



TEXTS ADOPTED

P9_TA(2023)0473

Implementation of the 2018 Geo-blocking Regulation in the digital single market

European Parliament resolution of 13 December 2023 on the implementation of the 2018 Geo-blocking Regulation in the digital single market (2023/2019(INI))

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
- having regard to Regulation (EU) 2018/302 of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market¹ (Geo-blocking Regulation),
- having regard to Directive 2006/123/EC of 12 December 2006 on services in the internal market² (Services Directive),
- having regard to Directive 2009/22/EC of 23 April 2009 on injunctions for the protection of consumers' interests³,
- having regard to Directive 2010/13/EU of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services⁴ (Audiovisual Media Services Directive),
- having regard to Directive (EU) 2019/789 of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes⁵,
- having regard to Regulation (EU) 2017/1128 of 14 June 2017 on cross-border

¹ OJ L 60 I, 2.3.2018, p. 1.

² OJ L 376, 27.12.2006, p. 36.

³ OJ L 110, 1.5.2009, p. 30.

⁴ OJ L 95, 15.4.2010, p. 1.

⁵ OJ L 130, 17.5.2019, p. 82.

- portability of online content services in the internal market¹ (Portability Regulation),
- having regard to Regulation (EU) 2017/2394 of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws² (Consumer Protection Cooperation Regulation),
 - having regard to Regulation (EU) 2021/782 of 29 April 2021 on rail passengers’ rights and obligations³,
 - having regard to the Commission report of 30 November 2020 entitled ‘First short-term review of the Geo-blocking Regulation’ (COM(2020)0766) and the accompanying staff working document (SWD(2020)0294),
 - having regard to the Commission study of 2020 entitled ‘The impacts of the extension of the scope of the geo-blocking regulation to audiovisual and non-audiovisual services giving access to copyright protected content’,
 - having regard to the Commission study of May 2016 entitled ‘Mystery shopping survey on territorial restrictions and geo-blocking in the European Digital Single Market’,
 - having regard to the Commission study of 2019 entitled ‘Flash Eurobarometer 477 on Accessing Content Online and Cross-border Portability of Online Content Services, Cross-border Access to Content Online, and Intra-EU Calls’,
 - having regard to the Commission study of June 2020 entitled ‘Mystery Shopping Survey on territorial restrictions and geo-blocking in the European Digital Single Market’,
 - having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the opinions of the Committee on Culture and Education and the Committee on Legal Affairs,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0335/2023),
- A. whereas the Geo-blocking Regulation aims to improve access to goods and services for customers and to prevent unjustified discrimination against customers in the single market by pursuing four specific objectives, namely improving transparency for customers by enabling access to websites or apps throughout the single market, preventing unjustified differences in treatment in terms of access to goods and services for customers throughout the single market, improving public enforcement in relation to unjustified geo-blocking and any other discrimination based on customers’ place of residence, establishment or nationality, while also increasing legal certainty for businesses conducting cross-border transactions;

¹ OJ L 168, 30.6.2017, p. 1.

² OJ L 345, 27.12.2017, p. 1.

³ OJ L 172, 17.5.2021, p. 1.

- B. whereas the overall aim of the Geo-blocking Regulation is to ensure that economic actors treat EU customers (including consumers and other end users) in the same way, regardless of their geographical location, nationality or place of residence;
- C. whereas Parliament requested that the Commission carefully assess the possible inclusion of electronically supplied services whose main feature is the provision of access to and use of copyright protected works or other protected subject matter within the scope of the Geo-blocking Regulation; whereas under Article 9 of the Geo-blocking Regulation the Commission was bound to perform this evaluation by 23 March 2020; whereas the Commission's report on the first short-term review of the Geo-blocking Regulation stated that, as regards audiovisual content, a European consumer has on average, access to only 14 % of the films available online in the EU-27¹, recalls that access varies greatly between Member States, as consumers in Greece have only access to 1,3 % of all the titles available in all EU Member States, while consumers in Germany have access to 43,1 % of all film titles available in all Member States;
- D. whereas Parliament held a plenary debate on the evaluation of the Geo-blocking Regulation in March 2021 during which the Commission was called on to adopt a legislative proposal to include audiovisual services in the scope of the Geo-blocking Regulation; whereas during this debate the Commission announced that it plans to engage in a dialogue with stakeholders to identify how to foster better circulation of audiovisual content across the EU and it undertook to take stock of the progress achieved by the end of 2022 and then to decide on the next steps and consider various options, including legislative interventions;
- E. whereas the number of consumers seeking to access audiovisual content offered in other Member States is rising steadily; whereas therefore, the Commission intends to engage in a dialogue with stakeholders with a view to fostering the circulation of quality content across the EU; whereas this dialogue is included as Action 7 in the Media and Audiovisual Action Plan²; whereas the stakeholder dialogue highlighted the centrality of the territorial functioning of the audiovisual sector, a sector which is crucial for the EU in both economic and cultural terms and is vital to safeguarding the EU's cultural and linguistic diversity and media pluralism;
- F. whereas citizens living in border regions or belonging to linguistic minorities are sometimes prevented from accessing content in their native languages as a result of geo-blocking, which may limit their access to cultural content; whereas the growth of on-demand content and the changing consumption patterns of audiovisual content may initiate a rethink of the EU's approach to content licensing;
- G. whereas the Member States have faced challenges and delays in the transposition of the Geo-blocking Regulation;
- H. whereas the Geo-blocking Regulation must be viewed in the context of the overall package of e-commerce measures and in the light of other related legislation, in particular regarding cross-border parcel delivery services, the Consumer Protection Cooperation Regulation and the Audiovisual Media Services Directive, bearing in mind its potential to boost cross-border e-commerce in Europe, which is a prerequisite for the

¹ COM(2020)0766.

² COM(2020)0784.

full functioning of the digital single market;

- I. whereas maintaining geo-blocking for copyrighted works and protected subject matter is one of the major tools for guaranteeing cultural diversity;
1. Notes the untapped potential for cross-border economic activities and underlines that these activities could be fostered by removing the remaining geo-blocking barriers, thereby ensuring the smooth functioning of the internal market and guaranteeing that all European citizens have equal access to goods and services regardless of their location, while further promoting the free movement of products and services in line with the principles of the Geo-blocking Regulation; emphasises the need for increased consumer awareness, as many citizens are still not aware of the rules in place, resulting in reduced confidence in cross-border online shopping; calls for further actions to remove unjustified barriers and ease the burdens on providing cross-border services so as to realise the full potential of the Single Market for consumers and businesses, and for improved enforcement of measures at the national level to ensure the effectiveness of the Geo-blocking Regulation;
2. Underlines the importance of the Geo-blocking Regulation in building a more robust, consistent, accessible and fair internal market for all citizens and businesses in the EU without discrimination or any unjustified barriers, and regardless of nationality, place of residence or establishment; stresses that further steps need to be taken to achieve the full potential of the Regulation, including by strengthening the legal framework supporting the cross-border exchange of goods and services;
3. Notes that the Commission published the first short-term review of the Geo-blocking Regulation¹ (COM(2020)0766) seven months after the deadline set in the Regulation; recognises that this first review was conducted prior to the onset of the COVID-19 pandemic, which means that changes to both consumer and trading behaviour triggered by the pandemic were therefore not reflected in the 2020 Commission report; recalls the changes in consumer habits and the growing preference to purchase goods and services online, which was further strengthened by the effects of the COVID-19 pandemic; acknowledges the surge in online activities, including e-commerce, digital services, and remote work, underscoring the need for a robust and inclusive digital single market that caters to these evolving consumer habits; underlines, therefore, the need to draw further conclusions based on the new data in this area, and to consider introducing complementary measures to reduce market fragmentation and eliminate unjustified barriers – bearing in mind that 12 % of EU businesses¹ launched or stepped up efforts to sell goods or services online in response to the pandemic – and to improve consumers rights and experience; emphasises the need for a comprehensive re-evaluation of the Geo-blocking Regulation in the context of the accelerated digital transformation, including its effectiveness, also taking into account the changes in consumers' and traders' behaviour triggered by the COVID-19 pandemic;
4. Calls on the Member States to fully apply and enforce the Geo-blocking Regulation and to act decisively against entities that deprive consumers of all the benefits offered by the single market, also by securing proper enforcement tools and enhancing cross-border cooperation, including through a reinforced consumer protection cooperation (CPC) network; urges the Commission to strengthen enforcement in order to avoid the

¹ [Eurostat, *Online sales efforts on the rise due to the pandemic*, 11 April 2022.](#)

fragmentation of the rules; calls on the Commission to facilitate this by assessing the different enforcement measures used to date by the Member States in order to determine which are most proportionate and effective and sharing this as a form of best practice, so as to foster a harmonised approach among the Member States;

5. Acknowledges the wide range of minimum and maximum fines applicable both across and within Member States; calls on the Commission to monitor more closely if such discrepancies could be detrimental to the effectiveness and harmonised application of the Regulation;
6. Emphasises the need for a more robust data collection and analysis framework to better understand the impact and effectiveness of the Geo-blocking Regulation, including its effects on consumer behaviour and market dynamics; notes that the rapidly increasing digitalisation of trade in goods and services offers excellent opportunities to facilitate cross-border access and promote competition among different EU businesses to the benefit of consumers;
7. Acknowledges the need for further evidence on the effectiveness, proportionality and deterrent effect of the various enforcement measures in the Member States in the context of business-to-business transactions; urges the Commission to conduct a comprehensive study on the impact of the Geo-blocking Regulation on business-to-business transactions, with a particular focus on small and medium-sized enterprises (SMEs);
8. Notes that one third of all complaints received by responding competent authorities were not actually covered by the Regulation, including, among other things, copyright-protected content and insurance services, which shows that consumers perceive geo-blocking to be particularly problematic in these areas; emphasises the importance of considering the potential benefits of extending the scope of the regulation to new areas and introducing measures to improve awareness surrounding this regulation and any other applicable legislation; calls on the Commission to assess whether failings in the enforcement of other applicable legislation could inadvertently give rise to complaints or issues relating to this regulation;
9. Notes that the blocking of access to online interfaces and rerouting were the most common grounds for complaints in most Member States; recalls that the new Consumer Protection Cooperation Regulation is meant to reinforce the cooperation of the Consumer Protection Cooperation network as it provides for new procedures and reinforced mutual assistance and alert mechanisms; calls for an evaluation of the effectiveness of these new procedures and mechanisms, an intensification of coordination efforts and the development of strategies to address the most common grounds for complaint; emphasises the need to increase efforts put into awareness raising campaigns for both traders and consumers;
10. Recalls that the Geo-blocking regulation prohibits price discrimination based on the consumer's nationality, place of residence or of establishment; calls on the Commission to continuously assess the impact of use of artificial intelligence, and its potential impact on customers awareness of geo-blocking practices by, for example, making such practices less visible to consumers;
11. Recognises that certain price differences can still exist for cross-border customers,

which can be justified by factors such as different value added tax (VAT) rates and higher costs of cross-border delivery; believes, however, that consumers should not be blocked from accessing competitive offers made available across the single market by the same or other providers;

12. Acknowledges that practical, organisational and financial challenges could exist, especially for small and medium-sized enterprises, in relation to the introduction of the potential mandatory obligation for traders to deliver products to the consumer's country of residence; regrets that certain traders prohibit consumers from utilising self-collection or self-organisation delivery methods in their terms and conditions, or refuse to ship products to transport companies specialising in cross-border parcel delivery, which conflicts with the principles of the Geo-blocking Regulation; stresses that delivery limitations in cross-border online sales still affect more than 50 % of shopping attempts, frustrating consumer expectations; calls on the Commission and the Member States to take further steps to ease the access and operations of cross-border parcel delivery services; recalls that traders should not hinder third party transport companies from enabling the cross-border delivery of products to consumers, particularly in instances where the trader does not provide such an option or when traders prohibit self-collection at the store; calls, therefore, on the Commission to assess to which extent identifying affordable cross-border parcel delivery services is still an issue for online sellers; believes that the Commission should consider including even more explicit reference to those third party parcel delivery services in the Regulation; calls on the Commission and the Member States to take further steps to ease the access to and operations of cross-border parcel delivery services;
13. Acknowledges the need for further work on standardisation and interoperability and the importance of supporting the ongoing efforts to enhance the standardisation and overall quality of service within the realm of cross-border parcel delivery systems, and calls on the Commission to explore the further steps to support reduction of shipping costs in cross-border scenarios;
14. Notes the revision of the Vertical Block Exemption Regulation¹; calls on the Commission to ensure that selective distribution agreements and exclusive rights agreements are not abused, do not undermine the right of passive sale or limit the free flow of goods and services across national borders and do not prevent consumers from purchasing goods and services available in other Member States, and recommends a broader and more detailed analysis with a particular focus on the impact of these agreements on SMEs; calls, in this context, on the Commission to properly assess the effectiveness of Article 6 of the Geo-blocking Regulation on agreements on passive sales and consider potential additional measures to ensure that agreements restricting passive sales do not hamper competition, consumer choice or market diversity;
15. Takes note that in some sectors in the EU there are persistent territorial supply constraints (TSCs) such as barriers imposed by private operators (suppliers) in the supply chain, which can affect retailers or wholesalers, and these may impede or limit retailers or wholesalers ability to source goods in EU countries other than the one in which they are based, and/or prevent them from distributing (i.e. reselling) goods to

¹ Commission Regulation (EU) 2022/720 of 10 May 2022 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (VBER) (OJ L 134, 11.5.2022, p. 4).

other EU countries than the one in which they are based and that this may contribute to higher consumer prices; calls on the Commission to continue consultations with stakeholders across the EU; reiterates its call on the Commission to address the anti-competitive effect of TSCs with a view to achieving a fully functioning single market with its potential benefits for consumers;

16. Deplores the fact that some unjustified obstacles persist in the case of online registration and payment methods; recalls that these obstacles result in cross-border customers often not being able to register on websites requiring registration, or being able to pay for the requested service without presenting data such as a local address or specific national payment method, or even a national phone number, undermining the Regulation's objective of making it possible to 'shop like a local'; calls on the Commission to cooperate with Member States and stakeholders to address these obstacles and to conduct a comprehensive analysis with the aim of proposing measures to eliminate them, in line with the principles of the Services Directive, ensuring that the principles of the Geo-blocking Regulation are fully implemented for the benefit of consumers and customers;
17. Recalls that, according to Article 1(5) of the Regulation, it should not affect copyright law; emphasises that Parliament requested, in line with the review clause of the Regulation, that the Commission assess whether the Regulation should also apply to electronically supplied services whose main feature is the provision of access to and use of copyright protected works or other protected subject matter, including the selling of copyright protected works or protected subject matter in an intangible form, provided that the trader has the requisite rights for the relevant territories¹; recalls the findings of the first short-term review of the Geo-blocking Regulation stating that expanding the offering of audiovisual works, also in reply to unsolicited requests from individual consumers without requiring additional licences, would foster cross-border demand for audiovisual content, ultimately boosting cultural diversity and the spreading of content to new audiences across borders, and therefore, requires further analysis;
18. Considers that more should be done to ensure the circulation and availability of works and programmes in the EU, including existing and new cinema and audiovisual content, thereby reflecting the richness and diversity of culture in Europe across borders; recognises in this regard the utmost importance of supporting European co-productions, dubbing or subtitling in the 24 official EU languages, and the international dissemination of works; calls on the Commission to suggest, in partnership with the industry, an initiative to ensure that award-winning European films, such as the LUX Audience Award winners, are available across the EU;
19. Welcomes the progress made in terms of cross-catalogue availability of music, e-book, video game and software products and services, both in subscription and transaction-based models; recalls that geo-blocking in the book sector does not constitute a concern for the vast majority of consumers; regrets the limited improvements in the cross-catalogue availability of audiovisual content and live sports events, which contribute to consumers' perception that the audiovisual services sector is applying the highest level of geo-blocking; acknowledges the particularly negative effect of geo-blocking

¹ [European Commission, Study on the impacts of the extension of the scope of the geo-blocking regulation to audiovisual and non-audiovisual services giving access to copyright protected content, 2020.](#)

practices on citizens living in cross-border regions or belonging to linguistic minorities;

20. Notes the popularity of various tools consumers use to avoid geo-blocking restrictions, including tools providing access to unauthorised copyright content, especially for audiovisual content; considers it important to recognise that the steady modernisation and adaptation of audiovisual services sector business models to new consumer expectations in terms of affordability, flexibility and quality of content, might be more effective than undermining the effective use of such tools;
21. Recognises that two regulations already constitute an exception to the territorial exclusivity of the audiovisual sector, namely the Portability Regulation, which provides for the portability of a subscription to an online content service across Member States, and Directive (EU) 2019/789 on the exercise of copyright and related rights applicable to certain online transmissions, which provides for access to news and current affairs programmes and fully financed own productions by broadcasting organisations across the European Union; believes that, in particular, the Portability Regulation delivered substantial benefits to consumers who expect to receive continued access to their services when they are temporarily located in another Member State; notes the Commission's Report on the application of the Portability Regulation from June 2022, which explains that the legal fiction set out in Article 4 of that Regulation has allowed the territorial constraints of copyright and related rights to be overcome without any significant revenue loss for right holders; asks the Commission to assess the possibility of applying a similar approach in the Geo-blocking Regulation;
22. Welcomes the fact that the Commission has finally launched the stakeholder dialogue on the access to and the availability of audiovisual content across the EU as announced in the first short-term review of the Geo-blocking Regulation and in the Media and Audiovisual Action Plan from December 2020; recalls that the purpose of the dialogue was to establish specific measures to improve cross-border access to and availability of audiovisual content and to define specific targets in that regard; regrets that to date, the stakeholder dialogue has not provided a clear roadmap outlining the detailed steps to improve the access to and the availability of audiovisual content across borders;
23. Emphasises that further actions are being developed concerning the availability and findability of sports events, such as market-led industry initiatives and partnerships to drive further and increased access to and findability of content across the EU; calls, therefore, on the Commission and the Member States to carefully assess all options that will reduce the unjustified geo-blocking barriers for access to audiovisual services and sports events while taking into account the potential impact on business models' diversity and the available financing of the creative sector; points out that the financing of audiovisual and cinematographic works involves very large investments; calls on the Commission to present Parliament with the detailed outcome of its stakeholder dialogue on possibly extending the scope of the Geo-blocking Regulation to audiovisual content, including concrete steps and specific targets to improve findability of audiovisual content across borders, thereby reflecting the richness and diversity of culture in Europe;
24. Considers that the inclusion of audiovisual services in the scope of the Geo-blocking Regulation would result in a significant loss of revenue, putting investment in new content at risk, while eroding contractual freedom and reducing cultural diversity in content production, distribution, promotion and exhibition; emphasises that such an

inclusion would result in fewer distribution channels, ultimately driving up prices for consumers;

25. In this context, calls on the Commission to propose tangible solutions that will allow consumers, in particular citizens living in cross-border regions or belonging to linguistic minorities, legal access to varying cross-catalogue content across borders; recalls the obligation for the Commission to report on the evaluation of the Geo-blocking Regulation; while acknowledging the need for further assessment of the potential impact on the overall dynamics of the audiovisual sector ensuring sustainable business models for economic operators; recommends that owing to its complexity as a result of factors such as the diversity of content, providers, business models, consumers' preferences, licensing models and complex value chains, the Commission should consider a gradual approach, targeting specific type and distribution models of the audiovisual sector one-by-one, and gather additional evidence before further steps are taken; while assuring realistic timeframes for any potential changes that will allow providers of audiovisual services to adapt their business models properly to the new rules and ensure the preservation of cultural diversity and quality of content;
26. Recalls the importance of supporting a policy of European co-productions, reflecting the richness and diversity of European culture, and the importance of strengthening the international distribution of works; calls on the Commission to fund more projects for dubbing and subtitling audiovisual works through the MEDIA programme, and to work towards improving access to cinematic heritage works;
27. Notes that online music services (streaming or on-demand) are widely available across the EU, and that most of the major music streaming services are available in all EU Member States, mirroring the increasing consumer interest in cross-border access to music; is concerned that obstacles persist for consumers when accessing music streaming services in another Member State, in particular regarding the automatic change of applicable conditions or acceptance of payment methods;
28. Calls on the Commission and the Member States to continue to harmonise relevant legislation and propose to utilise the mutual recognition principle as part of the digital single market strategy in order to reduce risks and costs for traders operating cross-border and incentivise more traders to deliver goods or services across borders;
29. Calls on the Commission to continue monitoring market developments concerning customers' access to product and service offerings in the single market, focusing in particular on the impact of geo-blocking practices on transport, financial, health services and telecommunication, including to end the blocking of services provided by mobile network operators in border regions in the EU, and the potential benefits of their inclusion in the regulation; emphasises that the Commission should consider the specific characteristics and regulatory frameworks of these sectors when analysing the potential extension of the regulation to these sectors, to ensure that any proposed changes are feasible and beneficial; urges the Commission to engage in a comprehensive consultation process with stakeholders in these sectors, as well as consumer representatives and academia, to gather insights and feedback on the potential extension of the regulation to these services;
30. Calls on the Member States and the Commission to regularly update and complement the figures on complaints received by the national enforcement bodies in order to better

identify possible areas of concern for consumers; stresses that, in this context, conducting regular mystery shopping exercises and a comparison with the 2015 and 2019 mystery shopping exercises could help identify the problems that persist;

31. Calls for a full assessment of possible synergies with other measures of the digital single market strategy, such as the changes in the area of VAT for cross-border e-commerce that entered into force on 1 July 2021 and are supposed to reduce compliance costs for traders with cross-border operations and, hence, encourage more traders to deliver goods or services across borders, and Regulation (EU) 2018/644¹ on cross-border parcel delivery services that should help increase the transparency of cross-border tariffs;
32. Calls on the Member States to step up their efforts to fully apply the Regulation and to engage in greater cooperation within the Consumer Protection Cooperation network;
33. Instructs its President to forward this resolution to the Council and the Commission.

¹ Regulation (EU) 2018/644 of 18 April 2018 on cross-border parcel delivery services (OJ L 112, 2.5.2018, p. 19).