European action would be necessary to achieve the full economic potential of the sharing economy. In doing so, policy-makers should seek to ensure an adequate balance between creative freedom for business and the necessary regulatory protection. This research estimates the potential economic gain linked with a better use of capacities (otherwise under-used) as a result of the sharing economy is €572 billion in annual consumption across the EU-28. This figure should nevertheless be considered with caution; substantial barriers prevent the full benefits from being realised, and could reduce the value of potential increased use to up to €18 billion in the shorter-term and up to €134 billion in the medium and longer term, depending on the scale of regulatory obstacles.
The EU and the digital economy [What Think Tanks are thinking]

Publication type
At a Glance

Date
22-01-2016

Author
Marcin CESLUK-GRAJEWSKI

Policy area
Forward Planning | Internal Market and Customs Union | Economics and Monetary Issues

Keyword
single market | electronic commerce | Internet | impact of information technology | technological change | electronic government | copyright | bibliography

Summary
The European Union is presented with many opportunities and challenges from the rapid development of the digital economy, with its fast growth of data flows, domination of U.S. firms, concern of privacy and new business models in many sectors. The creation of the Digital Single Market is a central policy plank for the European Commission, which wants to use it to foster innovation and economic growth. It wants to improve access to digital goods and services and create the conditions for digital networks and services to prosper. The European Parliament adopted its resolution on the Digital Single Market on 19 January. The EU's immediate task is concluding a new data transfer agreement with the United States. Other challenges include upgrading the copyright law, deciding on net neutrality and addressing competition concerns. This note offers links to recent studies and reports from major international think tanks and research institutes on the digital economy. More papers on the subject can be found in a previous edition of 'What think tanks are thinking' devoted to the Digital Single Market. Please click here for the full publication in PDF format.

At a Glance  EN

Towards a Digital Single Market Act

Publication type
At a Glance

Date
11-01-2016

Author
Marcin SZCZEPANSKI

Policy area
Internal Market and Customs Union | Economics and Monetary Issues

Keyword
single market | electronic commerce | transmission network | consumer protection | digital literacy | entrepreneurship | labour shortage | social security | electronic government | corporate finance

Summary
In May 2015, the Commission adopted a strategic proposal entitled ‘A Digital Single Market Strategy for Europe’, comprising 16 legislative and non-legislative initiatives to be delivered by the end of 2016. A report by the Committees on Internal Market and Consumer Protection (IMCO) and on Industry, Research and Energy (ITRE), elaborating on the Strategy and its impact on society and economy, is due to be discussed in plenary in January.

At a Glance  ES, DE, EN, FR, IT, PL

The Collaborative Economy

Publication type
Study

Date
21-12-2015

Author
Lieve VAN WOENSEL | PETER IDE-KOSTIC

External author
External authors: Steve Robertshaw (editor), Nick Achilleopoulos, Johan E. Bengtsson, Patrick Crehan, Angele Giuliano, John Soldatos (AcrossLimits Ltd, Malta)

Policy area
Research Policy | Forward Planning | Global Governance | Consumer Protection

Keyword
consumer protection | electronic money | prospective technological studies | technological change | copyright | social impact | electronic commerce | economic consequence | Internet | impact of information technology | information processing | computer assisted design | data protection

Summary
Ever since its appearance, Internet has allowed us to collaborate with other people remotely. In the 80’s, email was the breakthrough that enabled exchange of digital materials. In the 90’s, the World Wide Web opened collaboration on websites. After 2000, social media and e-meeting technologies enabled face-to-face interaction with others via the internet. New modes of collaboration, such as crowd sourcing, crowd funding, co-creation or open design are reaching mainstream use. Advances in technologies related to Collaborative Internet, Big/Open Data, Crypto Currency and Additive Manufacturing are bringing the Collaborative Economy ever closer to us. This study reveals a wide range of opportunities and threats associated with these technologies, as well as social, political, economic, moral and ethical issues related to this new way of working. Policy options are presented, in order to help policy makers anticipate developments with effective policies that will nurture the positive impacts of collaborative Internet and avoid the negative ones.

Study  EN

Annex  EN

Multimedia  EN
Over-the-Top (OTTs) Players: Market Dynamics and Policy Challenges

**Publication type:** Study  
**Date:** 15-12-2015

**External author:** Ilsa GODLOVITCH (WIK), Bas KOTTERINK (TNO), J. Scott MARCUS (WIK), Pieter NOOREN (TNO), Jop ESMEIJER (TNO) and Arnold ROOSENDAAL (TNO)

**Policy area:** Internal Market and Customs Union

**Keyword:** programmes industry | single market | electronic commerce | consumer protection | impact of information technology | audiovisual industry | telecommunications industry | competition law | data protection | start-up | economic analysis | corporate finance

**Summary:** In this study we (1) explore current and emerging business models for over-the-top (OTT) services (including Voice over IP, instant messaging services, and streaming video and music services); (2) identify costs and barriers to European online service development including over-the-top (OTT); (3) describe the regulatory environment for online services in Europe, contrasting it with the environment for traditional telecom and media services, as well as the environment in some of Europe’s major trading partners; and (4) make recommendations to achieve a Digital Single Market. The study was prepared for Policy Department A at the request of the Internal Market and Consumer Protection Committee.

**Study EN**

TTIP Services - Study in Focus

**Publication type:** At a Glance  
**Date:** 16-11-2015

**Author:** Mariusz MACIEJEWSKI


**Keyword:** electronic commerce | freedom to provide services | negotiation of an agreement (EU) | United States | South Korea | tertiary sector | public service | recognition of vocational training qualifications | investment protection | trade agreement (EU) | Canada | data protection

**Summary:** This study Challenges and Opportunities for the Internal Market and Consumer Protection in the area of Services analyses the opportunities and potential benefits – in aggregate and by sector - from further freeing up of transatlantic services trade via improvements in market access, regulatory cooperation and service provider mobility. The study also considers the EU’s defensive interests in maintaining consumer standards and the government’s right to regulate and draws on the innovations and lessons to be taken from other recent EU preferential trade agreements. This is a short overview of this study.

Link to the original document:  

**At a Glance EN**

Research for TRAN Committee - The Digitisation of Tourism Enterprises

**Publication type:** In-Depth Analysis  
**Date:** 16-11-2015

**External author:** Ondrej Mitas, Marian van der Ent and Paul Peeters

**Policy area:** Transport | Evaluation of Law and Policy in Practice

**Keyword:** electronic commerce | impact of information technology | dominant position | tourism | market | information technology applications | small and medium-sized enterprises

**Summary:** This analysis synthesizes the effects of information technology developments on tourism SMEs in the European Union. The effects were found to be profoundly disruptive to traditional business models of tourism information and distribution. Policy developments supporting research, education and facilitating change in tourism SMEs are called for.

**In-Depth Analysis EN**

Employment and Skills Aspects of the Digital Single Market Strategy

**Publication type:** Study  
**Date:** 16-11-2015

**External author:** Daphne Valsamis (IDEA Consult)

**Policy area:** Social Policy | Employment

**Keyword:** single market | personnel administration | labour law | vocational training | digital literacy | labour shortage | digital divide | teleworking | working conditions | skill obsolescence | social security | electronic commerce | new type of employment | economic consequence | postal service

**Summary:** The ongoing and anticipated impact of digitalisation and the digital single market not only provides opportunities, but also presents challenges in terms of the job dynamics and changes in working conditions. The net effects of digitalisation on employment are ambiguous, but job losses in certain sectors are inevitable. Classic employer-employee relationships are also under pressure. The transformation of jobs calls for different skills requirements which could lead to growing skill gaps and mismatch in the labour market.

**Study EN**
Online consumer reviews: The case of misleading or fake reviews

Summary

Online consumer review sites and platforms are tools that are widely used by consumers and are becoming embedded in both consumer behaviour and business models. A 2013 European Consumer Centres’ Network web survey showed that 82% of respondents read consumer reviews before shopping. Tools for increasing consumer awareness and raising their trust in the market should not, however, mislead consumers with fake reviews, which, according to different estimates, represent between 1% and 16% of all ‘consumer’ reviews.

Directive 2005/29/EC, the Unfair Commercial Practices Directive, concerning unfair business-to-consumer commercial practices in the internal market defines misleading or aggressive commercial practices and prohibits, in particular, the practice of falsely representing oneself as a consumer. Misleading or fake reviews undermine consumers’ confidence in the integrity of online reviews and lead to consumer detriment. A fake review can be defined as a positive, neutral or negative review that is not an actual consumer's honest and impartial opinion or that does not reflect a consumer's genuine experience of a product, service or business. Some European consumer organisations say review sites would benefit from being regulated, or to some extent standardised.

The problem of fake online reviews not only concerns individual consumers; it can lead to an erosion of consumer confidence in the online market, which can reduce competition. To deal with this issue, some guidelines have already been adopted by consumer enforcement bodies, regulators and other stakeholders, in the EU and internationally. Enforcement actions have also been taken. Fake online reviews should be taken seriously, as more and more consumers buy online, and the practice is becoming increasingly sophisticated.

Social, Economic and Legal Consequences of Uber and Similar Transportation Network Companies (TNCs)

Summary

Commercial success and massive uptake of services provided by companies such as Uber trigger a number of questions for regulators both in the United States and in the European Union. The main question is if such web based applications or platforms merit their success solely to innovation or if their success is due to exploitation of loopholes in regulatory requirements. Citizens and consumer organisations question if regulatory responses to these innovative services are dictated by genuine concerns over proper regulation of transportation services and consumer safety or constitute a protection of traditional incumbent transport operators.

Research for TRAN Committee - Tourism and the Sharing Economy: Challenges and Opportunities for the EU

Summary

The impacts, challenges and opportunities caused by the fast-growing sharing economy in tourism are assessed. The report describes the definition, size, and development of the sharing (or collaborative) economy, assessing the (dis-)advantages for the tourism sector, concluding with policy analysis and recommendations. Large parts of the sharing economy are affecting the tourism sector, although its share is very small. The main challenges are taxation and regulation; main opportunities are the innovative power and enhanced competition.
The sharing economy has had a positive impact on tourism as well as a negative one. Its advocates think that it provides easy access to a wide range of services that are often of higher quality and more affordable than those provided by traditional business counterparts. Critics, on the other hand, claim that the sharing economy provides unfair competition, reduces job security, avoids taxes and poses a threat to safety, health and disability compliance standards.

Sharing goods and services between individuals is nothing new in itself. However, the development of the internet and, as a consequence, the creation of online platforms has made sharing easier than ever. In the past decade, many companies managing such platforms have emerged on the market. A well-known example of a platform is one on which people can book accommodation (Airbnb).

The sharing economy has had a positive impact on tourism as well as a negative one. Its advocates think that it provides easy access to a wide range of services that are often of higher quality and more affordable than those provided by traditional business counterparts. Critics, on the other hand, claim that the sharing economy provides unfair competition, reduces job security, avoids taxes and poses a threat to safety, health and disability compliance standards.

The response to the sharing economy remains fragmented in the EU. Some activities have been regulated at local level. Neither the European Commission nor the Parliament have taken an official position so far, though a recent report from the Transport and Tourism Committee touches upon the issue. The Commission has announced that it plans to assess the role of platforms in order to see if any changes or new legislation is needed.
Tourism and the European Union: Recent trends and policy developments

Publication type: In-Depth Analysis
Date: 25-09-2015
Author: Maria Niestadt
Policy area: Tourism
Keyword: travel | consumer protection | EU regional policy | economic statistics | admission of aliens | small and medium-sized enterprises | electronic commerce | economic consequence | tourist exchange | consumer behaviour | tourism policy | common transport policy | EU competence | Treaty of Lisbon
Summary: Tourism is the third largest socio-economic activity in the European Union, making an important contribution to the EU economy and to job creation. Europe is the most visited region in the world. However, tourism in other regions is growing faster and Europe’s market share, in terms of international tourist arrivals and receipts, is shrinking.

Tourism businesses in the EU are confronted with a number of changes in tourist profile and behaviour, for example in terms of age, country of origin, how they plan and buy their travel, or which mode of transport they use.

Tourism policy remains a competence of the Member States. As the Treaties allow the EU only to support, coordinate or supplement the actions of the Member States, EU tourism policy has been rather limited, consisting mainly in providing financial support or legislating through other EU policies. The current framework for tourism policy is based upon a 2010 Communication; a revised strategy is expected to be adopted by the European Commission later in 2015.

In-Depth Analysis DE, EN, FR

A Digital Single Market Strategy for Europe

Publication type: Briefing
Date: 15-09-2015
Author: Marcin SZCZEPANSKI
Policy area: Internal Market and Customs Union | Economics and Monetary Issues
Keyword: single market | consumer protection | digital literacy | copyright | anti-trust legislation | electronic commerce | information society | information technology | impact of information technology | job creation | telecommunications | interinstitutional cooperation (EU) | digital technology
Summary: The European Commission has proposed a new strategy to create a fully integrated Digital Single Market (DSM), in order to gradually bring down the remaining obstacles and move from 28 national markets to a single one. The strategy comprises a mix of legislative and non-legislative initiatives to be tabled by the end of 2016. It is centred on three pillars: improving access to digital goods and services for consumers and businesses, creating the conditions for digital networks and services to prosper, and maximising the growth potential of the digital economy.

The European Parliament has been a long-standing advocate of ending the current fragmentation of the European market and utilising the full potential of an integrated digital market which would create jobs and growth in the EU. Implementation of the new strategy will require a number of new pieces of EU legislation to be adopted by the European Parliament and Council under the ordinary legislative procedure.

Experts, digital industry, businesses and consumers have generally welcomed the strategy, but some argued that it needs more clarity and that it does not sufficiently cover all obstacles to the fully integrated DSM. Many stakeholders are also expecting difficult negotiations among the Member States.

Briefing EN

Contract law and the Digital Single Market: Towards a new EU online consumer sales law?

Publication type: In-Depth Analysis
Date: 15-09-2015
Author: Rafał MAŃKO
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: single market | electronic commerce | consumer protection | approximation of laws | commercial law | drafting of EU law | territorial jurisdiction | EU competence | contract
Summary: In its Digital Single Market Strategy, unveiled in May 2015, the Commission has promised to come up with a revised proposal for a Common European Sales Law by the end of the year. More indications have been given the Commission in an Inception Impact Assessment, published in July 2015. The debate on the revamped proposal will have to address at least five crucial issues. Firstly, the legal form – whether the future online sales law will be a regulation or a directive? Secondly, if the legal form of a directive is chosen, whether total harmonisation or minimum harmonisation would be most appropriate, taking into account the principles of subsidiarity and proportionality? Thirdly, whether it would be sufficient for the instrument to regulate cross-border trade, or should it also extend to purely domestic online transactions? A fourth issue regards the ‘country of origin principle’ – should traders be allowed to rely on their domestic law when selling to consumers abroad? How would that fit with the current system of Rome I and Brussels Ia Regulations? Finally, the debate must focus on the content of the revamped proposal. Should it be copied from the original CESL, or perhaps tailor-made to online transactions specifically, where both consumers and traders have different interests and expectations than in offline transactions?

In-Depth Analysis DE, EN, FR
Consumer protection in the EU: Policy overview

Publication type: Study
Date: 15-09-2015
External author: Milieu Ltd.


Keyword: study | rule of law | electronic commerce | equal treatment | anti-discriminatory measure | terrorism | racism | EU Charter of Fundamental Rights

Summary: At the request of the LIBE committee, this study provides an overview of the legal framework applicable to hate speech and hate crime on the one hand and to blasphemy and religious insult on the other hand. It also evaluates the effectiveness of existing legislation in selected Member States and explores opportunities to strengthen the current EU legal framework, whilst fully respecting the fundamental rights of freedom of expression and freedom of thought, conscience and religion. The study also provides the European Parliament with guidelines on dealing with hate speech within the EU institutions.

Study EN

The ten priorities of the Juncker Commission: State of play a year on

Publication type: Briefing
Date: 04-09-2015
Author: Ariane DEBYSER

Policy area: European Added Value

Keyword: single market | United States | Economic and Monetary Union | the EU's international role | area of freedom, security and justice | EU industrial policy | European Commission | simplification of legislation | electronic commerce | climate change policy | energy policy | EU migration policy | trade agreement (EU) | economic priority | EU employment policy

Summary: Before his election to office in July 2014, the incoming President of the European Commission, Jean-Claude Juncker, set out ten policy priorities which would serve as the political mandate for his five-year term in office. With the stated aim of focusing on the ‘big things’, he outlined ten priority areas in which he wanted the EU to make a difference and deliver concrete results for citizens. The Commission Work Programme for 2015 was based on these guidelines, and on putting these priorities into practice. Ahead of President Juncker’s ‘State of the Union’ address, to be delivered at the EP plenary session on 9 September 2015, this briefing outlines the principal initiatives taken by the Commission since coming into office, under each of the ten policy areas: 1. A new boost for jobs, growth and investment 2. A connected digital single market 3. A resilient Energy Union with a forward-looking climate change policy 4. A deeper and fairer internal market with a strengthened industrial base 5. A deeper and fairer Economic and Monetary Union (EMU) 6. A reasonable and balanced free trade agreement with the United States 7. An area of Justice and Fundamental Rights based on mutual trust 8. Towards a new policy on migration 9. Europe as a stronger global actor 10. A Union of democratic change. Among major developments are the adoption of a Regulation on the European Fund for Strategic Investment, which is a key component of the Investment Plan for Europe, and the presentation by the Commission of framework strategies in several major policy fields (for example, Digital Single Market, energy, internal security, migration). The Commission has also made proposals in the area of better regulation, covering the entire policy cycle, aiming to improve the transparency and quality of EU law-making. While key initiatives of the Work Programme remain to be presented in the second half of the year (notably an action plan on Capital Markets Union, and a labour-market mobility package), the Commission has also been confronted with other major developments influencing the political agenda. On EMU, while progress was made with the adoption of the ‘Five Presidents’ Report’, the agenda has been dominated by the Greek debt situation, while in the field of migration, the EU is currently confronted with an escalating crisis, which has prompted calls for a stronger and more concerted European response.

Briefing ES, EN

Consumer protection in the EU: Policy overview

Publication type: In-Depth Analysis
Date: 01-09-2015
Author: Jana VALANT

Policy area: Internal Market and Customs Union | Consumer Protection

Keyword: single market | quality standard | United States | consumer protection | distributive trades | data collection | application of EU law | EU growth strategy | labelling | service | electronic commerce | negotiation of an agreement (EU) | consumer policy

Summary: ‘Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision’, were the words of US President JF Kennedy in 1962, which marked the dawn of consumer rights.

A lot has changed since then, but the fast-paced and ever-changing world is still a constant in our daily lives as consumers. In recent years, EU consumer policy has shifted from the technical harmonisation of standards to the recognition of consumer protection as a part of the effort to establish a ‘Europe for citizens’. But what precisely does the European Union’ consumer protection legislation encompass and which tools are used to monitor and improve the protection of European consumers? This document seeks to answer these questions, providing a snapshot of the main consumer policy developments in recent years, together with success stories, shortcomings and future challenges for legislators.

In-Depth Analysis DE, EN, FR
**Digital Single Market for Europe**

**Publication type** At a Glance  
**Date** 13-05-2015  
**Author** Marcin SZCZEPANSKI  
**Policy area** Internal Market and Customs Union | Economics and Monetary Issues  
**Keyword** single market | electronic commerce | regulation of telecommunications | consumer protection | intra-EU trade | data protection | computer piracy | copyright | proposal (EU)  
**Summary** The European Commission has proposed a new strategy to create a deeper Digital Single Market, in order to overcome the current fragmentation into 28 national markets. The strategy comprises a mix of legislative and non-legislative initiatives to be tabled by the end of 2016. However, the first reactions to the strategy have been mixed.

**At a Glance EN**
Digital Single Market and geo-blocking

Publication type At a Glance
Date 13-05-2015
Author Tambiama André MADIEGA
Policy area Intellectual Property Law | Internal Market and Customs Union
Keyword EU competition policy | single market | electronic commerce | consumer protection | case law (EU) | refusal to sell | competition law | intra-EU trade | copyright
Summary On 6 May 2015 the European Commission unveiled its Digital Single Market Strategy with which, inter alia, it intends to remove barriers to e-commerce across Europe. One such barrier is ‘geo-blocking’, that is commercial practices that prevent or restrict customers from accessing or purchasing a product or a service online, thereby adversely affecting cross-border e-commerce in the EU.
At a Glance EN

Digital single market in Europe [What Think Tanks are thinking]

Publication type At a Glance
Date 05-05-2015
Author Marcin CESLUK-GRAJEWSKI
Policy area Internal Market and Customs Union | Economics and Monetary Issues
Keyword single market | electronic commerce | bibliography
Summary On 6 May, the European Commission will unveil its strategy for creating a digital single market, one of the top priorities of President Jean-Claude Juncker. It aims to stimulate economic growth and create jobs by giving consumers and businesses easier access to digital goods and services. The Commission's blueprint, presented on 25 March, envisages facilitating e-commerce, tackling geo-blocking, modernising copyright law and simplifying VAT arrangements. Other goals include improving the environment for digital networks and services, and creating a 'European Digital Economy and Society'. This note offers links to recent commentaries, studies and reports on the topic from major international think tanks and research institutes.
At a Glance EN

Interactive EU Mapping: Overview of Internal Market and Consumer Protection Related Legislation - Digital Single Market and e-Commerce

Publication type At a Glance
Date 05-05-2015
Author Iveta OZOLINA | Kendra PENGELLY | Birgit HARDT | Mariusz MACIEJEWSKI
Keyword single market | electronic commerce | regulation (EU) | transmission network | regulation of telecommunications | consumer protection | directive (EU) | data protection | electronic government | copyright | proposal (EU)
Summary Overview of Internal Market and Consumer Protection related legislation: Digital single market and e-commerce.
At a Glance EN

European film in the digital era

Publication type At a Glance
Date 20-04-2015
Author Magdalena PASIKOWSKA-SCHNASS
Policy area Culture
Keyword electronic commerce | United States | consumer behaviour | impact of information technology | distributive trades | film industry | technological change | European audiovisual area | international competition | copyright | audiovisual piracy
Summary The fast pace of technological change is creating both challenges and opportunities for the film industry, notably in terms of distribution via new release channels (video on demand, downloading, streaming) and release windows (release chronology), and resulting changes in audience behaviour. New business models also raise questions over copyright for access to content.
At a Glance EN
Radio spectrum: a key resource for the Digital Single Market

Radio spectrum refers to a specific range of frequencies of electromagnetic energy that is used to communicate information. Applications important for society such as radio and television broadcasting, civil aviation, satellites, defence and emergency services depend on specific allocations of radio frequency. Recently the demand for spectrum has increased dramatically, driven by growing quantities of data transmitted over the internet and rapidly increasing numbers of wireless devices, including smartphones and tablets, Wi-Fi networks and everyday objects connected to the internet. Radio spectrum is a finite natural resource that needs to be managed to realise the maximum economic and social benefits. Countries have traditionally regulated radio spectrum within their territories. However despite the increasing involvement of the European Union (EU) in radio spectrum policy over the past 10 to 15 years, many observers feel that the management of radio spectrum in the EU is fragmented in ways which makes the internal market inefficient, restrains economic development, and hinders the achievement of certain goals of the Digital Agenda for Europe. In 2013, the European Commission proposed legislation on electronic communications that among other measures, provided for greater coordination in spectrum management in the EU, but this has stalled in the face of opposition within the Council. In setting out his political priorities, Commission President Jean-Claude Juncker has indicated that ambitious telecommunication reforms, to break down national silos in the management of radio spectrum, are an important step in the creation of a Digital Single Market. The Commission plans to propose a Digital Single Market package in May 2015, which may again address this issue.
**Re-Communicating the EU's IPR Strategy for Third Countries**

**Publication type** In-Depth Analysis  
**Date** 25-03-2015  
**Author** Roberto BENDINI | Susana MENDONCA  
**Policy area** Forward Planning | Intellectual Property Law | International Trade | Internal Market and Customs Union | Industry  
**Keyword** third country | public awareness campaign | trade regulations | approximation of laws | multilateral agreement | data collection | exchange of information | technical cooperation | electronic commerce | competitiveness | trade agreement (EU) | innovation | international trade | intellectual property  
**Summary** The European Commission's most recent initiative in the field of intellectual property rights (IPR), a 2014 communication, returns to an issue that has been largely side-lined since the European Parliament rejected the Anti-Counterfeiting Trade Agreement (ACTA) in 2014. While not a landmark, 'Trade, growth and intellectual property – Strategy for the protection and enforcement of intellectual property rights in third countries' (COM(2014)0389) serves as a good basis for constructive debate on securing better IPR protection in foreign markets, in cooperation with third countries and without infringing on civil liberties. The new document builds on a 2004 communication with a nearly identical title ('Strategy for the protection and enforcement of intellectual property rights in third countries'), which introduced a broad framework of initiatives aimed at combatting IPR violations outside the EU.

**In-Depth Analysis** EN

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**Tax policy in the EU - Issues and challenges**

**Publication type** In-Depth Analysis  
**Date** 18-02-2015  
**Author** Cécile REMEUR  
**Keyword** single market | electronic commerce | corporation tax | social dumping | economic growth | tax evasion | European tax cooperation | administrative cooperation | tax system | tax harmonisation | tax reform  
**Summary** EU tax policy is based on national tax systems which are decided by Member States and adapted to prevent national tax provisions hindering the single market and cross-border activities. Tax systems are under pressure to adapt and update as a result of budget consolidation and stimulating growth requirements. The challenges for EU tax policy include globalisation, digitalisation and tax competition, which offer greater room for avoidance, evasion and fraud – to which national and EU borders do not constitute an effective defence. Tax avoidance and fraud call for convergence, either through cooperation or coordination, to fight tax systems and which penalises growth. Convergence is being developed at EU and international level, where exchanges, sharing and tackling tax loopholes are expected to be strengthened to provide an effective answer.

**In-Depth Analysis** DE, EN, FR

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**Workshop on Building Blocks of the Ubiquitous Digital Single Market**

**Publication type** Study  
**Date** 03-02-2015  
**External author** Nick Sohnemann (FutureCandy, Germany), Christoph Pennings (iDate, France), Edwin Maaskant (Gartner Consulting, USA), Robert D. Atkinson (Information Technology & Innovation Foundation - ITIF, USA), Kim Soung Hie (KAIST Graduate School of IT & Media Management, South Korea), Silver Tammik (Economic Affairs at the Permanent Representation of Estonia to the EU, Belgium), Anne Fleur van Veenstra (TNO Strategy & Policy, Netherlands), J. Scott Marcus (Wissenschaftliches Institut für Infrastruktur und Kommunikationsdienste, Germany) and Andreas Mitrakas (European Union Agency for Network and Information Security - ENISA, Belgium)  
**Policy area** Area of Freedom, Security and Justice | Internal Market and Customs Union | Consumer Protection  
**Keyword** single market | electronic commerce | computer crime | Internet | South Korea | transmission network | impact of information technology | economic growth | telecommunications policy | Estonia | technological change | electronic government  
**Summary** Digital technologies enable new disruptive business models and fundamentally improved e-government solutions. They can transform the Digital Single Market into the main engine of growth and job creation. The workshop aims at giving an overview of most advanced market and technological trends built on mobile connectivity and cloud computing. It points at Estonia and South Korea as leading jurisdictions that made the most of digital technologies both in private and public sectors. It examines net neutrality and cybersecurity as upcoming political and regulatory challenges.

**Study** EN
A connected Digital Single Market - State of play and the way forward

Publication type: Briefing
Date: 26-01-2015
Author: Marcin SZCZEPANSKI
Policy area: Internal Market and Customs Union | Economics and Monetary Issues
Keyword: single market | electronic commerce | consumer protection | economic growth | legislative programme (EU) | telecommunications | data protection | copyright
Summary: Information and communication technologies and the digital economy have the potential to improve Europe's productivity and create growth and jobs. The EU has been making efforts to help create a more integrated European digital economy since the mid-1990s. In 2010, the Commission added new momentum to the process, and with the launch of the Digital Agenda set out to reap the benefits of a digital single market for households and businesses. Despite a relatively high level of implementation of the actions on the Agenda and the adoption of numerous legislative initiatives, the Digital Single Market remains fragmented into 28 national markets, and the EU continues to lag behind its main international competitors. The new European Commission recognised these shortcomings and the potential of the internet economy to help Europe recover from the crisis, and so placed completion of the Digital Single Market high on its agenda to the extent that there is now a dedicated project team of 13 Commissioners. In its 2015 Work Programme, the Commission outlined its intentions to conclude work on key pending proposals and table new legislative and non-legislative initiatives in this promising but challenging policy field, however to what extent tangible results will be achieved remains to be seen.

Briefing EN

New Trends and Key Challenges in the Area of Consumer Protection

Publication type: In-Depth Analysis
Date: 15-12-2014
Author: Carine PIAGUET
Policy area: Forward Planning | Consumer Protection
Keyword: electronic commerce | unfair terms of contract | protection of privacy | consumer protection | consumer behaviour | impact of information technology | electronic money | data protection | financial services
Summary: This paper, prepared by Policy Department A at the request of the Committee for Internal Market and Consumer Protection, presents the emerging trends having an impact on consumers and identifies the challenges associated to them in the area of consumer protection. It aims at guiding future reflection on policy actions.

In-Depth Analysis EN

Contribution of the Internal Market and Consumer Protection to Growth

Publication type: Study
Date: 15-12-2014
External author: Frank Alleweldt
Policy area: Consumer Protection
Keyword: poverty | single market | public contract | consumer protection | fiscal policy | EU growth strategy | EU industrial policy | financial services | electronic commerce | economic consequence | energy policy | common transport policy | youth policy | EU employment policy
Summary: This study first outlines the economic benefits of the EU single market and consumer protection from a general perspective. It then presents key achievements of the Europe 2020 flagship initiatives in deepening the single market and improving consumer protection, as well as remaining barriers. Based on evidence collected with regard to potentially significant economic benefits (including untapped potential in areas beyond the explicit scope of the flagship initiatives), it advocates further leveraging of single market and consumer protection policies in the Europe 2020 strategy to reignite growth.

Study EN

The economic potential of the ten-point Juncker Plan for growth without debt

Publication type: Study
Date: 28-11-2014
Policy area: European Added Value
Keyword: single market | public contract | freedom to provide services | company law | United States | EU action | consumer protection | free-trade agreement | area of freedom, security and justice | free movement of goods | European tax cooperation | unemployment insurance | common security and defence policy | electronic commerce | energy policy | equal pay | tourism policy | coordination of EMU policies | common transport policy | trade agreement (EU) | financial legislation
Summary: This study offers a series of provisional estimations of the potential gains to the European Union economy that could be generated over time from pursuing the ten-point plan presented by Jean-Claude Juncker to the European Parliament before he was elected President of the European Commission in July 2014. It forms part of a series of studies being undertaken on the potential added value from European-level initiatives advocated in resolutions of the European Parliament. The text covers seven of the ten guidelines proposed by the Commission President, where quantification can be attempted: A deeper and fairer Internal Market with a strengthened industrial base; A connected Digital Single Market; A deeper and fairer Economic and Monetary Union; A resilient Energy Union with a forward-looking climate change policy; A reasonable and balanced Free Trade Agreement with the United State; Europe as a stronger global actor; An area of Justice and fundamental rights based on mutual trust. This attempt to quantify the economic potential of the political guidelines presented by Jean-Claude Juncker, can be read in conjunction with the exercise of Mapping the Cost of Non-Europe 2014-19, which has so far been published by the European Added Value Unit in March and July 2014.

Publication type: In-Depth Analysis
Date: 05-11-2014
Author: Carine PIAGUET
Keyword: single market | freedom to provide services | public contract | corporate social responsibility | consumer protection | drafting of EU law | free movement of workers | corporate finance | electronic commerce | economic and social cohesion | common transport policy | trans-European network | intellectual property
Summary: This paper presents the progress made by the EU institutions on the implementation of the set of actions known as the Single Market Act I and the Single Market Act II and published by the European Commission in April 2011 and October 2012. It was prepared by Policy Department A for the information of the European Parliament's Committee on Internal Market and Consumer Protection.

The Cost of Non-Europe in the Single Market (Cecchini revisited)

Publication type: Study
Date: 03-10-2014
Author: Gabor Zsolt PATAKI
Policy area: European Added Value | Internal Market and Customs Union
Keyword: cost analysis | single market | electronic commerce | public contract | economic consequence | consumer protection | tertiary sector | mutual recognition principle | EU Member State | free movement of goods | gross domestic product | digital technology
Summary: It is well known that the Single Market has contributed significantly to economic growth and consumer welfare in the European Union. It has not however achieved its full potential and economic gains could be secured by better and more effective application of existing legislation and a deepening of the Single Market. This Cost of Non-Europe report seeks to quantify the costs arising from the lack of full integration and analyses the benefits foregone for citizens, businesses and Member States. The report considers the economic cost of market fragmentation and of the gaps and deficits in the free movement of goods, of services, public procurement, the digital economy and the body of consumer law known as the consumer acquis. The report estimates that completing the Single Market in these fields would entail economic gains ranging from €51 billion to €1.1 trillion euro per year, equivalent to a range of 5% to 8.63% of EU GDP.

The Cost of Non-Europe in the Single Market. Part V - Consumer Acquis

Publication type: Study
Date: 02-10-2014
External author: Mark Peacock (GHK Int.)
Policy area: European Added Value | Internal Market and Customs Union
Keyword: single market | electronic commerce | impact study | gaming | consumer protection | consumer credit | producer's liability | cost-benefit analysis | financial services
Summary: Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a ‘public good’ through common action at EU level in specific policy areas and sectors. This Cost of Non-Europe Report seeks to analyse the costs for citizens, businesses and relevant stake-holders of remaining gaps and barriers in the European Single Market, building on and updating the 1988 Cecchini Report, which quantified its potential benefits. This particular study - the fifth in a series - analyses the gaps in European consumer legislation. It provides a qualitative appreciation of the existing legislation, identifying areas where further EU legislative action could be beneficial, and provides tentative estimates of the costs of failure to legislate. It is not intended as comprehensive quantification, but rather as a ‘snap shot’ of some benefits which could be attained through completion of the consumer acquis.

Study EN
### The Cost of Non-Europe in the Single Market. Part III - Digital Single Market

**Publication type**: Study  
**Date**: 25-09-2014  
**Policy area**: European Added Value | Internal Market and Customs Union | Economics and Monetary Issues  
**Keyword**: single market | electronic commerce | impact study | intra-EU payment | consumer protection | electronic money | administrative formalities | postal service | cost-benefit analysis | intellectual property  
**Summary**: Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. This Cost of Non-Europe Report seeks to analyse the costs for citizens, businesses and relevant stake-holders of remaining gaps and barriers in the European Single Market, building on and updating the 1988 Cecchini Report, which quantified its potential benefits. This particular study - the third in a series - analyses the gaps in the European single market legislation which prevent attaining the benefits of a fully functioning e-commerce single market. It provides a qualitative appreciation of the existing legislation, identifying gaps where further legislative action at European level could be beneficial and quantifying the direct costs of failure to legislate and the potential broader economic impact of closing the gaps.

### The Cost of Non-Europe in the Single Market. Part II - Single Market for Services

**Publication type**: Study  
**Date**: 24-09-2014  
**Policy area**: European Added Value | Transport | Social Policy | Employment | Internal Market and Customs Union | Economics and Monetary Issues | Financial and Banking Issues  
**Keyword**: freedom to provide services | Community acquis | transport market | cost-benefit analysis | financial services | market access | impact study | electronic commerce | gaming | service industry | gas industry | electrical industry | trans-European network | services contract  
**Summary**: Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. This Cost of Non-Europe Report seeks to analyse the costs for citizens, businesses and relevant stake-holders of remaining gaps and barriers in the European Single Market, building on and updating the 1988 Cecchini Report, which quantified its potential benefits. This particular study - the second in a series - attempts to take stock of the remaining gaps or deficits in intra-EU market access obligations in services, and the related deficits in the proper functioning of the internal market for services. It also tries to identify the quantitative and qualitative economic gains of overcoming the costs of non-Europe of the remaining fragmentation, insofar as the EU can address such deficits.

### Adapting the EU Copyright Rules to the Digital Transformation: Implementation Appraisal

**Publication type**: Briefing  
**Date**: 15-07-2014  
**Author**: Stephane REYNOLDS  
**Policy area**: Intellectual Property Law | Transposition and Implementation of Law  
**Keyword**: single market | electronic commerce | approximation of laws | drafting of EU law | application of EU law | knowledge economy | EC Directive | copyright  
**Summary**: This briefing is one of a new series of 'Implementation Appraisals', produced by the European Parliamentary Research Service (EPRS), on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU body of law which is, or will shortly be, subject to amending proposals from the European Commission, intended to update the current framework. The series is based on the Commission’s intentions, as announced in its annual Work Programme (CWP). 'Implementation Appraisals' aim to provide a succinct overview of material publicly available on the implementation, application and effectiveness of an EU law to date - drawing on available in-puts from, inter alia, the EU institutions and advisory committees, national parliaments, and relevant external consultation and outreach exercises. They are provided to assist parliamentary committees in their consideration of related Commission proposals, once tabled.

### Single Market Act - State of Play (Update: 10 June 2014)

**Publication type**: In-Depth Analysis  
**Date**: 16-06-2014  
**Author**: Carine PIAGUET  
**Policy area**: Area of Freedom, Security and Justice | Intellectual Property Law | Transport | Internal Market and Customs Union | Financial and Banking Issues | Industry  
**Keyword**: single market | electronic commerce | freedom to provide services | public contract | corporate social responsibility | consumer protection | drafting of EU law | common transport policy | trans-European network | free movement of workers | intellectual property | corporate finance  
**Summary**: The present In-depth Analysis assesses the progress made by the EU institutions on the implementation of the set of actions presented by the European Commission in April 2011 and October 2012 and known as the Single Market Act I and the Single Market Act II. It was prepared by Policy Department A for the information of the European Parliament’s Committee on Internal Market and Consumer Protection.
Streaming and Online Access to Content and Services

Publication type: Study
Date: 14-03-2014
Author: Mariusz MACIEJEWSKI
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | freedom to provide services | Internet | digital archiving | impact of information technology | telecommunications policy | free movement of goods | cross-frontier data flow | knowledge economy | international competition | electronic government
Summary: As a result of technological progress in the area of cloud computing and mobile connectivity, Internet is increasingly offering an omnipresent and interactive - ubiquitous - access to information and content. This improved access is, in turn, leading to efficiency, innovation and a significant reduction of the environmental footprint through dematerialisation of consumption, with potential changes in the economic and societal landscape. However, the current legal and economic setting in Europe is leading to a partitioning of mobile Internet access and Internet content along national borders, significantly affecting benefits that could be derived by Europeans from the Digital Single Market and preventing Europe from consolidating its comparative advantage on the global ICT market.

Personal data protection package

Publication type: At a Glance
Date: 06-03-2014
Author: Rafał MAŃKO
Policy area: Area of Freedom, Security and Justice | Consumer Protection
Keyword: electronic commerce | protection of privacy | supervisory body | cross-frontier data flow | personal data | delegated legislation | Treaty of Lisbon | data protection | proposal (EU)
Summary: The existing directive on personal data protection was enacted almost two decades ago, at the dawn of the digital era. The Commission proposes to replace that directive with a regulation, thereby not only updating the legal framework, but also ending its fragmentation.

Common European Sales Law

Publication type: At a Glance
Date: 20-02-2014
Author: Rafał MAŃKO
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: Common Frame of Reference | single market | electronic commerce | contract terms | consumer protection | commercial law | intra-EU trade | producer's liability
Summary: The proposed Common European Sales Law (CESL) is intended to create a uniform set of contract rules available to traders and consumers entering into cross-border transactions in the internal market. The Legal Affairs Committee backs the proposal, but has tabled numerous amendments. However, the Committee on the Internal Market and Consumer Protection, an associated committee under Rule 50, suggested changing the legal form of CESL to a directive.

Contractual Arrangements Applicable to Creators: Law and Practice of Selected Member States

Publication type: Study
Date: 15-01-2014
External author: Séverine Dusollier (CRIDS, University of Namur), Caroline Ker (CRIDS, University of Namur), Maria Iglesias (KEA – European Affairs) and Yolanda Smits (KEA – European Affairs), National reports contributions: Séverine Dusollier (Belgium, France), Caroline Ker (Belgium, France), Maria Iglesias (Spain), Thomas Hoppen (Germany), Antonina Bakardjieva (Sweden), Anna Hammaren (Sweden), Péter Mezei (Hungary), Maciej Barczewski (Poland, assisted by Mr Michal Cieszewski) and Estelle Derclaye (United Kingdom)
Policy area: Intellectual Property Law | Contract Law, Commercial Law and Company Law
Keyword: collective bargaining | France | United Kingdom | collective agreement | contract | copyright | Hungary | electronic commerce | Spain | Poland | case-law | Germany | Sweden | communications industry
Summary: This report discusses the legal framework applicable to copyright contracts as well as the practices in artistic sectors. A careful revision of the copyright provisions, contractual law principles and case law in 8 Member States is presented together with a more specific analysis of a set of issues particularly relevant nowadays, such as collective bargaining, digital exploitation, imbalanced contracts, and reversion rights, among others. A set of recommendations aiming at improving the level of fairness in copyright contracts is proposed at the end of the study.

Study EN
Annex I EN
Discrimination of Consumers in the Digital Single Market

Publication type: Study
Date: 11-11-2013

External author: Hans SCHULTE-NÖLKE (University of Osnabrück), Fryderyk ZOLL (University of Osnabrück), Elwira MACIEJZYŃSKA-FRANASZCZYK (Kozminski University), Sebastian STEFAN (University of Osnabrück), Shaun CHARLTON (University of Osnabrück), Marc BARMSCHEID (University of Osnabrück), Monika KUBELA (University of Osnabrück)

Policy area: Public international law | Private international law and judicial cooperation in civil matters | Consumer Protection

Keyword: electronic commerce | restrictive trade practice | contract terms | consumer protection | enforcement of ruling | anti-discriminatory measure | consumer policy | provision of services | private international law

Summary: The study collates information on discrimination against consumers on grounds of place of residence or nationality in the Digital Single Market (DSM). Collected evidence indicates such practices as refusals to sell or discriminatory conditions depriving consumers of access to goods and services on DSM or obliging consumers to pay higher prices. The study assesses discrimination from the perspective of different areas of European law including Article 20 (2) of Services Directive, Private International Law, Competition Law and Intellectual Property Law, and provides for policy recommendations.

Study EN

Package Travel and Assisted Travel Arrangements: Initial Appraisal of the Commission's Impact Assessment

Publication type: Briefing
Date: 15-10-2013
Author: Elke BALLON

Policy area: Ex-ante Impact Assessment | Consumer Protection | Tourism

Keyword: electronic commerce | impact study | consumer protection | application of EU law | travel agency | independent retailer | passenger tariff | trade intermediary | traveller


Briefing DE, EN, FR

Entertainment x.0 to Boost Broadband Deployment

Publication type: Study
Date: 15-10-2013

External author: Scott Marcus (WIK-Consult GmbH), Ilsa Godlovitch (WIK-Consult GmbH), Pieter A Nooren (TNO), Dieter Elixmann (WIK-Consult GmbH) and Bram van den Ende (TNO), with the support of Jonathan Cave (RAND Europe)

Policy area: Research Policy | Industry

Keyword: electronic commerce | Internet | audiovisual programme | transmission network | financial market | regulation of telecommunications | telecommunications policy | information technology applications | business data processing

Summary: We explore the definition of broadband and explain its interaction with European policy goals; analyse available data in order provide a detailed, objective and realistic picture of the broadband deployment, adoption, and usage situation in the EU from a number of different perspectives; and assess the drivers of broadband today, with particular emphasis on audiovisual and entertainment services. Measures to promote demand in general and the distribution of IP-based audiovisual content in particular, would appear to be warranted.

Study EN

Market surveillance and product safety

Publication type: Briefing
Date: 06-05-2013
Author: Cécile REMEUR

Policy area: Consumer Protection | Public Health

Keyword: single market | electronic commerce | standardisation | traceability | consumer protection | dangerous substance | product safety | supervisory body | exchange of information | marketing

Summary: Making sure that economic actors abide by safety standards is a function of market surveillance. This aims to ensure that products circulating in the single market are compliant with the applicable requirements, in particular those for safety. The February 2013 product safety and market surveillance package includes two legislative proposals and a set of 20 actions to be implemented in the interim.

Briefing EN
**Better Governance of the Single Market: European Added Value Assessment**

Publication type: Study  
Date: 15-01-2013  
External author: Patrice Muller (Project Director), Shaan Devnani, Rohit Laher and Marguerita Lane (London Economics)  
Policy area: European Added Value | Transport | Internal Market and Customs Union  
Keyword: single market | electronic commerce | impact study | recognition of vocational training qualifications | transport market | charges for use of infrastructure | air transport | provision of services | national implementing measure  
Summary: The present European Added Value Assessment highlights the benefits for EU citizens and businesses that would arise from a better and more effective application of Directives and Regulations and a deepening of the Single Market. It draws on available studies, impact assessments and evaluations in a limited number of sectors (services, digital economy and transport). The available information suggest that alone in the services sector and digital economy, policy action to improve the application of Directives and Regulations and deepen the Single Market could raise the level of long-term EU27 GDP by at least 3.8%. While similar quantitative information is not available for the other Directives (Professional Qualifications, Airport Charges and Electronic Toll) reviewed in the present note, the available information shows that a better application of existing Directives, and an update of these in some cases, would yield substantial benefits to EU citizens and businesses in terms of lower costs, higher incomes and greater opportunities.

**EU-US trade agreement: the issues of consumer protection and food safety**

Publication type: Briefing  
Date: 05-12-2012  
Author: Carmen-Cristina CIROIL  
Keyword: electronic commerce | nanotechnology | negotiation of an agreement (EU) | United States | food safety | consumer protection | agricultural product | non-tariff barrier | trade agreement (EU) | intellectual property  
Summary: Non-tariff barriers and regulatory divergence are considered as the main challenge for a potential comprehensive EU-US trade and investment agreement. Stemming from different values, public preferences and different approaches towards risk management, these regulatory issues are greatest in the fields of protection of health, safety and the environment. Efforts in transatlantic regulatory cooperation date back to the 1990s, but progress has been difficult to achieve.

**Internet Economy Outlook**

Publication type: Study  
Date: 01-10-2012  
Policy area: Research Policy  
Keyword: electronic commerce | Internet | information system | hypermedia | digital technology | electronic government  
Summary: The Internet is now a fundamental infrastructure supporting the economy and is firmly in its second stage of development, having evolved from a data network connecting PCs with wires to a much broader network of new portable devices from mobile phones to tablet computers. It is also on the cusp of a much larger expansion to objects that typically did not have communications capabilities: the “Internet of things” is projected to have more connections than the people using them. This raises many important socio-economic and political issues for stakeholders to consider, as economies and societies become increasingly inter-meshed.

**Simplifying and Modernising VAT in the Digital Single Market for e-Commerce**

Publication type: Study  
Date: 18-09-2012  
External author: Helge Sigurd Næss-Schmidt, Daniel Mekonnen Ali, and Miguel Nieto Arias, with technical support provided by Johan Van der Paal, Joanna Denton and Manager Kenneth Vyncke (Deloitte Staff Partner)  
Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts  
Keyword: single market | electronic commerce | simplification of legislation | VAT | tax collection | administrative formalities | European tax cooperation | tax avoidance | digital technology | electronic government  
Summary: E-commerce is a large and growing business and a key part in the digital economy. To reap the full potential, a number of barriers needs to addressed, not the least the obstacles that the current VAT system presents to cross-border sales of physical and in particular digital content e-commerce products. This report lists shortcomings in the present VAT set-up, evaluates policy options put on the table by inter alia the European Commission and provides a range of recommended policy options that should be reviewed in more detail.
The Proposal for a Common European Sales Law: An e-Business Perspective

Publication type: In-Depth Analysis
Date: 14-09-2012

External author: Hanne Melin (Legislative Counsel Europe, eBay Inc.)

Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: electronic commerce | Internet | consumer protection | approximation of laws | intra-EU trade | commercial contract | contractual liability

Summary: The Internet and new technologies transform commerce and allow traders and consumers to transact irrespective of time, place and device. This paper explains the mechanisms behind the new commerce developing and points to the opportunities it presents. The new commerce also presents new challenges. Traders need another set of expertise and tools, and often opt for partner solutions such as online marketplaces. Policymakers need to rapidly and effectively remove barriers to these evolving commerce patterns. Here, we will need smart and flexible policy to support a better functioning internal market, innovation and investment. The proposed Common European Sales Law is a promising example of an attempt to improve the internal market in a novel way. To ensure it is properly designed to support the new commerce, this paper proposes improvements to the areas of language, user experience, dispute resolution, payment, and consumer obligations.

State of the Art Mobile Internet Connectivity and its Impact on e-Commerce

Publication type: Study
Date: 16-07-2012

External author: J. Scott Marcus (WIK), Pieter Nooren (TNO) and Imme Philbeck (WIK)

Policy area: Research Policy | Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | retail price | Internet | transmission network | regulation of telecommunications | mobile phone | new technology

Summary: Mobile broadband usage is growing thanks to the popularity of Internet-enabled smart phones and tablets. Mobile data networks are becoming faster and more capable. Europeans increasingly depend on mobile data applications, when at home and when under way. This briefing note considers whether the high price of mobile data roaming inhibits the use of mobile applications; the degree to which the 2012 Roaming Regulation addresses these concerns; and what further measures, if any, should be taken.

A Pan-European Trustmark for e-Commerce: Possibilities and Opportunities

Publication type: Study
Date: 10-07-2012

External author: Frank Alleweldt, Senda Kara, Neva Nahtigal, Jan Trzaskowski, Gottlieb Fabisch, Anna Fielder and Peter Megelvang-Hansen

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: single market | electronic commerce | Community certification | Internet | consumer protection | drafting of EU law | digital technology | contractual liability

Summary: Possibilities and opportunities of creating a pan-EU trustmark for ecommerce are examined through analysis of existing trustmarks for ecommerce, the relevant EU legal framework and main policy options for introducing a pan-EU trustmark. The study addresses issues such as the advantages and disadvantages of a pan-EU trustmark, its scope and enforcement, its mandatory or voluntary use by the traders, and the need for legal changes, among others.

Road Map to the Digital Single Market - Prioritising Necessary Legislative Responses to Opportunities and Barriers to e-Commerce

Publication type: Study
Date: 10-07-2012

External author: Alberto BOLOGNINI and Eleutta LEGOVINI (Economisti Associati)

Policy area: Intellectual Property Law | Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | Internet | consumer protection | impact of information technology | competitiveness | digital technology | data protection | intellectual property

Summary: This note reviews the state of play of the actions promoting the Commission’s Digital Single Market within the framework of the Digital Agenda for Europe and the Single Market Act. It identifies priority actions according to economic growth potential, the rationale and overtime variation of EU legislation, and the degree of consensus or lack thereof. Finally, it highlights synergies and interdependencies between the various actions and offers a rough estimate of the time schedule for their implementation and expected impact.
Optimal Integration of the European Dispute Resolution Platform

Publication type: In-Depth Analysis
Date: 15-03-2012
External author: Hervé Jacquemin
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: electronic commerce | civil liability proceedings | consumer protection | intra-EU trade | producer's liability | arbitration
Summary: The objective of this briefing paper is to discuss the possible issues and solutions regarding the optimal integration of the ODR Platform within the current consumer-oriented websites at the EU and national levels, taking into account the possible extent of scope of the Regulation on consumer ODR.

Assessing the Scope of European Online Dispute Resolution Platform

Publication type: In-Depth Analysis
Date: 15-03-2012
External author: Hans Micklitz and Giovanni Sartor
Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: electronic commerce | domestic trade | consumer protection | intra-EU trade | producer's liability | arbitration
Summary: The present note addresses the issue of the scope of the European online dispute resolution Platform. In particular it examines whether such a scope can be extended.

Implementation of the Package Travel Directive

Publication type: Study
Date: 15-03-2012
External author: Hans Schulte-Nölke, Anne-Kathrin Barutta, Shaun Charlton, Julia Henning and Elisabeth Spiecker gen. Döhmann (European Legal Studies Institute Osnabrück)
Policy area: Consumer Protection | Tourism | EU Law: Legal System and Acts
Keyword: electronic commerce | consumer protection | financial solvency | application of EU law | travel agency | independent retailer | trade intermediary | traveller
Summary: This study provides an updated evaluation of the Package Travel Directive. Firstly, the implementation of the Directive – especially through the current state of play in the new Member States – is analysed. Particular aspects of the Directive are treated, such as the problem of the travel provider becoming insolvent, issues relating to intermediaries and travel not regulated by the Directive. Secondly, proposals are treated. The Directive is evaluated from the perspectives of stakeholders and consumers. An update is given on the latest relevant legislative developments. This includes, specifically, the Consumer Rights Directive and the proposal for a European Sales Law in e-commerce. As a result, specific overarching proposals are made which may remedy the issues addressed.

Consumer Behaviour in a Digital Environment

Publication type: Study
Date: 15-08-2011
External author: Patrice Muller (London Economics, Project director), Mette Damgaard (London Economics, Project manager and lead author), Annabel Litchfield (London Economics), Mark Lewis (London Economics) and Julia Hörnle (Queen Mary University of London)
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: electronic commerce | computer crime | consumer information | information society | disclosure of information | illicit trade | after-sales service | producer's liability | purchasing habits
Summary: This study analyses consumer behaviour and the interaction between consumers and businesses in the digital environment. It is about how consumers benefit from the digital environment and whether and how they change their purchasing behaviour. A number of barriers to e-commerce and a more integrated European digital market are identified and specific policy recommendations are provided.

Executive summary

DE, FR
Information Requirements in the Consumer Rights Directive Proposal and in Other Directives

Publication type: In-Depth Analysis
Date: 02-02-2011

External author: Frank Alleweldt (Project director), Peter Rott (Lead author), Christian Twigg-Flesner (Second reader) and Senda Kara

Policy area: Consumer Protection | EU Law: Legal System and Acts


One information obligation that features in both the E-Commerce Directive and the Services Directive could be integrated into Article 5 of the proposed Consumer Rights Directive: Information concerning details enabling the trader to be contacted rapidly and communicated with directly and, as the case may be, by electronic means.

The E-Commerce Directive and the Services Directive contain some information requirements specific to the objectives of these directives that are not necessary in the context of general consumer contract law.

The Services Directive 2006/123/EC deals with a number of issues in a less comprehensive way than Article 5 of the proposed Consumer Rights Directive. It could be amended accordingly in order to avoid inconsistency.


In-Depth Analysis


Publication type: Study
Date: 25-10-2010

Author: Balazs MELLAR

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts

Keyword: The debate at the workshop focused on the functioning of the market surveillance system and the adequacy of the General Product Safety Directive (GPSD). The need for aligning the GPSD and the New Legislative Framework (NLF) was discussed in detail and challenges such as market surveillance of goods sold online or cooperation between markets surveillance and customs authorities were also covered.

Study

Broad Economic Analysis of the Impact of the Proposed Directive on Consumer Credit

Publication type: Study
Date: 08-04-2007

External author: Dr Frank Alleweldt (Project Director)
Prof. Dr. Hans-W. Micklitz
Prof. Dr. Peter Rott
Prof. Dr. Alistair Milne
Prof. Dr. Luboš Tichý
Dr Senda Kara
Maren Osterloh
Kristen Schubert
Merle Achten

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts

Keyword: single market | electronic commerce | consumer information | consumer credit | financial transaction | credit sale | financial legislation | financial services

Study

Consumer Confidence in the Digital Environment

Publication type: In-Depth Analysis
Date: 15-01-2007

External author: Frank Alleweldt, Anna Fielder and Merle Achten (Research Civic Consulting Alleweldt & Kara GbR, Berlin, Germany)

Policy area: Internal Market and Customs Union | Consumer Protection

Keyword: single market | electronic commerce | Internet | consumer information | consumer movement | product quality | product safety | consumer demand | quality label | new technology

Summary: Executive summary: The purpose of this briefing paper is to assess the main barriers that prevent consumers from buying goods and services from other member states, assess whether trustmarks or new technologies have an impact on those barriers, as well as identifying measures that could be taken to encourage European consumers to take full advantage of the internal market by buying goods and service online from other countries. To achieve this objective, some original research was carried out in addition to the review of available recent evidence. [...]
Redress and Alternative Dispute Resolution in Cross-Border e-commerce Transactions

**Publication type** In-Depth Analysis  
**Date** 15-01-2007  
**External author** Lilian Edwards (University of Southampton, UK) and Caroline Wilson (University of Southampton, UK)  
**Policy area** Electronic Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts  
**Keyword** electronic commerce | consumer protection | enforcement of ruling | appeal | right of action | intra-EU trade | producer's liability | arbitration  

**Summary**  
Executive summary  
Effective dispute settlement is regarded as one of the means of enhancing consumer confidence in cross-border purchases over the Internet. Yet a recent Eurobarometer survey shows that 41% of people who launched a formal complaint concerning cross-border purchases were not satisfied with the way their complaint was handled. Rather than going to the courts or elsewhere for settlement, most dissatisfied consumers took no further action, and only 6% brought the matter to an arbitration/mediation/conciliation body. Other studies of online dispute resolution (ODR) also show, on the whole, poor uptake by the public. Uptake of the EC's own publicly funded ODR provider, ECODIR, has been described as "disappointing." Why do so few people resort to this kind of dispute settlement, and what are the implications of low uptake for consumer confidence in cross border ecommerce? [...]

Refusal to Serve Consumers Because of their Nationality or Residence - Distortions in the Internal Market for e-commerce Transactions?

**Publication type** In-Depth Analysis  
**Date** 15-01-2007  
**External author** Natali Heilberger (Faculty of Law, University of Amsterdam, The Netherlands)  
**Policy area** Area of Freedom, Security and Justice | Internal Market and Customs Union | Consumer Protection  
**Keyword** single market | electronic commerce | freedom to provide services | consumer protection | competition law | consumer policy  

**Summary**  
Executive summary  
Technological progress and the internet bring the promise of an Internal Market for electronic services closer than ever into the reach of Europe's citizens. Yet, while European and national policies are committed to removing government-made obstacles to the free movement of services, some e-commerce businesses use technology to actually reintroduce territorial barriers. These businesses either refuse residents or citizens from other member states access to their services, or subject them to dissimilar conditions or prices. The motives for so doing can be roughly distinguished in:  
- Objective conditions of the market: e.g. local preferences, language, costs of transport, non-existing market for transborder services;  
- Legal reasons: e.g. flowing from territorial licensing agreements or divergent national regulations;  
- Strategic economic reasons: e.g. price discrimination, reducing competition, preventing free-riding. [...]

The Approach of the European Union to the Information Society

**Publication type** Study  
**Date** 16-06-2003  
**External author** Maria Nikolova  
**Policy area** Culture | Industry  
**Keyword** electronic commerce | Internet | information society | information highway | intelligent transport system | economic development | job creation | knowledge economy | electronic government  

**Summary**  
This paper deals with the European Union approach to the information society. It defines the emerging information society as a new model of socio-economic development due to the increasing use of Information and Communications Technologies in our everyday life. The paper also provides a survey of the state of play of the information society within the European Union.

The Impact of e-Commerce on Transport in Europe and Possible Actions to be Taken to Meet Increased Demand

**Publication type** Study  
**Date** 01-03-2002  
**External author** TNO Inro (Delft, Netherlands)  
**Policy area** Transport  
**Keyword** electronic commerce | carriage of goods | economic consequence | delivery | sustainable mobility | transport network | distribution cost  

**Summary**  
The purpose of this study is to formulate a basis for transport policy for the European Parliament's Committee on Regional Policy, Transport and Tourism. The input is formulated on the basis of the most reliable forecasts possible on the growth of e-commerce induced freight traffic in the medium term. In addition, the study should generate suggestions to cope with the anticipated increase in the volume of traffic.
Electronic Commerce and Consumer Security

Publication type: In-Depth Analysis
Date: 01-09-2001
External author: Sandrine Prat-Passet, Robert Schuman Scholar
Policy area: Consumer Protection
Keyword: electronic commerce | consumer protection | civil procedure | intra-EU trade | data protection
Summary: This briefing contains a brief description of the quantitative aspects of electronic commerce and Community consumer protection legislation.

A single market in financial services: effects on growth, employment and the real economy

Publication type: Study
Date: 01-09-2001
Author: Simona AMATI
Policy area: Employment | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Economics and Monetary Issues | Financial and Banking Issues
Keyword: merger control | single market | electronic commerce | financial market | credit institution | wholesale trade | social-security harmonisation | retail trade | financial services | new technology
Summary: This paper examines the possible effects of current changes in financial markets on job creation and growth potential in the European Community. The first part analyses developments in the wholesale and the retail markets. The second focuses on the creation of a sound risk capital market in order to boost employment in Europe.

The Impact of Private International Law on e-Commerce on the Internal Market and the Risk of Creating Barriers to Trade

Publication type: Study
Date: 01-03-2001
External author: G. Howells (University of Sheffield, UK)
Policy area: Public international law | Intellectual Property Law | Private international law and judicial cooperation in civil matters | Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | consumer protection | commercial law | enforcement of ruling | conflict of jurisdiction | civil procedure | private international law
Summary: This report focuses on areas that have been and remain contentious within the EU as regards the country of origin/country of destination regulatory models.

The Impact of Electronic Commerce on the Competitiveness of SMEs in the EU

Publication type: Study
Date: 01-09-2000
External author: Puay Tang (SPRU, University of Sussex, Brighton, UK)
Policy area: Internal Market and Customs Union | Industry
Keyword: electronic commerce | Internet | competitiveness | intra-EU trade | small and medium-sized enterprises
Summary: Electronic commerce (e-commerce), particularly over the Internet is widely argued to have the potential to transform the marketplace, and to provide small and medium size enterprises (SMEs) with a wider variety of opportunities to engage in this activity than hitherto. E-commerce, for the purposes of this report, treats it in terms of Business-to-Business (B2B) and Business-to-Consumer (B2C). E-commerce activities, for this study, also refer to marketing activities and the provision of digital information.

The primary objective of this study is to investigate how e-commerce may give a competitive advantage over larger companies attempting to participate in the burgeoning e-marketplace. In association with this, the study also reviewed the inhibitors to, and catalysts for e-commerce, and provided a general overview of the development of this digital marketplace. In an attempt to further substantiate the extant general findings on e-commerce and SMEs, the research interviewed a select sample of 23 SMEs in the Netherlands, Spain, Germany, the UK, the Czech Republic, Bulgaria, Romania and Hungary. A main reason for interviewing SMEs of the candidate countries was to provide further insights into the activities and opinions of SMEs. The report concludes with Policy Options that the European Parliament and European Commission may want to consider in their measures to foster the development and take-up of ecommerce. Our research found three main incentives for SMEs to undertake e-commerce. They are (1) new opportunities; (2) flexibility to respond to new opportunities; and (3) cost savings. In particular, new opportunities reveal the degree of comparative advantage that firms adopting e-commerce could develop over those that continue operating in the traditional way, or with a minimum of integration of processes. First mover advantage and new opportunities also show how companies may develop a competitive edge over those that are slow to adopt ecommerce.
Rail Transport Ticketing Systems and Pricing
Publication type Study
Date 01-02-2000
External author INECO, Madrid (E)
Policy area Transport
Keyword electronic commerce | ticket | carriage of passengers | rail transport | railway tariff | international tariff
Study ES, EN

New Technologies for the Marketing and Sale of Medicines on the Internet and Television Networks
Publication type Study
Date 01-01-2000
External author Ferran Sanz, Katrin Gaedt, Albert Alonso, Carlos Diaz
Policy area Public Health | EU Law: Legal System and Acts | Industry
Keyword electronic commerce | Internet | broadcasting | consumer protection | pharmaceutical product | public health | marketing
Summary This study aims to provide the European Parliament with sound information useful for the adoption of policies with respect to the marketing and sale of medicines on the Internet and other new information technologies. Medicinal products have important singularities affecting their launching, ways of distribution, information policies and their price. These singularities have been addressed in different European directives and member states’ laws but none of them explicitly considers the case of new information technologies. The possible extension of the Internet into the domain of the marketing and sale of medicinal products has arisen the concern of European health related organisations that call for the adoption of proper policies to protect consumers against its incorrect use. The adoption of such policies first has to recognise the cross-boundary nature of the Internet that requires, as far as possible, world-wide level approaches. Secondly, it must consider consumers’ interests in terms of self-determination, economics, security and convenience. Finally, it has to take into account the economic interests of involved enterprises and authorities for what respects to public health expenditure.
Study EN

Electronic Commerce and Tax Base Erosion
Publication type Study
Date 01-01-1999
External author Max Cash, Robert Schuman Scholar
Policy area Economics and Monetary Issues
Keyword electronic commerce | tax collection | tax evasion | tax law | tax avoidance | indirect tax | direct tax | tax harmonisation
Summary This study examines whether there is any evidence, for both ‘direct’ and ‘indirect’ taxes, that electronic commerce leads to tax base erosion and the establishment of business in tax havens. The briefing also looks at the impact that the growth of the Internet and electronic commerce may have on the collection of taxes. An analysis is made of the problems which make electronic commerce over the Internet so difficult to tax. This includes the internet’s lack of physical location and central control, the problems with auditing and enforcement, the use of electronic money and encryption and the problems associated with mirror servers and disintermediation. A discussion of existing tax law gives an overview of why direct and indirect taxation rules may provide loopholes in the age of electronic commerce.
Study EN