



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Legal Affairs

2010/2012(INI)

02.6.2010

OPINION

of the Committee on Legal Affairs

for the Committee on Internal Market and Consumer Protection

on completing the internal market for e-commerce
(2010/2012(INI))

Rapporteur: Sajjad Karim

PA_NonLeg

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the development of e-commerce can improve the competitiveness of the EU economy, in the framework of the Commission's EU 2020 strategy, including the development and promotion of new ways of entrepreneurship for Small and Medium Enterprises,
- B. whereas the creation of a 'Digital Single Market', facilitating transactions across national borders in an on-line environment for all consumers across the European Union, is an important part of the reinvigoration of the Single Market as it provides citizens with a wider choice of products and services,
- C. whereas the Digital Single Market can only be completed if important Single Market legislation, including the Services Directive, is correctly implemented across all EU Member States,
- D. whereas neither consumers nor businesses can reap the benefits of a Digital Single Market since very few on-line retailers sell their products or services to other Member States and most of those sell only to a limited number of Member States,
- E. whereas intellectual property is a key element of the digital world and its protection therefore remains a significant challenge, in particular on the Internet,
- F. whereas different copyright levying systems across Member States need to be simplified and clarified so that it is easier for on-line goods and services providers to make products and services available to consumers of different Member States,
- G. whereas this review of copyright levying systems would give on-line goods and services providers greater legal certainty in offering products and services to consumers,
- H. whereas it is crucial to ensure legal certainty and transparency in the process of rights clearance when an e-retailer uploads content protected by copyright onto a website,
- I. whereas it is crucial to ensure a high level of consumer protection to promote trust in on-line goods and services, ensuring that the online marketplace respects trading practices,
- J. whereas there is a need to address consumer discrimination, including at the time of payment, by ensuring provisions are in place to make and receive payment and delivery,
 - 1. Supports a simplification of the present copyright levies due to the severe hindrance to consumers and barriers to the functioning of the Single Market that result from the current system;
 - 2. Calls on Member States and the Commission to better integrate Single Market centres incorporating SOLVIT, points of single contact (as required by the Services Directive),

product centres (provided for in the Mutual Recognition Regulation), and further information, including legal requirements, required by businesses to sell their goods cross-border and over the internet; emphasises that the functioning of this ‘one-stop shop’ is essential for completing the single market for e-commerce;

3. Asks the Commission to take the initiative and carry out an urgent impact assessment on the most appropriate method of tackling copyright levies, including the possibility of charging the levy when and where the product is first placed on the market in the European Union, since stakeholders are unable to reach agreement;
4. Reiterates that respect for the fundamental human right to privacy and data protection is the key enabler of e-commerce;
5. Emphasises the need to ensure consistent interpretation of the EU rules governing data privacy in order to ensure enhanced data protection and to promote consumer trust in on-line payment systems;
6. Considers that an improvement of the consumer protection regimes across the EU can ensure consumer confidence in on-line cross border transactions, including protection against credit card fraud;
7. Underlines that in the on-line environment, where the buyer and the seller are remote and the buyer has limited ability to assess the physical quality of products, access to accurate and clear information is essential for transparency;
8. Calls on public authorities to quickly act against rogue websites by paying greater attention to consumer rights, including measures aimed at introducing labels for safe and secure websites and ensuring that companies providing sponsored advertising services do not advertise illegal websites;
9. Calls for a proposal from the Commission to address appropriate actions or sanctions regarding e-commerce in counterfeit goods and medicines, including labels for safe and secure websites such as certification systems for authorised pharmacies;
10. Calls on the Commission to ensure that the consistent enforcement of copyright laws in the area of e-commerce is not undermined;
11. Welcomes the Commission’s proposal on the simplification of the Value Added Tax (VAT) reporting obligations and on ‘simplified invoicing’ for distance selling and emphasises that in the area of tax legislation, including VAT, the principle of subsidiarity should be respected;
12. Calls on the Commission to make available an integrated VAT collection scheme to encourage SMEs to trade across borders at lower administrative cost;
13. Highlights the importance of eliminating discrimination against consumers on-line and their country of origin on-line, by making provisions for on-line payment from all 27 EU Member States, including the possibility for consumers to choose from different means of online payment;

14. Urges the Commission to take steps to create legal certainty and tackle the severe fragmentation that exists as regards the process of rights clearance and multiple Member State jurisdictions when uploading media content to websites;
15. Reminds the Commission that there are still gaps in the legal framework for on-line services and calls on the Commission to come forward with targeted legislative proposals in order to strengthen consumer access to and trust in products and services traded online, and offer them a simple one-stop shop approach;
16. Expresses concern regarding the Commission's decision on the obligation of having an off-line shop prior to selling on-line as this requirement radically hampers online sales;
17. Believes that consumer confidence can be built by standards and codes of conduct that allow on-line service providers to keep up with fast-changing technological developments;
18. Calls on the Commission to assess whether the creation of a portal for e-commerce monitored by the Commission involving stakeholders and Member States could better contribute to the dissemination of best practices and information and therefore enhance consumer trust and increase cross-border e-commerce;
19. Encourages recourse to alternative dispute resolution mechanisms with the option of have recourse to them through an online procedure, accessible without delay through the European e-Justice portal as and when it becomes available.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.6.2010
Result of final vote	+: 23 -: 0 0: 0
Members present for the final vote	Raffaele Baldassarre, Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Gerald Häfner, Daniel Hannan, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Alajos Mészáros, Evelyn Regner, Dimitar Stoyanov, Alexandra Thein, Diana Wallis, Rainer Wieland, Cecilia Wikström, Zbigniew Ziobro, Tadeusz Zwiefka
Substitute(s) present for the final vote	Piotr Borys, Kurt Lechner, Angelika Niebler
Substitute(s) under Rule 187(2) present for the final vote	Mara Bizzotto, Jutta Steinruck