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## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## EUROPEAN PARLIAMENT

**Completing the internal market for e-commerce**

P7\_TA(2010)0320

**European Parliament resolution of 21 September 2010 on completing the internal market for e-commerce (2010/2012(INI))**

(2012/C 50 E/01)

*The European Parliament,*

- having regard to the ECJ judgments on Google (Joined Cases C-236/08 to C-238/08, judgment of 23 March 2010) and BergSpechte (Case C-278/08, judgment of 25 March 2010) that define the notion of the 'normally informed and reasonably attentive internet user' as the standard internet consumer,
- having regard to its resolution of 9 March 2010 on consumer protection <sup>(1)</sup>,
- having regard to SOLVIT's 2008 annual report on the development and performance of the SOLVIT network (SEC(2009)0142), the Commission staff working paper of 8 May 2008 on an action plan on an integrated approach for providing single market assistance services to citizens and business (SEC(2008)1882) and Parliament's resolution of 9 March 2010 on SOLVIT <sup>(2)</sup>,
- having regard to the Commission communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission staff working document of 3 December 2009 entitled 'Guidance on the implementation/application of Directive 2005/29/EC on unfair commercial practices' (SEC(2009)1666),
- having regard to the Commission communication of 22 October 2009 on cross-border business to consumer e-commerce in the EU (COM(2009)0557),
- having regard to the 'Mystery shopping evaluation of cross-border e-commerce in the EU', a study conducted on behalf of the European Commission, DG SANCO, by YouGovPsychonomics and published on 20 October 2009,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0046.

<sup>(2)</sup> Texts adopted, P7\_TA(2010)0047.

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- having regard to the Commission staff working document of 22 September 2009 on the follow up in retail financial services to the Consumer Markets Scoreboard (SEC(2009)1251),
- having regard to the Commission communication of 7 July 2009 on a harmonised methodology for classifying and reporting consumer complaints and enquiries (COM(2009)0346) and to the accompanying draft Commission recommendation (SEC(2009)0949),
- having regard to the Commission communication of 2 July 2009 on the enforcement of the consumer acquis (COM(2009)0330),
- having regard to the Commission report of 2 July 2009 on the application of Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (COM(2009)0336),
- having regard to the Commission staff working document of 5 March 2009 entitled 'Report on cross-border e-commerce in the EU' SEC(2009)0283,
- having regard to its resolution of 5 February 2009 on international trade and the internet <sup>(1)</sup>,
- having regard to the Commission communication of 28 January 2009 entitled 'Monitoring consumer outcomes in the single market: Second edition of the Consumer Markets Scoreboard' (COM(2009)0025) and to the accompanying Commission staff working document entitled 'Second Consumer Markets Scoreboard' (SEC(2009)0076),
- having regard to its resolution of 21 June 2007 on consumer confidence in the digital environment <sup>(2)</sup>,
- having regard to Article 20(2) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market <sup>(3)</sup>,
- having regard to Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (codified version) <sup>(4)</sup>,
- having regard to its resolutions of 23 March 2006 on European contract law and the revision of the acquis: the way forward <sup>(5)</sup> and of 7 September 2006 on European contract law <sup>(6)</sup>,
- having regard to current Community legislation in the area of consumer protection, e-commerce and the development of the information society,
- having regard to the Commission communication on the Review of the EU Regulatory Framework for electronic communications networks and services (COM(2006)0334),
- having regard to the First Application Report of 21 November 2003 on the E-Commerce Directive (COM(2003)0702),
- having regard to Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC <sup>(7)</sup>,

<sup>(1)</sup> OJ C 67 E, 18.3.2010, p. 112.

<sup>(2)</sup> OJ C 146 E, 12.6.2008, p. 370.

<sup>(3)</sup> OJ L 376, 27.12.2006, p. 36.

<sup>(4)</sup> OJ L 376, 27.12.2006, p. 21.

<sup>(5)</sup> OJ C 292 E, 1.12.2006, p. 109.

<sup>(6)</sup> OJ C 305 E, 14.12.2006, p. 247.

<sup>(7)</sup> OJ L 271, 9.10.2002, p. 16.

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- having regard to the UNCITRAL Model Law on electronic commerce 1996, the UNCITRAL Model Law on electronic signatures 2001 and the UNCITRAL Convention on the Use of Electronic Communications in International Contracting 2005 <sup>(1)</sup>,
  - having regard to Article 11 TFEU, which stipulates that ‘environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development’,
  - having regard to Article 12 TFEU, which stipulates that ‘consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities’,
  - having regard to Article 14 TFEU and Protocol 26 thereto on services of general (economic) interest,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Industry, Research and Energy and the Committee on Legal Affairs (A7-0226/2010),
- A. whereas Europe should not only seek ways to continue developing the internal market for e-commerce but also look into how a sustainable re-launch of the internal market could be achieved by the further development of e-commerce,
- B. whereas Mario Monti’s report of 9 May 2010 ‘A new Strategy for the Single Market’ stresses that ‘the single market is less popular than ever, yet it is more needed than ever’; whereas the report also notes that e-commerce together with innovative services and eco-industries holds the largest growth and employment dividends for the future and therefore represents a new frontier of the single market,
- C. whereas e-commerce is a vital force of the internet and an important catalyst for achieving the aims of the EU 2020 strategy for the internal market; whereas it is important for all stakeholders to cooperate to overcome remaining barriers,
- D. whereas e-commerce facilitates and promotes the development of new market niches for SMEs which would not otherwise exist,
- E. whereas, with a view to unlocking the full potential of the EU single market, e-commerce traders should be encouraged to promote their products in all EU Member States using direct marketing or other communication tools,
- F. whereas e-commerce is a key 21st century marketplace for the European Union, with the potential to reshape the European internal market, contribute to the knowledge economy, provide value and opportunities to European consumers and businesses at this time of financial strain, and impact significantly and positively on jobs and growth; 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 forms of entrepreneurship for small and medium-sized enterprises,
- G. whereas it is crucial to achieve an effective functioning of the internal market to fulfil the Lisbon agenda goals of increasing growth, competition and the creation of inclusive and competitive jobs to serve the 500 million consumers in the EU and their well-being;(whereas cross-border e-commerce brings important socio-economic benefits to European consumers, such as increased convenience and empowerment, reinforcement of consumer rights, increased transparency and competition, access to a wider variety of products and services to compare and choose from, and considerable potential for savings,

<sup>(1)</sup> <http://www.un.or.at/unictral>.

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- H. whereas, during the recent economic crisis, the development of the digital society and the completion of the internal market in ICT has enabled the e-commerce sector to continue growing and creating jobs, helping to keep online businesses economically active and allowing consumers to take advantage of greater choice and better prices; whereas cross-border e-commerce has significant benefits for EU companies – especially SMEs – which can provide innovative, high-quality and consumer-friendly services and products across the online European internal market, reinforcing their position and enabling them to remain competitive in the global economy,
- I. whereas e-commerce offers a wider choice to consumers, especially to those living in less accessible, remote or outlying areas, as well as those with reduced mobility, who would otherwise not have access to a wide choice of goods; whereas e-commerce is especially beneficial for citizens in rural, remote and peripheral areas who may otherwise not have access to a wide choice of goods with such convenience or at such value,
- J. whereas the Second Application Report on the E-Commerce Directive has been overdue since 2005, i.e. for five years (Article 21 of Directive 2000/31/EC),
- K. whereas the Digital Agenda for Europe sets reasonable performance targets for high-speed and ultra-fast broadband coverage and for e-commerce take-up,
- L. whereas European consumer and business confidence in the digital environment is low due to unnecessary barriers to e-commerce such as fragmentation of the EU market, consumers' uncertainty about data confidentiality, security of transactions and consumer rights in case of problems, and whereas in certain aspects of e-commerce Europe is lagging behind the United States and Asia; 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, whereas overcoming barriers to cross-border e-commerce and boosting consumer confidence is essential to achieving an attractive, integrated digital single market for Europe and stimulating consumer markets and the broader economy,
- M. having regard to the Commission communication on the digital agenda, which recognises that consumers in the EU very often opt to engage in transactions with firms based outside the EU, for example in the US, a factor which points to the need to develop a policy for encouraging global forms of e-commerce, together with the necessity to promote the importance of internationalisation of internet governance in line with the Tunis Agenda, 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; 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; whereas e-commerce is now a significant part of the mainstream economy, and businesses and consumers increasingly utilise both online and offline commercial practices to their best advantage,
- N. whereas e-commerce is international and cannot be confined within EU borders,
- O. whereas the Digital Agenda for Europe sets reasonable performance targets for high-speed and ultra-fast broadband coverage and for e-commerce take-up,
- P. whereas the fragmentation of part of the electronic market within the EU endangers the rights laid down in the *acquis communautaire*,
- Q. whereas European consumers and businesses have little legal certainty as regards cross-border e-commerce and one single electronic transaction is subject to many legal provisions setting divergent requirements, which does not provide either business operators or consumers with clear and easily enforceable rules,

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- R. whereas the same is true for extra-European e-commerce, as European consumers often do not differentiate between European or third States when buying and selling online; whereas there is therefore a need to also involve third countries in efforts to make e-commerce more transparent, reliable and accountable,
- S. whereas the increasing cross-border dimension of consumer markets raises new challenges for enforcement authorities, which are constrained by jurisdictional boundaries and the fragmentation of the regulatory framework,
- T. whereas the existence of illegal services online seriously hampers the development of legitimate markets for certain digital services, notably for music, films and, increasingly, books and magazines; whereas intellectual property plays a crucial role in the digital world and whereas its protection, particularly on the internet, remains a significant challenge,
- U. whereas e-commerce users have a right to compensation when they are affected by illegal practices, but in practice they face substantial barriers in bringing such cases to court due to lack of information on the legislation applying in the different Member States, long and complex procedures, the risks associated with litigation, particularly in cross-border cases, and high costs,
- V. whereas the enforcement of the fundamental right to privacy and to the protection of personal data constitutes an important condition for e-commerce,
- W. whereas, despite the potential of alternative dispute resolution, such systems are regularly used by only 5 % of retailers, and 40 % of retailers do not know about the possibilities of using these tools,
- X. whereas uniformising the most essential consumer rights, as well as postal and banking costs, copyright levies, VAT procedures and data protection practices would go a long way towards creating a genuine single market for businesses and consumers; stresses that Member States must retain competency over VAT procedures,
- Y. whereas different copyright levying systems across Member States need to be simplified and clarified so that it is easier for online goods and services providers to make products and services available to consumers of different Member States; whereas this review of copyright levying systems would give online goods and services providers greater legal certainty in offering products and services to consumers; whereas it is crucial to ensure a high level of consumer protection to promote trust in online goods and services, ensuring that the online marketplace respects trading practices; whereas there remain a number of severe structural and regulatory barriers to a fully functioning European internal e-commerce market, such as the fragmentation along national lines of consumer protection rules and rules on VAT, recycling fees and levies, and the abuse of rules governing exclusive and selective distribution agreements,
- Z. whereas access to affordable, reliable and high-quality postal services throughout the European Union is a priority for realising an effective internal market for e-commerce; whereas the existing vertical distribution agreements are often used to avoid or restrict online sales, thus denying retailers access to wider markets, undermining consumers' rights to a wider choice and better prices, and thus creating barriers to the expansion of commerce; whereas cross-border business-to-business e-commerce can boost the competitiveness of European companies, allowing them to source components, services and know-how easily from all over the internal market (also creating new economies of scale), and, moreover, represents an opportunity for enterprises, SMEs in particular, to internationalise their customer base without having to invest in a physical presence in another Member State,
- AA. whereas e-commerce encourages the development of an ecological single market through the use of low-carbon and environmental technologies, standards, labels, products and services,
- AB. whereas the legal protection and confidence of purchasers in e-commerce need to be enhanced, while not forgetting that sellers and businesspeople also need legal protection,

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- AC. whereas flexibility in markets is the most effective way to encourage growth; calls for the European Institutions to ensure that online markets are as flexible as possible to allow for greater enterprise and enlargement in this sector; 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; 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; whereas, whilst the Internet is the fastest-growing retail channel and e-commerce is steadily increasing at national level, the gap between domestic and cross-border e-commerce in the EU is widening and European consumers in some EU Member States face geographical, technical and organisational restrictions in their choices,
- AD. whereas the Commission's 'Consumer Market Scoreboard' is a good tool for monitoring the status of cross-border e-commerce in the EU by indicating to what extent consumers can exploit goods and services in the Single Market,
- AE. whereas the roll-out of internet broadband services across EU Member States within the target set for 2013 is vital in providing both consumers and businesses with access to the digital economy,

### **Introduction**

1. Welcomes the Commission communication of 22 October 2009 on cross-border business to consumer e-commerce in the EU;
2. Welcomes the Commission communication of 19 May 2010 on a Digital Agenda for Europe setting out the Commission strategy aimed, among others, at making online transactions straightforward and at building digital confidence;
3. Calls on the Commission to respond to the urgency outlined in Monti's report 'A New Strategy for the Single Market', which concludes that, as a vital tool for the future of the internal market, the EU should urgently address the remaining obstacles to create a pan-European online retail market by 2012;
4. Welcomes the EU2020 Strategy's promotion of a knowledge-based economy and encourages the Commission to take swift action on increasing the speed of broadband services as well as streamlining the charges of such services throughout the Union, so as to better achieve a single market for e-commerce;
5. Calls on the Commission to harmonise all the principal definitions in this field over a reasonable period of time, while acknowledging the hard work already done in areas relevant to e-commerce;
6. Stresses that the completion of the e-commerce single market requires a horizontal approach by the Commission, involving effective coordination between Directorates-General; therefore, welcomes the Commission's recent commitment to establish a 'Commissioners' Group' (in its Digital Agenda for Europe report) to ensure effective joined-up policy;
7. Points out that e-commerce should be seen as an extra tool for SMEs in increasing their competitiveness, and not as a goal in itself;
8. Stresses the importance of making full use of the potential of e-commerce as part of making the EU more competitive on the global level;
9. Calls on the Commission to address the promotion of a well-functioning digital single market for goods and services as a matter of urgency in order to benefit from its huge untapped potential for growth and jobs;

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10. Stresses the need for an active policy to enable citizens and businesses to benefit fully from the internal market, which offers good quality goods and services at competitive prices; considers that this is all the more essential in the current economic crisis as a means of fighting against growing inequalities and protecting consumers who are vulnerable, live in remote locations or have reduced mobility, low-income groups, and small and medium-sized businesses which are particularly concerned to join the world of e-commerce;

#### ***Counteracting fragmentation of the on-line internal market***

11. Calls for better approximation of pre-contractual information for e-commerce for a high level of consumer protection and insofar as this harmonisation can be adapted, so as to ensure greater transparency and confidence between consumers and sellers, while retaining a minimum harmonisation approach for contracts in specific sectors;

12. Recalls that there are major differences between the rules and practices of distance traders as to the guarantees and liability they offer within and beyond their national borders and as to the benefits which harmonisation would bring them; calls for an in-depth impact analysis of the consequences for e-commerce of any harmonisation of rules concerning the legal guarantee of conformity with existing national legislation;

13. Calls for uniformisation of rules and practices to allow distance traders to move beyond their national borders in the guarantees and liability offered;

14. Advocates the development of an appropriate, efficient, safe and innovative system of on-line payment which can offer consumers freedom and choice as regards mode of payment, does not involve fees which might undercut or limit choice, and ensures protection of the consumer's data;

15. Stresses the importance of enhancing confidence in cross-border Internet payment systems (e.g., credit and debit cards and e-purses) by promoting a range of payment methods, enhancing interoperability and common standards, tackling technical barriers, supporting the most secure technologies for electronic transactions, harmonising and strengthening legislation on privacy and security issues, combating fraudulent activities and informing and educating the public;

16. Calls on the Commission to come forward with a proposal for establishing a European financial instrument for credit and debit cards, with a view to facilitating online processing of card transactions;

17. Reaffirms the importance of cross-border business-to-business e-commerce as a means whereby European companies, SMEs in particular, can grow, become more competitive and create more innovative products and services; calls on the Commission and the Member States to provide a sound and certain legal and regulatory framework to give companies the guarantees they need in order to carry out cross-border business-to-business e-commerce transactions with confidence;

18. Welcomes the Commission proposal to promote electronic invoicing and calls on the Council to arrive speedily at an agreement with Parliament; also calls on the Commission and the Member States to propose measures and reach agreements respectively with a view to simplifying and streamlining VAT reporting obligations for cross-border e-commerce and simplifying VAT registration procedures;

19. 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;

20. Calls on the Commission to make available an integrated VAT collection scheme to encourage SMEs to trade across borders at lower administrative cost;



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21. Stresses the need to clarify the impact of the VAT package on cross-border postal services, with a view to avoiding legal uncertainty and price increases; takes the view that the VAT exemption for universal postal services under the EU's VAT directive must not be affected by a new fiscal rule based on the place of supply of services;
22. Calls on the Commission to conduct an impact assessment on the creation or designation of national authorities to handle registration requests for on-line cross-border e-commerce from companies or entrepreneurs from their Member States, and a European authority to correlate the national authorities, so as to permit the rapid completion of the internal market;
23. Stresses the need to simplify and streamline measures on electric and electronic waste, cross-border management of copyright levies on blank media and recording devices, the EU-wide licensing of content, and EU rules governing cross-border electronic invoicing ('e-invoicing') for distance selling;
24. 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;
25. Calls on the Commission to come up with measures to support the e-invoice initiative with a view to ensuring Europe-wide use of electronic invoices by 2020;
26. Suggests creating a 'one-stop shop' system at European level with a view to finding cross-border solutions for administering Member States' different rules and regulations, as in the case of declaration and payment of VAT or other applicable taxes;
27. Calls on the Commission to explore options on how to promote better access to creative content on the internet such as music and audiovisual works and on how to respond to citizens' demand for consumer-friendly cross-border services;
28. 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;
29. 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 consumers a simple one-stop shop approach;
30. Points out the significance of simplifying cross-border rules and lowering compliance costs for retailers and entrepreneurs by providing practical solutions on issues such as VAT reporting and invoicing, e-waste and recycling fees, copyright levies, consumer protection, labelling and sector-specific rules; calls, to this end, for the establishment of 'one-stop' schemes and the promotion of cross-border e-government solutions such as e-invoicing and e-procurement;
31. Regrets that the Services Directive has still not been fully transposed in some Member States; calls on the Commission and the Member States to put an end to discrimination against consumers on the grounds of electronic address or residence, ensuring the effective implementation of Article 20(2) of the Services Directive, as well as the proper enforcement by national authorities and courts of the national provisions implementing this non-discrimination rule in the legal systems of Member States;



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32. Stresses the significance, for the further development of the e-commerce, of the free movement of goods and services, with particular emphasis on the principle of non-discrimination, within the internal market, on grounds of a recipient's nationality or place of residence; reiterates that this principle of non-discrimination is incompatible with the imposition of additional legal and administrative requirements on nationals of other Member States seeking to benefit from a service or from more advantageous terms or prices; calls, therefore, on the Commission to act, on the basis of Article 20(2) of the Services Directive, against such discrimination;

33. Highlights the importance of eliminating discrimination against consumers online and their country of origin online, by making provisions for online payment from all 27 EU Member States, including the possibility for consumers to choose from different means of online payment;

34. Calls for an integrated political approach to the completion of the single market in transport, covering all modes (including cabotage by road and rail freight), as well as to environmental legislation, with a view to preventing inefficiencies in the supply chain or unnecessary cost increases for distance sellers and e-commerce clients;

35. Believes that reform of the postal sector and the promotion of interoperability and cooperation among postal systems and services can have a significant impact on the development of cross-border e-commerce, which requires inexpensive and efficient distribution and tracking of products; highlights, therefore, the need for rapid implementation of the Third Postal Directive (2008/6/EC);

#### ***Completing the Internal Market by e-commerce***

36. Calls for measures to be taken in order to contribute towards an increase in the number of internet users and the improvement of the quality, price and speed of the net in those countries and regions within the Union that do not have a good-quality connection, ensuring that broadband access is available throughout the EU by 2013; stresses the need to develop availability for each citizen of broadband access, and underlines that, in rural, remote or peripheral areas, access to a fast internet connection should also be possible, paying particular attention to consumers and businesses in mountain areas or island regions where, in addition to more restricted Internet access, postal charges are very high and delivery times very long for goods purchased or sold;

37. Notes that, in the context of revision of the Universal Service Directive, the further development, as a priority, of fast and affordable broadband access is essential to the development of e-commerce, as a lack of Internet access remains one of the most significant barriers to European citizens' use of e-commerce;

38. Supports the Commission's broadband targets to enable all EU citizens to access basic broadband by 2013, to enable access to broadband at a minimum of 30Mbps for all citizens by 2020, with half of EU citizens having access to broadband of 100Mbps, and calls for concrete measures to ensure that these targets are met; stresses that specific measures should be put in place for the protection of children and young people, notably via the development of age verification systems and the prohibition of online marketing practices that have a negative impact on children's behaviour;

39. Calls on the Commission to begin formulating European standards to facilitate cross-border e-commerce, to bridge variations between the laws in force within the various Member States and to remove the obligation within a selective distribution network of having an off-line shop prior to selling online, where it is shown that such an obligation is in contradiction with competition law, or is not justified by the nature of the contract for goods and services sold, thus enabling consumers and small and medium-sized enterprises to fully exploit the internal market's potential in the electronic environment; expresses concern regarding the Commission's decision on the obligation of having an off-line shop prior to selling online as this requirement radically hampers online sales;

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40. Considers that online platforms have played an important role in boosting (especially cross-border) e-commerce in Europe, enabling market access by hundreds of thousands of SMEs, and offering consumers greater choice whilst introducing many examples of good practice for boosting trust and transparent information about rights and obligations and facilitating the resolution of disputes between parties to an online transaction, where necessary; calls for online platforms to provide their goods and services to all European consumers without any territorial discrimination based on Member States;
41. Highlights the importance of an open document exchange format for electronic business inter-operation and calls on the Commission to take concrete steps to support its emergence and spread;
42. Stresses the importance of better guidance and accessible financial facilities for SMEs in order to help them set up an e-commerce dimension as an addition to their off-line shop;
43. Stresses the importance of open and neutral access to a high-speed internet connection, without which e-commerce would be impossible;
44. Highlights that the completion of the single market for e-commerce must not be limited to legislative measures and controls but must be accompanied, in addition, by the strengthening of other areas of the internet, namely those of e-government and e-learning;
45. Stresses the need to monitor the application of the rules recently adopted in Commission Regulation (EU) No 330/2010 of 20 April 2010 on exclusive and selective distribution, on the basis of market information from the interested parties and national competition authorities, and, where necessary, to review those rules in order to reduce barriers to online sales; calls on the Commission to come up with proposals to tackle these problems before the end of 2011;
46. Calls on the Commission to strengthen consumers' privacy and to ensure all consumer data, including purchasing and viewing data, is available to consumers upon request and is held by suppliers for a duration that is accepted under EU law;
47. Calls on the Commission also to work towards creating rules and standards so that the non-interoperability of software on commercial and social networking websites does not prevent consumers from changing their purchasing options;
48. Stresses the importance of electronic signatures and of the public key infrastructure (PKI) for pan-European secure e-government services, and calls on the Commission to set up a European Validation Authorities Gateway to ensure cross-border interoperability for electronic signatures;
49. Calls on the Commission and the Member States, bearing in mind how important it is to realise the full potential of the single market, to ensure that, by 2015, at least 50 % of all public procurement procedures are conducted electronically, in accordance with the action plan agreed by the Ministerial Conference on e-Government, held in Manchester in 2005;
50. Believes that mobile commerce (m-commerce) can be a significant part of e-commerce, capable of reaching the millions of European citizens who use mobile phones but not personal computers, thus furthering the convergence of Internet and mobile technologies and fostering the EU lead in mobile communications;
51. Believes that the development of, and support for, common, open technical and operational specifications and standards (for compatibility, interoperability, accessibility, security, logistics, delivery, etc.) will facilitate cross-border e-commerce by assisting consumers, especially vulnerable and inexperienced computer users, and by bridging the operational, technical, cultural and language barriers that exist between the various Member States;

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52. Recognises the particular legal challenges linked to the development of an internal market for m-commerce capable of ensuring consumer rights, personal privacy and the protection of underage customers; calls on the Commission to examine this issue in detail;

53. Emphasises the need to make the e-commerce supply chain more transparent so that the consumer always knows the identity of the supplier, as well as the latter's business name, geographical address, contact details and tax registration number, and whether the supplier is an intermediary or an end supplier, which is especially important in the context of online auctions;

54. Calls on the Commission to set the clear standards required for cross-border e-commerce at EU level, including, for example, an obligation on merchants to give their customers and the public authorities easy, direct and permanent access, free of charge, to information regarding the name and registration number of the merchant or service provider, prices for the goods and services offered and any additional delivery costs that could add to the bill;

55. Calls on the Commission to establish the requirement for entrepreneurs who voluntarily use standardised contracts and standardised general commercial terms and conditions to highlight those provisions which differ therefrom;

56. Considers that the rules governing distance contracts should also cover contracts concluded between consumers and professional traders in online auctions and calls on the Commission to further examine and assess the rules governing specific distance contracts for tourist services (airline tickets, hotel accommodation, car rental, leisure time services, etc.) ordered individually over the internet, primarily in order to increase the liability of online auctions to better protect consumer rights;

57. Calls on the Commission to clarify rules on soliciting (direct or indirect) using the internet in other Member States;

#### ***Enhancing users' legal protection in cross-border e-commerce***

58. Calls for the introduction of a requirement that an external audit be carried out in respect of certain specific types of electronic services where there is a greater need to ensure that those services are fully secure, to protect personal information and data (in the case, for example, of internet banking);

59. Stresses that users (consumers and vendors) require legal certainty when operating on-line, and welcomes the Commission's suggestion in its communication 'A digital agenda for Europe' of updating the rules on the limited liability of information society services so as to keep up with technological progress, in the context of the e-commerce directive (see the communication's footnote no 13);

60. 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;

61. Believes that priority should be given to removing the administrative and regulatory barriers to cross-border e-commerce by 2013 through the introduction of a single set of rules for consumers and businesses across the 27 EU Member States that will create a favourable digital environment, provide legal certainty to both enterprises and consumers, simplify procedures, reduce compliance costs, reduce unfair competition and unlock the potential of the EU e-commerce market; stresses that, to this end, the uniform interpretation and application of legislative tools such as a consumer rights directive, the e-commerce Directive (2000/31/EC), Article 20(2) of the Services Directive (2006/123/EC) and the Unfair Commercial Practices Directive (2005/29/EC) can be of major importance; calls therefore on the Commission to further its ongoing assessment of the Community acquis affecting the digital single market and to propose targeted legislative action on key impediments;

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62. Considers that enhancing market surveillance, transparency of rules and enforcement mechanisms to encourage users' confidence is crucial as consumer spending will be an important factor for the economic recovery; takes the view that public authorities must be given more resources to investigate and ultimately stop illegal commercial practices; calls on the Commission to create a European early-warning system, including a database, to combat fraudulent activities in the digital market; calls on the Commission to update RAPEX (rapid alert system) as necessary; stresses that such initiatives must respect data protection rules;
63. 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;
64. Believes that consumer confidence can be built by standards and codes of conduct that allow online service providers to keep up with fast-changing technological developments;
65. Stresses that online targeting and profiling should fully respect data protection rules;
66. 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 online payment systems;
67. Considers that an improvement of the consumer protection regimes across the EU can ensure consumer confidence in online cross-border transactions, including protection against credit card fraud;
68. Calls on the Commission to ensure that the consistent enforcement of copyright laws in the area of e-commerce is not undermined;
69. Believes that cross-border web searching and advertising should provide consumers and traders with better information and enhance their ability to make comparisons and identify offers; is concerned, in this regard, about possible distortions of competition that consumers and entrepreneurs may be experiencing in some EU Member States; calls on the Commission, in cooperation with the industry, to address the shortcomings of web searching and advertising platforms and to encourage their cross-border operation, for example through the promotion of the.eu domains;
70. Calls on the Commission to ensure, by means of monitoring, that the coherent application of copyright law is not circumvented in e-commerce;
71. 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;
72. Shares the Commission's view that alternative dispute resolution mechanisms (ADR), such as mediation and arbitration or out-of-court settlements, can be an expedient and attractive option for consumers; notes that some private operators, such as online platforms, have established successful initiatives to boost consumer confidence, using internal dispute resolution instruments; urges Member States to encourage the development of ADR in order to enhance the level of consumer protection and maximise compliance with legislation; recalls the positive experiences of SOLVIT and of the network of European Consumer Centres; calls for the creation of a European e-consumer information system which would offer detailed guidance and information about rights and obligations in the digital market; but emphasises that such mechanisms should complement and not substitute judicial or administrative means of enforcement;
73. Notes the importance of enhancing the current low level of consumer confidence and trust in cross-border transactions by strengthening the online and cross-border enforcement of existing rules, empowering consumer protection authorities, promoting cooperation between public authorities and setting up efficient EU-wide mechanisms for market monitoring and audits, complaint handling and dispute resolution;

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74. Encourages recourse to alternative dispute resolution mechanisms, with the option of having recourse to them through an online procedure, accessible without delay through the European e-Justice portal as and when it becomes available;
75. Stresses the need to develop and standardise rules offering a high level of legal protection to minors, and encourages the launching of information and training campaigns for parents, teachers and guardians to make them aware of their responsibility in educating children about risks in the use of on-line commerce and the importance of vigilance with regard to children's use of the internet;
76. Calls for the Commission and the Member States to take swift action to fight illegal online services which do not respect the rules on consumer protection, protection of minors, copyright, tax, and most other applicable laws;
77. Stresses that care should be taken to avoid the risks posed by illegal product offers on the web – in particular counterfeit medicines and healthcare products – by promoting health literacy and using specific websites of the.eu domains to draw attention to misleading information;
78. 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;
79. Emphasises the need for proper training and education of civil servants and judicial authorities as regards EU consumer protection rules;

***An e-confidence strategy to raise e-commerce users' confidence***

80. Calls for a single legal instrument combining the various texts currently in force in order to clarify the rules applicable to e-commerce; welcomes the Commission's proposal for a Directive on Consumer Rights and calls, where relevant, for an appropriate level of harmonisation of certain aspects of consumer contract law, especially regarding the handling of certain types of warranty claims; considers that this should include other directives, such as those on distance selling of financial services and e-commerce;
81. 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;
82. Invites the Commission to continue investigating the reasons why consumers reject e-commerce, with a view to drawing up effective guidelines for suitable legislation, and suggests creating a 'scoreboard' dedicated exclusively to e-commerce with the aim of obtaining a behavioural picture of the on-line consumer and identifying the factors which affect and determine such consumers' choices;
83. Recognises that citizens will refrain from interacting, expressing their opinions freely and entering into transactions if they do not have sufficient confidence in the legal framework of the new digital space; whereas the guarantee and enforcement of fundamental rights in this context is an essential condition for confidence on the part of citizens; whereas the guarantee of protection of intellectual property rights (IPR) and other rights is an essential condition for confidence on the part of business;
84. Calls on the Commission to remove the obligation of having an off-line shop prior to selling on-line, as this requirement radically hampers online sales;
85. Stresses the importance, for the further development of cross-border e-commerce, of establishing a coherent EU-wide framework, within the limits of the *acquis communautaire*, for the protection and enforcement of intellectual property rights, stepping-up the fight against illegal and counterfeit goods and raising awareness of these issues among European consumers;

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86. Points out that it is necessary to introduce legislation applicable to all electronic transactions, this being essential to protect the rights of e-commerce service users;
87. Calls for the development, under the framework research programmes, of innovative research projects aimed at promoting and unifying the EU e-commerce market by increasing consumer confidence, empowerment and choice in the digital environment;
88. Calls for the efficient monitoring of legal, technical and economic developments in e-commerce and points out the need for an impact assessment of all decisions affecting the digital single market and the information society; to this end an 'e-commerce scoreboard' for assessing the European online market environment would be a useful tool;
89. Believes that consumer confidence can be developed by removing barriers to cross-border e-commerce, while preserving the highest level of consumer protection and can be built up through European trusted authorities or trust marks that guarantee the reliability and quality of goods placed on the cross-border electronic market; considers that a sustainable European trust mark needs to be established, with clear, transparent and supervised rules, by the Commission; whereby such a European trust mark scheme needs to be backed with a standards-control or enforcement mechanism, as is already the case at national level in some Member States; recognises that a cross-border European trust-mark scheme may only function in the context of EU law on which the European trust mark can be based; believes that any European trust mark scheme must be subject to a thorough impact assessment and must be implemented in cooperation with existing trust mark labels in Member States;
90. Stresses the significance of promoting and enforcing EU-wide logos, trust marks and quality marks that will help consumers in identifying reputable online traders, reward best practices and encourage innovation, thus supporting EU companies in their efforts to reach beyond their home market;
91. Underlines that in the online environment, where the buyer and 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;
92. Emphasises the efforts of the Commission and the national postal regulators for the correct and timely implementation of the third Postal Services Directive (2008/6/EC) in the 27 Member States in order to achieve an increase in competition, lower prices and better services, to improve the conditions for delivery of goods purchased in cross-border e-commerce; emphasises also the importance of ensuring the availability of insurance services for parcel delivery;
93. Calls for a programme to be established and for use to be made of existing financial instruments for projects to increase users' confidence in e-commerce, including educational and information campaigns at both European and national level, and projects verifying online services in practice (such as 'mystery shopping'); emphasises the need to develop online tools to educate consumers about e-commerce and new digital technology (principal rights of internet consumers, e-commerce, data protection rules, etc.) such as the Dolceta project (Development of On-Line Consumer Education Tools for Adults); thus enabling citizens to enhance their digital skills and their knowledge of their rights and obligations, and to benefit from the advantages of e-commerce in a digital society;
94. Believes that consumer confidence can be further enhanced by ensuring public trust in the online environment, addressing concerns over the protection of personal data, regulating data collection, behavioural targeting, profiling and advertising, and raising consumer awareness through educational and information campaigns; calls on the Commission to submit a proposal for the adaptation of the Data Protection Directive to the current digital environment;
95. Stresses the need to make the supply chain and the terms and conditions of cross-border online trade simpler and more transparent by establishing rules on misleading or incomplete information about consumer rights, total costs and traders' contact details and by promoting best and fair practices, recommendations and guidelines for electronic shops; recognises the efforts made by the EU in this area to clarify the terms, conditions and prices of air fares as a positive example to be followed;



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96. Stresses the importance of fast and effective implementation of the European Progress Microfinance Facility, operational as of June 2010, which could provide new impetus for the promotion of on-line businesses, especially amongst the recently unemployed;

97. Believes that media and computer literacy and awareness are essential to the development of the European digital environment; calls, therefore, for the launch of a 'Digital literacy and inclusion action plan' at EU and Member State levels, comprising, in particular: specific digital literacy training opportunities for unemployed people and groups at risk of exclusion, incentives for private-sector initiatives to provide digital skills training to all employees, a Europe-wide 'Be smart online!' initiative to make all students, including those engaged in life-long learning and professional training, familiar with the safe use of ICT and online services, and a common EU-level ICT certification scheme;

98. Welcomes the Commission commitment to issue a Code of EU Online Rights by 2012 summarising existing digital user rights and obligations in the EU in a clear and accessible way, complemented by an annual review of breaches of online consumer protection law and appropriate enforcement measures, in coordination with the European Network of Consumer Protection Agencies;

99. Believes that the development of self-regulatory codes of conduct by trade, professional, and consumer associations, and implementation of the provisions of Parliament's report on 'a new Digital Agenda for Europe: 2015.eu' calling for the creation of a European charter of citizens' and consumers' rights in the digital environment and developing a 'fifth freedom' permitting the free circulation of content and knowledge, would enhance consumer confidence in e-commerce by clarifying the rights and obligations of all information-society players;

100. Calls on the Commission to act swiftly and to report in 2012 on its progress in tackling the ten barriers to cross-border e-commerce, as stated in its communication of 22 October 2009 on cross-border business to consumer e-commerce in the EU (COM(2009)0557); calls on the Commission and the Member States to ensure a high level of consumer protection in e-commerce and the removal of the barriers to the development of e-commerce identified in the Commission's 2010 communication on the Digital Agenda and its 2009 communication on cross-border business to consumer e-commerce in the EU, through both legislative and non-legislative means; invites the Commission to launch a dialogue between interested parties and the US, with a view to examining means of developing a transatlantic electronic market;

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101. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

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## Trade and economic relations with Turkey

P7\_TA(2010)0324

### European Parliament resolution of 21 September 2010 on trade and economic relations with Turkey (2009/2200(INI))

(2012/C 50 E/02)

*The European Parliament,*

— having regard to the Commission's Turkey 2009 Progress Report (SEC(2009)1334),

— having regard to the Agreement of 12 September 1963 establishing an Association between the European Economic Community and Turkey,