

EDiMA reaction to the announced e-commerce communication

After having read the European Commission's Communication aimed at achieving a comprehensive approach to stimulate cross-border e-commerce for citizens and businesses, EDiMA*, the European association representing European and global online platforms and innovation technology companies operating in the EU, believes that it is essential that the follow-on initiatives revolve around two key cornerstones of the success of the Digital Single Market (DSM), namely: the creation of more legal certainty and fostering cross-border e-commerce in Europe.

Regarding the goal to create more legal certainty, EDiMA would like to highlight some clear underlying factors that need to be taken into account for the initiatives to contribute to a successful DSM. The first of these being that the initiatives need to create greater coherence between the online and offline environments instead of having contradictory legislation for each. Secondly, EDiMA also questions the sequencing of the proposals described in the Communication. The Commission is currently carrying out a REFIT Fitness Check of EU Consumer Law as part of the Better Regulation Agenda, and has just launched a consultation to this effect that will run until early September 2016. In addition, the Commission is scheduled to review the Consumer Rights Directive, which is not expected to be completed until December 2016.

The findings of these evaluations should ideally feed into today's DSM initiatives, since so many of the proposals rely on and refer to the current EU consumer *acquis*, including the Geo-blocking proposal, the Consumer Protection Cooperation Regulation, the VAT proposals, and the Unfair Commercial Practices Directive Guidance. The European Commission is currently working on a very ambitious timeline, and if the sequencing that is proposed is followed, it could contribute to legal uncertainty for both consumers and businesses by risking inconsistency between the new proposals described in the Communication and the current EU Consumer *acquis*.

Last but not least, to achieve legal certainty all the initiatives outlined should by no means overlap or undermine any other legislative instruments but should rather compliment them. This is currently not the case with the Commission proposal on contract rules for digital content for example.

Furthermore, for the Commission's ambitions to become a reality, the initiatives described in the Communication must adhere to the main goal of fostering cross-border e-commerce in Europe. Although ambitious, the Communication proposes to introduce rather than remove legislative hurdles to cross-border e-commerce, by advancing initiatives that will increase administrative and financial burdens on European businesses, particularly SMEs and start-ups.

**The European association representing European and global online platforms and innovation technology companies operating in the EU. Members include: Airbnb, Allegro Group, Amazon EU, Apple, eBay, Expedia, Facebook, Google, King, LinkedIn, Microsoft, Mozilla, PayPal, TripAdvisor, Twitter, Yahoo! Europe, Yelp.*