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TEXTS ADOPTED

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**P8\_TA(2014)0071**

**Digital single market**

**European Parliament resolution of 27 November 2014 on supporting consumer rights in the digital single market (2014/2973(RSP))**

*The European Parliament,*

- having regard to Articles 3(3) and 6 of the Treaty on European Union,
- having regard to Articles 9, 10, 12, 14, 16, 26, 36, 114(3) and 169(1) of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular to Articles 7, 8, 11, 21, 38 and 52 thereof,
- having regard to codecision procedure 2013/0309 on a proposal for a regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent (COM(2013)0627),
- having regard to the Commission staff working document of 23 April 2013 entitled ‘E-commerce Action Plan 2012-2015 – State of play 2013’ (SWD(2013)0153),
- having regard to the Commission’s Internal Market Scoreboard 26 of 18 February 2013,
- having regard to the Commission’s 2014 Digital Agenda Scoreboard reports,
- having regard to the Commission communication of 11 January 2012 entitled ‘A coherent framework for building trust in the digital single market for e-commerce and online services’ (COM(2011)0942),
- having regard to its resolution of 11 June 2013 on a new agenda for European consumer policy<sup>1</sup>,
- having regard to its resolution of 4 February 2014 on the implementation of the Unfair Commercial Practices Directive 2005/29/EC<sup>1</sup>,

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<sup>1</sup> Texts adopted, P7\_TA(2013)0239.

- having regard to its resolution of 10 December 2013 on unleashing the potential of cloud computing in Europe<sup>2</sup>,
  - having regard to its resolution of 4 July 2013 on completing the digital single market<sup>3</sup>,
  - having regard to its resolution of 11 December 2012 on completing the digital single market<sup>4</sup>,
  - having regard to its resolution of 22 May 2012 on a strategy for strengthening the rights of vulnerable consumers<sup>5</sup>,
  - having regard to its resolution of 20 April 2012 on ‘A competitive digital single market – eGovernment as a spearhead’<sup>6</sup>,
  - having regard to its resolution of 15 November 2011 on a new strategy for consumer policy<sup>7</sup>,
  - having regard to the 2013 study by its Policy Department A on how to build a ubiquitous EU digital society,
  - having regard to the 2013 study by its Policy Department A entitled ‘Entertainment x.0 to boost broadband deployment’,
  - having regard to its recommendation to the Council of 26 March 2009 on strengthening security and fundamental freedoms on the Internet<sup>8</sup>,
  - having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens’ fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>9</sup>,
  - having regard to the 2013 study by its Policy Department A on discrimination of consumers in the digital single market,
  - having regard to the Court of Justice judgment of 8 April 2014 in Joined Cases C-293/12 and C-594/12, in which the Data Retention Directive was declared invalid,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the digital single market is one of the area of progress which, though entailing challenges, offers potential for high-efficiency gains that could amount to EUR 260 billion per year, thereby contributing to Europe’s recovery from the crisis;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0063.

<sup>2</sup> Texts adopted, P7\_TA(2013)0535.

<sup>3</sup> Texts adopted, P7\_TA(2013)0327.

<sup>4</sup> Texts adopted, P7\_TA(2012)0468.

<sup>5</sup> OJ C 264 E, 13.9.2013, p. 11.

<sup>6</sup> OJ C 258 E, 7.9.2013, p. 64.

<sup>7</sup> OJ C 153 E, 31.5.2013, p. 25.

<sup>8</sup> OJ C 117 E, 6.5.2010, p. 206.

<sup>9</sup> Texts adopted, P7\_TA(2014)0230.

- B. whereas the completion of a European digital single market would create millions of jobs and potentially enable Europe to gain 4 % in GDP by 2020;
- C. whereas the app economy alone is expected to triple its revenue from 2013 to 2018, creating 3 million jobs in the same period;
- D. whereas Parliament has commissioned a study to analyse the Cost of Non-Europe in the Digital Single Market, which reinforces the importance of seeing digital solutions as an opportunity for consumers, citizens and businesses and not as a threat;
- E. whereas the Union needs to foster the mass adoption of cloud computing in Europe, as it constitutes a powerful driver for the growth of the European economy; whereas the study gives evidence of significant expected gains linked to its fast development;
- F. whereas obstacles hindering consumers' participation in the digital single market relate to discriminatory practices such as the restriction of service providers to certain countries or territories, simple refusal to sell, automatic rerouting, and unjustified diversification of conditions of sale;
- G. whereas secure, efficient, competitive and innovative mobile payments and e payments are crucial if consumers are to enjoy the full benefits of the single market;
- H. whereas the protection of personal data and of privacy, as well as the cybersecurity and security of electronic communications and networks are a priority in the digital single market, as these are fundamental prerequisites for its functioning and the creation of citizens' and consumers' trust in it;
- I. whereas the trans-European availability of widespread, high-speed and secure fast internet access and digital services in the public interest is essential for social and economic growth, competitiveness, social inclusion and the single market;
- J. whereas research, development and innovation in the digital economy will help ensure that Europe remains competitive in the mid to longer term;
- K. whereas a rapid deployment of high-speed broadband networks is crucial for the development of European productivity and for the emergence of new and small enterprises that can be leaders in different sectors, for example healthcare, manufacturing and the service industries;
- L. whereas the private sector should play the leading role in rolling out and modernising broadband networks, supported by a competitive and investment-friendly regulatory framework;
- M. whereas the digital single market is one of the most innovative sectors of the economy and is therefore playing a major role in the competitiveness of the European economy and contributing to economic growth through the development of e-commerce, while also facilitating the administrative and financial compliance of businesses and presenting consumers with a wider choice of goods and services;
- N. whereas the digital single market not only offers economic benefits but also has a profound impact on the daily political, social and cultural life of EU consumers and citizens;

- O. whereas a competitive digital single market cannot exist without fast, higher-capacity broadband and telecommunications networks across all EU regions, including remote areas;
  - P. whereas the existing and steadily widening digital divide is having a direct negative impact on the development of the digital single market, in terms of both access to the internet and e-skills;
  - Q. whereas the protection of personal data and of privacy and the security of electronic communications and networks are a priority in the digital single market, as these are fundamental prerequisites for its functioning and the securing of citizens' and consumers' trust in it;
  - R. whereas online markets need to be both flexible and consumer-friendly if they are to grow and expand;
  - S. whereas e-commerce is an important complement to offline trade and a major driver of consumer choice, competition and technological innovation, and thus contributes to the European Union's convergence into a knowledge-driven economy;
  - T. whereas unfettered competition and a level playing field for companies, which will foster investment, are vital to this sector of the economy as they will ensure its long-term sustainable development to the benefit of end-users; whereas effective competition is a good driver of efficient investment and can provide benefits for consumers in terms of choice, price and quality;
  - U. whereas in some areas of the digital single market there are vulnerabilities brought about by excessive market concentration and dominant operators;
  - V. whereas the challenge of market fragmentation and lack of interoperability in the European Union is an obstacle to the rapid development of the digital single market;
  - W. whereas employment created through the digital single market is, on average, highly skilled and remunerated and, as such, is an important contribution to the creation of quality and sustainable employment;
  - X. whereas the Commission should guard against antitrust behaviour affecting media plurality, in terms of both content provision and ownership, as access to information is key to a thriving democracy;
1. Calls on the Member States and the Commission, through sustained efforts of implementation of existing rules and enforcement of these rules, as part of an overarching strategy, to address all existing barriers that are hindering the development of the digital single market, while making sure that measures are impact-assessed, future-proof and fit for the digital age; believes that these efforts need to be at the heart of the EU's efforts to generate economic growth and employment and strengthen its competitiveness and resilience within the global economy;
  2. Stresses that any legislative proposal related to the digital single market must comply with the EU Charter of Fundamental Rights, so that rights enshrined therein are fully protected in the digital domain;

3. Highlights, in particular, the potential of e-commerce, which, it is estimated, could save consumers more than EUR 11,7 billion a year if they could choose from the full range of EU goods and services when shopping online;
4. While welcoming the growth of e-commerce, notes the dominant position in some Member States of only a few actors in the direct sale of physical goods or as a market-based platform for others to sell physical goods; stresses the need at European level to monitor and prevent the abuse of such dominant positions in terms of the availability of goods to consumers and the charges required of SMEs for using such market-based platforms;
5. Stresses the need to tackle and combat the digital divide in order to fully grasp the potential of the digital single market and to enable the inclusion of all citizens, regardless of their income, social situation, geographical location, health or age, in society in the digital era;
6. Notes, in particular, the need to address the obstacles which remain for consumers and businesses regarding e-commerce, including online services, access to digital content, fraud prevention, website registrations, sales promotions and labelling;
7. Calls on the Commission to ensure the swift implementation of the single market for services and to ensure the implementation and enforcement of rules such as the Consumer Rights Directive, alternative dispute resolution and online dispute resolution, while ensuring the reduction of administrative burdens;
8. Calls for the swift adoption of the new modernised Data Protection Package in order to provide an appropriate balance between a high level of protection of personal data, user safety and control over one's personal data and a stable, predictable legislative environment in which businesses can flourish in an enhanced single market for the benefit of end-users, a level playing field fostering investment, and an environment contributing to the attractiveness of the EU as a destination for businesses; calls on the Commission and the Member States to allocate the necessary resources to fight cybercrime by means of legislative measures and law enforcement cooperation, at both national and EU level;
9. Stresses the need to ensure a level playing field for companies operating in the digital single market in order for them to be able to compete; calls, therefore, on the Commission to properly enforce EU competition rules in order to prevent excessive market concentration and abuse of dominant position and to monitor competition with regard to bundled content and services;
10. Notes that a level playing field for companies in the digital single market must be ensured in order to guarantee a vibrant digital economy in the EU; stresses that a thorough enforcement of EU competition rules in the digital single market will be determinant for the growth of the market, consumer access and choice and competitiveness in the long term; highlights the importance of affording consumers the same protection online as they enjoy in their traditional markets;
11. Urges the Council to make swift progress and open negotiations with Parliament on the proposal for a regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, as this would, concretely, put an end to roaming charges inside the EU, provide more legal certainty as

regards net neutrality, and improve consumer protection inside the digital single market; believes that this regulation could constitute a crucial step towards realising a single European mobile market;

12. Considers that the Commission should act to create and ensure a legislative and legally certain environment conducive to encouraging creativity and innovation for start-ups, micro-enterprises and SMEs;
13. Asks the Commission to put forward an initiative for digital entrepreneurship, since this is critical for the creation of new jobs and innovative ideas, including measures to improve access to finance for new digital entrepreneurs (for instance through crowdsourcing) and encourage second chances for failed entrepreneurs;
14. Stresses that all internet traffic should be treated equally, without discrimination, restriction or interference, irrespective of its sender, receiver, type, content, device, service or application;
15. Notes that the online search market is of particular importance in ensuring competitive conditions within the digital single market, given the potential development of search engines into gatekeepers and the possibility they have of commercialising secondary exploitation of information obtained; calls, therefore, on the Commission to enforce EU competition rules decisively, based on input from all relevant stakeholders and taking into account the entire structure of the digital single market in order to ensure remedies that truly benefit consumers, internet users and online businesses; calls, furthermore, on the Commission to consider proposals aimed at unbundling search engines from other commercial services as one potential long-term means of achieving the aforementioned aims;
16. Furthermore calls on the Commission to act quickly to consider potential solutions tending towards a balanced, fair and open internet search structure;
17. Stresses that, when operating search engines for users, the search process and results should be unbiased in order to keep internet searches non-discriminatory, to ensure more competition and choice for users and consumers and to maintain the diversity of sources of information; notes, therefore, that indexation, evaluation, presentation and ranking by search engines must be unbiased and transparent; calls on the Commission to prevent any abuse in the marketing of interlinked services by search engine operators;
18. Welcomes the announcement of further investigations by the Commission into search engine practices and the digital market in general;
19. Stresses the importance of ensuring an efficient and balanced framework for the protection of copyright and intellectual property rights, geared to the reality of the digital economy;
20. Encourages swift adoption and enactment of international provisions facilitating access of disabled users to digital content and to printed works through their digitisation;
21. Welcomes the conclusion of the Marrakesh Treaty to facilitate access for the visually impaired to books, and encourages all signatories to ratify the Treaty; believes that the Marrakesh Treaty represents a good step forward, but that much work remains to be done in order to open up access to content for people with disabilities, in addition to those

affected by visual impairment; highlights the importance of further enhancing accessibility across a broad spectrum of areas, from copyright and search engines to telecommunications operators;

22. Calls on the Commission and the Member States to further develop and implement EU and national regulatory frameworks in order to allow an integrated and secure online and mobile payments market, while ensuring the protection of consumers and customer data; underlines, in this connection, the need for clear and predictable rules, set out in legislation;
23. Recalls that cloud computing can become a powerful instrument for the development of the digital single market, and can offer economic benefits, particularly for SMEs, by reducing IT infrastructure and other costs; highlights in this connection the fact that, if cloud services are provided only by a limited number of large providers, an increasing amount of information will be aggregated in the hands of those providers; recalls, furthermore, that cloud computing also entails risks for users, in particular as regards sensitive data; calls for proper implementation of the European strategy to guarantee competitive and secure cloud computing;
24. Calls on the Commission to take the lead in promoting international standards and specifications for cloud computing, which enable privacy-friendly, reliable, accessible, highly interoperable, secure and energy-efficient cloud services as an integral part of a future Union industrial policy; stresses that reliability, security and protection of data are needed for consumer confidence and competitiveness;
25. Underlines the need to ensure internet safety online, in particular for children, and to prevent child exploitation by ensuring that means are in place to detect and eradicate illegal child abuse images on the internet and by enabling means to prevent children and adolescents accessing age-restricted content;
26. Instructs its President to forward this resolution to the Council and the Commission.